

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION MEETING
MONDAY, APRIL 11, 2022**

The work session meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John McIlhinney at 7:02 PM and opened with the Pledge of Allegiance. Also, in attendance were Vice Chairman James Groff, Supervisor Caleb Torrice, Township Manager Lorraine Leslie, Township Solicitor Jack Wuerstle, Township Engineer Tim Fulmer, Chief of Police Christopher Engelhart, and Finance Director Marianne Egan.

1. ANNOUNCEMENTS: Chairman McIlhinney stated the Board of Supervisors met in Executive Session prior to the meeting to discuss legal matters.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
 - a) Minutes of the March 28, 2022, Board of Supervisors Meeting
 - b) Bills List – April 12, 2022
 - c) Financial Report – March 31, 2022

Motion was made by Vice Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to accept and approve items 3(a) through 3(c) on the Consent Agenda as written. There was no public comment.

4. CONFIRMED APPOINTMENT:
 - a) Steven & Lauren Kearns – 680 Bennett Lane – Fence in Buffer/Easement – Fence Agreement: Steven & Lauren Kearns, who have an active permit to construct an inground pool, were in attendance to request permission to place a fence in the buffer easement area. Chairman McIlhinney stated the applicants are proposing to place the fence in a deed restricted area, adjacent to the new pool construction/other construction, which falls into the building setback line area, and believes they should be going to the Zoning Hearing Board to get approvals before the Board of Supervisors can take action. Solicitor Wuerstle questioned if the applicant had a determination from the Zoning Officer. Mr. Kerns stated he did not know as the pool company submitted the permit application. It was noted the pool permit was executed by the Zoning Officer in November of 2021. Solicitor Wuerstle stated he will follow up with the Zoning Officer in regard to the pool permit and get back to the applicants.
5. LEGAL: None.
6. PLANNING:
 - a) Venue at Hilltown Zoning Petition: Tim Fulmer stated the applicants for the Venue at Hilltown Zoning Petition were at the last Board meeting discussing the process of moving

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forward and potentially having a future hearing. At that time, the Board of Supervisors did not have the opportunity to review the draft zoning petition that was prepared by the applicant's council and asked for additional time to look at it and present questions/feedback. Carrie Nase-Poust, Fox Rothschild, was present and asked for comments/questions from the Board of Supervisors in regard to the revised sketch plan/ordinance amendment.

Supervisor Torrice questioned the removal of the requirement which states a minimum of 5% of the housing units within the retirement community shall have barrier free access to accommodate the physical handicapped. Ms. Nase stated this was removed from the very beginning and it was her understanding, due to certain site constraints, it is difficult to actually achieve those requirements. There was some consideration in providing a certain amount or certain housing units that were barrier free, and to be completely barrier free was difficult to do. The Board of Supervisors stated to put the requirement of a minimum of 5% of the housing units within the retirement community shall have barrier free access to accommodate the physical handicapped back into the ordinance.

Supervisor Torrice stated, in Section 7, B7 Retirement Village, (a) (1), he is not a fan of the "and/or" and would like the "or" to be taken out in regard to "The property proposed to be developed as a retirement village in the RR Zoning District shall be located adjacent to the PC-1 Zoning District **and** a portion of such property shall be located within the PC-1 Zoning District."

Supervisor Torrice stated, in Section 7, B7 Retirement Village, (c) (4), in regard to the buffer yards, he requested language put in to make sure it excludes the lot area. Mr. Fulmer added to make sure it is clear in the document that lot area is not included.

Vice Chairman Groff stated the proposed amendment still seeks to revise the maximum bedrooms for use B7 from two to three. Ms. Nase stated based on other age restricted developments that the applicant has in other municipalities, they have seen many individuals will either want a third bedroom to have as a guest room for grandchildren to stay over, or a bedroom to be used as an office. Also, they have seen in their market trends, many older individuals actually do sleep in different rooms because they have different sleep patterns. Ms. Nase stated she will get the percentage of the three-bedroom units based on other communities. Ms. Nase continued to state, even though it would be a three-bedroom, it is still subject to the age restriction requirements which is deed restricted so there would not be a family there with school age children or even children under the age of eighteen.

Chairman McIlhinney stated, looking at the layout of the plan, it seems that the single family is the larger unit so that would be a more appropriate place to have the three-bedroom unit.

Chairman McIlhinney stated, Section 7, B7 Retirement Village, (C), (i) (2), it is indicated it is an option whether a garage can be converted into another room. It should not be an option and there should be no conversions of any garages into additional rooms. Ms. Nase stated no garage area can be converted and will revise the language.

Tim Fulmer stated, in regard to the Table of Performance Standards, there should be the clarification of the B7 Use in the CR-1 and PC-1 Zoning Districts. Ms. Nase stated she will make the amendment.

Solicitor Wuerstle stated the tentative hearing has been scheduled for June 7, 2022. A formal submission, with reports, will be submitted and will go through the same review process in

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front of the Planning Commission and the Bucks County Planning Commission, and will work towards the June 7, 2022, hearing date, which will be the earliest date the hearing could happen.

Public Comment:

Neil Barilla, 505 Swartley Road, stated in regard to the 5%, by the attorney's own admission, he heard there is not enough space for the development. Chairman McIlhinney stated the 5% is an arbitrary number picked by the Department of Urban Affairs to make sure that a certain percentage of a housing development is accessible by the handicapped. There is not a space problem, but the applicant may have to pay extra money to make units handicapped accessible and will make the project accessible to 5%.

June Brauer, 304 Swartley Road, stated they will have questions once they have access to the submission. Supervisor Torrice stated at the Planning Commission, they will have ample opportunity to ask questions and will have more opportunity at the Board of Supervisors meeting.

Michelle Tyson, 340 Mill Road, questioned if the ordinance changes are going to be part of the submission. The Board of Supervisors confirmed the project is starting all over again and it is all tied together.

b) Hilltown Commercial (Trident Realty) Land Development Sketch Plan: Mr. Fulmer stated Trident Realty Hilltown Commercial land development sketch plan was recently filed that adjoins the prior application along Route 309 and is a mixture of commercial uses that is being proposed. Mr. Fulmer stated he completed a review of the sketch plan dated April 4, 2022, and no action is required at this time. Solicitor Joseph Clement, Wisler Pearlstine, was in attendance to briefly discuss the concept plan in particular, a 1.12-acre small, hatched strip, zoned RR, which they ask to be re-zoned as PC-1, and the amount of parking that is being provided on the site. In concept only, the applicant is proposing a 65,000 sq grocery/retail pad site, a 135,000 sq box store pad site, a medical office building with approximately 70,000 sf, two smaller retail pad sites of 6,000 sq and 7,000 sf, and a 3,000 sq fast food pad site. Mr. Clement asked for preliminary feedback in regard to the 1.12-acre re-zone and the parking.

Chairman McIlhinney questioned the applicant trying to change 47 acres of land to commercial so that they can get a 1.12-acre parcel. Chairman McIlhinney stated parcel #15-022-190 is approximately 47 acres and they are hatching approximately one acre of that because they want it to be in the PC-1 area. Chairman McIlhinney questioned why they are trying to change 47 acres just to gain one acre. Solicitor Clement clarified they are only asking for the hatched-out area but will look at the plan. Chairman McIlhinney stated one of the parcels has the wrong tax parcel number.

Vice Chairman Groff questioned the access onto Swartley Road. Solicitor Clement stated that is something that they will work on during the land development process as this is just a concept plan. Vice Chairman Groff clarified he does not like that particular concept. Vice Chairman Groff questioned if they have received any good feedback from big box stores since there are areas of Hilltown shopping centers that are not full. Solicitor Clement stated the Town

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Center/retail feel with the residential behind is more in keeping with what they are seeing in the market today.

Supervisor Torrice stated he understands their reduction in parking spaces and clarified 1,100 spaces would still remain. Solicitor Clement stated there is a very large parking field and the ordinance does address the possibility of reduction in parking. Supervisor Torrice stated he agrees with Vice Chairman Groff in regard to Swartley Road. Solicitor Clement stated the extra 1.12 acre makes the site work in order to position the stores the way they should be positioned on the site.

Chairman McIlhinney stated they could move the building forward fifty feet. Solicitor Clement stated if they move the building forward, they reduce the parking further and they need to comply with the terms of the ordinance.

Solicitor Wuerstle questioned if they looked at what the precise reduction in parking would be if they would need to move those stores forward and not have the 1+ acres re-zoned. Solicitor Clement stated he does not know the exact numbers, but they would go below the 60%. Solicitor Wuerstle suggested the applicant provide the Board with plans to show them the two different ways. Solicitor Clement agreed.

7. ENGINEERING:

a) Resolution 2022-012 – Municipal Traffic Signal Maintenance Agreement: Mr. Fulmer stated in regard with the recent authorization to approve the installation of a traffic signal at the intersection of Route 113/Route 309 off ramp, PennDOT requires the Township execute a standard Traffic Signal Maintenance Agreement stating the obligations of the Township to maintain the traffic signal. Mr. Fulmer asked for authorization for Ms. Leslie to execute the Traffic Signal Maintenance Agreement on the Township's behalf per Resolution 2022-012. Motion was made by Supervisor Torrice, seconded by Vice Chairman Groff, and carried unanimously, to authorize Ms. Leslie to execute the Traffic Signal Maintenance Agreement and adopt Resolution 2022-012. There was no public comment.

8. UNFINISHED BUSINESS: None.

9. NEW BUSINESS:

a) H&K Extension of Hours – May 1 – 31, 2022: Ms. Leslie stated H&K has requested to operate the concrete batch plant, asphalt batch plant, and the crushing plant between the hours of 6:30 pm to 6:30 am, Monday through Saturday, between May 1, 2022, and May 31, 2022, excluding holidays, for the PennDOT projects per their letter dated April 6, 2022. Motion was made by Vice Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to grant the extension of hours between May 1, 2022, and May 31, 2022, for the Concrete and Asphalt Plant at the Skunkhollow Quarry per their letter dated April 6, 2022, with the exception of striking the part in the letter in regard to "and/or private customers." There was no public comment.

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10. SUPERVISOR'S COMMENTS: Supervisor Torrice stated the public will have their chance to comment on the upcoming submission.

11. PUBLIC COMMENT:

Charles Brauer, 304 Swartley Road, asked for clarification of the 1.12-acre parcel in RR.

Stacy Kohler, 214, Fairhill Road, expressed resident concerns over the proposed 309 Connector with the last phase proposing to join into Fairhill Road and create a north/south bound ramp from Fairhill Road for Route 309. The residents are concerned with how narrow Fairhill Road is and the large ditches that are on each side, the potential to have an ordinance passed to decrease the speed limit which is currently 45 MPH, and the potential big trucks that may be using this road in the future. Chairman McIlhinney stated this connector road has been on the books for the past ten years and PennDot will do safety improvements required for a major highway. Mr. Fulmer stated he sat in on some of PennDOT's meetings in regard to some of the concerns from residents in Hilltown. PennDot is going to have community informational meetings where everyone can participate, and they have to make a public advertisement. It was noted the meeting dates will be placed on the Township website.

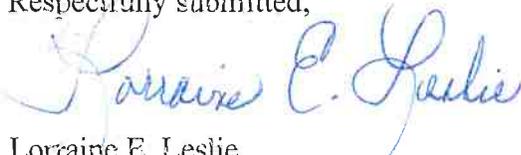
Joe Roberto, 149 Fairhill Road, stated Fairhill Road is dangerous and has had seven accidents in the last year and a half because of the extremely narrow road, ditches, trees, and telephone poles, and asked to decrease the speed.

Chief Christopher Engelhart stated he can look at the speed limit at that section of roadway again, but he doubts it will meet the eighty-five percentile to lower it. He continued stating as far as restricting truck traffic, PennDOT stated it will be the Township's responsibility to do that with an Ordinance as part of the construction project which will be letting in 2026. It was noted, in regard to trucks, a study can be done in order to post truck signs. The Board of Supervisors requested Chief Engelhart to investigate Fairhill Road again to see if it warrants a speed limit reduction.

12. PRESS CONFERENCE: None.

13. ADJOURNMENT: Upon motion by Vice Chairman Groff, seconded by Supervisor Torrice, and carried unanimously, the April 11, 2022, Hilltown Township Board of Supervisors Work Session meeting was adjourned at 7:48 PM.

Respectfully submitted,



Lorraine E. Leslie
Township Manager

(*NOTE: These minutes were transcribed from notes and recordings and should not be considered official until approved by the Board of Supervisors at a public meeting).