

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
MONDAY, JANUARY 23, 2023**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman James Groff at 7:03 PM and opened with the Pledge of Allegiance. Also in attendance were Vice Chairman Caleb Torrice, Supervisor John McIlhinney, 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 Groff announced there was an 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 January 3, 2023, Board of Supervisors Reorganization Meeting
 - b) Bills List: January 10, 2023
 - c) Bills List: January 24, 2023
 - d) 2023 Fire Protection Agreement: Silverdale Fire Co.

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

4. CONFIRMED APPOINTMENT:
 - a. J. Christopher Shinnors – 400 Longleaf Drive – Fence Agreement for 402 Longleaf Drive: Mr. Chris Shinnors, 400 Longleaf Drive, was in attendance to discuss the fence installed in a utility easement/open space at 402 Longleaf Drive. Mr. Shinnors read from a prepared statement (see Exhibit A) and presented documentation (see Exhibit B) to the Board of Supervisors. In response to Mr. Shinnors question regarding public comment, Supervisor McIlhinney clarified the Board asks for public comment after every item that is discussed at meetings, and there was no public comment after the discussion regarding this fence on November 14, 2022. Mr. Shinnors stated it would have been nice to have some kind of notice that this was on the agenda. Regarding the documentation submitted on November 14, 2022, Solicitor Wuerstle stated it was not known whose easement the proposed fence in question was in and it turned out to be the Water and Sewer Authority's easement. The authorization that the property owners at 402 Longleaf Drive received and the agreement that they entered into for the construction of the fence, was between them and Hilltown Township Water & Sewer Authority granting them the ability to put the fence within a portion of the 45' easement. It only recently came to the attention of the Township that the utility easement was also over deed restricted open space. Solicitor Wuerstle stated it now has to be determined whether or not the fence can be in the deed restricted open space. Solicitor Wuerstle stated there are occasions where fences and other structures can be

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erected in deed restricted open space and there is a chance that fourteen years ago, when Mr. Shinners was denied the opportunity to put a shed in the open space, there may have been changes in zoning or some other regulations that may be different now, but he cannot say for sure. After a lengthy discussion, Solicitor Wuerstle stated he will look into the matter and reach out to Mr. Shinners.

b. Pennridge Community Center – Municipal Report 2022: Ms. Carol Shultz, 1009 Cherry Drive, was in attendance to review the 2022 Municipal Report for the Pennridge Community Center. Ms. Shultz noted sign language and grief counseling are two services being added for 2023 and would appreciate it if Hilltown Township would consider them for a donation. It was confirmed a donation to the Pennridge Community Center is in the 2023 budget.

5. LEGAL:

a) Zoning Hearing Board Appeal 2022-012 – Raymond & Diane Lagomarsino (1311 Diamond Street) – Requesting Variance: Jason Smeland, Lenape Valley Engineering, was in attendance to discuss the variance request for Raymond & Diane Lagomarsino for a 24 x 32 shed located at 1311 Diamond Street for the required 20 ft side yard setback to be 10 ft due to the grading constraints of the property. After discussion, the Board of Supervisors stated they do not wish Solicitor Wuerstle to attend the hearing for Raymond & Diane Lagomarsino.

b) Zoning Hearing Board Appeal 2022-013 – County Central, LLC (707 County Line Road) – Requesting Variance: Jason Smeland was in attendance, along with applicant Nate Clemmer, to discuss the variance request for County Central, LLC for proposed mini storage units located at 707 South County Line Road. Mr. Smeland stated variances are being requested for fence requirements, forest disturbance, stormwater basins in buffer areas, and buffer requirements. After discussion, the Board of Supervisors stated they do not wish Solicitor Wuerstle to attend the hearing for County Central, LLC.

c) Zoning Hearing Board Appeal 2023-001 – General Hancock Partnership Enterprises, L.P. c/o Benjamin Goldthrop (100 South Perkasio Road & Dublin Way – Requesting Variance: Solicitor Wuerstle stated variances have been requested for exceeding the permitted disturbance allowed in areas of steep slopes and exceeding the maximum disturbance of forest (woodlands) for the proposed 21 single family home development (Weidner Property) located at 100 South Perkasio Road and Dublin Way. The Board of Supervisors stated they do not wish Solicitor Wuerstle to attend the hearing for General Hancock Partnership Enterprises, L.P.

6. PLANNING:

a) L&M Property Holdings, LLC (MRC Signs) Land Development: Mr. Tim Fulmer stated the Planning Commission recommended final approval for the L&M Property Holdings,

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LLC (MRC Signs) for the land development proposed at 704 Route 313 for a commercial/crafts (G8) use conditioned upon completion of the items contained within the Wynn Associates Inc. engineering review letter dated January 6, 2023, including the capital contribution in lieu of curb, sidewalk, and five replacement trees in the amount of \$9,330.00. Mr. Fulmer noted PennDOT required the size of the driveway be increased. Motion was made by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to grant final approval to L&M Property Holdings, LLC (MRC Signs) land development contingent upon the items contained in the Wynn Associates Inc. review letter dated January 6, 2023, including the capital contribution in lieu of curb, sidewalk, and five replacement trees in the amount of \$9,330.00. There was no public comment.

7. ENGINEERING: None.

8. UNFINISHED BUSINESS: None.

9. NEW BUSINESS: Lorraine Leslie, Township Manager, stated PennDOT is requiring a resolution accepting the ownership, operation, and maintenance of LED stop signs and warning signs for the intersection at Route 113 and Minsi Trail. Chairman Groff read Resolution 2023-010: A Resolution Accepting the Ownership, Operation, and Maintenance of Led-Enhanced Solar Powered R1-1 Stop Signs and W2-1 Intersection Warning Signs for the Intersection of SR 113 and Minsi Trail that are to be Purchased and Installed by the Pennsylvania Department of Transportation. Motion was made by Vice Chairman Torrice, seconded by Supervisor McIlhinney, and carried unanimously to adopt Resolution 2023-010 that accepts the ownership, operation, and maintenance of the LED stop signs and warning signs to be installed by PennDOT at the intersection of Route 113 and Minsi Trail. Public Comment: Charles Brauer, 304 Swartley Road, questioned once the round-a-bout is installed, can the signs be used at different locations within the Township. It was confirmed that the signs can be used at other locations. There was no additional public comment.

10. SUPERVISOR'S COMMENTS: None.

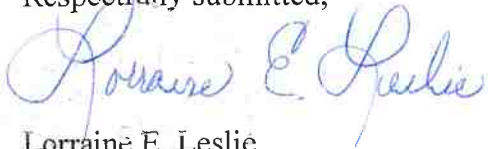
11. PUBLIC COMMENT: None.

12. PRESS CONFERENCE: None.

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13. ADJOURNMENT: Upon motion by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously, the January 23, 2023, Hilltown Township Board of Supervisors regularly scheduled meeting was adjourned at 8:27 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).

Exhibit A

OPENING

Thank you for allowing me to appear before the board.

Thank you for your efforts to keep the residents and developers obeying the code of the township of Hilltown chapter #160 zoning.

This is the first time I have ever appeared before the board and it saddens me that I have to do so.

The reason I am here tonight is to get some clarity from the Board on a unanimous decision made by the Board on November 14, 2022 to allow a non-conforming fence to be erected by my new neighbors, the Lanning's.

This fence extends past their yard into open space and over a utility easement at the rear of their property.

I would like the board to answer 2 simple questions after my presentation:

- #1 How did you come to the unanimous conclusion it was proper to allow a fence on land that is open space?
- #2 Why was this nonconforming fence granted to the Lanning's?

I have prepared some documents for the board to review to help you follow some of my points tonight. May I approach the bench with these documents?

When I purchased my property 14 years ago, one of the benefits I liked about the property was the fact that it had open space behind my yard. Later, I wanted to purchase a shed. I asked the township about placement; they said it must be placed in my yard and not in the area designated as open space. I respected the ordinance and put the shed on my property.

OPEN SPACE

I am now going to show that the Lanning's fence is on open space.

Doc #1

On the Indenture between the Lanning's and Ms. Jost, the description of the property lines indicate the property borders, the open space and a utility easement. **read doc.** Lot 49 – 2nd Page

Doc. #2, 2A

On the plot plan for 402 Longleaf Dr., it clearly states that the hash marked area as deed restricted open space. **Does the board agree?**

Doc #3

When hilltop fence company, (the Lanning's fence company,) submitted their plan for the fence, Ms. Mest, the zoning officer replied in an email **– read email**

Ms. Mest clearly states the fence is NOT permitted in the deed restricted open space area again noting open space.

Doc. #4

At the board meeting on November 14, 2022, chairman McIlhinney refers to the area as open space. Mr. Lanning then refers that 50% of the property is in open space. Chairman McIlhinney later refers to open space

Doc #5

These are pictures of the fence. This does NOT look like open space to me.

Ask the Board Can Mr. Lanning place a jungle gym in the area in question?

Ask the Board How about a shed? Why not?

Indenture describes	Open Space
Plot Plan shows	Open Space
Fence Application describes	Open Space
Board Mtg. Minutes describes	Open Space

DEFINITIONS AND SECTIONS

Let's refresh ourselves with some definitions and ordinances:

Doc.#6

Section 160 11 D. Open space **read**

Doc #7

Section 160-56 **read**

Doc #8

Section 160-58 G Underground utility **read**

Doc. #9

Section 160-61 C **read**

APPLICATION TO BOARD

Is it not true that the Lanning's made the fence application to the board in order to request a deed variance? Otherwise, any improvement would be handled at the inspector's level. Do you agree?

Doc #10

Reason for fence agreement: as stated by Mr. Lanning, "To keep children and dog safely in yard, and for added protection from farm directly behind property"

Ask board: How is having a fence contained in the owner's yard NOT satisfying the Lanning's reason for the fence?

Why would the Lanning's need to double the size of their backyard over a deed restricted open space to protect their children and dog?

Irony of taking away open space

- Talk about the deer Thorofare
- Lanning's not knowing since made initial fence application two weeks after settlement
- Board should know Hilltown Township has deer
- Fence has interrupted the Thorofare
- What if a deer jumped fence with children and dog in fence

Type of Easement: Mr. Lanning wrote "utility easement"

I think Mr. Lanning used a bit of obfuscation here. He seems to neglect the fact that the area also contains deed restricted open space. I would refer back to documents:

- 1 (Indenture)
- 2 and 2A Plot Plans

Let's revisit the board meeting notes. See **Doc # 4**. Mr. Lanning "stated, on the deed, it is noted just as a utility easement."

Do we need to revisit the Indenture Doc #1 showing both open space and easement?.

Let's look back at Doc. #2 (the Plot Plan).

The utility easement is a sidenote on the plot plan, showing the 40-foot easement location. The open space area on the property is between 65.85' and 71.30'.

*****The open space accommodates the utility easement. The utility easement DOES NOT dictate the open space. Section 160-58 G. Otherwise the open space area would only be 40 feet wide.

I would think these applications for deed variances would require extra scrutiny from the Board.

SOLICITORS AGREEMENT Doc. #11

The agreement between the Lanning's and Hilltown Township Water and Sewer authority only refers to the utility easement area. There is no mention of the open space area. This agreement to me only allows the Lanning's to put a fence in the 40-foot easement area.

Item one read

The fence in the open space area does not comply with Township ordinances Section 160-11 D or section 160-56

I can't understand How can three (3) supervisors look at this application and not question why Mr. Lanning would need this deed variance?

Especially the Solicitor in creating this document. Why would you not ask Mr. Groff Why am I creating this document when I never had to do this for any other residence in this easement? Not one neighbor has asked for a deed variance for this easement since it was established in 1999, over 20 years.

Let us take another look back at the minutes from the November 14, 2022 meeting, **Doc #4**

“carried unanimously to allow the installation of the correct, removable fence in the open space/utility easement are.” Here you are allowing a fence to be erected in open space. I could see this if it was allowed only in the easement area, not in the open space area.

The board stated “there was no public comment.”

I know because Mr. Lanning made an appointment before the Board no public notice was required. But if the board had the courtesy of sending a letter to myself and to David and Karen Espeseth, about a proposed deed variance to allow the Lanning’s to erect a fence in the deed restricted open space area we both would have attended the meeting to voice our opposition

Hopefully this would have swayed the Board to deny the variance, and I would not have to be here today.

TIMELINE Doc #12

December 12, 13th fence installed David and Karen’s cable being cut

December 16, 2022 permit issued

PERMIT Doc. #13

Note December 16, 2022

“Fence may not be located in any easements, deed restricted areas, open space”.

I would like to ask the board: Has anyone on the Board, including the Solicitor know of, met with, had a conversation or correspondence with Mr. Lanning prior to the November 14, 2022 board meeting?

CONCLUSION

I believe I have presented overwhelming evidence that the fence should not be installed on open space

I believe I have shown how Mr. Lanning obfuscated the application process.

I have shown that the solicitor's letter only applies to the 40-foot easement and not the entire deed restricted open space.

In addition, the Lanning's fence was installed four days before the permit was issued and erected in a space not allowed by the permit.

In lieu of all this information I would ask the board to enforce the Hilltown Code Section 160-56, Doc #7, Section 160-58, Doc #8 and Section 160-61 C, Doc #9

I respectfully request of the Board to reconsider their unanimous decision and request the Lanning's comply with the fence permit, stating the fence cannot be installed on deed restricted open space

In closing, I would like the board to explain to me: How this fence was unanimously approved to be erected on open space, and why was this variance granted to the Lanning's?

Thank you for your time.

Doc. 1

Prepared by and Return to:

Town Settlement Group LLC
4295 Tilghman Street, Suite 4
Allentown, PA 18104
(484) 640-1030

File No. TSG22-1211

Parcel No. 15-014-067

Premises:

402 Longleaf Drive
Perkasie, PA 18944
HILLTOWN TWP
Bucks County

This Indenture, made the 20th day of September, 2022,

Between

Vicki A. Jost (hereinafter called the Grantors), of the one part, and

Katherine L. Lanning and Bradley J. Lanning, wife and husband, as tenants by the entirety

(hereinafter called the Grantees), of the other part,

Witnesseth, that the said Grantors for and in consideration of the sum of SIX HUNDRED THIRTY EIGHT THOUSAND FIVE HUNDRED AND 00/100 (\$638,500.00) lawful money of the United States of America, unto them well and truly paid by the said Grantees, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, have granted, bargained and sold, released and confirmed, and by these presents do grant, bargain and sell, release and confirm unto the said Grantees as tenants by the entirety

ALL THAT CERTAIN lot or piece of ground, situate in Hilltown Township, Bucks County, Commonwealth of Pennsylvania, bounded and described according to a Final Plan Recorded Plan of Longleaf Estates I, made by Boucher and James, Inc., dated December 2, 1996, last revised December 12, 1997 and recorded February 18, 1998 in Plan Book 290 page 90, as follows, to wit:

BEGINNING at a point on the Southwesterly side of Longleaf Drive (56 feet wide), a corner of Lot 48; thence extending from said point of beginning along the Southwesterly side of Longleaf Drive South 48 degrees 30 minutes 56 seconds East 75.00 feet to a point a corner of Lot 50; thence extending along Lot 50, crossing deed restricted open space and crossing a 40 feet wide Utility Easement South 41 degrees 49 minutes 04 seconds West 187.24 feet to a point in line of lands now or late of David L. and Karen Kulp; thence extending along the last mentioned lands North 44 degrees 16 minutes 16 seconds West 75.21 feet to a point a corner of Lot 48; thence extending along Lot 48, re-crossing the aforesaid 40 feet wide Utility Easement and re-crossing the aforesaid deed restricted open space North 41 degrees 29 minutes 04 seconds East 181.68 feet

to the first mentioned point and place of beginning.

Being Lot No. 49 as shown on the above mentioned Plan.

Being the same premises which John H. Strickland and Darby Strickland by Deed dated January 27, 2006 and recorded February 7, 2006 in Bucks County in Land Record Book 4831, Page 1804 conveyed unto Anthony P. Jost and Vicki A. Jost, husband and wife, in fee.

Being the same premises which Anthony P. Jost and Vicki A. Jost, husband and wife by Deed dated December 18, 2015 and recorded December 18, 2015 in Bucks County as Instrument No. 2015077775 conveyed unto Vicki A. Jost, in fee.

Together with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of them, the said grantor, as well at law as in equity, of, in and to the same.

To have and to hold the said lot or piece of ground described above, with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns, forever.

And the said Grantors, for themselves and their heirs, executors and administrators, do, by these presents, covenant, grant and agree, to and with the said Grantees, their heirs and assigns, that they, the said Grantors, and their heirs, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, against them, the said Grantors, and their heirs, will specially warrant and defend against the lawful claims of all persons claiming by, through or under the said Grantors but not otherwise.

In Witness Whereof, the party of the first part have hereunto set their hands and seals. Dated the day and year first above written.

Scaled and Delivered

IN THE PRESENCE OF US:

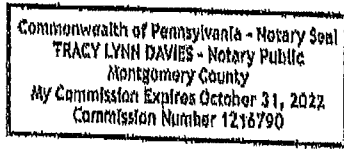
Vicki A. Jost

STATE/Commonwealth of Pennsylvania
COUNTY OF Montgomery

On this, the 20th day of September, 2022, before me Tracy Lynn Davies the undersigned officer, personally appeared Vicki A. Jost, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seals.

Tracy Lynn Davies
Signature



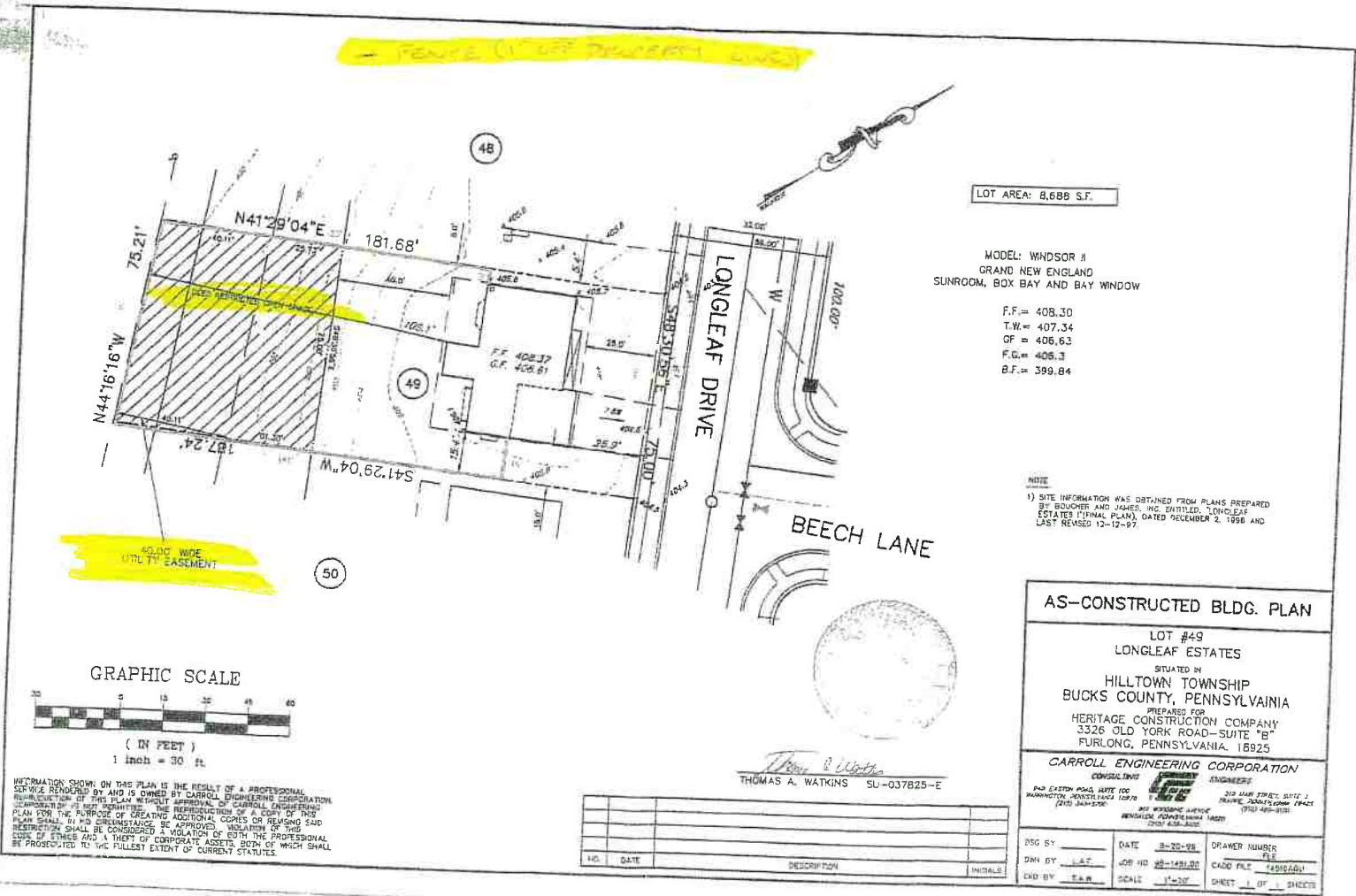
The precise residence and the complete post office address of the above-named Grantee is:

402 Longleaf Drive, Forks, PA 18944

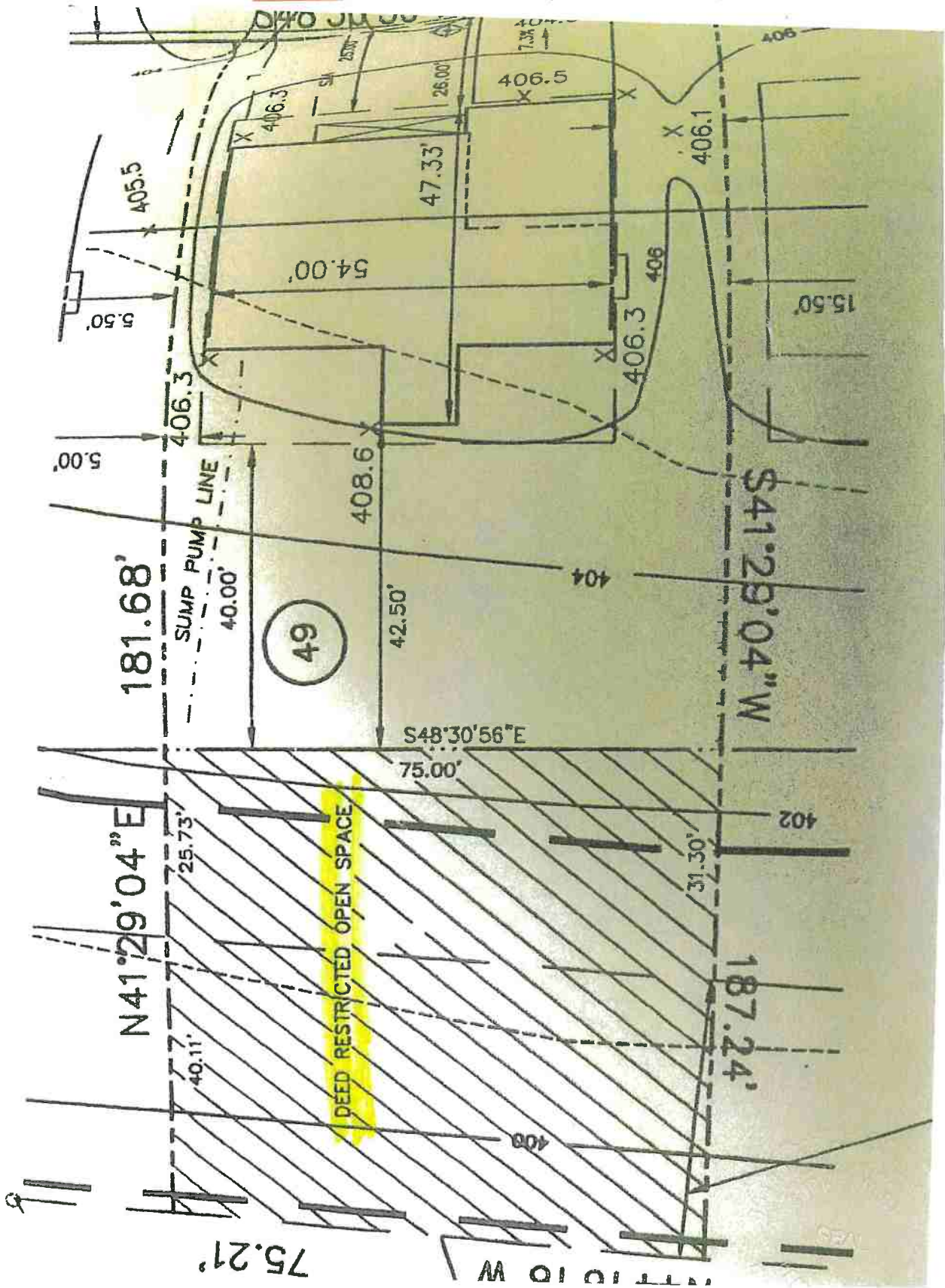
Helina M. Adams

On behalf of the Grantee

Doc. 2



Doc. 2A



Doc. 3

From: [Building and Zoning](#)
To: kim@hilltopfence.com
Cc: [Theresa Spehar](#); [Lisa Faust](#)
Subject: 402 Longleaf Dr - Fence
Date: Thursday, October 13, 2022 11:45:46 AM
Attachments: [Fence Agreement Application.pdf](#)

Hello Kim,

Thank you for submitting the fence permit application to Hilltown Township for 402 Longleaf Dr.

Upon review, a portion of the fence in the rear yard is on deed restricted open space. In Hilltown Township, a fence is not permitted in this restricted area without approval from the Board of Supervisors. If the owners wish to pursue this option, please complete and submit the Fence Agreement application. You may also revise the plan to limit the fence to the area of the property that is not within the deed restricted open space.

If you have any questions, feel free to reach out.

Thank you,

Caitlin M. Mest, EIT, BCO, CFM, CZO

Zoning Officer
Hilltown Township
215.453.6000 x214

Doc. 4

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION MEETING
MONDAY, NOVEMBER 14, 2022**

The work session meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John McIlhinney at 7:04 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 Timothy Fulmer, Chief of Police Christopher Engelhart, and Finance Director Marianne Egan.

1. ANNOUNCEMENTS: Chairman McIlhinney announced there was an 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 October 24, 2022, Board of Supervisors Meeting
 - b) Bills List November 15, 2022
 - c) Financial Statement – October 31, 2022
 - d) 2023 Fire Agreement – Telford Fire Co.

Motion was made by Supervisor Torrice, seconded by Vice Chairman Groff, and carried unanimously to accept and approve items 3(b) through 3(d) on the Consent Agenda with Chairman McIlhinney stating that item 4(b) in the Minutes of October 24, 2022 (Thomas & Luisa Hermann), does not accurately portray what was discussed for the type of fence they were going to put up, so additional minutes should be added and approved at a subsequent meeting. There was no public comment.

4. CONFIRMED APPOINTMENT:

a) Bradley & Kathrine Lanning – 402 Longleaf Dr. – Fence Agreement: Chairman McIlhinney stated he believes Mr. Lanning already knows the type of fence the Board typically like; aluminum fence looking like 4" wide wrought iron. Mr. Lanning stated this was noted on the application. Chairman McIlhinney questioned what was in the utility easement. **Mr. Lanning stated, on the deed, it is noted just as a utility easement.** Mr. Lanning stated they would have a bigger gate for entry, if needed. Chairman McIlhinney stated a removable fence with a sleeve in the ground is required. Chairman McIlhinney questioned the plan that shows a future pool right over where the **open space** and utility easement is. **Mr. Lanning stated 50% of the property is the open space** and the other 50% is not. The pool would be placed in the 50% that is not in the easement. Chairman McIlhinney clarified the area from the house to the easement line is 42.83 feet and that is where the pool would be placed and **not be going into the open space** and definitely not in the utility easement. Vice Chairman Groff stated the Township should verify exactly what is in that easement. Solicitor Wuerstle stated he would like to know what is precisely in the utility easement. After discussion, it was noted Mr. Fulmer will check the design plans to verify what is

underground in the utility easement, review the fence plan, get back to Solicitor Wuerstle/ Lorraine Leslie with the determination if the fence should be placed in the utility easement, and Solicitor Wuerstle will prepare the agreement that will outline the conditions.

Motion was made by Supervisor Torrice, seconded by Vice Chairman Groff, and carried unanimously to allow the installation of the correct, removable fence in the open space/utility easement area at the property of Bradley & Katherine Lanning, located at 402 Longleaf Drive, subject to the location and depending what is in the utility easement, along with the clarity that the pool stays within the 42.83 feet from the house that shows on the plan. Mr. Lanning stated they will come back to the Township to apply for the pool a few years down the road. There was no public comment.

5. LEGAL:

a) Resolution 2022-018 – Adopting Articles of Amendment To Increase The Term of Existence of The Pennridge Wastewater Treatment Authority For Fifty (50) Years: Solicitor Wuerstle stated Resolution 2022-018 is a resolution securing the Township's approval of the extension of the Pennridge Wastewater Treatment Authority Charter. Hilltown Township, along with five other municipalities, are members of PWTWA which is a regional sewer authority with a plant in Sellersville. The Authority was formed roughly 50 years ago under the provisions of the Municipal Authorities Act. The PWTWA reached out to its' member municipalities and asked them to sign on to an extension of the charter, by resolution, for an additional 50 years because, under the law, that is the mechanism that authorizes an amendment to the Articles of Incorporation, thereby allowing for the extension.

Motion was made by Supervisor Torrice, seconded by Vice Chairman Groff, and carried unanimously to adopt Resolution 2022-018 Adopting Articles of Amendment to Increase The Term of Existence of The Pennridge Wastewater Treatment Authority for Fifty (50) Years. There was no public comment.

6. PLANNING:

a) Homestead Farm Subdivision Roadway Widening Waiver Request: Mr. Joe Casadonti was in attendance to request the reconsideration of the road widening requirement at his Homestead Farm site. After a site visit with the Township Engineer and viewing what they were doing there, they had realized by widening the road by 5 feet, all of the electric poles would have to be moved and they are all in line right now. Mr. Casadonti requested the Board approve the widening of the road waiver and accept the fee-in-leu. He continued to state the swale that is there is working perfectly fine. Chairman McIlhinney stated he has been out there a number of times to look at it, and it seems the poles should be moved, and the road should be widened for the safety and traffic on that road, along with the five additional driveways dumping water out from their asphalt in the same area. He continued to state he doubts the swale that is there, is going to be able to handle all that, and the Board gave him an approval based on widening the road, moving the poles, making it accessible and that is why they gave him the approval. Applicants do not come

Doc. 5











Doc. 6

MOBILE HOME PARK — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MUNICIPAL ENGINEER — A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the municipality and/or planning agency.

MUNICIPAL USE — (See “use, municipal.”)

NEW CONSTRUCTION — (See “construction, new.”)

NIGHTTIME — The hours between the end of evening civil twilight and the beginning of morning civil twilight. Civil twilight ends in the evening when the center of sun's disk six degrees below the horizon. [Added 6-28-2004 by Ord. No. 2004-6]

NOISE DISTURBANCE — Any sound which:

- A. Endangers or injures the safety or health of humans or animals; or
- B. Annoys or disturbs a reasonable person of normal sensitivities; or
- C. Endangers or injures personal or real property; or
- D. Violates the noise standards set forth in § 160-36 of this chapter.

NONCOMMERCIAL SWIMMING POOLS — An accessory recreational facility designed to contain a water depth of 24 inches or more for use by the residents of the principal use and/or their guests.

NONCONFORMING LOT — A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

NONCONFORMING STRUCTURE — A structure or part thereof manifestly not designed to comply with the applicable bulk standards or extent thereof in a zoning ordinance or amendment thereto, where such structure lawfully existed prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment thereto. Such nonconforming structures include but are not limited to signs.

NONCONFORMING USE — A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment thereto, where such use was lawfully in existence prior to the enactment or amendment of such ordinance.

OBSTRUCTION, AVIATION — Any structure, growth or object, whether or not fixed to the ground, which exceeds the maximum height prescribed by the regulations of the Federal Aviation Administration or other regulatory authority.

OCCUPANCY — The use of a building, lot or portion thereof for a specific purpose.

OCCUPANCY PERMIT — A required permit allowing occupancy of a building, structure, lot or portion thereof after it has been determined that the building and/or use meets all applicable ordinance requirements.

OPEN SPACE — Any parcel or area of land or water essentially unimproved and set aside, dedicated or reserved for resource protection, public or private use and enjoyment, or for the

use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space shall not include land occupied by nonrecreational structures, roads, street rights-of-way, parking lots, land reserved for future parking, or any portion of required minimum lot areas as required by this chapter.

OPEN SPACE, COMMON — A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. [Amended 5-24-2004 by Ord. No. 2004-4]

OPEN SPACE RATIO — The total amount of proposed or required open space within a site divided by the base site area.

OUTDOOR LIGHTING — The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means. [Added 6-28-2004 by Ord. No. 2004-6]

OUTDOOR LIGHTING, TEMPORARY — Outdoor lighting that is used for a period of less than 30 days, with at least 90 days passing before being used again annually for a period of 30 days or less. [Added 6-28-2004 by Ord. No. 2004-6]

OUTDOOR STORAGE — The keeping in an unroofed area of any goods, junk, material, merchandise, or inoperable vehicles.

PARCEL — (See "lot.")

PARKING AREA — Any public or private land area designated and/or used for parking motor vehicles, including parking lots, garages, private driveways and legally designated areas of public streets.

PEDESTRIAN — An individual who travels by foot.

PERFORMANCE SUBDIVISION — A type of planned subdivision that encourages sound land planning practices for the preservation of environmental features and open space by encouraging a variety of housing choices in a clustered design.

PERMIT — Written governmental permission issued by an authorized official empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

PERMIT, BUILDING — A permit issued by the designated Township official prior to the construction, reconstruction, alteration, repair or addition to a building, structure or part thereof.

PERMITTED USE — A use allowed by right in a zoning district subject to the restrictions applicable to that use and zoning district.

PERMIT, ZONING — A permit issued by the Zoning Officer stating that the purpose for which a building, structure, land or portion thereof will be used shall be in conformance with all applicable requirements of this chapter for the zoning district in which the use and property is situated.

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§ 160-54. Fences and terraces in yards. [Amended 5-28-2013 by Ord. No. 2013-2]

The yard requirements shall not apply to fences, or walls less than eight feet in height above the finished grade in the side and rear yards and four feet in front yards, nor to terraces, steps, uncovered and unenclosed porches, nor to similar features less than three feet above the finished grade, subject nevertheless to the provisions of Article IV, § 160-231(2)(a).

§ 160-55. Height.

The height of buildings is regulated to prevent loss of life or excessive property damage through the inability of Township fire equipment to reach upper stories or roofs. Therefore, no building shall exceed a height of 35 feet, except as provided in the following:

- A. Church spires, belfries, silos, water towers, or smokestacks are exempt provided they are not used for human occupancy.
- B. Portions of the building may exceed 35 feet in height where all dwelling units and work spaces can be reached and evacuated through adequate windows or balconies within the thirty-five-foot limit or existing equipment and where roofs can also be reached along 50% of the building perimeter. The Township Fire Marshal's approval of such plans shall be required. In the absence of a Township Fire Marshal, approval of such plans shall be by the Township Supervisors.

§ 160-56. Open space and municipal land. [Amended 9-26-2011 by Ord. No. 2011-10]

Recorded plans and deeds shall indicate that there shall be no additional development in areas designated for open space, except for allowed improvements consistent with the furthering of noncommercial recreation, agricultural, conservation, or aesthetic purposes. The plan shall contain or be supplemented by such material as required to establish the method by which open space shall be perpetuated, maintained, and administered. The plan and other materials shall be construed as a contract between the landowner(s) and the Township, and shall be noted on all deeds.

§ 160-57. Design standards for open space land. [Amended 9-26-2011 by Ord. No. 2011-10]

Required open space land shall conform to the following standards:

- A. Open space should include significant environmental features such as floodplains, floodplain soils, steep slopes, forest, lakes, ponds, wetlands, and watercourse. Fragmentation of resource areas should be minimized so that they are not divided into smaller isolated pieces. Long thin strips of open space (less than 100 feet wide) shall be avoided, unless necessary to connect other significant areas, designed to protect linear resources such as streams or trails, or buffer adjoining existing properties or streets.
 - (1) Open space land connection considerations. Wherever applicable (such as along designated greenway corridors), open space should be designed as part of larger continuous and integrated open space systems. Open space should be laid out in general accordance with the Potential Open Space Resources Map (in the Open

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Space Preservation Plan) to ensure that an interconnected network of open space will be provided.

- (2) Undivided land for common use. The required open space land shall generally remain undivided and may be owned and maintained by a homeowners' association, land trust, Township, another conservation organization recognized by the Township, or by a private individual. These ownership options may be combined so that different parts of the open space may be owned by different entities.
 - (3) Visibility considerations. The required open space land should be located and designed to add to the visual amenities of new neighborhoods and to the surrounding area, by maximizing the visibility of internal open space as terminal vistas at the ends of streets (or along "single-loaded" street segments, particularly along the outside edges of street curves), and by maximizing the visibility of external open space as perimeter "greenbelt" conservation land.
 - (4) Active recreation uses. No more than 50% of the minimum required open space land may be comprised of active recreation facilities such as playing fields, golf courses, tennis courts, etc., unless otherwise approved by the Board of Supervisors.
 - (5) Buffers for adjacent public parkland or wildlife sanctuaries. Where the proposed development adjoins public parkland or wildlife sanctuary, a natural greenway buffer may be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction). Where this buffer is unwooded, vegetative screening must be planted, or the area managed to encourage natural forest succession through "no-mow" policies, installation of trees, and periodic removal of invasive alien plant and tree species.
 - (6) Agricultural lands. Open space may include preservation of privately owned agricultural land with a minimum lot area of 10 acres.
- B. Pedestrian and maintenance access shall be provided to all common and public open space.

§ 160-58. Designation of and permitted uses on open space land.

Open space land required to be reserved and created through the subdivision process shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities. The determination of necessity shall lie with the Board of Supervisors. A list of permitted uses is contained herein. The following uses are permitted in the required open space land:

- A. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).
- B. Agricultural and horticultural uses, including raising crops, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an

active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations, except that equestrian facilities and stables may be permitted.

- C. Pastureland for horses. Equestrian facilities shall be permitted but may not consume more than 80% of the minimum required open space land, whether they be for commercial or noncommercial purposes. New stables shall not be permitted within 200 feet of any abutting residential property.
- D. Forestry, in keeping with established standards for selective harvesting and sustained-yield forestry.
- E. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Board of Supervisors.
- F. Active noncommercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than 1/2 of the minimum required open space land or five acres, whichever is less.
- G. **Underground utility rights-of-way, easements for drainage, access, sewer or water lines, or other public purposes.**
- H. Water supply and sewage disposal systems; stormwater management systems designed, landscaped, and available for use as an integral part of the open space land; and, aboveground utility and street rights-of-way provided that the area devoted to all such uses shall not count toward the minimum required open space.

§ 160-59. Municipal use/open space performance bond.

Designated planting and recreation facilities within the open space and municipal use areas shall be provided by the developer. A performance bond or other securities may be required to cover costs of installation in accordance with the provisions of Chapter 140, Subdivision and Land Development.

§ 160-60. Conveyance and maintenance of municipal use/open space lands. [Amended 9-26-2011 by Ord. No. 2011-10]

Open space shall be preserved by one of the following means which shall be selected by the Board of Supervisors and shall be subject to the Board of Supervisors' sole discretion.

- A. Dedication in fee simple to the Township. The Township may, at the sole discretion of the Board of Supervisors, accept any portion or portions of open space or recreation areas provided:
 - (1) It is determined by the Board of Supervisors that the land is suitable and will serve the general public.
 - (2) The Township agrees to and has access to maintain the land.

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are permitted. Nonagricultural structures or uses shall not be permitted on any part of the lot outside of this defined area.

ARTICLE VI

Nonconforming Uses and Structures

§ 160-61. Continuation.

- A. The lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of the enactment of this chapter, or in the case of an amendment to this chapter, then at the time of such amendment, may be continued except as hereinafter provided, although such use does not conform to the provisions of this chapter or subsequent amendments thereto.
- B. A nonconforming lot which lawfully existed prior to the enactment of this chapter, or in the case of an amendment to this chapter, then at the time of such amendment, may be developed by special exception for uses permitted in the particular district and shall conform to all other requirements specified in this chapter other than lot size, provided that the nonconforming lot is in single and separate ownership from adjoining properties. For the purposes of this section, single and separate ownership shall be ownership of any property by any person or persons which owner(s) is separate and distinct from the owners of the adjoining properties.
- C. Where two or more adjacent lots, one or more of which is nonconforming, are owned by the same owner, and the ownership of the lots is concurrent, such lots shall be combined to create conforming lots, or to lessen the nonconformity if it is not possible to create all conforming lots.

§ 160-62. Expansion or alteration.

- A. A structure which does not conform to the dimensional, area, parking, buffer, environmental and all other requirements of the district and this chapter may be extended only if the extension meets all the requirements of this chapter. Such a structure may be extended by right along the building lines of the existing nonconformity in keeping with all applicable requirements of this chapter.
- B. A use that does not conform to the use regulations of the district in which it is located may be extended by special exception, provided that:
 - (1) The proposed extension shall take place only upon the lot or contiguous lots held in the same ownership as that existing at the time the use became nonconforming. Permission to extend a nonconforming use as described in this article shall not be construed to mean that a new use or uses may be established. A nonconforming use shall be prohibited from encroaching on another parcel of land subsequently added to the original parcel.
 - (2) The proposed extension shall conform with the setback, yard, dimensional, building height, parking, sign, environmental and other requirements of the district in which said extension is located.

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HILLTOWN TOWNSHIP
 13 West Creamery Road
 P.O. Box 260
 Hilltown, PA 18927
 (215) 453-6000 Fax: (215) 453-1024
 www.hilltown.org

OCT 20 2022

FENCE AGREEMENT APPLICATION

The filing of this Application begins the process of securing an Agreement between Hilltown Township and the Property Owner(s) to have a fence placed in a **Deed restricted easement area.**

Please complete all of the sections of this Application. Failure to complete all sections or attach all requested documents may result in a denial of your Application. Your initials indicate that you have a complete understanding of the same.

BL
 Initials

Property Information:

- Property Owner's Name(s): Bradley and Katherine Lanning
- Property Owner's Address: 402 Longleaf Drive Perkasie, PA 18944
- Site Address: 402 Longleaf Drive Perkasie, PA 18944
- Phone Number: 484-225-7138 Email: Lanning, Bradley @ gmail.com
- Tax Parcel Number: 15-014-067
- Reason for the Fence Agreement: To keep children and dog safely in yard, and for added protection from farm directly behind property.
- Type of Easement: Utility Easement

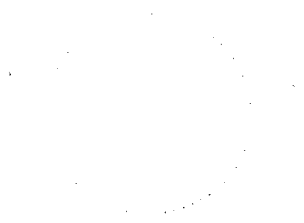
Fence Information:

- Type of Material: Aluminium Style of Fence: Black Res Ascot STD Spacing STD bottom
- Height: 60' Length/Distance: 354 feet Alumi-guac panel
- Name of Fence Company: Hilltop Farm and Fence
- Fence Company Address: 609 Callowhill Rd, STE 1, Perkasie, PA 18944
- Fence Company Phone Number: 267-454-4410 Email: Kim@hilltopfence.com

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Prepared By Jack D. Wuerstle, Esquire
Return To: P.O. Box 1259
Kennett Square, PA 19348
(610) 331-8894

TMP No. 15-014-067

Deed Agreement – No Property Transfer

FENCE AGREEMENT

THIS AGREEMENT made this 7 day of December 2022, by and between **BRADLEY LANNING** and **KATHERINE LANNING**, husband and wife, of 402 Longleaf Drive, Hilltown Township, Pennsylvania ("Landowners") and **HILLTOWN TOWNSHIP WATER AND SEWER AUTHORITY**, with offices at 316 Highland Park Road, Sellersville, PA 18960 ("HTWSA").

WHEREAS, Landowners wish to install a sixty (60) inch high black aluminum fence ("Fence") in a forty (40) foot wide utility easement owed by HTWSA (the "Easement") running through the rear yard of their property located at 402 Longleaf Drive, Hilltown Township, Pennsylvania (the "Property"), thereby enclosing a yard area behind their residence; and

WHEREAS, the Fence will extend approximately 354 linear feet and encroach upon the Easement; and

WHEREAS, Landowners have requested that HTWSA allow them to install the Fence within the Easement; and

WHEREAS, HTWSA is willing to allow the proposed Fence in the Easement subject to certain conditions, including, among other things, that the Fence is removable and that Landowners agree to relocate the Fence at their cost in the event that HTWSA needs to access the Easement; and

WHEREAS, Landowners agree that no other objects or structures may be installed or placed in the Easement; and

WHEREAS, the parties wish to set forth all their agreements and understandings regarding the matters herein contained in writing.

NOW, THEREFORE, in consideration of the mutual promises herein contained, and intending to be legally bound, the parties hereto agree as follows:

1. Hilltown Township ("Township") will issue a permit to allow Landowners to install the Fence in the Easement in the dimensions described herein and as set forth in the application documents; provided that the Fence otherwise complies with all other Township Ordinances, rules, regulations and approvals.

2. The parties recognize that HTWSA piping runs across the Landowners' backyard, parallel to the rear property line and for the length of the Easement, and that the piping is located at or near the mid-point of the Easement (approximately 20 feet from the rear property line). Consequently, the Fence shall be located approximately (1) foot into the Easement as measured from the rear property line of the Property.

3. Landowners agree that if HTWSA needs to access the Easement, Landowners will remove that portion of the Fence necessary for HTWSA to gain access, and do so at Landowners' sole cost and expense. HTWSA shall give Landowners at least one (1) week notice of when the Fence or any portion thereof must be removed from the Easement, except in the event of an emergency, in which case no notice will be required. If Landowners refuse to remove the Fence from the Easement following applicable notice, HTWSA may remove that portion of the Fence necessary to gain access to the Easement and the cost thereof shall be billed to Landowners.

4. Landowners agree to release HTWSA from any and all liability for damage to the Fence whenever HTWSA accesses the Easement, and Landowners further agree to indemnify and hold HTWSA harmless from any and all claims of personal injury or property damage resulting from the Fence being located in the Easement.

5. Landowners shall not remove, destroy or damage any trees during installation of the Fence or thereafter, and if any trees are so harmed, Landowners shall be responsible for replacing such trees in like kind or paying Township the cost of such replacement.

6. The parties intend that this Agreement shall be recorded in the Office of the Recorder of Deeds of Bucks County to serve as a permanent record of the parties' agreement. Landowners shall be responsible for payment of all filing fees and any related costs of recording.

7. This Agreement constitutes the complete understanding between the parties regarding the subject matter herein, and there are no written or oral understandings or agreements directly or indirectly connected with this Agreement that are not incorporated herein.

8. This Agreement shall be binding upon and inure to the successors, assigns, heirs, beneficiaries, executors, administrators, and legal representatives of the respective parties herein named.

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Lanning Time Line for Fence Installation

September. 30, 2022	Settlement
October 11, 0222	Fence application from Hilltop Farm & Fence to Ms. Mest
October 13, 2022	Reply from Ms. Mest (email)
October 20, 2022	Application for fence to Board
November 14, 2022	Board of Supervisors Mtg. - Approval Granted
December 7, 2022	Letter executed between Lanning's and water authority
December 12 -13, 2022	Fence Installation
December 16, 2022	Fence permit issued by Ms. Mest
December 17, 2022	Pictures taken
December 19, 2022	Went to twp. Building to look at documents and give letter to Ms. Leslie asking for appearance

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HILLTOWN TOWNSHIP

13 WEST CREAMERY RD PO BOX 260 HILLTOWN, PA 18927
Ph: (215) 453-6000 Fax: (215) 453-1024

ZONING PERMIT

Fence

Permit No:	220700	Occupancy:	IRC	Constr Code: 2018 IRC
Issue Date:	12/16/2022	Expire Date:	12/16/2024	
Purpose:	I-2.a.2 Residential Fence or Wall			
Describe:	Fence			
	Installation of fence per recorded agreement and approved plan.			

Type	SubType	Date	Fee
Zoning	Res Add/Alter	10/11/2022	\$100.00
Total Fees:			\$100.00

Parcel ID:	15-014-067		Deed Owner:	Lanning Bradley J. & Katherine L.
Subdivision:	LONGLEAF ESTATES I (664)		Address:	402 LONGLEAF DRIVE
Section:	Block:		PERKASIE, PA 18944	
Lot:	49	Zone:	CR-1	
Address:	402 LONGLEAF DRIVE		Contractor:	Hilltop Farm & Fence
	PERKASIE, PA 18944		Address:	609 Callowhill Road Suite 1
Applicant:	Lanning Bradley J. & Katherine L.		Perkasie, PA 18944	
Address:	402 LONGLEAF DRIVE			
	PERKASIE, PA 18944			

Inspection of final placement is required.

Please call the township to schedule an inspections: 215-453-6000, x209. Inspections take place on Monday, Wednesday, Friday. All inspections need to be called in at least 24 hours before the requested day by 12 (noon). You will need to know permit number, type of inspection, address & phone number where the inspector can reach a person that will be onsite.

- Fence must be installed per submitted plot plan.
- Fence must be minimum 1' away from all property lines, unless specific written permission is granted by the adjacent property owner.
- Fence Height: 4' Maximum in any front yard area, as defined by the Zoning Ordinance; 8' maximum in other yard areas.

Fence MAY NOT be located in any easements, deed restricted areas, open space or other areas with environmental restrictions (floodplains, wetlands, streams, lakes, etc., etc.)

THE ISSUANCE OF THIS PERMIT IS BASED UPON THE FACTS STATED BY THE APPLICANT. THIS PERMIT MAY BE REVOKED IF THE USE, CONSTRUCTION OR DEVELOPMENT FOR WHICH IT HAS BEEN ISSUED VIOLATES ANY APPLICABLE TOWNSHIP, COUNTY, STATE OR FEDERAL LAW OR REGULATION, INCLUDING BUT NOT LIMITED TO THE TOWNSHIP ZONING ORDINANCE. THIS PERMIT MAY ALSO BE REVOKED IF IT HAS BEEN ISSUED IN ERROR OR IF ISSUANCE WAS BASED UPON ANY MISREPRESENTATIONS OR ERRORS MADE BY THE APPLICANT.

THE PERMIT HOLDER IS ADVISED THAT PERSONS AGGRIEVED BY A USE OR DEVELOPMENT PERMITTED ON THE LAND OF ANOTHER MAY FILE AN APPEAL WITH THE Hilltown TOWNSHIP ZONING HEARING BOARD SEEKING REVOCATION OF ANY PERMITS ISSUED OR APPROVALS GRANTED WITH 30 DAYS FROM THE ISSUANCE OF SUCH PERMITS OR THE GRANT OF SUCH APPROVAL, OR AT A LATER DATE IF SUCH AGGRIEVED PERSON ALLEGES AND PROVES THAT HE HAD NO NOTICE, KNOWLEDGE OR REASON TO BELIEVE THAT THE PERMIT OR APPROVAL HAD BEEN GIVEN.

CAITLIN MEST, EIT, BCO, CFM, CZO