

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING
MONDAY, JULY 24, 2023**

The regular meeting of the Hilltown Township Board of Supervisors was called to order by Chairman James Groff at 7:02 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, Timothy Fulmer, and Finance Director Marianne Egan.

1. ANNOUNCEMENTS: Chairman Groff announced there was an Executive Session prior to the meeting to discuss legal and personnel matters.

2. CONSENT AGENDA:

- a) Minutes of the June 26, 2023, Board of Supervisors Meeting
- b) Bills List: July 11, 2023
- c) Bills List: July 25, 2023
- d) Financial Report: June 30, 2023

Motion was made by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to approve items 2(a) through 2(d) on the Consent Agenda. There was no public comment.

3. CONFIRMED APPOINTMENT: None.

4. LEGAL:

a) Zoning Hearing Board Appeal 2023-011: Garlan Properties, LP – 1283, 1281 & 1279 Route 113, Perkasio, PA 18944 – Seeking Variance: Solicitor Caroline Edwards, along with the Dr. Garlan and Scott Cambern, Urwiler and Walter Inc., was present to discuss the Garlan Properties, LP Zoning Hearing Board Application consisting of 1283, 1281 & 1279 Blooming Glen Road stating the buildings on the properties were constructed between the late 1800's and early 1900's. The corner property has four apartments, the middle property consists of chiropractic office and two apartments, and the third property is a single-family detached home. The properties have shared parking for many years and have not been able to document exactly how long. The lots are very irregular in shape, which affects the ability to provide individual parking. Ms. Edwards handed out an ariel plot plan showing the three buildings and the parking which takes access only from Route 113. The parking area has been there a long time. It is old, it is deteriorated, and there have been stormwater issues. The applicant would like to reconfigure the parking there so that it functions properly, provides a site circulation that works, and it would be a better surface. Part of the proposal is to not only improve the parking surface, but to also add stormwater management in conformity with current regulations. There is also going to be a buffer along the parking. A sketch plan was presented to Township Staff to review and received a review letter from the Township Engineer who identified the need for a variance from the impervious surface requirements and that is the basis of the application that was submitted to the Zoning Hearing Board. Ms. Edwards presented a reconfiguration. Ms. Edwards continued to state another aspect to the proposal was to add a point of access on Blooming Glen Road would improve the safety of the site considerably. Ms. Edwards stated the request is for variance from impervious maximums for this site and the stormwater management will be designed to accommodate that amount of impervious on the site.

Chairman Groff asked why increase the parking. Ms. Edwards stated the parking is not delineated so the applicant believes it meets the ordinance, so the parking was designed to accommodate uses that are there as well as to address possible changes in uses.

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Supervisor McIlhinney stated the single-family house and the four apartments would consist of ten parking spaces and yet the plan has forty-five spaces, and the plan that was presented at this meeting is different than the one that was in the Board packet. Ms. Edwards stated the existing features plan is the amount of paving that exists today, and it is not sufficient parking for the uses. It was clarified the middle building would need the additional parking. Supervisor McIlhinney stated the proposed impervious ratios are 60, 80, and 54 and they are supposed to be down to 26. Ms. Edwards stated the property is currently non-conforming as to impervious and that is why they are asking for the Zoning Hearing Board to look at. The applicant is trying to provide shared parking in order to accommodate the uses that have existed for some quite time. Supervisor McIlhinney stated in 2007/2008 the same proposal was submitted, and areas were set aside for green, and he understands the green areas are gone now and already been paved and stoned over. Ms. Edwards stated that was not the current applicant. Supervisor McIlhinney stated it was the same people. Dr. Garland stated one of the reasons there needs to be an increase is because of the space. There are cars that hit each other in the parking lot so the distance that is there is not enough. She has witnessed car accidents at the dangerous intersection on Route 113 and Blooming Glen Road every week, and Hilltown Police come in her parking lot to observe traffic. The gravel was paved, pavement taken away, grass was put back in, and the rainwater and drainage made it all mud. This is the best proposal to create a nice space for all the three properties and safety.

Supervisor McIlhinney stated Dr. Garland was told in 2007/2008 what to do and what areas to leave green. The fact is she decided to stone it, pave it, put it back to green, and play with the pipes in the back of the property. Dr. Garland stated there is a lot of conflicting information and that why six years has been gone by that she has not come back in front of the Supervisors because of who were there before and people that told her things that were not correct. Supervisor McIlhinney stated the impervious surface is going up three times as much by what is being proposed.

Scott Camburn, Urwiler and Walter, stated the three sites will increase impervious surface by 8083 square feet. At the chiropractic office, impervious surface is going from 13,889 sf to 12,479 sq. and Green islands will be added where existing macadam is so the impervious surface will be decreasing at the chiropractic office. Ms. Edwards stated the impervious surface ratio will be going from 89.7 to 80.6. Supervisor McIlhinney stated the maximum allowed impervious surface on that parcel is .65. Mr. Camburn stated the total increase on all three properties is 8,383 sq. Ms. Edwards stated the current impervious surface on all three parcels is 49.6 and it is going to be going to 64.1. Parcel A's impervious surface will be increased more. Mr. Camburn stated, currently, there are approximately 18+/- parking spaces because most of them are not delineated through parking stripes. By the ordinance, the parking spaces required is 32 and they are proposing 42 plus one in a garage for the residential single-family house, so it is 10 in addition required as they accounted for some overlap traffic between patients coming in/going out and accounted for two/three/four paces in the wintertime for snow storage.

Vice Chairman Torrice stated he can completely understand why they are looking to re-configure the parking lot, he was not there in 2007 so he is not sure of the history, and they will have to do some homework on that. He continued to state he can also understand why they want to have access to Blooming Glen Road, however, the impervious surface is an issue in his mind. If they could potentially reduce some of the spots and make it green to make the plan a little bit more comfortable, as the overall image is a giant parking lot. If they would be able to re-work the plan, he would have less opposition to the plan.

Mr. Camburn stated the stormwater management will be the underground system in the parking lot discharged via pipe to the existing storm line in Blooming Glen Road and will be reviewed by both the Township and PennDOT.

Mr. Fulmer stated the applicant has to show compliance with the ordinance for stormwater and would also need PennDOT approval and show calculations to PennDOT to see if that could work.

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Supervisor McIlhinney questions if the recent improvements in Blooming Glen and the buildings that are being added onto are going to Route 113. Mr. Fulmer stated PennDOT typically looks at the existing condition calculation that is done for stormwater runoff and there is a proposed condition. With the increase of impervious, there would be an increase in runoff so they would have to mitigate that increase by proposing some kind of stormwater BMP that would reduce the rate of runoff. Obviously if they have a stormwater control situation already with their PennDOT system, they are going to be very careful looking at that because they do not want to introduce more water into a system that is already potentially not working right. There would be some kind of area for capture in the parking whether it is inlets or some kind of a seepage area where the water would soak into a subsurface detention area and there would be an underground pipe system or a stone gallery and there would be some kind of outlet for that they are saying they are trying to connect to the storm sewer system.

Supervisor McIlhinney questioned the purchase dates of the three properties. Ms. Edwards stated those dates are on deeds when Dr. Garlan's parents purchased the properties and Dr. Garlan was in Silverdale in 2007.

Chairman Groff stated he is concerned with 45 parking spots along with the impervious surface.

Ms. Edwards stated she does not think it is a good idea to have the bare minimum of parking that the ordinance allows because they would like to have some flexibility to take into account the other situations that have already been discussed. Ms. Edwards stated they are willing to take another look at the parking and see if there is a way that they can eliminate a couple and still be able to be comfortable that the parking reconfiguration will meet the needs of all three of the uses.

Solicitor Wuerstle stated, given the nature of the patients, it struck him how far so many of the spaces were to Dr. Garlan's office knowing that some of her patients may have mobility issues. Dr. Garlan stated she is in the process of redesigning the entire first floor to accommodate that but cannot do that until the parking lot is configured.

Ms. Edwards stated, based on the discussion, they will attend the ZHB meeting with the plan but they would ask if they could figure out a way to remove some spaces, they would be modifying the application because they would be asking for less and she does not think it would be an issue.

Solicitor Wuerstle questions, if they were to go back and look at a way to reduce the impervious coverage, how could they get that to the Township in advance of the Zoning Hearing Board so they could have a look at it.

Ms. Edwards stated they could certainly do it informally because they would not have time for a full formal review. Mr. Camburn stated he could get something out this week.

Mr. Fulmer stated he would not be able to do a formal review letter.

Chairman Groff stated, in light of what Supervisor McIlhinney said, Solicitor Wuerstle should take a look how the project has gotten to this point.

The Board of Supervisors stated they would like to have Solicitor Wuerstle attend the hearing.

Mr. Fulmer stated it is a Type 5 buffer yard. In the buffer yard itself: medium to large deciduous trees – one of the trees for every 35 ft. Also, a mixture of a variety of shrubbery: no more than 75% being deciduous and not less than 50% flowering varieties which is what the ordinance requires. It is to provide lower-level screening for headlights. Under the circumstances the Board may want to see consideration be given for some other type of buffering that does a better job protecting the neighbors interest.

Ms. Edwards stated, on the parking lot re-configuration plan there is a large amount of impervious that is added due to the access to Blooming Glen Road. If the access is removed, they would be able to eliminate a fair amount of impervious surface.

Mr. Camburn stated the circulation is a better circulation with the driveway out to Blooming Glen Road.

It was noted the applicant has not had any conversations with PennDOT about the driveway access onto Blooming Glen Road as the variance is the first step.

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The Board of Supervisors stated they would like to see a revised plan and to send Solicitor Wuerstle to the ZHB hearing.

b) Zoning Hearing Board Appeal 2023-012: Heather & Vincent Burns – 728 Hilltown Pike, Line Lexington, PA 18932 – Seeking Variance: Solicitor Wuerstle stated Heather & Vincent Burns is requesting a variance to keep poultry on a lot less than three acres as an accessory residential agricultural use as they have 10 hens. The Board stated Solicitor Wuerstle does not have to attend the Burns ZHB Hearing.

c) Solicitor Wuerstle asked for authorization to advertise the Non-Conforming Use Ordinance. Motion was made by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously for Solicitor Wuerstle to advertise the Non-Conforming Use Ordinance for a Public Hearing next month. There was no public comment.

5. PLANNING:

a) Bartells Lot Line Adjustment: Tim Fulmer stated this is a lot line adjustment on Callowhill Road that involves two separate parcels in Hilltown, but it also involves several parcels in East Rockhill Township and the applicant has already been to their Planning Commission to get a recommendation to go on to their Board of Supervisors. The Hilltown Planning Commission recommended Preliminary/Final approval conditioned upon the completion of the items contained within the engineering correspondence dated June 20, 2023. Mr. Fulmer continued to state the discussion items are the requested waivers for street improvements and whether or not the right-of-way on Callowhill Road needs to be dedicated to the Township but it has since been determined since the review was done, the township, as part of an old subdivision application, that right-of-way has already been dedicated, which the document was located by the Township staff. Drew Moyer, Meese Engineering, was in attendance stated everything in Wynn Associates, Inc. review letter dated June 20, 2023, is a “will comply” and they are requesting final plan approval for Bartells Lot Line Adjustment. Supervisor McIlhinney questioned where the .9 acres is shown on the submitted plan because it is not designated. Mr. Moyer showed it is in the small area at the back of the plan. Also, parcel number 15-11-101 starts out at 3.15 acres and will go down to 2.2 and questioned if it is in compliance. Mr. Fulmer stated 50,000 sf for a single-family home lot in that district so they will comply with the minimum lot size and also comply with the impervious surface requirements. Motion was made by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to grant Preliminary/Final plan approval for the Bartells Lot Line Adjustment contingent upon the items contained in Wynn Associates Inc. letter dated June 20, 2023, noting the waiver of the street improvements would be granted and also noting that the right-of-way dedication would be revised and the plan would reflect it has already been dedicated to the Township. There was no public comment.

b) Hilltown Pike Partners Sketch Plan: Tim Fulmer stated this property is located on Hilltown Pike in the Village of Line Lexington in the VC Zoning District. The applicant was before the Township Planning Commission in April to present the sketch plan. Wayne Kieffer, Showalter and Associates, stated the sketch plan showing a performance subdivision with a multi plex use which is not permitted in this Zoning District. There are a number of uses that are permitted such as Traditional Development but on a 5-acre lot and the proposed lot is 4 acres. Mr. Kieffer would like the Board’s input on the project noting variances will be needed for the use, buffer yards, and possibly some woodlands clearing depending on how the numbers play out.

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The other option of developing the property by-right would be single family with the traditional cul-de-sac. It was noted the proposed project is not age restricted and would be rental units. The applicant stated, in a typical age restricted type of development, infrastructure is needed for clubhouses, continuing care, and restaurant facilities. Mr. Fulmer stated in B7, a centralized community clubhouse is needed. Supervisor McIlhinney stated it would not be an advantage for the Township to have school age children, as it seems it would be adding expense to the Township as far as the school end of it. Mr. Kieffer stated, another other concern regarding the age restricted, it is not a walking friendly area as there are not any sidewalks anywhere near the site. It was noted the water and sewer is through North Penn and Chalfont/New Britain. Supervisor McIlhinney stated he would be interested if it was age restricted otherwise, he is a no for the project. Vice Chairman Torrice stated he agrees with Supervisor McIlhinney it seemed, from Mr. Fulmer's review letter, having an age restricted facility would be a lot less headache for the Township, and less variances for the applicant. It was noted, in the B7 there is a 40% requirement for Open Space and in the B4 it is 45%. Vice Chairman Torrice stated he would like to see a B7 over a B4, and he agrees having a facility like this could increase the number of children. He questioned the hesitation for the age restricted is just the amenities that have to be provided. The applicant stated most people who are looking for an age qualified type living situation look for the extra amenities that this site is not big enough to provide. The main goal is to not build on 100% of the site, but to provide reasonably priced housing in an ascetic location that fits with a more condensed use which, he believes, is the intent of the Village District. It was noted the existing house will remain. Mr. Kieffer stated as far as the building requirements in the multi plex district, it is 4-6 units per building, and the traditional type of look to comply with the ordinance. Mr. Fulmer stated there is not a comprehensive list of all of the relief, but some of the relief would be requested for the use, and dimensional variances for buffer yards and potentially clearing. It was noted PennDOT approval would be needed. The Board of Supervisors stated for the applicant to take the project to the Zoning Hearing Board and see what they say.

6. ENGINEERING: None.

7. UNFINISHED BUSINESS:

a) Louisa Hermann – 304 Fox Lane – Fence: Ms. Louisa Hermann stated she would like to follow up on the fence that she will be putting 10' away from the house and 30' in from the deed restricted open space, and then all the way back towards the drain. New prints were provided, and regarding the drainage, she stated she would like to compromise and see if she can go out the entire way to the property line to put a PVC fence up and be able to utilize her property for trucks, if need be, to get through to the back where the drainage area is. Mr. Fulmer stated an agreement would be needed that runs with the property for access in that area. Ms. Hermann noted the area is in the open space. It was noted the Board is not allowing fences in the Open Space anymore. Chairman Groff stated the Authority can get across the back for access to the drainage area. Mr. Fulmer stated there is a deed restricted open space on the side of the lot, but in the very back of the lot, there is a storm drainage easement that runs parallel to the back property line. The Board is only looking now at allowing, potentially, encroachments into easements that the Township owns but no longer looking at any type of encroachments into the deed restricted open space. Solicitor Wuerstle stated he believes the first application was about the side yard and the placement then and she agreed to move it out of deed open space, but he is also his understanding in the Long Leaf Development, that there is both, an authority easement overlaid with a deed restricted open space to the rear of the properties. Ms. Hermann stated there is not any on her property. She is concerned with accessing her shed on the side yard. It was clarified that the fence will not be in the deed restricted area, but Ms. Hermann wishes to go 10' into the drainage easement in the back. The shed is 10' from where the deed

restricted open space starts. If the fence were placed 30' outside of the open space area on her property, it would impede Ms. Hermann getting to the shed. It was determined she only wants to put the fence 10' in the drainage area in the back of the property and is allowed to line her property line with arborvitae trees which is in the deed restricted open space area. Mr. Fulmer stated the restrictive covenant will have to be looked at to see what it says about putting anything in the deed restricted open space area. It was noted the applicant must provide a surveyed plan. It was clarified that she would like to encroach 10' into the open space area on the side to get access to her shed and have the fence go all the way back on her property line, and if she is able to do nature there with trees, too. It was noted by the Board, nothing can go in the deed restricted open space area, the Restrictive Covenant will be reviewed to see if trees are allowed in the deed restricted open space area, and they need a surveyed plan of the property.

8. NEW BUSINESS:

a) Glenn Wimmer – 1618 Seven Corner Road, Perkasie, PA 18944 – Noise, Fireworks, Explosions and Shooting: Mr. Wimmer commented about a very large gun range that was built next to his house shooting all types of rifles there, fireworks, and burning of construction waste that started several years ago. BCCD was at the property, and it was noted that they moved over 5,000 feet of soil with no permits, and no erosion/ stormwater plans. A large drain pipe was placed at the end of the range which runs to his pond which is a muddy mess now. The Fire Company and Police Department were there. After further discussion, it was determined the Board will speak to the Police Chief to see what can be done.

b) H&K Extension of Hours – August 1 – 31, 2023: Lorraine 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 August 1, 2023, and August 31, 2023, excluding holidays, for the PennDOT projects per their letter dated July 17, 2023. Motion was made by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to grant the extension of hours between August 1, 2023, and August 31, 2023, for the Concrete, Asphalt and Crushing Plant at the Skunkhollow Quarry per their letter dated July 17, 2023, with the exception of striking the part in the letter in regard to "and/or private customers". There was no public comment.

9. SUPERVISOR'S COMMENTS: Vice Chairman Torrice stated he wished the Chief was in attendance.

10. PUBLIC COMMENT: Diane Telly, Tax Collector, stated the Line Lexington property that was discussed is in the North Penn School District.

Mike Thompson, 804 Blooming Glen Road, stated he is not in favor of the driveway location and parking lot for the proposed Garlan project.

James Meyers, 1275 Route 113, commented on his concern for the storm sewer for the proposed Garlan project.

Sandra Engelhart, 808 Blooming Glen Road, stated the paved over area was for her to park her car, but her employees parked there also.

Kevin Walsh, 1277 Route 113, they are re-visiting the Zoning Hearing Board meeting from December of 2017 with the same issues with the run-off, the light pollution, and the nuisance from all the noise and cars, she is not abiding by the terms of the agreement (that was never put to paper), and it will make the intersection of Route 113 and Blooming Glen Road more dangerous.

Dale Ott, 246 Mill Road, discussed the re-instatement of the Open Space Tax, public support is needed, along with a vote by the Board of Supervisors. Solicitor Wuerstle will do research.

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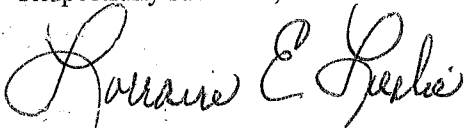
Chris Shinnars, 400 Long Leaf Drive, talked about the Lanning Fence in in the sewer easement. Solicitor Wuerstle will follow up with Ms. Mest regarding a new permit for the fence. Terry Shade, 400 Long Leaf, stated Hilltop Fence Company installed the fence before a permit was issued. Chairman Groff stated the Board made a mistake.

Luisa Hermann, 304 Fox Lane, asked for an explanation of deed restriction. Mr. Wuerstle stated many years ago, Longleaf was approved with this provision where there is private property at the rear end of lots that was deed restricted open space which is very rare. Mr. Fulmer stated there is a provision for certain types of uses to provide a certain amount of open space. However, the ordinance did permit a variation of how that open space is provided such as land that was set aside from the lots exclusively on its' own parcel that is either owned by the Township, or a Homeowner's Association and on its' own deed. To meet the open space requirement, the builder was entitled to provide open space that was part of people's lots, but it was deed restricted area. It would be on the deed that it was owned by the property owner, but the area would be encumbered by a restrictive covenant (easement) that would only permit certain things in that area. The idea was to keep the area open and not permit structures. The Declaration document sets forth those things. The area of the open space had to meet the requirement of the ordinance. This does invite problems for property owners, especially people who are not the original owners of the lot that do not necessarily understand that even with the disclosure requirement.

11. PRESS CONFERENCE: None.

12. ADJOURNMENT: Upon motion by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously, the July 24, 2023, Hilltown Township Board of Supervisors work session meeting was adjourned at 9:24 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).