

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING  
MONDAY, JUNE 26, 2023**

The regular meeting of the Hilltown Township Board of Supervisors was called to order by Chairman James Groff at 7:05 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, Chief of Police Christopher Engelhart, and Theresa Spehar.

**NEW BUSINESS:**      Police Department Promotions to Rank of Sergeant:  
                                  i)      Officer Christopher Ferry – 20 years of service  
                                  ii)     Officer Robert K. Ryan – 5 years of service

Motion was made by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to promote Officer Christopher Ferry and Office Robert K. Ryan to the rank of Sergeant. There was no public comment.

Judge Regina Armitage gave the Oath of Office to Sergeant Christopher Ferry and Sergeant Robert K. Ryan.

b)      Conditional Use Appeal 2023-001 – Carson Estate Trust, LLC Decision –

**Motion made** by Supervisor McIlhinney to accept the conditions of approval for the Carson Estate Trust, LLC Conditional Use Appeal 2023-001. Solicitor Jack Wuerstle read the conditions of approval for Carson Estate Trust, LLC., Conditional Use Appeal 2023-001, which are attached to the minutes.

The motion was seconded by Vice Chairman Torrice and carried unanimously to approve the conditions for approval for Carson Estate Trust, LLC as read by Solicitor Wuerstle. There was no public comment.

1.      ANNOUNCEMENTS: Supervisor Groff stated there was an executive session prior to the meeting to discuss litigation.

2.      CONSENT AGENDA:

- a)      Minutes of the May 22, 2023, Board of Supervisors Meeting
- b)      Bills List: June 13, 2023
- c)      Bills List: June 27, 2023
- d)      Financial Report: May 31, 2023

**Motion was made** by Vice Chairman Torrice, seconded by Supervisor McIlhinney, 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 2023-008 St. Luke's University Health Network: 3523 Bethlehem Pike, Souderton, PA 18964 – Seeking Variance: Solicitor Wuerstle stated St. Luke's University Health Network is requesting variances to place accessory parking in front of the building, and to exceed the maximum allowed forestry disturbance. Vice Chairman Torrice stated he is not thrilled with the forestry disturbance, but he will trust the Zoning Hearing Board to make the correct decision on that. Supervisor McIlhinney questioned the 40,000 square foot building (it was clarified that it is 40,000 sq ft

for the total building), and why so much parking is needed for a medical facility. Paul Yantosh, Project Manager for St. Luke's, stated they provide more than Township minimums for their patients at their medical facilities because they have a high turnover rate, so they try to provide more than the minimum amount of parking. Atty. Steve Boell, the applicant's solicitor, stated they use five parking spaces per 1,000 square feet. St. Luke's has developed dozens, if not hundreds of these buildings and they learned through those buildings, what the need for parking is. Also, the calculations are based, in part, on industry standards and data that is published through health care providers. Supervisor McIlhinney stated he does not want to see them going into wooded areas if they do not really have to do that. Vice Chairman Torrice stated he agrees. Mr. Boell stated they can have the phased parking discussion during land development. Mr. Boell stated, regarding the woodland disturbance, they will discuss with the Zoning Hearing Board that the property is split zoned and will ask to treat all of the property as if it is commercial zoned. The Board of Supervisors stated they are in agreement with the ZHB to handle the application. Solicitor Wuerstle stated he will send the Board of Supervisors comments to the ZHB along with the comments on the phased parking.

b) Zoning Hearing Board Appeal 2023-009 Penn View Farm: 1500 Broad Street, Perkasio, PA 18944 – Seeking Variance: Solicitor Wuerstle stated Penn View Farm is seeking a variance to reduce the minimum required front yard. Solicitor Wuerstle stated he believes this property is subject to an easement with the Township and requested a copy of the easement from the Township. Supervisor McIlhinney stated the easement is not with the four acres that are on the corner and also would like to see a site plan of what they are planning to do on the four acres. The Township will reach out to the applicant for a site plan that is readable. The Penn View Farm ZHB application will be revisited at the next Board of Supervisors meeting.

5. PLANNING: None.

6. ENGINEERING: None.

7. UNFINISHED BUSINESS:

a) Louisa Hermann – 304 Fox Lane – Fence: This item was moved to July.

8. NEW BUSINESS:

a) Joseph Roberto: 149 Fairhill Road, Hatfield, PA 19440 – 309 Connector: Mr. Roberto stated he, along with his neighbors, are asking for PennDOT to put a cul-de-sac at the end of Fairhill Road, reduce the speed limit on Fairhill Road to 35 MPH, install speedbumps, and to not allow trucks on Fairhill Road. Chief Engelhart stated PennDOT has agreed to reduce the speed limit on a section of the roadway on Fairhill Road, install speed tables, and make it no trucks beyond that area, except for local deliveries. During conversations, PennDOT has not accepted a cul-de-sac on Fairhill Road and has not accepted no traffic into Fairhill Road but allowing people to get out of the Township on Fairhill Road. Supervisor McIlhinney stated Fairhill Road is a Township Road, and the Township can make the connection point the way the Township wants to see it: to make the turns sharp enough so that the tractor trailers will not be coming onto the road. It was noted that the Public Works Director, Tom Hess, has been involved in the PennDOT meetings as well. Chief Engelhart stated he will set up a meeting with PennDOT and the Board.

Page 3  
Board of Supervisors  
June 26, 2023

c) H&K Extension of Hours – July 1 – 31, 2023: Lorraine Leslie stated H&K has requested to operate the concrete batch plant, asphalt batch plant, and the crushing plant at H&K Materials between the hours of 6:30 pm to 6:30 am, Monday through Saturday, between July 1, 2023, and July 31, 2023, excluding holidays, for the PennDOT projects per their letter dated June 19, 2023, and noted H & K provided the daily reports off of the equipment that ran for the month of May. **Motion was made** by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to grant the extension of hours between July 1, 2023, and July 31, 2023, for the concrete batch plant, asphalt batch plant, and crushing plant at H&K Materials per their letter dated June 19, 2023, with the exception of striking the part in the letter in regard to "and/or private customers". There was no public comment.

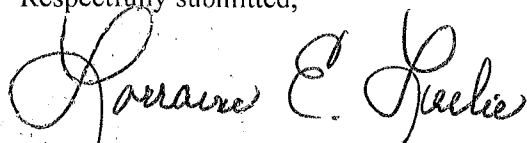
9. SUPERVISOR'S COMMENTS: None.

10. PUBLIC COMMENT: Donald Patterson, Esq., 213 Fairhill Road, asked that the Board not expose the residents to more problems on Fairhill Road. He continued to state, under the Freedom of Information Act, PennDOT information is available to the Municipality. Dave Hersh, 805 Hilltown Pike, thanked the Police Department for the quick response for a possible intruder into his home.

11. PRESS CONFERENCE: None.

12. ADJOURNMENT: Upon motion by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously, the June 26, 2023, Hilltown Township Board of Supervisors meeting was adjourned at 8:15 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).

11. Imposition of the below listed conditions is reasonable, appropriate and necessary to effectuate and implement the objectives of the MPC and the Zoning Ordinance.

**Approval**

AND NOW, this 26<sup>th</sup> day of June, 2023, in consideration of the Application of Carson Estate Trust, and all the evidence and testimony adduced at the public hearing related thereto, and subject to those conditions set forth below, the Board hereby **GRANTS** the Application for a G-7 Warehouse Use. In granting this approval, the Board finds that the proposal is appropriate to the tract in question and will not disrupt or destroy the character of the neighborhood, provided that the following conditions of approval are met.

1. Applicant shall promptly pursue and secure all required land development approvals and authorizations including, but not limited to, preliminary and final land development approval, NPDES permit approval, and PennDOT highway occupancy authorization.
2. Applicant shall comply with all applicable parking requirements of Hilltown Township. In addition, when a tenant or tenants are determined, the number of employees for the tenant(s) shall be reported to the Township so that a parking calculation can be made to determine whether sufficient parking exists on site for the tenant(s) in question. The same process shall follow whenever Applicant brings a new tenant(s) to the Property.
3. Applicant shall comply with all applicable noise regulations of Hilltown Township. In addition, all noise generated on site, apart from noise generated by vehicles, lawn care and maintenance machinery, HVAC equipment, the loading and unloading of vehicles and similar noises that necessarily emanate from outside the building, shall be contained within the building. To prevent internal noise from escaping, the building shall be constructed with ten-inch concrete walls.

4. Applicant shall comply with all applicable lighting regulations of Hilltown Township. Except for emergency lighting, all lighting shall be turned off between the hours of 11:00 PM and 7:00 AM, unless subsequently approved otherwise by the Board. In addition, the lighting design shall comply with IESNA full cutoff criteria. Consistent with Applicant's testimony, all lighting shall be wall-mounted, there shall be no floodlights or spotlights installed, and all electrical feeds for the lighting standards shall be underground.
5. Any signage proposed shall comply with all applicable signage regulations of Hilltown Township.
6. Consistent with Applicant's testimony, the building shall not be utilized for "high throughput traffic", and should otherwise be designed in a manner substantially consistent with the testimony and evidence presented at the Conditional Use hearing.
7. Applicant shall not emit or allow for the emission of any smoke, liquid or solid particles from any chimney, or emit or allow for the emission of dust, dirt, fly ash, fumes, vapors or gases that would cause substantial harm to humans, animals or vegetation.
8. Applicant shall not emit or allow for the emission of heat from onsite operations perceptible beyond the property line.
9. Applicant shall not store or allow tenants to store hazardous waste on the property, or store any materials that are considered to be highly flammable or explosive (including gasoline pumps).
10. Consistent with Applicant's testimony, no outside audio or loud-speaker system shall be utilized on the Property.
11. Applicant shall receive approval from the fire marshal prior to construction.

12. The Property shall be served by public water and public sewer.
  
13. The property manager shall visit the property at least two (2) times per month and promptly report to the Township any zoning or building code infractions observed during inspection. The Township shall be provided the name and contact information for the property manager. If the Township receives a signed written complaint from a Township resident regarding operations on the Property, the property manager will be notified and thereafter expected to immediately schedule a site visit and investigate the complained of matter. Applicant shall maintain a log of visits by the property manager, which log shall be made available to the Township upon request.
  
14. The only outdoor storage allowed on the Property shall be dumpsters for waste disposal and the temporary storage of vehicles and trailers.
  
15. Consistent with Applicant's testimony, there shall be no projections (other than the driveways) into any of the required setbacks.
  
16. No topsoil shall be removed from the property during construction, except as provided by the Zoning Ordinance.
  
17. Applicant shall install enhanced landscaping along Bethlehem Pike (outside of the PP&L Easement), as approved by the Township.
  
18. Any private property disturbed by the installation of utilities to the Property shall be restore substantially to its original condition at the sole cost of Applicant.
  
19. Consistent with Applicant's testimony, the record plan for land development shall include a note requiring Applicant to maintain the buffer areas and replace dead plant material.

20. There shall be two (2) driveways to the Property – one dedicated exclusively to automobile traffic and the other dedicated solely to truck traffic. Applicant shall obtain Highway Occupancy Permits from PennDOT as part of its land development approval. Applicant shall also comply with all recommendations made by the Township Traffic Engineer.
  
21. Applicant and all its tenants shall remain subject to all terms, conditions, limitations and restrictions set forth in the Hilltown Township Zoning Hearing Board decision dated November 25, 2022 (Appeal No. 2022-010).
  
22. Applicant shall provide all tenants (and any future owner of the property) with a copy of this Conditional Use Decision, and all tenants (and any future owner of the property) shall be subject to the terms and conditions of this Conditional Use Decision.
  
23. Applicant shall otherwise comply with all federal, state and local laws, regulations and ordinance, unless waived by the governing body with jurisdiction and as authorized by the statute.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**