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November 26, 2024

Waste Management of Pennsylvania, Inc.  
James A. Wilson  
720 Butterfield Road  
Lombard, IL 60148

**Re: Hilltown Township Zoning Hearing Board  
Waste Management of Pennsylvania; Appeal No. 2024-007**

Dear Sir/Madam:

Please find enclosed herewith a copy of the Decision of the Hilltown Township Zoning Hearing Board dated November 25, 2024 in the above captioned matter. The original of this Decision is being retained by the Township for its file.

Thank you for your attention to this matter.

Very truly yours,  
**Grim, Biehn & Thatcher**

  
**KELLY L. EBERLE**

KLE/kbs

Enclosure

cc: Hilltown Township Manager  
Mr. David Hersh  
Mr. Stephen Yates  
Mr. D. Brooke Rush

**HILLTOWN TOWNSHIP ZONING HEARING BOARD**

In Re: Waste Management of Pennsylvania, Inc.

Appeal No. 2024-007

A hearing was held in the above matter on Wednesday, October 9, 2024 at 7:00 p.m. at the Hilltown Township Municipal Building. Notice of the hearing was published in The Intelligencer advising that all parties in interest might appear and be heard. In addition, the property was posted, and written notice was provided to neighboring property owners as required by the Zoning Ordinance.

The matter was heard before David Hersh, Chairman, Stephen C. Yates, and D. Brooke Rush. In addition, Kelly L. Eberle, the Board Solicitor, was in attendance, as was the Board stenographer. Applicant was present.

The following exhibits were admitted and accepted into evidence:

Zoning Hearing Board's Exhibits

- B-1 Proof of Publication
- B-2 Posting Certification
- B-3 Letter with enclosure dated September 10, 2024 to Neighboring Property Owners from K. Eberle

Applicant's Exhibits

- A-1 Application with all attachments
- A-2 Facility Expansion Plan dated 11/27/2023
- A-3 Copy of Presentation

No other documentary evidence was submitted or received by the Hilltown Township Zoning Hearing Board. After weighing the credibility of the testimony and documents offered,

the Hilltown Township Zoning Hearing Board renders its Decision on the above Application as more fully set forth below.

I. FINDINGS OF FACT

The Hilltown Township Zoning Hearing Board (the "Board"), having considered the sworn testimony and credibility of all witnesses and the documentary evidence received, and a quorum of members present, hereby makes the following Findings of Fact:

1. The applicant is Waste Management of Pennsylvania, Inc., (“Applicant”).
2. Applicant is the owner of the real property located at 4622 Bethlehem Pike, Hilltown Township, Pennsylvania more specifically identified as Bucks County Tax Parcel No. 15-001-007-001 and the adjacent parcel located at 300 Progress Drive, Hilltown Township, Pennsylvania more specifically identified as Bucks County Tax Parcel No. 15-001-007 (collectively with 4622 Bethlehem Pike as the “Property”).
3. The Property is located in the HI (Heavy Industrial) Zoning District in Hilltown Township.
4. 300 Progress Drive is approximately 10.89 acres and currently is utilized by Applicant as a truck storage facility, which is considered an H9 Outdoor/Wholesale Storage use.
5. 4622 Bethlehem Pike is approximately 2.19 acres and is presently improved by a non-conforming single-family dwelling with accessory structures.
6. The northern portion of 4622 Bethlehem Pike contains wetlands, which cannot be developed.
7. Applicant originally sought to consolidate the 4622 Bethlehem Pike and 300 Progress Drive and expand its current H9 use to 4622 Bethlehem Pike by constructing an additional 48 parking spaces for trucks and new driveway access to Bethlehem Pike.

8. As part of the consolidation, the existing dwelling and related improvements on 4622 Bethlehem Pike have been removed.

9. In order to expand the H9 use to 4622 Bethlehem Pike, Applicant would have needed conditional use approval from the Board of Supervisors.

10. However, Applicant now seeks to construct the parking area on 4622 Bethlehem Pike with compressed natural gas (“CNG”) fueling capabilities for Applicant’s fleet vehicles.

11. Applicant uses CNG at more than 60% of its facilities.

12. The CNG goes through a meter, into a dryer, then over to an enclosed compressor that feeds underground to overhead trusses and then down to fleet vehicles.

13. This set up eliminates the need for tanks or storage vessels with the exception of one small, 200-gallon tank that would allow Applicant to defuel a vehicle prior to maintenance or quickly refuel a vehicle after it has been serviced.

14. A compressor, which will run at night, will be located approximately 71 feet from the right-of-way and approximately 95 feet from the northern property boundary.

15. Applicant testified that it will comply with all Township noise ordinances and regulations.

16. The proposed improvements constitute a G6 – Fuel Storage and Distribution use, which is permitted by special exception in the HI Zoning District.

17. Accordingly, Applicant requests a special exception to allow a G6 – Fuel Storage and Distribution use on 4622 Bethlehem Pike.

18. In order to be granted a special exception, Applicant must show that it complies with certain conditions detailed in the Zoning Ordinance.

19. §160-23.G(6) of the Zoning Ordinance requires a maximum lot area of five acres and adequate off-street parking spaces, as determined by the Board of Supervisors and the Planning Commission, to serve customers, employees, visitors, and vehicles normally stored on the premises.

20. 4622 Bethlehem Pike is 1.4 acres and therefore complies with Zoning Ordinance.

21. Applicant proposes 48 off-street truck parking locations.

22. Applicant's fueling station will be private and not open to the public.

23. Moreover, Applicant does not have regular or a substantial number of customers or visitors at the Property.

24. Parking for employees will be located at 300 Progress Drive, and by moving the fleet vehicles to 4622 Bethlehem Pike, it will provide the employees with safer access to the building.

25. Applicant will also utilize various safety protocols that will detect leaks and in the event of a leak, automatically shut off the gas and contact emergency services.

26. Applicant will conduct training with the local fire departments on procedures in the event a leak or flame is detected.

27. Applicant's fueling station will also be monitored at all times by corporate security via security cameras.

28. CNG is cleaner than diesel fuel, will not contaminate the ground if there is a leak, and does not ignite as fast as diesel fuel.

DISCUSSION:

Applicant is before this Board requesting a Applicant requests a special exception pursuant to §160-18.B and §160-22 to allow a G6 – Fuel Storage and Distribution use on 4622 Bethlehem Pike located in the HI- Heavy Industrial Zoning District.

A special exception is a use that is expressly permitted in a zoning district as long as certain conditions detailed in the zoning ordinance are found to exist. *Broussard v. Zoning Bd. of Adjustment*, 907 A.2d 494, 499 (Pa. 2006). An applicant seeking a special exception bears the burden of proving that its request complies with the specific, objective requirements contained in the zoning ordinance. *Sheetz, Inc. v. Phoenixville Borough Council*, 804 A.2d 113, 115 (Pa. Cmwlth. 2002). Once the applicant has satisfied this initial burden, the burden then shifts to any objectors to establish that the proposed exception would be detrimental to the public health, safety, and welfare. *Id.*

§160-22 of the Zoning Ordinance permits a G6 use in the HI-Heavy Industrial Zoning District by special exception. §160-23.G(6) requires that a Fuel Storage and Distribution use must meet the following requirements:

- (a) The maximum lot area shall be five acres.
- (b) Parking: off-street spaces as the Board of Supervisors and Planning Commission shall determine adequate to serve customers, employees, visitors, and vehicles normally stored on the premises.

Based on the above, the Zoning Hearing Board finds that Applicant has presented sufficient evidence to show compliance with the requirements of §160-22 and §160-23.G(6) of the Hilltown Township Zoning Ordinance such that it is entitled to the requested special exception. Additionally, the Board finds that special exception would not be injurious to the health, safety, and welfare of the surrounding community.


**DECISION AND ORDER**


AND NOW, this 25 day of November, 2024 the Hilltown Township Zoning Hearing Board hereby grants the zoning relief requested conditioned as follows:

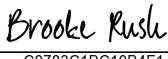
1. The proposed construction shall be done in accordance with the plans, exhibits, and testimony presented at the hearing,
2. Applicant shall comply with all other Township, County, and State laws, regulations with respect to construction and use.

The Hilltown Township Zoning Hearing Board hereby deems the foregoing conditions as necessary and warranted under the terms of the Hilltown Township Zoning Ordinance and the Pennsylvania Municipalities Planning Code.


HILLTOWN TOWNSHIP ZONING HEARING BOARD

By: DocuSigned by:  
  
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 David Hersh, Chairman

By: DocuSigned by:  
  
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 Stephen Yates

By: DocuSigned by:  
  
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 D. Brooke Rush

GRIM, BIEHN & THATCHER

By: DocuSigned by:  
  
97A84A3B3DC94E6...  
 Kelly L. Eberle, Solicitor  
 104 South Sixth Street  
 Perkasio, PA 18944

Date of Mailing: 11/26/24