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DANIEL J. PACI ♦ †
JONATHAN J. REISS ♦
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August 5, 2025

Garlan Properties, LP
c/o Caroline A. Edwards, Esquire
Law Offices of Caroline Achey Edwards
9 W. Center Ave
P.O. Box 1586
Newtown, PA 18940

Re: Hilltown Township Zoning Hearing Board
Garlan Properties, LP; Appeal No. 2023-011

Dear Ms. Edwards:

Please find enclosed herewith a copy of the Decision of the Hilltown Township Zoning Hearing Board dated August 4, 2025 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/ben
Enclosure

cc: Hilltown Township Manager (w/encl.)
Mr. Christopher Engelhart (w/encl.)
Ms. Amy Detweiler (w/encl.)

HILLTOWN TOWNSHIP ZONING HEARING BOARD

In Re: Garlan Properties, LP

Appeal No. 2023-011 (extension request)

A hearing was held in the above matter on Wednesday, June 18, 2025 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 D. Brooke Rush, Chairman, Stephen C. Yates, and Matthew Knox. In addition, Kelly L. Eberle, the Board Solicitor, was in attendance as was the Board stenographer. Johanna Leah Garlan, President of Garlan Properties GP, LLC was present on behalf of Applicant and was represented by Caroline Edwards, Esq. The following individuals requested, and were granted, party status: Chris Engelhart of 808 Blooming Glen Road; and Amy Detweiler 1004 Miriam Drive.

The record from the prior hearing, which was held on April 4, 2024, including all exhibits entered therein, was incorporated by reference. In addition, the following exhibits were admitted and accepted into evidence at the June 18, 2025 hearing:

Zoning Hearing Board's Exhibits

- B-1 Proof of Publication
- B-2 Posting Certification
- B-3 Letter with enclosure dated May 19, 2025 to neighboring property owners from K. Eberle
- B-4 Entry of Appearance for C. Engelhart
Entry of Appearance for A. Detweiler

Applicants' Exhibits

- A-1 Zoning Hearing Board Decision on Appeal 2023-011
- A-2 CV of Paul Yaskowski
- A-3 Wynn Associates review letter dated May 14, 2025
- A-4 Pennsylvania Department of Transportation review letter dated May 7, 2025
- A-5 Bucks County Conservation District Letter of Adequacy of Erosion and Sediment Pollution Control Plan dated June 6, 2025

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 Garlan Properties, LP (together with the owners listed below as "Applicant").
- 2. The following parcels (collectively, the "Lots") are the subject of this appeal:
 - a. 1283 Route 113 more specifically identified as Bucks County Parcel No. 15-019-042 and owned by Garlan Investments, LP ("Lot A");
 - b. 1281 Route 113 more specifically identified as Bucks County Parcel No. 15-019-041 and owned by Garlan Properties, LP ("Lot B"); and
 - c. 1279 Route 113 more specifically identified as Bucks County Parcel No. 15-019-040 Joseph R. and Margaret Garlan ("Lot C").

3. The Lots are located in the VC-Village Center Zoning District.

4. During the prior hearing on April 4, 2024, Board member Brooke Rush advised that he owns a mixed-use property across the street from the subject Lots, which he uses for commercial purposes. Mr. Rush further advised that he does not have any business or personal dealings with Applicant or the Lots.

5. Though Mr. Rush's ownership does not create a conflict of interest, Mr. Rush wished to ensure that all parties were aware of this to avoid any appearance of impropriety.

6. Johanna Leah Garlan, President of Garlan Properties GP, LLC, which is the general partner of Garlan Properties, LP and Garlan Investments, LP testified on behalf of Applicant.

Prior Relief

7. In its adjudication dated May 20, 2024 (the "2024 Adjudication"), this Board found that Applicant was entitled to a variance from §§160-62.A and 160-26 and Table of Performance Standards to permit the expansion of the current nonconforming impervious surface coverages on the Lots not to exceed the following amounts: Lot A – 39%; Lot B - 86%; and Lot C – 50% (collectively, the "Variances").

8. As a condition of relief, prior to the start of construction, the owners of the Lots were required to enter into and record in the Office of the Recorder of Deeds for Bucks County, a shared parking agreement, which shall permit parking across the three Lots, and which would be binding on all future owners, successors, and assigns.

Extension Request

9. §160-106 of the Hilltown Township Zoning Ordinance provides as follows: "Unless otherwise specified by the [zoning hearing] board, a special exception or variance shall

expire if the applicant fails to obtain any and all permits within 12 months of the date of the board's order, unless extended for good cause by the zoning hearing board."

10. On May 5, 2025, prior to the expiration of the Variances, Applicant filed the underlying application seeking a 6-month extension of the Variances.

11. Before Applicant can obtain the necessary permits and begin construction, Applicant has to go through the land development process, which, in this case, includes stormwater management, obtaining a grading permit from the Township, obtaining a highway occupancy permit from PennDOT, and obtaining an erosion and sediment control permit from Bucks County Conservation District.

12. Following the expiration of the appeal period from the 2024 Adjudication, Applicant engaged an engineering firm to begin obtaining the necessary permits.

13. In order to apply for the permits, the Property had to be surveyed, a composite plan had to be completed, and a stormwater management report had to be generated.

14. As of June 18, 2025, all permits have been submitted.

15. The Bucks County Conservation District has approved Applicant's design and issued a letter of adequacy of the Erosion and Sediment Pollution Control Plan. *See A-5.*

16. Applicant is on its second review letter from the Township, and all of the items identified by the Township Engineer in the second review letter are "will comply." *See A-3.*

17. Mr. Yaskowski, Applicant's Professional Land Surveyor, testified that Applicant will comply with the Township's stormwater management agreement.

18. The Township permit is conditioned upon the issuance of a highway occupancy permit from PennDOT.

19. Other than the PennDOT permit, there are no outstanding issues to address for the Township permit.

20. Applicant has received a review letter from PennDOT in response to Applicant's permit submission and have resubmitted comments to PennDOT. *See* A-4.

21. Applicant indicated that PennDOT's anticipated response date is July 16, 2025.

22. Once the PennDOT permit is approved, Applicant will be able to obtain the Township grading permit and proceed with construction.

23. Accordingly, Applicant is before this Board requesting a six-month extension of the Variances to allow Applicant adequate time to complete the permit process.

24. During public comment, Mr. Englehart indicated his objection to the requested extension and noted that there have been ongoing issues at the Property since 2017.

II. DISCUSSION AND CONCLUSIONS OF LAW:

Applicant seeks a six-month extension of the Variances pursuant to Zoning Ordinance §160-106 in order to obtain all necessary permits. §160-106 permits the Zoning Hearing Board to grant an extension of time for "good cause shown."

The Board finds that Applicant has demonstrated good cause warranting an extension in the instant matter. Applicant submitted a plan to the Township, received comments back from the Township Engineer, and based on those comments, revised the plan and resubmitted it. Applicant indicates that it will comply with all of the requested revisions in the Township Engineer's second review letter. In addition, Applicant has received a letter of adequacy from the Bucks County Conservation District. The only outstanding matter is the PennDOT Highway Occupancy Permit, which Applicant has previously submitted, received comments back from PennDOT, and has resubmitted comments back to PennDOT. As the Township permit is contingent upon receipt of

the PennDOT permit, Applicant cannot proceed forward until PennDOT approves Applicant's permit application. The Board finds that a procedural delay over which Applicant does not have control constitutes "good cause" and that Applicant is entitled to a six-month extension from the May 20, 2024 adjudication.

DECISION AND ORDER

AND NOW, this 4th day of August, 2025 the Hilltown Township Zoning Hearing Board hereby grants the following with the conditions set forth below:

- 1. Applicant shall be entitled to a six-month extension effective as of May 20, 2025.
- 2. If Applicant has not already done so, prior to the start of construction, the owners of Lots A, B, and C shall enter into and record in the Office of the Recorder of Deeds for Bucks County, a shared parking agreement which shall permit parking across the three Lots. The shared parking agreement shall be binding on all future owners, successors, and assigns.
- 3. All other conditions imposed in the May 20, 2024 adjudication remain in full force and effect.
- 4. Applicant shall comply with all other Township, County, and State laws and/or 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:

Brooke Rush

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D. Brooke Rush, Chairman

By:

DocuSigned by:

Stephen Yates

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Stephen Yates

By:

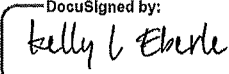
Signed by:

Matthew Knox

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Matthew Knox

GRIM, BIEHN & THATCHER

By: 
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Kelly L. Eberle, Solicitor
104 South Sixth Street
Perkasie, PA 18944

Date of Mailing: 8/5/2025