

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARY SCHEDULED MEETING
MONDAY, JULY 22, 2019**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:03 PM and opened with the Pledge of Allegiance. Also in attendance were Vice-Chairman Ken Bennington, Supervisor James Groff, Township Manager Lorraine Leslie, Chief of Police Christopher Engelhart, Township Engineer C. Robert Wynn, Township Solicitor Gregory Sturn, and Finance Director Marianne Egan.

1. ANNOUNCEMENTS: Chairman McIlhinney stated there was an Executive Session prior to the meeting to discuss real estate and legal matters.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
 - a) Minutes of the June 24, 2019 Board of Supervisors Meeting
 - b) Bills List – July 9, 2019
 - c) Bills List – July 23, 2019
 - d) Financial Statement – June 30, 2019

Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to accept and approve items a) through d) on the Consent Agenda as written. There was no public comment.

4. CONFIRMED APPOINTMENT:
 - a) Carrie Nase-Poust, Esq. – Presentation – Country View at Hilltown – Overlay District: Carrie Nase-Poust, Esq., was in attendance to discuss the possibility of an Overlay District in regard to the Country View at Hilltown project located on Swartley Road comprising of six parcels on approximately 68 acres. Ms. Nase stated the applicant proposes to develop the property for a B-7 Retirement Village which is allowed in the PC-1 zoning district. The other portion is zoned RR Residential. There is a pending application to re-zone a portion of the property to PC-1 to allow the B-7 use. The pending application would have to be amended to include additional parcels as well as to allow the entire development. At a prior meeting, there was discussion of the timing and process as far as the re-zoning is concerned as well as the land development plans. Some concerns were raised as to re-zoning it to PC-1 and ensuring that the Township receive the B-7 residential development that was proposed and not a more intense PC-

1 type use in the event Lennar did not proceed with the project. Ms. Nase proposed two options: one being to propose an overlay district and the other would be to allow the B-7 as a conditional use. The overlay district would be subject to certain properties that are zoned RR but also subject to certain criteria that would be proposed as far as a certain acreage (at least 65 acres), that it be located adjacent to the PC-1 district or have a portion of the property that would be zoned PC-1, and that it be served by public water and sewer as well. The other way it could be handled, and the Township could still retain controls over what the project looks like, was to make it by conditional use in the RR District. It would still be listed as a conditional use permitted in the RR District and have the same criteria as the overlay district. In addition, a text amendment would be needed to incorporate some concepts in the B-7 such as the performance standard subdivision in regard to rear yard setbacks, parking requirements, and the right-of-way in regard to the roads being public or private. Ms. Nase questioned if the Board of Supervisors would be willing to support a text amendment either way whether it be an ordinance overlay or allow this particular use as a conditional use. Mr. Wynn stated, if an overlay is considered and Lennar pulls out, someone else can come in and still do the same thing exactly as required by the overlay district. Ms. Nase stated she had previously sent a letter to the Township Solicitor explaining everything and he suggested she come to the meeting. It was the consensus of the Board of Supervisors more information is needed on the conditional use idea, what is being proposed, have Ms. Nase provide more information, and come back for the next meeting.

5. LEGAL:

a) ZHB 2019-004 – Brian Filips & Christine Allen – 433 Broad Street: Solicitor Gregory Sturn stated the applicants are seeking a variance to clear 0.59 acres for the sole purpose of constructing a new single-family home, driveway, and sewage facilities. The Board of Supervisors do not wish the Solicitor to attend the hearing.

b) ZHB 2019-005 – Monogram Custom Pools – 105 Nicholas Drive: Solicitor Gregory Sturn stated the applicant is requesting a variance to construct an in-ground pool project on the property that will result in an overall total impervious surface area of 22% rather than the permitted 20%. The Board of Supervisors do not wish the Solicitor to attend the hearing.

c) ZHB 2019-006 – Nicole Romano – 113 Carlton Place: Solicitor Gregory Sturn stated the applicant is requesting a variance to construct a shed in the rear yard of the property five feet from a side lot line. The Board of Supervisors wish the Solicitor to attend the hearing.

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d) ZHB 2019-007 – AZ Souderton, LLC – 701 Route 113: Solicitor Gregory Sturn stated the applicant is requesting variances and interpretations from parking requirements, and various dimensional and buffer yard requirements. The Board of Supervisors do not wish the Solicitor to attend the hearing.

e) Galway Farm Subdivision Resolution No. 2019-015 – Acceptance of Dedication: Solicitor Gregory Sturn stated Resolution No. 2019-015 accepts the Deed of Dedication for Galway Farm Estates. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to accept the dedication of Galway Farm Estates and approve Resolution No. 2019-015 along with execution of the dedication agreements. There was no public comment.

f) White Oak Farm (Guidi) Resolution No. 2019-016 – Acceptance of Dedication: Solicitor Gregory Sturn stated the applicants of White Oak Farm have not yet obtained a satisfactory title commitment with regard to the land to be dedicated and, therefore, the Board should approve the Acceptance of Dedication and execute the paperwork and the Solicitor will hold the documents pending the receipt of an acceptable title report. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to accept the dedication of White Oak Farm and approve Resolution No. 2019-016 along with the execution of the dedication agreements with the Township Solicitor holding on to the documents until receipt of an acceptable title report. There was no public comment. Mr. Wynn stated this commences the 18-month maintenance period for public improvements that will run until January 21, 2021.

g) Ordinance No. 2019-001 – Closure of Fairhill Road Yard Waste – Authorization to Advertise: Solicitor Gregory Sturn requested a motion to authorize the advertisement of Ordinance No. 2019-001 to close the Fairhill Road Yard Waste facility. Supervisor Bennington stated because of the abuse that goes on over there, the lack of being able to enforce anything, and the time and effort put in by the road department, it is time to close the yard waste facility. Supervisor Groff stated he is in favor of closing the yard waste facility. Chairman McIlhinney stated he is not in favor of closing the yard waste facility. He is upset that the police have decided not to enforce the 100+ violators. He continued to state there are violators and out-of-township people that are dumping, and their actions should not be penalizing the Township citizens. The facility is something that is good for the Township residents, and the fact that the bad guys are not going to be pursued is not up to the Board of Supervisors, but apparently the Chief of Police has decided it is not worth pursuing. Chief of Police, Chris Engelhart, stated he does not have the statistics but Chairman McIlhinney's characterization is false. He stated they have enforced the ordinance and

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sent numerous letters to residents advising them they are in violation. Chairman McIlhinney stated the ordinance was done per the Chief's request and he still has not enforced it. Chief Engelhart stated the ordinance was not at his request. Chairman McIlhinney stated the second ordinance was at Chief Engelhart's request.

Public Comment: Robert Arcidiancono, 1004 Conlin Way, stated he in disagreement to the fine he received when using a work (commercial) vehicle to remove several trees that he dumped at the yard waste facility. Supervisor Groff stated trash companies take yard recycling.

Public Comment: Laura Geitz, 434 Longleaf Drive, suggested stricter hours and compromise. Motion was made by Supervisor Bennington and seconded by Supervisor Groff to authorize the Solicitor to advertise Ordinance No. 2019-001 to close the Fairhill Road Yard Waste Facility. The motion passed 2-1 with Chairman McIlhinney having the opposing vote. There was no additional public comment.

h) Ordinance No. 2019-002 – Code of Ordinances – Authorization to Advertise: Solicitor Gregory Sturn requested a motion to authorize the advertisement of Ordinance No. 2019-002 to codify the Code of Ordinances. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to authorize the Solicitor to advertise Ordinance No. 2019-002 to codify the Code of Ordinances. There was no public comment.

6. PLANNING:

a) Henofer Subdivision (Preliminary): Mr. Wynn stated the Henofer Subdivision is a preliminary plan that received recommendation for approval from the Planning Commission back in February/March. The review letter dated July 12, 2019 contains revisions that have been made to update the preliminary plan but contains the same number of lots and access points. Carrie Nase-Poust, Fox Rothschild, LLP, was in attendance on behalf of the applicants to present the updated Henofer Subdivision preliminary plan consisting of approximately 86 acres, comprising of four parcels, zoned RR, and located along Fairhill School Road and Keystone Drive. The applicants are looking to consolidate the four parcels and subdivide into eight building lots. The applicants live on the existing lot. Ms. Nase reviewed Mr. Wynn's review letter dated July 12, 2019 and stated the applicant will comply with all of the items. The applicants are requesting preliminary/final plan approval because there are not any additional items that need to be reviewed. In regard to the plans that were previously reviewed by the Planning Commission, the only revisions that were made were to address the comments in the Township engineer review letter.

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Ms. Nase discussed the financial security agreements and requests that the applicants enter into a development agreement/financial security agreement, post the financial security that is necessary for the improvements that effect all of the lots, but they ask that any items for financial security that are related to the seven lots be postponed until such time that those lots have a building permit submission. The applicant is willing to place a restrictive covenant on the property to put any potential buyer on notice that they would be obligated to post the financial security for that particular lot. Supervisor Bennington stated the Planning Commission need to see the revised plan before final plan approval is granted. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to grant preliminary approval for the Henofer Subdivision contingent upon Mr. Wynn's review letter dated July 12, 2019 and agree to the postponement of financial security for the seven lots until the submission of the building permits. There was no public comment.

b) R. J. Holdings Co. – Lot Line Adjustment – Central Avenue: Mr. Wynn stated the Planning Commission recommended conditional final approval for the R. J. Holdings Co. Lot Line Adjustment per his engineering review letter dated July 9, 2019. Mr. Steve Quigley, Eustace Engineering, was in attendance to present the lot line adjustment located between two parcels at the intersection of Bethlehem Pike and Central Avenue. The applicant proposes to convey 9.39 acres from TMP #15-1-31 to TMP #15-1-32-1 located in the LI Zoning District. Mr. Quigley reviewed Mr. Wynn's review letter dated July 9, 2019 stating the applicant will comply with all items. Mr. Quigley continued to discuss the requested waivers consisting of the lot line orientation, cartway reconstruction and drainage improvements, and identification of natural resource protection requirements. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to grant Final approval for the R. J. Holdings Co. Lot Line Adjustment contingent upon Mr. Wynn's review letters dated July 9, 2019 and July 10, 2019. There was no public comment.

7. ENGINEERING:

a) Comprehensive Plan: Mr. Wynn stated he has received the finalized draft of the 2019 Comprehensive Plan prepared by the Bucks County Planning Commission and requests authorization to take the steps for adoption of the Comprehensive Plan by resolution. The Comprehensive Plan will go back to the Planning Commission next month, the neighboring municipalities, and the school district. Supervisor Bennington thanked the Planning Commission for all of their hard work they put into the Comprehensive Plan. Chairman McIlhinney also thanked the Planning Commission for their hard work. Motion was made by Supervisor

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Bennington seconded by Supervisor Groff and carried unanimously to authorize proceeding with the steps for the adoption of the Comprehensive Plan. There was no public comment.

8. UNFINISHED BUSINESS: None.

9. NEW BUSINESS:

a) Scott Drumbore – H&K – Requesting for extension of hours for August for the Concrete and Asphalt Plant at the Skunkhollow Quarry: Chairman McIlhinney 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, 2019 and August 31, 2019, excluding holidays, for the PennDOT projects per their letter dated July 16, 2019. Motion was made by Supervisor Groff, and seconded by Chairman McIlhinney, to grant the extension of hours for the month of August for the Concrete and Asphalt Plant at the Skunkhollow Quarry per their letter dated July 16, 2019 with the exception of striking the part in the letter in regard to "and/or private customers." The motion passed 2-1 with Supervisor Bennington having the opposing vote.

Public Comment: Robert Arcidiancono, 1004 Conlin Way, questioned the extension of hours. Chairman McIlhinney stated it was an agreement that was established with the quarry when the quarry went for expansion a few years back that stated if and when they have to do special work, as in the Turnpike Commission work, they have the right to extend their hours.

Rick Tempestini, 229 Winterberry Lane, questioned the extension of hours. Supervisor Bennington stated temporary usage is not five and a half years of continued approvals and it is unacceptable. Supervisor Groff stated the quarry is not running everyday per their log. Chairman McIlhinney stated the Board has been advised by the Township Solicitor the quarry has the right to ask for the extension of hours if they are doing work for the State of Pennsylvania or the Turnpike Commission under the agreement. Supervisor Groff will contact the quarry in regard to the July 4th hours and will also contact the solicitor in regard to the temporary hours and bring in Mr. Tempestini for a conversation.

10. SUPERVISOR'S COMMENTS: None.

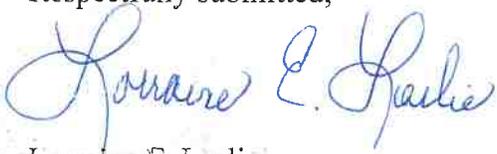
11. PUBLIC COMMENT: Cindy Zenzel, 815 Green Street, discussed how she was treated by the police officers while she was under mental stress and how her son was treated. Chairman McIlhinney suggested she contact the Township Manager, Lorraine Leslie, for a meeting.

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12. PRESS CONFERENCE: None.

13. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, the July 22, 2019 Hilltown Township Board of Supervisors meeting was adjourned at 8:12 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).