

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
ADVERTISED PUBLIC HEARING TO CONSIDER RE-ZONING REQUEST BY
SUSTAINABLE WASTE SOLUTIONS**

Wednesday, September 25, 2013

The advertised Public Hearing to consider the re-zoning request by Sustainable Waste Solutions was called to order by Chairperson Barbara A. Salvadore at 7:07PM and opened with the Pledge of Allegiance.

Also present: John B. McIlhinney, Vice-Chairman
James C. Groff, Supervisor
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Randall Tanghe, Lt. Detective, Hilltown Police
David W. Taylor, Zoning Officer/Code Enforcement Officer
Gail McCarthey, Court Stenographer
Lynda S. Seimes, Township Secretary

This advertised Public Hearing is being held to consider the private request submitted by Sustainable Waste Solutions to re-zone TMP #15-1-8, located on west side of Bethlehem Pk. south of the intersection with Keystone Dr. from Light Industrial (LI) to Heavy Industrial (HI) Zoning District. A complete copy of the application and the proposed Ordinance, plans and material relating to the application are on file at the Township office.

A. OPENING STATEMENT: Solicitor Grabowski explained the procedures involved with a Public Hearing, noting that anyone who wishes to make a public comment should sign in with Mr. Taylor, Code Enforcement Officer. Only those who have signed in will be permitted to speak. The process that the Board of Supervisors must follow adheres to the Municipalities Planning Code, the Second Class Township Code, and the Township Zoning Ordinance. It was noted that the Supervisors will not be answering any questions, nor would they be taking any action or rendering any decision this evening. Therefore, this Public Hearing will technically be continued to a later date yet to be determined.

Solicitor Grabowski stated that the applicant will make its presentation first, after which time a short recess would be taken, and then the public would have the opportunity to make comments and/or ask questions of the applicant. Due to the high transcription cost, it was noted that the Board of Supervisors may or may not request that the notes taken by the Court Stenographer, Gail McCarthey, be transcribed. If anyone would like to purchase a transcript of tonight's proceedings, they should contact Court Stenographer, Ms. Gail McCarthey of Haines Court Reporting, directly.

The following Township exhibits were introduced into the record:

- T-1 – Application of Sustainable Waste Solutions – Private Petition for Re-Zoning
- T-2 – Two Reviews of the Application by Bucks County Planning Commission.
- T-3 – Hilltown Township Planning Commission Reviews – Meeting minutes.

Public Hearing – Sustainable Waste Solutions Re-Zoning Request
Sept. 25, 2013

- T-4 – Copy of Proposed Ordinance.
- T-5 – Copy of Legal Notice.
- T-6 – Affidavit of Mailing by Township Staff to registered property owners within 500 feet of subject parcel.
- T-7 – Affidavit of Posting by Zoning Officer.
- T-8 – Affidavit of Township Solicitor’s Office that legal notice mailing was sent to the Pennridge School District and neighboring municipalities.
- T-9 – Proof of Publication in Daily Intelligencer (two times).

Prior to the applicant’s presentation, Solicitor Grabowski swore in all of the applicant’s representatives who would be presenting testimony this evening, including Mr. Randy Hendricks, President of SWS, and Mr. Scott Woodrow, his partner in Sustainable Waste Solutions; Engineers Mr. Robert Solarz and Mr. Tom Hannah of Gilmore Associates, Ms. Amy Kaminski, Traffic Engineer, Mr. Mike Soloman, Professional Planner; and Mr. Charles Ebersole, of Suburban Equities, property owner.

B. APPLICANT PRESENTATION: The following information was presented by the above noted individuals:

- Listing of current SWS customers.
- Graphic showing area proposed to be rezoned.
- Re-zoning application package.
- Conceptual Site and Architectural Style Plan.
- Site Overview.
- Explanation of applicant’s request for re-zoning.
- Explanation of request for resource recovery facility in this location.
- Anticipated environmental impact of the proposal.
- Anticipated timetable of the project.
- Proposed schedule of approval process – Re-Zoning Request, Conditional Use Hearing, Land Development approval, DEP approval, and PennDot approval, DEP Phase I Environmental Assessment and preliminary feasibility permitting.
- List of uses currently permitted in both LI and HI Zoning Districts.
- DEP requirements for Resource Recovery Facility operations.
- General Operating Requirements.
- Review of Traffic Impact Study performed for the site and surrounding area.
- Proposed services impact.

***8:15PM – A short recess was called. The advertised Public Hearing reconvened at 8:42PM. Solicitor Grabowski explained the protocol for the “Public Comment” period and swore in those present who wished to provide public comment.**

C. PUBLIC COMMENT:

- 1) Ms. Joan Cullen of 832 Wynnefield Dr. noted several inconsistencies in the applicant's presentation and expressed concern with the chosen location, due to the two trash facilities currently located in close proximity to this site.
- 2) Mr. Jim Ravert of Longleaf Dr. is most concerned with the inevitability of damage to the roadways, congestion at Bethlehem Pk. and Rt. 113 intersection, additional truck traffic, decreased property values, and damage to the aquifer. He questioned the Traffic Study and the number of vehicles traveling Bethlehem Pk. on a daily basis.
- 3) Mr. Robert Shenton who owns 4505/4507 Bethlehem Pk. and has elderly tenants living in those dwellings, fears that the increased truck traffic and congestion will make it difficult for his tenants to enter and leave their driveway. He also believes the proposal will severely impact the property values, and will cause many to file for reassessment, which will in turn lower the tax revenue for the Township.
- 4) Ms. Kathleen Lawler of 154 Dorchester Dr. asked where the large trucks would be going after leaving the site. Mr. Hendricks replied they would be traveling to a facility in Conshohocken or Chester. Ms. Lawler questioned where the trucks are proposed to exit the site. Mr. Hendricks replied that all trucks will enter and exit the site from the same location on Bethlehem Pike, and when exiting, only right turns will be permitted.
- 5) Ms. JoAnn Kerr of 4714 Bethlehem Pk. owns the nearby R&S Keystone Diner feels that additional truck traffic will have a tremendous negative impact with damage to the roads, and traffic safety concerns, particularly at the intersection of Keystone Dr. and State Rd. With two trash facilities already located within a half mile of this site, Ms. Kerr questioned the logic of constructing another.
- 6) Mr. Jim Lombardo of 182 Sturbridge Ct. raised concern with the additional 290 vehicle trips per day that are anticipated, and stated his opposition to the re-zoning request. It appears that part of the site contains significant areas of wetlands. Mr. Solarz explained that a wetlands delineation study would be required during the land development process. Mr. Lombardo asked if the concrete pad inside the building is cleaned daily, and was told that the DEP permit requires the pad to be cleaned at the end of each day, with the wastewater to remain contained within the "no discharge" facility.
- 7) Mr. Allen Kraus of 315 Northview Rd. had no comment at this time.
- 8) Mr. Daniel Youells of 4529 Bethlehem Pk., a 42 year resident with a machine shop and residence, expressed concern that one of the automatic, high-speed doors may malfunction, allowing odors to escape. He cited the current Waste Management facility

who made these same promises that SWS is making, however the neighborhood often experiences foul odors, rodents and trash from that site. Mr. Youells is also very concerned about the possible contamination of private wells in the area.

- 9) Ms. Amy Gibbs of 356 Conestoga Way shared the concerns about possible water contamination, including runoff from the site and liquid waste/debris that comes off the trucks themselves, increased rodent and stray cat population, damage to the area roadways and bridges, as well as significantly increased truck traffic.
- 10) Mr. Robert Nelson of 1025 Cherry Dr. fears that the increased traffic will only add to the safety issues involved with traveling through the already congested intersection of Rt. 113 and Bethlehem Pk.
- 11) Mr. Roger Ernst of 613 Fairhill Rd., a resident of Hilltown and business owner of a manufacturing company located in Telford, is a current customer of SWS. Mr. Ernst is proud that his company recycles 100% of any material leaving the facility, and he would be very pleased if Hilltown would participate in helping the environment by eliminating landfills in Pennsylvania.
- 12) Mr. Kevin Foster of 380 Ian Ct. quoted sections of a July 21, 2013 Intelligencer article where some Township officials seem to support and encourage industrial development. He also referred to a recent accident where a trash truck overturned in Hilltown, killing it's passenger. Mr. Foster is very concerned about the increase in truck traffic and fears the decline of his property value should a third trash facility be permitted.
- 13) Mr. Brooke Rush of 732 E. Creamery Rd, a lifelong resident and former chairman of the Hilltown Planning Commission, voiced his support for the proposal and SWS's commitment to recycling in a creative way. He urged the Supervisors to consider this proposal carefully and render their best decision for all of the residents of Hilltown Township.
- 14) Mr. Dean Fillman of 4422 Bethlehem Pk. lives next door to the proposed site and experiences the noise of back-up beepers every evening along with blowing trash from the two existing trash facilities littering his yard. Mr. Fillman expressed opposition to the SWS proposal citing reasons of increased truck traffic and safety concerns.
- 15) Ms. Sue Geitz of 26 E. Ridge Ave., Sellersville, is opposed to the re-zoning, citing the inevitable increase in truck traffic, property devaluation, and the existence of two other trash transfer facilities in the vicinity. While the applicant speaks of no adverse financial impact to the community, Ms. Geitz does not believe that potential homebuyers will think of Hilltown as a place they want to raise their families.

- 16) Ms. Carey Stevens of 122 E Old State Rd., complained of the already congested roadways and dangerous traffic issues at the Bethlehem Pk./Rt. 152 intersection coming off Rt. 309. She further referred to existing wetlands in the area of the PP&L easement bordering the site, and noting that Mill Creek runs through her back yard, often carrying with it trash and debris from the upstream Waste Management facility. Ms. Stevens also fears contamination of her well.
- 17) Mr. Mark Geitz of 434 Longleaf Dr., who owns property at 4416 and 4422 Bethlehem Pk., is very much opposed to this re-zoning request and advised of his concerns about increased truck traffic, foul odors and liquid waste from the trucks. He questioned the requirement for right-turn-only when leaving the site which will force a travel route through the Rt. 113/Bethlehem Pike intersection, onto Rt. 113 through the Township's commercial district to access Rt. 309. Mr. Geitz also advised that the map the applicant presented inaccurately represents the number of surrounding residential properties, which is actually a much larger number than depicted.

***10:00PM – A short recess was called. The advertised Public Hearing reconvened at 10:10PM.**

- 18) Mrs. Barbara Geitz of 434 Longleaf Dr. questioned the traffic study with regard to school busses. She has personally witnessed numerous instances where Waste Management trucks were unable to heed the stopped school bus's flashing lights. Mrs. Geitz fears for her life and that of her family, tenants, and employees, and is convinced that the amount of additional trash trucks daily will only result in an even more dangerous situation. She expressed opposition to the re-zoning request due to increased truck traffic, highway safety issues, decreased property values, noise, and odors.
- 19) Ms. Dawn Gordon of 109 Nichols Dr., a licensed realtor, cited the very high assessments for properties in her development resulting in 3 current foreclosures, 1 short sale and numerous instances of upside down mortgage values. She was happy to hear of the possibility of a business like SWS relocating to the Township, potentially producing tax revenue of over \$300,000.00 annually – all done without burdening a school system or budget cuts. Of the multiple permitted uses of the LI District, Ms. Gordon is most concerned about the construction of a Mobile Home Park, which would result in an overall burden to the school district and emergency services, and a decrease in surrounding property values.
- 20) Speaking in place of his daughter, Lauren Geitz, Mr. Mark Geitz advised that he visited SWS's current Franconia location where neighbors complained of foul odors, and a large stray cat population. Mr. Geitz feels that there are many more acceptable options available for LI zoning vs. HI zoning. He disagreed with the previous speaker that a Mobile Home Park versus a Trash Transfer Station for this site would be more offensive.

Public Hearing – Sustainable Waste Solutions Re-Zoning Request
Sept. 25, 2013

- 21) Mr. Earl Smith of 608 Keystone Dr., who lives approximately 1500 ft. from the proposed site, cannot imagine an additional 200+ trash trucks per day on these roadways. He feels that LI Zoning is a buffer zone between the residential district and HI Zoning. Mr. Smith suggested that the applicant continue to search for an alternate site.
- 22) Mr. David Cooper of 3379 Bethlehem Pk. felt that the decision rendered by the Supervisors will be a defining moment and hopes the Board will take the wishes of those residents opposed to this project into consideration.
- 23) Mrs. Sharon Cooper of 3379 Bethlehem Pk. encouraged the applicant to find another location, expressing deep concern about additional truck traffic passing through an already congested area, and the threat of pharmaceutical waste. Mr. Hendricks replied the only type of pharmaceutical waste that SWS handles is simply packaging materials, plastic, and paper. Mrs. Cooper asked if the facility will operate 24 hrs./day. Mr. Hendricks advised that standard operating hours would be from 7AM until 4:30-5PM.
- 24) Mr. Chris Bauer of 376 Ian Ct. asked how often DEP would test for contaminants in ground water, surface water, and air quality. Mr. Hannah replied that inspection frequencies would be listed in the operating permit and would be dictated by DEP. Mr. Bauer is very concerned about the increased traffic, and questioned the accuracy of the applicant's Traffic Impact Study.
- 25) Mr. Robert Elker of Fairhill Rd. asked if the applicant's agreement of sale for this parcel is contingent on the re-zoning request being approved. Mr. Hendricks acknowledged that there is an agreement of sale, however even if re-zoning is successful, he anticipates that it could take many, many years before the recycling facility could be constructed. Mr. Elker referred to the zoning variance requested by the applicant. Solicitor Grabowski explained that SWS is not seeking a variance rather a change of zoning has been requested from Light Industrial to Heavy Industrial. Discussion took place. Mr. Elker does not see any personal or financial benefit to this project, and asked that the Board deny the applicant's request.
- 26) Ms. Beverly Slifer, 1019 Orchard Rd. owns an apartment building located at the corner of Keystone Dr./Bethlehem Pk, however, she advised that her property has more than doubled in value despite its location as a direct neighbor of Waste Management. Ms. Slifer visited the current SWS site in Franconia and was very impressed with the operation. She too spoke with neighbors who did not complain of odor or feral cats as others have claimed. If re-zoning is approved, Ms. Slifer hopes that SWS will eventually partner with both Waste Management and Allied Waste.
- 26) Mr. Nick Ziegler, 407 Schoolhouse Rd., who currently experiences days where he cannot exit his driveway due to severe traffic congestion, feels this proposal would be a disaster

Public Hearing – Sustainable Waste Solutions Re-Zoning Request
Sept. 25, 2013

- for the residential properties located in this area. Mr. Ziegler was also disappointed that one individual was permitted to speak out of order on the sign-up sheet.
- 27) Ms. Tammy Dagostino of 140 Pineside Dr. works for a company that sells and services many recycling machines, and designs and installs countless recovery systems throughout North America. She believes that Sustainable Waste Solutions is at the helm of changing the way these resources are recovered locally by implementing some of the most innovative filtration systems and specialized conveyors, along with other new technologies that virtually eliminate odor.
- 28) Ms. Azlyn Beck of 514 Keystone Dr., a lifelong resident with real estate experience, believes that a Mobile Home Park on the site, as previously mentioned, would decrease property values in the area, and suggested that the property be re-zoned residential to accommodate an over-55 community, which would pose no threat of additional school age children, while increasing tax revenue. Ms. Beck further suggested that SWS consider a different location, referring to a property on Rt. 309 just south of Quakertown, which is a larger vacant lot located in an industrial district with easy on/off access to Rt. 309. Another idea Ms. Beck suggested was to purchase the Waste Management site or the Republic site currently located in that area of the Township.
- 29) Mr. Dennis Maloney of 4622 Bethlehem Pk. lives two properties away from the proposed site and is very concerned with several issues including possible well contamination, noise and additional truck traffic.
- 30) Ms. Doreen Cooper of 817 E. Reliance Rd. spoke about the abundance of debris along area roadways from the present trash facilities in the area. She asked if Township residents would be permitted to drop off recycling at the SWS facility, and if so, would all vehicles be required to make a right turn when leaving the site. Mr. Hendricks replied that DEP approval requires these types of facilities to provide a drop off recycling center for residents. He also noted that only trucks will be required to make a right turn when leaving the site. The sheer volume of traffic, the noise, and the odor are issues that Ms. Cooper is opposed to, and wondered if this re-zoning request would even be considered if the applicant had not offered a Host Fee.
- 31) Mr. Bruce Bram of 6 Narothyn Rd. felt the Supervisors should consider whether the risk of a third trash transfer station in the same area is worth the reward of any funds they may receive as a HOST fee. He suggested that the question of re-zoning this property for another trash transfer facility be put to a referendum question on the ballot so that all residents of the Township could vote on the decision.

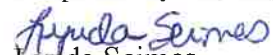
Public Hearing – Sustainable Waste Solutions Re-Zoning Request
Sept. 25, 2013

- 32) Ms. Barb Matkowski, 1818 Keystone Dr. hopes that the Supervisors will allow Hilltown to remain rural, and trusts that they will protect their residents by denying this request.
- 33) Mr. Patch Bassett, 36 E. Reliance Rd. wondered how the applicant can guarantee that trucks leaving the SWS site would not veer off the prescribed route up Bethlehem Pike to Rt. 113 and then to Rt. 309. He believes that the area roadways cannot withstand the additional truck traffic and feels it would be better for the residents and for SWS as well if they would choose an alternate site for their facility.

D. HEARING CONCLUSION: Solicitor Grabowski reminded those in attendance that the Board of Supervisors will not be rendering a decision this evening, and that the hearing will be continued to a later date to be determined. The date of the continued hearing will be advertised and noted on the Township's website, and Solicitor Grabowski advised that all the notifications which occurred for this evening's hearing would occur for the continuation hearing.

E. ADJOURNMENT: Upon motion by Supervisor Groff, seconded by Supervisor McIlhinney, and carried unanimously, the advertised Public Hearing to consider the Sustainable Waste Solution Re-Zoning Request was adjourned at 11:50PM.

Respectfully submitted,


Lynda Seimes
Township Secretary

(*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).