HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
SPECIAL PUBLIC MEETING
Monday, June 9, 2006
10:00AM

The special meeting of the Hilltown Township Board of Supervisors continued from June 2, 2006 was reconvened at 10:07AM by Chairman John B. McIlhinney, and opened with the Pledge of Allegiance.

Also present were: Richard J. Manfredi, Vice-Chairman
Barbara A. Salvadore, Supervisor
Kenneth B. Bennington, Township Manager
Lynda Seimes, Township Secretary

Supervisor Salvadore presented the revised Organizational Chart, and also presented a draft agenda format incorporating the items that were discussed and decided upon at the June 2nd special meeting.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Mr. Joe Marino of Redwing Road asked if the public would have the opportunity to comment on each agenda item. Chairman McIlhinney replied that they would, following discussion by the Board of Supervisors.

2. Mrs. Eleanor Cobb of 2300 Rickert Road expressed concern with the major changes being considered for the Zoning Ordinance. She feels that her family and her neighbors are part of the "silent majority" of small lot homeowners, who took the time to answer the survey several years ago, and who vote in every election. Mrs. Cobb moved to this area 30 years ago for the view of nearby Haycock Mountain, which is the highest mountain in southeastern Pennsylvania. Her home is located within the RR Zoning District, and she had hoped that they would be protected from the noise and traffic of commercial enterprises. Upon reading the proposed change from the Rural Residential designation to the "Conservation Management District," Mrs. Cobb was very surprised and saddened. She noted that under this title, developers could give open space to the Township in return for allowing one of three options for increased housing density. Mrs. Cobb was upset with developers who contact large property owners with option agreements that are contingent upon Hilltown allowing certain variances permitting them to put as many dwellings on the land as they can. She noted that the average resident and even the neighboring property owners do not know this is happening until it is too late. Mrs. Cobb was very concerned that the word "residential" would not remain as part of the re-naming of the new Zoning District.

B. CONSIDER LTAP ASSISTANCE WITH ROAD AND TRAFFIC ISSUES – Supervisor Salvadore explained that the Local Technical Assistance Program (LTAP),

which is sponsored by PennDot, offers free workshops and on-site advice from professional engineers to assist municipalities with road safety issues. She has attended various LTAP classes, and was very impressed by what she learned. LTAP schedules many workshops on a variety of topics, such as Superpave and work zone/worker safety, throughout the state. Municipalities may borrow from LTAP's collection of publications, videos, and CD's on road safety and maintenance issues. Supervisor Salvadore believes the Board of Supervisors should consider utilizing this free service to identify problem roadways and to take advantage of the assistance that LTAP has to offer. Chairman McIlhinney felt that the Township should be very cautious about allowing LTAP to designate areas of potential road problems, when there may not be funds available to correct those problems, thereby creating a liability for Hilltown. Supervisor Salvadore disagreed, and stated that the Board of Supervisors has a responsibility to utilize the assistance available to identify problems and determine solutions. Supervisor Manfredi felt that LTAP is a program the Board should at least consider, and suggested that Mr. Bennington contact a representative of LTAP to obtain additional information. The remaining Board members were in agreement. Mr. Bennington was directed to provide a report about LTAP at the July Worksession meeting.

C. ORDINANCES – LAND USE –

1. Zoning Ordinance Definitions of Words, Terms and Phrases – Since this Ordinance amendment would require long and tedious review, Supervisor Manfredi suggested this and the next agenda item be tabled for discussion at a future meeting, The Board was agreeable.

2. Zoning Ordinance Amendments/Revisions – Tabled for future discussion (see above).

3. Conservation Management District – The Board began review of the proposed Conservation Management District Ordinance amendment as provided by the Planning Commission (dated February 13, 2006).

Supervisor Manfredi noted that in the current Zoning Ordinance, the RR District is the Conservation District, and pointed it out on the Zoning map.

Public Comment –

1. Mr. Joe Marino of Redwing Road asked if there is a written definition of what "Conservation District" means. He referred to minutes of the June 27, 2005 Supervisor's meeting where it was stated that changing RR to CMD was nothing more than a name change. Supervisor Manfredi advised that the proposed Conservation Management District was provided to the Board on recommendation from the Planning Commission.

Mr. Marino wished to make it clear that he was present today as a resident, not as a member of the Planning Commission, since many of these proposed amendments were completed before he was appointed to the Planning Commission.

2. Mrs. Eleanor Cobb of Rickert Road disagreed that this is merely a name change to the Rural Residential designation, and noted that there are literally dozens of changes in the proposed amendment. Mrs. Cobb firmly believes that the word "residential" should remain in the title of that Zoning District.

Supervisor Manfredi advised that in planning, a Second Class Township is a subdivision of the Commonwealth of Pennsylvania, and is driven by the Municipalities Planning Code (MPC), which calls for the creation of Comprehensive Plan. In particular, Hilltown's Comprehensive Plan, which is the basis for the Township's Zoning and Subdivision/Land Development Ordinances, is a plan or directive for the municipality, that refers to the Rural Residential District. Page 35 of the Comprehensive Plan, dated October 2003, provides a description of the Land Use Plan and Land Use Categories, including Conservation District with a subheading of Rural Residential (RR).

The Board continued its review of the first section of the proposed amendment – "Purpose." Chairman McIlhinney explained that the current RR District allows for a recommended residential density of one dwelling unit for every 3 acres, but if public water is provided, then development on 50,000 sq. ft. lots can be accommodated. Further, if public water and open space are provided, a cluster option with 30,000 sq. ft. lots is permitted.

Chairman McIlhinney stated that the purpose of the proposed Conservation Management District seems to promote the preservation of natural resources, groundwater supply, and agricultural uses, with a provision for low-intensity residential development in areas not currently served by extensive public services and infrastructure, in order to provide positive incentive for preservation of large amounts of open space. He believes this new definition is devoid of any specifics; is nothing more than a general statement and is very nebulous. Chairman McIlhinney would prefer a more comprehensive definition such as that found in the original "Purpose" for the RR District. He stated that the new amendment would promote conservation cluster development. Supervisor Salvadore disagreed, stating that it refers to preservation of natural resources, groundwater, etc. Discussion took place.

Mrs. Cobb questioned the use of the words "low intensity" residential development, stating that she would prefer that the word "density" rather than "intensity" is used.

The Board discussed page 3 of the proposed amendment, regarding "Area and Dimensional Requirements." Chairman McIlhinney noted that the minimum lot size of

50,000 sq. ft. has been stricken, with a proposal for a minimum lot size of 80,000 sq. ft. Supervisor Manfredi expressed concern with taking away what a resident might have available to them at the present time. For instance, an individual might purchase a 5-acre lot in the hopes of subdividing one or two lots off in the future, but if lot size requirements were changed, that resident would no longer have that option available to them. Chairman McIlhinney and Supervisor Salvadore agreed. Supervisor Manfredi might be willing to consider "grand fathering" a property for a current owner for lot size requirements, if there would be some way to impose the revised lot size requirements only on new purchasers of that same property. Supervisor Salvadore believes that some sort language could be placed in the Ordinance permitting three-acre lots on properties owned by someone prior to adoption of the amendment. Chairman McIlhinney recalls that the Planning Commission originally considered maintaining the allowance of one 50,000 sq. ft. lot to be subdivided, whether the resident owned 100 acres, 50 acres, or 10 acres. If there would be a creative way to preserve landowner's rights while still encouraging conservation design, Supervisor Manfredi would be amenable. Supervisor Salvadore feels that the word "cluster" should be removed from the Ordinance.

Public Comment:

1. Mr. Marino believes this Ordinance amendment was originally written quite well the first time, when it protected the rights of the individual, but then he recalls that a member of the Planning Commission proposed a change, and suddenly that original language was removed.

Supervisor Manfredi stated that the decisions made by the previous Board of Supervisors with respect to this Ordinance in 1995 were sound ones, and feels that revisions to the Ordinance to stay timely and to manage growth more effectively is all that is required.

2. Mrs. Eleanor Cobb of 2300 Rickert Road asked how the requirements for minimum lot sizes would impact a developer. Supervisor Manfredi commented that the Board has not yet reviewed and addressed that portion of the Ordinance.

3. Mr. Kirk Hansen of 1435 Rt. 113 has been a Hilltown resident for 31 years. For the first 17 years, Mr. Hansen lived on a small 1-½ acre lot, but in 1987, he and his family purchased a 55-acre farm. He questioned Supervisor Manfredi's comments with respect to "grand fathering" lots under the current Ordinance. Supervisor Manfredi explained that the Board is attempting to find a way to preserve the rights of residents who own 3 acre or larger lots, however they are not certain that the term "grand fathering" is appropriate, or if that would even be permissible.

Concerning page 3 of the proposed CMD Ordinance, the Supervisors agreed that the original language with respect to 3 to 4 acre lots should be reinserted in the amendment,

in which those lots would still maintain their ability to be subdivided into 50,000 sq. ft. lots as allowed by the current Ordinance.

Chairman McIlhinney noted that the original discussion of the Planning Commission members was for 1.8-acre minimum lot size. He recalls that one of the Planning Commission members wondered why the Township would consider a 1.8-acre minimum lot size, which calculates to 78,408 sq. ft., and suggested rounding up to 80,000 sq. ft. instead, which Chairman McIlhinney does not agree with. He performed various calculations and advised that 50,000 sq. ft. calculates to 1.1478 acres; 87,120 sq. ft. calculates to 2 acres; and 80,000 sq. ft. calculates to 1.8365 acres. It was Chairman McIlhinney's opinion that the proposed 80,000 sq. ft. lots be eliminated, which Supervisors Manfredi and Salvadore agreed with.

Public Comment (Continued) –

4. Mr. Joe Marino of Redwing Road commented that when this issue was initially discussed, he informed the Planning Commission that this was an unconstitutional act that violates the Fifth and Fourteenth Amendment. Further, Mr. Marino believes it is nothing more than an insidious taking, worse than eminent domain because it is done by regulation. He supplied the Board of Supervisors with copies of Supreme Court Justice statements, judgments and case responses to minimum lot size requirements. Mr. Marino does not feel that the Township has the right to tell him he can subdivide his property into 50,000 sq. ft. lots, and then change their requirement to 80,000 sq. ft. lots, 1.8-acre lots, or any other lot sizes on a whim.

Chairman McIlhinney commented that the fact that 50,000 sq. ft. lots are currently permitted in Hilltown Township is actually an exception to the rule; and noted that most municipalities permit 40,000 sq. ft. or 43,000 sq. ft. lots. Further with those lot sizes, many other municipalities such as Solebury, Doylestown, Lower Makefield, etc., permit anywhere from 15% to 20% impervious surface, which in effect provides for very large dwellings on smaller lots than Hilltown designates as its standard. The fact that Hilltown Township went to 50,000 sq. ft. lots in order to preserve more of the rural character is, in Chairman McIlhinney's opinion, a compliment, however he believes that like with anything, there can be excess. He feels that pursuing 80,000 sq. ft. lots or 1.8-acre lots in an effort to provide for more of an open space feeling, can be had on Hilltown's already large-size lots by restricting construction on the rear 1/3 portion of a lot. Typically, Chairperson McIlhinney noted that most lots have a minimum frontage of 150 ft. and are 350 ft. deep. He suggested that the rear 100 ft. or 110 ft. of each lot be restricted from any construction, and then configured back-to-back with other lots within the development, which would result in a swath of open space of 200 ft. to 250 ft. behind each dwelling that would remain as open space, and would be an attribute to each individual lot. Chairman McIlhinney feels this is a great philosophy that should be

pursued and noted that it would not impede the Township's taxing abilities, while still contributing to the appearance of open space. In essence, Supervisor Manfredi commented that what Chairman McIlhinney has suggested is changing the rear yard setback in this particular Zoning District. While that philosophically makes sense, Supervisor Manfredi stated that a resident might want to, for instance, construct a garage in the rear of their property, which may be unique or distinct in its shape, and then would not be permitted to do so. He does, however, agree that a larger rear yard setback for this Zoning District makes sense.

The Board of Supervisors acknowledged support of conservation design, of which the principle concept is to look at the land, consider steep slopes, wetlands, scenic views, and other natural features; which would basically determine the dwelling yield of a parcel of land. Chairman McIlhinney felt that a requirement to deed restrict the rear 1/3 portion of a lot would automatically force a developer to leave large portions of the site in a natural state. Supervisor Salvadore referred to a beautiful conservation design development made up of single-loaded lot streets in another municipality that she and others toured. Mr. Marino toured that same development, and agreed that it was a very attractive concept. If the Board could somehow mandate that this type of deed restriction be encouraged, while not negatively impacting the overall use of the land, Supervisor Manfredi would be agreeable to this concept. Because of the nature of the land itself, Chairman McIlhinney believes that this type of development, which would take into account the natural features of the site, would result in lots that are much larger than what is required. That being the case, Supervisor Manfredi asked what Chairman McIlhinney feels the rear yard setback should be. Chairman McIlhinney replied that the requirement should be for the rear 1/3 of the lot to remain deed restricted from any construction. Supervisor Manfredi suggested that the Board consider the deed restriction requirement to be applied only to major subdivisions, rather than to existing lot owners or to minor subdivisions. He personally would be agreeable with that requirement if it does not negatively impact the flexibility and design using the natural features of the site. Further, he believes that the developer of a major subdivision where that rule is to apply would have to demonstrate sufficiently to the Board of Supervisors how it is negatively impacted.

Supervisor Salvadore asked for clarification from Chairman McIlhinney, who previously stated that there would be no structures permitted in the rear 1/3 portion of a lot, and also stated that the rear 1/3 portion of a lot would remain "natural," which, in her opinion, constitutes two different things. Chairman McIlhinney agreed, and explained that if the site were located in an area that was heavily wooded with large caliper trees, he would want to preserve that tree growth. Likewise, if there were wetlands to the rear of a proposed lot, Chairman McIlhinney would not wish to disturb that area. Lengthy discussion took place concerning what the minimum rear yard setback should be for B-1 Single Family.

With respect to the minimum lot width at the building line of 150 ft. for major subdivisions, Supervisor Manfredi expressed concern with the amount of driveways that would be necessary, and the difficulty with obtaining a clear sight triangle at 150 ft. width. Chairman McIlhinney was very comfortable with the 150 ft. requirement, and explained that if the minimum lot width were to be raised to 200 ft., for instance, it would make the lot depth less and the lot sizes larger. Supervisor Manfredi suggested that the requirement be to design to AASHTO (American Association of State Highway and Transportation Officials) standards simply to address safety concerns. With respect to minor subdivisions, Supervisor Manfredi noted that there could be a directive stating that the lot width may be required to he wider if a clear sight triangle for driveway access cannot he achieved within the 150 ft. If someone has a lot that is 150 ft. wide but could not accomplish a driveway access with a clear sight triangle within that frontage, Supervisor Manfredi wondered what would happen. Mr. Bennington believes that the Township Engineer would make that determination concerning driveway placement during the subdivision process. Discussion took place.

The Board directed Mr. Bennington to determine what the clear sight triangle distance presently is under current Ordinance requirements, AASHTO standards, and PennDot Section 408 requirements, before making a determination. Mr. Bennington was also directed to note an action item to increase the rear yard setback in major subdivisions and to note that Chairman McIlhinney has proposed to allow for 1/3 of the rear of the lot to be deed restricted as a discussion point.

Discussion took place concerning the Zoning Hearing Board's recommendations for suggested amendments with respect to impervious surface issues. Supervisor Manfredi, who previously served on the Zoning Hearing Board, recalls that that there had been several variance requests for patios, decks, sunrooms, etc. and the 9% requirement for impervious surface was felt to be too restrictive. As recently as two years ago, Chairman McIlhinney recalls that the Township removed streets and curbs from the impervious surface calculations in the hopes of alleviating the problem, which unfortunately was not very effective. He is aware of several municipalities that use 18% impervious surface for calculations on a 40,000 sq. ft. lot. It is Chairman McIlhinney's recommendation that the impervious surface ratio be at 12% for subdivisions, with the individual lot owners permitted to apply for an additional 3% after initial occupancy of the dwelling. Supervisor Salvadore commented that this would allow access to the garage more from the side than straight on, and also allows the setback for the garage further back from the house frontage to allow more parking on the property, with less street parking. With that, Chairman McIlhinney noted the stormwater basins would have to be sized accordingly.

The Board of Supervisors were agreeable to proposing a 12% impervious surface ratio per lot for subdivisions, with an additional 3% for individual residents to take advantage

of after initial occupancy of a property. After additional discussion, the Board of Supervisors considered a maximum of 15% per lot of impervious surface ratio for B1 Single Family Dwelling use in the CMD, regardless of the size of the lot. Supervisor Salvadore felt that the Board should consider allowing some flexibility for the eventual homeowner to add impervious surface for decks, patios, etc., and noted that if a flat maximum of 15% per lot is permissible, the developer may take advantage of the entire 15% impervious surface ratio prior to occupancy. Another issue for consideration was raised by Chairman McIlhinney with respect to future homeowners who would request that the developer install and construct their deck, patio, or sun room prior to occupancy. Lengthy discussion took place.

The Board then reconsidered and proposed a 12% impervious surface ratio per lot for subdivisions, with an additional 3% for individual residents to take advantage of after initial occupancy of a property. Supervisor Manfredi also noted that the Maximum Impervious Surface Ratio per site would be increased to 15%, which Chairman McIlhinney and Supervisor Salvadore agreed to.

Discussion took place concerning the Maximum Density (Dwelling Unit/Acre) which was previously .75, and which the Planning Commission recommended to be struck from the amendment. Chairman McIlhinney advised that the figure of .75 was based on 50,000 sq. ft. lots, which the Board has not yet determined.

Supervisor Salvadore commented that she along with Mr. Marino and other area residents, recently toured several area conservation management developments. One development had small lots with a 5 ft. side yard, while a lot with a 35 ft. side yard would be right next to it, so that the dwellings were actually 40 ft. apart. Mr. Marino admitted that the development was very attractive, and stated that flexibility and creativity should be encouraged. Supervisor Manfredi commented that he would not be amenable to lot sizes less than 30,000 sq. ft., and Chairman McIlhinney agreed. Discussion took place.

If a development is designed using the natural features of the properties as this Board of Supervisors hopes it will, yet produces lots of less than 30,000 sq. ft., Supervisor Manfredi feels it should only be permitted by Conditional Use. The Board was in agreement.

***Chairman McIlhinney called for a short recess of the June 9, 2006 Special Meeting at 11:57AM and then reconvened the meeting at approximately 12:05PM.**

Puhlic Comment:

1. Mrs. Eleanor Cobb of Rickert Road expressed frustration with the line-by-line review of the proposed Ordinance amendments, and stated that it is the traffic issues,

rampant development, and density issues that a majority of Township residents are concerned with. She referred to a development along Rt. 313 in a neighboring municipality that in her opinion resembles government housing that is overcrowded and creates a traffic nightmare on Rt. 313. Chairman McIlhinney advised that the Supervisors are endeavoring to insure that all those issues do not occur here. He explained that it is imperative that the Township adopt sound planning and zoning procedures to avoid the very issues Mrs. Cobb is most upset about. Mrs. Cobb noted that the Board appears to be granting many exceptions for various issues. Supervisor Manfredi replied that the exceptions are to insure that the residents of this Township are protected and have the right to develop their property if they so choose. Mrs. Cobb was dissatisfied with what she perceives as a lack of progress in the review of the Ordinance amendments, and expressed her displeasure with the proposal to permit commercial businesses in the Rural Residential District of the Township. Lengthy discussion took place.

The Supervisors continued discussion of the Conservation Management District Ordinance amendment.

The Planning Commission recommended that the following language be removed from Use B-1 Single-Family: "Each lot must be served with public water provided by a Municipal Authority. For lots not served with public water, there shall remain an additional 80,680 square feet of land that shall remain as deed restricted conservation land until such time as public water can serve the balance of the lot unless the proposed subdivision is a minor subdivision."

Chairman McIlhinney feels that 3-acre zoning (without public water) provides for a very rural effect. The problem that Supervisor Manfredi has is that lot size is then determined by the availability of public water. Chairman McIlhinney disagreed, noting that it would encourage the developer to be fiscally responsible to install the infrastructure so that if and when there is a water problem, the burden of cost to install public water will not be on the residents. Supervisor Manfredi asked if Chairman McIlhinney would feel the same if it were 3 acre lots or with public water, 1.8 acres. Chairman McIlhinney would not be agreeable to that, believing that with a 1.8-acre lot, chances are there would be public water. Supervisor Manfredi commented that there is an incentive to go to the lower lot size when public water is nearby with the intent to drive the lot sizes. While he believes that is logically true, Chairman McIlhinney stated that it is not the case in his neighborhood of Broad Street. Supervisor Manfredi felt that the Broad Street area is an anomaly. If developments are designed with smaller lots with open space, Supervisor Manfredi noted that is where the option to connect to public water will be available. If the intent is to encourage that, Chairman McIlhinney stated that there would be lots that will be smaller than 50,000 sq. ft. Supervisor Manfredi stated that if it were the Township's goal to encourage the appropriate use of land taking into account the natural

features, etc., using the Conservation Design would permit 30,000 sq. ft. lots. Chairman McIlhinney is concerned that the only way to require a developer to install the necessary infrastructure would be to encourage 30,000 sq. ft. or less lot sizes. He believes the Supervisors must establish whether or not the Conservation Design will have a minimum lot size. Supervisor Manfredi has always felt there should be 30,000 sq. ft. minimum lot sizes, unless approved by Conditional Use by the Board of Supervisors to propose even lower lot sizes. He believes that the Conservation Design should be an option within the Conservation Management District. Lengthy discussion took place.

***Chairman McIlhinney recessed the June 9, 2006 Special Meeting for a short lunch break at approximately 12:26PM and reconvened the meeting at approximately 12:47PM.**

Prior to 1995, Chairman McIlhinney advised that the average lot size in the RR District was 50,000 sq. ft. without any requirements for public water or sewer. Then in 1995, as a compromise, the allowance for 3-acre lots with public water came into play. The Board had a discussion as to what they feel the minimum lot size in B-1 Single Family in the Conservation Management District (RR) should be. Supervisor Salvadore wondered why the Planning Commission is recommending 80,000 sq. ft. lots. Chairman McIlhinney believes the PC feels it is a way to stop or at least minimize development, which is not what zoning or planning should be about. Mr. Bennington agreed with Chairman McIlhinney that it is the Planning Commission's hope to try to control development. Supervisor Manfredi believes in preserving the rights of those who own land today, and at this time, he would be amenable to a minimum lot size of 1.5 acres. He also feels that the Township should encourage conservation design, which would then allow for even smaller (or larger) lot sizes, as well as more creatively shaped lots to preserve the natural features of the site. Supervisor Manfredi believes that the question of whether public water should be extended should be driven by whether or not the extension of public water is a sound decision on its own merit. Chairman McIlhinney does not see anything wrong with encouraging a developer to extend public water, when it would be at their expense rather than the taxpayer's expense. Supervisor Salvadore has become a very strong proponent of conservation by design because of the creativity and flexibility involved, and feels that 50,000 sq. ft. lots are fine as an option under the conservation design requirements. If there is an option for 50,000 sq. ft. lots, Chairman McIlhinney feels that a developer should be encouraged, at the very least, to install a community water system.

The Board considered a scenario involving a 55-acre parcel located in the RR District, and lengthy discussion took place regarding the number of lots that would be permitted using various options including minimum lot sizes, public water versus a community well or on-lot wells, etc.

Public Comment:

1. Mrs. Eleanor Cobb of Rickert Road asked if the Township would be liable for the loss of water at the community well in the Blooming Glen Estates Subdivision, which is located near the quarry. Chairman McIlhinney replied that the Township is not responsible for the loss of water in a private development's community well. Discussion took place.

Mrs. Cobb commented that in the past 30 years, there had been two major changes in the quarry however last fall is the first time she was notified of a proposed change. Chairman McIlhinney explained that State laws recently changed, and the quarry, during negotiations with the Township, was required to notify a wider range of residents than in previous years. Supervisor Manfredi advised that the reason Mrs. Cobb was notified was because former Supervisors Egly and Bennington negotiated with the quarry to notify residents well beyond what the quarry was required to by law, in order to insure the protection of more resident's water supplies.

2. Mr. Joe Marino of Redwing Road asked if the Board had settled on a minimum lot size. Supervisor Manfredi replied that the Supervisors have not yet determined a minimum lot size, but are simply using 1.8-acre lot size for purposes of discussion.

Personally, Chairman McIlhinney supports a minimum 50,000 sq. ft. lot size (or less with Conditional Use approval by the Board of Supervisors) with the rear setback or deed restricted easement option he suggested, with a conservation design element option, with the issue of public water divorced from it. Supervisors Salvadore and Manfredi agreed. Discussion took place.

3. While he supports the Board's position on this matter, Mr. Kirk Hansen of Rt. 113 is not certain that the Board will be able to defend 50,000 sq. ft. lots versus 3-acre lots with some residents of the Township unless the Conservation Design element is more clearly defined. He encouraged the Board to educate the public and felt that this would be an excellent topic for discussion at the Land Use Forum. Supervisor Manfredi noted that the Board is not discounting a 3-acre lot minimum. For example, a property owner with 3 acres or even 6 acres at the present time would be "grandfathered" in to still be permitted to subdivide 50,000 sq. ft. lots if so desired. He stated that if the Board would enact this Ordinance, there would still be a 3-acre minimum for a single-family lot. Supervisor Manfredi explained that this new requirement would be for major subdivisions.

Lengthy discussion took place considering 1.5-acre minimum lot sizes (65,000 sq. ft.). Chairman McIlhinney noted that 1.5-acre minimum lot size is roughly a 30% reduction from what landowners would get per lot from a developer.

4. Mr. Jim Sensinger of Rt. 113 stated that his family's farm consists of a little over 50-acres. His parents have created a trust to divide the farm among their four children. To exercise this trust, Mr. Sensinger commented that it would constitute a major subdivision, with all of the expense and engineering that can go along with that process.

Supervisor Manfredi understands Mr. Sensinger's concerns, and suggested that perhaps a separate mechanism could be created in the major subdivision process for those individuals who simply wish to re-draw the lines in order to eventually give that land to other family members in the future. Discussion took place. The Board directed Mr. Bennington to have the Township Engineer and Solicitor prepare a review of the advantages and disadvantages that would impact the Township by creating a separate subdivision process for nothing more than a change of ownership or re-drawing of lines for estate planning purposes, as noted above.

The Supervisors asked the opinion of those in attendance for minimum lots sizes of either 50,000 sq. ft. (1.1 acres) lots or 65,000 sq. ft (1.5 acres) lots.

5. It was Mr. Marino's personal opinion that anything above 50,000 sq. ft. minimum lot sizes would be unacceptable in his opinion. He does not see the need for larger lot sizes. Supervisor Manfredi noted that the current minimum lot size is 3 acres unless there is access to public water or a community water supply, in which case the minimum lot size is currently 50,000 sq. ft. Chairman McIlhinney feels minimum lot sizes of 1.15 acres would be appropriate. Lengthy discussion took place.

6. Mr. Jim Sensinger of Rt. 113 does not understand why minimum lot size is such an issue since it is his opinion that the Planning Commission and Board of Supervisors tend to negotiate lot size in exchange for additional open space.

Supervisor Manfredi asked Mr. Bennington to refer to his notes of an earlier discussion/action item with respect to lot size in Use B-1 Single-Family in the Rural Residential (or Conservation Management) District. Mr. Bennington advised that the Supervisors had earlier agreed to the following language "One type of conservation management design in the RR district would be permitted with a minimum 50,000 sq. ft. lot unless granted a Conditional Use by the Board of Supervisors."

Mr. Sensinger asked if the State statute that was recently passed allows farmers or farming operations to be exempt from certain Township rules and regulations. He believes that the Township must be in concert with State regulations. Discussion took place concerning ACRE (Agriculture, Communities and Rural Environments) in Pennsylvania. Supervisor Manfredi suggested that Mr. Bennington be directed to investigate whether any agricultural activity that is permitted in Hilltown Township is in

compliance with ACRE requirements or other State agricultural requirements. The Board was in agreement.

Discussion took place concerning other agricultural issues and the "Purpose" section on page 1 of the Conservation Management District Ordinance. Chairman McIlhinney felt that the reference to promoting the preservation of groundwater supply should be removed from proposed paragraph A. Supervisors Manfredi and Salvadore disagreed.

After meeting with individuals whose communities currently utilize Conservation Management Districts, Supervisor Salvadore noted that other purposes of this Zoning District include preserving the following – farmland, view-sheds, woodlands, wildlife habitats, prime agricultural soils, and historical districts. Chairman McIlhinney was opposed to language referring to prime agricultural soils, noting that residents previously fought that battle in this Township. Further, he does not feel that historical districts and viewscapes should be included. Supervisor Manfredi agreed that historical districts should not be included, and also felt that "wildlife habitats" is an issue that raises some concerns. He would not want to see a property owner be delayed in the process because of the existence of, for instance, a bog turtle. With respect to prime agricultural soils, Supervisor Manfredi advised that it should he considered only as it pertains to an agricultural use. If there are multiple uses on a site, including an area where there are prime agricultural soils used for farming operations, Supervisor Salvadore believes that the portion of agricultural soils should be restricted from development. If the regulations are designed to preserve prime agricultural lands for farming purposes, Supervisor Manfredi would agree, however if it is simply a stumbling block to prevent someone from developing an entire property, he would be opposed. Unfortunately, Chairman McIlhinney noted the latter, in his opinion, is the way that certain individuals promote agricultural preservation. Supervisors Manfredi and Salvadore would be agreeable to including prime agricultural soils strictly for agricultural use and activities. If that is the way it is worded in the Ordinance, Chairman McIlhinney would be comfortable with that language.

With respect to viewscapes, it is Supervisor Manfredi's understanding that it would simply refer to how the home design would be configured in order to preserve as much of the view as possible. Chairman McIlhinney did not agree that scenario was what most people would think of when viewscapes are concerned. Supervisor Salvadore commented that the word "viewscapes" would have to he very clearly defined. Supervisor Manfredi believes that viewscapes are really meant to preserve the view for that particular development, not for the surrounding properties, and the Supervisors can certainly ask a developer to do everything possible to retain viewscapes. While Chairman McIlhinney understands that, unfortunately, that is not the complaints he has heard. If a resident wishes to preserve viewscapes, Supervisor Manfredi commented that the individual has every right to purchase that piece of land. Chairman McIlhinney

suggested that language be added such as "Must preserve the viewscapes by design." It was Supervisors Manfredi and Salvadore's opinion that viewscapes should remain. After much discussion, the Board agreed to remove the phrases "wildlife habitat" and "historical structures" from the listing under the "Purpose" portion of the Conservation Management District.

Public Comment (Continued):

7. Mr. Sensinger reminded the Board that the Township has been recently requiring berms around several developments, which in his opinion, defeats the whole purpose of viewscapes.

Discussion continued regarding the "Uses Permitted by Right" under the Conservation Management District. The definitions of the terms "Agricultural" and "General Agricultural" were not included in the Definitions of Words, Terms and Phrases as proposed by the Planning Commission. It was determine that this would be discussed at a future date. Chairman McIlhinney wondered why "Place of Worship" was stricken as a permitted use. If Supervisor Manfredi recalls correctly, the Planning Commission expressed concern with Calvary Church and how large that complex has become. Chairman McIlhinney feels this use should be permitted by-right.

Discussion took place concerning the Planning Commission recommendation that schools be removed from by-right due to the potential for intensity of use and the need for infrastructure and services. Chairman McIlhinney commented that there are many different types of schools, such as dance schools, etc. that should be considered. Mr. Bennington referred to the draft Ordinance of February 2006, page 87, Section C-2, which provides a definition for the word "school," which states "Religious, sectarian and non-sectarian, denominational, private school, or public school." Supervisor Salvadore felt that was a satisfactory definition.

Mr. Bennington read the definition of the A.1 General Agriculture from the draft Ordinance of February 2006, page 52, which states "General Agriculture includes tilling of the soil, raising of livestock, horses, fur-bearing animals, animals raised for the sale of their fur, poultry and bee-keeping." The definition of "Intensive Agriculture" was discussed at length, with Supervisor Manfredi noting that the definition now meets the requirements of ACRE. Chairman McIlhinney put forth a scenario of a farmer who conducts agricultural business in the RR Zoning District, and asked if that farmer would be required to get a Zoning Permit for constructing a greenhouse. Supervisor Manfredi replied that a Zoning Permit would be issued for this permitted use under A-2.

Chairman McIlhinney noted that only Government-owned recreational facilities would be permitted in this Zoning District, and the Planning Commission has now recommended

that private recreational facilities no longer be permitted in this district. Mr. Bennington stated that private recreational facilities are permitted in Light Industrial, and Planned Commercial I and II Zoning Districts. Supervisor Manfredi recalls reading language that private recreational facilities are permitted by-right in the RR District if it is part of a residential development. Chairman McIlhinney feels that private recreational facilities should be permitted in the RR District. Supervisor Manfredi disagreed, stating that a for-profit operation similar to Highpoint Racquetball Club, for instance, is a commercial activity rather than a residential activity, which he feels should be limited to a Commercial Zoning District. Lengthy discussion took place.

Supervisor Salvadore read Use C5, as it is written today, which states "Recreational facility or park owned or operated by the Township or other governmental agency is subject to the following additional requirements: (a) Outdoor active recreation area should be located at the discretion of the Township. (b) Outdoor activity shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbances as provided by Chapter 160, etc..... (c) Parking – One off-street parking space for each five persons for a total capacity parking area should be adequately screened, etc....."

Supervisor Salvadore also read the following section, which states: "Private Recreational Facility – A recreational facility owned or operated by a non-governmental agency subject to the following provisions – (a) Minimum lot size of 5 acres; (b) The use shall not be conducted as a private gainful business, nor shall it permit amusement park, wild animal park, or zoo; (c) No outdoor active recreation shall be located nearer to any lot line than 50 ft.; (d) Outdoor play area shall be consistently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbances as provided by Chapter 160, etc..... (e) One off-street parking space for every five people of capacity, and at least one off-street parking space for each 50 sq. ft. of gross floor area used, etc.... (f) Landscaping – all parking areas shall be buffered. Lengthy discussion took place. The Board unanimously agreed that C5 and C7 were acceptable as they are presently listed in the current Ordinance.

After this lengthy discussion, Supervisor Manfredi felt that it was abundantly clear that each of the Board members must individually review the proposed revised Zoning Ordinance amendment in totality before moving forward, and the Board agreed.

4. Farmstead Ordinance – The Board began review of the proposed Farmstead Ordinance amendment as recommended by the Planning Commission (dated February 13, 2006).

Supervisor Salvadore referred to Item C.4, which states "All agricultural buildings which may be used in the future for the keeping or raising of livestock, horses, fur-bearing

animals, or poultry shall be located at least 100 ft. from any property boundary." She noted that if the agricultural building is existing it may already be located closer than 100 ft. from a property boundary. Supervisor Salvadore recounted her personal experience of being required to construct a run-in shed for her horses 100 ft. from the property line, which in her case was the road, and therefore, the final location of the shed was in an area that made no sense. Chairman McIlhinney recalls that the Planning Commission's discussions revolved around development of an existing farmstead. Their thinking was that if the farmstead area is saved from development, the agricultural buildings should be located at least 100 ft. from any property line. Chairman McIlhinney believes the reason the Planning Commission proposed the 100 ft. setback was due to the potential for animal odors and noises. Discussion took place. Mrs. Seimes noted that the proposed Farmstead Ordinance, in the second paragraph, states "The proposal would accommodate an existing farmhouse and associated buildings within a development site, with the concept of preserving the farmstead rather than removing it as part of the development process." After discussion, the Board agreed that the language as proposed was satisfactory.

5. Trade Business Ordinance – The Board began review of the proposed Trade Business Ordinance as recommended by the Planning Commission (dated February 13, 2006).

Supervisors Manfredi and Salvadore expressed concern with the following:

- (c) No more than four employees other than members of the immediate family currently residing at the residence may be employed.
- (d) A maximum of three commercial vehicles shall be permitted.

Both were unhappy with the designation of "commercial" vehicles. Supervisor Manfredi recalls that the Trades Business Ordinance originated with the scenario of a farmer hoping to augment his income by utilizing his barn to conduct some other trade business. However, it appears that this Trades Business Ordinance has grown into all kinds of other businesses, such as roofing, landscaping, etc., which in Supervisor Manfredi's opinion is not the purpose of trade businesses. Chairman McIlhinney disagreed with Supervisor Manfredi's thoughts with respect to the events leading up to how this Ordinance was drafted. He recalls that the issue of commercial vehicles and materials was addressed by requiring them to be stored inside a building, and that it was simply a meeting place for employees to pick up their work vehicles prior to the start of the business day. Supervisor Manfredi felt that having employees meet at the site, particularly in the early morning hours, the associated noises with commercial vehicles could cause problems with and complaints from neighboring property owners. Supervisor Salvadore agreed with Supervisor Manfredi. She recalls the meetings where this issue was discussed where the Township attempted to find ways for farmers to augment their income so that they

would remain in the Township. Supervisor Manfredi also expressed concern with the language "Trades included in this home occupation use include, but are not limited to, electrician, plumber, carpenter, mason, painter, and roofer."

Public Comment:

1. Mr. Joe Marino, who is a member of the Planning Commission, believes that the word "commercial" was to be removed from the Ordinance. Mrs. Bush of the Bucks County Planning Commission had provided the Planning Commission with information showing how a "commercial" and "non-commercial" vehicle was determined.

With respect to vehicles, Supervisor Salvadore suggested that the word "commercial" be replaced with the word "business."

Supervisor Manfredi commented that he would not support the Trades Business Ordinance as it is written at this time. The only way he would consider this Ordinance is if the permitted home occupation uses were limited to only those things that can be classified as a trade, with a requirement for no more than two employees, and a maximum of two business vehicles, not commercial vehicles. Further, he feels that the requirements for vehicles should be very restrictive, noting that he would not be in favor of permitting flat bed trucks or any trucks that carry equipment. Supervisor Manfredi would also like to make it very clear that the site should not be a place for employees to meet in the morning before starting their business day. Supervisor Salvadore agreed, and would also suggest the addition of the words "actively employed" with respect to immediate family currently residing at the residence. She also felt that only two commercial vehicles should be permitted, and that a specific definition of "commercial vehicles" be included. Supervisor Salvadore commented that another type of trade that she feels should be listed is a farrier. Discussion took place.

D. OTHER BUSINESS:

1. Supervisor Manfredi referred to correspondence from McGrath Homes dated June 8, 2006, asking the Township Secretary to distribute the revised Age-Qualified Community Ordinance Amendment and Re-Zoning Request, and asking the Supervisors, if time allowed, to review, discuss, and advise McGrath Homes of their thoughts at today's meeting. The letter also requests that the Board of Supervisors advertise the proposed Zoning change for Public Hearing on the June 26, 2006 meeting agenda. Supervisor Manfredi felt that the Supervisor's dialogue with representatives of McGrath Homes at the May 22nd meeting was very clear. He is opposed to advertising anything other than a Public Hearing to consider public opinion concerning the McGrath proposal. Therefore, it was Supervisor Manfredi's opinion that the Township should not be authorizing advertisement for a Zoning Change for McGrath Homes; nor should the

Township be scheduling this proposal on any future agenda. He explained that the next step in the process is to hold an advertised Public Hearing. Supervisor Salvadore recalls that the applicant intended to prepare a second draft Ordinance for the Board's review prior to scheduling a Public Hearing. Chairman McIlhinney asked the proper procedure involved for a request for Zoning Change. Supervisor Manfredi read from the Zoning Ordinance, Article X – Amendments and Appeals (Section 160-107 – Power of Amendment). He does not feel that McGrath Homes should be placed on the June 26th Supervisor's meeting agenda, and noted that if they wish to start the Public Hearing process, in accordance with the requirements of the Zoning Ordinance, he would be agreeable. Chairman McIlhinney commented that the applicant has produced what the Board previously asked for and the letter Supervisor Manfredi referred to is requesting that the Board schedule a Public Hearing on the McGrath Homes zoning change. Supervisor Manfredi does not recall that the Board of Supervisors made a motion asking McGrath Homes to prepare a draft Zoning Ordinance for the Board's consideration. Supervisor Salvadore believes that the applicant advised the Board that he would prepare a new draft. Supervisor Manfredi made it very clear that he did not wish to discuss or even consider any amendments to the Zoning Map at this time. Lengthy discussion took place.

The Board agreed to consider several dates to schedule a Public Hearing for the McGrath Homes Zoning Change Request, and to provide those dates to the Township Secretary for advertisement.

Public Comment:

1. Mr. Joe Marino of Redwing Road stated that McGrath Homes has been going through the process for almost two years, and suggested that the Board of Supervisors either agree to a request for a Public Hearing, or simply tell the applicant that they are not interested in considering a Zoning Change for these parcels. Mr. Marino hopes that this is not a pre-determined decision by the Board of Supervisors, and also hopes that the Board does not allow the matter to drag on any further, which he feels would be a disservice to the residents of this Township.

The Board directed Mrs. Seimes to clarify the applicant's request to be a Confirmed Appointment at the June 26th meeting, and to ask them to provide back-up information for the Board's review.

2. Mr. Bennington asked if direction had previously been given to the staff to advertise for Requests for Proposals for the 2007-year for professional services.

Motion was made by Supervisor Manfredi, and seconded by Supervisor Salvadore; to authorize the advertisement of Request for Proposals for all appointed professional

services, including Township Engineer, Solicitor, Traffic Engineer, Planner, Independent Auditor, and Depository.

Prior to a vote being taken, Chairman McIlhinney wished to voice his disagreement that Requests for Proposals for appointed professionals are necessary at this time, since RFP's were solicited last fall. He believes that every three years is more than sufficient, unless of course there is a problem. Chairman McIlhinney stated that he is very satisfied with the performance of the current professional staff. Supervisor Manfredi explained that his reasoning for seeking RFP's is to ensure that every year, the Township is getting the best price for the best proposal. He further noted that seeking RFP's is no reflection on the performance of the current professional staff.

Since there were minimal responses the last time RFP's went out, Mr. Bennington asked if the Board wished him to solicit bids from various firms. In Supervisor Manfredi's opinion, the Township Manager should do the best he can to obtain the most options available. The Board agreed that RFP's should be advertised in the Morning Call, the Daily Intelligencer, and the News Herald, all newspapers that are widely read in Hilltown Township.

Chairman McIlhinney was opposed to the motion. Motion passed.

3. Mr. Bennington understands that he has been designated as liaison to the Planning Commission. Supervisor Salvadore advised that the Board intended to address this and other issues with Mr. Bennington in Executive Session.

4. At a previous meeting, Chairman McIlhinney noted that the Board discussed the interpretation of impervious surface with respect to swimming pools, etc. He referred to the written opinion received from Solicitor Grabowski stating that swimming pools and decks with spaces between the boards are not counted as impervious surface in other neighboring municipalities. The letter also states, however, that it is the Zoning Officer's interpretation that would be the final say on the matter.

5. The Supervisors reviewed and discussed the draft Board/Commission Reporting Form as presented by Mrs. Seimes. The Supervisors unanimously agreed that each board and commission's year-to-date meeting attendance should also be attached to their report on a monthly basis.

6. Discussion took place concerning the Road Turnback Program through PennDot increasing the road maintenance payments to the Township from $2,500.00 to $4,000.00 per mile.

7. With respect to the communication tower located behind the municipal building, Mr. Bennington received one final letter from Cingular stating that they would be willing to offer $700.00 per month for rental fees. Cingular has terminated leases for the towers at both the Civic Field Park and in Dublin Borough.

8. Concerning the revised Zoning Complaint Form, Mrs. Seimes stated that a Township signature line has been added as directed by the Board. Mrs. Faust obtained a quote for 1,000 three-part carbonless forms in the amount of $254.89. Supervisor Salvadore suggested that an additional section be added to include 1) the actual complaint; 2) action taken by Zoning Officer; and 3) the final resolution. Discussion took place. The Board was agreeable.

9. Discussion took place regarding the proper procedure for Zoning Enforcement. For Mr. Bennington's benefit since he was not present at last week's meeting, Supervisor Manfredi explained that the Board of Supervisors have directed the Zoning Officer to act upon violations that he personally witnesses or are reported to him by the Board of Supervisors. The Zoning Officer is not, however, authorized to act on anonymous or unsigned written complaints.

E. PUBLIC COMMENT:

1. Mr. Hansen of Rt. 113 was concerned that the Board directed Mr. Bennington to attend two additional meetings per month as the Planning Commission liaison, when he currently attends both meetings of the Board of Supervisors every month. Supervisor Manfredi advised that it would be further discussed in Executive Session, however he believes that the Board is only asking Mr. Bennington to attend the Planning Commission Worksession meeting, not the regular meeting of the Planning Commission.

F. SUPERVISOR'S COMMENTS:

1. Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to authorize the advertisement of an additional Special Meeting with a second if necessary, with dates to be determined. There was no public comment.

2. Chairperson McIlhinney announced that the Board met in Executive Session following the June 2, 2006 Special Meeting in order to discuss real estate and personnel issues.

F. ADJOURNMENT – Upon motion by Supervisor Salvadore, seconded by Supervisor Manfredi and carried unanimously, the Supervisor's Special Meeting of June

9, 2006 was adjourned at 4:35PM, at which time the Board entered into Executive Session in order to discuss personnel issues. There was no public comment.

Respectfully submitted,

Lynda Seimes

Lynda Seimes
Township Secretary
(*These minutes should not be considered official until approved at a regularly scheduled meeting of the Hilltown Township Board of Supervisors).