

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC WORKSESSION
Monday, August 10, 1992
7:30PM

The public worksession meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:44PM, and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairman
Jack C. Fox, Supervisor
Bruce G. Horrocks, Township Manager
John Rice, Township Solicitor's Office
Thomas Buzby, Director of Public Works
George C. Egly, Chief of Police

Chairman Bennett announced the Board met in Executive Session to discuss legal and personnel matters prior to this meeting.

A. MANAGER'S REPORT - Mr. Bruce G. Horrocks -

1. At the last Board of Supervisor's meeting, the Board had discussed a certain licensed trash hauler who had not responded to reporting requirements. After the close of business on the Friday prior to when the trash hauler's license would have been revoked, the Township received a fax of the trash hauler's reports for the first two quarters of the year.

B. CORRESPONDENCE:

1. A request was received from Mr. and Mrs. Philip Bennett who purchased a property at 745 Church Road in April of 1990, on which there were two apartment rental units which pre-existed. Currently, Mr. and Mrs. Bennett are refinancing and the bank has required a letter from the Township stating those two apartments are permitted. Mr. Horrocks is seeking direction from the Board on this matter.

For the public's information, Chairman Bennett noted that the residents making this request are no relation to his family. Supervisor Bennington asked Solicitor Rice for his legal opinion on the matter. It is Solicitor Rice's understanding that Mr. and Mrs. Bennett are asking for confirmation from the Township regarding the two rental units on their property. The site is located in the Rural Residential Zoning District. Solicitor Rice stated in order to establish if the site is non-conforming is to establish when the apartments were constructed. Solicitor Rice suggested Mr. Applegate, Code Enforcement Officer, visit the site when he returns from vacation. From correspondence received from Mr. and Mrs. Bennett, it appears the rental units have been in existence quite a number of years, prior to the current Zoning Ordinance. If that is the case, Solicitor Rice commented, the Bennetts should register the apartments, so that they are documented as non-conforming. Solicitor Rice would guess that the

Township has no record of these apartments at this point, and that the Township records would only show the site as a single family dwelling. Solicitor Rice felt Mr. Applegate should document the size and the number of apartments so that the Township has a written record of that non-conformity.

Supervisor Bennington felt since the Township does not know when the non-conformance began, the Township should make a clear delineation once the Code Enforcement Officer determines the extent of the non-conformity. After that determination and at the next Supervisor's meeting, the Board could grant approval to Mr. and Mrs. Bennett.

If there were neighbors of the site who would attest to the fact that these apartment units have been rented since before December of 1959, which is when the current Zoning Ordinance was adopted, Supervisor Fox felt this would be sufficient for Township records.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to direct the Code Enforcement Officer to visit the Bennett's site at 745 Church Road to determine the extent of non-conformity of the property, so that the Board may vote at the next Supervisor's meeting to approve the applicant's request.

2. An almost identical request was received from Mr. and Mrs. Anthony Landes of 226 Highland Park Road. Supervisor Fox knows of the property in question and feels the same stipulations should be addressed as in the Bennett's request above. Supervisor Fox knows of the property and is aware that the triplex has been a rental unit for at least ten years.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to direct the Code Enforcement Officer to visit the Landes' site at 226 Highland Park Road to determine the extent of non-conformity of the property, so that the Board may vote at the next Supervisor's meeting to approve the applicant's request.

3. Mr. Horrocks presented an Audit Report from Barbara Hafer, the Attorney General, which deals with the Liquid Fuels Tax Fund for the period of January 1, 1990 to December 31, 1990. There were no findings of error and everything was in order.

C. CONFIRMED APPOINTMENTS:

1. Mr. Sam Fulginiti - Mr. Fulginiti noted his home has been in existence for two hundred years. He constructed a patio approximately 40 years ago, with the builder using cinder blocks which have since deteriorated. A cement patio on the site of the

original patio was then constructed. After further consideration, Mr. Fulginiti wished to enclose the patio, and purchased \$2,000.00 worth of lumber and supplies to do so, however his building permit application was then denied. Mr. Fulginiti was not aware of the problems he would face in obtaining a building permit for the enclosed porch. This is the third time Mr. Fulginiti has been before the Board of Supervisors and he does not feel he is doing anything illegal by proposing to enclose his patio. Mr. Fulginiti is requesting an explanation as to why he can not obtain a building permit in order to enclose his patio. He does not feel denial of his building permit application is fair. Mr. Horrocks had suggested that Mr. Fulginiti appeal to the Zoning Hearing Board concerning this issue. It is Mr. Fulginiti's feeling that if the Board of Supervisors would not grant his request, he does not believe the Zoning Hearing Board would either.

At the last meeting Supervisor Bennington attended, he believes Mr. Fulginiti cited Section 528 of the Zoning Ordinance, which the Township Solicitor stated does not apply. However since this situation has been continuing for quite some time, Supervisor Bennington made a motion, which was seconded by Supervisor Fox, and carried unanimously, to direct the Code Enforcement Officer to re-evaluate the rejection of Mr. Fulginiti's zoning permit, at the behest of the Board of Supervisors.

Mr. Fulginiti requested that he be notified prior to the Code Enforcement Officer's visit to his home to re-evaluate the decision to deny the permit. The Board was in agreement that Mr. Fulginiti will be notified.

D. DIRECTOR OF PUBLIC WORKS REPORT - Mr. Thomas Buzby -

Mr. Buzby read the Public Works Report, dated June 28 through July 25, 1992, which is on file at the Township building.

Mr. Buzby noted the Township finished the Bituminous Seal Coat project last week, and he is presently attempting to schedule a date for the paving of Highland Park Road.

E. POLICE CHIEF'S REPORT - Chief George C. Egly -

Chief Egly read the Police Chief's Report, dated July of 1992, which is on file at the Township building.

Supervisor Bennington read in the newspaper that Silverdale Borough is considering renewing their contract and continuing police coverage services with Hilltown Township. Supervisor Bennington asked if the Board must approve Silverdale's contract renewal for another year. Chief Egly replied that is part of the original agreement with Silverdale Borough.

1295
Page 4
Board of Supervisors Worksession
August 10, 1992

Chief Egly commented the Township has purchased portable car radios from Silverdale Borough for \$200.00 each.

Supervisor Fox mentioned the apprehension of an armed robber at Ponderosa in Souderton by the Hilltown Township Police Department. Chief Egly commended Officer Chris Engelhart and Lt. Kerry Trauger for their hard work and dedication in the apprehension of this criminal, who is now in Bucks County Prison.

Chairman Bennett noted Chief Egly had mentioned 44 criminal arrests in his report, and asked if DUI is a criminal arrest. Chief Egly replied that it is. Supervisor Bennington asked if the rapist was ever apprehended. Chief Egly commented the police department is still working on that case.

F. CODE ENFORCEMENT OFFICER'S REPORT -

Due to the absence of Mr. Eric Applegate, Code Enforcement Officer, Supervisor Bennington read the Code Enforcement Officer's Report which is on file at the Township building.

G. HILLTOWN FIRE CHIEF'S REPORT/EMERGENCY MANAGEMENT REPORT - Mr. Robert Grunmeier, II -

Mr. Grunmeier read the Hilltown Fire Company's report, which is on file at the Township building. On behalf of the Hilltown Township Fire Company, Mr. Grunmeier thanked the Board for assistance in obtaining their recently purchased used police vehicle.

Mr. Grunmeier presented a draft of the Emergency Management Operation plan. This revised plan will be submitted to Bucks County this week for their review. Once an the original has been submitted and approved by the County, a copy will be placed on file at the Township building, with Department heads also receiving a copy.

Mr. Grunmeier reminded the Board that the Hilltown Fire Company will be holding their annual Golf Outing on August 29, 1992.

H. RESIDENT'S COMMENTS -

1. Mr. John Snyder travels Hilltown Pike daily, and has noticed that the tree at the Swartley Road curve by the flashing sign is very overgrown. Mr. Snyder asked if Mr. Horrocks could request that PennDot trim the trees and brush in that area. Mr. Buzby, Director of Public Works, commented that is on his agenda to rectify.

Page 5
Board of Supervisors Worksession
August 10, 1992

Also, over the past winter, minor accidents at this intersection have knocked down chevrons which PennDot has failed to replace.

Concerning the request made by Mr. Fulginiti earlier this evening, Mr. Snyder, as a member of the Zoning Hearing Board, wished to state his personal opinion. Since the Township is preparing to revise the Zoning Ordinance, the idea of adding a section regarding non-conformities such as Mr. Fulginiti's, which existed prior to zoning or where zoning is updated is very good possibility. Being a major expense for a resident to appear before the Zoning Hearing Board in such matters, Mr. Snyder suggested policy be changed so that in the event a single family dwelling is involved in such matters, the resident could take the appeal to the Code Enforcement Officer in an attempt to show that a non-conformity may have been caused by more restrictive zoning or due to pre-existing zoning. If the Code Enforcement Officer approves it, the application would then be forwarded to the Board of Supervisors for their concurrence, rather than having the applicant submit a formal Zoning Hearing Appeal. Mr. Snyder felt this system would be much easier on Township residents. Discussion took place concerning Mr. Snyder's suggesting.

Supervisor Bennington commented he and Chairman Bennett have attempted to find a way to assist Mr. Fulginiti with his request, however people must realize that the Board of Supervisors cannot direct the Code Enforcement Officer to change his decision. The only other option is for Mr. Fulginiti to appear before the Zoning Hearing Board. Mr. Snyder does not disagree with Supervisor Bennington's statement, however by making his suggested provision in the revised Ordinance, this type of situation could be avoided in the future.

While on this subject, Solicitor Rice stated the yards are defined in the future right-of-way. Future rights-of-way, which are set by Ordinance, such as 80 ft., 60 ft., etc., are there in the event that PennDot may eventually widen the roadway, which is the theory behind setting rights-of-way. Practically speaking, however, that will most likely never happen, yet the Zoning Ordinance has these future rights-of-way in the book. Residents measure their yard from the future right-of-way, not from the edge of the pavement. Solicitor Rice felt if the Board wishes to follow Mr. Snyder's suggestion, the Board should somehow either reduce the future rights-of-way, or reduce how yard requirements are measured. This has been done in other municipalities, and has been done by reducing the size of the ultimate right-of-way. Solicitor Rice thought that in Mr. Fulginiti's case, if the ultimate right-of-way was smaller than what it is, he would be permitted to do what he wanted to do under Section 528 of the Zoning Ordinance. One of the options for the Board to discuss in order to allow some of the

1297
Page 6
Board of Supervisors Worksession
August 10, 1992

older homes relief is the way the yard is defined. The way it is defined now is the legal right-of-way, unless there is a future right-of-way established.

I. SUPERVISOR'S COMMENTS -

1. As many people know, Supervisor Bennington has been very active with Deep Run Valley Sports Association, along with Mr. Horrocks, for the past eight or nine years. There has been a working agreement with the Mayford Athletic Club from Woking, England to exchange visits by respective soccer teams. This year, for the second year in a row, Supervisor Bennington is pleased to report that he had the pleasure of opening his home to a couple staying with his family while the soccer team from England is in the United States. This past Sunday, a ceremony to present a citation to the Mayford Athletic Club was held at the Deep Run Valley Sports Association. Supervisor Bennington presented a Proclamation from the Woking Borough Council to the Board of Supervisors, to mark the visit of the Mayford Athletic Football Club.

K. PRESS CONFERENCE -

A press conference was held to answer questions of those reporters present.

L. ADJOURNMENT - Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the August 10, 1992 Board of Supervisor's Worksession was adjourned at 8:20PM.

Respectfully submitted,

Lynda Seimes

Lynda Seimes

Township Secretary

(These minutes were transcribed from tape recordings taken by Mr. Horrocks).