

HILLTOWN TOWNSHIP
SUPERVISORS' MEETING
SPECIAL HEARING FOR AMENDMENTS
TO
ZONING ORDINANCE & SUBDIVISION/LAND DEVELOPMENT ORDINANCE
July 31, 1989

This special hearing was called to order by Chairman Robert H. Grunmeier at 8:00 P.M. Chairman Grunmeier introduced the Board and staff.

Members present were: Robert H. Grunmeier, Chairman
Betty J. Kelly, Vice Chairperson
William H. Bennett, Jr., Supervisor

Others present were: James H. Singley, Township Manager
John B. Rice, Township Solicitor's Office
Clarence J. Myers, Zoning Officer
Gloria G. Neiman, Township Secretary

Mr. Rice explained that the hearing has been advertised for consideration of two ordinances: One an amendment to the Subdivision & Land Development Ordinance and the other, an amendment to the Zoning Ordinance. These ordinances were drawn up in response to requirements of Act 170, an amendment to the Municipalities Planning Code by the State Legislature. He explained that Hilltown Township is currently involved in preparing a new comprehensive plan and a new zoning ordinance; and that the Board and PC felt there should be an interim ordinance to both ordinances until the entirely new ordinances are enacted.

Subdivision and Land Development Ordinance: "An Ordinance amending the Hilltown Township Subdivision and Land Development Ordinance of 1981, as amended, amending the definition of land development and providing new penalties for violations."

Mr. Rice explained that this ordinance was advertised in the Perkasio News Herald in the July 12, 1989 and July 19, 1989 issues. Proof of Publication was marked as Exhibit T-1; Proof of Filing Proposed Ordinance was marked at Exhibit T-2. He explained that this ordinance was also referred to the Township PC and BCPC on 6/29/89. No review received from BCPC to date; Township PC reviewed this ordinance on 7/11/89 at a public work session. Mr. Rice explained each article as follows:

Article I (Section 233) - Amending the definition of land development; a change required by Act 170; one non-residential building is now a land development (before it was not); agricultural buildings and amusement parks are excluded from this definition.

Article II (Sections 302.7, 303.7 and 304.7) - Requires any conditional approvals be accepted in writing by the developer (an Act 170 provision).

Article III (Section 604, Preventative and Enforcement Remedies) - Amends Administration Section - provides for penalties for violations (\$500 plus all court fees, including attorney's fees).

Article IV - (Section 702, Initiation of Amendments) - Changes notice requirements from 45 days to 30 days for prior notice to a public hearing. Also requires that 30 days after adoption, a certified copy be sent to the BCPC.

Article V - (Section 703, Hearings) - Changing notice and publication requirements as follows: notice shall be given once each week for two successive weeks, the first notice being not more than thirty days, and not less than seven days. Also requires that when a summary is advertised, an attested copy must be filed with the County Law Library.

Article VI - Repealer provision; repeals any old provisions inconsistent with this ordinance.

Article VII - Severability clause; in the event any part of this ordinance is found to be unconstitutional, that part would be deleted by a court and remainder of ordinance would be constitutional.

Mr. Rice stated that all of the above provisions are required by Act 170.

Public Comment: Chairman Grunmeier asked for public comment; there was no public comment. Chairman Grunmeier asked for Supervisor's comments; there was no comment by the Supervisors. Motion was made by Mrs. Kelly to adopt Ordinance #89-5, Amending the Hilltown Township Subdivision and Land Development Ordinance of 1981; motion seconded by Mr. Bennett and carried unanimously.

Zoning Ordinance - "An Ordinance amending the Hilltown Township Zoning Ordinance of 1983, as amended, providing for one (1) principal use on any parcel, providing new penalties for violations, and amending the zoning map of Hilltown Township to create revised Industrial Districts."

Mr. Rice reported that this ordinance was also advertised in the News Herald in the July 12, 1989 and July 19, 1989 editions. Proof of Publication was marked as Exhibit T-3; Proof of Filing Proposed Ordinance at the Bucks County Law Library was marked as Exhibit T-4. This ordinance was also sent to the Hilltown Township Planning Commission and the BCPC on 6/29/89.

Mr. Rice gave the following summary of this ordinance: Several changes were required by Act 170; other changes involve a zoning map change -- the existing Planned Industrial zoning district has been segregated into a Heavy Industrial zoning district and a Light Industrial zoning district -- also includes creation of a Resource Recovery Facility, broadening the definition previously in the Zoning Ordinance.

In answer to Mr. Rice's question regarding posting of affected tracts, Mr. Clarence Myers, Zoning Officer, stated he began posting the parcels on 7/20/89 and completed posting on 7/24/89.

Article I - (Section 301, Classes of Districts) - Amended to indicate there is no longer a Planned Industrial District -- there is now a Heavy Industrial District and a Light Industrial District.

Article II - (Section 304, Statement of Purpose and Intent for the District) - gives descriptions of the zoning districts.

Article III - (Section 400, Applicability of Regulations) - allows only one principal use on any parcel of land in the Planned Commercial zoning district.

Article IV - (Section 404, Table of Use Regulations) - changes Table of Use columns from PI to HI and LI.

Article V - (Section 405, Use Regulations) - definitions of uses changed to reflect Heavy and Light Industrial.

Article VI - (Section 405, Use Regulations) - add G5 Resource Recovery Facility (a new use). Mr. Rice explained that a municipality must zone for all uses; and that this section limits resource recovery facilities to the Heavy Industrial district only; providing regulations to meet stringent standards of both Hilltown and DER, and they must also comply with the Bucks County Municipal Waste Plan.

Article VII - (Section 405, Use Regulations) - relettering "H" designations and creating "I" designation. Addition of Section 535 - Open Space Designation - requires that 25% of open space in the Country Residential district be designated for a specific recreation use - and that detention basins and stormwater management facilities would not be permitted to be included in the open space designation.

Article VIII - Adopts the zoning map, creating the Heavy Industrial (HI) and Light Industrial (LI) zoning districts.

Article IX - (Section 1102, Fines and Penalties) - providing for fines for violations of Zoning Ordinance (\$500.00), and establishes procedure for Zoning Officer to follow when there is a violation.

Article X - (Repealer Clause) - repeals all inconsistent prior ordinances.

Article XI - (Severability Clause) - if any part is found to be unconstitutional by a court, only that portion would be deleted.

Public Comment: Chairman Grunmeier asked if everyone would like to look at the map indicating areas to be rezoned; no one present wished to view the map.

1. Jack Fox, Hilltown Village - Mr. Fox stated that the P.C. asked for two minor revisions: Table of Use, Utilities (Page 4) - Mr. Rice indicated that a change has been made for "F1" Utilities to CU. Mr. Fox stated that the water impact study, required on Page 10, Article IV (u), would not be necessary since municipal water is required. Mr. Rice stated that perhaps it should read, "a traffic impact study and a water availability certificate from the appropriate water authority" and indicated this could be changed since it is not a substantial revision. Mr. Fox asked that Article VII, Section 535, Open Space Designation (Page 10) be changed to read ". . . 25% of the open space shall be designated for specific recreational uses in single family cluster . . .".

2. John Bolger, Hilltown - Mr. Bolger questioned advance notice to property owners affected by the ordinance and asked that certified written notice be sent to all owners in addition to posting of properties one week in advance. He requested at least thirty (30) days notice. Mr. Rice replied that the posting of properties and advertisement in the newspaper is a requirement of the Municipalities Planning Code. Chairman Grunmeier stated that Mr. Bolger's suggestion will be taken under advisement. Mr. Bolger asked if the two maps (Exhibit "A" and Exhibit "B") include the entire industrial area -- Mr. Rice replied that the entire industrial area is included. Mr. Bolger questioned zoning of the area below Church Road; Chairman Grunmeier replied that this is in the PC-1 district. Mr. Bolger also questioned open space provision and asked why wetlands must be taken as part of the open space. Mr. Rice replied that this amendment is correcting that problem by requiring that 25% be used for a specific recreational use and excluding any part of the stormwater management detention basins to be used as open space. He stated that this was discussed by the Township Engineer and the Township Planning Commission and that this is an interim zoning amendment triggered by Act 170; however the PC is working on a comprehensive zoning amendment and he suggested Mr. Bolger make his opinions known to the PC at their work sessions. Mr. Fox stated that DCA defines "open space" as "that land that cannot be built upon"; and that the Township has improved upon this by adding the stipulation that 25% be retained as useful recreational land. There followed further discussion regarding open space. Chairman Grunmeier stated that the PC is working on an update and all comments will be taken into consideration. Mr. Bennett stated that decisions on open space could be made by negotiation.

2. Burt Kunkin of Leonard Kunkin & Associates - Mr. Kunkin explained that he owns Leonard Kunkin & Associates, a structural steel fabricator. Mr. Kunkin asked for a clarification of zoning; he stated that the land on which his company is located is defined as Light Industrial; whereas, he believes his business (manufacturing) would be classified as Heavy Industrial. Mr. Rice answered that "manufacturing" would be allowed in both the Heavy and Light Industrial districts and there would be no change in zoning of his business.

3. Carol Johnson, 715 Reliance Road, Telford - Ms. Johnson stated that her home is located in the Light Industrial district and asked what would happen if she demolished her house and wanted to rebuild a new home. Mr. Rice replied that an existing residence use would be "grandfathered"; but that this question should be directed to the Zoning Officer. Chairman Grunmeier asked Mr. Myers whether she could rebuild if her home should burn down; Mr. Myers quoted Section 604, Restoration, which states that a building destroyed by fire, flood, or other phenomon may be reconstructed and used for the same non-conforming use provided the reconstruction of the building is commenced within one year with no further expansion of the original non-conforming use. Mr. Myers stated that this change in use from Planned Industrial to Light Industrial would not constitute a change in use of her property, since it was a non-conforming use prior to this amendment.

4. William Hallman, 4117 Old Bethlehem Pike - Mr. Hallman asked a question which did not pertain to this hearing and was advised that only questions regarding this ordinance would be heard.

5. Tom O'Boyle, Reliance Road - Mr. O'Boyle stated that his prime concern is to protect the health of the Hilltown citizens. In regard to Resource Recovery facilities, Mr. O'Boyle related incidents regarding unhealthful aspects of incinerator ash. He stated that the restrictions for resource recovery facilities should be stringent enough to protect the citizens.

Supervisor's Comments:

1. Mrs. Kelly indicated she had no comment.

2. Mr. Bennett stated that some good points have been made which should be reviewed (water impact study, Page 6; and Article VII, open space designation) and recommended that adoption of ordinance be delayed for 3 to 4 weeks. Chairman Grunmeier stated that the minor changes could be revised tonight; Mr. Rice agreed that the two changes suggested by Mr. Fox could be changed; i.e., Page 10, Article VI, Subsection (u) to be changed to read "a traffic impact study and a certification of water availability from the appropriate authority are required". Also, Page 10, Article VII, Section 535, 4th line down should read "open space shall be designated for specific recreational uses".

3. Chairman Grunmeier referred to Section 400, Applicability of Regulations, and asked if an owner of a service station (allowable in the PC-2 District) would be permitted to add a convenience store under this ordinance (which states "one principal use"). Mr. Rice replied that this would probably be considered as one principal use and that it would be allowed under this ordinance. Chairman Grunmeier asked if an owner of a repair shop would be allowed to sell used cars on the side; Mr. Rice replied that it could be considered an accessory use. Chairman Grunmeier asked if a gas station and a mini-mart would be allowed on an empty parcel under this ordinance; Mr. Rice replied that a mini-mart is a principal use with an accessory; and that this ordinance deals with a mixture of uses. Chairman Grunmeier asked if an owner of a body shop would be permitted to have an adjacent used car lot. Mr. Rice replied that these are two separate and distinct uses and would probably require a decision by the Zoning Hearing Board.

4. Joe Marino, Red Wing Road - Mr. Marino commented that a dealer's license must be obtained from the state. Chairman Grunmeier stated that the municipality must first issue the proper zoning certificate before a used car lot can be permitted; then an application must be made to the state.

The Board recessed for five minutes. 9:40 P.M. - meeting called back to order.

There being no further comments, a motion was made by Mrs. Kelly to adopt Ordinance #89-6, Amendment to the Hilltown Township Zoning Ordinance; as amended with stipulations made by Jack Fox; motion seconded by Mr. Bennett and carried unanimously.

Respectfully submitted,


Gloria G. Neiman
Township Secretary