

HILLTOWN TOWNSHIP
JOINT WORK SESSION
HILLTOWN TOWNSHIP SUPERVISORS
HILLTOWN TOWNSHIP PLANNING COMMISSION
HILLTOWN TOWNSHIP WATER & SEWER AUTHORITY
June 28, 1989

Chairman Grunmeier called the work session to order at 7:35 P.M. The Board recessed for an executive session to discuss pending litigation. Meeting was called back to order at 8:00 P.M. Chairman Grunmeier announced Mrs. Kelly would be unable to attend this meeting.

Attendance:

Board of Supervisors: Robert H. Grunmeier, Chairman
William H. Bennett, Member

Planning Commission: Jack Fox, Chairman
Vincent Pischl, Secretary
Charles Barclay
Jay Poggi
Carol Pierce

Water & Sewer Authority: John Roberts, Chairman
William Curry, Vice Chairman
Frank Beck, Secretary
William Beals, Ass't Sec'y/Treas.
Harry Maurer, Treasurer

Others present: Francis X. Grabowski, Solicitor
Gloria G. Neiman, Township Secretary
John Gerner, News Herald

Chairman Grunmeier explained that the scope of this work session is to provide communication between the three boards: Supervisors, Planning Commission and Water & Sewer Authority and to allow better understanding of what the boards are doing.

Chairman Grunmeier stated that the Chairman of the Planning Commission and Chairman of the Water & Sewer Authority were given a copy of an Act 537 revision for the Line Lexington sewer service area, and asked if there were any comments on same. Mr. Jack Fox stated that the P.C. voted to recommend a change to the Act 537 Plan for the Line Lexington sewer area. Mr. Grunmeier explained that a steering committee was set up to sewer the Line Lexington village center area (one-half in New Britain and a small portion in Hilltown Township). The North Penn Industrial Park on County Line Road is putting in a package treatment plant and is picking up part of the funding for this project. He further explained

that an Act 537 revision must be approved and taken to the Chalfont/New Britain Authority for their approval; after that a meeting will be held with the residents of that area to arrive at a cost factor. There being no further comments, a motion was made by Mr. Bennett to adopt Resolution #89-23, Act 537 Revision for the Line Lexington Sewer Service Area; motion seconded by Chairman Grunmeier and carried unanimously.

Clarence Myers, Zoning Officer, presented the following problems to the Boards for their information to be considered when addressing the zoning update:

1. Home Occupation - Mr. Myers requested that there be a better definition of home occupations. He stated that there have been several Zoning Hearing Board decisions which have resulted in negative comments from the general public. In answer to Mr. Curry's question, Mr. Myers explained that some residents have objected to certain home occupations/professional services being allowed. Mr. Fox stated that the township should limit businesses being allowed in residential districts where there is insufficient parking to accommodate them. He stated that several years ago the Zoning Hearing Board allowed hairdressers to conduct business, even though it is listed as a personal service in the zoning ordinance, and the present Zoning Hearing Board now feels they must adhere to the previous decisions. Mr. Fox stated that this is defeating the whole purpose of the development district. Mr. Geoffrey Keely, 301 Thistle Lane, Pleasant Meadows Subdivision, Perkasio, was present at the Supervisors' Meeting on Monday, June 26th, and had discussed this issue at that time. Mr. Keely (also present at this meeting) stated the definition of "home occupation" is too "broad based" and should be clarified. Mr. Myers remarked that there are too many ambiguities in the zoning ordinance which should be addressed.
2. "Mother-in-law" Suites - Mr. Myers stated that these suites could, at a future date, become rental units. He stated that he currently requires the applicants to sign a form, indicating they will never become rental units. Mr. Grabowski reported that, in the past, there have been instances when the Sewer Authority has not be informed of the existence of the "in-law" or "caretaker" suites; and the parcel is then only assessed for one unit instead of two. Mr. Myers replied that the zoning office is aware of this and he is trying to keep the Authority informed and suggested the Township office could submit a copy of the zoning permit application to the Sewer Authority in the future. Mr. Myers stated that these suites could easily be converted into apartments and a solution to this problem should be considered.

3. Airport Landing Strips - Mr. Myers stated this should be addressed since there is nothing in the zoning ordinance which covers this; it is governed by the FAA. Mr. Fox indicated there is a problem with ultra-lights since they are not regulated by the FAA.
4. Performance Standards (Section 502) - Rural Residential Single Family Homes maximum impervious surface is listed at 9%; under Use B-1, Single Family Homes, Rural Residential, allowable maximum building coverage is 15%. Mr. Myers stated that the 9% is not in keeping with the 15% and this should be addressed. He explained (as an example) that the CR District, under Single Family Cluster, 20% maximum impervious surface is allowed which is the same as the maximum building code -- he questioned why there is a difference between the CR and RR districts. Mr. Fox stated that in 1957, a model ordinance was obtained from Bucks County and that the Township adopted the entire ordinance as a whole and there are some items which have never been addressed, thus the reason for the zoning update.
5. Section 530 - Residential Accessory Buildings - Mr. Myers reported there is a problem with owners of large acreage; they feel they can place a detached garage in front of the house; however the zoning ordinance states that accessory buildings shall be no closer than 15 ft. to the rear of the primary building. Mr. Myers stated this section should be reworded.

Another problem he has been confronted with is "where do the front yards begin?" -- i.e., additions made to the front of buildings.

6. Chairman Grunmeier asked for an update of the Pileggi/Kepich property on Rt. 113. Mr. Myers stated that Mr. Kepich wanted to put up temporary buildings and was told by the zoning office that he could not do so because his plans were still before the PC. The Building Inspector also advised that the buildings he wished to construct were permanent, not temporary and that he would have to discontinue business -- Mr. Kepich has not done so. A letter of violation was sent to Mr. Kepich and his attorney had requested a zoning hearing be set, if necessary; however, no action has been taken to date. The Board agreed to cite Daniel Kepich for violations on the his nursery on Rt. 113.

Mr. Fox also indicated that Mr. Bachman was cited and is still selling used cars at the old R & S Diner location on Route 309. The Board agreed to cite Mr. Bachman also.

Mr. Poggi stated that the Planning Commission is aware of many of these items and will go through everything line by line, including setback requirements.

7. Mr. Myers suggested that "caretaker suites" (servants, live-in maid, caretaker for sick children or adults, etc.) could be addressed separately; as in some cases two dwellings are being allowed on the same property. Chairman Grunmeier asked if any of the caretaker facilities have been discovered under the tenant ordinance; Mr. Myers replied that he has not had a chance to investigate them; however, in the address system update he has found some rental properties.
8. Mr. Pischl questioned status of light industrial/heavy industrial areas, including airports. Mr. Grabowski stated that perhaps Mr. John Rice (solicitor from Mr. Grabowski's office) could attend the next P.C. meeting or work session to regenerate this issue.

Mr. Beals asked if the Water & Sewer Authority is advised of caretaker apartments and Mr. Myers indicated he usually checks with the HTWSA office. Mr. Beals further stated that the HTWSA is almost out of sewer capacity.

9. Mr. Myers questioned the Replogle Subdivision (Harvest Lane) and asked why the Planning Commission and Water & Sewer Authority could not get together to determine who is responsible for payment of sewer hook-up. Mr. Grabowski explained that a notation was placed on the plan; however, the note was not disclosed to the purchaser during settlement. He stated that this occurred 2-3 years ago and since that time, fees are either paid immediately; are escrowed; or a separate memorandum is recorded which would be evident during a title report. Mr. Poggi stated, in a recent case, the PC advised the developer he would have to escrow money so that the homeowner would not have to pay when water & sewer is available. Mr. Pischl stated that developers would often tell the PC they had water & sewer when, in fact, they had not been to the HTWSA at all. Mr. Fox indicated that the PC now requires written confirmation that the Authority has approved water & sewer.

Discussion Between the Boards:

Mr. Beck asked that the HTWSA be provided with a preliminary site plan; Mr. Pischl agreed. Mr. Grabowski stated that the Authority discussed this some months ago: The Authority Engineer pointed out that most developers will come to the Authority to determine where to put the utility lines before he can obtain preliminary plan approval; how does the Authority tell him where to put the lines if he should not be before them. Mr. Fox stated it should be conditional upon the Authority giving them capacity. Mr. Beals did not agree and stated that it is a "Catch 22" situation since the Authority would not expend funds to analyze a probationary approval of the plan on their own.

Mr. Bennett asked if the development district will be expanded in the new plan; Mr. Fox replied that it would have to be expanded -- that there should be possible areas for development every five years, according to the needs and service. Mr. Beck remarked that in the future the builders will sewer the areas. Mr. Fox stated that under Act 170, almost everything is against the municipality, except the water -- the amount of homes can be limited if there is insufficient water. Mr. Beck commented that people who buy \$300,000 and \$400,000 houses will not be stopped. Mr. Fox stated that these houses would be placed on larger acreage. Mr. Roberts disagreed and stated that the new trend is to build "border to border"; that people are not interested in taking care of large lawns. Mr. Fox stated that with 4 or 5 acres they could have an on-site system; Mr. Roberts replied that lot size is not the determining factor today. Mr. Beck stated that the large developers will run the water lines; and you cannot stop them.

Mr. Grabowski commented that the day of the small builder is numbered; that Hilltown has been fortunate to have good, small builders who take pride in what they do; however, this is coming to an end. He stated that water and sewer are not going to stop haphazard development -- Hilltown Township should make sure there is a fair share of density in the development district and then change CR District to 4 or 5 acre minimum acreage. Mr. Beck asked what would happen to a resident with 2 acres; Mr. Grabowski stated that this would be a non-conforming use and the ordinance states if the lot was in effect before the new ordinance, the resident would have the right to develop it.

Mr. Beck expressed fear over the Authority being made responsible for the package plants. Mr. Fox stated that they would not have to accept them and that a homeowner's association could be responsible. Mr. Grunmeier remarked that if it was in a homeowner's association and the plant went in disrepair, the residents would come back to the Supervisors -- the Authority would then be forced to take over operation. There followed discussion regarding the feasibility of the Authority building and supervising the operation and planning of a package plant.

Chairman Grunmeier presented the following scenario: Suppose your sewage district ends and a person sells a 100 acres of ground 1,000 feet away -- which would be better (since the ground will definitely be developed) to put a package treatment plant there or to extend the sewer line? Mr. Beals stated that the sewer line should be extended. Mr. Roberts stated that if it is feasible and more beneficial to the township to extend the sewer line 1,000 ft., he would rather see the sewer be extended than to put in a package plant. Mr. Poggi stated that he'd have to be turned down and if there is room in the development district, he'd have to go there....discussion followed. Mr. Grunmeier stated that someday the township will be developed; and asked which would be better for long range planning -- to make sure the public system is put in at the developer's cost -- or to put in a package system which could go bad and the taxpayers would then have to pay the bill to put in a public system. He stated that if the package plant goes wrong, the Water & Sewer Authority will be blamed -- Mr. Pischl and Mr. Beals agreed.

Mr. Bennett asked if it is practical that the PC be considering this since more water customers are needed and suggested that the PC should have an idea of what the Authority would like to see for the next five years. Mr. Roberts replied that it would not be logical to supply houses with public water and not supply them with public sewer; he stated he would like to see agreement between the three boards in a situation such as this; that there should be flexibility in making decisions to benefit everyone. Mr. Bennett agreed that the three boards should be in agreement as to long range planning.

Mr. Roberts remarked that it was the Authority's impression that the PC was dictating escrow agreements. Mr. Fox disagreed and stated that the PC never discusses escrow agreements that they are made by the Solicitor and the Supervisors. Mr. Poggi stated that in the Ludlow situation, he was given relief on a large list of items in return for running the lines at his expense; Mr. Fox objected and explained that the developer didn't get the relief in return for putting in the water lines; when the developer complained of the money he had to pay to the Authority, one of the PC members asked him why he was complaining about paying the Authority when he received so much relief.

Mr. John Gerner (Reporter - News Herald and also a member of Perkasio Borough Council) stated that Perkasio Borough is running out of land and their policemen and other residents working in our area will be unable to afford the "starter" homes the developers are currently building. He stated that we are facing a serious problem for the low income individual. Mr. Grabowski stated that the "home builders' associations" are not interested in affordable housing; they will build the \$400,000 to \$600,000 homes. Chairman Grunmeier stated that, in the future, the "in-law" suites will be kept by the homeowner (parents) and the house turned over to their children. There followed further discussion regarding the problem of providing "affordable" housing for the residents.

Mr. Beals asked if there would be any agreements and/or commitments which should be worked on in the future as a result of this work session. Chairman Grunmeier answered that everyone present will receive the minutes of this session, summarizing all topics of discussion, and after they are reviewed, the boards/commissions can meet again. Mr. Beals remarked that he hoped there would be more work sessions in the near future.

Mr. Fox stated that the P.C. is moving along with the Zoning Ordinance and is about 80% complete with the Comprehensive Plan; however, the township map must still be reviewed. He suggested a meeting in six months with review of the map to determine possible expansion. Chairman Grunmeier agreed and suggested an update would be possible prior to that time.

Mr. Roberts stated that, at this time, the Authority does not know what capacity is available to the township and, until they do, they are accepting no applications for sewer. Mr. Fox answered that there would be no building until capacity is available; but asked what procedure the Authority would wish to follow if they had capacity and stated if the PC gives preliminary plan approval, that is 95% of the approval process. Mr. Roberts stated that there are expenses incurred by both the developer and the Authority -- the solicitor has to draw up agreements; money must be escrowed; and depending on size and nature of what is being done, it could involve a great deal of money. At this time, the Authority can say there is no capacity and plans will go no further.

Mr. Fox asked, if there would be sufficient EDU's in 5 years what procedure would the Authority wish to follow. Mr. Roberts replied that he would suggest (to get rid of the "Catch 22" situation) that the applicant come to the PC first (even with a sketch plan format); let the PC consider it, then have them go before the Authority. This would make the Authority aware of the submission; the Authority will indicate if there is available capacity but it will not be reserved until the monies are received. Mr. Grabowski stated that this is consistent with Chapter 71 of the Sewage Facilities Act -- DER will now not review a sewage facilities amendment until there has been zoning approval within the municipality. He stated that the negative aspect of this is that, when asked by the township what they are doing about sewer, the developer is not required to tell the township at that point and the township cannot use that reason to deny the plan.

Mr. Grabowski suggested that no money be taken for sewer capacity until there is preliminary plan approval; continue to require the professional services agreement with every developer (that they must deposit money for the engineering review) and let the engineer review the plan; but give the developer a written disclosure that he must acknowledge there is no guarantee of sewer capacity until he has preliminary plan approval and capacity does exist. Mr. Roberts questioned if, by accepting the check, is the Authority promising that there is capacity? Mr. Grabowski replied that the document does state that there is no implied indication of sewer capacity being available; however, he stated that the Authority should not take any checks until the applicant has preliminary plan approval. Mr. Fox stated that this could be changed to final plan approval - EDU's must be reserved and paid for with Board of Health and PennDOT approvals in hand.

Mr. Pischl questioned what would happen if the PC gives preliminary plan approval; and the Authority advises there is no capacity. Mr. Grabowski replied that they will either go away or go to DER for consideration of an alternate means of sewage facilities (package plant or community system, etc.) Mr. Pischl asked if the P.C. should be accepting plans in view of the fact that there is no capacity at this time; Mr. Grabowski replied that the law states plans cannot be turned down for lack of sewer, since there are other means of sewer facilities.

Mr. Fox stated that if DER approves a package plant, the township could require the applicant do other things to fit the standards of the township. Mr. Grabowski stated that DER will not allow the township to design the plant, but they will allow maintenance enforcement to the township. Mr. Fox stated there are ways to control -- by acreage, etc. If it is a large enough unit, he stated, it would be smart for the Water & Sewer Authority to accept maintenance of the package plant and they could charge maintenance cost. Mr. Wynkoop asked, if there is no capacity, could a developer install a package plant within the boundaries of Act 537 -- Mr. Grabowski replied that they could. In answer to Mr. Wynkoop's question regarding whether the Authority could give a time limit of when they would have capacity, Mr. Grabowski stated that DER would make this decision.

Mr. Roberts expressed concern over poorly designed and constructed satellite package plants which would end up being the responsibility of the Authority. Mr. Fox stated there are no flowing streams; and 100% capacity is required in the satellite plants. DER will not approve if not 100% -- they have turned down spray irrigation applications. Mr. Roberts stated that he does not want the township involved in numerous package plants which will be a problem with expensive overhead to the Authority. Mr. Bennett asked how many houses would be necessary for a package plant. Mr. Beck replied that it would depend upon the size of the plant -- could be as little as five houses. Mr. Grabowski reported that they are prefabricated and can easily be bought and the number of homes would not really matter. In answer to Mr. Bennett's question, Mr. Beck replied that it is not necessary to have a running stream; could be discharged into a ditch.

Mr. Beals questioned development of the "development district" the Authority is currently serving, and asked what the Authority should do when a developer is outside of the "development district" now being serviced and needs a pump to get into the district. He explained that the present district was based on gravitational flow which the Authority can service without pumps. Mr. Grabowski replied that one of the problems is that the service district of the Authority is a lot larger than the CR District shown in the Zoning Ordinance. He stated that the Authority invested a lot of money to install the (water) lines and they need customers to survive; however, a parcel may be located in the "service district" but not be within the CR District. The Zoning Ordinance now states that even if a parcel is not in the development district, if there is public sewer there, the lot size can be decreased. He stated that the two must somehow coincide. Mr. Fox replied that the zoning ordinance does state if a parcel is in the RR District and not going to cluster, it cannot be done on less than 50,000 s.f.; if clustered, it can be done on 3/4 acre but there must be 50% open space allowed and public water and sewer. Mr. Fox further stated that the Wastewater Facilities Plan must be updated within the next 1½ years.

6/28/89

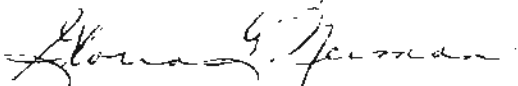
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A suggestion was made by Chairman Grunmeier to hold a special Supervisors' meeting on July 31st and to authorize the Solicitor to pursue an amendment to the Zoning Ordinance for possible hearing at that meeting. The Amendment would attempt to cover some of the concerns mentioned tonight, as well as Act 170 amendments. Motion was made by Mr. Bennett to hold this special meeting; motion seconded by Mr. Grunmeier; motion carried unanimously.

Regarding the numbering system, Mr. Bennett stated that it appears to be difficult to obtain 3" reflective numbers and this should be given more consideration. He suggested that the township could, perhaps, manufacture the numbers to provide uniformity of numbers. Chairman Grunmeier stated that these numbers are necessary to aid emergency personnel in locating residences.

There being no further business, a motion to adjourn was made by Mr. Bennett at 10:00 P.M.

Respectfully submitted,



Gloria G. Neiman
Township Secretary

ATTENDANCE RECORD
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