

**HILLTOWN TOWNSHIP PLANNING COMMISSION
REGULAR SCHEDULED MEETING
MONDAY, JUNE 21, 2021**

The regularly scheduled meeting of the Hilltown Township Planning Commission was called to order by Chairman David Christ at 7:00 PM and opened with the Pledge of Allegiance. Also present were Planning Commission members Brooke Rush, Jon Apple, Eric Nogami, Frank Henofer, and Township Engineer, Timothy Fulmer. Mr. Christ announced the Knox Land Development asked to be removed from the agenda.

1. APPROVAL OF MINUTES – Action on the minutes of the May 3, 2021, meeting – Motion was made by Mr. Rush, seconded by Mr. Apple, and carried unanimously to approve the May 3, 2021, meeting minutes as written. There was no public comment.

Action on the minutes of the May 19, 2021, meeting – Motion was made by Mr. Henofer, seconded by Mr. Apple, and carried unanimously to approve the May 19, 2021, meeting minutes as written. There was no public comment.

2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

3. CONFIRMED APPOINTMENTS:

a) Reserve at Highview Subdivision Monitoring Well Network – Jeffrey Clark, P.G., – 6 Lot Residential Development – 30/32 Highview Road: Mr. Jeffrey Clark, P.G., Valley Environmental Services, Inc., was in attendance and stated they installed a well on the proposed lot #5, there is an existing well on lot #2, there is an existing hand dug well on the property, and the owner's well, which is the existing lot, is also one of the monitoring points on the site. In keeping with the ordinance requirements, eleven letters were sent out to adjacent property owners with four replies received agreeing to having their wells monitored. Mr. Fulmer stated the ordinance requires the Planning Commission to approve the monitoring well network before they conduct the testing and study that eventually gets reviewed with the plan. This impact study will be prepared and submitted with the final plan. Mr. Clark noted the monitoring wells are in the surrounding areas. Based upon approval this evening, he will be starting two weeks of background monitoring on Monday, the test would be after the week of July 12th, and then posttest monitoring if there is any draw down. Mr. Rush commented the neighbors have the option to participate. It cost nothing to have the wells monitored, and only four responses were received out of eleven. Mr. Clark stated it is typical to receive 40% responses from the letters. Mr. Clark also noted Hilltown Township does not require the letters to go out certified mail.

Motion was made by Mr. Rush, seconded by Mr. Apple, and carried unanimously to approve the proposed monitoring well network plan for the Reserve at Highview contingent upon Wynn Associates, Inc. review letter dated June 4, 2021. There was no public comment.

b) Krager Contracting Conditional Use – J. Oliver Gingrich, Esq. – Trades Business – 1710 Fairhill Road: Mr. Oliver Gingrich, Esq. was in attendance, along with the applicant Mr. Edward Krager, to give an overview. Mr. Gingrich stated his applicant is seeking a conditional

use application to allow Mr. Krager to conduct his business, Krager Contracting, LLC, at his home at 1710 Fairhill Road, where he resides with his wife and his four sons. The Hilltown Township Zoning Ordinance does permit the use (I18) in the RR Zoning District as long as he complies with the requirements of the ordinance. He continued to state Mr. Krager will comply with all of the requirements upon the completion of his proposed building as an accessory structure. Mr. Gingrich presented a conceptual pole barn detail plan, dated 6/18/2021, which indicates the permanent trade business vehicle storage and the personal use within the 6,400 SF building. Mr. Gingrich reviewed Wynn Associates, Inc. letter dated May 4, 2021, stating the requirements of Section 160-23.I(18):

- A. The three-acre minimum is met as the site is approximately ten acres.
- B. An outbuilding is proposed to be able to meet the requirements.
- C. In regard to the amount of floor space devoted to the home occupation, all of the space that will be needed to meet the requirements will be in the pole barn and not in Mr. Krager's home. There will be additional buffering area. Mr. Gingrich stated the applicant has the right to build the building as a residential accessory structure, so they are proposing they do both steps at the same time.
- D. They are not proposing to change the appearance of the residence.
- E. Mr. Krager has four employees.
- F. There will not be any signs as there will be no retail sales.
- G. There are five vehicles.
- H. The vehicles will be stored in the building.
- I. There will be no wholesale or retail sales.
- J. The operating hours will be 7:30 AM to 5:00 PM.
- K. There are three employees that will need to park on the off-street parking area.
- L. There will not be any parking in the front yard. There is adequate buffer around the property, but Mr. Krager will meet any other ordinance requirements in regard to additional buffering. Mr. Gingrich continued stating conditional uses would permit the Township to add additional requirements to protect the health and welfare of the surrounding community. Mr. Krager understands and if there is something that is asked of him, he is willing to do that. This property was previously used as a concrete business, and this is not a change of what was happening at that time.

Mr. Christ asked if cement is going to be dumped on the property. Mr. Krager stated the majority of their stuff goes right down to L&M. There will not be any large waste piles, and nothing can be seen from the road.

Mr. Apple clarified there is a small garage on the property with 4 wheelers, boats, junk, etc. Mr. Krager stated the proposed building is approximately 1,000 feet to the closest house.

Mr. Fulmer stated the building is larger than what it needs to be in order to meet the requirement and, at any point, he has to comply with the requirements. Mr. Krager stated gardening equipment, camping equipment, tractors, a chipper, etc. will be in the personal area of the proposed building. Mr. Fulmer clarified there are four employees in addition to Mr. Krager, but only three employees come to the property everyday as the fourth employee goes directly to the job site.

Mr. Fulmer stated the Conditional Use Hearing will be next Monday during the Board of Supervisors meeting, and there will be testimony given by the applicant along with the presentation of exhibits.

Mr. Rush commended Mr. Krager for coming forward with the trade business as it is a good use. Mr. Fulmer stated if this project falls under land development, he suggests they come in as a waiver of land development. The Zoning Officer will look at the site plan in regard to the buffering requirement and review the setbacks/planting material.

Mr. Krager stated most of the 50 trees that he planted were evergreens (Green Giants), and the previous owner planted pine trees up and down the majority of the other property lines.

Mr. Rush stated the proposed building is at the best location in terms of the whole property.

Mr. Krager stated a toilet was put in the existing garage, so no new plumbing is proposed for the new building. Mr. Krager stated he has his business at an additional location so this is not his sole facility.

Motion was made by Mr. Rush, seconded by Mr. Nogami, and carried unanimously to recommend the Krager Conditional Use Application for approval by the Board of Supervisors as submitted by the Wynn Associates Inc. review letter of May 4, 2021. There was no public comment.

c) Sensinger Subdivision – Wayne Kiefer, P.E. – 7 lot residential development – 1411 Route 113: Nate Fox, Esquire was in attendance on behalf of the applicant, Jim Sensinger, along with Wayne Kiefer, P.E., RL Showalter & Associates, Inc., for the proposed 7 lot residential development on 11.348 acres located along the north side of Route 113 within the RR Zoning District which is an extension of the road proposed as part of the 781 Minsi Trail Subdivision which is under construction. Mr. Fox reviewed Wynn Associates, Inc. review letter dated June 10, 2021, stating they are substantially “will comply” with only a few items. Mr. Sensinger would like to phase the project as to build on lots 1 & 2, lot 3 to be sold off to a third party, and have a professional developer complete the remainder of the lots and improvements as shown on the plan. Mr. Fulmer stated his understanding is that they would like to phase the development for the three lots and then the rest later on. The road is obviously going to come to a point for the three lots and then go on later. He cannot record the plan as is stands right now if the Township does not have financial security to build whatever is needed to have frontage on all of the lots.

Mr. Sensinger stated he understands the concept, but he just wants to do just the first three lots as Phase 1, which he has received a preliminary agreement on from the Supervisors. He does not want to put up any of the monies for the second phase because that is going to be for whoever buys it. Mr. Fulmer stated Phase 1 must stand on its own and be recorded. Preliminary approval could be granted based on the overall concept and Phase 1 could be granted for final approval. Mr. Fulmer noted he does not know if tax parcels can be given because there must be frontage on the road and, at this point, there is no guarantee the road is going to be built through. Mr. Kiefer stated lot 4 (the remainder of the land) would have access from Route 113. Mr. Kiefer continued to state everything will stand alone in Phase 1 including the stormwater system, the sanitary system, and water (which have been sized appropriately). If Phase 2 is never built, Phase 1 will stand alone. Mr. Fox stated in addition to the plans, they can also note these items in the recorded land development agreement that will be recorded against the property in clear language to make sure they are bound to what they discussed and what is shown on the plan. Mr. Fulmer stated he does

not have any issue with the Phasing of the plan, but he would like to see the calculations, etc., to see that Phase 1 can work on its own. Mr. Fox continued to review the engineering letter stating that they still need confirmation from the Township that they are agreeable to the type and number of buffer plantings that was proposed. Mr. Fulmer clarified the applicant is proposing 15 medium/large deciduous trees, 58 evergreen trees, and 20 shrubs on a mulched berm along Route 113. Mr. Fox stated the applicant asks that the fee in lieu of street improvements on Route 113 be waived as they are not using Route 113. Mr. Christ stated the Board of Supervisors will discuss it with the applicant. Mr. Kiefer also asked they receive relief (SLDO Section 140-17.D) from showing existing features within 100 feet of the site but will provide an ariel photo showing the information. It was noted the applicant will provide gang mailboxes as required by the Post Office and the road will follow the same characteristics of the Lynn Builders development. Mr. Nogami stated a few more deciduous trees and shrubs should be added. In regard to the buffer, Mr. Sensinger stated the Supervisors said to look at the Ryan Home's development on Green Street as that is what they want to see there, and that is what they are showing on the plan. Mr. Fulmer stated the Township no longer requires trees to be planted between the curb and sidewalk. These trees will be closer to the front of the home instead of the street. Mr. Apple suggested planting green giant trees as they are much better for screening, are deer resistant, and will last a long time. It was clarified there are underground basins to handle the individual lots and, in addition, lot 6 has an underground basin that handles the runoff from the high point of the site. Mr. Fulmer suggested the applicant make changes to clean up the plan, show the information needed for the phasing, and then come back to the Planning Commission for their consideration of Preliminary/Final recommendation. Mr. Kiefer clarified most of the buffer will be planted in Phase 2. Mr. Sensinger stated there is plenty of natural growth on Lot 2 and Lot 3. It was clarified the existing trees do not have to be removed. Mr. Fulmer clarified in regard to the plantings that are proposed on the plan, the trees will be put on grade and not built up to create a berm, and the 20 shrubs will be planted in a bed area. Mr. Rush stated the applicant needs to plant the trees on lot 1,2 & 3 and to complete a Phase 1 plan. Mr. Fulmer stated it goes back of having a concept of having a Phase 1 plan showing exactly what is going to be done in Phase 1. The Planning Commission stated they have no issues with the requested waivers:

SLDO Section 140-27.B(4) which requires lot lines to be oriented substantially at right angles or radial to the street line.

SLDO Section 140-27.B(9) which requires reverse frontage lots except where reverse frontage lots contain frontage on a local street line and either an arterial or collector street.

SLDO Sections 140-28.I and 140-37.C(2) which require landscaping of the rear of reverse frontage lots, and installation of street trees along Route 113 within the frontage of the site.

SLDO Sections 140-28.P, 140-29.D, and 140-36, which require cartway reconstruction/overlay, drainage improvements, cartway widening, and sidewalk along Route 113 within the frontage of the site.

SLDO Section 140-48 which requires streetlights to be installed along streets within a subdivision or land development.

SLDO Section 140-17.D which requires existing features within 100 feet of the site (which will be an addition to the list of requested waivers).

Mr. Fox stated the applicant will come back with a Phasing Plan. No action was taken by the Planning Commission.

4. PLANNING: None.

5. ORDINANCES/RESOLUTIONS: None.

6. OLD BUSINESS: Mr. Nogami noted the Bucks County Planning Commission recommended against including the Linke property into the Agricultural Security Area based upon it not meeting the purpose of the ASA and being inconsistent with the Township's Comprehensive Plan and the Zoning Ordinance.

7. NEW BUSINESS: Mr. Rush noted he participated in a meeting, as well as Mr. Fulmer, with Bucks County in regard to the New Comprehensive Plan, 2040 and they shared the details of the meeting with the rest of the Planning Commission Members.

8. PLANS TO ACCEPT FOR REVIEW ONLY: Mr. Fulmer stated he received the 2-lot Thornton Minor Subdivision, but it will be re-submitted to include the septic system design.

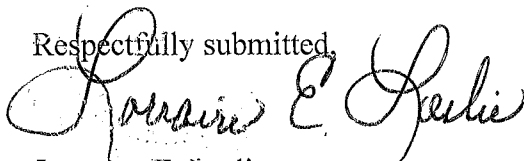
9. PUBLIC COMMENT: None.

10. PLANNING COMMISSION COMMENTS: None.

11. PRESS CONFERENCE: None.

12. ADJOURNMENT: Upon motion by Mr. Apple, seconded by Mr. Henofer, and carried unanimously, the June 21, 2021, Hilltown Township Planning Commission meeting was adjourned at 8:45 PM.

Respectfully submitted,



Lorraine E. Leslie
Township Manager/Treasurer

(*NOTE: These minutes were transcribed from notes and recordings and should not be considered official until approved by the Planning Commission at a public meeting).