

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
MONDAY, AUGUST 23, 2021**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John McIlhinney at 7:03 PM and opened with the Pledge of Allegiance. Also, in attendance were Supervisor Caleb Torrice, Township Manager Lorraine Leslie, Township Solicitor Jack Wuerstle, Township Engineer Tim Fulmer, Chief of Police Christopher Engelhart, and Finance Director Marianne Egan. Vice Chairman James Groff was absent.

1. ANNOUNCEMENTS: None.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
 - a) Minutes of the July 26, 2021, Board of Supervisors Meeting
 - b) Bills List – August 10, 2021
 - c) Bills List – August 24, 2021
 - d) Financial Report – July 31, 2021

Motion was made by Supervisor Torrice, seconded by Chairman McIlhinney, and carried unanimously to accept and approve items 3(a) thru 3(d) on the Consent Agenda as written. There was no public comment.

4. CONFIRMED APPOINTMENT:
 - a) Trevor & Chantelle Nathan – 402 Siena Way – Fence Easement Agreement: Trevor & Chantelle Nathan were in attendance to request permission to install a 48” black aluminum removable fence on the property over the easement area located at 402 Siena Way. Mr. Nathan stated he understood that if the Township has to enter the easement area, the Township will not re-install the fence or repair any bushes/shrubs that may get damaged along with the requirement to execute a fence agreement. Motion was made by Supervisor Torrice, seconded by Chairman McIlhinney, and carried unanimously to approve the request for the installation of a 48” black removable fence over the easement area for the property owned by Trevor & Chantelle Nathan at 402 Siena Way in accordance with the standard fence agreement. There was no public comment. Solicitor Wuerstle confirmed he will be drafting the fence agreement for execution by the property owners and the Township, along with the recording of the document.

5. LEGAL:
 - a) ESP Investment Group, LLC – Zoning Hearing Board – Variance Request: Solicitor Wuerstle stated a variance request was received from ESP Investment Group, LLC, located at 430 Fairhill Road. This is the 6th zoning related appeal for this property. The current issue involves outdoor storage. The applicant is looking for relief from the Zoning Hearing Board

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to store materials outdoors and sighting reasons such as supply chain issues and complications of doing business during the era of COVID. There is an immediate prior Zoning Hearing Board decision from 2017, which limits outdoor storage, so they are seeking a variance from that provision. Solicitor Wuerstle stated he needs direction on whether the Board wants him to attend and oppose the application or not. Chairman McIlhinney stated his memory goes back from when they first started in that building and they said they were going to keep everything inside the building and all construction vehicles would be kept inside the building. That has not occurred; vehicles are outside, and he did see a vast area of land covered with materials. This has since been cleaned up, but he requests Solicitor Wuerstle go to the Zoning Hearing Board and oppose their request. Chairman McIlhinney continued to state the applicant understood as long as they keep everything inside the building they wouldn't have a problem, so they could have come in for additional building space. Motion was made by Chairman McIlhinney, seconded by Supervisor Torrice, and carried unanimously for Solicitor Wuerstle to attend the ESP Investment Group, LLC Zoning Hearing Board meeting in opposition. There was no public comment.

b) Conditional Use 2021-002 – Heritage Environmental Services – 330 Progress Drive: Solicitor Wuerstle stated the Conditional Use Hearing for Heritage Environmental Services was held on August 17, 2021, the record was closed on August 17, 2021, and continued to tonight to allow the Board to deliberate and for council to receive information from the applicant's council in terms of case law and argument. Motion was made by Supervisor Torrice, seconded by Chairman McIlhinney, and carried unanimously to approve Conditional Use Application 2021-002 for Heritage Environmental Services subject to the following conditions:

1. Applicant shall conduct the use in substantial accordance with the application, plans, and sworn evidence and testimony presented by the Applicant at the Conditional Use Hearing.
2. Applicant shall comply with all County, State and Federal Laws, regulations, and rules that govern this type of use.
3. Applicant shall comply with all zoning and land development regulations of the Township including, specifically, the applicable provisions of Zoning Ordinance §160-23.H5 and its subsections (c) [1] through (c) [23]; excepted as set forth in Condition #4.
4. Applicant shall secure zoning relief from the Hilltown Township Zoning Hearing Board with regard to the following subsections of Zoning Ordinance §160-23.H5:
 - a. Subsection (c) [1]: For building setback.
 - b. Subsection (c) [2]: For truck and equipment parking or storage setback.
 - c. Subsection (c) [16]: For buffering.

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Failure to secure zoning relief from the aforementioned zoning provisions shall render this Board's decision herein a denial.

5. Applicant shall indemnify and hold Township harmless for any or all injury to persons or property resulting from Applicant's mishandling spilling or release of any substance stored on the property.

6. PLANNING:

a) Bogotuik Lot Line Adjustment Subdivision: Mr. Fulmer stated Mr. Wayne Kieffer, P.E., Showalter and Associates, is in attendance to present the Bogotuik Lot Line Subdivision. Mr. Fulmer continued to state the application was before the Planning Commission on August 16, 2021, and they recommended approval conditioned upon completion of items contained in the engineering review dated August 4, 2021. Mr. Kieffer gave an overview of the project stating there are three lots on Mill Road that were originally created in the 1960's and the applicants wish to take the vacant center lot, split it in two, and consolidate it into the two outer parcels. Mr. Kieffer stated, other than the waiver request for required street improvements, the letter of August 4, 2021, are all will comply. Motion was made by Supervisor Torrice, seconded by Chairman McIlhinney, and carried unanimously to grant a waiver of land development for the Bogotuik Lot Line Adjustment Subdivision contingent upon the items contained in Wynn Associates review letter dated August 4, 2021, including the waiver for road improvements. There was no public comment.

b) Inline 309 Land Development Waiver Request: Mr. Fulmer stated the Inline 309 Land Development Waiver involves construction of an outdoor skating rink on the paved parking area at the existing indoor recreational business at 2117 Bethlehem Pike. This project was before the Planning Commission on July 19, 2021, at which time they recommended the Township grant a waiver of land development submission requirements. Subsequently, the plan was revised to address some dimensional zoning issues and a second review was re-issued August 13, 2021. Mr. Rob Cunningham, P.E., Holmes Cunningham, LLC, was in attendance, along with applicant, Mr. Frank Reago, to present the Inline 309 Land Development Waiver plan. Mr. Cunningham discussed the August 13, 2021, review letter stating all items are will comply. He continued stating Mr. Reago operates Inline 309 and, with the shut down from last year, he is looking to expand. He is proposing an outdoor skating rink on a portion of the parking lot. Mr. Reago would like to provide the outdoor rink to offer the opportunity for winter skating outside and, if restrictions are placed on the business again, they will have an outdoor space in which they can utilize. Mr. Cunningham continued to state they propose to stripe the rest of the parking lot and formulize a whiffle ball field on the front lawn. Mr. Cunningham stated they agree to the Planning Commission's request to install additional evergreen buffer plantings along the northeast property boundary and Mill Road to shield the proposed skating rink from neighboring properties. Mr. Reago stated he wants to utilize the outside rink to save his business since he was closed for 4 ½ months. Motion was made by Supervisor Torrice, seconded by Chairman McIlhinney, and carried

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unanimously to grant a Land Development Waiver Request for Inline 309 contingent upon Wynn Associates review letter dated August 13, 2021. There was no public comment.

c) Sensinger Subdivision: Mr. Fulmer stated this is a residential subdivision that is being phased. The Planning Commission recommended preliminary approval for the overall subdivision of seven lots. The Planning Commission recommended final approval for the Phase 1 plan which involves three building lots and an extension of the road. Mr. Wayne Kiefer, P.E., Showalter & Associates, along with Solicitor Nate Fox, was in attendance to present the plan and discuss Wynn Associates review letter dated August 4, 2021. Mr. Fox stated the property is proposed to be a seven-lot subdivision taking access from Glen Road. Phase 1 will comprise of three lots. In the event Mr. Sensinger cannot come to terms with a builder for the remainder of the lots, he can continue to farm the remainder of Phase 2. Mr. Fox continued to state everything contained in Wynn Associates review letter dated August 4, 2021, largely, are will complies and discussed the following:

- The applicant is unable to convey, determine, or dedicate any right-of-way through Phase 2 at this point. If they did that, it would effectively bisect Mr. Sensinger's property, and it would be useless as a farming opportunity with a road going through the middle of it.
- They will work with Mr. Fulmer on the specs for the buffering that needs to be done along Route 113.
- The applicant will deposit the capital contribution in-lieu-of recreation for Phase 1 and the payment for the remaining four lots will be made when they come in for final approval.
- SLDO Section 140-27.B(4) which requires lot lines to be oriented substantially at right angles or radial to the street line, from the street line to the rear of the lot.
- SLDO Section 140-27.B(9) which prohibits reverse frontage lots except where reverse frontage lots contain frontage on a local street and either an arterial or collector street.
- SLDO Sections 140-28.1 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 and waive any fees in regard to the waiver request.
- SLDO Section 140-48 which requires streetlights to be installed along streets within a subdivision or land development.

Mr. Kiefer stated the variance that was received for the project reduced the width of the required buffer and the number and type of plantings was left up to the Board of Supervisors. Mr. Fulmer stated the number is very high in percentage of evergreens. There are a few deciduous trees and some shrubs but the number of those two items is less than what would be required. Motion was made by Supervisor Torrice, seconded by Chairman McIlhinney, and carried unanimously to grant Preliminary/Final approval for Phase 1 and Preliminary approval for Phase 2 contingent upon the items contained in Wynn Associates review letter dated August 4, 2021, including the waivers. There was no public comment.

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d) Thornton Minor Subdivision: Mr. Fulmer stated the 2-lot Thornton Minor Subdivision was submitted a few months ago and has not been in front of the Planning Commission as of yet. The Township has limited time to act on the plan before the MPC would award deemed approval to the applicant. Mr. Fulmer requested the Board to approve a motion to conditionally deny the Thornton Minor Subdivision plan unless the applicant grants the Township with a further extension of the review time frame. The condition of the denial would be based upon Wynn Associates review letter dated June 22, 2021. Motion was made by Supervisor Torrice, seconded by Chairman McIlhinney, and carried unanimously to deny the Thornton Minor Subdivision in accordance with Wynn Associates review letter dated June 22, 2021, unless an extension is granted. There was no public comment.

7. ENGINEERING:

a) Arbors at Hilltown: Acceptance of Completion – Resolution 2021-018 Acceptance of Deed of Dedication: Mr. Fulmer stated the Arbors at Hilltown Subdivision has been under construction for the last several years and has recently substantially completed all of the work that is required under the developer's agreement and the approved plan. The developer seeks the Board's approval to except completion of the project and except dedication of the internal roadway, Tall Oaks Drive, and also authorize the development to go into the 18-month maintenance period. Mr. Fulmer suggested the following conditions:

1. The developer will maintain financial security in the amount of \$72,697.10 which will be held in the form acceptable to the Township Solicitor to guarantee the structural integrity of the required improvements, including, but not limited to, stormwater management facilities, storm sewer, roadway, landscaping, signage, monumentation, street lighting, and associated improvements until such time that the 18-month maintenance period as accepted as complete by the Township.

2. It is unlikely that Tall Oaks Drive will be added to liquid fuels for PennDOT's disbursement of funds for this winter and requests the Board to require the developer to deposit a check in the amount of \$310.00 with the Township to cover the lost liquid fuels revenue that would have otherwise been received had the road been added to the liquid fuels allotment for this year.

3. The developer will maintain an additional escrow in the amount of \$8,000.00 to ensure the tree replacement items are addressed in the Fall of 2021 to the satisfaction of the Township.

4. All legal documents for dedication of the internal road to the Township must be executed by the developer in a manner satisfactory to the Township Solicitor including any documentation the Solicitor needs to ensure the title is clear for acceptance by the Township.

5. Payment of all engineering, legal, and Township administration costs by the developer. Motion was made by Supervisor Torrice, seconded by Chairman McIlhinney, and carried unanimously to accept Resolution 2021-018 for the dedication of the internal roadway, Tall Oaks Drive, accept completion of the project, and authorization of the commencement of the 18-month maintenance period for the Arbors at Hilltown Subdivision contingent upon the items contained in Wynn Associates letter dated August 17, 2021. There was no public comment.

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8. UNFINISHED BUSINESS: None.

9. NEW BUSINESS:

a) Scott Drumbore – H&K – Requesting for extension of hours for September for the Concrete and Asphalt Plant at the Skunkhollow Quarry: Township Manager, Lorraine Leslie, stated H&K has requested to operate the concrete batch plant, asphalt batch plant, and the crushing plant between the hours of 6:30 pm to 6:30 am, Monday through Saturday, between September 1, 2021, and September 30, 2021, excluding holidays, for the PennDOT projects per their letter dated August 18, 2021. H & K provided the daily reports off of the equipment that runs in excess hours for July. Motion was made by Supervisor Torrice, seconded by Chairman McIlhinney, and carried unanimously to grant the extension of hours between September 1, 2021, and September 30, 2021, for the Concrete and Asphalt Plant at the Skunkhollow Quarry per their letter dated August 18, 2021, with the exception of striking the part in the letter in regard to "and/or private customers." There was no public comment.

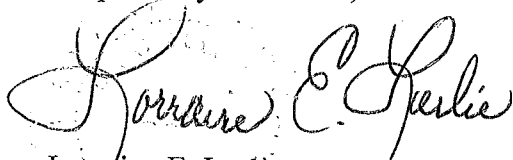
10. SUPERVISOR'S COMMENTS: None.

11. PUBLIC COMMENT: Wally Rosenthal, 530 Rosey Lane, provided a conceptual drawing of his project on Route 309. Mr. Rosenthal stated he acquired additional land, including the Helm property, which has a traffic light. Mr. Rosenthal stated he believes they got rid of the main concern of Swartley Road. The retirement village will bring in a huge amount of tax benefits to the Township, the volunteer firemen, and the school district. The project will be accessed from Route 309. The combined commercial aspect in the front and the retirement village in the back is exactly what the Bucks County Planning Commission recommended. They listened to those people who objected and spent a lot more money to bring the ingress/egress onto Route 309.

12. PRESS CONFERENCE: None.

13. ADJOURNMENT: Upon motion by Supervisor Torrice, seconded by Chairman McIlhinney, and carried unanimously, the August 23, 2021, Hilltown Township Board of Supervisors meeting was adjourned at 7:35 PM.

Respectfully submitted,



Lorraine E. Leslie
Township Manager

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