

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
MONDAY, FEBRUARY 28, 2022**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John McIlhinney at 7:02 PM and opened with the Pledge of Allegiance. Also, in attendance were Vice Chairman James Groff, 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.

1. ANNOUNCEMENTS: None.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
 - a) Minutes of the February 14, 2022, Board of Supervisors Meeting
 - b) Bills List – March 1, 2022

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

4. CONFIRMED APPOINTMENT:
 - a) HOPE 22 Family Community Event Request – 713 County Line Road & 300 Central Ave.: Mr. Terry Derstine, representing Sweatshirt of Hope/Hope22, was in attendance requesting permission to host an event on Friday, September 16th and Saturday, September 17th on twenty-three acres of the Bergey Realty property next to Landis Block and Harleysville Bank. Sweatshirt of Hope is a 501c3 non-profit organization and their goal is to bring people together with this free community event. It was clarified this event is not on behalf of Hilltown Township and Mr. Derstine will make the Hilltown Township Police Chief, Christopher Engelhart, aware of the event.

Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to approve the request for Sweatshirt of Hope/Hope22 to hold the free community event on Friday, September 16 and Saturday, September 17th at 713 County Line Road & 300 Central Avenue on the twenty-three acres of the Bergey Realty property next to Landis Block and Harleysville Bank. There was no public comment.

5. LEGAL: None.
6. PLANNING:
 - a) Knox Winery Land Development: Mr. Fulmer stated the Knox Winery Land Development has been under review for several months with the Planning Commission recommending approval of the plan back in August according to Wynn Associates review letter

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dated August 6, 2021. In the meantime, provisions have been worked out in regard to the Declaration. Michael Meginnis, Esq., along with Wayne Kiefer, Showalter and Associates, Inc., and applicants Matthew & Erica Knox, were in attendance to discuss the Knox Winery Land Development. Mr. Meginnis gave an overview stating the project is located at 720 Upper Stump Road, zoned RR, is permitted as an A7 use, and on 5.16 acres. The property is improved by a single family detached dwelling where the Knox family resides. The anticipated improvements envision a 1500 square foot barn, a six hundred square foot porch, and minor improvements with respect to driveway widening and parking. Mr. Meginnis continued to state they were contacted because it was suggested that there were some neighbors that had a concern regarding the scope of the use. It was suggested to go above and beyond what would be otherwise required by the Subdivision and Land Development Ordinance, and therefore, draft a Declaration of Restrictions and Covenants to limit the scope of the use, and be evidence, not only the applicant's intent for the use of the property, but also the intent going forward that could be recorded against the property if the property is ever transferred. Highlights of the Declaration include:

1. Reduce the closing hour to 9:00 PM.
2. One food truck permitted on site.
3. The area will not be utilized to the rear of the property as any use associated with the winery other than the harvesting.
4. No RV or overnight customer parking.
5. There is a limit of eighty guests/staff total during the day.

Mr. Meginnis stated Mr. & Ms. Knox is mindful of the resident's concerns. They are productive members of the society, and the winery is an appropriate and permitted use of the property and all of the actions they have taken to date is evidence of their intent.

Mr. Kiefer discussed the buffer area, including the evergreens that will be added to the western property line and also on the eastern property line near the barn. The waivers included:

1. SLDO Sections 140-45.F & G which is a partial waiver for parking lot requirements as the driveway will be widened to twenty-four feet, fifty feet back from the edge of the road and then tapered.
2. SLDO Sections 140-28.P, 140-29.D(1), 140-35, 140-36, and 140-37 which require drainage improvements, cartway reconstruction/overlay, cartway widening, curb, sidewalk, and street trees within the frontage of the site.
3. SLDO Section 140-22.B.(3) which requires a water resources impact study to be submitted with the land development plan for review relative to the possible impact of groundwater withdrawal on existing water supplies in the vicinity of the site. It was noted the anticipated gallons per day is equivalent to an approximate two lot subdivision so it would not be required. It was also noted DEP and the Bucks County Health Department have both seen the flows of this project and does not have any issues with water supply to the project.

Mr. Kiefer clarified they will add the required evergreens to the western property line as requested and provide a full buffer to the east of the barn along the property line.

Public Comment: Craig Cirafesi, 173 Winterberry Lane, questioned the buffer and stated there are many dead trees in the existing buffer. Mr. Kiefer stated there will be 129 feet of evergreen trees in the buffer. Mr. Fulmer clarified the buffer yard goes all the way down to the road on both

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sides. Mr. Cirafesi stated his concern is that most of the trees are dead. Mr. Fulmer stated the ordinance has a Class 1 buffer yard, thirty-five feet wide, so the applicant will have to plant the conifer trees throughout the buffer yard. Mr. Fulmer stated the buffer yard will start at the proposed building, run out to the road, and go up the other side to the same distance from the road. Mr. Fulmer suggested they document the live trees that are there and check that number against the ordinance to see how many trees need to be planted. Mr. Cirafesi commented on the change of the hours of operation and weddings. Mr. Meginnis stated the applicant is limiting in the restrictive covenant the hours 11:00 AM to 9:00 PM and no days of the week restriction. Mr. Meginnis stated the project is not restricted to have small events and it would have to remain in the zoning ordinance restrictions and within the restricted covenant. Solicitor Wuerstle stated the Declaration is beyond what is required in the Zoning Ordinance and it states: there is a fencing requirement around the vines, seating area is thirty five feet away from the property line, no use of the rear of the property for retail, a maximum of 80 total people per day, entertainment within one hundred feet of the building and thirty five feet away from the property line, indoor occupancy per the fire code, limited food services, hours of operation, evergreens to be planted in the buffer per the plan, 10 parking spaces, no overnight parking for RV's or customer vehicles. Mr. Meginnis stated the Knox's will be compliant with everything else in the Zoning Ordinance.

Mark Foster, lives six houses away, stated he was never notified of this project. Solicitor Wuerstle stated this project is Land Development and not a hearing. Mr. Foster asked if there is any consideration for contaminants being put into the aquifers from the fertilization or the preparation of the vineyard. Mr. Meginnis stated the Knox's are able to farm the rear of their property regardless of the Land Development aspect, and they will do nothing that can endanger their family's lives with any of the operations on site. They can proceed the growing of grapes regardless of the application. Mr. Foster stated, with the establishment of a bar in the neighborhood, there would be wastewater that comes from the operation. Mr. Kiefer stated sewage flows from the barn and the winery use will go to a holding tank that was approved by the Health Department and DEP.

Tim Gresham, 25 Skunk Hollow Road, clarified that he is at the rear of the property, and they suggested they did not want a big party back there and all of the tables. Mr. Meginnis clarified there is not going to be anything, or anyone associated with the winery use or retail use to the rear of the building/property including tables. He continued to state there is not going to be improvements to the rear associated with the winery use.

Mr. Fulmer requested a motion for the Knox Winery Land Development in regard to waivers 3. A (partial waiver for driveway width), 3. B (cartway widening, curbs, sidewalks, and drainage improvements along the road within the limited frontage), and 3.C (ground water pump test and withdrawal test for the well on the basis that there would be minimal chance of impact) per Wynn Associates review letter dated August 6, 2021.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff, and carried unanimously to grant waivers 3. A (partial waiver for driveway width), 3. B (cartway widening, curbs, sidewalks, and drainage improvements along the road within the limited frontage), and 3.C

(ground water pump test and withdrawal test for the well on the basis that there would be minimal chance of impact) for the Knox Winery Land Development per Wynn Associates review letter dated August 6, 2021. There was no public comment.

Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to grant Preliminary/Final approval for the Knox Winery Land Development contingent upon the items contained in Wynn Associates review letter dated August 6, 2021, including counting the existing trees and planting the additional buffers, the Declaration of Restrictions and Covenants, the waivers, lighting, the holding tank O&M Agreement, and the Development Agreement. There was no public comment.

b) Venue at Hilltown Zoning Petition Sketch Plan: Carrie Nace-Poust, Esq., Fox Rothschild, LLP, along with Eric Britz, Bohler Engineering, and Tom Imperato, Lennar, were in attendance to present the Venue at Hilltown sketch plan on seventy-five acres along Swartley Road and comprised of numerous parcels in the RR and PC1 zoning districts. Ms. Nace-Poust stated Lennar proposes to develop a B7 Retirement Village on the property which is permitted in the PC1 Zoning District by-right, and it is not currently permitted in the RR Zoning District. Several years ago, an Ordinance Amendment was presented to the Board of Supervisors to allow the B7 use in the RR Zoning District by Conditional Use. The B7 use is an Age Restricted development which would limit occupancy to 55 years of age or older and prohibit school age children from occupying any of the residences. Several years ago, when they submitted the petition to amend the ordinance, they were proposing 194 units with the primary access going out to Swartley Road and a secondary access out to Route 309, but it was not passed at the hearing. The ordinance amendment was revised to reduce the density by 10%, going to 174 dwelling units, and making the access to Swartley Road for emergencies only. They revised the plan when Helm Fencing provided an access to the signalized intersection to Route 309 and Sterling Drive. The Planning Commission provided good, positive feedback from this plan in April of 2021 with regard to providing a primary access on Route 309 and asked if a secondary access could also be provided to Route 309. Ms. Poust stated, with this new sketch plan, they were able to eliminate the access to Swartley Road all together and all access points go out to Route 309. The second access drive would come through the commercial piece. The traffic consultant did a preliminary look at how it would affect the traffic from the project and impacts on Swartley Road, and it reduces the traffic impact by only providing two additional cars on Swartley Road during the AM and PM peak hours. The setback has increased to one hundred feet along the perimeter of the property adjacent to all residential uses and residentially zoned districts. The setback along Swartley Road is two hundred feet in addition to a proposed three-to-six-foot landscaped berm. The unit types and the clubhouse have also been relocated. They have also increased open space and reduced impervious. Ms. Poust stated this revised sketch plan is the best use for the property, it will generate revenue for the Township and the School District, and it is consistent with the Comprehensive Plan. Supervisor Torrice questioned the secondary access round-a-bout onto Route 309, the 25-acre parcel to the west, and stated he appreciates the elimination of the access onto Swartley Road. It was noted the round-a-bout is conceptual at the moment and will have to be vetted through

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PennDot, and 25-acre parcel to the west is residential and will be subdivided and consolidated for the project.

Vice-Chairman Groff questioned the setback around the property, the increase acreage of Open Space, the impervious surface, and stated he appreciates the removal of the access onto Swartley Road. It was noted the side yard setback for RR to other residential uses was increased from twenty-five feet to one hundred feet, the setback from Swartley Road is approximately 225 feet, the PC1 setback is 50 feet, the prior Open Space was 42 acres, 55%, and now it is approximately 45 acres, 60%, and the impervious surface was originally 39% and now it is 32%.

Chairman McIlhinney stated it is a good plan and he likes it.

Ms. Poust stated they would like to revise the ordinance amendment to reflect the presented plan with the key item being two primary access points going to an arterial road. Also, the applicant will comply with Wynn Associates Inc. letter dated February 21, 2022. Vice-Chairman Groff asked how many single-family homes could be put at the location, bi-right. Ms. Poust stated approximately thirty-six homes can be put in the RR piece along with much denser retail commercial, and other uses under the PC1 portion of the property.

Ms. Poust stated the applicant would like to move forward and submit the ordinance amendment and look to authorize the advertisement of a hearing. Ms. Poust stated the commercial piece on Route 309 is being proposed to be redeveloped and they are working with that applicant in regard to the round-a-bout. Ms. Poust stated she will submit the revisions to the ordinance amendment to the Township Solicitor and, hopefully, come back next month to review the revisions, and, if so inclined, the Board of Supervisors can authorize the scheduling of a hearing at that time.

7. ENGINEERING:

a) Route 113/Route 309 On/Off Ramps Traffic Signal: Mr. Fulmer stated Brian Grant, Select Properties, was in attendance to discuss the proposed traffic signal that PennDot has determined warranted for installation at the existing intersection of Route 113/Route 309 southbound on/off ramps. This is due to the proposed large development (Berkeley Court) within Souderton Borough. Mr. Fulmer stated Select Properties is looking for authorization from the Board of Supervisors to sign off on the traffic signal permit in order for it to go to PennDot for approval. Because the signal is located solely within Hilltown Township, Hilltown Township would have to be the applicant of the permit and also be the ultimate owner of the traffic signal and have the burden of maintaining the traffic light. Mr. Grant discussed the contribution offer for the ongoing maintenance of the traffic signal. Mr. Grant noted Select Properties did not necessarily want this traffic signal, but they must reluctantly install it. Incurring the cost of the design, permit, and eventually construction of the signal together, with the increased public safety that would be the result of this, was a fairly significant contribution. They reached out to Armour & Sons who responded \$2,500.00 - \$3,000.00 was the annual cost to maintain a traffic signal. Chairman McIlhinney stated he did not know it was possible for the State to make somebody do road improvements, not only not on their property, but not even in their county. Mr. Grant stated they made those similar points themselves but in order to get a HOP permit for the project, they were mandated to comply. Chairman McIlhinney stated he is concerned to add another liability, and if

something happens to the light, the Township is responsible to fix it. He stated he is also interested in the cost of insuring the traffic light, on a yearly basis, against any destruction. Mr. Grant stated the cost of the traffic signal is in excess of \$300,000.00 and will research information about insurance. Vice-Chairman Groff clarified the offer from Select is one year's worth of maintenance. Mr. Grant agreed and stated the contractor will warranty the light for one year, and PennDot usually has an 18 month to 24-month maintenance period, so it will be several years before the Township would actually take ownership for the light and be on the hook for the maintenance which could be a three-year window. Vice-Chairman Groff suggested \$15,000.00 that would cover five years. Supervisor Torrice suggested \$30,000.00 that would cover ten years. Mr. Grant stated the project consists of thirty-eight townhomes, twenty-eight retail combined use product (retail on first floor and townhouse living above), and five or six pad sites throughout the community with additional PennDot improvements on County Line Road and Broad Street. Ms. Leslie stated she will contact the Township insurance company to get the cost of one traffic light and Mr. Grant will do the same. Vice-Chairman Groff stated he is looking at it from the maintenance standpoint but, once they receive the information, they can talk again. Mr. Grant stated he will do the research and come back next month.

b) Draft Zoning Ordinance Omnibus Amendment: Mr. Fulmer stated he did a housecleaning review of the Zoning Ordinance to clean up items such as conflicts with other sections, missing definitions, and minor language changes referring to wrong sections with the more substantive change that had to do with the forestry provisions for timber harvest. He also included the requirement for minimum lot frontage in the proposed amendment that was requested by the Board of Supervisors at the last meeting. Mr. Fulmer requested the Board authorize the Zoning Ordinance Omnibus Amendment to be sent to the Bucks County Planning Commission and the Hilltown Township Planning Commission for their review and comment.

Public Comment: Charles Brauer, 304 Swartley Road, asked when the ordinance would be available to the public and it was noted the draft ordinance would be available Tuesday.

Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to authorize Mr. Fulmer to send the Zoning Ordinance Omnibus Amendment to the Bucks County Planning Commission and the Hilltown Township Planning Commission for their review and comment. There was no additional public comment.

8. UNFINISHED BUSINESS: None.

9. NEW BUSINESS:

a) Authorization to Bid Road Projects: Ms. Lorraine Leslie asked authorization to bid the Public Works Department road projects for 2022.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff, and carried unanimously to authorize the bidding of the Public Works Department road projects for 2022. There was no public comment.

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10. SUPERVISOR'S COMMENTS: Supervisor Torrice stated the Hilltown Township Police Department did a good job in regard to the recent plane crash.

11. PUBLIC COMMENT:

Dale Ott, 246 Mill Road, questioned the traffic light and if it could be handled by a right turn only on the ramp and putting in a turn lane instead of a traffic light. Chairman McIlhinney stated PennDot requires the traffic light, and it only effects the expenses of the Township. It does not affect the income as the Township will not be getting any of the tax money from the properties in Souderton that will be assessed.

Renee Gerheart, 33 Fairhill School Road, questioned the property at 430 Fairhill Road who had received a violation for storing everything outside of the building. The Zoning Officer said the Board has approved them to build a pole barn and the violation has been revoked. Solicitor Wuerstle stated they were not approved for any building. They were cited for outdoor storage and are in the process of filing plans for land development or back in front of the Zoning Hearing Board. Ms. Gerheart stated they work all day on Sundays when the original agreement stated they were only allowed to work Monday thru Saturday. They work till 9:00 at night and are in there 6:00 in the morning. Solicitor Wuerstle stated he can check on the status of the plans that were submitted and check on the process. Chairman McIlhinney stated the agreement was that they had to keep everything indoors and if that means they have to build a larger building to be successful, then he agrees to that. Ms. Gerheart noted she believes that they are maxed out of their envelope.

No name given, questioned the timeline for the owner to get the materials put back into the building at 430 Fairhill School Road. Solicitor Wuerstle stated the issue is that they cannot get everything inside the building. He will have a conversation with their counsel to see about what can be done in the interim.

Donald Patterson, 213 Fairhill Road, stated the traffic light at Route 113 and Route 309 is a dangerous intersection and anything the Board of Supervisors can do will make a major difference.

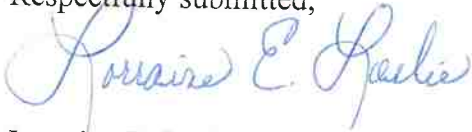
Neighbors of Matthew Knox questioned the approval of the Knox Winery and are still confused and concerned in regard to the covenant and are very stunned of what was approved. Solicitor Wuerstle stated the Declaration put in substantial limitations/restrictions/prohibitions that they would not otherwise be subject to under the ordinance. The ordinance does not limit the number of people who can be there. The interpretation of the A7 use in the zoning ordinance is the closest use and they are allowed to do what they proposed. Chairman McIlhinney stated he lives in RR and people can mow their lawns till 9:00 PM because that is what the ordinance calls for. Supervisor Torrice stated the winery was already approved bi-right so they could not tell them that they cannot do it and food is mandated by the State for a winery. Many of the proposed regulations that were proposed in the original document is unenforceable and contradictive of what the State allows, and the Board's hands were tied on what they were allowed to have Mr. Knox do, and not to do. Noise and parking on Winterberry Drive will have to be enforced by the Police Officers.

12. PRESS CONFERENCE: None.

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13. ADJOURNMENT: Upon motion by Vice-Chairman Groff, seconded by Supervisor Torrice, and carried unanimously, the February 28, 2022, Hilltown Township Board of Supervisors Work Session meeting was adjourned at 8:47 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).