

**MINUTES OF PLUMSTEAD TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR SCHEDULED MEETING  
TUESDAY, FEBRUARY 11, 2020**

**1. Call to Order:** The February 11, 2020 regular scheduled meeting of the Plumstead Township Board of Supervisors was held at Plumstead Township Municipal Building, 5186 Stump Road, Plumsteadville, PA. Chair, Peter Busillo, called the meeting to order at 7:30 p.m.

**ELECTED OFFICIALS PRESENT:**

Peter Busillo	Chair
Daniel Hilferty	Vice Chair
James McComb	Treasurer
Kenneth Lichtenstein	Secretary
Brian Trymbiski	

**APPOINTED OFFICIALS PRESENT:**

Township Manager:	Angela P. Benner
Township Solicitor:	Jonathan Reiss, Esq.
Township Engineer:	Timothy Fulmer, PE

\* Not Present

**2. Moment of Silence and Pledge of Allegiance:** Mr. Busillo led the Board and Audience in a moment of silence and the pledge of allegiance.

**3. Announcements:** Mr. Busillo announced that Board of Supervisors met in Executive Session prior to tonight's meeting to discuss personnel matters, no action was taken.

Mr. Busillo announced that the Environmental Advisory Committee will meet on February 12<sup>th</sup>, the Historic Advisory Committee will meet on February 17<sup>th</sup>, the Zoning Hearing Board will hold a hearing on February 19<sup>th</sup> for Lennar Homes, the Planning Commission will meet on February 20<sup>th</sup>, the Board of Supervisors will meet on February 25<sup>th</sup> and the Veterans Committee will meet on February 26<sup>th</sup>. Mr. Busillo added that the Board of Supervisors Work Session scheduled for February 27<sup>th</sup> is cancelled due to lack of business.

**4. Public Comment on Non-Agenda Items:** There was no public comment at this time.

**5. Engineer's Report:**

**5.1. Applebutter V, LLC and Tyndale Enterprises, Inc EDU Reservation Request:** Mr. Fulmer stated that the Township received a request from Kelly McGowan, the attorney for Tyndale-Applebutter V Land Development Project requesting the Board of Supervisors approve the service of the subject pending land development project with public water facilities owned by the Township and authorize the reservation of six EDUs of public sewer capacity from the Township's allotment of EDUs available for use within the Township as established by the stipulation and agreement executed between Plumstead Township and the Bucks County Water and Sewer Authority (BCWSA). Mr. Fulmer stated that the land development project that has been submitted to the Township is for a 34,807square foot commercial office building on Applebutter Road. Mr. Fulmer stated that the documentation submitted with the land development application indicates that the project is estimated to serve 190 employees, which will generate 1,311 gallons per day of sewage effluent which equates to six EDUs of public sewer capacity based on 250 gallons per day per EDU. The site is contained within the Public Sanitary Sewer District as established by agreement between the Township

and BCSWA. Public sanitary sewer facilities exist along Applebutter Road within the frontage of the site, such that the new facility can be served by gravity lateral connection directly to the existing sewer main along the frontage of the site. Mr. Fulmer added that according to the most current account of public sewer capacity, there are currently 106 remaining available (uncommitted) EDUs, of which 50 are reserved for exclusive use in the Village of Plumsteadville, and the last 50 are reserved for exclusive use to address failed on-lot disposal systems.

Mr. Hilferty asked for confirmation that commercial properties can count against the allocation. Mr. Reiss confirmed stating that the capacity is for all types of uses. Mr. Busillo confirmed that if the Board grants the request there would be 100 EDUs remaining available, however they are all currently set aside for use in the Village of Plumstead and to address failed on-lot disposal systems. Mr. Busillo added that if project came before the Board that they wanted to allot EDUs to, they have the option to reduce the number of EDUs set aside for the Village, as they are not committed.

Mr. Fulmer presented the Board with the review letter dated February 7, 2020 completed by the Township's Water Engineer, Theresa Funk with Gilmore & Associates. The review letter states that based on the information provided by the Applicant's Engineer, including twelve months of historic meter readings from the sanitary sewer billing for the existing building, the average water demand of the existing building is approximately 600 gallons per day. The historic data was also used to project the domestic water demand for the proposed building, which is estimated to be approximately 1,300 gallons per day. This would result in a total domestic water demand of 1,900 gallons per day, or 10 EDU's based on 195 gallons per EDU. Based on this information Ms. Funk reported in her review letter that there is capacity available in the Township's Northern System to provide public water service to both the existing and proposed facilities. Mr. Fulmer added that the waterline is proposed to run from Easton Road, thru TMP 34-4-5-9, the existing Tyndale Parcel, and TMP 34-4-5-1 which is the proposed Tyndale office project site. Therefore, the application is asking for water service to be provided to both parcels. Mr. Fulmer also added that Ms. Funk's review letter points out that a private, on-site fire pump may be necessary to ensure adequate flow and pressure to the sprinkler systems. The applicants engineer will need to use the flow tests the Township conducted to evaluate the requirements of the fire protection systems for the existing and proposed buildings, and if a private, on-site fire pump would be required that would be addressed with the land development approval process.

Mr. Hilferty asked if there is any concern that with adding these properties to public water that a strain would be put on the northern water system that would affect any future connections to the system? Mr. Fulmer stated that Ms. Funk is the expert, but she wouldn't indicate there is capacity available in the system if there was concern with these connections creating a strain on the system. Mr. Busillo asked Ms. Benner to talk to the Township's water engineer and confirm that there is no concern with the northern water system going forward.

**MOTION: Upon motion by Mr. Trymbiski, seconded by Mr. Lichtenstein, the Board unanimously agreed to reserve six EDUs in accordance with Resolution #2020-06 for the Tyndale-Applebutter V Land Development project on Applebutter Road and agreed to provide water service to Tyndale-Applebutter V for Tax Map Parcel #34-004-005-009, the existing Tyndale Parcel, and Tax Map Parcel #34-004-005-001, the proposed office project site.**

## **6. Solicitor's Report**

**6.1. 5280 Old Easton Road – Façade and Conservation Easement:** Mr. Reiss stated that 5280 Old Easton Road is a 16 acre property that is improved with an existing farmhouse and related accessory structure and the applicant has received final subdivision approval from the Township to subdivide the property into six lots and lot six will consist of approximately 5 acres and will include the farmhouse and related accessory

structures. The existing farmhouse and related accessory structures on the farmstead lot are architecturally and historically significant structures that contribute to the architectural and historic integrity of the Township. Therefore, approval is conditioned upon the applicant, Mr. Arthur Corsini, Jr., providing the Township with a façade easement for the buildings and a conservation easement precluding further subdivision and development of the farmstead lot. Mr. Reiss added that the applicant would like to present some changes to the draft easement for the Board's consideration. Mr. Mathew McHugh, the applicants' attorney, presented the Board with the proposed changes. Those proposed changes included renovations to the existing farmhouse that would remove the structure on the front porch and restore it to its original design, a 15 ft x 24 ft addition to the farmhouse and a second story addition to the carriage house on the property. Mr. Corsini added that he wants to keep the farmstead lot in his family, and they want to restore the property to the best of their ability. The applicant's architect presented the renderings of the proposed improvements to the Board. Mr. Corsini added that he met with Jeff Marshall from the Heritage Conservancy about the proposed improvements and Mr. Marshall was in favor of the improvements as they would be consistent with the history of the property.

**MOTION: Upon motion by Mr. Hilferty, seconded by Mr. Lichtenstein, the Board unanimously approved and authorized the Chair to sign the Conservation and Façade Easement.**

**6.2. Zoning Ordinance and Subdivision and Land Development Ordinance Amendments:** Mr. Reiss presented the Board with a draft ordinance that would amend both the Zoning and Subdivision and Land Development (SALDO) Ordinances. Mr. Reiss stated that the Township's Zoning Officer had been keeping a list of changes to make to the zoning ordinance along with the Township's Hydrologist and Mr. Fulmer along with the Township's Landscape Architect, had provided the list of changes to the SALDO. Mr. Reiss stated that the only item that is not included in the proposed ordinance is a wedding venue use.

Mr. Reiss stated that he is looking for input from the board on wedding and event venues. Currently except for a restaurant such uses are not permitted in the Township. The Township's Zoning Officer has been asked about wedding venue by people interested in operating those venues and most of the proposed venues are farms or former farms where the owner wants to convert a barn into an event venue. The Township does allow for accessory farm uses which is an activity that is conducted on the land in addition and accessory to the principal use of farming the land. The purpose of this use is to encourage the continuation of farming and preservation of farmland in the Township. However, this use would not permit for weddings and events and Mr. Reiss wanted to know if the Board was interested in allowing a wedding/event use. Mr. Trymbiski stated that he is in favor of allowing this use. The Township has beautiful barns and it would be nice to see them highlighted and used in the Township. Mr. Lichtenstein stated that he agreed with Mr. Trymbiski and wanted to know what the limitations would be. Mr. Busillo stated that if no one is opposition than the Board could have Mr. Reiss draft the zoning and go from there. Mr. McComb stated he was interested in exploring this however would be interested in hearing from those property owners that want this use, what it is they exactly want to do. Mr. Hilferty indicated that he is in favor of exploring this. Mr. Reiss stated that the Board would need to decide if they want the use to be by right, by conditional use or by special exception and that the Accessory Farm Business use has some requirements that can also be used for the new proposed use. The use can be limited to weekends only, number of times a year, sound and parking issues as well as require a minimum acreage. Mr. Busillo stated he is in favor and his initial thought is to make the use by conditional use and agrees with incorporating some of the requirements from the Accessory Farm Business Use. Mr. Trymbiski stated that he is in favor of encouraging this use but is not in favor of requiring licensing for it. Upon consensus from the Board, Mr. Reiss will draft some language for the zoning ordinance and bring it back to the Board.

**6.3. Ordinance 2020-01: Zoning Amendment for Short-Term Transient Rentals:** Mr. Reiss presented Ordinance 2020-01 that would amend Chapter 27 (Zoning Ordinance) of the Code of Ordinances adding a

definition for short-term transient rental and add short-term transient rental as an accessory use to all residential uses. Currently Air BnB's are illegal in Plumstead and this ordinance would make them a by right use. Mr. Reiss added that the ordinance has been amended since the last time the Board saw the draft to include article IV that would amend the appendix of use regulations to provide for a new row under Residential Uses for B17 Short-Term Transient Rentals which will reflect the use permitted by-right in certain zoning districts. Due to the revision Mr. Reiss is recommending that the Board authorize the ordinance be sent back to the Township and Bucks County Planning Commissions for review.

**MOTION: Upon motion by Mr. McComb, seconded by Mr. Trymbiski, the Board unanimously authorized the Solicitor to send the draft version of Ordinance 2020-01, that would add short-term transient rental as an accessory use to all residential uses, to the Bucks County Planning Commission and Township Planning Commission for review.**

**6.4. Ordinance 2020-02: Stand Alone Ordinance for Short-Term Transient Rentals:** Mr. Reiss presented Ordinance 2020-02 that would amend Chapter 13 (Licenses, Permits and General Business Regulations) of the Code of Ordinances by adding short-term transient rentals, establishing regulations for short-term transient rentals in Plumstead Township and provide for the prohibition of short-term transient rentals without a permit. Mr. Hilferty stated that he would like to see the proof of insurance requirement even if it would just mean that the applicant has to attest to the fact that they have the appropriate insurance policy. Mr. Trymbiski asked if we were going to expect property owners to obtain commercial policies and Mr. Hilferty responded stating that he just wants the property owners to attest to having the insurance. Mr. Lichtenstein asked if the ordinance was going to require inspections of the property. Mr. Reiss stated that the original draft of this ordinance had an inspection requirement, but the Planning Commission felt it would be too onerous. Mr. Busillo stated that he is hesitant to require insurance and inspections. Mr. Trymbiski added that Air BnB indicates on their website that those property owners have the required insurance and outlines what that insurance is. Mr. Nick Lykon of Applebutter Road stated that rental properties are inspected, and it would be a good thing to require inspections of short-term transient rentals and would keep it consistent with long term rentals. Mr. Lykon added that the Township doesn't require proof of insurance for long term rentals so why require it for short term rentals and by having property owners attest to having the appropriate insurance the Township could give a false sense that the Township is monitoring the property owners insurance. Mr. Lykon said the sewage inspection would be onerous, but the inspection requirement makes sense. Mr. Reiss added that asking someone to attest when they might not understand if they have the appropriate insurance is difficult, as usually the Township indicates what the insurance requirements are. Mr. Fulmer added that if there is a concern with how the Township ensures that the short-term transient rentals have minimal safety, the Township could perform the inspections and then the Township wouldn't have to worry about insurance. Mr. Lichtenstein stated that if the inspection is required, he is ok with not requiring insurance. Mr. McComb added that he is good with the requirement to have an inspection and they can always look at the insurance requirement in the future. There was consensus from the Board to have Mr. Reiss revise the ordinance to include an inspection requirement.

## **6.5. Zoning Hearing Board Applications:**

**6.5.A. The Fred Beans Partnership:** Applicant has submitted a waiver of land development construct additions on an existing car dealership building and the applicant is also seeking variance approval from §27-1403 of the Township Zoning Ordinance to reduce the required rear yard from 50 feet to 43 feet. The applicant is also seeking a variance from §27-2503.6 & 7 to permit two ADA accessible parking spaces instead of the required five spaces and for the spaces to be 8 feet by 18 feet instead of the required 9 feet by 15 feet. The Board does not oppose this application.

**6.5.B. Airgas USA, LLC:** The Applicant is requesting a height variance from §27-2307 of the Township Zoning Ordinance to permit a Cryogenic Bulk Tank Structure measuring 37'4" in height, where a maximum

height of 35 feet is permitted and can be in excess of 35 feet where the structure is setback a certain distance away from other buildings on the property. The application also indicates that the tank is essential to the manufacturing process of applicant on property. The Board does not oppose this application.

**6.5.C. Lovelace Property on Julian Way:** The Applicant is seeking a variance to allow for an additional 5% of impervious coverage for the addition of a front porch to their property. The Board does not oppose this application.

**7. Payment of Bills:**

**7.1. Bills List dated February 11, 2020 in the amount of \$233,486.68**

**MOTION: Upon motion by Mr. Hilferty, seconded by Mr. McComb, the Board unanimously approved the February 11, 2020 in the amount of \$233,486.68, subject to audit.**

**8. Approval of Minutes:**

**8.1. Minutes of Meeting of January 25, 2020:**

**MOTION: Upon Motion by Mr. Lichtenstein, seconded by Mr. Trymbiski and unanimously carried, the minutes of the January 25, 2020 meeting were approved as written.**

**9. Other Business:**

**9.1. Point Pleasant EMS Hanusey Park Rental Fee Waiver Request:** Ms. Benner stated that the Point Pleasant EMS submitted an application to use the Hanusey Park Community Center to hold a training for emergency medical service, fire and police.

**MOTION: Upon Motion by Mr. Trymbiski, seconded by Mr. Lichtenstein, the Board unanimously waived the rental fee for the Point Pleasant EMS to use Hanusey Park Community Center for an emergency medical service, fire and police training.**

**10. Public Comment:** Mr. Lykon from Applebutter Road, requested that the Township consider reviewing their Well Ordinance as it requires inspections that are performed by the Bucks County Health Department. The Ordinance was originally adopted because the County had no requirements in place, but now that the County is performing inspections, it is redundant and expensive to residents. Mr. Lykon stated that the ordinance is beyond best practices, it is over and above what other areas in require in Bucks County. Ms. Benner stated she would see what other towns require and compare it to what the County requires. Mr. Reiss stated that the Township amended their ordinance a couple years ago to address the duplicate requirements. Mr. Busillo suggested that Andy Thomas from the Township's Environmental Advisory Committee could probably help the Township with reviewing their ordinance requirements.

**11. Adjournment:** Upon motion by Mr. Trymbiski and seconded by Mr. Lichtenstein the meeting was adjourned at 9:13 p.m.

Respectfully Submitted,

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Angela P. Benner, Township Manager