

PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS
May 14, 2019
Meeting Minutes

The public meeting of the Plumstead Township Board of Supervisors was held on Tuesday, May 14, 2019 at 7:30 p.m. at the Plumstead Township Municipal Building, 5186 Stump Road, Plumsteadville, PA

Present:

Brian Trymbiski	Chair
Peter Busillo	Vice Chair
Nick Lykon	Secretary
Dan Hilferty	Treasurer
Jonathan Reiss, Esq.	Township Solicitor
Timothy Fulmer, P.E.	Township Engineer
Carolyn McCreary	Township Manager

Absent:

Darren Carroll	Asst. Secretary/Asst. Treasurer
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Mr. Trymbiski called the meeting to order at 7:30 p.m. followed by a moment of silence and the Pledge of Allegiance.

CALENDAR AND ANNOUNCEMENTS: The Planning Commission meets on May 16. The Board of Supervisors worksession scheduled for May 30 is cancelled. Mr. Trymbiski announced the Bucks County Planning Commission staff will hold an Open House on May 23 at 7:30 p.m. to gather residents' and businesses' input on design components of Plumsteadville Village.

PUBLIC COMMENT: Joseph Reinheimer, 3634 Ferry Rd. expressed his displeasure with the recent articles in the local newspapers indicating the Board has decided to negotiate with the Doylestown II developer to put a Wawa at the corner of Ferry Road and Route 313. He reminded the Board that residents came to the meetings and stated they do not support the proposal.

COMMENDATION: Chief Hasenauer introduced Ryan Cohen to the Board and those present for the meeting, and read the commendation, which was prepared and approved by the Board at their last meeting. He cited Ryan's bravery for the way he responded in calmly calling 911 after being involved in a motor vehicle accident with his father, and being able to direct them to the scene.

PUBLIC HEARINGS:

Conditional Use Application-Crown Castle NG East LLC: Mr. Reiss explained the hearing process, stating a court reporter is present, noting all public comment will occur at the end of the hearing, and residents can request party status which allows them to ask questions of the applicant. No one requested party status, and Mr. Trymbiski opened the hearing with Mr. Reiss identifying the Township exhibits. The application is for the replacement of a utility pole and placement of a non-tower based wireless communications facility in the PENNDOT right-of-way near 807 N. Easton Road. Shawn Gallagher, Esq. spoke on behalf of the applicant and provided an offer of proof, which enters into the record what the professional would have testified to. Mr. Hilferty asked about the safety of this new technology. Paul Pasicznyk, 4923 Silo Hill Rd. commented on

the issue of this technology's safety. Mr. Trymbiski closed the hearing. **Motion** by Mr. Lykon, seconded by Mr. Busillo to approve the conditional use application. With no additional comment, all voted in favor 4-0. Mr. Reiss stated he will issue a written adjudication for the Board to review prior to their next meeting.

Conditional Use Application-James & Nadine Belisle: Mr. Trymbiski opened the hearing with no one requesting party status. Mr. Reiss explained the purpose of the hearing, stating the applicant is currently operating a business now defined as a G16 use (Amusement Halls and Arcades) as a result of the recent zoning ordinance amendment. The location of the business is 4095 Ferry Road. John VanLuvanee, Esq., spoke on behalf of the applicant and provided an offer of proof, which enters into the record what the applicant would have testified to. Mr. Reiss identified the Board exhibits. Mr. VanLuvanee stated the Board in a separate action waived the impact studies and there is no impact on the Township's Act 537 plan. Bill Crossland, 4042 Ferry Rd., stated his main concern is the noise especially when the three garage bay doors are open. Yuri Volin, 1008 N. Easton Rd., stated he does not believe the use is well-suited for a residential neighborhood, citing noise and alcohol use. Jane Thundercliffe, 3951 Ferry Rd., stated she lives four properties away from the site and is not directly affected by this business, but her past experience with various operations at the site has been an issue. Mr. Reiss stated he would reiterate the conditions enumerated in the zoning ordinance concerning noise levels. Mr. Trymbiski closed the hearing. **Motion** by Mr. Lykon, seconded by Mr. Busillo to approve the conditional use application restating as a condition the provision in the ordinance about sounds not emanating from the premises. With no additional comment all voted in favor 4-0.

Proposed Amendment-Act 537 Plan: Mr. Reiss explained the purpose of the hearing, stating the proposed amendment had been reviewed by the Planning Commission and the Bucks County Planning Commission. Bucks County Water & Sewer Authority were informed of the proposed amendment and took no position, deeming it a local concern. If the proposed amendment is approved by the Board all new future housing units would not be required to show infeasibility for an on-lot septic system before requesting connection to the public sewer system. Mr. Trymbiski opened the hearing. John VanLuvanee, Esq., spoke to the Board on behalf of the Gouldey family. Gia Raffaelli, Esq. was present on behalf of the Metropolitan Development Group accompanied by Fred Ebert of Ebert Engineering, who did the study sent to the reviewing agencies. Mr. Trymbiski closed the hearing. **Motion** by Mr. Lykon, seconded by Mr. Busillo to adopt Resolution 2019-12, amending the Township's Act 537 agreement. With no additional comment, the vote was 3-1 with Mr. Hilferty dissenting.

ENGINEER'S REPORT: Timothy Fulmer, P.E.

1. **5280 Old Easton Road Major Subdivision:** This matter was removed from the agenda after it had been posted at the request of the applicant.
2. **Lantern Ridge Major Subdivision:** Sam Carlo with Lennar Homes reviewed details of the revised plan, describing the proposed walking path addition per the Planning Commission's comments. He stated he would like to move forward with design plans and come back to the Board for final approval. He shared renderings of the various elevations for the townhomes. Mr. Lykon spoke about the trail connection to the Wawa and obtaining a letter from the new owner of the former Carroll Seafood property allowing a trail to be connected to his property. He also asked if the proposed "stacked townhomes" could accommodate a bedroom on the first floor because residents he has spoken to indicate the Township does not have a lot of options for those looking to downsize to a single floor of living space. He asked if a trail could be put around the basin, and Mr. Carlo stated he would need to check the grading to see if it is feasible. Mr. Trymbiski asked about the number of steps on the exterior of the townhomes, noting he does not like the stacked townhomes,

but is glad to see a bedroom could be on the first floor. Mr. Busillo inquired about making the architectural details more similar to Lantern Hill in Doylestown, as originally represented by the developer when they received preliminary approval. He stated he could support the plan as proposed with changes to the elevations. The Board also discussed the proposed parking and whether or not it could be reduced to avoid eliminating green space on the plan should the layout need to be changed to reduce the number of stacked townhomes. Board consensus was for Mr. Carlo and Mr. Price to come back when they have made changes to the architecture and received feedback on the proposed trail connection to the Wawa.

3. **Gouldey Proposed Subdivision (Sketch Plan):** John VanLuvanee, Esq. and Richard Carroll, III appeared before the Board to discuss the sketch plan, stating it was submitted primarily to obtain the Township professionals' review comments. Mr. Carroll described the first alternate as a "by right" plan and the second alternative as a "flex lot usage" plan, noting the differences between the two. The discussion with the Board focused on the process to obtain EDUs, providing public water to the site and road access.
4. **3750 Curly Hill Road Subdivision:** Mr. Fulmer informed the Board the approved plans are available for their signature, so they can be recorded.

SOLICITOR'S REPORT: Jonathan J. Reiss, Esq.

1. **Public Hearing: Subdivision and Land Development Ordinance Amendment:** Mr. Reiss stated the purpose of the amendment and noted the ordinance amendment had been properly advertised and made available for public inspection. This amendment will ensure that a phased development will still need to execute a well guarantee agreement with the Township. Mr. Trymbiski opened and closed the hearing with no public comment. **Motion** by Mr. Hiltferty, seconded by Mr. Busillo to adopt Ordinance 2019-05. With no additional comment, all voted in favor 4-0.
2. **Public Hearing: Non-Solicitation and Peddling Ordinance Amendment:** Mr. Reiss stated the purpose of the amendment and noted the ordinance amendment had been properly advertised and made available for public inspection. This amendment was drafted and reviewed by the Board as a result of a memorandum from the Township's property and liability carrier. Mr. Trymbiski opened and closed the hearing with no public comment. **Motion** by Mr. Hiltferty, seconded by Mr. Busillo to adopt Ordinance 2019-06. With no additional comment, all voted in favor 4-0.
3. **Zoning Hearing Board Application – 812 N. Easton Road:** Mr. Reiss reviewed the details of the application, stating the applicant is asking to have the Zoning Hearing Board decision from 10/04/08 reaffirmed so they may continue with a proposed addition to the existing animal clinic. Board consensus was for the Zoning Hearing Board to render a decision based on the testimony presented with no Township input.
4. **PA Supreme Court Decision – Short Term Rentals:** Mr. Reiss informed the Board there was a recent decision by the PA Supreme Court concerning short-term rentals which he distributed to the Board for review. He noted this could be put on the next agenda so the Board could discuss the details and the implications for the Township.

ADMINISTRATIVE REPORT: Carolyn McCreary, Township Manager

1. **Approval of Tour de Cure Bicycle Ride:** Ms. McCreary informed the Board the Township received a request from the American Diabetes Association for use of Township roads as part of their event on June 15, 2019. She stated the organization will need to work with Chief

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- Hasenauer and Lt. Frederick in finalizing the route. **Motion** by Mr. Hiltferty, seconded by Mr. Busillo to approve the date. With no additional comment, all voted in favor 4-0.
2. **Camp Ockanickon Request for Fee Waiver:** Ms. McCreary advised the Board she received a request from the Magne Gunderson, Scout Executive/CEO, seeking a waiver of permit fees for a roof replacement and the rebuilding of stairs. She noted the fees of \$214.00 have been paid, so as not to delay the permit being released. **Motion** by Mr. Hiltferty, seconded by Mr. Busillo to waive the fees and issue a refund. With no additional comment, all voted in favor 4-0.
3. **Vehicle Lease/Purchase:** Ms. McCreary presented Resolution 2019-13, which if adopted would authorize the incurring of lease obligation not to exceed \$25,199.00 for the lease/purchase of a 2019 Chevrolet Equinox. **Motion** by Mr. Hiltferty, seconded by Mr. Busillo to adopt Resolution 2019-13. With no additional comment, all voted in favor 4-0.
4. **Village Overlay-Draft Ordinance:** Ms. McCreary advised the Board the draft of the ordinance was in their packets so they could familiarize themselves with what has been discussed by the Planning Commission with the staff of the Bucks County Planning Commission, and recommended for inclusion. She stated the proposed design guidelines, which will be discussed at the May 23 open house (see announcements) would also be included.

Ms. McCreary stated she had one item for Executive Session involving a personnel matter.

PAYMENT OF BILLS: **Motion** by Mr. Hiltferty, seconded by Mr. Busillo to approve the bills lists dated 05/14/19 subject to audit. With no additional comment, all voted in favor 4-0. The amounts reported on the bills list are as follows: General Fund - \$175,337.30, Water Fund - \$64,411.01, Local Services Tax Fund - \$9,336.00, Emergency Services Fund - \$239,504.47, Capital Reserve Fund - \$2,500.00, State Liquid Fuels - \$4,406.79, Developers' Escrow Fund – \$16,879.41, Construction Escrow Fund - \$800.00, Zoning Hearing Board Escrow Fund - \$2,114.58

APPROVAL OF MINUTES: **Motion** by Mr. Hiltferty, seconded by Mr. Busillo to approve the minutes of the 04/23/19. With no additional comment, all voted in favor 4-0.

OLD BUSINESS:

Proposal for Wireless Ordinance Amendment: Ms. McCreary reviewed details of a proposal from the Cohen Law Group resulting from recent FCC order concerning small wireless communications facilities. The cost for services is \$3,000 for review and amendments to the ordinance and \$2,500 for preparation of design guidelines. **Motion** by Mr. Hiltferty, seconded by Mr. Busillo to accept the proposal. With no additional comment, all voted in favor 4-0.

NEW BUSINESS:

Multi Modal Grant Project: Ms. McCreary provided the Board with an update, noting she had attended a meeting with a PENNDOT representative to review the terms of the grant agreement, and timeline for the project. She stated once the agreement is signed by the state the 3-year clock begins. The bid will be published on PennBid.

Tree Removal in Open Space: Ms. McCreary stated she was contacted by a property owner concerning a tree that was taken down in the open space adjacent to his house, insisting the Township take out the stump and remove the tree in its entirety. She stated it has been the Township's practice to leave the trees to decompose, but the Township did receive a quote of \$1,500 to remove and grind the stump. Ms. McCreary shared the practices of seven other municipalities with the Board. She expressed concern about

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doing this for one resident, and it possibly becoming the expectation of all property owners near Township open space. She stated there is also an additional cost of \$20,000-\$25,000 should the Board want to clean up the open space in the Windtree subdivision. Ms. McCreary noted that Mr. Trymbiski had received comments about trees taken down in the open space, and he shared photos which had been forwarded to him. Board consensus was to ensure stumps are cleanly cut with no jagged breaks, cut-down trees being left in the open space, and the area being inspected to ensure those trees are not piled up.

PUBLIC COMMENT: None

ADJOURNMENT: Motion by Mr. Hilferty, seconded by Mr. Busillo to adjourn into Executive Session at 10:35 p.m. With no additional comment, all voted in favor 4-0.

Respectfully submitted,

Carolyn McCreary, Township Manager

Date Approved