

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS
May 5, 2015 – 7:00 P.M.
Solebury Township Hall

MINUTES

Attendance: Paul Cosdon, Chair, James Searing, Vice-chair, Robert Heath, Jr., Edward McGahan, Jr. and Helen Tai. Dennis H. Carney, Township Manager, Gretchen K. Rice, Jonathan J. Reiss, Solicitor, C. Robert Wynn, P.E. and Curt Genner of C. Robert Wynn Associates were also in attendance.

The meeting was called to order following the Pledge of Allegiance.

Approval of Bills Payable – April 30, 2015

The Secretary noted that the payable listed as \$7,327.45 to Offit Kurman under No. 01.400.404.316 had been revised to a payment of \$984.95.

Res. 2015-70 – Upon a motion by Ms. Tai, seconded by Mr. Heath, the list of Bills Payable was unanimously approved with revision as noted.

Approval of Minutes – April 21, 2015

Res. 2015-71 – Upon a motion by Mr. Searing, seconded by Ms. Tai, the Minutes of April 21, 2015 were approved as written and posted.

In Favor: Mr. Cosdon, Mr. Searing, Mr. Heath and Mr. McGahan

Opposed: Ms. Tai

Motion carries.

Announcements/Resignations/Appointments

- The Chair announced an Executive Session held prior to the meeting regarding litigation and personnel.

Supervisor Comment

- The Chair noted that the pumps had been delivered to the Aquetong Spring Park and the site is now closed and posted until further notice.
- Mr. Searing expressed his appreciation to Michael Jones who voluntarily directed traffic at Sугan and Sunset Drive when he observed a downed cable lying across Sугan Road.

Public Comment – No early public comment was offered.

OLD BUSINESS – No old business came before the Board.

NEW BUSINESS

Ad Hoc Committee for Aquetong Spring Park – The Board discussed appointing an Ad Hoc Committee to monitor activities and provide ideas for the use of the park and improvements. The Solicitor recommended that the committee be appointed by a formal Resolution setting forth the specific responsibilities of the membership and a timeline for the life of the committee. The Board will work on a framework for the committee and who the membership should include before moving forward with creating the committee.

Keith Deussing of Solebury suggested the Board consider involving school children also.

David Benner of Solebury expressed interest in serving on the Committee.

SUBDIVISIONS/LAND DEVELOPMENTS/CONDITIONAL USES

Public Works Facility – Preliminary/Final Plan Approval – The proposal has been reviewed by both the Township Planning Commission and the County Planning Commission and the plan was recommended for approval subject to a review of alternative location for fuel tanks, additional security measures such as fencing, and exploration of alternative materials to beautify the side of the structure facing Sугan Road.

The Board members discussed the proposal. Ms. Tai expressed multiple areas of concern, including but not limited to aesthetics, proximity of fuel tanks, tree removal, size and cost of the proposed new facility and urged the Board re-think the approach to a new facility. Mr. Searing provided a detailed history of how the proposal came about, including but not limited to proposals for a more ambitious project in 2006, prior studies conducted on the need for a new facility, numerous meetings and public debate held, alternative sites and options and financial impact of the proposed project.

Following the comments of the Board, Tim Coffee of Greenhill Road commented that he initially was against the Township moving forward, but having heard the explanation provided on the history, he has a better understanding of the need and due diligence that has taken place and has changed his position.

Kevin Morrissey of Hillside Lane stated that he was glad to hear of all the research and work the Board had done, but still had concerns about the location of the fuel tanks and suggested that the Board consider taking a step back before moving forward.

Gloria Shimkin of Route 263 opined that the research done is much appreciated but she still believes the cost is too high and the aesthetics need to be better addressed.

Brent Aldefor of Sprucefield Court off Stoney Hill Road commented that the proposed building does not look like Solebury and should not be built at the proposed location.

David Benner of Route 263 submitted the signature page from the letter written by Marianne and Paul Bogen containing sixteen additional signatures, asking that the project be stopped now and re-thought.

Res. 2015-72 – Upon a motion by Mr. Heath, seconded by Mr. McGahan, it was agreed to grant Conditional Preliminary/Final Land Development Approval to Solebury Township Public Works Facility (Township Plan #15-594) located at 3092 North Sugan Road Solebury Township (TMP 41-013-062-001) as follows:

WHEREAS, Solebury Township (“Applicant”) has submitted an application for preliminary/final land development plan approval of a land development proposing the construction of a public works building, a road salt shed and appurtenant facilities (“Project”) on a piece of land located at 3092 North Sugan Road in Solebury Township, also known as TMP #41-013-062-001 (“Property”); and

WHEREAS, the Property, totaling 15.336 net acres, is located within the Municipal Services (MS) Zoning District. The site presently contains a one story maintenance garage that is to be razed, along with the Solebury Township Municipal Building, parking and sports fields. The new building is to be served by an on-lot well and on-lot sewage disposal system; and

WHEREAS, this proposal is reflected on submission including the Preliminary/Final Land Development Plan Solebury Township Public Works Facility, dated February 18, 2015; the Narrative Report for Public Works Facility Post Construction Stormwater Management Plan, dated February 19, 2015; and the Narrative Report for Public Works Facility Erosion & Sedimentation Control Plan, dated March 6, 2015, all prepared by C. Robert Wynn Associates, Inc. (collectively the “Plan”); and

WHEREAS, the Solebury Township Planning Commission reviewed the Plan at its April 13, 2015 meeting, and having found it to be in substantial compliance with the requirements of the Township Zoning Ordinance, the Township Subdivision and Land Development Ordinance, and other applicable Township Ordinances and requirements, recommended that conditional preliminary/final approval be granted.

NOW, THEREFORE, BE IT ADOPTED AND RESOLVED, that the Board of Supervisors of Solebury Township hereby grants preliminary/final land development plan approval to the Project subject to Applicant’s compliance with the following conditions:

- 1. Pursuant to requirements of the Pennsylvania Municipalities Planning Code and Section 6.02 of the Subdivision and Land Development Ordinance, the following waivers from the Subdivision Ordinance (SALDO) are granted:**
 - a. Section 1600.G.1 of the Zoning Ordinance indicates that a determination shall be made by the Board of Supervisors since the proposed use is not identified in the parking requirements tabulation. Seven (7) parking spaces are shown which is based on the actual number of anticipated employees and is determined adequate by the Board of Supervisors.**
 - b. Partial waiver is granted from Section 4.00.D of the SALDO so that the plan submission may be considered both a preliminary and final land development plan.**

- c. A partial waiver of Section 4.01.B.3.B and Section 4.03.I.17 of the SALDO is granted to show existing features and topography within 150 feet of the proposed development site, rather than 500 feet as required
- d. A partial waiver of Section 4.03.S.1 of the SALDO is granted as sewage facility planning modules are not required.
- e. Waiver of Sections 5.02.A, 5.04.C and 5.17.D of the SALDO is granted for required road improvements (including cartway widening and curb), sidewalk/walkway installation, and dedication of additional right-of-way.
- f. A partial waiver of Section 5.20.D.2 of the SALDO is granted regarding street trees since the site frontage already contains trees which may satisfy this requirement.
- g. A partial waiver of Section 5.20.E of the SALDO is granted for required Type 1 (50 feet width) and Type 4 (Fence and Evergreen Screen) buffers. However, Applicant shall install security fencing on the East and North sides of the Project site and a driveway gate, with a buffer on Suga Road side of the facility only.
- h. A partial waiver of Section 5.20.G of the SALDO is granted for required landscaping in parking areas for five (5) or more vehicles.
- i. Alternative site landscaping is required relative to replacement landscaping required by Section 5.20.L.4 of the SALDO. A tree removal and replacement summary is shown on sheet 5, whereas one hundred fifty-two (152) replacement trees (3"-4" caliper) are required to offset the proposed tree removal. The Township shall make every effort to plant the replacement trees on site. However, the Township may install replacement trees at an alternative site on land owned by the Township and at locations acceptable to the Township
- j. A waiver is granted from Section 5.16.A of the SALDO for 30 feet wide utility easements as the development site is owned and maintained by the Township.
- k. A waiver is granted from Section 5.16.D of the SALDO for watercourse conservation easement as the development site is owned/maintained by the Township. Protection of the riparian corridor area is shown on the plan and will be recorded with the PCSM plan as part of the NPDES permit process.
- l. A waiver of Sections 5.23.A and 5.23.F of the SALDO is granted for dedication of suitable recreation land/facilities and payment of a fee in-lieu-of dedication of recreation land. The public works facility is located on a larger municipal complex site with numerous existing recreation facilities.

- m. A waiver of Section 4.03.C.3 and 4.05.C.2 of the SALDO is granted regarding Township application fees.
- 2. Applicant shall explore alternative siding materials to beautify the Sугan Road side of the proposed Public Works Facility.
- 3. All submissions must be made in both paper and digital form. Prior to the recording of the Plan, Applicant shall submit a digital copy of the Preliminary/Final Plans (in AutoCAD format as well as in any other format directed by the Township) to the Township Engineer. In addition, Applicant shall provide to the Township, in digital format, all of the information contained on the record plan, including street names and numbers. The record plan shall be executed by Applicant and its Professionals, notarized and sealed, and a minimum of four (4) mylars and four (4) full paper sets of the Plan, all duly executed in BLACK INK by the proper persons or entities, shall be supplied to the Township for recordation purposes. The Owner's block and Notary Acknowledgement must show the correct owner(s) of record, and the Notary Public must sign and seal (both stamp and embossed) all mylars and paper copies of the Plan. (SALDO §2.00.A, §4.03.H, §4.05.G, §4.07 & §4.10).
- 4. Prior to the recording of the Plan, Applicant shall provide the Township with the following:
 - a. Satisfactory evidence that the Bucks County Conservation District has reviewed and approved the Plan for all areas within its jurisdiction, including, without limitation, the proposed temporary erosion and sedimentation control measures to be used during construction. The Plan shall be revised to include any requirements of the Conservation District to the satisfaction of the Township Engineer. (SALDO §5.11.A).
 - b. Satisfactory evidence that the Pennsylvania Department of Environmental Protection has issued an NPDES permit, if required, for the stormwater drainage facilities proposed for the Project. (SALDO §5.12; Ordinance 2009-003 §311)
 - c. Satisfactory evidence that the Pennsylvania Department of Transportation has issued a Highway Occupancy Permit, if required, for the Project. (SALDO §§4.03.R & 4.05.G).
 - d. Satisfactory evidence that all out-boundary monumentation has been installed where corner markers do not exist, as well as at all other locations identified pursuant to the Township's Subdivision and Land Development Ordinance. Upon installation of required monuments, certification by the responsible professional land surveyor licensed in the Commonwealth of Pennsylvania must be submitted to the Township Engineer for review and approval. (SALDO §5.27).

5. Prior to the recording of the Plan, Applicant shall present to the Township all required approvals, permits, certificates and the like necessary to develop the Property. (SALDO §1.03, §2.00, §4.05 §4.07 & §6.00).
6. Applicant shall comply with all applicable Township, County, State, and Federal statutes, ordinances, codes, rules, and regulations. (SALDO §1.03, §2.00, §4.05 §4.07 & §6.00).

BE IT FURTHER RESOLVED, that the Solebury Township Board of Supervisors authorize and direct the Board Chair to sign and execute any and all documents required by the above-listed conditions to this grant of approval.

BE IT FINALLY RESOLVED, that failure to appeal the conditions imposed by the Board of Supervisors within thirty (30) days of the date of this Resolution is forwarded to Applicant shall constitute acceptance of the conditions. Non-acceptance and/or non-compliance with the conditions of this Resolution above voids the Plan approval and the waivers granted by the Board of Supervisors, and in that instance, the application for final plan approval shall be deemed denied based upon Applicant's failure to agree to and/or fulfill these conditions. This Plan denial shall be based the Applicant's failure to comply with the conditions of approval listed above.

Voting in Favor: Mr. Cosdon, Mr. Searing, Mr. Heath and Mr. McGahan

Opposed: Ms. Tai

Motion carries.

Public Works Facility –The Administration requested authorization to bid the Public Works Facility project.

Concern was again expressed by Ms. Tai that once the project moves forward with the bidding process, it gains more momentum and if bids come back higher than budgeted, and no bid is awarded, a lot of time will be lost that could have been devoted to exploring alternatives.

Mr. Cosdon offered that he had talked with numerous other municipal representatives at the PSATS Conference and all agreed that the Board was moving in the right direction with the proposal.

Mr. Searing, Mr. McGahan and Mr. Heath again noted that alternatives had been extensively explored and if the bids exceed what the Township has budgeted for the project which is \$2,700,000.00, the bid will not be awarded.

Res. 2015-73 – Upon a motion Mr. Searing, seconded by Mr. McGahan, it was agreed to authorize the Township Administration to proceed with bidding the Public Works Facility project as proposed.

Voting in Favor: Mr. Cosdon, Mr. Searing, Mr. Heath and Mr. McGahan

Opposed: Ms. Tai

Motion carries.

Public Comment – no additional public comment was offered.

Adjournment

Res. 2015-74 – Upon a motion by Mr. McGahan, seconded by Mr. Heath, the meeting adjourned at 8:30 p.m.

Respectfully submitted
Gretchen K. Rice
Assistant Manager
Secretary/Treasurer