

**SOLEBURY TOWNSHIP BOARD OF SUPERVISORS**

**April 15, 2014**

**Solebury Township Hall**

**MINUTES**

Attendance: James Searing, Chair, Paul Cosdon, Vice-chair, Edward McGahan, Jr., and Helen Tai. Dennis H. Carney, Township Manager, Gretchen K. Rice, Assistant Manager, Jonathan J. Reiss, Solicitor and C. Robert Wynn, Township Engineer, were also present.

Absent: Robert Heath, Jr.

The meeting was called to order followed by the Pledge of Allegiance.

Approval of Bills Payable – April 10, 2014

**Res. 2014-64 – Upon a motion by Ms. Tai, seconded by Mr. McGahan, the list of Bills Payable dated April 10, 2014 was unanimously approved as prepared and posted.**

Approval of Minutes – April 1, 2014

**Res. 2014-65 – Upon a motion by Mr. Cosdon, seconded by Ms. Tai, the Minutes of April 1, 2014 were unanimously approved as written and posted.**

Approval of Minutes – April 3, 2014

**Res. 2014-66 – Upon a motion by Mr. Searing, seconded by Mr. Cosdon, the Minutes of the April 3, 2014 Work Session were unanimously approved as written and posted.**

**Announcements**

- The Board announced an Executive Session held prior to the meeting related to personnel and litigation.
- The Chair commented that the Board had been reviewing various options for maintaining Old Carversville Road. The Public Works crew has recently applied Driving Surface Aggregate (DSA), which is a mixture of crushed stone developed specifically as a surface wearing course for unpaved roads. The Board and Administration will continue to monitor and evaluate the condition of the road.

Public Comment – No early public comment was offered.

PRESENTATION – Draft Comprehensive Plan – Bryce Rudolph of the Comprehensive Plan Committee and Cathy Gauthier of the Bucks County Planning Commission provided a brief presentation of the draft Comprehensive Plan, noting that the draft is similar in size and content to the current Plan, but has been reorganized by topic, and Chapters 14 and 15 are new additions.

Mr. Searing stated that the Comprehensive Plan Committee had done its work and it was now time for the Board of Supervisors and the Planning Commissions to do their work, adding that the draft before

the Board is not a tweaked version of the current Comprehensive Plan but a new and much different Plan to take the Township into the next decade.

The Board discussed whether to forward the draft as presented to the Planning Commissions for review, or have the Supervisors review the draft in detail first before sending to the Planning Commissions for review.

Following comment from all Board members present, it was decided to forward the Draft Plan on to the Planning Commissions and at the same time, schedule a joint work session between the Supervisors and the Township Planning Commission to review the draft in detail. This would be a public work session and members of the Comprehensive Plan Committee could attend as well as the general public.

The Township Manager requested any edits needed to the draft, such as typographical or grammatical edits, should be forwarded to Jean Weiss, Administrative Assistant, who will compile the suggestions and forward on to Cathy Gauthier.

The Comprehensive Committee will remain in-tact so that they can address any questions that might result from the work-session regarding the Draft Plan.

**Res. 2014-67 – Upon a motion by Mr. Cosdon, seconded by Mr. McGahan, it was unanimously agreed to forward the Draft Comprehensive Plan to the Planning Commissions and to schedule a work-session between the Township Planning Commission and the Board of Supervisors for a date to be selected in mid-May.**

The Supervisors thanked all the committee members and the staff of the Bucks County Planning Commission for their efforts to date.

OLD BUSINESS – Wireless Communications Ordinance – The Board members had previously provided individual suggestions for language revisions to the Township Solicitor, who in turn discussed the proposed revisions with the Cohen Group. Some of the suggestions have been incorporated into the draft currently under review.

The Board commented on areas concerning noise, placement of Wireless Telecommunications Facilities (WTF) on structures located within the Township designated Historic Districts, minimum setbacks for new facilities, maximum heights for non-tower WTFs, permitting for temporary facilities.

The Township Solicitor will update the proposed draft based on the comments of the Board for distribution to the Planning Commissions for their review and comments.

**Res. 2014-68 – Upon a motion by Mr. Cosdon, seconded by Mr. McGahan, it was unanimously agreed to forward the updated draft Wireless Communications Ordinance to the Bucks County Planning Commission and the Township Planning Commission and to authorize the Township Solicitor to advertise the proposed Ordinance for adoption.**

Right of Way Ordinance – This proposed Ordinance runs in tandem with the proposed Wireless Communications Ordinance.

**Res. 2014-69 – Upon a motion by Mr. Cosdon, seconded by Mr. McGahan, it was unanimously agreed to advertise the proposed Right of Way Ordinance for adoption at the same hearing advertised for adoption of the Wireless Communications Ordinance.**

#### **NEW BUSINESS**

Floodplain Ordinance and required Zoning Amendment – The Township Engineer briefly reviewed the need to update the Township's Floodplain Ordinance provisions. Following his comments, the Board decided to table the discussion to the next Agenda. The Board members are to submit their comments in advance to the Township Administration.

#### **SUBDIVISION/LAND DEVELOPMENTS/CONDITIONAL USES**

Porter/Massey Revised Final Plan – The Board had previously directed the Township Solicitor to draft an Approval Resolution for consideration.

**Res. 2014-70 – Upon a motion by Ms. Tai, seconded by Mr. Cosdon, it was unanimously agreed to grant Conditional Revised Final Plan Approval to Doran J. Porter and Peter G. Massey for a Lot Line Adjustment of property located along Street Road known as TMP 41-035-002 and TMP 41-035-002-003 (Twp. Subdivision Plan #14-593) as follows:**

**WHEREAS, on October 11, 1969 an approved subdivision plan was recorded in the Bucks County Recorder of Deeds office creating three lots; two of which remain vacant land and are now owned by Doran J. Porter, and one of the lots is now non-conforming as to size due to an intervening change of minimum lot size in the Solebury Township Zoning; and**

**WHEREAS, in order to create two conforming lots, Doran J. Porter and Peter G. Massey ("Applicants"), submitted an application for revised plan approval of the 1969 subdivision, located at Street Road ("Project"); and**

**WHEREAS, the Project is reflected on a plan entitled Revised Final Minor Subdivision Plan prepared Van Cleef Engineering Associates dated August 30, 2013, last revised January 15, 2014 ("Plan") consisting of one sheet; and**

**WHEREAS, the Project is located on the north side of Street Road totaling 6.8439 acres with two existing vacant lots (one lot being 2.7155 acres and the other being 4.1284 acres), with the common lot line to be adjusted so the resulting lot sizes will be 3.01 acres and 3.41 acres and both lots to be served by on-lot water and sewage disposal; and**

**WHEREAS, the entire site is in District A of the Delaware River South Watershed and is tributary to the Pidcock Creek Watershed (classified as a Warm Water Fishery, WWF); and**

**WHEREAS, the Plan described above was reviewed by the Township consultants as evidenced by review memoranda or letters from C. Robert Wynn Associates, Inc. dated February 12, 2014; and**

**WHEREAS, the Solebury Township Planning Commission reviewed the Revised Final Plan in public meeting on March 10, 2014, 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 revised final approval be granted and that the waiver requests be granted.

NOW, THEREFORE, BE IT ADOPTED AND RESOLVED, that the Board of Supervisors of Solebury Township grants conditional revised final minor subdivision approval to the Project subject to Applicant's compliance with the following conditions:

1. Applicant shall comply with all the comments listed in the review letter of C. Robert Wynn Associates, Inc. dated February 12, 2014 with the exception that item number 1.B will be satisfied at time of grading permit review, Item 1.G only one fee-in-lieu of recreational land shall be paid at the time of building permit application for the first lot for which such a permit is applied for, and Item 7 shall be satisfied prior to building permit application. True and correct copy of the letter is attached hereto and incorporated herein.
2. The requested waiver as set forth in the revised Waiver Request is granted as follows:
  - a. From Section 4.03.I.17 of the Subdivision and Land Development Ordinance ("SALDO") to show on the plan all existing features, buildings, driveways, structures, and topography within 500 feet of the site.
  - b. From Sections 5.02.A, 5.17.A and 5.17.D of the SALDO for construction of street improvements including cartway widening, curb installation, drainage improvements, sidewalks/walkways(or trails).
3. Applicant shall place a note on the Record Plan listing all of the waivers granted by the Supervisors in conjunction with this plan approval. (SALDO 6.02)
4. The Record Plan shall be executed by Applicant and its Professionals, notarized and sealed. (SALDO 2.00, 4.06 & 4.07)
5. Prior to the recording of the Plan, Applicant shall have paid, in full, all appropriate fees applicable to this Project including all outstanding legal, engineering and administrative fees, as well as any other outstanding bills from the Township's professional consultants. (SALDO §6.01 & 6.03).
6. Applicant shall dedicate all areas shown on the Plan for dedication to the Township by deeds in form suitable to the Township Solicitor. Descriptions for those areas of land specified on the Plan for dedication to the Township shall be submitted to the Township Engineer electronically or on a disk, in form suitable to the Township Engineer. All lands, if any, to be dedicated to Solebury Township, shall be conveyed with good and marketable title, and as such, these deeds shall be accompanied by title insurance to the benefit of the Township indicating that title to these areas is free and clear of all liens, encumbrances, and restrictions which could adversely affect the use of these dedicated areas for roadways and other proper public purposes, except those created by virtue of this Plan approval. Title insurance shall be obtained at the sole cost and expense of Applicant. (SALDO §5.16).

7. Applicant shall comply with all applicable Township, County, State, and Federal statutes, ordinances, codes, rules, and regulations. (SALDO 4.00 & 5.00)
8. Suitable recreation land/facilities are required. The Township has agreed to accept a fee in-lieu-of recreation land in the amount of \$4,000.00 for first lot for which a building permit is submitted. By accepting this Resolution, Applicant, intending to be legally bound, agrees to waive any and/or all requirements that these contributions must be utilized within a three year period from the date of payment and hereby further relinquishes any and/or all rights to said funds after the three year period has elapsed. This contribution must be paid by Applicant prior to issuance of the building permit for the first new dwelling unit. (SALDO §5.23.A).
9. 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 and 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).
10. Prior to the recording of the Plan, Applicant shall provide the Township with the following:
  - a. 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).
11. Prior to the recording of the Plan, Applicant shall execute all development, improvement, and financial security agreements, if necessary, ultimate right-of-way easement for land along Street Road and documents (including all necessary agreements, easements, deeds of dedication, and declarations), all in a form and manner established and approved by the Township Solicitor; shall post sufficient financial security in a form acceptable to the Township; and shall provide proof of sufficient insurance coverage to the Township. (SALDO §§5.16 & 6.01).
12. 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).

13. Prior to the recording of the Plan, with the exception of the waivers granted herein, the Plan shall be revised to comply with all the review letters issued by the Township and its consultants, including, but not limited to, the Township Engineer, the Township Planner, and the Township Traffic Consultant to the satisfaction of the Board of Supervisors. (SALDO §1.03, §2.00, §4.05 §4.07 & §6.00).
14. Prior to final plan approval, the Sewage Facilities Planning Modules that have been submitted to the Township must be approved by the Bucks County Department of Health (“BCDH”) and PADEP, as applicable. The Township agrees to cooperate with the Applicant by reviewing and signing the Planning Modules and by forwarding them to the BCDH and PADEP for review. (SALDO 4.06.F.4)

**BE IT FINALLY RESOLVED**, that the conditions of approval have been made known to the Applicants, and final plan approval is to be deemed expressly contingent upon Applicants’ affirmative written acceptance of the said conditions as set forth below on or before May 15, 2014. Failure to appeal the conditions imposed by the Board of Supervisors within thirty (30) days of the date of this Resolution shall constitute acceptance of the conditions. Following non-acceptance or non-compliance of the conditions listed above, the application for final plan approval shall be deemed denied based upon Applicant’s failure to agree to and/or fulfill the said conditions and upon the deficiencies noted in the Township Engineer’s review attached hereto.

Public Comment – Mr. Cosdon commented that the Parks and Recreation Annual Egg Hunt would take place Saturday at Pat Livezey Park.

Adjournment

**Res. 2014-71 – Upon a motion by Ms. Tai, seconded by Mr. McGahan, the meeting adjourned at 9:20 p.m.**

Respectfully submitted  
Gretchen K. Rice  
Assistant Manager  
Secretary/Treasurer