

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS

September 21, 2021 – 6:00 P.M.

Solebury Township Hall/Virtual – Hybrid

MEETING MINUTES

Attendance: Mark Baum Baicker, Chair, Kevin Morrissey, Vice-Chair, Noel Barrett, John S. Francis, Robert McEwan, Dennis H. Carney, Township Manager, Michele Blood, Assistant Manager, and Catherine Cataldi, Secretary. Mark L. Freed, Township Solicitor was also in attendance.

The recording device was turned on.

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

II. Approval of Bills Payable – September 16, 2021

Res. 2021-103 – Upon a motion by Mr. Francis, seconded by Mr. McEwan, the list of Bills Payable dated September 16, 2021 was unanimously approved as prepared and posted.

III. Approval of Meeting Minutes – September 9, 2021 Budget Meeting

Res. 2021-104 – Upon a motion by Mr. Francis, seconded by Mr. Morrissey, the Minutes of the September 9, 2021 Budget Meeting were unanimously approved as prepared and posted.

IV. Announcements/Resignations/Appointments

• Executive Session

The Board announced the Executive Session held September 21, 2021 prior to the meeting, dealing with Land Preservation, Real Property and Litigation.

V. Supervisors Comment

- Mr. McEwan commented on the cancellation of The Free Library of New Hope & Solebury's 2021 Community Spelling Bee.
- Mr. McEwan commented on the recent Land Preservation event. He expressed gratitude to the Berlinger Family and Manoff Market.

VI. Public Comment

- Bob Harvie, Bucks County Commissioner gave updates on the following: COVID-19 Vaccinations; Emergency Disaster Funding; November's Election; and Environmental Incentives.
- Christina Bergman, resident, commented on the lack of flood mitigation plan and culvert maintenance along River Road. Robert Wall, resident, shared pictures and video regarding debris from Hurricane Ida. Mr. Wall questioned a hydro plan. Wendy Alberton, resident, commented that an Engineer and Assistant to Susquehanna Civil Engineer come out. Ms. Alberton expressed safety concerns.
- Charlie Perelli, resident, questioned the speed limit on Ely Road. Mr. Carney is to discuss with Township Traffic Engineer and request a speed study.

VII. Public Hearing

HARB – Certificate of Appropriateness – Lori White (TMP # 41-004-001, 6135 Carversville Road

Upon a Motion by Larry Peseski, seconded by Marnie Newman, the Solebury Township Historical Architectural Review Board agreed to recommend issuance of Certificate of Appropriateness to TMP #41-004-001 to paint the exterior of the home and repair the fence per the details in the application with the addition of the paint finish to be a soft gloss or low luster.

Res.2021-105 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Morrissey, it was unanimously agreed to issue a Certificate of Appropriateness to TMP# 41-004-001, 6135 Carversville Road as recommended by the Historical Architectural Review Board. Issuance of the Certificate of Appropriateness does not relieve the applicant from obtaining any and all applicable permits prior to commencement of work.

Conditional Use Decision – Todd E. Molgat (2775 River Road, TMP# 41-028-050-002)

The public hearing for the Molgat Conditional Use application was held at the August 17, 2021 Board of Supervisors meeting. The Board of Supervisors had 45 days from August 17, 2021 to prepare written decision (copy of which is attached).

Helen Tai, resident, expressed support for the occasional use of a residence as an Airbnb but not frequent use. Ms. Tai addressed the Temporary Lodging Ordinance and expressed opposition of the Board's approval of the Conditional Use.

Res.2021-106 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Francis is was agreed to approve the Conditional Use of the utilization of the existing dwelling on Applicant’s Property as a bed-and-breakfast with six guest rooms that will be commercially offered and used for temporary lodging of transient guests per the following conditions, which were cited by the Township Solicitor and on the transcript:

- a) **The conditional use approval does not include approval of any new construction and there will be no physical changes to the Property.**
- b) **Only the existing main house on the Property and not the accessory outbuilding or any other improvement on the Property shall be used for the purpose of the Bed-and-breakfast Inn/Small Short-term Lodging Facility.**
- c) **Applicant is required to obtain all necessary zoning relief, including but not necessarily limited to, a variance from the three-acre minimum lot requirement for Bed-and-breakfast Inn/Small Short-term Lodging Facility area and bulk regulations at 27-604.1.C.5.a.**
- d) **The living quarters for the Applicant and his wife, as well as for any other resident innkeeper, shall have its own bathroom.**
- e) **Housekeeping services shall be provided to all guests staying on the Property.**
- f) **No separate kitchen or cooking facilities shall be allowed in any guest room.**
- g) **Any food service, if provided by the inn/facility, shall be limited to guests of the inn/facility.**
- h) **There shall be no banquet, catering or event use of the Property as such term is defined in Township Ordinance 27-202.**
- i) **No more than six bedrooms shall be rented to guests.**
- j) **All guests of the inn/facility must register with the Applicant and the Applicant shall keep accurate registration records. Any changes to the guest list must be agreed upon with the host through an altered reservation.**
- k) **There will be no more than 12 adult guests or 16 total guests of any age at the inn/facility at any one time. Only guests may be at the Property. The term “adult” as used herein refers to any person 18 years of age or older.**

- l) An accurate floor plan of the existing building showing all rooms must be provided to the Township zoning officer.
- m) A site plan that clearly marks the required number of parking spaces of one off-street parking spot for each guest bedroom must be provided to the Township zoning officer.
- n) In the event that any use of the Property depletes the water supply of any adjacent property, the Applicant shall, in a timely manner, hydrofracture the depleted well, deepen the depleted well, drill a new well, and/or otherwise restore an adequate supply of potable water to the adjacent property to the satisfaction of the Township. In the event of any such depletion, the Township, in consultation with the Township engineer, shall determine the most appropriate method required to restore an adequate supply of potable water to the affected property.
- o) Applicant shall comply with all requirements and conditions in the Engineer's Memo and the Zoning Officer Review Letter.
- p) Applicant must at all times maintain a valid County Department of Health permit.
- q) Signage for the inn/facility shall comply with all Township requirements.

For: Mark Baum Baicker, John Francis and Noel Barrett

Opposed: Kevin Morrissey and Robert McEwan

Motion carries

VIII. Old Business

Omnibus Zoning and SLDO Ordinance Amendment – Authorization to Re-Advertise

AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY, BUCKS COUNTY, PENNSYLVANIA, AMENDING CHAPTERS 22 (SUBDIVISION AND LAND DEVELOPMENT), AND 27 (ZONING).

Mr. Freed notated that at their September 2021 meeting the Planning Commission recommended the addition of the word Viable before vegetation in section E6 of the Ordinance. The Township Solicitor recommended leaving the section as is. There is concern that the language could be a subject of abuse in the amount of vegetation that could be removed from a site. The Planning Commission also questioned the scope of the definition orders of the Commonwealth. Mr. Freed advised the definition is taken from the State Statute definitions and recommended leaving as is.

Res.2021-107 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Morrissey, it was unanimously agreed to authorize the re-advertisement of the Omnibus Zoning and SLDO Ordinance Amendment.

Zoning Officer Building Code Official Ordinance – Authorization to Re-Advertise

AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY, BUCKS COUNTY, PENNSYLVANIA, AMENDING CHAPTERS 5 (CODE ENFORCEMENT), 10 (HEALTH AND SAFETY), 11 (HISTORIC DISTRICT), 18 (SEWERS AND SEWAGE DISPOSAL), AND 26 (WATER).

Res.2021-108 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Morrissey, it was unanimously agreed to authorize the re-advertisement of the Zoning Officer Building Code Official Ordinance.

IX. New Business

Resolution in Support of Radar Guns

The proposed Resolution (copy of which is attached) of the Board of Supervisors of Solebury Township, Bucks County, supports House Bill 606 and Senate Bill 419 providing authorization for municipal police to have access to the same motor vehicle speed-timing equipment as the Pennsylvania State Police.

John DeAndrea, resident, expressed support for the Board's concern for safety. Mr. DeAndrea commented on the road closures within the Township and questioned why it is not an agenda topic as it is a safety issue. Mr. DeAndrea also questioned the ten million dollar (\$10,000,000.00) bond and what the funds are being used for. The Board addressed Mr. DeAndrea's questions and concerns. The Roadways that are currently closed are State owned. All Township owned and maintained roadways are open. The ten million dollar bond was voted on by Solebury residents. The funds from the bond can only be used for land preservation.

Keith Wolff, resident, commented on the damage from Hurricane Ida.

Stan Marcus, resident, questioned how the Township differs from Buckingham with the use of timing strips and management of speeders. Mr. Carney advised that the Township does use VASCAR lines and speed timing devices in different areas of the Township.

Res.2021-109 – Upon a motion by Mr. Barrett, seconded by Mr. Morrissey, it was unanimously agreed to adopt the resolution in support of House Bill 606 and Senate Bill 419 providing authorization for municipal police to have access to the same motor vehicle speed-timing equipment as the Pennsylvania State Police.

Primrose Creek Watershed Association – Proposal for Erecting Signs

Mr. Francis presented the proposition from Primrose Creek Watershed Association to erect signs in eight (8) locations to bring awareness to the Watershed.

Mr. McEwan questioned who is to pay the cost of the signs.

Stan Marcus, resident, commented on point of order. Mr. Francis should recuse himself from motion due to being a Board member on the Primrose Creek Watershed Association

Res.2021-110 – Upon a motion by Mr. Francis, seconded by Mr. Baum Baicker it was agreed to authorize the Primrose Creek Watershed Association to refine the number and locations of signs to be posted to bring awareness to the Watersheds.

For: Mr. Baum Baicker, Mr. Morrissey, Mr. Barrett

Opposed: Mr. McEwan

Abstained: Mr. Francis, Reason: Board Member on the Primrose Creek Watershed Association.

X. Public Comment

- Ms. Bergman questioned if the Township could encourage property owners to clean up the along the River.
- Mr. Marcus commented on the fiber optic cables being obtrusive.
- Keith Wolff, resident, commented on an elderly resident living in a home with unsafe living conditions. The Township Administration is to investigate the situation.

XI. Adjournment

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,
Catherine Cataldi
Secretary

BEFORE THE BOARD OF SUPERVISORS OF SOLEBURY TOWNSHIP

CONDITIONAL USE APPLICATION OF
TODD E. MOLGAT
FOR A USE OO BED-AND-BREAKFAST INN/SMALL
SHORT TERM LODGING FACILITY AT 2775 RIVER ROAD

CONDITIONAL USE DECISION

Todd E. Molgat (hereinafter referred to as the “Applicant”) filed a Conditional Use Application (“Application”) with the Township dated June 30, 2021 pursuant to Section 27-602.1.C.(9) and 27-2914 of Chapter 27 the Township Ordinances to allow for utilization of the existing dwelling on Applicant’s property located at 2775 River Road, New Hope, Pennsylvania, T.M.P. #41-028-050-002 (“Property”) as a Use OO Bed-and-Breakfast Inn/Small Short-Term Lodging Facility. Applicant proposes to utilize the existing residence on the Property as a bed-and-breakfast with six guest rooms that will be commercially offered and used for temporary lodging of transient guests. The Property is 2.6 acres and nonconforming for lot size for the proposed use. The Board of Supervisors of the Township (“Board”) herein grants the above conditional use subject to compliance with the conditions set forth herein.

FINDINGS OF FACT

1. A public hearing was held at the Township building on August 17, 2021.
2. Notice of the hearing was mailed by the Township to abutting owners and owners of properties within 1,500 feet of the lot line of the Property on July 29, 2021, at addresses certified by the Applicant. Notice of the hearing was duly published in *The Intelligencer* on August 3, 2021 and August 10, 2021, posted at the Property on August 2, 2021, and posted by the Township on July 28, 2021.
3. The hearing was convened as scheduled and the Applicant presented evidence in support of the application.
4. Board members Mark Baum Baicker, Kevin Morrissey, John S. Francis, and Noel Barrett heard the application as the Township Board.
5. Mark L. Freed, Esquire of Curtin & Heefner LLP served as solicitor to the Board.
6. The Applicant was represented by John A. VanLuvanee, Esquire of Eastburn and Gray, PC.
7. Ms. Helen Tai, who resides at 2827 River Road, and Mr. Chris Probert, who resides at 2777 River Road, were granted party status for the hearing.
8. Two witnesses appeared at the hearing on behalf of the Applicant, the Applicant and Aura Molgat, the Applicant’s wife.

9. The following were marked as exhibits:

Board Exhibits

B-1	Application
B-2	Proof of Advertising
B-3	Certificate of Posting
B-4	Planning Commission Review Letter Dated August 9, 2021
B-5	Zoning Officer Review Letter Dated July 7, 2021
B-6	Township Engineer Review Letter Dated August 5, 2021

Applicant Exhibits

A-1	Deed
A-2	Final Plan of Bernard B. and Charlotte Shapiro
A-3	Zoning Hearing Board Decision
A-4	Letter Dated October 9, 2009 and As-Built Plan
A-5	Photocopy of Photograph
A-6	Google Earth Image
A-7	Photocopy of Photograph
A-8	Photocopy of Photograph
A-9	Copy of Ordinance No. 2018-005
A-10	Sewer Permit
A-11	Application
A-12	Wynn Associates Review Letter
A-13	Zoning Officer Letter Dated July 7, 2021
A-14	Survey
A-15	Floor Plans
A-16	Photocopy of Photograph
A-17	Photocopy of Photograph
A-18	Document Entitled Rules for Sierra Suite, Wine Bar and Master Suite
A-19	Document Entitled Full House Rental Rules

10. Wynn Associates, Inc., the Township engineer, performed a conditional use review which appeared in its memo to the Township dated August 5, 2021, which memo is marked exhibit B-6 (“Engineer’s Memo”).

11. The Township Permit Department Administrator/Zoning Officer conducted a review of the Application which appeared in its letter dated July 7, 2021, which letter is marked exhibit B-5 (“Zoning Officer Review Letter”).

12. On August 9, 2021, the Township Planning Commission passed a motion recommending approval of the conditional use subject to all comments and recommendations in the Engineer’s Memo and the Zoning Officer Review Letter and other conditions, which approval is marked exhibit B-4 (“Planning Commission Recommendation”).

13. The Property that is the subject of the Application is 2.6 acres in size and is located at 2775 River Road, New Hope, Pennsylvania, identified as T.M.P. #41-028-050-002. The Property is located within the RB – Residential/Agricultural – District.

14. The Applicant owns the Property.

15. The Property includes a house that has six (6) bedrooms and an outbuilding. The Conditional Use request does not involve the outbuilding and no bed-and-breakfast activities will take place at the outbuilding. The Applicant and/or his family sometimes use a portion of the house. When the Applicant and/or his family are in residence at the house, the Applicant rents no more than three bedrooms to guests.

16. Three of the six bedrooms are suites. Each of the suites has a separate outside entrance. Two of the suites have a bedroom and a living room, where families may stay (e.g. two adults sleeping in the bedroom and two children sleeping in the living room). The living areas of the suites have couches that fold out into queen sized beds.

17. None of the bedrooms have their own kitchens or cooking facilities. The Applicant does not provide food services to his guests. The Applicant does provide housekeeping services. The Applicant has a house manager who manages the Property.

18. The average full house rental is between six and twelve guests. It's rare for there to be sixteen guests in residence at one time.

19. A Permit for Installation of Onlot Sewage Disposal System, permit #Z223901, was issued on March 16, 2021 to Applicant for the Property. The Sewage Disposal System was installed, and was later inspected and approved on May 25, 2021. Permit #Z223901 is marked exhibit A-10. The sewage disposal system permit is based on a septic system to accommodate a 7-bedroom, single family residence with sewage flows of 800 gallons per day.

CONCLUSIONS OF LAW.

1. The Board finds the Applicant's witnesses to be credible.
2. The Property is located in the RB Zoning District.
3. A Bed-and-breakfast Inn/Small Short-term Lodging Facility is only permitted by conditional use approval in the RB Zoning District.
4. The Bed-and-breakfast Inn/Small Short-term Lodging Facility sought by the Application does not meet the three-acre minimum lot area required by Township Ordinance 27-604.1.C.5.a.
5. A variance from the three-acre minimum lot is required to use the Property as a Bed-and-breakfast Inn/Small Short-term Lodging Facility.

6. Subject to the conditions stated herein, the Board finds that the Applicant has satisfied the criteria set forth in 27-602.1.C.(9) and 27-2914 of Chapter 27 the Township Ordinances for the requested relief.

7. The conditional use will not require improvements to roads adjacent to the Property and will not require any public services.

8. The conditional use will not require any additional screening or landscaping of the Property.

9. The Property contains sufficient off-street parking and no additional off-street parking is required by the approval of the conditional use.

10. The conditional use will not require that any new environmental controls be installed on the Property.

11. No environmental impact assessment report is required for the conditional use.

12. No stormwater management facilities or soil erosion and sedimentation control is required as the conditional use is limited to an existing residence on the Property.

DECISION

Subject to the conditions stated below, the Township approves the conditional use of the utilization of the existing dwelling on Applicant's Property as a bed-and-breakfast with six guest rooms that will be commercially offered and used for temporary lodging of transient guests.

CONDITIONS

1. The Board grants this conditional use approval subject to the following conditions:
 - a. The conditional use approval does not include approval of any new construction and there will be no physical changes to the Property.
 - b. Only the existing main house on the Property and not the accessory outbuilding or any other improvement on the Property shall be used for the purpose of the Bed-and-breakfast Inn/Small Short-term Lodging Facility.
 - c. Applicant is required to obtain all necessary zoning relief, including but not necessarily limited to, a variance from the three-acre minimum lot requirement for Bed-and-breakfast Inn/Small Short-term Lodging Facility area and bulk regulations at 27-604.1.C.5.a.
 - d. The living quarters for the Applicant and his wife, as well as for any other resident innkeeper, shall have its own bathroom.

- e. Housekeeping services shall be provided to all guests staying on the Property.
- f. No separate kitchen or cooking facilities shall be allowed in any guest room.
- g. Any food service, if provided by the inn/facility, shall be limited to guests of the inn/facility.
- h. There shall be no banquet, catering or event use of the Property as such term is defined in Township Ordinance 27-202.
- i. No more than six bedrooms shall be rented to guests.
- j. All guests of the inn/facility must register with the Applicant and the Applicant shall keep accurate registration records. Any changes to the guest list must be agreed upon with the host through an altered reservation.
- k. There will be no more than 12 adult guests or 16 total guests of any age at the inn/facility at any one time. Only guests may be at the Property. The term “adult” as used herein refers to any person 18 years of age or older.
- l. An accurate floor plan of the existing building showing all rooms must be provided to the Township zoning officer.
- m. A site plan that clearly marks the required number of parking spaces of one off-street parking spot for each guest bedroom must be provided to the Township zoning officer.
- n. In the event that any use of the Property depletes the water supply of any adjacent property, the Applicant shall, in a timely manner, hydrofracture the depleted well, deepen the depleted well, drill a new well, and/or otherwise restore an adequate supply of potable water to the adjacent property to the satisfaction of the Township. In the event of any such depletion, the Township, in consultation with the Township engineer, shall determine the most appropriate method required to restore an adequate supply of potable water to the affected property.
- o. Applicant shall comply with all requirements and conditions in the Engineer’s Memo and the Zoning Officer Review Letter.
- p. Applicant must at all times maintain a valid County Department of Health permit.
- q. Signage for the inn/facility shall comply with all Township requirements.

2. All testimony, plans and exhibits presented at the hearing are hereby incorporated as additional conditions of approval, the Applicant being strictly bound by all of the commitments and representations made in the testimony, plans and exhibits.

3. Any use or proposed use of the Property inconsistent with this Decision and the above Conditions shall require the reapplication to the appropriate Township Board or Commission to request approval of any proposed change. Notwithstanding the foregoing, minor variations may be approved by the Board at its sole discretion without formal application and hearing.

Within seven (7) days of the date of this Decision, Applicant shall express in writing to the Board Applicant's agreement to the above conditions, or the application is denied; the Board expressly finds and concludes that the application in the absence of compliance with the conditions is inconsistent with the objective criteria set forth in the applicable provisions of the Township Zoning Ordinance.

BOARD OF SUPERVISORS OF
SOLEBURY TOWNSHIP

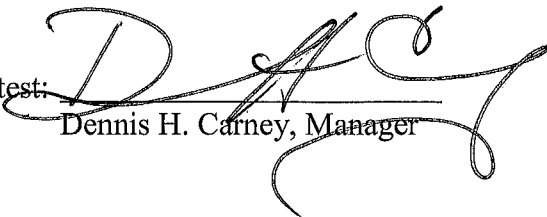


Mark Baum Balcker, Chair

Kevin Morrissey, Vice-Chair

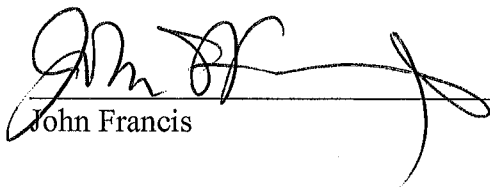


Noel Barrett

Attest: 

Dennis H. Carney, Manager

Robert A. McEwan



John Francis

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
SOLEBURY TOWNSHIP, BUCKS COUNTY, SUPPORTING
HOUSE BILL 606 AND SENATE BILL 419 PROVIDING
AUTHORIZATION FOR MUNICIPAL POLICE TO HAVE
ACCESS TO THE SAME MOTOR VEHICLE SPEED-
TIMING EQUIPMENT AS THE PENNSYLVANIA STATE
POLICE**

RESOLUTION 2021-109

WHEREAS, public safety is one of the primary functions of municipal government.

WHEREAS, speeding motorists on local roads is one of the most common safety concerns voiced by constituents to local elected officials; and

WHEREAS, municipal police are not authorized to use radar and LIDAR, the speed-timing tools used by the Pennsylvania State Police including on the local roads they patrol; and

WHEREAS, Pennsylvania is the only state in the nation that prohibits municipal police from using radar and LIDAR which are considered the safest, most efficient, and most economical speed-timing devices; and

WHEREAS, the National Highway Traffic Safety Administration reported that nationally in 2018, eighty-five percent of all speeding-related traffic fatalities occurred on local roads where posted speeds are 55 miles or less per hour; and

WHEREAS, Pennsylvania has the distinction as the state with the one of the worst records for speeding-related fatalities based upon statistics compiled by the National Highway Traffic Safety Administration for 2018. Additionally, Pennsylvania had the 3rd highest number of speeding-related fatalities and the 3rd highest number of speeding-related fatalities on local roadways in the country; and

WHEREAS, the legislation provides reasonable standards for use of the technology plus safeguards that use of these devices will not be employed just to generate local revenue particularly since a municipality receives only a small portion of the base fine which does not generally cover the costs of using these devices.

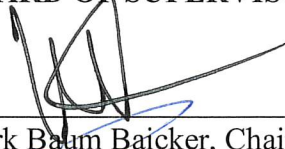
NOW, THEREFORE, BE IT RESOLVED, for the reasons stated above, the Board of Supervisors of the Solebury Township, Bucks County, urges the Pennsylvania General Assembly to adopt HB 606 or SB 419 to allow municipal police in all municipalities to use the same speed-timing devices that are provided to the Pennsylvania State Police.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to State Senator Steve Santarsiero, State Representative Wendi Thomas, Pennsylvania Governor

Tom Wolf, U.S. Representative Brian Fitzpatrick, and U.S. Senators Bob Casey and Patrick Toomey.

RESOLVED, ADOPTED and APPROVED, on the 21 day of September 2021, at a regular public meeting of the Board of Supervisors of Solebury Township.

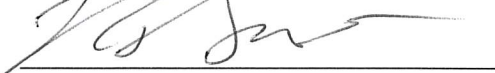
**SOLEBURY TOWNSHIP
BOARD OF SUPERVISORS**



Mark Baum Baicker, Chair



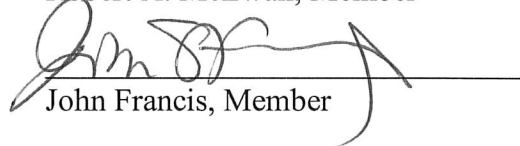
Kevin Morrissey, Vice-Chair



Noel Barrett, Member



Robert A. McEwan, Member



John Francis, Member

Attest:



Catherine Cataldi, Township Secretary

September 21, 2021
Date