

**MINUTES OF PLUMSTEAD TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR SCHEDULED MEETING  
OCTOBER 11, 2022**

**1. Call to Order:** The October 11, 2022, regular scheduled meeting of the Plumstead Township Board of Supervisors was held at Plumstead Township Municipal Building, 5186 Stump Road, Pipersville, PA. Chairman, Daniel Hilferty, called the meeting to order at 7:00 p.m.

**ELECTED OFFICIALS PRESENT:**

Daniel Hilferty	Chair
James McComb	Vice Chair
Kenneth Lichtenstein	Assistant Secretary
Pete Busillo	Member
Greg Bankos	Assistant Treasurer

**APPOINTED OFFICIALS PRESENT:**

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

\* Not Present

**2. Moment of Silence & Pledge of Allegiance:** Mr. Hilferty led the Board and Audience in a moment of silence followed by the Pledge of Allegiance.

**3. Announcements:** Mr. Hilferty stated the Board met in executive session prior to tonight's meeting to discuss personnel and legal matters. The Historic Advisory Committee will meet on October 17th at 7:00p.m., the Police Pension Committee will meet on October 18th at 3:30p.m., the Planning Commission will meet on October 20th at 7:00p.m., the Board will hold a budget work session on October 25th at 7:00p.m., the Veterans Committee will meet on October 26th at 7:30p.m., the Emergency Management Committee will meet on October 27th at 6:00p.m. and a comp plan work session will be held on October 27th at 7:00 p.m. Hearings will be held by the Zoning Hearing Board on October 9th at 7:00 p.m. for 4983 East Rolling Glen Drive and for 4099 Curly Hill Road.

Ms. Benner stated that she and some staff went to Groveland Elementary School to talk to the 2<sup>nd</sup> graders about local government and that it was a successful event.

**4. Public Comment:** There was no public comment at this time.

**5. Amendment to Agenda:**

**MOTION:** Upon motion by Mr. Bankos, seconded by Mr. Lichtenstein, the Board unanimously moved to amend the agenda to include a discussion regarding the Zoning Hearing Decision that was issued for TMP #34-023-043 and #34-023-044, also known as Doylestown Pickleball.

Mr. Hilferty stated that the Board met in executive session to discuss the property in question.

**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Busillo, on a 4-1 vote, the Board moved to appeal the Zoning Hearing Board decision for TMP #34-023-043 and #34-023-044, also known as Doylestown Pickleball. Mr. Lichtenstein opposed.

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

**6.1. TMP #34-032-169 (4983 East Rolling Glen Drive):** Ms. Benner stated the applicant is appealing the denial of their zoning permit for the proposed installation of residential roof-mounted solar panels on all four sides of their roof and is requesting a variance from Section 27-304.L(5)(b) to permit the installation of the solar panels on all four sides of their roof.

There was a consensus among the Board to stay neutral and leave the matter to the Zoning Hearing Board.

The homeowner, Eugene McColligan, was in attendance and stated that the appearance of solar panels has changed, and the Township should remove this restriction from the Ordinance. Mr. Hilferty stated that the Board would be discussing solar panels as part of the Omnibus Zoning Ordinance later in the agenda.

**6.2. TMP #34-003-053-003 (4099 Curly Hill Road):** Ms. Benner stated the applicant is requesting zoning relief pertaining to partial demolitions of an existing dwelling and barn listed on the Township's Historical Inventory list and that the Property is located in the RO (Rural Residential) zoning district. The Property is improved with a single-family detached dwelling, bank style barn, and the typical accompanying residential improvements. The Applicants propose to demolish sections of the dwelling and barn which are reported to be additions that were not part of the original historical structure.

There was a consensus among the Board to stay neutral and leave the matter to the Zoning Hearing Board.

**6.3. TMP #34-033-133 & #34-004-055-023 (5821 Easton Road):** Ms. Benner stated that the applicant is seeking a variance from Section 27-2911 to extend the grant of a prior variance that allowed the G10 Restaurant with Drive-Thru use on the properties for two (2) additional years. The current variance that allows the G10 use expires on December 27, 2022.

There was a consensus among the Board to stay neutral and leave the matter to the Zoning Hearing Board.

**6.4. TMP #34-006-083-001 (5895 Rodgers Road):** Ms. Benner stated that the Applicant proposes a minor residential subdivision at the property located at 5895 Rodgers Road to accomplish the subdivision and the construction of a new single-family dwelling, variances pertaining to the minimum lot area for lane lots and natural resource disturbance are requested. Ms. Benner stated that since the property is located in the RP (Resource Protection) zoning district the Board should consider opposing the variance request to disturb steep slope and forested areas in excess of the limitations permitted by the zoning ordinance's natural resource protection standards.

**MOTION:** A motion was made by Mr. Bankos and seconded by Mr. McComb to authorize the Township Solicitor to send a letter opposing the requested relief from Sections 27-2401.9(A) and 27-2401.8(B) of the zoning ordinance. Motion did not carry.

**MOTION:** Upon motion by Mr. Hilferty, seconded by Mr. Busillo, the Board unanimously authorized the Township Solicitor to attend the hearing to oppose the requested relief from Sections 27-2401.9(A) and 27-2401.8(B) of the zoning ordinance for the application 5895 Rodgers Road (TMP #34-006-083-001).

**6.5. TMP #34-004-005-006 (Applebutter Road):** Ms. Benner stated that the applicant is seeking a variance from Section 27-2911 to extend the grant of previously granted variances for an additional year. The variances are set to expire November 23, 2022.

There was a consensus among the Board to stay neutral and leave the matter to the Zoning Hearing Board.

## **7. Land Development:**

**7.1. Ferguson Major Subdivision – Release of Well Guarantee Escrow:** Ms. Benner stated that the escrow was held for the required 10 years after issuance of the certificate of occupancy and due to the fact that there has been no reported well yield or water quality problems, the Township’s hydrogeologist has recommended that the well escrow be released as the 10-year period has concluded.

**MOTION:** Upon motion by Mr. Lichtenstein, seconded by Mr. Bankos, the Board unanimously authorized the release of the well escrow associated with the Ferguson Major Subdivision, in the amount of \$7,500.

**6.2. Fred Beans Subaru Land Development – Accept completion of project and authorize commencement of the 18-month maintenance period:** Ms. Benner stated all required improvements pursuant to the approved plan and development/financial security agreement have been satisfactorily completed.

**MOTION:** Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, the Board unanimously accepted completion of the Fred Beans Subaru Land Development project and authorize commencement of the 18-month maintenance period subject to the conditions outlined in the Wynn Associates review letter dated September 15, 2022.

**6.3. 4382 Point Pleasant Pike – Lot Line Adjustment:** Ms. Fulmer stated that a preliminary/final plan has been submitted to the Township for a lot line adjustment at 4382 Point Pleasant Pike. No development activity is proposed at this time in conjunction with the lot line adjustment. The applicant stated that it is their intent to construct a single family detached dwelling on TMP #34-014-007 in the future. David Shafkowitz, attorney for the applicant was in attendance and summarized the objective of the application. Mr. Fulmer reviewed the wavier requests with the Board and Mr. Shafkowitz stated that the client will comply with all other items in the Wynn Associates review letter dated August 29, 2022.

**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Bankos, the Board unanimously granted the requested waivers of requirements of Sections 22-907.1.M, 22-907.3. B&G and 22-918.

**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Lichtenstein, the Board unanimously approved the preliminary/final Lot Line Adjustment Subdivision for 4382 Point Pleasant Pike subject to consolidation of TMP #34-14-5 and 34-14-6 into one parcel as part of the lot line adjustment and compliance with the Wynn Associates review letter dated August 29, 2022.

## **8. New Business:**

### **8.1. Omnibus Zoning Ordinance Amendment – Authorization to send to Planning Commissions:**

The Board discussed changes to the Zoning Ordinance including Section 27-301.28.L(5)(b): Amend to allow solar panels on all sides of the roof regardless of if they are facing a street or not, Section 27-301.28.L(3): Amend to remove “all panels shall be oriented in the same direction, that is, vertically or horizontally”, Section 27-304.28.C(4): remove shall that is before the revised language may exceed six feet in height. Currently it says Shall May, and was just supposed to say May, and Section 27-304.73.J(G22 – Motor Vehicle Gasoline Station) to state that a service station may contain only three of the following five types of activities: fuel pumps; convenience commercial, which is sale of convenience food and beverage items; service bays; car wash; or motor vehicle rental. Convenience commercial shall be limited to 7,500 square feet of floor area. Additionally, the Board requested Mr. Fulmer review section 27-2503.6 to ensure there is nothing that

concerns him and to have Ms. Benner confirm with the Township Zoning Officer that the impervious surface ratio only needs to be amended in the Resource Protection zoning district.

Mark Hannis, from Doan Court, was in attendance and stated he is glad to hear that the zoning ordinance will be amended to allow solar panels on all roofs in any direction.

The Board discussed the Noise Ordinance and the difficulties in enforcing with a device that would measure sound as the device would need to be calibrated and an operator would need to be trained appropriately. The current noise ordinance is in the Zoning Ordinance, at this time that is where the Board wants to leave it

**MOTION:** Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, the Board unanimously authorized the Omnibus Zoning Ordinance Amendment be sent to the Township and Bucks County Planning Commissions with the follow changes: Section 27-301.28.L(5)(b): Amend to allow solar panels on all sides of the roof regardless of if they are facing a street or not and Section 27-301.28.L(3): Amend to remove “all panels shall be oriented in the same direction, that is, vertically or horizontally”.

**8.2. Sign Ordinance Amendment – Authorization to send to Planning Commissions:** The Board reviewed the recommended changes to the Sign Ordinance. Mr. Hilferty expressed his concern with electronic signs and stated that he finds them distracting. The Board discussed the addition of development entrance signs and there was a consensus to require Plumstead Township be identified on a development entrance sign as well as allowing the maximum square footage of a temporary development sign be 720 square feet as that is the industry standard.

**MOTION:** Upon motion by Mr. Bankos, seconded by Mr. Lichtenstein, on a vote of 4-1, the Board authorized the Sign Ordinance Amendment be sent to the Township and Bucks County Planning Commissions with the following changes: Replace whenever possible to the sign shall be erected upon property owned and maintained by a homeowners/condominium association in Section 27-2605.C(4); Add language to Section 27-2605.C that requires Plumstead Township be stated on a development entrance; Change Maximum Square feet from 24 to 32 in Section 27-2605.C(5)(a); and to amend Section 27-2609.E so that states “is permitted to have 360 square feet on each side for a total maximum area of 720 square feet”. Mr. Hilferty opposed.

**7.3. Resolution #2022-39: Recommendation of Cpl. Johnson for VFW Officer of the Year Award**

**MOTION:** Upon motion by Mr. Lichtenstein, seconded by Mr. McComb, the Board unanimously adopted Resolution #2022-39 recommending Corporal Johnson for the VFW Officer of the Year Award.

**7.4. Resolution #2022-40: Recommendation of Cpl. Johnson for American Legion Officer of the Year Award**

**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Lichtenstein, the Board unanimously adopted Resolution #2022-40 recommending Corporal Johnson for the American Legion Officer of the Year Award.

**7.5. Historical Advisory Committee – Authorization to draft Resolution for Creation of Committee:**

There was a consensus among the Board to have the Township draft a Resolution for Creation of the Historical Advisory Committee.

**7.6. Resolution #2022-41 – Veterans Appreciation Day**

**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Lichtenstein, the Board unanimously adopted resolution #2022-41 declaring November 12, 2022, as Veterans Appreciation Day.

**7.7. Resolution #2022-42: PECO Green Region Open Space Program:** Ms. Benner stated that one of the trail projects proposed in the 2023 budget is the missing section of the Potters Lane Trail that would connect the existing trails and sidewalks along Potters Lane to Jennifer Schweitzer Park and that the PECO Green Region Open Space Grant Program that would cover up to 50% of the project cost which is estimated to cost \$14,000 so the Township would have to pay \$7,000.

**MOTION:** Upon motion by Mr. Bankos, seconded by Mr. McComb, the Board unanimously adopted Resolution #2022-42 authorizing application to the PECO Green Region Open Space Program

**8. Consent Agenda:**

**8.1. Bills List Dated October 11, 2022 in the amount of \$1,239,754.10, subject to audit**

**8.2. Minutes of Meeting of September 13, 2022**

**8.3. Minutes of Meeting of September 27, 2022**

**8.4. Fire Police Request for Quakertown Borough's Annual Halloween Parade on October 16th (rain date October 23rd)**

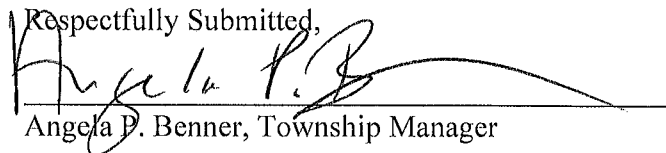
**MOTION:** Upon motion by Mr. McComb, seconded by Mr. Lichtenstein, the Board unanimously approved the Consent Agenda.

**9. Board of Supervisors Comments:** There were no Board of Supervisors Comments at this time.

**10. Public Comment:** There was no public comment at this time.

**11. Adjournment:** Upon motion from Mr. McComb seconded by Mr. Lichtenstein the meeting was adjourned at 10:00 pm.

Date Approved: 10/25/22

Respectfully Submitted,  
  
Angela P. Benner, Township Manager