

Incorporated March 12, 1738

TINICUM TOWNSHIP

Bucks County

BOARD OF SUPERVISORS

163 Municipal Road
Pipersville, Pennsylvania 18947

NICHOLAS C. FORTE, CHAIRPERSON
VINCENT J. DOTTI, VICE-CHAIRPERSON
GARY PEARSON, SUPERVISOR

TINICUM TOWNSHIP BOARD OF SUPERVISORS MINUTES OF THE MEETING JANUARY 15, 2013

Chairperson Nick Forte called the meeting to order at 7:30 p.m. Vice Chairperson Vincent Dotti, Supervisor Gary Pearson, Solicitor Stephen Harris, Engineer Tom Fountain and Manager Linda McNeill were in attendance. There were about 8 persons in the audience including Liz Bowman of the Bucks County Herald.

PLEDGE OF ALLEGIANCE: Forte led those present in the Pledge of Allegiance.

PUBLIC SESSION: There were no comments for public session.

A. Old Business:

B. Reports from Police, Emergency Services & Public Works:

Forte thanked Del Val Fire Chief Chevalier for his written year-end report, which gave a breakdown of 209 calls, meetings and fundraisers for 2012. He said 76 percent of the fire calls and 100 percent of the QRS calls were in Tinicum. Forte said that the report was very helpful. Forte asked if the fire calls were down from the previous year. Chevalier said that they were down slightly.

Forte announced that any resident may bring their Christmas Tree to the township to be chipped free of charge.

C. New Business:

Conditional Use Hearing scheduled for January 15, 2013 during the Supervisors' meeting for Landowner Stephen R Snyder/Agent Lawrence Caplin. Conditional Use approval is requested for a new driveway proposed for the Caplin tract within the Riparian Buffer Overlay, Tinicum Township Zoning Ordinance Section Article VIII, Section 806 (c). This property is identified as Tax Parcels No. 44-22-97-4 and 44-22-97-5 located at 256 and 252 Cafferty Road, Pipersville, PA 18947. This is a 10.05 acre property in the Residential Agricultural (RA) Zoning District.

Forte recessed the regular meeting for the advertised hearing at 7:35 pm.

Jason Smeland, Registered Professional Civil Engineer of Lenape Valley Engineering was present with Larry Caplin. They were sworn in by the Court Reporter. Smeland presented a plan to the Board and said that this was a plan to end the controversy and problems with the shared driveway that served four lots. He said a that a new driveway was proposed for the Caplin residence and it needed conditional use as the proposed driveway was located in a riparian corridor. He said that everything proposed was a use by right, with the exception of the last 60 feet of the driveway. Harris said that there was a discussion at the Planning Commission about the percentage of woodlands and hedgerows and the requirements of the overlay district. Harris said that the 10% limit of disturbance to the woodlands should be shown. Smeland said that this was a ten-acre property and the proposed disturbance was less than 1/2 acre, so the proposal did comply. He said he believed 20 percent intrusion was permitted.

Office Hours: Mon. Tue. Thurs. Fri. 9am-5pm, Wed. 9am-Noon
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Smeland listed the conditional use requirements specific to the Riparian Corridor and testified as to how this proposal complied. He said that there was no increase in density; there would just be an additional driveway. He said that this would be the least impact possible and said that extreme measures were taken to limit the amount of disturbance. He said that the proposed retaining wall (which varies from 2 to 13 feet in height) would minimize grading. Smeland said that the wall would be 8 feet in height at Cafferty Road and said that the wall eliminating the need to grade out into the slope. He said that they needed to provide a leveling area for the driveway were paralleling the contours of the land to create a safe slope. Dotti asked if bringing the driveway further north would create a slope that was too steep. Smeland said the location was selected to minimize the slopes and reduce disturbance to the woodlands.

Harris asked if the retaining wall would be faced with red fieldstone to blend with the natural red fieldstone on the site. Smeland said it would be the same type of stone, but that the stone would not be sourced from the site.

Harris asked if the applicant would take the proper measures to prevent erosion promptly when the land has been disturbed before the vegetation took hold. Smeland said yes. He said that his plan was approved by the BCCD and they would be holding a preconstruction meeting to insure that construction was staged properly to minimize impacts. Smeland said that they would erect super silt fence and erosion control blankets. He said that they would be installing a storm sewer system to slow down flow through piping and stabilizing with ground cover. Smeland said that stormwater management would actually be improved from what it was currently.

Smeland read through the requirements of 1201 and said that this proposal complied with the comprehensive plan, open space plan, township ordinances and was in the best interests of the municipality and community. He said that this driveway would also provide a means of secondary emergency access to any of the four lots. He said it was suitable for the property in question and appropriate in appearance to the general character in the vicinity. He said that stone retaining wall would blend into the surrounding landscape. Smeland said that this would not impact traffic and that it was just adding a low volume driveway. Smeland said that the application had been reviewed by the Township Engineer and that he had given it a favorable review. Smeland said that it was minimized relative to adverse environmental impacts and that there were no regulated features that were being disturbed.

Dotti asked how far this was from the existing driveway entrance. Smeland said it was approximately 138 feet. Smeland said that the applicant submitted a short form environmental impact form and the retaining wall minimized the impacts as much as possible.

Dotti said that he understood there was a stone ruin that was near this proposed structure on the Snyder property. He asked if the applicant would insure that this foundation was mapped and not encroached upon or destroyed. Smeland said that unfortunately, the foundation would be disturbed and although it was not technically in an area that was going to be graded, there was really no way to avoid disturbing it with the construction equipment. Dotti asked if Mr. Snyder acquiesced to this disturbance. Smeland said that the way the agreement was written between Mr. Caplin and Mr. Snyder, he would have to cooperate and work with Mr. Caplin for this process.

Harris said that he had been advised by the attorneys for both parties that they reached a settlement of litigation with an agreement and by the construction of this new driveway. He said that the two other property owners have also become parties to this agreement. Pearson asked Harris if the Township could end up in future litigation if properties changed hands since the new driveway was only for the Caplins. Harris said that he understood that there would be no gate on this driveway so there would be nothing to block other property owners from using the end of the Caplin driveway. Pearson said he was concerned about the access issues for each of the property owners. Harris said that if the Board was amenable to granting Conditional Use approval, then one of the conditions could be that the easements will be submitted to the Township for review and approval before this moved forward.

Dotti said that Mr. Snyder agreed that he would not bar access from whoever owned the Kontopoulos and Post properties in the future. He said he thought it would be beneficial to the Township, that if there were stress on the Caplin driveway, it would be relieved between those owners and the Caplins.

Harris asked if the tax parcel numbers were listed clearly on the plan. Smeland said they were. Harris said that the easement would spell out the rights of the property owners clearly.

Dotti said that he has never seen the stone ruins but Mr. Snyder seemed to believe it had historic value. Larry Caplin said that he discussed this today with Mr. Snyder, and said that Mr. Snyder intended to retrieve the stone before it was disturbed. Dotti said that he accepted that resolution.

Forte asked Fountain for comments. Fountain said that he has been extensively involved with this project, and he agreed that this conformed with the disturbance limitations in the overlay district. He said that he did not have any other engineering concerns. He said that there was a professional services agreement and the applicant has agreed to pay for any engineering costs. He said he had no objections to the project.

Harris said other than the conditions he would suggest if the Board approved the conditional use.

Pearson asked that there be something in the conditional use decision that stated that there will be no gate.

Harris suggested conditions for any approval that the Board may consider as follows: that the driveway be constructed in accordance with the plan prepared by Lehigh Valley Engineers and reviewed by the Township; that the retaining wall will be faced with natural red field stone similar to the type similar to the stone used on Caplin's house; that there will be no gate prior to the Snyder driveway on the Caplin driveway; that the easements will be revised and submitted to the Township for review and approval as a condition of installation of the driveway; that the Caplins enter into a Professional Services Agreement and that all costs and expenses of review will be paid for by Dr. Caplin and his wife; that the easement will spell out all rights of each and every property owner involved; that re-vegetation would take place promptly upon completion of the project and all top soil would remain on the site.

Motion by Forte, seconded by Dotti, to grant the conditional use approval subject to the conditions outlined by the solicitor. Voted upon and passed.

Forte reconvened the regular meeting at 8: 06 pm.

1) MINUTES:

Motion by Forte, seconded by Pearson, to approve the Minutes of the Meeting of January 7, 2013 as written. Voted upon and passed.

2) TREASURER'S REPORT & BUDGET RECAP:

Motion by Forte, seconded by Dotti, to accept the Treasurer's Report and Budget Recap for December 2012. Voted upon and passed.

3) PAYROLL REPORT:

Motion by Forte, seconded by Pearson, to approve the Payroll Report for the period of December 29, 2012 and ending January 11, 2013. Voted upon and passed.

4) DISBURSEMENTS:

Motion by, seconded by Pearson, to approve the below listed disbursements: Voted upon and passed.

General Fund: Merry Maids \$94.34; Delguericco's Disposal Service \$130.00; Cress Gas Co \$1,308.60; United Inspection Agency, Inc. \$65.00; Merry Maids \$94.34; PA Dept of Labor and Industry \$137.56; Petty Cash \$115.08; Keystone Municipal Engineering \$1,380.00; Earth Link \$21.95; Courier Times, Inc. \$766.50; Eagle's Peak \$32.10; Staples Contract and Commercial \$294.96; eftps \$2213.23

Payroll Fund: Payroll for pay period ending 1/11/13; eftps Keystone EIT \$2498.56; eftps Federal \$6105.83; State \$888.18.

Groundwater Mgt: Quinby & Sons \$250.00.

5) A. PLANNING:

B. SUBDIVISION & LAND DEVELOPMENT:

6) ZONING:

7) POLICE:

8) PUBLIC WORKS:

Announcement:

Forte announced that any resident of the Township may bring their Christmas tree to the Township Public Works Department to be chipped free of charge.

9) ZONING HEARING BOARD APPLICATIONS:

10) MISCELLANEOUS:

A. Authorization for Harris to file suit against the Schaefers and Baker for the damage to the retaining wall on Red Cliff Road.

Harris said that a car owned by Schaefer and driven by Mr. Baker hit the wall and caused damage. He said that their insurance company has declined coverage. He said that a letter was sent requesting reimbursement, but he has received no response, so if the Township wanted to seek reimbursement the Board would have to file suit.

Motion by Forte, seconded by Pearson to authorize Harris to file suit for damages against the Schaefers and Baker. Voted upon and passed.

B. Hurricane Sandy:

Dotti said that he had heard that FEMA has declared Hurricane Sandy in Pennsylvania and Bucks County. He urged residents to consult with tax advisors to ask whether uninsured damage, most notably tree damage, may be deductible from federal taxes because of this FEMA declaration.

Forte recessed the regular meeting at 8:14 pm to discuss matters of litigation.

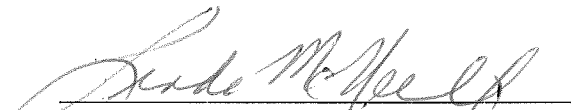
Forte reconvened the regular meeting at 8:50 p.m. He said that there was no action to announce.


11) ADJOURNMENT:

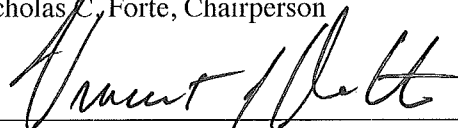
Motion by Forte, seconded by Pearson to adjourn the meeting at 8:50 p.m. Voted upon and passed. The next meeting of the Board of Supervisors is scheduled for Tuesday, February 5, 2013 at 7:30 p.m. in the Township Building.


TINICUM TOWNSHIP SUPERVISORS

Attest:


Linda McNeill, Township Manager


Nicholas C. Forte, Chairperson


Vincent J. Dotti, Vice Chairperson


Gary Pearson, Supervisor