

Tinicum Township Planning Commission Minutes
July 26, 2022

Members Present: John Clement, John Cole, Terry Johnston, Carl Ruthardt, Neil Sullivan, Joy von Glueck

Others In Attendance: Christen Pionzio of Hamburg, Rubin, Mullin, Maxwell & Lupin; Rich Fitzgerald of Gilmore & Associates Engineering and Consulting; Richard Trifiro and Mark Mojjs of 26 Cafferty Road; Robert Molinaro of 45 River Road; Township Supervisor Eleanor Breslin

Call To Order: Mr. Ruthardt

Public Comment: None

Approval of Minutes:

MOTION by Mr. Cole and seconded by Mr. Johnson to approve the minutes of the Planning Commission Meeting of May 24, 2022. Unanimous Vote to Approve.

New Business

1. Application for a Minor Subdivision of Mojjs/Trifiro and Molinaro properties, Point Pleasant, PA, TMP(s) 44-030-008-002; 44-30-008; 44-030-008-003

Christen Pionzio, attorney for applicants, presented a history of the property and the application for a minor subdivision as described in the Minor Subdivision Plan dated June 24, 2022, and prepared by Gilmore & Associates, Inc. Applicants propose to subdivide the subject property, which is 2.132 acres in area into two lots. TMP 44-20-8-2, containing 1.687 acres in area, includes an existing dwelling and associated improvements with access to Cafferty Road. TMP 44-30-8-3, containing 0.455 acres in area, includes an existing dwelling and associated improvements with access to River Road. TMP 44-30-008 is proposed to be extinguished. No new construction is planned. Both proposed lots are served by a shared existing on-lot sewage disposal system and individual wells.

The review of the plan by Township Engineer Steven Baluh of Wynn Associates was discussed, and it was noted that the dimensional variances required to allow for the proposed configuration have been granted by the Township. Additional requested waivers required under the Subdivision and Land Development Ordinance were discussed, and it was agreed that such waivers were reasonable given that no new construction is planned.

MOTION by Mr. Sullivan to recommend that the Board of Supervisors approve the application and requested waivers, provided that 1) the variance to allow a septic system within the required yard setback is noted in the Minor Subdivision Plan; 2) accessory structures are not permitted to be converted to dwelling units; 3) the current septic system is tested and inspected on an annual basis with results provided to the Township; and 4) all above-ground elements of new septic systems are to be located within the building envelope. Seconded by Ms. von Glueck. Unanimous Vote to Approve.

2. Parking Standards

Mr. Cole presented a review of the current parking standards in the Township with respect to Entertainment Uses, along with a report on parking standards in surrounding townships, with the goal of ensuring that entertainment venues have sufficient parking to avoid unsafe conditions, such as overflow parking on streets. It was agreed that the current requirement of one parking space for every four seats is unacceptable as it doesn't realistically reflect the average number of passengers in a car. A discussion followed regarding parking capacity as it relates to square footage of a building, the legal capacity of a building as dictated by fire code, and the number of seats provided for patron use. It was agreed that requiring one off-street parking space for each two seats provided for patron use is a safer alternative.

MOTION by Mr. Johnson to recommend that the Board of Supervisors amend Section 705 E9, Parking, to read as follows: "One (1) off-street parking space for each two (2) seats provided for patron use, or at least one (1) off-street parking space for each fifty (50) square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each full-time employee." Seconded by Ms. von Glueck. Unanimous Vote to Approve.

3. Critical Recharge for Subdivisions

Mr. Ruthardt reviewed the standards for allowable impervious for lots within the Critical Recharge Overlay, including the recent Township Zoning Ordinance amendment (Ordinance 247, ordained and enacted November 17, 2019) intended to give relief to established properties as a result of residents with smaller lots being unable to make small improvements to their homes without violating critical recharge standards. That relief allowed for a prorated increase in the allowable impervious in the Critical Recharge Overlay based on lot size, but possibly created a situation where parcels might be divided into smaller lots to take advantage of such relief. A discussion followed as to whether a correction was necessary, with Mr. Sullivan arguing that the Ordinance as written does not create an incentive to divide lots into smaller parcels, while others argued that a "loophole" existed that could lead to increased subdivisions and a greater allowance for impervious in the Critical Recharge Overlay, a loophole that is counter to the intent of the original amendment.

MOTION by Mr. Ruthardt to recommend that the existing Ordinance be amended to pertain only to existing lots as of the date of the adoption of the amendment and not future subdivisions. Seconded by Mr. Johnson. Approved: Mr. Ruthardt, Mr. Johnson, Mr. Cole, Ms. von Glueck, Mr. Clement. Opposed: Mr. Sullivan. Vote to Approve.

Old Business

1. Bitcoin and Other Cyber-Currency Mining Ordinance

A discussion of the proposed drafting of an ordinance regulating cyber-currency mining operations within the Township. It was agreed that the best course of action would be to create a specific use for Cyber-Currency Mining and allow it in the Planned Industrial District, with consideration of how current noise standards in that district would apply and whether they need to be revised. It was agreed that the current noise ordinance be reviewed in all districts, and that language be included to ensure that the operation of a cyber-currency operation not negatively affect the power grid or residents' access to electricity. It was further agreed that outsourcing the drafting of such an ordinance might not be necessary. With that in mind, Mr. Sullivan agreed to research existing ordinances with the Bucks County Planning Commission, and Mr. Ruthardt agreed to investigate existing ordinances in neighboring townships.

2. Outdoor Wood-Fired Boilers

Ordinance 204 regulating the use of wood-fired boilers was reviewed and discussed. Mr. Clement asked if any residents within the Township were being negatively impacted by any use of wood-fired boilers that was not currently addressed in the ordinance. None were identified. It was agreed that the established standards as written in Ordinance 204 serve the best interest and safety of the community, provided they also meet current EPA standards.

MOTION by Mr. Cole to recommend to the Board of Supervisors that the ordinance regulating the use of wood fired boilers remain as is, with the previous recommendation of adding language requiring that wood-fired boilers meet current EPA standards. Seconded by Mr. Clement. Unanimous vote to approve.

3. Tree List

The suggested list of desirable trees in lot developments was discussed.

MOTION by Mr. Ruthardt to recommend that the Board of Supervisors leave the tree list as is. Seconded by Mr. Johnson. Unanimous vote to approve.

Discussion

Regarding Nockamixon Dam, Ms. Breslin provided information on her meeting and tour of the dam with the state dam inspector for the DCNR, the park manager, the head of park maintenance, and Township Supervisor Rich Rosamilia. She reported that a system (albeit a low-tech one) is in place to assess the dam for any potential risks, including an annual inspection by the DCNR, the results of which are reported to the DEP, who also conducts an independent inspection every year. Every ten years, divers are employed to inspect the tower inch by inch for any signs of cracks or structural changes. She stated that in the event of a problem at the dam, public notification through the ReadyBucks program would be initiated, where warning messages are sent to those who have signed up at ReadyBucks.org. In addition, a "reverse 911" would be triggered, with warning messages going out to all land lines, along with a text message (similar to an Amber alert) to cell phones in the area. Ms. Breslin presented a copy of the Nockamixon Dam inundation map. Ms. von Glueck asked if the map was available to the public. Whether the map should be available on the Township's website was discussed.

Adjournment

MOTION by Mr. Johnson to adjourn. Seconded by Mr. Cole. Unanimous Vote to Approve.

TINICUM TOWNSHIP PLANNING COMMISSION



Dr. David Upmali, Chairperson

John Clement, Secretary