

Board of Supervisors

MINUTES

April 10, 2012

Supervisors Present: Barbara Lindtner, John Oehler, Dave Long and Rob Zisko **Not Present:** Volker Oakey
Also present: Scott MacNair, Township Solicitor, Rich Schilling, Township Manager and Jason Wager, Secretary/Treasurer

Barbara Lindtner, Chairperson, called the meeting to order at 7:33 p.m. and opened with the Pledge of Allegiance. The Board held an Executive Session concerning real estate acquisition and litigation and the Board will hold an Executive Session to discuss personnel after this meeting adjourns.

Public Comments on Agenda Items

There were no public comments on agenda items.

Public Hearing – Conditional Use Application – George & Dawn McGuire TMP #42-9-179

Barbara Lindtner explained that an application was submitted by George and Dawn McGuire, 1701 Route 212, Quakertown, PA 18951, to convert an existing accessory structure to a Use E-11 Bed and Breakfast. The property is zoned Agricultural District and E-11 use is permitted in this district by conditional use pursuant to Section 601.A.2.(e) of the Springfield Township Zoning Ordinance. In addition, the accessory structure is alleged to be a historic resource and therefore is eligible to use an E-11 Bed and Breakfast pursuant to 513.E. Scott MacNair gave a brief explanation on how the Public Hearing was to be held. After his explanation, he asked if anyone in the audience wanted to obtain Party Status. There was no one who responded to the request in the audience. Scott MacNair explained that a court stenographer was present to swear in witnesses and record verbatim testimony and that a copy of the hearing would be available through the court report directly.

Scott MacNair introduced the following exhibits:

- T-1 Copy of the Condition Use Application with a plan and an elevation view of the proposed building.
- T-2 Copy of the letter to the Intelligencer regarding advertising of the hearing
- T-3 Copy of the public notice that appeared in the newspaper
- T-4 Copy of the letter sent to the applicants advising them of the Conditional Use Hearing
- T-5 List of the property owners living within five hundred feet of the property
- T-6 Copy of the Proof of Publication that the public hearing was advertised in the Intelligencer
- T-7 Extension of time and waiver of the sixty-day requirement for a hearing that was executed by George & Dawn McGuire
- T-8 Affidavit of posting executed by Richard Schilling
- T-9 Affidavit of mailing certifying Debbie Godshall mailed the notices to the properties within five hundred feet of the property
- T-10 Township Engineer Bob Wynn's letter to the Planning Commission

Scott MacNair confirmed that the Planning Commission voted unanimously to recommend approval subject to compliance with the conditions in Bob Wynn's letter to the Planning Commission dated 3/26/2012.

George and Dawn McGuire were sworn in the by court stenographer. Mr. McGuire explained that they wanted to renovate an old barn on their property to provide living accommodations for both of their parents. Due to the barn being in need of repair, they

think that turning the barn into living space will help them maintain the barn. They are not looking to rent or lease out the barn. The living space would only be for family.

George and Dawn McGuire introduced the following exhibits:

- A-1 Small-scale plan of the survey of their property
- A-2 Large-scale plan of the survey of their property
- A-3 Elevation of the barn
- A-4 Photos of the barn
- A-5 Letter from the Bucks County Department of Health concerning the on-site sewage disposal
- A-6 Sketch plan of suites
- A-7 Copy of the deed of applicant property
- A-8 Copy of the deed of the adjacent property with shared driveway

Mr. McGuire explained what would be changed on the barn and explained the survey to the Board. He stated that very little would be changed on the barn to attempt to keep the existing look. In addition, a septic system would be put in to accommodate both the house and the barn.

Rob Zisko inquired if they were willing to comply with the letter from Bob Wynn's office concerning the setbacks on the property. Rob asked Scott MacNair and Rich Schilling why a Zoning Hearing Board was not required as part of the Conditional Use. Rich Schilling responded that since there was no expansion of the structure or adding of impervious surface planned a Zoning Hearing would not be needed. Rob's main concern about allowing the Conditional Use is that once the barn is approved as a Bed and Breakfast, it will always be a Bed and Breakfast.

Dave Long asked how many rooms would be put in the barn. George McGuire stated that two living areas or two suites would be created both on the floor level.

Scott MacNair inquired about how many kitchens would be in the barn. Mr. McGuire explained that they wanted to have kitchens for both living areas. It was noted on the original plan that there would be no kitchen facility in the barn, which is part of the Zoning Ordinance Section E-11 that states there shall be no separate kitchen or cooking facilities in any guest room. This would be in violation of this particular use. Rich Schilling explained there could only be one kitchen area outside the rooms that could be used by both occupants of both rooms. Barbara Lindtner explained this would have to be modified or the McGuire's would not be able to use the E-11 Bed and Breakfast use.

John Oehler asked why there were ten parking spots on their plan. George McGuire explained that they were told to show a maximum number of parking spots concerning the emergency access to the property. Scott MacNair asked a few questions concerning the Zoning Ordinance Section 801, Conditional Use standards. The first question was whether this use would affect the surrounding properties. Mr. McGuire explained that since there would be no new structures he felt there would be no effect on the neighboring properties. Mr. MacNair then asked about the entry points to the property, which Mr. McGuire explained using the plan. It was decided by the Board that a condition of the Conditional Use would be that any guests of the Bed and Breakfast would need to exit the property from the western side using the shared driveway for safety reasons. George and Dawn McGuire agreed to this condition. There would be no expansion of any buildings on the property. The only modifications to the exterior would be windows, siding, doors and the roof. John Oehler asked if the materials being used to remodel the outside would look like the existing exterior. Mr. McGuire explained that they would be replacing the outside fixtures with similar looking materials.

Scott MacNair asked George and Dawn McGuire if they could decide on the common kitchen to comply with the ordinance or if they wanted a continuance. He explained that if the Board was to decide this night that it would be his legal opinion that they are not in compliance. It was decided to temporarily adjourn the hearing at 8:24 p.m. so that the McGuire's would have time to decide what how they wanted to proceed.

Old Business

1. Township Road Bridge Closure – Joe Bush, Director of Special Projects for Bucks County, stated that they had received approval from PennDot to use State road with the only requirement being that they receive a letter from the Township allowing use of Township roads as part of the detour. Barbara Lindtner confirmed that the letter was prepared. Mr. Bush and the Board went over sign placement on the detour plan. Rob Zisko asked Mr. Bush when he expected the bridge to be finished. Mr. Bush replied that he expected the bridge to be finished by winter of this year. He also went over what actually needed to be fixed to make the bridge usable again. The beams supporting the bridge are being replaced since they are currently cracked. Barbara Lindtner asked if a stone facing could be put on the bridge to make the bridge more attractive. Mr. Bush stated that he could look into it and possibly incorporate it into the job. He would need to talk to the engineer to see if the bridge could support the extra weight.

Barbara Lindtner inquired what possibly could be done to Knecht's Bridge and if a bar could be placed on the bridge limiting the height of vehicles. Joe Bush explained that the Township would be responsible for putting up the height bar. Mr. Bush also said that additional signs would need to go on the bridge warning about the bar.

Township resident Lisa Pieretti stated that this would be able an opportunity to make the bridge a point of interest in the area. Joe Bush explained that the costs to redo the whole bridge would be exorbitant, but he would look into redoing the top of the bridge in a more decorative way. It would also push the timetable for completion back significantly to do more than the required maintenance and possibly adding stone to the top of the bridge. He explained that Bucks County has 115 bridges and approximately 45 are in need of major structural work.

Barbara Lindtner **moved** to authorize the Township to send a letter accepting the revised detour plan from Carroll Engineering, which incorporates PennDot comments and the authorization to use Township roads. Rob Zisko **seconded**; the motion **passed** unanimously. The Board gave the letter to Joe Bush so he could submit the authorization to Carroll Engineering.

Public Hearing

The hearing for the McGuire Conditional Use was re-opened at 8:59 p.m. George and Dawn McGuire stated they would agree as a conditional of approval to have one common kitchen for both suites. He stated that there would be no signage or additional outside lighting placed on the outside of the property. Scott MacNair closed the evidence portion of the hearing.

Township resident Lisa Pieretti asked if signs and lighting could be installed in the future or will this be written into the condition. Scott MacNair explained that per the Zoning Ordinance only a 2x3 sign that is six feet high could be installed under the E-11 use. He stated that one of the conditions that the Board normally puts in for this type of use is that if there is any exterior lighting proposed in the future, it has to be directed down and it has to be shielded so that no light emanates off the property. Lisa inquired that since the structure is alleged to be a historical resource for the area, will the barn have an historic reference. Mr. McGuire explained that their intent is to keep the barn as historic looking as possible. They do not want to make it look modern. Rich Schilling stated that no one could just take a historic structure and start renovating anyway they wanted. There are guidelines in the Zoning Ordinance that the resident would need to follow to remodel any historical structure.

There was no further public comment. The Board reviewed some of the main conditions. A written decision will be created by the Township Solicitor containing the Board's decision and the conditions placed on this Conditional Use agreement. John Oehler **moved** to approve the application for Conditional Use relating to the E-11 Bed and Breakfast use by George and Dawn McGuire and incorporating the conditions as previously stated which will be in the written decision done by the Township Solicitor. Rob Zisko **seconded**; the motion **passed** unanimously. Scott MacNair explained that after the written decision is issued there is a thirty-day period for someone to appeal the decision. He suggested to the McGuire's that they should wait to start the remodeling until that time-period ends since they would be in danger of losing everything they would have started to that point. The hearing was closed at 9:15 p.m.

Old Business

2. Adams Outdoor – As stated at the start of the meeting, there was a proposed settlement agreement that was discussed in executive session concerning Adams Outdoor advertising. This settlement was reviewed and discussed by the Board, Scott MacNair, Rich Schilling and Adams Outdoor representatives Vince Cavacini and Lois Arciscewski. Several issues were brought up by the Board, such as when the permits would be paid for, placement of the sign, setbacks to road and no mention of Township use of available space on the billboard. It was decided that the settlement would be revised with the agreed changes and presented at the next Board meeting.

Governmental Matters

1. PSATS Proposed Bylaws change – The proposed bylaw changes were reviewed by the Board. These changes would be considered at the 2012 PSATS Annual Educational State Conference and Trade Show. Rich Schilling discussed one of the main proposed changes, which would increase the annual PSATS due to \$1,161 for Springfield Township in 2013 for an increase of \$45 for the Township. There were also 60 proposed 2012 resolutions. Rich suggested to the Board that if they strongly about one of the resolutions to contact John Oehler, who would be representing the Board at the upcoming conference.

New Business

1. Community Day Committee – Barbara Lindtner **moved** to appoint Nancy Hottle, Jim Hopkins, Walt French and Emily French to the Springfield Township Community Day Committee. John Oehler **seconded**; the motion **passed** unanimously.

2. Bridge Repair Notifications – Rich Schilling discussed two bridge repair notifications, State Road over Branch Cooks Creek and Richlandtown Road over Cooks Creek, which he had received from HNTB Corporation. These are both PennDot bridges. Rich read a response from Mr. Velaga, HNTB Consultant Portfolio Manager, which stated that the earliest work could be done on these projects would be late this year or spring of 2013. Currently, the projects are not funded. Rich also had inquired if these repairs would be done simultaneously, which they would not. Springfield Township would be notified once these projects were funded. Barbara Lindtner suggested to Rich that PennDot should be contacted periodically to see where the future state bridge/road projects stand in the Township. Barbara asked about the proposed 412 Hellertown Road Bridge Replacement. Rich Schilling stated that there were some issues holding this project up including a lawsuit from the River Keepers and imminent domain of property owners.

Correspondence

The Board reviewed all current correspondence. Barbara Lindtner wanted to recognize that Curtis Reiss was appointed as the Emergency Management Coordinator for Springfield Township. She stated how excited he was to fill this role. He would be sworn in at the next Board meeting.

Public Comments

Rich Schilling wanted the Board to entertain our Road Department installing the County signs on the preserved properties in the Township. Barbara Lindtner **moved** to use the Township Road Department to install County Preserved Property signs using materials given to the Township by Bucks County. John Oehler **seconded**; the motion passed unanimously.

Supervisor Comments

Barbara Lindtner wanted to commend Rob Zisko and Dave Long for their support of the PPL litigation. This excluded John Oehler and Volker Oakey who abstained from the PPL litigation discussions.

Adjournment

At 10:00 p.m., Rob Zisko moved to adjourn the meeting. Dave Long seconded; the motion passed unanimously.

Respectfully submitted,

A handwritten signature in purple ink that reads "A A Wager".

Jason A. Wager
Township Secretary/Treasurer

Next meeting: May 22, 2012
Approved: May 22, 2012