

BUCKINGHAM TOWNSHIP

P.O. Box 413, Buckingham, Pennsylvania 18912
Phone (215) 794-8834 • Fax (215) 794-8837

Website - www.buckinghampa.org



BUCKINGHAM TOWNSHIP Board of Supervisors Work Session Agenda March 27, 2019 6:00 p.m.

- 6:00 p.m. Forest Grove Presbyterian Church, Forest Grove Road,
TMP 06-018-013
Land Development Waiver Request
- 6:15 p.m. Good Stuff Thrift, 3633 N. Easton Road, TMP 06-002-009
Land Development Waiver Request
- 6:45 p.m. Trinetra Realty Holdings PA LP, 3616 York Road,
TMP 06-008-079-002, Proposed Improvements
- 7:00 p.m. Draft Bamboo Ordinance

Manager's Items

Executive Session

Buckingham Township Board of Supervisors
Work Session
Minutes

The work session of the Buckingham Township Board of Supervisors was held March 27, 2019 in the Township Building, 4613 Hughesian Drive, Buckingham, Pennsylvania.

Present:	Jon Forest Maggie Rash Paul Calderaio Dana S. Cozza Daniel Gray Craig A. Smith, Esquire	Chairman Vice-Chairman Member Township Manager Township Engineer Township Solicitor
Not Present:	John Ives Tom Kelso	Bucks County Planning Commission Township Water/Wastewater Consultant

The work session commenced at 6:00 p.m.

Forest Grove Presbyterian Church, Forest Grove Road, TMP 06-018-013, Land Development Waiver Request

Mrs. Rash recused herself from the discussion and consideration of the issue as she serves as clerk of session for Forest Grove Presbyterian Church.

Mr. Rupnarian spoke on behalf of the church, explaining they are requesting a land development waiver. He described their plan to reconstruct the existing parking lot, demolish the existing house on the property, eliminate one of the three driveway entrances and reduce impervious surface coverage by 900 square feet. He said they also would like to provide new site lighting in the parking lot, with two building mounted lights between the cemetery and church building, and pole mounted fixtures in the parking lot. He said all lights will be LED and will conform to township ordinances. Mr. Rupnarian said the 2 lights currently shining toward the parking lot and one existing pole light will be eliminated. He added the lights will be on only when the church is in use during evening hours, not all the time.

Mr. Gray explained the church will need a township permit and zoning approval for the lighting plan, as is explained in his review letter, along with PennDOT permits for the driveway changes, and Bucks County Conservation District for erosion and sedimentation if over 100 square feet are being disturbed.

Mr. Rupnarian said the northern most drive will stay the same, however the southernmost drive will move approximately 15' north to align with the new aisle in the parking spaces, and will serve as an ingress/egress drive. Mr. Forest asked if they were keeping the "u" drive in front of the church, and Mr. Rupnarian said "yes".

160210

Mr. Calderaio asked if they were keeping the playground, and Mr. Rupnarian said yes, however it will be located close to the church, with no driveway in between.

Mr. Rupnarian said they would secure all of the required permits as needed, and thanked the Board for their consideration.

Trinetra Realty Holdings PA LP, 3616 York Road, TMP 06-008-079-002, Proposed Improvements

Mrs. Rash returned to the dais.

Mr. David Shafkowitz was present, representing the property owner, along with Mr. Matt Galasso, representing the principal. Mr. Shafkowitz distributed a rendering of the property. Mr. Forest said he prefers the stone currently on the building, over the brick proposed on the rendering.

Mr. Shafkowitz explained the property currently has a fuel station with automotive repair. He said the existing building is approximately 3600 square feet and they propose to convert it entirely into a convenience store, while staying within the current footprint. Mr. Shafkowitz said they plan to add a canopy over the gasoline pump area. They will define the parking area for the convenience store and propose closing the entrance on Swamp Road that is furthest from the intersection, leaving the one closest, and retain the York Road ingress/egress.

Mr. Forest questioned why they propose to close the furthest entrance from York Road. Mr. Shafkowitz said that will provide a parking area for the convenience store, even though it will be steep. Mr. Gray and Mrs. Rash said it would be better to close the entrance closest to the intersection, and keep the other one. Mr. Gray said township ordinance specifies driveways should not be near intersections. Mr. Gray also had concerns for vehicles in the proposed new parking area to the east who would need to travel through the canopied area to exit onto Swamp Road, and vehicles blocking the way at the gas pumps. Mr. Gray said it needs to be reconsidered.

Mr. Forest asked about fuel deliveries. Mr. Galasso explained that deliveries are controlled by the owner, and can be scheduled during the off hours if they want to avoid blocking the parking lot. Mr. Galasso said the business will not be open 24/7. Mr. Galasso also said that Ramco Fuels is the principal owner of the site and fuels their own stations, although the business is branded "Gulf".

Mr. Gray asked about convenience store deliveries with regard to the limited parking. Mr. Galasso said they focus on non-peak hours such as 2pm when volume is low. Mr. Gray asked if there would be a service entrance. Mr. Galasso said yes, on the side. Mr. Shafkowitz said they need to better designate a loading/unloading area.

Mr. Smith asked what type of convenience store as the size is relatively small. Mr. Shafkowitz said the total building is 1,800 square feet, with a portion of that geared towards the gas and the other area retail/convenience.

Mr. Calderaio asked if they would be making fresh sandwiches, and Mr. Galasso said yes, both prepared and pre-packaged.

Mr. Calderaio commented on the appearance, saying that it needs to blend into the environment, and he prefers the stone. He had concerns about lighting, as the township doesn't want light pollution but does want safety. Mr. Shafkowitz said the canopy will keep the lighting on the pumps and create a safety component. Mr. Galasso said their standard is a 14-1/2 foot tall canopy which allows bigger trucks to enter. Mr. Shafkowitz said they will comply with the land development requirements on the canopy and lighting.

Mr. Calderaio asked about the hours of operation, and Mr. Galasso said 5am-11pm, 7 days a week.

Mr. Gray noted the zoning ordinance prohibits self-serve gas pumps; it has to be full service. Mr. Shafkowitz said they are aware of the restriction, and will not be requesting zoning relief from that requirement.

Mr. Calderaio asked about public bathrooms, and Mr. Shafkowitz said they will supply whatever the building code requires.

Mr. Gray noted parking in front yards is prohibited and there are front yard setback requirements. Mr. Smith said they will need zoning relief on the matter, and Mr. Shafkowitz said they will include it in their application to the Zoning Hearing Board.

Mr. Gray asked how many employees they will have as they will need parking for them. Mr. Galasso said they have 18 parking spots planned due to the size of the building and the employees will park in those spots.

Ms. Andrea Strout, Mill Road, asked how many gasoline pumps there will be, and Mr. Galasso replied 4 total; the 4 existing pumps will remain.

Mr. Gray asked if the gasoline tanks have been replaced, and Mr. Galasso said they will be doing this.

Mr. Shafkowitz thanked the Board for offering their advice prior to the project being discussed by the Zoning Hearing Board.

Mr. Smith asked whether the Board wanted to take a position on the application before the zoning hearing board and the consensus was they do not.

Good Stuff Thrift, 3633 N. Easton Road, TMP 06-002-009, Land Development Waiver Request

The applicant was not present to discuss the land development waiver request. Mr. Gray explained the property use was discussed by the Zoning Hearing Board in 2013 when the applicant requested a dual use, to operate Good Stuff Thrift and a sport indoor athletic club. Mr. Gray said there is an existing storage area built from cinder blocks in the rear, that the applicant indicates was at one point a garage. Mr. Gray said the current request is to convert the cinder block area to a structure for use as a donation collection and storage area.

Mr. Gray said the previous zoning hearing board relief granted the dual use, with the restriction against any additions or other improvements than normal maintenance and signs. He added that changing the area to a structure would require a front yard setback for that structure from Old Easton Road, and creates a zoning issue requiring relief from the Zoning Hearing board.

The consensus was that if the applicant wants to move forward with the structure, they need to apply to the Zoning Hearing Board for relief, and then return to the Board of Supervisors afterwards for consideration.

Proposed Bamboo Ordinance

Mrs. Rash explained to the audience that a year ago Vera Shelton and Ann Callahan, both of Street Road, had discussed issues regarding bamboo in the township, the Board collected other townships' ordinances, and the township solicitor prepared a draft in January, which the Board reviewed but held up action on per the Environmental Advisory Committee's ("EAC") request to review the Ordinance. She said the EAC then offered comments and the township solicitor has responded to their comments.

Ms. Strout, Mill Road, said the Buckingham Township Environmental Advisory Committee had received the response from the township solicitor regarding their comments on the proposed bamboo ordinance, but had not met yet to review the comments.

Mr. Smith said the main issue raised by the EAC was questioning the limitation of the ordinance to residential areas, not the entire township. He said one answer is because historically the common law provided that a person was not responsible for whatever was growing on their land that adversely impacted a neighbor's property. The basis for this arose from when land use was primarily agricultural and the thought was a farmer should not have to police his entire farm for plants that may be growing that could injure a neighboring property. He said more recently in Pennsylvania the courts have drawn a distinction saying that while that rule still applies to farmland, it may not be a valid concept in residential areas, where yards are smaller, neighbors more proximate and it is not unreasonable to make resident police that smaller parcel of land. Mr. Smith continued there has been a case in the Court of Common Pleas on this theory providing tort

recovery for bamboo crossing onto neighboring property, in a residential area. Mr. Smith explained this is the reason for the distinction.

Ms. Shelton asked about preexisting bamboo ownership, and Mr. Smith said the best view is that the ordinance can only apply going forward, that it cannot apply retroactively. Mr. Forest said the homeowner has the recourse to pay and have the bamboo removed, and go to small claims court to have the neighbor pay for the bill to do so.

Mr. Smith said the ordinance provides that going forward, the bamboo in residential areas must be maintained and not trespass onto neighboring properties, and if it does, it violates the ordinance.

Ms. Strout questioned if any other ordinances within the county address non-residential bamboo. Mr. Smith replied “yes”, however he advised they are on less firm legal ground. Mr. Forest said Buckingham has over 5,000 acres of preserved property, and that farmers police their properties for bamboo already as they do not want bamboo invading their crops, and ruining their fields.

Ms. Shelton asked for clarification on an item in the draft ordinance saying bamboo is not allowed within 40’ of a property line or township road and must be cut back. Mr. Smith confirmed the proposed ordinance states bamboo may not exist within 40’ of a public roadway or neighboring property.

Ms. Strout said in the EAC’s comments drafted by their former chairperson, he asked for consideration of allowing an expanded time for somebody to kill bamboo in order to comply, especially if the ground is frozen, and to look at other methods that are better for the environment than plowing and burning, such as exhaustion which has a lower impact, is cheaper, and might help with compliance. Mrs. Rash asked if she meant repeated cutting and mowing? Ms. Strout said yes. Mrs. Rash said from personal experience bamboo does not get exhausted as it has been on her property since before they owned it, and the bamboo must continually be mowed and still keeps coming back. Mr. Forest said burning the bamboo has been removed from the draft ordinance to be consistent both with an open burning ordinance and an ordinance adopting the ICC fire code the Township is considering.

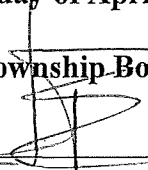
Ms. Callahan said she has tried cutting and mowing the bamboo which has spread from her neighbor’s property, and still has rhizomes coming up. She has tried salt and boiling water, and is now trying industrial strength vinegar.

Ms. Shelton asked what the schedule is for the draft ordinance. Ms. Strout said the EAC will meet on April 17th to discuss it; Mr. Smith said the draft will need to be advertised one time before the public hearing before the Board of Supervisors, so the ordinance could be scheduled on a May agenda. Ms. Shelton asked whether the Board would put off moving forward with the Ordinance for another month to give the EAC another chance to review it. The Board agreed.

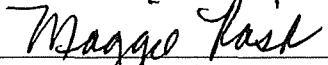
7:30 p.m. *The Work Session adjourned.*

Approved by the Board of Supervisors on the 24th day of April, 2019.

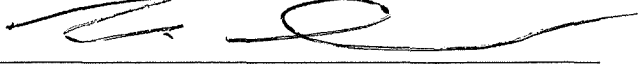
Buckingham Township Board of Supervisors



Jon Forest, Chairman



Maggie Rash, Vice-Chairman



Paul Calderaio, Member

Attest:



Dana S. Cozza, Secretary

Minutes respectfully submitted by Lori Wicen.