

Langhorne Borough Council Meeting

October 11, 2023

A Langhorne Borough Council meeting was held in person in Council Chambers on Wednesday, October 11, 2023. President Paul Murdock called the meeting to order at 7:35 p.m. and invited those in attendance to pledge allegiance to the Flag.

In Attendance: President Paul Murdock; Vice President Rich Mason; Councilpersons Tony Marfia, Nancy Culleton, Kathleen Horwatt, and Scott Haldeman; Treasurer Elyn Schoen; Solicitor David Truelove; Police Chief John Godzieba; and Manager Steve Bradshaw.

Absent: Mayor Joe Taylor and Councilperson Kristen Farry

Mayor's Report: No Report

Police Chief's Report: See report

Announcements & Presentation: President Murdock presented a letter of appreciation to Girl Scout Troop 2132 for the donation of a Kindness Bench at Mayor's Playground. Councilperson Horwatt presented a press release that was submitted to The Langhorne Ledger and commended the Troop for their community cleanup efforts.

Public Comment: Don Minnick at 149 W. Richardson Ave, member of American Legion Soby Post 138, discussed the 8th annual Veterans Day 5k

Motion: On motion of Councilperson Marfia and seconded by Councilperson Horwatt, Council voted 6/0 to approve appointing Jaydn New to the Rec Board.

Engineer's Report: George DiPersio from CKS Engineers reported:

- The Richardson Ave Drainage Project was completed in August. Residents at 205 Hulmeville Ave expressed concerns with the drainage improvements along their frontage. CKS inspected the area on September 14th following rainfall. No standing water was observed; therefore, the swale is functioning as designed. The only additional work that could be completed to improve conditions observed during storm events would be to replace and upsize the driveway crosspipe at 205 Hulmeville. Such work would require Highway Occupancy Permit from PennDOT and three bids from contractors. CKS recommends monitoring conditions through the winter to determine if any further work is warranted in the future.
- Route 413 Storm Inlet project is progressing. CKS assisted Borough Manager in preparing a Municipal Grant Application to the Bucks County Redevelopment Authority. The application was filed on September 27, 2023 and requests funds in the amount of \$274,080, consistent with Resolution No. 2023-11; of this amount, \$172,730 was expected to cover storm inlet work and \$101,350 will be used to provide a crosswalk at Pine St. and E. Watson Ave. and upgrade striping at the existing Winchester Ave crosswalk. PennDOT has confirmed milling and repaving is on schedule for Spring of 2024. There is a target date to inspect the inlets before Thanksgiving. CKS will begin survey work in the near future and design work following the inspection with the grates removed.
- Mary Stover of CKS prepared and filed the Borough's annual MS4 report with the Pennsylvania Department of Environmental Protection on Monday, September 18, 2023. A bound hard copy was provided to the Borough.
- CKS was asked to prepare a repaving estimate for Country Club Ln. CKS performed a filed

investigation of the existing roadway on Friday, September 22, 2023. The road is 26 feet wide, serves a total of ten single-family dwellings with driveways, contains five storm inlets, and terminates in an 80-foot diameter cul-de-sac. CKS recommends milling and re-paving of the roadway with replacement of one inlet top, a section of curb replacement, and addition of a stop bar adjacent to the existing stop sign at N. Bellevue Ave. A cost estimate was attached for council review along with pictures. CKS is awaiting further direction from the Borough. Grant funding can be explored. CKS recommends development of a long-term roadway maintenance program.

- 141-151 W. Maple Ave. Minor Subdivision. CKS issued a review letter on August 15, 2023. The application was discussed at the August Planning Commission meeting on August 16, 2023. A recommendation was not issued by the Planning Commission at that meeting. The applicant is requesting at least one waiver to not provide an Environmental and Community Impact Assessment which would be required for a minor subdivision application. CKS is awaiting revised plans in response to initial review letter. The applicant submitted an extension to Council to render a decision, but does not actually extend the application timeline. Revised plans will be needed before the October 25th Planning Meeting unless a revised extension letter is received.
- Crestwood-Bellevue Ave. Residential Development Project. An amended ZHB application was submitted by Toll on October 5, 2023. The proposal considers removal of one building in the historic district and eliminates six townhouses, for a new total of 54 townhouses and three historic buildings to remain. The amended request reduces the number of variances from 24 to 17. The next ZHB is scheduled for October 26, 2023. Langhorne Borough PC continues to work on an overlay ordinance drafted by BCPC and has prepared a revision to the prior exhibit plan to be presented at Council's regular October meeting. This concept contemplates a total of 36 new dwellings with three historic buildings to remain. This plan concentrates density on the tract boundaries at the Pine St. and Flowers Ave. frontage. CKS and BCPC advise Langhorne Borough PC that greater density could be accommodated by the existing ordinance and that many ordinances of surrounding municipalities allow for higher density when townhouses are proposed.

Council Discussion: Vice President Mason asked if the new design allows for egress from the development onto Pine St. Mr. DiPersio stated that the plan maintains the right-in, right-out option. Vice President Mason asked if PennDOT was involved with the egress planning. Mr. DiPersio stated that PennDOT must approve any plans and that he believed that Toll Bro's has been in regular contact with them.

Councilperson Marfia asked if the Flowers Ave would still have an egress point. Mr. DiPersio stated that that would remain as an entry point for emergency vehicle entry only and that it would be regularly barricaded.

President Murdock asked if Crestwood Manor Dr. would be exit only onto Bellevue Ave. Mr. DiPersio stated that the current plan shows it as exit only and that PennDOT would have to give final approval beings as it is a PennDOT owned road.

- Mr. DiPersio explained that LBPC, BCPC, CKS, and Tom Comitta Associates have been working for months to develop a plan that proposes a total of 28 new units and keeping the 3 historic houses. Toll Bro's response what that would be "unbuildable." Langhorne Borough PC has come to a density they would recommend as acceptable. Mr. DiPersio explained that the current plan has the building spacing at 30 feet, which is a significant amount of space between dwellings. Mr. DiPersio then explained where Toll Bro's and LBPC are at a difference with dwelling units. Toll wants to build all townhouses, where as LBPC wants a diversity of housing. Toll's new plan has the option to eliminate Roebling Dr. which would allow for more open-space per acre. The plan shows a density of 3.93 dwelling units per acre. A data analysis by CKS shows that all the blocks between Pine St. and Bellevue Ave moving north through the Borough. The block of Flowers Ave. to Richardson Ave has a density of 5.02 dwelling units per acre. Watson Ave. to Marshall Ave. has a density of 3.1 dwelling units per acre. Marshall Ave. to E. Winchester Ave. has a density of 3.64 dwelling units per acre. E. Winchester Ave. to Summit Ave. has a density of 2.48 dwelling units per acre.

Council Discussion: Councilperson Haldeman asked how many variances Toll Bro's was at. Mr. DiPersio stated that Toll was at 24 previously and is now at 18 or 19.

Councilperson Horwatt asked about stormwater accumulating in the southern portion of the land. Mr. DiPersio explained that at this time, there is no way of knowing and that the applicant would normally be required to perform the tests.

President Murdock asked about the claim that developers must leave a property in better condition than they received it. Mr. DiPersio stated that was true and explained that stormwater retention must be equal or reduced after development.

Councilperson Horwatt asked if one of the requested variances was to include stormwater as open-space. Mr. DiPersio explained that Langhorne Borough's ordinance reads that open-space must remain as undisturbed land. Toll's is requesting that the definition of open-space be changed to allow some areas to be disturbed during construction to install a stormwater basin with modern standards.

Vice President Mason asked if the stormwater basin could be used to provide MS4 sediment reduction credits. Mr. DiPersio stated that they would have to go beyond what the Department of Environmental Protection requires to qualify for credits. The status of the current stormwater piping is unclear at this time, and that any developer would be required to demonstrate improvements.

President Murdock asked if the current plan has the same percentage of impervious surfaces as what is currently there now. Mr. DiPersio stated that it, is probably about the same, but could be less if Roebing is removed or if some of the roads are narrowed, but emergency vehicle access becomes a problem as the roads get narrower. President Murdock asked about the parking problems along Flowers Ave. Mr. DiPersio suggested that Toll could recess the southern curb line to allow for better on-street parking.

Councilperson Marfia asked if the water pressure would be affected due to the development. Mr. DiPersio stated that Toll would have to coordinate with Bucks County Water and Sewer to address that. Councilperson Haldeman stated that there have been conversations with BCWS in the past and there is not much that can be done about it. Mr. DiPersio stated that the developer would have to address water pressure.

Motion: On motion of Councilperson Horwatt and seconded by Vice President Mason, Council voted 4 to 2 to oppose zoning application based upon amended zoning application and plan filed by applicant, Toll Brothers. Vice President Mason, along with Councilpersons Marfia, Culleton, and Horwatt voted to continue to oppose. President Murdock and Councilperson Haldeman voted against opposing.

Public Comment: Ms. Wanda Search at 221 S. Bellevue Ave. stated that Toll Bro's had been asked to come up with a plan that reflects the look of Langhorne Borough. Ms. Search asked about a meeting between Toll Bro's and Borough Staff and wanted to know who attended the meeting.

Mr. Rudy Tureno at 317 Station Ave. asked if the LBPC plan would require less variances than the proposed Toll plan. Mr. Tureno stated that Council should oppose the Toll plan and go with LBPC plan.

Ms. Karen Offerman at 310 W. Richardson Ave. asked if the Toll plan would have any impact of the PennDOT RT1 highway project. Ms. Offerman also asked if there are any concessions Toll could offer the Borough.

Ms. Carol Dewyer at 203 W. Watson Ave. asked about the original agenda wording. Solicitor Truelove

explained that the Motion was modified.

Ms. Janet Mayer at 212 N. Bellevue Ave. wanted to know what the townhouses would look like and what they would be made of. Solicitor Truelove explained that the materials and design would be part of the land development process. Mr. DiPersio explained that LBPC and BCPC are working to require certain requirements that would bring the design renderings earlier in the planning stages.

Ms. Carrol Zetterberg at 129 W. Maple Ave. stated that this project would be a big moment and would have lasting impacts into the future of the Borough. Ms. Sterrenberg asked Council to oppose the current Toll Plan.

Mr. Paul Schnider at 233 N. Bellevue Ave. stated that it is important to follow the process. Part of the process is opposing the request for variances, allowing LBPC to develop an overlay and allowing the process to keep moving forward.

Mr. Michael Burling at 224 N. Pine St. asked what the relationship is between Council and LBPC, and that he understands that LBPC is a recommendation body and it feels like LBPC is not being involved with the process. Mr. Burling then stated that the Borough should shift focus from things that have more of an impact to the community.

Mr. Patrick Carr at 240 N. Green St. stated that he agrees with the motion to oppose Toll's requests for variances and uphold the Borough's ordinances.

Ms. Liz Welch at 303 Hill Ave. of Langhorne Manor stated that she also agrees with opposing Toll's request for variances because it would negatively impact both Langhorne Borough but also Langhorne Manor Borough.

Ms. Lilian Rossiter at 375 S. Bellevue Ave. asked how many variances granted to the townhouses on Flowers Ave and Watson Ave. Councilperson Horwatt stated that no variances were needed for those projects.

Mr. Lary Zetter at 129 W. Marshall Ave. stated that he does not see how this project benefits the uniqueness of the Borough and that if this project continues the Borough will never be the same.

Mr. Bob Rosenkrantz at 213 Hulmeville Ave. of Langhorne Manor stated that this project should be opposed.

Council Discussion: President Murdock stated that LBPC plan had a total of 39 dwellings, Toll's plan has 57 dwellings including the 3 historic homes, a difference of 18 homes. President Murdock responded to Ms. Search's question about Staff stating the process started over two years ago and that former Council Presidents, Managers, Engineers, and Solicitors as well as current Council President, Manager and Solicitors have been involved with the conversation with the project. President Murdock stated that priorities have continued to shift over time. Then, asked "What is the Borough? Is it the 8-unit apartments near Brothers Pizza, is it the townhouse that were previously talk about, is it the duplexes on Pine St., is it the houses that were built in the 80's? Its all the above." He stated that everyone agrees that the Borough has gone through several different changes over time and this is no different. President Murdock stated that the Borough is spending a lot of money to oppose this project. By removing opposition does not mean that Council is allowing the project to move forward, it allows for the plan and the process to work and allow the Zoning Hearing Board to do its job.

Vice President Mason stated that there are two concessions that Toll could provide to the Borough. First being leverage on PennDOT to allow the access roads on the RT1 RC3 project to remain mitigating some of the traffic concerns. Second, Toll may be able to install a stormwater bio-retention basin. Vice President Mason stated that the Borough should continue to work with Toll and find a middle ground, and said we should consider what would happen if a settlement cannot be reached. The land currently does not look like the Borough, it looks like an Army camp. The development would also allow for an increase in tax base and the budget is continuing to go up. President Murdock also stated that adding a crosswalk to the intersection of Pine St. and Flowers Ave was also discussed with Toll.

Councilperson Culleton stated that the only reason she would vote to not oppose the plan would have to do with how much its costing and the optional buy-right options that Toll said they could build that would be worse than any plan so far. Councilperson Culleton then asked if by opposing the plan if the Borough would then be required to oppose all the way through to the end of the project. Solicitor Truelove stated that the Borough would not be locked into its decision and could reverse at any time.

Councilperson Haldeman stated that change is inevitable and that there is a shortage of available houses in the housing market at this time and that he did not think opposing it was the right thing to do. He stated that he would rather let the Zoning Board do their job and let the process continue.

Councilperson Horwatt asked about meetings with Toll and wanted to make it clear that the Borough has spent a long time developing its ordinances and that she wanted to see a project that fit the ordinances.

Councilperson Haldeman stated that he agreed with Vice President Mason in that the development would bring in an estimated \$40,000 a year in tax revenue. He also stated that concessions from PennDOT through Toll would be beneficial. Vice President stated that Toll knows that traffic will be negatively affected on Pine ST. unless that access road along US Route 1 stayed. Councilperson Haldeman stated that by not opposing the plan, the Borough would be saving a large amount of taxpayer money by not having to pay solicitor fees.

Council Discussion: on dedication of Country Club Ln. to officially be a Borough owned road. For a flat fee of \$850 Hill Wallack will 1) draft a petition for residents to sign, 2) draft the Ordinance to approve the petition, 3) draft of recordable instrument and record with Bucks County Recorder of Deeds so the road will be listed at public, and 4) preparing and filing of necessary documentation with Clerk of Criminal Court so the road will be included on the liquid fuels map.

Public Comment: Tim Willams resident of 23 Country Club Ln. stated that when he purchased his house in 2017, he went through a seller's disclosure with had no mention of an HOA. Mr. Willams went to the title company which also had no mention of it being a private Road and no mention of an HOA both of which are legally required to be disclosed. He stated that Bucks County Recorder of Deeds has nothing on file that states that it is a private road. He was provided with the original building plans and declaration of restrictive covenants, but that only identifies the properties not the road. Mr. Willams stated that his deed only shows that he owned his property and that it does not include the road. He stated that the Borough provides all services to the Country Club Ln. even though it is not officially a Borough owned road. President Murdock stated that when this was brought to his attention nearly two years ago he researched the minutes and found where the Borough agreed to dedicate the road once all requirements were met, the requirements were never met. Councilperson Marfia asked what would happen if it was decided not to accept dedication and that the Borough should not be taking on any more streets. Solicitor Truelove stated that nothing would

change.

Motion: On motion of Councilperson Horwatt and seconded by Councilperson Haldeman, Council voted 5 to 1 to approve to begin the dedication process as they are laid out by Hill Wallack. Councilperson Marfia voted to oppose.

Motion: On motion of Councilperson Haldeman and seconded by Councilperson Horwatt, Council voted 6/0 to approve Langhorne Open Space to proceed with repaving the Farmhouse driveway using Paveco Asphalt Services.

Council Discussion: Councilperson Haldeman asked Langhorne Open Space Chair, Pat Carr if they considered using a local company. Mr. Carr stated that they have three quotes that they are happy with the contractor selected and that they are not asking the Borough for any funding for the project.

Council Discussion: Discussion on hiring a local asphalt company to perform maintenance to Borough owned streets. Councilperson Haldeman stated that the street in the Borough are in horrible shape and need attention. Councilperson Marfia asked the Borough Engineer about a Street Maintenance program and if it would help with securing future grants. Mr. DiPersio stated that a street program was a something that could be addressed is needed and that by having a maintenance program would help in receiving grants. Councilperson Horwatt stated that she would like to compromise and have a local contractor patch the streets and look into a maintenance program for the future.

Motion: On motion of Councilperson Horwatt and seconded by Councilperson Culleton, Council voted unanimously to approve having Asphalt Paving to perform emergency road patching repairs with a not to exceed \$12,000 and to budget to have CKS perform a long-term road maintenance program.

Motion: On motion of Councilperson Haldeman and seconded by Vice President Mason, Council vote 6/0 to approve Ordinance 2023-04, Establishing the Langhorne Borough Human Relations Commission and prohibiting discrimination in housing, employment, public accommodations, and access to educational institutions.

Council Discussion: Councilperson Culleton wanted it to be on record that small businesses would not be required to bear any undue financial burden to make special accommodations. Anti-discrimination simply means letting people use the restrooms of their choice. Solicitor Truelove confirmed this ordinance allows for accessibility of facilities rather than how they are constructed. Councilperson Marfia asked if this Ordinance would apply to housing. Solicitor Truelove stated that all housing laws would still apply. Councilperson Culleton stated that there is a clause in the Ordinance that people who are renting a room in their house have more flexibility with who they rent to. Councilperson Culliton and Solicitor Truelove discussed the process of setting up the Human Relations Commission.

Motion: On motion of Councilperson XX and seconded by Councilperson XX, Council voted 5/1 to accept the resignation of Borough Clerk affective October 27th. Councilperson Horwatt opposed

MANAGER'S REPORT

- Effective Monday 10/16 Office hours will be Mon-Thur, 9-1 due to personnel change. We will get back to 9-3 as soon as possible.
- Requested to attend Leadership Bucks County training

- Transue Tree Service will cut back the trees at Flowers and Bellevue on Oct 18th
 - Councilperson Marfia asked to have the hedges cut back as well
- Ford Focus title has been applied for, should have it back in the next few weeks

Solicitors Report: Nothing new to report.

Environmental Advisory Council: No report

Fire Company: No Report.

HARB: Councilperson Marfia reported that there are 2 HARB applications pending

Motion: On motion of Councilperson Culleton and seconded by Vice President Mason, Council voted 6/0 to approve the HARB Report

Heritage Farm/L.O.S.I.: Chair Pat Carr gave updates on upcoming events at the farm and stated that the pollinator garden at Catawissa Park has been fully restored.

Planning Commission: No report

Recreation Board: Councilperson Horwatt mentioned wanting to order two new swings for the playground, one being handicap accessible and having local contractors install them. There are new basketball backboard and poles that will need to be replaced, those will be put on hold until the Spring. Asphalt Paving will be restriping the basketball court.

Shade Tree Commission: Councilperson Culleton explained that the Tree City application is being worked on. Tree planting will not be done until the Spring. Shade Tree Commission would like to move the 2024 monthly meetings to the second Monday of every quarter.

Communications Team: Councilperson Culleton explained some of the updates to the Borough website and Constant Contact posts. There are still several updates pending on the website. The 2024 Municipal Directory will be updated to reflect correct term ending dates.

Council Discussion: Councilperson Haldeman explained that there has been discussion with the Borough acquiring the small strip of grass between Borough Hall and the driveway at 118 E. Maple. There are several options with how to proceed. One being to have the land condemned and the Borough would have to pay fair market value for the property. The other option would be to purchase the property which would require a lot-line sub-division. Councilperson Haldeman stated that he was in favor of doing nothing.

Motion: On motion of Councilperson Mason and seconded by Councilperson Culleton, Council voted 6/0 to approve Langhorne Business Association Dickens Night on December 1st.

Motion: On motion of Councilperson Horwatt and seconded by Councilperson Culleton, Council voted 6/0 to approve the August 9th Council Meeting Minutes and the August 31 Work Session minutes.

Motion: On motion of Vice President Mason and seconded by Councilperson Marfia, Council voted 6/0 to approve the Treasurer's Report.

Motion: On motion of Councilperson Marfia and seconded by Councilperson Culleton, Council voted 6/0 to approve the payment of the bills.

Executive Session: Started at 10:29 p.m. and ended at 11:14 p.m.

Adjournment: With no other business, on motion of Councilperson Vice President Mason, seconded by Councilperson Culleton, Council voted 6/0 to adjourn at 11:14 p.m.

Respectfully submitted,

Steve Bradshaw, Borough Secretary

Next Council Meeting: November 8, 2023