

LANGHORNE BOROUGH COUNCIL WORK SESSION

July 5, 2022

A work session of the Langhorne Borough Council was held in person in Council Chambers on Tuesday, July 5, 2022. Council President Murdock called the session to order at 7:35 p.m. and invited those present to pledge allegiance to the Flag.

Present were President Paul Murdock; Vice President Rich Mason; Councilpersons Nancy Culleton, Kristen Farry, Tony Marfia, Kathleen Horwatt (via Zoom), and Scott Haldeman (via Zoom); Manager Paul Leonard.

Toll Brothers Plan: The main topic of discussion was the Toll Brothers development plan (“the Plan”) for the property currently owned by Woods Services. Councilperson Marfia commented that he had only recently received the Plan. He recalled 2021 initial discussions with Woods about which he felt Council was not fully informed. President Murdock and others replied that Council has given input to Toll via our Solicitor and that this is the third version of the Plan we have seen.

Councilperson Marfia said that if Toll uses underground storage, they can cut the retaining basin in half. He added that Toll was leaving the plot open for residents to exit onto Flowers Avenue, which would add to congestion. He stated that the Borough should have extended the Historical District to include the Woods property. Several years ago, Council voted against extending the Historic District to include the entire Borough.

President Murdock stated that zoning should not be changed in reaction to the Plan. Councilperson Marfia recalled that in 2021 Council decided to defer to the Zoning Hearing Board regarding the Plan. Vice President Mason recalled that Council had decided not to oppose Toll Brothers prior to the sale or its submission of any application for variance. Manager Leonard will review the relevant minutes.

The request for variances is extensive. Manager Leonard has a meeting planned with Toll. He has asked Toll for an extension on the Borough’s consideration of the Plan. He predicted that the County Planning Commission will oppose the Plan. Toll’s designation of 50% “open space” seems over-inclusive. Toll could do underground stormwater retention which would result in a greater volume of open space that would be usable (as opposed to the Plan, which counts the basin as open space). The Borough’s zoning ordinances do not permit townhouses, nor the density indicated by the Plan. The burden of proof in obtaining a variance is on Toll, which can only prevail by showing a “hardship.” This is a unique parcel and there is no issue of precedent based upon prior variances.

Manager Leonard felt the best outcome would be for the Borough Solicitor, in dialogue with Toll, to craft an “overlay zoning ordinance” for this parcel, applicable to anyone who might develop it going forward. Whatever is near the historical buildings can be required to meet Borough specifications. It would be helpful for the Borough to retain a consulting architect to support it in discussions with Toll to help the Plan fit the Borough in terms of finishes. He predicted Toll will want to complete approvals and planning this year, to begin construction in the spring. He recommended that the Borough require that the purchasers and their assigns take permanent responsibility for road maintenance and plowing.

President Murdock pointed out that the Plan calls for 60 units, which is less than initially planned, that all the historical buildings will be untouched, and that over half the lot is open space. Manager Leonard

commented that Toll likely would sell the four historical buildings and noted that any new zoning could specify the safety standards to which they must adhere.

Councilperson Culleton stated her understanding that Council members should not influence the Zoning Hearing Board or attend its meeting on July 14. Council agreed they can attend as residents. Manager Leonard explained that though the Zoning Hearing Board is independent, the Borough has standing, and Council can ask its Solicitor to attend and express an opinion on the Borough's behalf. Toll will have a right to a written opinion from the Zoning Board.

Notice of the Zoning Hearing Board meeting and a copy of the Plan will be posted on the website.

PennDOT RC3 Project: President Murdock advised that SAFE Engineering has been meeting with JMT. Outside of this engineer-to-engineer talk, Council should continue to use Representative Farry's office as its channel of communication with PennDOT. SAFE's most recent letter was sent to Representative Farry for distribution to PennDOT and then to JMT, which should send its response back through Representative Farry's office.

No dates have been set for the stakeholder and public meetings. The stakeholder meeting will be online, with public officials of the three municipalities participating jointly. Public meetings will probably be in September. We have not yet received a response to our request that these meetings be open to residents of all three municipalities, be held in person with a virtual option, and include public comment and discussion. Langhorne Manor and Middletown Township are also on board with this request. Councilperson Culleton proposed that if there is no response soon, we ask Representative Farry to intercede. There was agreement with Councilperson Farry's suggestion of sending a letter to JMT reiterating the request, signed by all three municipalities. Council will take the lead on drafting the letter and ask Middletown, the largest of the three, to forward it to JMT.

PennDOT has provided the Borough with some safety data, though it contained redactions. President Murdock has forwarded it to SAFE. He noted that PennDOT cannot make Route 1 safer at the expense of making the Borough less safe.

President Murdock cannot attend next week's Council meeting. Vice President Mason will chair the meeting and will ask for a motion to appoint the Solicitor to attend the Zoning Hearing Board meeting.

Vice President Mason asked Manager Leonard to let Council know how it can help with hiring for the clerk and public works positions. He replied that the community itself is the best source of referrals. Councilperson Culleton noted that hiring a secretary is urgent. Manager Leonard will expect the new clerk to serve as secretary (including record-keeping duties) and to manage the website.

The meeting was adjourned at 8:36 p.m.

Respectfully Submitted,

Rich Mason (Vice President/Scribe)

Nancy Culleton (Councilperson/Interim Secretary)