

SOLEBURY TOWNSHIP PLANNING COMMISSION

January 27, 2025

Minutes

Attendance: Lesley Marino, Dan Fest, Gretchen Rice, John Deandrea, Adrian Max, Curt Genner, (Township Engineer), Mark Freed, (Township Solicitor), John Francis, (Supervisor Liaison), Jean Weiss, (Planning Commission Administrator)

Absent: Peter Brussock, Amishi Castelli, Lia Mandaglio (Alternate Member)

I. **Call to Order**

At 7:00 p.m., the Solebury Township Planning Commission meeting was called to order.

II. **Election of Chair**

Upon a Motion made by Gretchen Rice, seconded by John Deandrea, Peter Brussock was appointed Chair.

III. **Election of Vice Chair**

Upon a Motion made by Adrian Max, seconded by Gretchen Rice, Lesley Marino was appointed Vice Chair.

IV. **Approval of Minutes – November 25, 2024**

Tabled until the February meeting.

V. **William Hargreaves & Kathryn Fernandez Conditional Use Application (2511 Aquetong Rd, TMP #41-022-186)**

The applicant proposes to construct an access driveway on the property that will cross the Aquetong Creek.

Mark Eastburn, Esquire, William Hargreaves and Jason Korczak, P.E. were present on behalf of the application.

Mark Eastburn gave a brief overview of the project stating the additional details in the plans that was requested at the last meeting has been provided as well as the Environmental Impact Assess Report and floodplain identification study. The Plans have also been revised to address the box culvert design comment and replaced with an open bottom culvert.

Jason Korczak provided additional details of the open bottom culvert.

Jason Korczak referencing the Environmental Impact Assessment “EIA” report commented they were able to meet all the requirements except for the natural resources that were at 100% protection.

Curt Genner asked if they have addressed the variance Item #1 in the Wynn Associates, Inc. review memorandum dated December 30, 2024.

Mark Eastburn stated they have not received any zoning relief yet and in reviewing that comment there is a part in the zoning ordinance section 2207 that gives the Board of Supervisors authority to grant conditional use approval to permit disturbances of natural resources greater than what is permitted in the ordinance. We have decided to go that route through the conditional use process.

Mark Freed asked if they have looked at the variance relief identified by the Zoning Officer in his January 22, 2025 letter, which references back to the December 18, 2023 letter, do you feel you need to go to the Zoning Hearing Board for relief.

Mark Eastburn stated the issues referenced in the Township Engineer’s letter and the Township Zoning Officer are for the same relief that would be needed, so no I do not feel we need to go to the Zoning Hearing Board that we can address it through the Board of Supervisors.

Mark Freed asked about the Chapter 105 permit from the DEP.

Jason Korczak stated they already had the Chapter 105 permit from the DEP that will need to be modified.

Mark Eastburn commented they will submit an addendum to the application to include the additional conditional use request.

John Deandrea asked for additional clarification on the addendum to the conditional use request.

Curt Genner asked if there is a reason why you do not want to pursue relief from the Zoning Hearing Board. Is there a reason you want to pursue a conditional use and not a variance?

Mark Eastburn stated historically it is easier to get a conditional use than a variance and considering we already have a conditional use application we would like to pursue an amended conditional use application.

Mark Freed suggested the applicant submit the amended conditional use request and appear back before the Planning Commission in February.

The application was tabled until the February 24, 2025 agenda.

VI. Conditional Use Application Acknowledgement PNCP Corporation (Pluta) 2530 River Rd, TMP #41-028-061-001

The applicant proposes a (14.3' X 10') kitchen addition, removal of an existing garage and construction of a somewhat larger garage, new pool, fencing, landscaping including bluestone patios, and burying of currently above ground utilities.

VII. Conditional Use Application Acknowledgement 1687 Lawrence Road, LLC (Wierzbowski) 2430 Aquetong Rd, TMP #41-022-100

The applicant proposes to use the Main Dwelling as a short-term lodging facility.

VIII. 2024 Annual Report

Upon a Motion made by Gretchen Rice and seconded by Dan Fest to recommend the Board of Supervisors accept the 2024 Annual Report.

IX. Zoning Ordinance Amendment – Special Setbacks for Preserved Land

Mark Freed gave a brief overview of the ordinance and the need for the amendment, specifically to clarify the intent of the ordinance.

The intent of the ordinance was not to create a hardship on existing lots, it was meant to buffer a new land development from creating a hardship on actively farmed agricultural preserved properties.

The Township has received a Substantive Validity Challenge specifically relating to the intrusive requirements currently imposed on existing lots, which is what prompted the amendment.

Dan Fest expressed a concern with the amended definition of “Active Agricultural Use” which now reads: Land that is currently being used for agricultural or has been used for agricultural in the last 12 months.

A motion was made by Gretchen Rice and seconded by Adrian Max to recommend the Board of Supervisors adopt the Special Setbacks for Preserved Land Zoning Ordinance Amendment as written. Dan Fest opposed.

The motion carried 4-1

X. Alternative Energy Ordinance

Lesley Marino gave a brief overview of the most recent draft ordinance, and expressed a concern that all the incentives have been remove from the ordinance.

Curt Genner commented that there were several drafts of incentives and several meetings with administration and it was becoming overly complicated to try to find a one size fits all. Many attempts have been made to try to come up with incentives that would benefit everyone, but always came back to fees, which the township would have to cover.

Erin Gross reiterated that the bonuses and incentives have been removed for now, but there will be an opportunity to revisit those items at a later date.

Adrian Max asked if you can use incentives without incorporating it into the ordinance.

Curt Genner stated that has already been something the Township does as part of the subdivision/land development process.

Gretchen Rice expressed concern with the site layout and building design section of the ordinance that all the “may” have been removed and replaced with “shall”.

Lesley Marino asked if the discontinued use of a geothermal system, is 1-year long enough.

Lesley Marino questioned the change in geothermal systems from 20’ deep to 15’ deep.

A motion was made by Dan Fest and seconded by John Deandrea to recommend the Board of Supervisors adopt the Alternative Energy & Passive Energy Zoning Ordinance as written with tables.

The motion carried 5-0

XI. **Park & Recreation, Open Space & Trail Comprehensive Plan Update**

John Deandrea gave a brief update on the project kickoff meeting of January 13, 2025 and the timeline laid out by Gilmore & Associates, Inc. the project consultant.

XII. **Adjournment**

Upon a Motion made by Lesley Marino, seconded by Gretchen Rice the meeting was adjourned at 9:00 p.m.

Respectfully submitted,
Jean Weiss
Planning Commission Administrator, Solebury Township