

Two conversations, one straightforward, one not

Tinicum spars over zoning application fees

Elizabeth Bowman

The Tinicum Board of Supervisors, sans Boyce Budd, had a relatively straightforward conversation with one set of applicants involving land issues, and a verbal tug of war with another at a meeting Oct. 3.

In the first case the owners of abutting properties sought to redraw the lot lines to make one larger and the other smaller. Owners Daniel Vaughn and Earl Whitmore are not proposing earth moving or any construction, merely a shift in property size.

The applicants asked for relief from road drainage studies because they do not pertain, an observation seconded by engineer Tom Fountain.

The lots in question have always been deemed non-conforming and will remain so. For final board approval, the applicants had to guarantee no further subdivision of either lot would occur. It was noted that buildings on the lots are actual-

ly over the line into the setback area and Supervisor Nick Forte asked Solicitor Bob Sugarman what legal protection the owners will have against legal action requiring the removal of offending structures.

The solicitor indicated that this agreement with Tinicum would give protection locally but he wasn't sure if a future action by some other entity would be preventable.

The next applicant to address the board was the Piper Group, represented by Robert Gundlach, who was present to voice objection to an application fee levied by Tinicum.

A few months ago Tinicum passed an ordinance requiring all parts of an application be complete, including payment of fees, before review would begin. Gundlach opined that the applicant does not owe the fee in that Tinicum received a check for that charge at the time of the original application along with an escrow payment of \$30,900. Tinicum cashed the former check but not the latter.

The current application has not begun the review process because Tinicum wants the fee first, though the township has cashed the new escrow check of \$23,700, changed from the original amount of \$30,900 because the number of units of development has decreased.

Gundlach continued to argue that this is an ongoing application for which the fee has been paid while the supervisors retorted that this is a new application and the previous fee was used in addressing the first application which was ultimately rejected.

Tinicum's solicitor pointed out that the applicant had gone so far with the previous application as to appeal it at a higher level making the recent application new.

Gundlach stated that in his opinion the application should only have to consider ordinances that were in effect in June 2005, the time of the original application, and not June 2006, the date of the recent one. Gundlach said that he was

unaware of any ordinances and had not been able to investigate their possible existence.

Sugarman and other members of the board at first thought that the issue was moot because they thought no new ordinances had been passed in that time but Damon Ahern spoke up to ask the board to follow the policy it did enact requiring that fees be paid in full before an application is reviewed.

Ahern suggested that it is on the applicant to become familiar with any new ordinances and not a responsibility of the township to lead the applicant along.

Ultimately the township agreed to review the costs of the first application and give the applicant credit for any unused funds.

Fountain remarked that the plan remains incomplete at this time and suggested the applicant request an extension to get the planning modules finished and ready for review.

Solicitor Sugarman declared this to be a new application, asked that the appeal on the first

rejection be removed, allowed for certain fees to be deducted from the escrow and confirmed that the board would return any unused portions of the fee from the first application.

The supervisors held hearings on two amendments to the Zoning Code and one to the Second Class Township Code. The amendment to the zoning ordinance labeled #172 offers a description of the term "substantial damage" relating to flooding, and a definition for "Repetitive Loss." Amendment #173 describes the measurements of vertical distance for an historic bank barn, and broadens the description of impervious surfaces.

The amendments to the Second Class Township Code #174 essentially bring the ordinance into compliance with state law. This section deals with tax collection. There will be no change in the amount of tax collected only in who collects it.

The next meeting is 7:45 p.m. Oct. 17.