

TINICUM TOWNSHIP
PLANNING COMMISSION
August 26, 2025 – 7 pm

MEETING MINUTES

Committee Members

Dr. David Upmalis, Chair; Terry Johnston, Vice Chair; John Clement, Secretary; Neil Sullivan; Luke Sorenson; Dan Ullman; Melissa Gustafson

Roll Call of Members

Present: Dr. David Upmalis, Chair; Terry Johnston, Vice Chair; John Clement, Secretary; Dan Ullman; Melissa Gustafson; Neil Sullivan.

Absent: Luke Sorenson;

Number of Public in Attendance: 13, including Township Supervisors John Cole, Eleanor Breslin and Michael Kauffman

Call to Order: Dr. Upmalis

Public Comment: None

Approval of Meeting Minutes

MOTION by Ms. Gustafson and seconded by Dr. Upmalis to approve the Planning Commission minutes of July 22, 2025. **Unanimous Vote to Approve.**

Agenda Items

New Business

1. Application: ZHB #2025-3
Location: 80 Stagecoach Road
Owner: Schwarzkopf Revocable Joint Trust

Property owner Don Schwarzkopf presented a history of the property, which is 46 acres in the RA District, and added that he understands the benefits of local zoning – that usually local regulations are what make a place desirable to live in — and said he would abide by all Township Ordinances. However, because of financial and other considerations, including the need to store personal items prior to construction of the home, the applicant wishes to be able to build a garage before building a principal dwelling. He questioned the Township zoning officer's interpretation of the language of the Ordinance to require that because an

accessory building is defined by its relationship to a primary dwelling, building the garage first would not be allowed.

A wide-ranging discussion followed. Mr. Clement said he didn't see what the Township would gain by preventing construction of a garage before the principal dwelling, especially if the owner was willing to provide a covenant that it would not ever be used for any purpose other than a garage. But Dr. Upmalis and Mr. Johnston both pointed to the need for complete site and septic plans to fully understand the impact on overlay maps, stormwater management, groundwater regulations, etc., and advised against setting a precedent where a property was developed piecemeal without a fully developed plan. The potential difficulties of enforcing a covenant were also discussed.

Mr. Sullivan said he didn't think anything about the applicant's proposal was harmful to the Township, but Dr. Upmalis said he wanted to avoid the scenario that has come up before where accessory buildings turn into dwelling spaces and suggested a number of covenants would be required.

MOTION by Dr. Upmalis that the Supervisors remain neutral, but with the condition that the only facility within the garage be a bathroom, that there will be no bedrooms, no laundry facilities, no kitchen facilities, that it can never be rented, that it can never be used for commercial purposes, and that going forward the applicant cannot use the approval of the construction of the garage as grounds for a variance for future relief from the Ordinance when planning/building the primary dwelling. Seconded by Ms. Gustafson. Unanimous vote to approve.

2. Application: ZHB #2025-5

Location: 6 Ervin Road

Owner: Gregory Pavlik and Ruth Ann Pavlik

The applicant is seeking a Variance from Section 401.3 regarding impervious coverage. See the Zoning Officer's Transmittal Letter

Gavin Lebosky introduced owner Greg Pavlik and the construction contractor Justin Shiman and gave a history of the property and the proposed improvements. At issue is the allowable impervious, which hinges on the definition of lot area and what level of relief is provided per Section 811(C)(1) of the Ordinance. It was noted that when that section of the Ordinance was written, the various tiers were meant to refer to gross lot area, not net lot area. But it was agreed that there seem to be some ambiguity in the way the Ordinance is written and that it could be argued either way. The Commission pointed out, however, that because the Section includes the stipulation that "the allowable impervious in each of the categories shall not be less than the maximum square footage of the preceding category", that the applicant would be allowed more impervious if calculations are based on gross instead of net. The applicant agreed that they would amend their calculations and find a way to make the development conform with the allowable impervious.

MOTION by Dr. Upmalis that the Board of Supervisors not oppose provided that the applicant recalculate the relief provided for in Section 811(C)(1) based on gross acreage. Seconded by Ms. Gustafson. Unanimous vote to approve.

3. Application: ZHB #2025-6

Location: 755 River Road

Owner: Joseph Volpe

~~The applicant is seeking an Appeal from the Zoning Officer's Notice of Violation~~
letter dated June 24, 2025

As there was no representative present for the applicant, Dr. Upmalis presented a summary of the application. He pointed out that along with the appeal of the notice of violation from the Zoning Officer, the applicant had submitted an erosion control plan that shows additional unpermitted structures have been built on the property. \

MOTION by Mr. Sullivan to recommend that the board of supervisors oppose the appeal. Seconded by Mr. Clement. Unanimous vote to approve.

Old Business

1. Groundwater Ordinance

Members of the Bridgeton Nockamixon Tinicum Groundwater Management Committee discussed the new groundwater management ordinance developed by the Committee and Nockamixon Township over the past 10 years and proposed to be adopted by the Township. In particular, they discussed the scope of the proposed changes, The deficiencies of our current groundwater ordinance, and the ways in which the new ordinance can better protect the limited water resources of the Township. The chair of the Committee explained that the proposed ordinance was prepared based on exhaustive scientific research, including extensive well monitoring, water testing, and seasonal level testing with a sonic level indicator. Consulting hydrologist Arthur Behr was on hand to answer any questions.

Exemptions for agricultural use in the draft ordinance were discussed, with particular concern raised by the Commission regarding situations in which a well serving an agricultural operation would be exempt from the regulations, even if it was causing a negative impact on neighboring wells.

Dr. Upmalis mentioned that the Commission is currently in the early stages of updating the townships comprehensive plan, and asked if the Committee would be willing to review the groundwater section comments and or suggestions. The Committee agreed, adding the are currently doing the same for Nockamixon Township.

The Committee then answered a number of questions, including one from Township Supervisor Eleanor Breslin regarding whether the proposed ordinance had been reviewed by an attorney and whether its standards could be preempted by state Ag law. The committee advised that the attorney felt the ordinance could be sustained and that protections for water applied to all properties regardless of their use, and further that the Pennsylvania Municipalities Planning Code stipulates that each individual township is tasked with providing safe and sustainable water supply for the public.

Mr. Sullivan questioned the need to replace the Township's existing ordinance, adding that he thought there was nothing wrong with it. Members of both the Committee and the Commission reiterated the various benefits of the proposed ordinance along with the weaknesses and liabilities inherent in the Township's current ordinance.

MOTION by Mr. Clement to recommend that the Board of Supervisors repeal the existing groundwater ordinance and replace it with the proposed ordinance, with consideration of removing the existing exemptions for agricultural uses, to be further reviewed at a future date by the Commission and the Township.
Seconded by Dr. Upmalis. Unanimous vote to approve.

1. Comprehensive Plan

Further discussion on updating the Comprehensive Plan. It was agreed that Chapter 2 would be given to the Groundwater Committee for review.

Mr. Ullman pointed out the need to create updated maps for each of the overlays, adding that there was a preliminary estimate for re-drawing those maps. He also suggested letting the Board of Supervisors know the proposed process and timeline for completing the update of the Comprehensive Plan so that everyone is on the same page.

Ms. Gustafson stressed the need to streamline each chapter to make the document more user-friendly in general, perhaps by relying more heavily on the summaries at the ends of each chapter.

Mr. Sullivan suggested it would be a good idea to seek feedback from the public and establish a Comprehensive Plan committee. Whether or not a committee was called for was discussed, and it was noted that the current plan is so exhaustive that perhaps all that's needed is updating and some refining.

It was agreed that the Committee would review chapters one and two and return at the following meeting with suggested edits.

2. Warehouse ordinance.

Mr. Clement explained that the Commission had previously recommended to the Board of Supervisors that they adopt an expanded warehouse ordinance based on the Bucks County "From Logistics to Warehouse" publication, but that somehow the version that the Planning Commission recommended was not the final version that the Board of Supervisors approved. He explained that what was passed only included the warehouse definitions, but not the body of the ordinance where site requirements, minimum sizes, parking standards, off-street loading, etc. were established. Mr. Johnston agreed to compare the original draft ordinance with what the Board of Supervisors approved, to be discussed at the next meeting of the Commission.

3. Accessory Dwellings.

Tabled for discussion at the next meeting due to the late hour.

Mr. Sullivan asked that the Commission revisit the hierarchy table and replacement/new construction standards for septic systems. Dr. Upmalis said that he would talk to the Board of Supervisors about putting it on a future agenda.

Adjournment

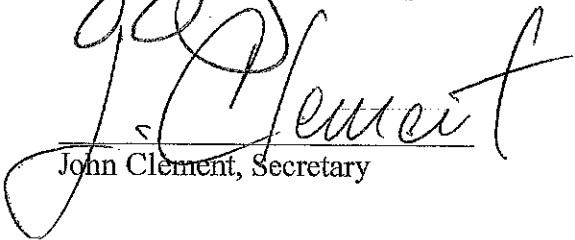
MOTION to adjourn by Mr. Johnston. Seconded by Mr. Clement. Unanimous vote to approve.

Date: 9/9/25

Approved By:


Dr. David Upmalis, Chairperson


Terry Johnston, Vice Chairperson


John Clement, Secretary