

BETHEL TOWNSHIP

PLANNING COMMISSION

May 4, 2011

The regular meeting of the Bethel Township Planning Commission was held on Wednesday, May 04, 2011 in the John L. Myers Jr. Memorial Township Building.

ATTENDANCE: Ken Laaken-Chairman Lou Torrieri-Vice Chairman
Bill Kleinert Larry Smith
Mike Maddren Dave Tustin
Matt Houtmann-Engineer Stephen Durham-Solicitor

Ken called the meeting to order at 7:30 PM followed by the Pledge of Allegiance. Ken advised that there is a recording device in the room for the purpose of taking minutes only, with a few backups. Ken asked everyone to turn off their cell phones.

Ken has comments on the Minutes; however, he asked for a motion to accept the minutes of April 6, 2011, as prepared by our Secretary. There has been discussion as to whether we should send unapproved Minutes to the Board of Supervisors. Al said they are provisional minutes that go to the Supervisors' meeting; Larry stated that provisional minutes are subject to open records and should not be sent anywhere until they are approved by this Board. Larry stated he began using the term Provisional Minutes when he served on the Sewer Authority Board as Vice Chairman; he felt they should be labeled Provisional until they were approved. There was no difference in Larry's mind between Provisional and Unapproved. Unapproved Minutes are just that; they're drafts and subject to being revised. He has been promised by Mike George that he can listen to the recording or get the April minutes downloaded, as he feels there were significant omissions. Therefore, going back to the point of Provisional or Unapproved Minutes be sent outside the Planning Commission is a bad idea. The Open Records Law provides an exception to denying requests for unapproved minutes; however, if the body sends it somewhere else, it loses its privilege as unapproved minutes. Potentially, a person can ask for a copy of the unapproved minutes and, if there is an error in favor of the developer, the developer can later use those unapproved minutes in court to attempt to assert its position in a case against this Board, the Township, etc. If a citizen doesn't have his comments in the Minutes and is unnecessarily agreed, Larry thinks it just creates problems. He researched the issue and sees no duty on the part of any of the Boards in this Township to send unapproved minutes to the Supervisors. Steve asked if the Sewer Authority was not going to send their original Minutes to the Supervisors; Larry replied that is his advice. Larry stated that the Supervisors have liaisons who attend their meetings to take notes, etc., to report back to their fellow supervisors. Dave suggested postponing approval until the final comments, etc. Ken and Steve stated that the minutes are not a verbatim accounting of everything said. Larry read an excerpt from the Manual for Municipal Secretaries issued by the Governor's Center for Local Government Services for the Commonwealth of PA. Bill stated he has sat on the Board longer than the other members and does not recall anyone coming back and questioning the

legitimacy of the Minutes. Lou stated that, since several Board members have questions about these particular Minutes, they should be researched or determined if they are correct enough to be Provisional Minutes and go forward during the next several months. Mike agreed with Larry's comments. The policy should be set that Minutes not go out until they are approved and recordings be kept until approved. Ken commented about Lou's comment to Michael Bradley, 1229 Kirk Road, that he said he did not receive a letter for Chris Panarello's property; he would like it on public record on the Minutes that he (Michael Bradley) does not abut the property in question. Steve stated that the Minutes should be tabled until the next meeting. Larry made the motion. Lou seconded the motion. Motion was unanimous. A suggestion by Larry to make a motion as to the release of unapproved minutes was tabled until next month. Larry stated that the Supervisors do not release their Minutes until they are approved; that policy should be followed for all the Boards of the Township.

Al Groer, 1412 Trimble Road, Chairman of the Board of Supervisors, stated the Minutes be marked Approved, Unapproved, or Provisional.

Larry made a motion that the amended draft Minutes for April 6, 2011, not be sent anywhere until approved by the Board. Lou seconded the motion. Motion was unanimous.

Steve Durham suggested that the recordings not be disposed of until after the minutes have been approved. A discussion about the handling of the recordings followed; Steve will look into the Township's process of handling them. Larry made a motion that the recording of the Minutes be retained on both the recorder, if possible, and downloaded on a computer and be kept until those Minutes are approved, after which they can be deleted in accordance with a schedule that the Township keeps. Mike seconded the motion. Motion was unanimous.

Ken asked for a motion to accept the Secretary's hours for the month of April. Lou made a motion to accept the Secretary's hours for the month of April at sixteen (16) hours. Larry seconded the motion. Motion was unanimous.

REPORTS:

SEWER AUTHORITY: Larry stated that the Sewer Authority is continuing to look at the cost of a line relocation in the vicinity of Princess Ann Drive and Naamans Creek Road. In its ongoing project for Naamans Creek Road, PennDOT has determined that the line has to be relocated. That work will be put out for bid and completed.

OLD BUSINESS:

DR. TIM MARTIN, 3039 Foulk Road, Parking Lot Expansion: Ken stated that Dr. Martin was approved for final approval last month; however, one handicap spot was missed, which he and Matt Houtmann caught and placed on the plan. The developer agreed to this.

BRIGGS PROPERTY, NAAMANS CREEK ROAD (19 Lot Subdivision): Matt stated he spoke to the engineer this afternoon; he indicated they are very close to getting all the third party permits. He believes they have the PennDOT permit, Matt asked him to forward it to the Township to verify they have the permit. They are at the last step of the Conservation District; once they have that approval, they should also have their NPEDS Permit. The planning modular approval is expected shortly. A comment letter was issued May 2, 2011; Matt reviewed those for the Board. Matt did inform that no plan will get by the Board without all third party permits in hand and copies of such delivered to the Planning Commission. Ken questioned Matt about the sidewalks on the front of Briggs Way or Auction Way. A discussion followed regarding snowplowing that area. Ken asked if 911 has been notified of this plan; who notifies them? Matt believes they are notified when the plan is recorded. Does the Post Office get notice (for the names of the streets) Matt replied, “no”. Ken stated that Reece Thomas usually did that. Matt said that, over the years, they have had an issue or two where they have gotten a phone call from the Post Office and 911. Matt feels it may be a good policy to contact them; he will handle it. Discussion then followed on the storm water basin.

John Slowik, 1276 Zebley Road, whose property is now for sale, asked Matt about the portion of the property line to the curb which he does not own but maintains. John questioned the placement of the Arborvitae and Honey Locust and whose responsibility it would be for replacements, if they fail. Matt stated the developer would be responsible until the property is dedicated; Steve said they would not have to be replaced. Piping under the ground was also questioned. Ken asked if boxes could be put on the front of John’s property; i. e. cable, etc. Signage for the development was discussed. Ken asked if the Fire Marshal had approved the Brigg’s development, to which Matt replied that he did approve it.

RAY BROWN, 1515 Garnet Mine Road: Matt stated they were still waiting to get their storm water approval from DEP.

LIONTI PROPERTY, 3120 & 3130 Booth Drive: Mr. Nelson Sack updated the Board on the property. All the sewer work has been done that Guy can do, except for hooking up the two (2) sewer lines after Mr. Tim Durham code inspector, inspects the closings. Mr. Nelson Sack asked for an extension. Larry made a motion to grant the application’s request for an extension to June 15, 2011, providing that the appropriate application is signed before the Supervisors’ meeting. Dave seconded the motion. Motion was unanimous. Steve Durham clarified that Mr. Tim Durham is associated with Chili’s Inspection Services, no relation to him.

CHRIS PANARELLO, Commercial Property/Kirk & Foulk Roads. Jack Robinson gave a brief background of the property. They have revised the plan as per a number of Matt’s comments; because of a discussion with Matt including the right-hand turn lane, a full set of revisions was not done. Ken stated the right hand turn was the result of a complaint from Merrilee Demut, 1231 Kirk Road, at last month’s meeting regarding the heavy traffic on Kirk Road. She also asked for an exit from the proposed property onto

Foulk Road. Larry suggested that a traffic study be done now. Jack clarified that what Larry was suggesting referred to the area between Kirk Road and Naamans Creek Road by widening, almost adding a lane. Ken stated that the applicant would probably have to go to PennDOT to request adding another lane; Matt feels a meeting should be set with PennDOT now to review the concerns. A lengthy discussion followed.

Dr. Panarello, Brinton Lake Road, Concordville, stated he had a long conversation with a PennDOT engineer; they don't want traffic coming out on Foulk Road. However, they did not want to take any property because of the expense. It would be a nightmare to put a merging lane there.

Ken is in favor of a meeting with PennDOT. At this point, Jack Robinson reviewed the comments in a letter dated February 28, 2011, from Matt. Mention was made about adding a third building; Ken questioned this and was assured that this is not being planned at this time. Curbing was discussed in detail; the developer requesting that it be eliminated wherever walls are erected. Ken suggested that the property look similar to the Century 21 and Weso's properties by not using the safety devices but using brick or stone in the front of the buildings, rather than glass to the floor. Further discussion will take place at next month's meeting; at this point, it appears that the Board will go with the curbing. Matt stated that he will not approve the plastic double walled pipe which PennDOT has approved for public roadways but does not object to their using it on their private system on the property. The Board agreed with this. Accessibility to the location of the dumpster for trucks coming onto the property to empty dumpsters with only a 24-foot roadway plus the relocation of the dumpsters was discussed.

In further discussion, Matt feels the entire island around the building should be curbed. Ken questioned the Board regarding their feeling about curbing around the parking lot; agreement was curbing around the building only.

Jack summarized that the new outline would be for three (3) larger stores; could be more, depending on size. Type of stores was discussed briefly. Ken questioned the type of lights and stop signs to be used on the property.

Gene Bentley, 1429 Grams Way, is concerned about the traffic. Ken feels the right-hand turn lane will be very helpful. Gene suggested a traffic impact study, which Ken does not feel will help at this time because of Naamans Creek Road being torn up. Matt thinks the meeting with PennDot and instituting whatever can be done towards widening and additional lanes to mitigate the congestion will be a big plus. Steve commented that PennDOT will initiate a traffic study, if they feel one is necessary. Ken asked for the criteria of such a study Square footage?; Matt said they will study the plan, the stores, traffic, etc.

John Rheinstadler, 1425 Grams Way, said he would be a little concerned about presenting the study based on square footage, business, and letting PennDOT decide on a traffic study. There are two (2) surge businesses, a Farmers' Market which is opened on Friday nights and a bank which is also a Friday night business, which should be presented

to PennDOT. John asked about location of signage for the property; Steve said it would be a 30 square foot sign located on the ground. Regarding hours, Steve said there is no ordinance in the Township regarding hours of operation. Larry stated that everything talked about in terms of leeway with piping, curbing will be discussed in the context of hours limitations being put on the plan. Larry reiterated his comments that we are in the process of planning improvements to Kirk Road; to the extent possible, this should be done in conjunction with consideration of this plan. The Township has an obligation, as well, independent of this body, to plan Kirk Road as best it can; since this development is going in, it's a synergistic effect.

Lou questioned the storm water basins not showing, which had been discussed earlier. They were pointed out to him.

Shawn Dignazio, 3760 Donald Drive, commented that the right hand lane will make a huge difference. If a traffic study is done to widen Foulk Road (Shawn was an appraiser at one time and has been doing a lot of appraisals), there will be so much money spent, whether from PennDOT, eminent domain, or someone picking up bills.

NEW BUSINESS:

Ken reminded everyone that May 15, 2011, is the Log Cabin Day, which includes the Abe Lincoln look-alike contest.

Bill stated that their Roast Beef Dinner is Saturday, May 14, 2011, at the church (carry-out).

Lou reminded everyone that they can visit the Bethel Township website for the minutes and agenda when they are posted and any other information about the Township, including availability and access to all the codes.

ADJOURNMENT:

Lou made a motion to adjourn the meeting at 9:33 PM. Larry seconded the motion. Motion was unanimous.

Respectfully Submitted,

Joyce M. Groer,
secretary

