

BETHEL TOWNSHIP

PLANNING COMMISSION

July 6, 2011

The regular meeting of the Bethel Township Planning Commission was held on Wednesday, July 06, 2011 in the John L. Myers, Jr. Memorial Township Building.

ATTENDANCE: Ken Laaken-chairman Lou Torrieri-vice chairman
Bill Kleinert Larry Smith
Raj Shah Dave Tustin
Matt Houtmann-Twp. Engineer
Stephen Durham-Twp. Solicitor

Ken called the meeting to order at 7:30 PM followed by the Pledge of Allegiance
Ken asked everyone to please turn off their pagers and cell phones. Ken announced there is a recording device in the room for the purpose of taking minutes.

Ken asked for a motion to accept the June 1, 2011, minutes as prepared by the Secretary.
Ken asked if there were any comments on the minutes as prepared by the Secretary. Lou made a motion to accept the Minutes of the June 1, 2011, meeting as prepared by the Secretary, Dave seconded the motion. Motion was unanimous.

Ken asked for a motion to accept the Secretary's eleven (11) hours for the month of June,
Lou made a motion to accept the Secretary's eleven (11) hours for the month of June.
Bill seconded the motion. Motion was unanimous.

REPORTS:

SEWER AUTHORITY: Larry reported that, as part of the State Route 491 project, PennDOT is requiring a sanitary line in the vicinity of Queen Anne Drive be relocated in order to accommodate the new storm sewer system being installed in the road. The Authority put the project out to bid; the lowest bid was \$43,600.00.

The Authority's regular August meeting will be rescheduled to Wednesday, July 27, 2011, from Thursday, August 4, 2011.

Ken reported that he went to Staples and had the Land Development Notification form laminated so that the weather would not be a factor. It will now be stapled to a pressure treated pole and should not come apart from the rain. Ken talked to Chris Kimball, Corporal of the Bethel Police; Chris told Ken that he can laminate them at no charge. Larry agreed that this would be better.

OLD BUSINESS:

RAY BROWN, 1515 Garnet Mine Road: Ken stated that Ray will not be attending the meeting due to an emergency; however, we do have a copy of his revised plan, and Matt has the review letter which he will discuss. At the end of his review, the Board will make their comments, after which the public can comment directly to the Board. We request that the public state their name and address, when commenting. Matt gave a brief background of the project for the benefit of the residents, mainly changes to Buildings D and E for better marketing. Setback lines were discussed. Ken questioned the berm going up to an angle; Matt stated that the buildings migrated to the northwest because of the storm water management in that area. Matt reviewed the letter and stated that many of the comments have been resolved; a few items reviewed are: Ken questioned who is responsible for **Item 6** concerning the applicant obtaining services of certification test agency to verify stability of fill brought on the site. **Item 9** concerning going before the Sewer Authority was discussed; they feel the changes to the plan are not substantial enough; Matt feels they do need to do this. Larry stated that he sent Matt's letter to Walt Fazler; they do need to file their plan and make application to the Sewer Authority. **Item 14** concerns cuts to fill; Matt has requested a large note be placed on the plan stating that no blasting will take place without obtaining required permits and approval from the pipelines that traverse the site. **Item 15** – 22' retaining walls: Matt Houtman is asking for fully engineered design wall details to be provided and that the soil behind the walls be stabled. Ken suggested a fence be placed there; Matt said the plans do indicate fencing (42") and guide rails anywhere there is a walk. Dave and Ken feel the fence should be 6'. Ken also suggested a "Danger" sign. **Item 16** – Matt stated that any fill brought onto the site will require a Land Disturbance permit showing where the fill is coming from and when, so the location can be verified and tested, if necessary. **Item 18** – Approval from the Township and Conservation District that the excess soil is appropriate. **Item 19** – Need additional evergreen trees planted. Steve asked for an explanation of a fore bay, which Matt explained in detail. Larry questioned #2 regarding the comments from the Delaware County Planning Department; Matt replied that should be a part of the Delaware County Planning Department's review. Joyce was asked to provide a copy of that review for the Board members. It was questioned why they are increasing their office space by 30% in Building E, the answer to which Matt did not have. Bill questioned the total building coverage which appears to be 27,000 square feet additional; Matt replied "yes". Lou is concerned about the land and earth disturbance, in view of the fact that a 22' wall will be built. Ken stated that an engineer structural drawing will be obtained. Dave asked if the wall could be terraced, perhaps a 3' section.

Lori Sanders, 1437 Arbor Drive, stated she has never been notified of anything at the site. Ken checked the mailing list; the letter was returned as it was mailed to the former owner, "Moyer." Larry suggested that a re-certification letter for the extension be sent to the adjacent owners via regular and certified mail. Lori asked what the next step for the applicant will be. Matt and Lou explained the process. Lori requested that the Commission be certain to notify the residents if the blasting permit is issued and commented about the wall and terracing it. Fencing was also discussed. Lori asked if the Commission or Matt knew the nature of the warehousing. Ingress and egress will be via Garnet Mine Road.

Linda Bauer, 3074 Booth Drive, stated that she has lived there for thirty (30) years and the one notification letter she received was at 2:30 PM on the day of the meeting. Steve explained the procedure for the certified letters and the meeting that follows. Linda commented that either Ray or the renters have their dumpsters emptied at 3:25 AM and asked for the home owner's telephone number so they can call him at 3:25 AM. Ken commented that he believes the time for emptying is on the plan; this will be discussed with Ray at next month's meeting. She is also concerned with the expansion of the buildings, as it will affect their already declining property values; the residents are hoping the Planning Commission will think about them rather than their revenues. Linda also mentioned the animals and where they will be able to go; they are now going on the residents' properties. Ken stated Ray has the legal right to build on the property and is building according to code; Lou explained the Township's position. Steve stated Ray has already been approved to build; he is now asking for changes.

Tim Conlon, 1442 Arbor Drive, stated he has never been notified of a meeting. He was told by Ray Brown that he would be a football field from his house and the second story building would be so far in the ground that he would not know it was there. Tim feels he is too close and does not know how he is going to blast.

Lori Sanders, 1437 Arbor Drive, questioned Matt about buildings and bays on the plan and what kind of trucks will be going in there and the noise generated. She asked if the traffic study will now change because of the increase in the size of the buildings. Ken said Ray and his engineers, Commonwealth Engineers, will be at the next meeting and the trash and noise issues will be discussed.

Jack Daniels, 3068 Booth Drive, asked if the setbacks will remain as stated; Ken replied "yes" and suggested that he come to the next meeting.

Jackie Phillips, 1217 Kirk Road, asked about the noise ordinance in Bethel; Steve replied that he is not sure that there is a, per se, "noise ordinance". He will research it and suggested that she look on the website.

Linda Bauer, 3074 Booth Drive requested that the Planning Commission make the property in question aware that the residents request 300 feet. Ken said the Commission can say that but can't hold them to it. Larry said that where we can do something, we will be very aggressive about trying to do that.

Lori Sanders, 1437 Arbor Drive, asked where the comments which were made can be obtained, since they are public record. Matt has extra copies.

Tim Conlon, 1442 Arbor Drive, asked how much the raw plan stands today.

Lori Sanders questioned the required setback and buffer.

Tim Conlon stated that Mr. Brown should be looking at the plans which have already been approved and not take any more space toward the residents. Ken stated Mr. Brown

has the right to build to the buffer and the limits, as it is his property; he is not taking anything from the residents. Ken said the Commission will look at the new plan and do everything they can for the residents.

Matt said that, before a motion is made, the Commission may want to grant only a thirty (30) day extension so the certified mail can be done.

Larry made a motion to extend Ray Brown's 1515 Garnet Mine Road, with the condition that the applicant provides proof of mailing by regular mail as well as Certified Mail, Return Receipt Requested, to all the currently noted owners contained in the tax database of the Delaware County records. Before speaking to the Commission, Ray must show that he has attempted to make certified mailings and regular mail; other people might come who did not get the certified. Lou seconded the motion. Motion was unanimous. Larry suggested that the request go to Ray in writing.

CHRIS PANARELLO, Commercial Property/Kirk & Foulk Roads. Matt said he copied the Planning Commission on the memo he sent to the applicant about performing a traffic study, with which he was not too pleased. They do not know what the ramifications of that will be on their plans; they indicated they are talking to traffic engineers and PennDOT to get a handle on what the impacts of the traffic study may be. Matt did not go into the three (3) projects with him. Matt said a properly prepared traffic study is supposed to research and make allowances for pending subdivisions, vacant land that may be subdivided, as well as basic increases in traffic flow.

Larry stated that he feels the same notification problems as seen on this plan have plagued this applicant. He would like to see a fresh notification as talked about earlier in the meeting, be a condition to any extension. Steve asked if there is any other neighboring property owner which the applicant needs to notify, i. e., the lot between his house and the subdivision owned by Booths Corner. Ken said he has spoken to many of the residents in that area; they said they were all notified. Larry feels that everyone should get as much notice as possible. Lou stated that he does not feel that in this development there are any outstanding residents who did not receive the required notifications. Larry thinks we are in compliance with the ordinance; the problem is that the ordinance is deficient and not enough people are getting notification. Lou feels we need to establish the criteria for any development that comes before the Board to ensure that all "neighboring residents", in addition to those residents who have adjoining properties, must legally be notified. The Planning Commission agreed that we need to review the method used for notification of neighboring residences that are not adjoining the development property as prescribed in the current ordinance.

John Camero, 3150 Stillwood Lane, commended Ken and the Board for the interest they are taking in these two (2) projects; however, he cautioned the Board and the Township because the legal responsibility enabled by the ordinance is on the developer, not the Board or Chairman. The Board's role is to enforce that this happens. This process has worked for 100 years; in John's opinion, the Board should not talk to the developer until the sign is up for the proper amount of time. Regarding notifications, the

Ordinance is clear; the developer needs to legally notify the adjoining properties. The Township needs to make sure the green cards are accounted for; if not, the Township should not talk to the developer. Ken explained to John the reason he knocked on Tim's door. Steve agreed with John; we should not assume responsibility for anything that doesn't belong to us.

Merrilee Demuth, 1231 Kirk Road, agreed 100% with John and stated that the developer has not been out at all; she feels that notification of neighbors is important. She continued with the amount of traffic Friday nights, pictures of which she has in her possession. Larry suggested that she print out or e-mail them to the Township for the Board to see. Ken said a traffic study will be done and a right-hand turn lane will be made. Lou asked if there is a timeframe when this happens, summer and winter. Merrilee asked that the traffic study by PennDOT be done in September.

Shawn Dignazio, 3665 Donald Drive, stated that as a developer he can attest to the fact the signs and green notices only take the developer 10 - 15 minutes to complete and ensuring the required signage in place is not difficult.

Jackie Phillips stated that the Township, tax money is now paying the Police Department to laminate the signs. Ken said "no"; he is going to do them on his own time.

CHRIS PANARELLO-LAND DEV.: FOULK AND Kirk Rds.

Raj made a motion to extend Chris Panarello for thirty (30) days. Ken disagreed and would like to extend it for ninety (90) days. Raj feels it should be thirty (30) because he has not put up the signs. Larry seconded Raj's motion. There was a tie vote 3 to 3. Lou made a motion to extend Panarello to October 15, 2011, provided he signs the extension by July 12, 2011, Supervisors meeting. Ken seconded the motion. Motion was unanimous.

Lori Sanders 1437 Arbour Dr. questioned the 100 foot setback. Ken said this is commercial; there are no setbacks.

NEW BUSINESS:

Dr. Shaffer reported that early last month 128 of the 5th grade Bethel Springs students visited the Log Cabin. They were very interested and asked very intelligent questions. He received a letter from the students thanking him.

ADJOURNMENT

Lou made a motion to adjourn the meeting at 8:56 PM. Raj seconded the motion. Motion was unanimous.

Respectfully submitted,
Joyce M. Groer, Secretary

