

BETHEL TOWNSHIP

PLANNING COMMISSION

August 3, 2011

The regular meeting of the Bethel Township Planning Commission was held on Wednesday, August 03, 2011 in the John L. Myers, Jr. Memorial Township Building.

ATTENDING: Ken Laaken-chairman Lou Torrieri-vice chairman
Bill Kleinert Dave Tustin
Raj Shah Larry Smith
Mike Maddren Stephen Durham-Twp. Solicitor
Steve Wasylszyn-for Matt Houtmann-Twp. Engineer

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

Ken asked for a motion to accept the July 6, 2011, Minutes as prepared by the Secretary. Lou made a motion to accept the Minutes of the July 6, 2011, meeting as prepared by the Secretary. Dave seconded the motion. Motion was unanimous.

Ken asked for a motion to accept the Secretary's ten (10) hours for the month of July, Lou made a motion to approve the Secretary's ten (10) hours for the month of July. Bill seconded the motion. Motion was unanimous.

Ken asked everyone to take notice of the sign which he had in his yard since the last meeting which he feels weathered pretty good. Ken had a few more made; and Mr. Brown posted his property at the end of Arbor Drive.

Lou suggested that a system be implemented similar to the one in use by the Zoning Board, numbering all the applications, effective today. Example: PC8-03-2011-1. Lou feels this would be a better way to track the applications. Ken likes the idea but questioned the numbering and suggested that everyone think about it for a vote to be taken at next month's meeting.

REPORTS:

SEWER AUTHORITY: Larry reported that the Sewer Authority has been requested by the PA Department of Transportation to do manhole casting adjustments for the portion of Naamans Creek Road, State Route 491 Improvement Project. Under the Utility Reimbursement Agreement, PennDOT will pay for one-half of the project. Larry

thinks they are talking about the manholes from Foulk Road to the Bethel line. Newer types of casting that will allow less infiltration of storm water into the sanitary system will be used. Minutes for the Authority meeting held last Thursday will give more information on that, when published. Ken asked if electrolysis will kick in if two (2) different types of metal are used. Larry replied that whatever goes in will be state of art technology. Bill asked if new developments will have to go with this new style of outlet; Larry replied that new technology is always incorporated with new plans.

OLD BUSINESS:

CHRIS PANARELLO, Commercial Property/Kirk & Foulk Roads. Ken read a letter stating that, due to the severe downturn in residential real estate, Mr Panarello is withdrawing his application for development at Kirk and Foulk Roads; hopefully, he will reapply when the future looks a little better. Lou made a motion that we accept the letter from Chris Panarello withdrawing his application for land development at Kirk and Foulk Roads. Raj seconded the motion. Motion was unanimous.

RAY BROWN SUBDIVISION, 1515 Garnet Mine Road: Ken thanked Ray for putting up the posted signs. Vic Kelly, Commonwealth Engineers, represented Ray Brown and gave a little history of the project at 1515 Garnet Mine Road. Vic stated that the plan was originally approved four (4) years ago with 5 – 6 buildings; they are back to modify Buildings B and E which were originally a two-story type, which is not working for his clients. Ken stated that all questions from the residents will be directed to the Board after a letter from Matt Houtmann, who is on vacation, is reviewed. Residents are requested to state their name and address when asking a question. Items reviewed included: Sewer Authority approval, imported fill and responsibility, landscape plan and Arbor residents' concerns, letter from Delaware County Conservation, 6' fencing with "Danger" signs, slopes, walls, erosion, pipe clearance dimensions, and roof drains. Lou asked if the revised plans will include everything discussed tonight; Vic replied, "yes".

Lou asked if the wall and retention pond discussed in detail at last month's meeting have been resolved. Dave asked if the retention basin was on the original plan with a 22-foot altitude. Vic replied, "yes", but it may have been in the neighborhood of 18 feet. Dave asked if there was a way to terrace that so 6 foot drops would be in each section. Steve Wasylszyn stated that a 22-foot drop sounds like a big number but does not look as bad as it sounds. Vic stated he will look at the plan again but cannot promise anything. Larry asked if there was a different visual on a plan that could be more easily absorbed to see how the wall will look. Vic stated there will be an elevation and a profile when they get the actual wall design. Mike stated he did not want to get to the point of where they can't make any changes.

Lou asked Vic to show the profile with the trees. A discussion regarding the number of feet at the bottom of the trees followed. Lou asked if there was a plan for placing evergreens along there. Vic stated some of the plans have evergreens at the top in certain areas.

Lou questioned Building D and the original concept showing it as a two-story building, which is now one, and asked where the approximate height of the two-story would have been. Vic said it would have been 6' – 8' lower.

Lou stated that the distance for Building B was 455 feet from the property line originally and is now 280' and asked if that was from the building or end of the blacktop; Vic said it was from the building with a setback of 100'. Dave questioned the other one being 268'(Building E) and asked how much flat ground would be for planting trees from the property line to the slope. Vic said some planting is proposed; the existing vegetation there is wood and not to be disturbed. For the public's knowledge, Ken asked if the black silt fence running around the property is where they are stopping; Vic replied that he does not know but will find out.

Ken referred to a conversation he had with David, their engineer, regarding why they had to re-notify and stated that he knew of four (4) who never received the notice, one being Lori Sanders at 1437 Arbor Drive, a resident since 2007, and others on Arbor and Garnet Mine Road. Ken asked the source for getting names and addresses, especially for blasting notifications. Ken stated that the Sewer Authority has pretty great records; Steve Wasylyszyn said Houtman uses Delaware County's website. Vic said they work through the Township's tax records to obtain names and addresses; when blasting, they can put notices in mailboxes. Steve Durham explained the procedure for delivering the certified letters. Ken suggested that the next developer who comes to the Planning Commission sends certified letters to the current resident or "Current Resident" on the letter. As suggested by Larry at a previous meeting, a regular post office letter to the resident can be mailed stating the plans. Steve Durham stated that a certified letter cannot be mailed to "Current Resident"; regular mail can be sent along with certified. Ken asked the Board to consider his suggestion. Larry referred to Section 341 of the Subdivision and Land Development Regulations and Ordinance #73; stated he thinks there was an amendment to the Ordinance stating the notification could be sent certified mail. Steve Durham said we cannot issue a directive in contradiction to an ordinance but could require additional protection.

Lori Bauer, 3074 Booth, stated that this is not Aston Township and what they do there doesn't pertain to Bethel. Ken said we are not talking about buildings; the talk was about retaining walls and simply suggested that you can see how buildings look and are structured down. Ms. Bauer questioned the zoning of the Brown property, which is Light Industrial, and the purpose of the buildings. Lou gave background information about possible locations in the Township which covered almost two (2) years. She continued with discussing the distance of the buildings from the property line. Setbacks of the buildings were again reviewed by Vic; Steve Wasylyszyn clarified that these are scaled figures. Lou stated that the buffers are not being disturbed. The existing noise at 3 AM was mentioned; Ken said he was going to discuss that with Ray Brown but he is on vacation at this time. Lou Stated that the existing noise problem is not a Planning Commission issue; it should be reported to the Zoning Officer or Board of Supervisors. Ms. Bauer asked for the date on the letter from the Delaware County Conservation District July 29, 2011.

Bob Dainton, 3064 Booth Drive, moved to the Township in 1968 and gave a brief history of the property in question. He said it was owned by a farmer named McCann who died; his wife could not pay the taxes and put it up for sale. DuPont bought the property, and it was decided that they could build on 25 acres of the 84 acres, with the remainder to be kept as a wild life preserve. Mr. Dainton does not know if this was recorded in the Minutes. Steve Durham said the Township records will be searched; Steve said that on October 11, 2005 there was a Conditional Use Hearing at which testimony was taken with an order issued by the Board of Supervisors (Richard Hamalak, Michael George, and Sharon Hannum). A document was signed allowing for the development of the property according to the original plan which had the two (2) larger two-story buildings in these locations as opposed to what is being proposed now. Ray is coming back now because he is taking the buildings and changing the footprint. Steve said each building was enlarged 108 feet, according to information from Matt last month. Building A did not change at all; Building E increased 3,240 square feet. Steve is asking, if the building was extended 108 feet, how was 175 feet of setback lost. Discussion followed on the shifting of the buildings. Ken asked about bringing in more fill to raise the property and move the property over; Vic discussed the balancing associated with this change.

Bill stated that one of the neighbors called him regarding the issue of 25%, not 25 acres, of building space. Bill talked with Matt and feels the LI1 and 2 maximum build-out space can only be 25% of the area; Matt said this particular plan is well within that 25% of the build-out of the total area, including the new additions. Vic agreed and said they are at 12.6%, half of the 25%; they are not aware of any deed restriction.

Linda Bauer, 3074 Booth, thinks there may be a variance where building can be done. Linda asked why they had to be involved, since there 84 acres. Ken stated it is Ray's property and he's within the laws to do it. Larry said all these questions need to be discussed with Ray Brown.

Lori Sanders, 1437 Arbor Drive, referred to the Delaware County Conservation District and asked what kind of time line would be imposed on Mr. Brown, in view of the building shifting. Vic said they have been working on this for 1-1/2 years; any minor changes affect utilities, etc., and could be another year.

Tim Conlon, 1442 Arbor Drive, stated he was never notified for the original application and asked when it was approved. He feels they were never notified properly. Tim said that he was told by Ray that the building would be a football field of trees away from his property. Tim feels the buildings are too big and too close to the properties.

Linda Bauer, 3074 Booth, asked if there is a way to check on the variance as far as conservation and number of acres. Steve Durham explained the definition of "variance"; Steve explained that there is no variance in this case; in 2005, a Conditional Use Hearing was held in the Township with the Board of Supervisors granted an order to allow the

property to be developed. Steve again reviewed the process that Ray Brown followed for submitting his plans for the property.

Mark Rowles, 3080 Booth, asked that the mailing list be updated to include his address (he has been a resident for one (1) year).

Larry Troutman, 1419 Arbor Drive, asked if there would be an extension on Arbor Drive to Ray's property; Ken replied "no". Ken cannot say that would be forever.

Bill commented that he lived near (or on) Arbor Drive a few years ago, has walked in the area in question, but was not aware of the amount of grading back there until he went back and walked extensively.

Linda Bauer, 3074 Booth, stated that the former owners of her property topped the trees on the property. In driving by and looking at the tree line, there are giant trees can be seen with a great big dip at their property. She drove back to Ray's property and commented that she could not see any of the residents' properties.

NEW BUSINESS:

Corn Boil: Lou informed the audience that August 14, 2011, is the Township Corn Boil at the Bethel Springs Elementary School, 4 PM – 8 PM. The Township is looking for volunteers to help prepare for the Corn Boil on Saturday and Sunday mornings and again in the afternoon and evening for the movie night. Shucking corn will take place at 10 AM. This is a catered affair, lots of corn, watermelon, etc.

Website: Lou commented that all the minutes, the agendas, all information about the Township are on the website.

Naamans Creek Road: Bill informed everyone that the new gazebo at the John Adkinson Park has been built; they are in the process now of installing a fountain in the pond.

Chris Panarello: Steve Durham said that he anticipates that next month they will be before the Board of Supervisors to comment on Chris Panarello's plan on the opposite side of Kirk Road for the houses; he is asking for rezoning from C-1 to C-2.

Lou made a motion to adjourn the meeting at 9:15 PM. Bill seconded the motion. Motion was unanimous.

Respectfully Submitted,

Joyce M. Groer.
Planning Commission
Secretary