

# BETHEL TOWNSHIP

## PLANNING COMMISSION

September 7, 2011

The regular meeting of the Bethel Township Planning Commission was held on Wednesday, September 07, 2011, in the John L. Myers Jr. Memorial Township Building.

### ATTENDANCE:

Ken Laaken-Chairman

Bill Kleinert

Larry Smith

Raj Shah

Stephen Durham-Twp. Solicitor

Lou Torrieri-Vice Chairman

Dave Tustin

Mike Maddren

Matt Houtmann-Twp. Engineer

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. There is a recording device in the room for the purpose of minutes; we only have one (1) microphone, so please speak up.

Ken asked for a motion to accept the August 3, 2011, Minutes as prepared by the Secretary. Lou made a motion to accept the Minutes of the August 3, 2011, meeting as prepared by the Secretary and Dave seconded the motion. Motion was unanimous.

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

### REPORTS:

**SEWER AUTHORITY:** Larry stated that, as a result of the recent hurricane, the Sewer Authority lost electric power to all their pumping stations; however, all the generators kicked in as intended. There were no problems except for inspections being done by their contractor to make sure the generators remained functioning until power was restored to various parts of the Township.

### OLD BUSINESS:

**RAY BROWN:** Vic Kelly, Commonwealth Engineers, reported that they had a new review letter from Mr. Houtmann which will be taken care of. They have taken care of the buffer on the residents' side with a string of white pines.

Ken referred to the chain link fence which was discussed at last month's meeting and Dave's suggestion that it be stepped out with the retention pond. Dave continued with his thoughts regarding the positioning and maintenance of the fence.

Matt stated that the comments in his last review letter have been satisfactorily addressed, except for one concerning enough information is on the plan about the roof leaders being piped to the proper inlets, which has been added. Matt stated that, if the Planning Commission is satisfied with their issues, he has no objection to their taking some action tonight.

**Tim Conlon, 1442 Arbor Drive**, feels the buildings are too close to his property. He asked what kind of safeguards the residents will have to this turning into a 24/7 industrial park. Ken stated that he talked to Ray about the trash; any trash issues should be referred to the Township Building; they will call Ray.

**Steve Durham** asked how many white pine will be planted and the height of the trees; twenty (20) will be planted, 6' in height. The trees should grow to 40' and be a good sound barrier. The positioning of the loading docks was also discussed.

Lou questioned the estimated time of development; Ray replied that at least 90% of his other building needs to be leased before they start building.

Lou made a motion that the 1515 Limited Partners, Phase II project, receive the recommendation of this Board to proceed to the Board of Supervisors for final approval. Bill seconded the motion. Larry abstained.

### **NEW BUSINESS:**

**CHRIS PANARELLO, North Side of Kirk Road Changes from C-1 to C-2:** Steve Durham stated that this is not the traditional Planning Commission activity. Normally, a set of plans is given to the Engineer who examines the complete details of the entire plan and makes comments to ensure all elements of the plan meet Bethel Township codes and ordinances. This is different in that Mr. Panarello has asked for a change in the zoning of his entire property from C-1 (Commercial District) to C-2 (General Business District) without a specific plan in place. As a part of that, the Township will hold a public meeting with a court reporter and testimonies taken under oath from Mr. Panarello and his experts with Steve cross-examining. Under statute, the Township is required to ask Mr. Panarello for his opinion as to why the zoning district should be changed to C-2. Mr. Panarello asked if comments were being asked tonight or recommendations of "yes" or "no". Steve replied that comments are being asked, not necessarily recommendations.

Larry asked when Steve anticipates the hearing taking place, to which Steve replied that he doesn't anticipate a date yet; that will be set at the Supervisors' meeting next Tuesday. Larry asked if the public would be able to ask questions at that hearing; Steve replied, "absolutely, they can ask questions and get answers". Steve said that, if the Township desires, they can hire a planner to attend the hearing, look at the plan, and make their recommendation. Ken asked if the applicant has made application to the Township; Steve replied that he did. In order for an applicant to change from C-1 to C-2, Ken then asked if he has to acquire two (2) pieces of property. Steve said he has two (2) parcels and feels they will be better as C-2. Ken asked if Mr. Panarello can develop the property

as C-1; as Steve understands it, Dr. Panarello does not think he can develop this property financially as C-1 because of restraints on the property.

**Chris Panarello, Jr., 1220 Kirk Road:** Steve asked Chris if what he told the Board was correct; Chris replied “yes”. Steve asked how much property he owned, to which Chris replied “approximately seven (7) acres (2 parcels); the zoning change is being asked for both parcels.. When asked by Steve why he thinks C-2 would be better than C-1 for the parcel, Mr. Panarello said that, under C-2, he could have a few lots with several small businesses, which would work better economically. Steve asked if there was a particular use which he had in mind, to which Mr. Panarello replied that he did not. Steve commented that being the case he would be back for subdivisions, to which Mr. Panarello agreed. Mr. Panarello did mention putting a McDonald’s on the property; however, Ken stated that he does not believe a McDonald’s would be allowed, since it has a drive-in. Ken said that C-2 allows drive-ins; C-1 does not. Dave reviewed C-1 and C-2 concerning types of stores/businesses and other uses allowed for the Board and audience. Ken stated that one-acre lots would be necessary under C-2. Larry stated that there is a difference in approach to the Ordinance between C-1 and C-2 and feels it can be illustrated by looking at the zoning map.

Following are remarks made by Lou Torrieri concerning the property across the street and input from the residents in the area; Lou asked Mr. Panarello how he feels about the residents and their concerns: Mr. Panarello reviewed the area and proposed buffers for the property. Lou is concerned about the access to the property for the type of businesses which are being proposed, which are similar to the property across the street for which the request had been withdrawn.

Lou asked: “Why are you requesting a zoning change? .

And stated tht this needs to be explained. “In lieu of all the discussions the Planning Board and the residents have had regarding the previous development plans for the tract on the same corner of Kirk and Foulk Rd. I feel the very same questions and concerns will resurface but this next time with a more aggressive attitude and potentially more objections from the residents resulting from the additional land use and allowable provisions under a C2 zoning versus the current C1 zoning.

If you withdrew your previous application of the Kirk Road property due to a weak economy, what has changed for you now to seek a zoning change for a property that will have the same access to Kirk and Foulk Road?

Residents’ concerns as well as this Board’s concerns over traffic, congestion, safety and noise are still foremost in any future plan review. How do you feel about all the concerns your neighboring residents have about the type of development you may be planning for this parcel?

Lou read aloud the comparisons of Allowable uses C1 versus C2 uses by-right and special exceptions.”

Ken asked for clarification of C-1 regarding the road frontage, Steve responded. and Matt also mentioned that Foulk Rd. road is a state highways; Larry added his comments and referred to Section 1104, Special Regulations, of C-1: "In order to encourage sound and attractive development, the following special requirements shall apply ..."; this does not appear in the C-2 regulation. Steve said a matter of concern by the residents is the traffic in that area, a traffic study being done, and who would bear the cost for it. If this is rezoned to C-2 and includes the C-1 across the street, which is owned by the same applicant, Steve thinks the cost of that traffic light will become more reasonably placed on that applicant.

**John Camero, 3150 Stillwood Lane,** stated that redefining zoning districts has never been entertained as far as he understands the history of Bethel. A Pandora's box will be opened which will affect former developers and any future developers going forward. The shift from C-1 to C-2 will increase the property's value. John stated that to take this specific position for one developer to make it more attractive makes no sense to him.

**Chris Panarello, 299 Brinton Lake Road, Thornton,** owns property on Naamans Creek Road, commented that everybody has a personal financial situation. He stated he had tried to develop a two-acre parcel across the street and invested \$20,000.00 without scratching the surface. He continued with changes being necessary as time goes on. Ken explained the Area and Bulk Regulations for C-2.

Lengthy discussion followed on zoning issues in Concord which have been taking place, ending with types of businesses being permitted in C-1 and C-2.

Ken questioned Matt about the amount of wetlands in C-2 that would need to be disturbed if the property access road went out on to Foulk Road. Matt said there are locations which are less than 100 feet in width they would need to cross, which could be done.

**Merrilee Demuth, 1231 Kirk Road:**

Commented on the discussion indicating that she would like to have copies of C-1 and C-2

District requirements, she indicate that the owners should sell the property, since they don't know what to do with it.

She also questioned why we should hold a public hearing, if they don't know what to put there..

Seven acres in question ... one property only? Two (2) properties connected? Or are they separate.

She indicated that she is concerned about change in property; a lot of wetlands have already been filled in.

She wants certain homes on Kirk Road preserved.

She wanted to know the type of stores being suggested.

And wants to make sure that a traffic light is considered since this is making it a major intersection.

Even though major access is off Foulk Road, Larry asked if it is possible that secondary access would be off Kirk Road, which could wind up being a primary access. Matt said that it could be a secondary access.

Ken said that Merrilee's comments have been well taken and suggested she come to the Supervisors' hearing and state those and her neighbors, as well.

**Garry Lanahan, 1334 Zebley Road**, questioned Section 1202, Special Uses. Do the Special Uses pertain to the uses for Special Exceptions. Steve could not answer the question since he did not have the zoning ordinance. After being provided a copy, Steve replied that would be correct.

Lou's concluding comments follow:

**“Zoning** -- Bethel Township over the past 15 years of rapid development has adhered to the initial zoning regulations for all previous land developers. All these land developers have successfully completed projects and communities without receiving zoning changes to subdivisions or property development. The guidelines set forth in the Bethel Township Comprehensive Plan have also been followed as prescribed.

After reviewing the expanded uses permitted under the C2 zoning change, I feel there is the potential to allow the creation of a nuisance commercial district adjoining both residential and existing commercial properties. The Township will require more Police attention and activity for the additional allowable types of retail businesses under a C2 zoning change versus the current C1 Zoning.

The current zoning regulations and C1 and C2 districts were established years ago by the Bethel Township Board of Supervisors to preserve and ensure that this township remained a safe and balanced community of residential and commercial use.

Even with the double digit growth of Bethel Township over the past 20 years our residents and commercial users have benefited from the guidelines of the Township Zoning Codes and just as important, the Bethel Township Comprehensive Plan that was adopted and approved by the Board of Supervisors and updated in 2006 and reviewed again in 2009 by a Township Comprehensive Plan review committee.

At that time no changes to the Zoning Codes or Comprehensive plan were recommended. That review committee felt that Bethel Township was in fact on the proper growth track and following the plans and Zoning Regulations as designed and approved by the Bethel Township Board of Supervisors and that no further changes were required.

The proposed zoning change for this parcel is not consistent with Bethel Township Comprehensive plan.

Fundamental to this review is the accommodations of growth to ensure compatibility with existing use of surrounding residential and commercial land uses as outlined in the Comprehensive Plan and the Bethel Township Zoning Codes.

I feel this zoning change will not result in any substantial increase of tax revenue for Bethel Township nor will it enhance the lifestyle of the existing community. The current allowable uses under the C1 Zoning Codes offer a wide variety of business opportunities.

As a result I am not in favor of a Zoning change for this location and do not feel that Bethel Township has created any hardship for the future development of this parcel.

I feel that changing the allowable use of this property will have a negative impact on the surrounding residents and burden the Township with a potential commercial development not compatible with the existing character of the community.

My recommendation is to not change this parcel from C1 to C2 and maintain it as C1 as prescribed by the current Bethel Township Zoning Code.”

Larry asked that Minutes as approved at our next meeting be the official reference to the comments and recommendations of the Planning Commission. Dave feels it should include details of all the discussions, not just overviews.

Chris Panarello questioned asking, under C-1, for a special exception for a day care. Steve replied that would be a Variance and come under the Zoning Hearing Board.

Ken stated that all in favor of turning Chris Panarello, 1220 Kirk Road, C-1 to a C-2 say “aye”. No response. Opposed say “aye”. All members response “aye” for the opposition vote. Ken stated that the recommendation of the Board is not to change it to a C-2 zoning. Larry suggested that this be made into a motion.

Lou made a motion that the Board recommends that the parcel at 1220 Kirk Road be retained as a C-1 and not changed to a C-2 zoning. Raj seconded the motion. Motion was unanimously approved.

Ken told Chris that he will now need to go in front of the Board of Supervisors; this is just a recommendation Board; the Supervisors will have the final say. Steve suggested that, after hearing the comments tonight and the audience and Board determine that they do not want the zoning change, they let us know before a hearing date is set next Tuesday.

**Dr. Shaffer** informed the audience and Board that the annual Founders’ Day event will be happening, Saturday, October 8, 2011, at the Fire House ..... games, house tours, etc. He will leave flyers on the back table.

Lou asked everyone to visit the Bethel Township website for the meeting agenda, minutes, and all other information concerning the Township.

Lou made a motion to adjourn the meeting at 9:10 PM. Bill seconded the motion.  
Motion was unanimous.

Respectfully submitted,

Joyce M. Groer,  
Secretary