

**BETHEL TOWNSHIP
PLANNING COMMISSION**

February 1, 2012

RECORD OF MINUTES

The Regular Meeting of the BETHEL TOWNSHIP DELAWARE COUNTY PLANNING COMMISSION was held on Wednesday, February 1, 2012, in the John L. Myers Jr. Memorial Township Building, 1082 Bethel Road, Garnet Valley, PA 19060

PRESENT: Kenneth Laaken-Chairman Louis Torrieri-Vice Chairman

 Rajesh Shah

 David Tustin

IN ATTENDANCE: Lynn Mahoney-Secretary

 Matthew Houtmann, P.E.-Township Engineer

 Laurence L. Smith, Esquire-Planning Commission Solicitor

OBSERVERS:

MEMBERS OF THE PUBLIC (7)

The regular meeting was called to order by Kenneth Laaken, Chairman at 7:30 p.m., followed by the Pledge of Allegiance.

The chairman requested everyone to please silence all electronic equipment and announce the presence of a recording device for the purpose of minute taking.

APPROVAL OF MINUTES:

Ken asked for a motion to accept the January 4, 2012 meeting minutes as prepared by our secretary.

Motion: Moved by Lou Torrieri that the minutes of January 4, 2012 be approved as submitted by our secretary. Seconded by Raj Shah. **Motion carried**, unanimous.

CORRESPONDENCE: No correspondence received.

REPORTS:

1. SEWER AUTHORITY: Laurence Smith

Sanitary sewer improvements for both Foxfield and Creekside Run are now in the dedication process.

OLD BUSINESS:

Bethel Road: Dominic Ferri

Matt Houtmann stated that, a while ago, possibly 1976, the Ferri property received a special exception from the zoning hearing board to operate the greenhouse and greenhouse related activity, with one condition that 80 percent of what was sold would have to be grown on the property, and inquired whether the use could continue at the property, even though it is zoned residential, because they have a special exception which runs with the land. Larry Smith confirmed, yes, in that instance. Matt went on to explain that the exception is well defined.

Lou stated that one of the original provisions of that exception was the permit building, which is there, plus five temporary greenhouses for plants and agriculture to be grown. Ken interjected that there was 10. That an additional five were requested and approved, but no retail was allowed.

Ken reported Joyce Groer's, former secretary, submitted five hours for her work and will be paid.

NEW BUSINESS:

Independence Townhomes: Tim Smith, State Line Road

Tim Smith, Director of Project Development for Baker Residential of Pennsylvania, doing business as Iacobucci Homes, stated that in July of 2011, they took title to the 12 ½, plus or minus, acres on 146 State Line Rd, which is referred to as Independence Townhomes. Mr. Templin was the prior owner and applicant. The property went through a foreclosure process and was purchased from the bank. Tim Smith updated the commission by explaining some history and current progress. Mr. Templin received approval for the project in January, 2010. An appeal was filed in Delaware County and a case regarding access filed in Delaware. The case in Delaware was found for Mr. Templin, and then appealed to Delaware State Supreme Court who upheld the lower court ruling and found for Mr. Templin. The original access to the property was for an existing 20 foot easement on the Green property. After the purchase of the property, Baker Residential met with New Castle County, Delaware, and the Greens, and made revisions to the plans. First, 49 units were initially approved. This new plan reflects 47. The access has been moved from the existing easement, on the Green property, over to the lot in Delaware.

This is a full access with a 24 foot paved cart way, and taking the easement and made it into an emergency access only. The narrow driveway is now a cul-de-sac. The main road will now come in from East Fulton Rd into the property and then feed through the townhouses. One reason had to do with zoning interpretations from New Castle County. An appeal is pending in New Castle County that has been stayed because there is a belief by Baker Residential that New Castle interpretation is not correct, but in the interim, Baker Residential decided to do the redesign, create the new access road which conforms to New Castle County Code. An exploratory plan was submitted to New Castle County with a reply expected in two to three weeks. Baker Residential wants to come back to Bethel Township Planning Commission and board for an amended final plan approval to encompass the revision that were made, both with the access and the reduction in the number of units. The only other thing that is different is originally, all the units were 22 feet wide. Now, the interior units are 22 feet wide; the end units are 24 feet wide. The interior units are 22 feet wide, three story high townhouses with garage grade entry level, a living level above that, and then a sleeping level. The end units will be 24 feet wide, two story, buried basement. Essentially, the remainder of the plan will remain the same. Some additional grading for the new road, all improvements are still in place. The State Line Rd improvements are for a 20 foot width and repaved from Rte. 202 to the end of State Line Rd. The intersection improvements of State Line Rd. at Rte. 202 will be widened and realigned with turn lane improvements. A permit was received by PennDot for the Rte. 202 work. DelDot has reviewed the Rte. 202 work, and will be issuing a permit.

Ken addressed whether the Commission could talk to Winterset Farms about an emergency access that would have buried pavers that look like grass, with a gate, going into Winterset Farms, so that if a fire truck needed to get through, it could have access. Tim Smith said this is possible, but the biggest issue would be the wetland and may need a bridge. Ken asked for permission to walk the property. Tim Smith granted the permission. Ken requested Tim Smith to post signs on the property, and notify all adjoining residents before any comments were made on the plan. The commission will supply the signs. Tim Smith agreed and inquired about the location of the signs. He said that he could post on lot 3. Ken requested the entrance to be posted and reminded Tim Smith about a prior conversation regarding placing shrubs on a resident's property in Trotter Lea. Tim Smith agreed.

Lou advised Tim Smith that they need to make sure they have an updated list of adjoining property owners. Tim Smith stated that he had access to two different sets of records, one through the County of Delaware and one through a private service. Lou also asked for clarification on the Green property entrance and whether or not it would be a paved emergency entrance and the turning radius of the cul-de-sac. Tim Smith said that the type of pavers can be discussed and that the turning radius in the cul-de-sacs was the same. Lou also asked about the realignment of Rte. 202 entrance onto State Line Rd. Tim Smith explained that State Line Rd will shift to the south and align with the opposite cross street. The only change that was made is a three foot shift. Ken asked if the residents needed to be notified. Tim Smith said he would make sure the residents were notified and give the Commission a copy of the notification.

Lou requested a disk be made of the final plan and submitted to the commission for review.

Raj asked about the amendment and inquired if this was going to be the final plan. Tim Smith responded that it was. Matt stated that the plans could be handled as an amended final. Raj also asked for clarification about the challenges and appeals to the original plan and whether or not it had to do with the placement of the easement. Tim Smith responded that the appeals were taken by the original owners in reference to a three foot wide, 30 foot long piece of new paving that was outside of the existing roadway easement and a challenge was taken in Delaware over use of the easement. Lou asked if the relocated entrance through Delaware was objected to by the Delaware residents. Tim Smith said the application is pending. Lou wondered if this would present a problem with approval of the plan. Larry Smith explained that the Delaware issues should be rectified before presenting the plans to the Commission.

John Camero- 3150 Stillwood Lane. Inquired about lighting in the plan. Tim Smith replied that the lighting provides adequate illumination, particularly in the intersections, that's attractive and fits the community.

Ken asked Dr. Shaffer is there was any land marks on the property.

Judy McCleary- Foulk Rd. responded by asking Tim Smith if there was a half mile marker on the property. Tim Smith was not aware of any. Dr. Shaffer remembered a conversation about naming streets. Tim Smith responded by saying he would be happy and open to listening to any name suggestions by the Commission and Historical Society. Raj wanted to know, procedurally, if the amended file needed to be re-evaluated, or, just the amendments. Ken responded that the road would have to be reviewed but not the preliminary approvals. Larry Smith suggested that a capacity check should be done. Lou stated that a new application should be submitted.

PUBLIC COMMENTS AND QUESTIONS:

No public comments or questions.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:08 p.m. on a motion by Louis Torrieri, seconded by Dave Tustin. Motion carried, unanimous.

Respectfully Submitted,

Lynn Mahoney

Secretary

