

**BETHEL TOWNSHIP
PLANNING COMMISSION**

January 4, 2012

RECORD OF MINUTES

The Regular Meeting of the BETHEL TOWNSHIP DELAWARE COUNTY PLANNING COMMISSION was held on Wednesday, January 4, 2012, in the John L. Myers Jr. Memorial Township Building, 1082 Bethel Road, Garnet Valley, PA 19060.

PRESENT: Kenneth Laaken Jr.-Chairman Louis Torrieri-Vice Chairman

 Rajesh Shah

 David Tustin

IN ATTENDANCE: Lynn Mahoney-Secretary

 Todd A. Apple-Township Supervisor, Liaison

 Matthew Houtmann, P.E.-Township Engineer

 Laurence L. Smith, Esquire-Planning Commission Solicitor

OBSERVERS:

 Members of the Public (8)

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

Mr. Laaken requested everyone to please silence all electronic equipment and announced the presence of a recording device for the purpose of minute taking.

A welcome was extended to Lynn Mahoney as the new secretary for the Planning Commission.

APPROVAL OF MINUTES:

Mr. Laaken asked for a motion to accept the December 7, 2011 meeting minutes as prepared by our former secretary.

Motion: Moved by Louis Torrieri that the minutes of December 7, 2011 be accepted as prepared by the secretary. Seconded by David Tustin. **Motion carried,** unanimous.

No secretary hours were submitted to the Chairman for approval for the month of December 2011. The agenda item was tabled until Joyce Groer arrives to provide the December 2011 secretary hours. *Note: Joyce did not attend and the Planning Commission will address at the next scheduled Planning Commission meeting.*

Mr. Laaken offered an appreciation for the work the former secretary, Joyce Groer, performed for the Planning Commission.

REPORTS:

Sewer Authority: Laurence Smith – No report

OLD BUSINESS:

No old business discussed

NEW BUSINESS:

Dominic Ferri Requested clarification of property zoning because he was looking to sell the property. The property (located on Bethel Rd) is currently zoned residential. This property was previously used for a nursery by his father. Mr. Ferri inquired if there was a variance, special use, or a special exception previously granted for the property. Mr. Laaken stated that the property was a special exemption that was grandfathered in and was zoned R-1, and could only be used as a greenhouse, and if it was not a greenhouse, it could only be used as residential.

Matt Houtmann pointed out that the property was given a non-conforming use, the use of the property, as a nursery, predated the zoning.

Louis Torrieri inquired whether selling the property changes the use.

Mr. Houtmann thought the applicant was permitted to continue use, if use was related, or closely related, to what has been there.

Laurence Smith stated that the property was a pre-existing non-conforming use and that the use could continue as long as the use was in operation. If the use did not continue, for a period of time, the use may be lost as that pre-existing, non-conforming use to present or, in any case, to future owners.

Mr. Ferri stated the property was used until 2005, and then rented. Mr. Ferri wants to know if the variance no longer exists, can the variance be reinstated. He also inquired about a time limit or statement referring to the loss of the variance. Mr. Smith responded that the board could not

answer the question posed, the township zoning officer should be approached with an application for use, and at that point would be researched and determined whether, yes, you could continue with the use or no, to go before the zoning board for a variance.

Mr. Ferri understood the time limits that might be a factor with the previous use of the property and did not know what the neighboring residents would feel about a business on the property. Mr. Laaken did express a concern about the truck traffic that was present from the previous business that rented the Ferri property. Mr. Ferri was unaware of this issue.

John Camero - 3150 Stillwood Lane - suggested that Mr. Ferri should find out what the current zoning is, and whoever buys that property has the legal right to go before the zoning board and ask for an exception. If Mr. Ferri is considering a subdivision, Mr. Camero suggested he hire an engineer to help with the process.

Mr. Ferri did mention the possibility of a subdivision on the property. No plans at the present time. Mr. Torrieri mentioned that the surrounding community has been built with homes since the property was previously used for a greenhouse and suggested that there would be a lot of resident participation in any future use.

Mr. Ferri inquired about the process for a subdivision and how long this process would take. Mr. Laaken responded, approximately five to six months, but needs a plan from Mr. Ferri to look at and review, and then Mr. Ferri could fill out an application, at which time the process would start, including posting the property, and notifying the neighbors. Mr. Torrieri reiterated this process. David Tustin explained that a posting was only necessary if there was a plan to do a subdivision and that if Mr. Ferri was interested in selling to a landscaping company, he should first go to the zoning board and get a good understanding about how the property can be used.

Mr. Laaken posed a question to Mr. Houtmann whether a landscaping business would be the same as a greenhouse. Mr. Houtmann responded, it could be, especially if they stored product there. Mr. Ferri stated he had a plan drawn up previously that showed six lots on the property. Mr. Laaken stated that he would have liked to see it. There was discussion about a pond located on the property and whether or not it could be filled in. Mr. Houtmann explained that the pond could be filled in if not connected to another stream or wet land, but that it was a DEP, Department of Environmental Protection, regulation activity. Mr. Laaken explained that the pond was connected to a stream.

Mr. Ferri stated that the initial plan called for a cul-de-sac and asked if a flag lot could be used instead. Mr. Laaken responded that was not possible. Mr. Smith asked Mr. Houtmann if PennDOT would have implications if there were several driveways exiting Bethel Rd. Mr. Houtmann responded that PennDOT was not real strict with driveway cuts and the driveways may only have to be 30 feet apart. The conversation was concluded.

PDF Plan Submission - In another matter, Mr. Tustin asked Mr. Houtmann if when the commission gets plans from applicants, is it possible to have those plans submitted on PDF files, so they can be reviewed ahead of the meeting. Mr. Houtmann responded yes. This would

make the review process easier. Mr. Torrieri asked if this request could be included in the application without a motion and asked Mr. Smith to check to see what was required.

Plan Numbering System - Mr. Torrieri discussed his idea about setting up a numbering system for all future plans, in order for a more organized filing system. Everybody was in agreement.

PUBLIC COMMENTS AND QUESTIONS:

Dr. Mead Shaffer - On the January 31, 2012, at 7:30 p.m., at the Bethel Township Building, The Bethel Township Preservation Society will be hosting a speaker who is an authority on The Battle of the Brandywine, everyone is invited. This will be published in the Garnet Valley Press and will also be on the Preservation Society web site.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:58 p.m. on a motion by Louis Torrieri, seconded by Rajesh Shah. Motion carried, unanimous.

Respectfully Submitted,

Lynn Mahoney

Secretary