

# BETHEL TOWNSHIP

DELAWARE COUNTY

1092 BETHEL ROAD

GARNET VALLEY, PA 19060



## Planning Commission

Louis Torrieri-Chairman  
Kenneth Laaken, Jr.-Vice-Chairman  
Denise DeJohn -Secretary

L. Theodore Hoppe Jr.  
Bill Linton  
Ed Miles  
Rajesh Shah  
David Tustin

Matthew Houtmann, P.E.  
Township Engineer

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## PLANNING COMMISSION RECORD OF MINUTES JULY 6, 2016

The Regular Meeting of the BETHEL TOWNSHIP DELAWARE COUNTY PLANNING COMMISSION was held on Wednesday, July 6, 2016, in the John Myers Building, 1092 Bethel Road, Garnet Valley, PA 19060.

### **PRESENT:**

Lou Torrieri-Chairman	Ken Laaken, Jr.-Vice Chairman
Ted Hoppe	Dave Tustin
Bill Linton	Raj Shah
Ed Miles	

### **APOLOGIES:**

None

### **IN ATTENDANCE:**

Mike Davey, Township Supervisor  
Matt Houtmann, Township Engineer  
Denise DeJohn, Secretary  
Laurence L. Smith, Esquire - Planning Commission Solicitor

### **OBSERVERS:**

**MEMBERS OF THE PUBLIC (15)**

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

The Chairman requested everyone to please silence all electronic equipment and announced the presence of a recording device for the purpose of minute taking. A copy of the approved minutes, as well as the agenda, are available on the Bethel Township website.

### **APPROVAL OF MINUTES:**

Lou asked for a motion to approve the minutes from the June 1, 2016 Planning Commission Regular Meeting, as prepared by Secretary, Denise DeJohn.

**Motion:** Moved by Ken Laaken, Jr., and seconded by Ed, we approve the minutes from the regular meeting as prepared by our secretary. **Motion carried**, unanimous.

Lou asked for a motion to approve the Planning Commission Secretary hours (8.5 hours) for the month of June, 2016.

**Motion:** Moved by Ken Laaken, Jr., and seconded by Dave, we approve the hours of the Planning Commission Secretary. **Motion carried**, unanimous.

**CORRESPONDENCE:** Any correspondence will be addressed during the meeting where applicable.

### **REPORTS:**

**1. SEWER AUTHORITY** – Larry Smith stated that the Sewer Authority sent out in its most recent billing, a sheet asking for customers to repair any clean outs and to note the new address for billing.

### **ANNOUNCEMENTS:**

**Bethel Preservation Society – July McCleary – 3307 Foulk Road.** On September 24, 2016 there will be a tour of Western Delaware county churches, schools and cemeteries. It is free to attendees. Founders Day is October 8, 2016 at the Bethel fire house. She reminded everyone of the Garnet Mine exhibit every Saturday at the Township Building. Also, the society is planning a bird walk on Dr. Schaffer's property.

Lou stated policy for public comments. Project representatives or the Engineer will present overview and/or updates of projects in their entirety with discussions throughout among the Board, Township Supervisor, Engineer and applicants. Upon completion of the presentation, the Chairman will give the opportunity for the public to comment and ask questions. Please state full name, address & direct all comments to the board only.

## **SPECIAL REVIEW – Zoning Ordinance Amendments – Bethel Township.**

Lou announced a special review from the Board of Supervisors and township with zoning ordinance amendments for Bethel Township. He introduced Kelly Sullivan from McNichol, Byrne & Matlawaki, P.C. to review amendments and what the changes are. The board will listen to her presentation and come back next month with comments and recommendations.

Kelly has been working with the Board of Supervisors for a year and a half as to updating zoning ordinance. The first proposal is they currently have LI-1 and LI-2 districts and there is not much industrial development in township so board would like to consolidate LI-1 and LI-2 into LI-1. This will be reflected in zoning map.

They are going to permit C-1 uses in the LI-1 district if there is a certain buffer made for residential or district use. All special exceptions where existing special exceptions under LI-2, so proposing to make LI-1 special exceptions.

The second proposal is to amend your permitted principal uses and conditional uses in your C-2 general business district. This is Section 1201 of ordinance. There are currently 5 principal uses and they are proposing adding 2 permitted additional uses: one is municipal building and the second is a commercial recreational facility for fitness, racquetball, etc. Section 1201-3. Uses permitted by special exception in C-2, they are proposing adding 3 more special exception uses in C-2 district: car wash facilities, etc. They are also proposing under 1201 to add conditional uses. Currently in C-2 zoning district, there are no uses that are conditional uses. They are proposing adding conditional uses to the C-2 district.

There are two other zoning ordinances which are not currently addressed at this time. The first is to address solar panel energies on a home or farm. The second is to address adult commercial uses because of concern of validity challenges for not permitting in the zoning districts. This is to be considered in the tank farm district.

There are a number of zoning map changes which Matt Houtmann will address. The map has 7 items which are highlighted:

- 1) There are properties on the northeast side of Conchester Highway between Upper Chichester Township and Foulk Road which are zoned LI-1. LI-1 is a light industrial district. They require large buildings and larger lots to accommodate certain buildings. Due to Garnet Oaks development it was changed to LI-1 to R-3 which left small parcels zoned LI-1. Those parcels are too small to handle the typical allowable uses in LI-1. The thought is all the LI-1 properties to be rezoned to C-2 which is similar to properties on the southwest side of the Conchester and they are uses that accommodate smaller parcels that can be developed individually.

2) Change from R-1 to C-2 of isolated properties at the intersection of the Conchester and Garnet Mine Road. Two properties were missed so those properties to be zoned similar to those to east.

3) The area of 1621 Garnet Mine Road, developed by Iacobucci organization, has been rezoned by petition and approved by the township to be R-2. The township map will be updated to how that parcel of land is zoned and will be developed.

4) Rezone Ray Brown site from LI-2 to LI-1 and combine the allowable uses if LI-1 and LI-2 to encourage development on Maguire Farm Parcel, no need to have separate LI Districts.

5 & 6) It involves parcel of land T-Tank Farm. Foxfield property owners do not want their residential property with Tank farm zoning. Also, rezone cell tower parcel near Foxfield from T-Tank farm to R-1.

7) Shemin Nursery parcel at Foulk, Concord, Chelsea, and Valleybrook Roads from C-1 to C-2. This will allow additional uses to increase marketability.

Kelly stated that the supervisors were trying to provide an opportunity for growth in a very residential township, especially on 322. These map changes and zoning use changes were submitted to the Delaware County Planning Department. They will review at their July meeting and provide their review.

#### Planning Commission Board Questions:

Dave asked about solar access definition. Property owners have a right to have sun shine on their land. He understands that but why is that stated. Solar panels are placed such that concentrated radiation and glare are not directed on nearby properties. How is this verified because of different angle of sun? Dave asked about putting in criteria how to verify if this is true. Dave will investigate proper wordage.

Dave asked about adult entertainment district and he did not see if it was a permitted use anywhere. It is in tank farm district. He is concerned about the distances to residences, surrounding properties, school, etc. Raj is also concerned about the location of this adult entertainment district. This will go to a public hearing so neighbors will be notified. Kelly stated that the court states that you can't provide for this type of district.

Lou asked about allowing this type of use on a tank farm and where would this be?. Kelly stated this will be in a definition section. The tank farm is not fully developed so it could be subdivided into parcels.

Matt to provide table of what is allowed in C-1 and C-2 and L-1 to the Planning Commission members.

Lou mentioned in buffering zones there is no mention of fences. Will fences be added? Kelly said it is not currently provided in C-2, but they will look at this.

Raj is concerned with adult use. He is looking at tank parcel and there are only a few sections that abut a main road. There are some that abut residential neighborhoods that would get to that property. He is concerned that this piece would be accessed at residential properties. Birch Lane abuts the property. Matt said it is a good point and he will look into measurements.

Ed stated that prohibiting access to such a facility through a residential neighborhood could be addressed. The issue is trying to prohibit commerce off of any state road (Garnet Mine and Foulk). But there could be an argument if something developed, not to have its entrance go through a residential area. Raj is still concerned about having the elementary school so close to this. Ed and Raj would like language added to argue no entrance through a residential neighborhood.

Lou stated the Planning Commission will review the information received this evening and they made some comments. They can then be submitted for recommendation and changes. A public hearing will also be held.

## **OLD BUSINESS:**

### **1. Project PC-2015-2. BYC Fields at Francis Harvey Green School**

Matt Houtmann stated that there are currently no updates so there will be no review at this meeting.

### **2. Project PC-2015-3. RDM Management LLC (Dunkin' Donuts)**

Mike Ciocco, Project Engineer, provided an update on the Dunkin Donuts plans and reviewed some of the changes. They are still waiting on PennDOT. They came back and would like ADA ramps at Foulk and Naamans Creek Road. He is trying to schedule a meeting with them and the ADA group. They are concerned with this location because of lack of sidewalks, lack of shoulder, etc. The signal division wanted this requirement. The Planning Commission is in agreement that this is not a good idea and poses a safety issue.

Matt issued some comments on July 5<sup>th</sup> and thru the PennDOT process. There was parking next to a property and they didn't want interference so PennDOT asked applicant to remove them. The 2 spaces are now near the pump island. Matt is suggesting we hold those 2 spaces in reserve since they will create more problems in this area.

Lou stated that next month we may be able to move forward with Final Plan.

### **3. Project PC 2015-5. Iacobucci Homes, 1621 Garnet Mine Road**

Mr. Jack Robinson, JMR Engineering LLC., Project Engineer for Iacobucci Homes, was not in attendance for this meeting.

## **PUBLIC COMMENTS AND QUESTIONS:**

**Mary Jane Jwanisik, 1601 Garnet Mine Road.** She understands that PennDOT sent a registered letter to some of the occupants on the road. She didn't receive one. The letter stated that they would be doing work between now and September for leveling. Matt and Lou were unaware of any letter. Ed asked for a copy of this letter for his information. The Shomos received this letter and will drop off to Cheryl at township building for copying and distribution.

**4. Project PC 2016-1. Iacobucci - 1089 Kirk Road – 6 lot subdivision (Linton Farms II) Final Plan Review.** Mr. Jack Robinson, Iacobucci Builders, Project Engineer, was not in attendance for this meeting.

**5. Project PC 2016-2. Chris Panarello – 4 lot subdivision behind Siloam United Methodist Church Property, 1441 Naamans Creek Road.**

Mr. Jack Robinson, Project Engineer, was not in attendance for this meeting. Chris Panarello stated that at the last meeting he was asking for a waiver. Matt said this needs to be put in writing to the board which will go to the Board of Supervisors.

**6. Project PC 2016-3. Ed Mattote – Preliminary Plan, 2 lot subdivision. Property 3012 Foulk Road.**

Mike Ciocco, Project Engineer, Catania Engineering Associates, Milmont Park, PA. Mike stated that they are still researching the easement for the common driveway. He said they will be asking for a waiver. The homeowner doesn't have any recollection of an easement being drafted for the common driveway but he told the realtor to order a title report. Larry Smith asked for a copy of that report. Lou asked for a motion to extend the timeline of PC2016-3, 2 lot subdivision, 3012 Foulk Road.

**Motion:** Moved by Ken Laaken, Jr., and seconded by Dave, we extend 3012 Foulk Road, PC 2016-3 to October 15, 2016.

## **NEW BUSINESS:**

**Lightbridge Academy Daycare. 1363 Naamans Creek Road. Sketch Plan (as approved by Zoning Hearing Board).**

Mike Ciocco, Project Engineer, Catania Engineering Associates, Milmont Park, PA. He received a copy of the Zoning Hearing Board decision. The proposal was for the site developed as Russo Real Estate. It is now ReMax, an existing building on Naamans Creek Road, across the street from Booths Corner. The western side is Briggs Auction, south is residential development. There is existing building on lot, it was developed and real estate office was created in front of property. It is 3,800 square feet of office space. The rear portion of building was never developed.

John Minnebo, Principal of Lexcat Partners, the owner of the property will be developer for this project. He found a daycare, Lightbridge Academy Daycare that will take up back 2/3rds of the

existing building and will put a 6,400 square foot building addition off to the western side of the building. They will create 10,000 square feet for a daycare facility. Parking will be expanded into the adjacent parcel in front of the new addition.

The original developed property was about 30,000 square feet and Mr. Minnebo bought the adjoining property (old house torn down) and that parcel will be added onto the old Russo Real estate development. There will be a small playground in rear of property and some buffering and privacy fencing for residential development.

They went before Zoning Hearing board last month and were granted zoning relief for use in C1 commercial district. Daycare is not a permitted use in commercial district but got relief. Other variances were granted on building coverage, parking variance, etc. The loading zone was reduced from required 12 x 50 to 10 x 35 for loading zone.

Mike will present plans next month. Lou stated that all variances that were approved must appear on the plan. Also on the plan, a variance on the parking was given to the daycare center so if it is vacated then parking must be readdressed to meet standard ordinance.

Mike stated that a traffic study was done and presented at the Zoning Hearing Board. He presented a rendering by the architect to the board. The buildings will mirror each other. The capacity of the building will be 160 people, staff and children. Mr. Minnebo stated that Lightbridge has about 30 operating centers on the East Coast. It is school that provides training, curriculum, it is very educational.

Mike to send our notifications to surrounding residents.

#### **PUBLIC COMMENTS AND QUESTIONS:**

**Judy McCleary, 3307 Foulk Road** - The front of the existing building will be empty? No, it is currently occupied by Remax (front) and rear of building and new addition will be daycare. Will there be a lot of traffic to Remax? Mike stated they provided 20 parking spaces for Remax facility which meets township ordinance.

#### **CLOSING COMMENTS:**

Lou thanked the Board members, as well as residents, for attending the meeting. The next regular meeting will be on August 3rd, 2016 at 7:30 p.m.

#### **ADJOURNMENT:**

The meeting adjourned at 9:14 p.m., on a motion by Ken, and seconded by Raj.

Denise DeJohn, Secretary