

**BETHEL TOWNSHIP**  
**PLANNING COMMISSION**  
**MINUTES OF THE REGULAR MEETING**  
**September 1, 2010**

The regular meeting of the Bethel Township Planning Commission was held on Wednesday, September 1, 2010 in the John L. Myers, Jr. Memorial Building.

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

Ken called the meeting to order at 7:30 PM followed by the Pledge of Allegiance  
Ken announced there is a recording device in the room for the purpose of taking minutes only.

Ken asked for a motion to accept the minutes of the August 4, 2010, meeting. Lou read the minutes and made a motion to accept the minutes of the August 4, 2010, meeting. The minutes are on file for review. Bill seconded the motion. Motion was unanimous.

Ken asked for a motion to accept the Secretary's hours for the month of August, 2010. Lou made a motion to accept 13 hours for the month of August, 2010. Mike seconded the motion. Motion was unanimous.

**REPORTS:**

**SEWER AUTHORITY:** Larry stated that the Minutes for the Sewer Authority are available for the Board's review and anyone else who wishes to review them. There is nothing in particular that the Planning Commission would be interested in at this time. Ken asked if Ebright Road was squared away; Larry replied that it is, although he understands there was another water leak, which is not good. That is not sanitary sewer.

**OLD BUSINESS:**

**WALT BOLLIICH, 1534 Garnet Mine Road, 2 Lot Subdivision:** Ken stated that he does not need an extension and will not be present tonight.

**BRIGGS PROPERTY, NAAMANS CREEK ROAD:** For the audience, Ken stated that this would be covered by allowing the engineer to talk and explain the plans; our engineer will explain his letter; our Board will speak; and then we will take comments from the audience. Please give your name and address clearly for the minutes, when you talk.

Mark Padula Special Engineer, Register Associates, stated the plan was submitted the end of July; it was accepted at the Planning Commission meeting in August. Matt has completed his review. The Briggs property is located between Naamans Creek Road and Zebley Road. Their proposal is to connect Naamans Creek Road and Zebley Road with a road; off that main road will be a cul-de-sac which will service additional lots proposed in the subdivision. The subdivision proposal is for nineteen (19) lots, single family homes, 30,000 sq. foot lots minimum. They will be serviced by public water and sewer.

Items 1 & 2: Matt stated that these are background which Mark briefly summarized. When the plan was first looked at, it was noted that several lots (1, 2, 11, 14, 16, and 17) are restricted especially from front to back. A scheme prepared by Matt's office was discussed in detail. Matt does not think the site will be subject to cut-through traffic; however, the first plan has a straight road connection between Naamans Creek and Zebley whereas the alternate plan necessitates going back the opposite way you're heading, stop at a Stop sign, turn, and go up Naamans Creek Road. Ken questioned which grid would be better from a highway, maintaining, and plowing the roads. Matt feels both grids would be similar. Mark then reviewed the sketch which he prepared after reviewing Matt's concerns, the main concern being the decks. The realtor for this property stated they are looking for a square footage of between 2,800 and 3,500 square feet; Mark put a revised footprint of 35 x 50 with a 24 x 24 foot garage which will allow decks on the back of each property. Matt stated that there is no ordinance for a requirement that is not being met by the size of the property.

Item 3: Matt is concerned about moving the front setback to meet the minimum lot. Matt also discussed the right of way plan which is still in effect and may need to be reflected. Matt asked that the plans reflect the road widening which will be installed by PennDOT for the Naamans Creek Road project. The access to Zebley Road goes through a 50-foot wide strip of ground, and, on the previous plan, that strip of road was reserved for road connections. Matt feels the applicant should do as much as they can to buffer that road on either side; the road will be eventually dedicated to the Township.

Item 4: Matt stated this is a note for the Zebley Road access for a sidewalk for children to wait for the school bus.

Item 5: (nothing mentioned, or I missed it)

Item 6: This covers a grass strip between the sidewalk and curb in compliance with a ramp up from the road to the sidewalk.

Item 7: Technical note.

Item 8: Additional detail needed at the proposed intersection in the interior site.

Item 9: The plans indicate that the strip of land through the 50-foot strip to Zebley Road is not supposed to have curb. Matt stated that road needs to be curbed all the way out, with inlets at Road A and Zebley Road.

Item 10: Street lights at the major intersections .... Naamans Creek Road and Zebley Road.

Item 11: Plan note item.

Item 12: PennDot permit.

Item 13: Site distances. Matt would like to see the exact site distance on the plan.

Item 14: Technical issue.

Item 15: Labeling some roads on profiles.

Item 16: Adjust to a road profile to account for the crown of the intersecting road.

Items 17 & 18: Lawn area which is extremely flat with a pocket of wetlands in the middle (lot 3). Matt said a lot of detail is needed on the plan to make sure that runoff has a place to go, is captured, and will not lay in someone's yard.

Item 19: Drainage swell between Lots 12 and 13 which appears that storm water will accumulate from rear yard to rear yard to rear yard.

Item 20: (nothing mentioned)

Item 21: Drain easements on the property which need to be 20 feet wide and deducted from the lot area.

Item 22: Matt has been asking for a 10-foot building setback line from wetlands because you can't build anything within 10 feet of wetlands and not disturb them.

Item 23: Matt noted that Mark deducted wetlands from one of the lot areas; this is not necessary by Township ordinance.

Item 24: 2% in grass slopes is necessary.

Item 25: Matt asked for the Planning Commission's opinion about the four (4) lots having driveways accessing the turnaround bulb; three (3) of which there is nothing we can do about. It may be possible to flip the driveway on the fourth (Lot 8) to the other

side thereby removing one of the driveways from the cul-de-sac, which may cause a problem when plowing snow.

Item 26: Matt stated the open space, the basin and wetlands, is on a separate parcel which will be owned and maintained by the HOA. On a development of this size where open space is not required, the Township prefers to have a lot on the basin to take care of the maintenance of the basin. Matt thinks the County prefers it the way they have it, but the Township has had good luck with basins that have been individually owned. This is something the Planning Commission may want to think about.

Item 27: Fire Marshal will review and give indications for locations of fire hydrants.

Items 28 – 31: These cover comments about notes on the plan.

Item 32: Street trees and landscaping.

Items 33 – 36: Note changes to details and plan information.

Matt stated the next part of the review letter refers to storm management. He also asked that the wetlands be made a little more apparent on the plan. Matt is also asking that for Item 2 they investigate to classify the little pocket of wetlands as non-jurisdictional so that it can be removed. If a wetland is not connected to another water body, whether it's a stream, pond, or other wetland, it's been Houtman's experience that the Army Corps does not take jurisdiction. If it's left as is in the low area, it will forever be a poorly draining portion of that lot's front yard, and the Township will get complaints about it. Notes are needed on the plan for Item 3 regarding construction vehicles.

Ken asked if the agreement letters were received back from the residents; Joyce stated that they were.

Ken talked about the water in the development. Larry asked about the impact on Zebley Road with the new development as far as the deterioration of the road and other difficulties. Matt does not see it as a cut through; the additional traffic will be generated by the nineteen (19) homes. Ken asked if any specific improvements will be required where the new road comes into Zebley; Matt replied, "yes", road widening and storm sewer inlets. Ken asked if the trees on Mr. Rowe's property will need to be removed; Matt does not think so. Was said the Road Crew will take care of cutting any hanging branches.

Ken asked if there is any other lighting inside the development. He also requested another set of plans.

Lou asked if a variance is required for a side yard deck? Matt stated that it is not, if it meets the side yard requirements and setbacks.

Ken stated that he likes Matt's road better. The other looks like an easy way through . Matt's makes it look a little bit more less willing to cut through. Mark doesn't know who might be cutting through because of the way everything is set up. Ken asked how far off the driveway of Lot 1 would be the road; Mark replied it would be about 160 feet from the right of way.

Matt said this is a critical issue that has a large impact on the applicant's plan and suggested a work session might be an appropriate vehicle for the Planning Commission to think about this issue, sit down, and go over the plan to come up with a final recommendation to the applicant. The work session will be Tuesday, September 28, 2010, 7:00 PM.

Steve stated that Matt said a de-cel lane would be on Naamans Creek Road and asked if one would also be on Zebley Road. Matt said the de-cel lane would be in front of the adjoining property, unless they want a easement for that.

**John Slowik, 1276 Zebley Road,** asked 1) the distance from his property to the retention pond or whatever is planned for there .... Mark Padula replied it may be 50 feet from Mr. Slowik's back line. 2) He has lived there 26 years, and Peter's Pond, which is dammed, is now full. He is concerned about the water there. 3) He had his property surveyed; any questions about his property line should be directed to him. 4) He is concerned about damage to the trees on his property. 5) How much water is going to come down the road from the new property into the retention pond and can it take all that water. 6) The mall backs up in the summer and winter with a lot of traffic on Foulk Road. As soon as someone realizes that they can get through Zebley Road, traffic will be increased. Ken said that Matt did say he wanted to see more balanced site distance. 7) Referring to Mr. Rowe's property and the new road, there will be a sight problem. Ken stated that all these questions will be answered in the work session. 8) Mr. Slowik also asked if the swail on his property will be compromised. Steve said the road will be curbed, as per our ordinance, and the water will be redirected before it gets to his property. Ken asked Mark to provide a rough drawing at the next meeting showing the proposed locations of the inlets on Zebley Road.

**Bonnie Mandos, 1272 Zebley Road,** is concerned about the water coming down; she really needs to see the inlets because the Township has had to come down to throw stone in the right of way in front of her property because water lays in there in the winter. She has a huge ice area in front of her driveway; the school buses can't stop; it's black ice and cars don't see it because of the dip in the road. She is concerned that the water will be directed to Zebley Road; she has to throw salt over that area. Mark explained the direction of the water on Zebley Road; Ken said this will be worked out at the workshop.

**Harold Westervelt, 1289 Naamans Creek Road:** Regarding the cul-de-sac and the Highway Department, is the Township opposed to taking the driveways on 5 and 6 and matching them together with one (1) cut; then taking 7 and 8 and matching them with one (1) cut. Matt wants to stay clear of combining driveways and accesses, unless you really have to (perhaps a flag lot).

Referring to the earlier discussion about the cut through on Zebley Road when Foulk backs up, Harold asked if it is a complete negative to sales to have proposed Road A one-way from Naamans Creek Road to Zebley. Ken answered “no”; the only time cut-through traffic may be seen is between 5 PM and 6 PM or after a sale; this will be worked out at the workshop.

Harold stated he did receive the letter and asked what was achieved by the bore samples that were done in that area .... to find depth in buildings and basements. Mark replied they wanted to verify that was a possibility, and it was successful. Did it also get into locations of water tables ... Mark replied “no”; they did do preliminary testing for storm water management. Harold stated that they are all working off wells and asked if excavation in that area or any area across from them will affect their wells. Mark replied that he doesn’t see any reason for it to do that. Matt asked Harold the depth of his well; Harold believes it is 100 feet. Matt stated that he doesn’t think he will have any problem; Ken asked the solution, if he does. Matt stated it is probably a civil matter; Steve agreed. Harold said he does have water in front of his property.

**Dennis Loveland, 1283 Naamans Creek Road**, questioned what the retention pond will look like and how it will end up .... how far from his house will it be. Mark stated the water surface will be fifty (50) feet or more; and it will be either a long or round ... it will look like a grass lawn. Matt said it will be similar to the basin in back of Dennis’ family property. Dennis is concerned about it affecting his basement. Ken suggested that this be discussed at the work session.

**Garry Lanahan, 1334 Zebley Road**, asked for the price ranges of the new homes. Mark stated it is so far away from being developed; it will depend on the real estate market at that time. Right now, he anticipates it will be \$450,000.00 - \$550,000.00.

**Rob McLarnon, 1430 Green Street**, asked what guarantee is there that this size house will be built with the deck as proposed and 2 – 3 years from now they are sold to Toll Brothers or whomever and this footprint will be built to get the extra amenities that are guaranteed here tonight. Steve replied that there are no guarantees; a variance will be needed for a questionable deck.

**Lou Torrieri** stated that, because of the potential of the roadway being a cut-through and the residents move in and start complaining about the cut-through, the Township will wind up talking about speed bumps, as we have in some of the other developments. Will this be an issue? This should be looked at in considering the flow of traffic in the plans suggested by Matt and Mark. Also, in looking at the property, there seems to be a lot of trees and greenery on the border area around the outside of the properties that adjoin all the other properties. Is the plan to remove or leave any of that; what can be left to buffer the new houses to the existing homes. Mark replied that they intend to leave as much as they can. As far as the buffer between the homes, most of the development at the site is toward the center; whatever buffer around the perimeter will be maintained to a higher degree. Mark said there are 30-foot backyards all around; and nothing will be built from

30-feet back. Lou asked if this could be included on the plan; Matt replied that a limited disturbance could be placed on the plans. Ken asked Matt, if the Township requested that the big trees remain in certain areas, who would be responsible if one of the trees fell on a house. Matt does not think it's the Township's responsibility; normally, the amount of construction traffic immediately around the house would necessitate any tree that is close enough to cause significant damage to the house.

Larry stated that people who are interested in the issue of the positives and negatives of traffic common devices should be prepared to talk at the work session. We should go on the assumption that, in the future, people in that development and Zebley are going to come forward and want those measures and take that into account in the planning here. Matt suggested that a note be sent out to the Fire Marshal to see if it's important to him to have interconnectivity between the roads there.

**RAY BROWN, 1515 Garnet Mine Road:** No one present.

**LIONTI PROPERTY, Booth Drive:** Mr. Lioni presented the certificates of service for the one property. Mr. Lioni said that Mr. Houtmann had given some comments about the plans that were submitted, and they have not had a chance to review them with their engineer. Mr. Lioni said that the sewer installation at Mario's property is in process, and he is waiting for the Sewer Authority regarding a pump to be installed. Ken stated that he is waiting to hear from the Township, not the Sewer Authority. Matt reviewed the comments about the plans for the audience.

Item 1: Parcels A, B, and C are still within the Lioni family. Parcel A is already connected to public sewers; Parcel B has a non-functioning septic system and is in the process of being connected; Parcel C is on an on-lot sewage disposal system. All three (3) parcels are part of the subdivision; and the ordinance requires connection to public sewers. Matt recommended that all three (3) lots be connected to public sewer systems; Ken agreed. Bill asked if there is any deviation from the ordinance; Matt and Steve do not believe so.

Item 2: Sanitary sewer line as-built needs to be placed on the plan.

Item 3: Township has had issues of possible use of the accessory structure for residential purposes over the years. Matt asked Steve if there were any extra steps the Township can take to prohibit the use of accessory structures for living quarters. Steve said that putting a note on the plan would be a start.

Item 4: Three (3) drainage streams run through the property. The ordinance requires that flood zones be shown fifty (50) feet from the top of bank or stream, unless calculations would prove that it is a lesser width. This needs to be shown on the plan.

Item 5: Two (2) waivers they would like; 1) not show all the topographic contours surveyed on the property, and 2) all other locations of other man-made features which

would require additional survey work. Matt has no objection as long as they provide enough data to ascertain that they are adequately showing the width of the flood zone.

Item 6: Already made recommendation to applicant.

Item 7: Setback lines are going into areas that they cannot build; setback line should stop at the flood zone, wetlands, and drainage easement line is already on the plan.

Item 8: Parcel B is approximately 4.92 acres; Parcel C is 2.16 acres; both are large enough to be subdivided again. Matt does not know if that is their intent; but he does not want to see three (3) driveways off the stub street, and he does not believe the ordinance would allow it. If there is an intent for subdividing, they should push Arbor Drive into that property and put a cul-de-sac turn-around. A note should be placed on the plan now. An alternative to this would be to leave the plan as it is now and restrict the properties for no future subdivision. Ken asked if there is a chance of pushing the road through like the Township wanted years ago; Matt replied that we don't have the 50-foot width closer to Arbor Drive. Ken said that there are two (2) driveways there; one (1) would have to give up half of his driveway for another one ... is that a possibility? Ken is looking into the future for this; he knows the Township wanted those two (2) roads to meet. That was the plan; somehow back in 1974 or 1977 when this got re-evaluated, it didn't get recorded that way. Matt said they looked at this months ago; he forgets the chronology. Matt said that the road was supposed to go through in the 60's; however, that land back there is very wet and was not built upon so the road stopped at either end. The Lioni's went through at least two (2) separate subdivisions; and now it's in the condition that a road can't be put all the way through. Ken questioned putting a note on the plan that, if it's re-subdivided, a cul-de-sac would have to be put in. Steve said, "no", design the cul-de-sac now or de-restrict the property.

Matt said there is a small building which was actually conforming; but, with the re-subdivision, it is not with respect to the front yard setback. Nelson Sack said it is a shed which was rather solidly constructed; a building permit was issued sixteen (16) years ago. Nelson Sack does not understand how improving the size of the lot made it non-conforming now. Matt replied that it was on Parcel A before which was with side yard; now it's part of Parcel C and part of the front yard.

Nelson Sack will return next month.

**Guy Lioni, 3120 Booth Drive:** Regarding the septic system, Guy asked what makes the Township aware that his septic system is bad; he is 500 feet away. Steve replied that we are not presuming anything; the ordinance requires that they be connected when a subdivision is done. Under law, this qualifies as a subdivision; the ordinance states that a lot line change is a subdivision. Matt said that Guy could make a connection to the line; Guy replied that, in talking to an engineer, he was told he would have to cross over driveways and go on his brother's property to connect to the line; and the engineer said he could not do it. Steve asked which engineer told him that; Guy said it was the Township Engineer but corrected himself that it was the Sewer Authority. Steve

suggested that Matt talk to Walt Fazler about this. Guy said this started out as a simple line movement and is now getting to a big expense; it's like opening a can of worms everytime he comes to the meeting. Guy said there are no subdivisions, no buildings, no other houses going in; it's the way it's going to be. Steve said Guy is correct; it's not as simple as he expected; changing the lot lines has caused all these things to come into play. Guy said it all started when his brother had a problem with the septic system; he is not saying that all this is not legal but does not feel it needs to go this far for moving a line. Matt stated that the reason the lot lines is because they have accessory structures built over the property lines, straddling the property lines, driveways that cross the property lines; it is the property owners' decisions. Guy said he has permits for everything that was done. Steve said that Guy's sister cannot sell her property with the existing property lines.

#### **NEW BUSINESS:**

**Eileen Shomo, 1527 Garnet Mine Road**, representing the Bethel Preservation Society, said they have learned that the School Board has submitted a plan for the demolition of Francis Harvey Green School. They would like that to be postponed for at least one month because they would like to document the history of the building. They would like to arrange for tours of the building to give people the opportunity to go back to look at it. The Society would also ask the School Board for some of the bricks for commemoration. Steve said that this is a matter for the Township Board of Supervisors who will be meeting September 14, 2010. Matt stated that a special procedure for the demolition is not required since the building is not on the Historical Society. Matt suggested that Eileen talk to the School Board; Ken's understanding is that the School Board has the sole jurisdiction for the building. Mike said the demolition permit is processed through the Code Office. Bill understands that the School Board has already acted on getting the asbestos removed from the building.

Dr. Shaffer reminded everyone that it's time for Founders' Day, Saturday, September 25, 2010. The Fire Company will head the parade; colonial games, food, house tours, etc. Also, Saturday, September 11, 2010, is Varden Conservation Day upstate with a lot of activities.

Lou made a motion to adjourn the meeting at 9:08 PM. Bill seconded the motion. Motion was unanimous.

Respectfully Submitted,

Joyce M. Groer,  
secretary

