

APPROVED JUNE 25, 2008



**THORNBURY TOWNSHIP
DELAWARE COUNTY
Planning Commission
6 Township Drive
Cheyney, PA 19319-1020**

**Michael Smitheman, Chairman
James Bulkley, Vice-Chairman**

**Lawrence Barrett
Frances Day
Robert Ferrara
Allen McCann
Robert Ricciuti**

**MINUTES
Thornbury Township Planning Commission Meeting
Wednesday, June 11, 2008**

The Thornbury Township Planning Commission held a public meeting Wednesday, June 11, 2008 at the Township Administration Building, 6 Township Drive, Cheyney, Pennsylvania. Chairman Smitheman called the meeting to order at 7:00 p.m., with a salute to the flag.

PRESENT: Michael Smitheman, Chairman
James Bulkley, Vice Chairman
Lawrence Barrett
Allen McCann
Robert Ricciuti

Michael Ciocco, Township Engineer
Wayne Grafton, Land Planner
Kenneth Kynett, Esq., Solicitor

ABSENT: Robert Ferrara
Frances Day

MEMBERS OF PUBLIC: 7

AGENDA

Chairman Smitheman announced that the Board of Supervisors named the meadow across from Tall Trees after Larry Barrett and it will now be known as "Barrett's Meadow", due to Mr. Barrett's commitment and hard work for our community.

Chairman Smitheman reviewed the Agenda, which included:

- Public Comment
- Approval of Minutes – May 28, 2008
- Ordinances
 - Cluster Ordinance
 - Woodlands Ordinance
- Subdivision/Land Development
 - Burkholder (Final)
 - Benson (Concord Twp.)
- Next Meeting
 - June 25, 2008
- Adjournment

PUBLIC COMMENT

Chairman Smitheman asked for public comment on issues not on tonight's Agenda. Betty Shields (181 Creek Rd.) stated she never received notice regarding the Burkholder application. Mr. Wasylyszyn (G.D. Houtman & Sons)

took note of this oversight. Discussion ensued as to whether the Applicant or the Township provides notification.

APPROVAL OF MINUTES

On a motion by Mr. Bulkley, seconded by Mr. Smitheman, to approve the minutes of the May 28, 2008 meeting, as corrected by Messrs. Kynett and Ciocco. Messrs. Barrett, McCann, and Ricciuti abstained.

ORDINANCES

Cluster Ordinance

Mr. Bulkley felt the Commission should not consider an ordinance containing provisions for agriculture, kennels, or horses, but rather an overlay that mimics the Hawthorn development that is density neutral, with public water/sewer, smaller lots (3/4 to 1 acre), but not as small as those in Tall Trees. Mr. Grafton felt the Commission should decide on the following: (1) overlay or separate district; (2) how tight you want to create lots in exchange for the open space; and (3) whether or not to add a bonus provision. Mr. Grafton questioned whether or not this ordinance would apply to all 7 properties, or whether certain properties would be targeted, and if targeted then by a separate district or an overlay. If it's an overlay provision then there is the distribution of lots, and lot sizes. Mr. Bulkley and Mr. Smitheman were in favor of collapsing J1 and J2 and adding provisions that mimic the Hawthorn tract. Mr. Barrett felt the Edgmont ordinance does not apply to Thornbury. Mr. Bulkley noted that with a larger lot, the impervious surface would be reduced. Mr. McCann was opposed to removing the agricultural uses. Mr. Grafton explained that it is already in the R-1 District. Mr. Bulkley stated for a cluster ordinance, if someone wanted an agricultural use, by the conditional use process, conditions could be put on it. Mr. Kynett noted that in some cases state agriculture law supersedes zoning. There was a unanimous consensus that there should be a net out provision before density is assigned. Mr. Grafton reiterated that the Commission wanted a net out on a 2 acre base and a by-right plan. Mr. Bulkley thought that a cluster provision could be added into the other ordinances. Mr. Ricciuti was in favor of an overlay, as he felt waiting years to study this draft would be useless if there weren't any properties left that this would apply to. Mr. Grafton suggested striking J1 and J2, and any residential district which permits single-family detached homes has this as a design option.

Public Comment – Mrs. McCann asked what the difference was between an overlay and a district. Mr. Bulkley stated a district only covers that district, but an overlay can be brought into any appropriate district.

Woodlands Ordinance

Mr. Smitheman read the conclusion to the Delaware County Planning Department's (DCPD) review. Mr. Grafton reviewed DCPD's remarks. Mr. Smitheman felt that what Thornbury calls historic may not be an historic tree to

DCPD. Mr. Grafton stated DCPD wants a standard to identify historic or significant trees. Mr. Smitheman noted it would be difficult to document historic trees. Mr. Grafton stated the Township has to use a quantitative or inventory that was done as a standard. Mr. Grafton recommended amending the draft and resubmitting it to the DCPD for further review. The ordinance draft will be located and copied to the members. There were no comments from the public.

SUBDIVISION/LAND DEVELOPMENT

Burkholder (Final)

Present: Steve Wasylyszyn, P.E., (G.D. Houtman & Sons) the applicant's engineer
Tim Sullivan, Esq., the applicant's solicitor

Mr. Bulkley announced that he has a conflict of interest as the Applicant is a client of his firm and recused himself on this agenda item (see attached Memo). Mr. Smitheman informed Mr. Sullivan that Mrs. Shields was not given notice. Mr. Sullivan confirmed that all Tiffany Lane residents would be notified in the future.

Mr. Grafton wanted proof of ownership and rights to Tiffany Lane before a plan submission and recollected that there were several people who felt they had access to the lane; and there was a question as to the number of driveways on the lane. Mr. Sullivan stated that there is no limitation on the number of driveways that can use Tiffany La., subject to the Township's ordinance. However, people are using this driveway subject to easements in their deeds. Mr. Sullivan reviewed Mr. Uradnisheck's deed to use Tiffany La. There is no written maintenance agreement, but the neighbors have shared in the maintenance. Mr. Grafton felt the previous issues needed clarification and documentation. Mr. Sullivan will provide the necessary documentation to Mr. Kynett and Mr. Anderman. Mr. Sullivan stated that the original sketch had a separate driveway for the new property, which has been removed because of the rights of Mr. Burkholder. Mr. Ciocco noted that 2 different sketches were submitted and that there are a number of sections in the ordinance that prohibit common driveways. Per Mr. Ricciuti's question, Mr. Sullivan stated that Tiffany Lane is a shared driveway, not a road.

The Catania Engineering Review letter, dated June 10, 2008 was discussed, as follows (see attachment):

1. Mr. Sullivan stated that Mr. Burkholder conveys access to the driveway for lot 2, and questioned what constitutes a private road versus a shared driveway. Mr. Ciocco stated that the ordinance does not provide for either.
3. Mr. Sullivan will verify by field survey and if the floodplain is applicable, then it will be added to the plan.

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5. Mr. Sullivan needed to know where to measure a pool from.
9. Mr. Sullivan offered a possible solution to the existing narrow cartway width of Tiffany Lane. He stated that starting up Tiffany Lane off Creek Rd. the lane would be made 18 ft. wide with room for a vehicle to sit at the bottom of Tiffany La. and look up to make sure nothing is coming and then provide a pull out by the curve at the top of the hill to let a car pass, thereby not creating more impervious surface and reducing stormwater run off.
10. Mr. Sullivan stated that the proposed driveway to lot 2 would be created so that a 3 point turn-around could be done by an emergency vehicle. Mr. McCann felt only an ambulance, not a ladder truck, could accomplish a 3 point turn. Mr. Ciocco asked the designer to consider the largest emergency vehicle when designing the turnaround.
12. Mr. Grafton noted that clarification is first needed as to who has what rights before this item could be addressed. Mr. Ricciuti asked if other properties were large enough to be subdivided. Mr. Sullivan stated that the Coppock (4+ acres) and Uradnisheck (26 acres) properties could be subdivided.
14. Mr. Sullivan stated that the applicant is prohibited to adding fill dirt over the pipeline. Mr. Ciocco suggested trying an alternative or show why the applicant is prohibited.
18. The applicant will comply by having a qualified professional delineate wetlands or W.O.U.S. as applicable and certify by letter.
22. The ROW width of Tiffany lane was discussed.
24. The sight distance requirements for the driveways were discussed.
26. The applicant is proposing public sewer by grinder pump and force main connection to an existing force main in Creek Road.
27. Mr. Wasylyszyn stated the nearest fire hydrant is $\frac{3}{4}$ mile away. A private well is proposed for the new dwelling.
31. Tree protection requirements were discussed.
32. The designer agreed to obtain information on the trees to be removed for determination of tree replacement requirements.
33. The applicant agreed to provide buffering along Tiffany Lane to prevent headlight glare onto adjoining properties.
38. The applicant has not yet submitted to any agencies.

21. A discussion ensued on this item. Several neighbors from the audience admitted maintaining the portion of the roadway in front of their home, even though there is no written private roadway agreement. Mr. Smitheman's concern was would this neighborly compliance to maintain the road work in the future with new property owners. Mr. Ricciuti's concerns were: (1) whether we choose to make it a road and does Mr. Burkholder have that right, and (2) if the Township allows this 1 house, it should be restricted to only this 1

house. However, in the future other property owners may also want to subdivide and if we do it for Mr. Burkholder, should it be done for others.

A brief discussion ensued regarding whether there is a high or low-pressure sewer line on Creek Road. The sewer engineer will investigate this line.

Mr. Sullivan confirmed he would provide background documentation in 1 week.

Mr. Uradnisheck (26 Tiffany La.) handed out documentation regarding existing conditions: (1) high traffic on the driveway, (2) unsafe driveway conditions (driveway is too narrow, curvy and slopes, poor sight distance to the right at the bottom of the driveway, flooding at the bottom of the driveway several times a year), and (3) intermittent streams and stormwaters cross at multiple points on the driveway and the lots. Mr. Uradnisheck requested that the flat part of the driveway should not be shortened, as it is needed in winter to get over the hump. Mr. Uradnisheck will provide a larger sketch. Mrs. Coppock (22 Tiffany La.) and Mrs. Shields (181 Creek Rd.) reported 6 ft. of water on Creek Rd. in 1972. Mr. Coppock reported dangerous driving conditions in winter on the driveway. There was a consensus from the public that Mr. Burkholder was not making enough improvements to warrant the proposed development.

Mr. Grafton felt the applicant was going into an engineered plan without data or a sketch as to the possible solutions.

Benson (Concord Twp.)

Discussion on this agenda item was postponed until the next meeting.

NEXT MEETING

Mr. Smitheman announced that the next meeting will be on June 25 at 7 p.m.

ADJOURNMENT

On a motion by Mr. McCann, seconded by Mr. Ricciuti, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Deborah Zitarelli
Planning Commission Secretary

cc: Planning Commission Members
Board of Supervisors
Kenneth D. Kynett, Esq.
Robert P. Anderman, Esq.
Jeffrey Seagraves, Township Manager

Ted McCandless, Code Administrator
Michael Ciocco, Township Engineer
Wayne Grafton, Land Planner
Elizabeth Geoghegan, Subdivision Coordinator
Suzanne Howat