

APPROVED APRIL 8, 2009



**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, March 25, 2009**

The Thornbury Township Planning Commission held a public meeting Wednesday, March 25, 2009 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 Ken Kynett, Esq., Solicitor
James Bulkley, Vice Chairman Mike Ciocco, Township Engineer
Robert Ricciuti Wayne Grafton, Land Planner
Lawrence Barrett
Robert Ferrara
Allen McCann

ABSENT: Fran Day

MEMBERS OF PUBLIC: 14

AGENDA

Chairman Smitheman reviewed the Agenda, as follows:

1. Public Comment
2. Approval of Minutes – March 11, 2009
3. Old Business
 - a. Burkholder Prelim./Final Subdivision, Tiffany Lane
 - b. Collins/Scheivert Preliminary Subdivision, Stoney Bank Road
 - c. Equalizing Sewer Cost Ordinance
4. Next Meeting - Wednesday, April 8, 2009
5. Announcements
 - a. Wed., April 22 – Joint meeting with the Board of Supervisors on Cluster Ord.
6. Adjournment

1. PUBLIC COMMENT

There were no comments from the public

2. APPROVAL OF MINUTES

On a motion by Mr. Bulkley and seconded by Mr. Ricciuti, all members present voted “aye” to approve the March 11, 2009 minutes, as corrected. Mr. McCann abstained due to his absence.

3. OLD BUSINESS

a. Burkholder Prelim./Final Subdivision, Tiffany Lane:

Present: Tim Sullivan, Esq., the applicant’s attorney

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Gus Houtmann, P.E., the applicant's engineer

Mr. Smitheman asked that only new items be discussed tonight.

Mr. Bulkley recused himself from the discussion due to a conflict of interest (see attached letter).

Mr. Sullivan discussed Mr. Ciocco's (Catania Engineering) 3/24/09 review letter, as follows:

Waivers Required (Chapter XXII):

Mr. Sullivan briefly reviewed the waivers 1 – 7.

Subdivision & Land Development (Chapter XXII):

8. Mr. Sullivan stated a private roadway agreement will be provided to the satisfaction of the Township's Solicitor, with the provision that the users of Tiffany Lane will have ingress and egress at all times during the construction of the proposed improvements.
9. Mr. Sullivan stated that the undersized site distances at the intersection of Tiffany Lane with Creek Road will be addressed to the satisfaction of PennDOT and the Township's engineer. A HOP will be sought from PennDOT.

General Comments:

11. Mr. Sullivan stated a note will be added to the plan to the satisfaction of the Township Solicitor, as requested, that any future driveway connections or new homes accessing Tiffany Lane shall require the improvement of Tiffany Lane to full Township street standards. Mr. Sullivan stated that no right-of-way will be dedicated or reserved and that any property owner wishing to connect to Tiffany Lane in the future and required to widen Tiffany Lane as a result will have to acquire the right of way to do so.
12. Mr. Sullivan stated an additional ROW was provided for the 3 point turn around. The detail of the 3 point turn around on sheet 5 of 5 shows the 3 point turn around maneuver of an emergency vehicle up to a wheelbase of 240 in., which Mr. Sullivan stated is larger than the wheelbase of a Class "A" Pumper or Ladder Truck. Mr. Sullivan proposed that the turn around area be included in the ROW and that there be a prohibition of vehicle parking, accomplished with a Declaration of Easements, Covenants, and Restrictions to be imposed on Lot 2 prior to any conveyance to the satisfaction of Township solicitor.

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Mr. Sullivan stated the applicant was seeking a recommendation of approval from the Planning Commission for this 2 lot subdivision, subject to a private roadway agreement to the satisfaction of the Township Solicitor; Declaration of Easements, Covenants, and Restrictions, including the turn around area and the prohibition of parking; the clearing of vegetation to the satisfaction of PennDOT and the Township engineer; and a note to plan restricting driveway connections to Tiffany Lane unless it is improved to full Township Street Standards to the satisfaction of the Township solicitor.

A brief discussion ensued regarding the 50 ft. ROW and that the applicant elected not to give a 50 ft. ROW because it would only affect the Uradnisheck's and the Coppock's and Mr. Sullivan believed that they should have to purchase it to use it if needed in the future.

A brief discussion ensued regarding the requirement of the fire marshal to review the plan, especially the turn around. Mr. Sullivan stated his request for the fire marshal's review got no response. Mr. McCann and Mr. Barrett felt a turn around would not be beneficial, since only one vehicle would be able to turn around, but 10 vehicles could arrive and block the lane.

Mr. Sullivan agreed to Mr. Ciocco's request that no parking signs be added to the plan and added to the Declaration of Easements, etc. Two free-standing signs would be placed in the turn around area, one at the beginning and one at the end.

Widening of Tiffany Lane was briefly discussed. Mr. Houtmann agreed to widen Tiffany Lane to a minimum of 10 ft. to meet the Township's driveway standards, but some trees may need to be removed.

Public Comment:

Mr. Coppock (Tiffany Lane) was concerned with the 18% slope and that large emergency vehicles would have to back down the lane even with the proposed turnaround.

Mr. Mezzanotte, Jr., Esq. (the Coppock's and Uradnisheck's attorney) and Mr. Ciocco asked the applicant to demonstrate how stormwater will cross over Lot 2's driveway. Mr. Houtmann noted that driveway improvements were kept at or below grade, so surface water could run off and not concentrate and become an erosion problem. The surface water would originate from the Uradnisheck and Coppock's property and flow over Lot 2 and into the existing drainage channel along the rear of Lot 1. Mr. Houtmann stated that a driveway cross pipe would not be used as

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there was a concern with concentrating flows in this area. The overflow from the yard drain associated with the seepage bed will be conveyed through a proposed stabilized channel from just south of the yard drain to the property line where the water can enter the existing channel on the Burkholder property.

Mr. Barrett noted Mr. Uradnisheck's photo of a hazardous roadbed condition from overflowing surface water. Mr. Houtmann stated the flows will be contained from the property, so no additional stormwater will be added. Mr. Sullivan stated it was a maintenance issue and the owner and related users should address it.

Mr. Mezzanotte felt the note on the plan regarding future connections to the driveway was restrictive to the property rights of others who may want to connect or subdivide in the future.

Mrs. D'Andrea, P.E. (the Coppock's and Uradnisheck's engineer) submitted a letter dated March 23, 2009 and noted her primary concerns were: (1) No swales, gutters, or stormwater pipes are proposed for drainage; (2) Although the applicant is improving the existing conditions, by eliminating the vertical crest and increasing the site line, the proposed widening forces the ascending vehicle to pull over, when it would be better, especially in bad weather, if the descending vehicle pulled over; (3) Along the entire vertical slope should be widened sufficiently for 2 vehicles to pass; (4) Additional driveway regrading could further reduce the proposed 15% slope to closer to 10%, but would require filling 200 to 300 ft. into the site and possibly 12 to 15 in. over the pipeline; (5) Recommended planting the buffer further away from the driveway, as the proposed buffer is less than 5 ft. off driveway and it may restrict sight lines for the Coppock's driveway; (6) Recommended a temporary driveway be provided during construction, as well as a construction sequence provided with ingress and egress; and (7) Recommended a minimum driveway width of 16 ft.

Mr. Sullivan noted the pull off area is not to have the vehicle going up and stop; it is so that a descending vehicle can see that a vehicle is coming up the hill. The flat area is needed to get the speed of the ascending vehicle up to traverse the hill in bad conditions. Mr. Sullivan agreed to move back the buffer trees.

Per Mr. Barrett's question, Mr. Houtmann stated a vehicle could safely stop on an 11% slope.

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Mr. Mezzanotte felt that if the Planning Commission is considering granting the waivers, the applicant should show a hardship in not meeting the Township's safety requirements.

Mr. Uradnisheck (Tiffany Lane) felt this plan created additional impermeable conditions, creating more run off and erosion to the driveway, making the maintenance worse, and requested a gutter built on the upstream side to avoid further erosion.

Fran Coppock (Tiffany Lane) reiterated the need for a safe driveway.

There were no further comments from the public or Committee members.

MOTION: On a motion by Mr. Barrett and seconded by Mr. McCann, the Planning Commission recommended that the proposed Burkholder Subdivision be denied by the Board of Supervisors on the basis that the developer's proposed changes do not meet either the Subdivision and Land Development's general requirements for street widths and slopes in Paragraph 22-602, or the specific requirements of 22-606.B (slopes are far in excess of 10%) and 22-606.E (Gutter – none is provided, 3 ft. paved is stated in ordinance) for driveways. Failure to meet these conditions adds to the hazard of a presently dangerous driveway, currently shared by five residences. The problem of emergency vehicle access is especially hazardous, with the addition of an additional home only making this condition worse. The motion passed by a majority vote of 3-2. Mr. Ricciuti and Mr. Ferrara opposed the recommendation for denial and Mr. Bulkley abstained.

Mr. Smitheman thanked everyone, but felt more could have been done on both sides to make it a better situation.

b. Collins/Scheivert Preliminary Subdivision, Stoney Bank Road:

Present: Tim Sullivan, Esq., the applicant's attorney
Gus Houtmann, P.E., the applicant's engineer

Mr. Bulkley recused himself from the discussion due to a conflict of interest (see attached letter).

Mr. Sullivan discussed the outstanding issues in Mr. Ciocco's (Catania Engineering) 2/24/09 review letter, as follows:

(1) The emergency access for the Blandy property. Mr. Sullivan proposed that the applicant submits the existing driveway which serves the Blandy property as the emergency access for the Blandy property in the event the Blandy property is presented for residential subdivision.

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(2) Perk testing. Mr. Sullivan would first like the applicant to be granted preliminary approval to set the lot lines, then perc testing could take place, as opposed to taking a chance and do the testing now and then finding the lot lines are not acceptable.

(3) Tree replacement. Mr. Sullivan stated they will do the best they can to replace 357 trees and the ordinance does not say 1:1 replacement. Reforestation will take place around the stormwater basin and the required number of street trees will be installed, and as many other trees as possible, with a minimum of 3 per lot, but would not be able to reach the 357 total.

(4) Martin Park. Mr. Sullivan stated the owner of the property would not gift land to the Township as a condition of subdivision approval. Mr. Kynett reminded Mr. Sullivan that the comment regarding his client needing to give land to the Township to get subdivision approval was not from the Planning Commission.

(5) Stormwater. Mr. Sullivan stated that stormwater issues will be left to the final plan stage, due to the necessity of perc testing where basins are proposed.

Mr. Sullivan stated he was asking for preliminary approval, conditioned upon satisfactory perc tests and conditioned upon the existing driveway being altered for emergency access for the Blandy property in the event the Blandy property is offered for residential subdivision.

A brief discussion ensued regarding the Township's EAC letter of 2/25/09 requesting a donation of additional ground along Stoney Bank Road. The possibility of a conservation easement was discussed. Mr. Sullivan reiterated that the property owner is not receptive to it. Mr. Houtmann asked if the 75 ft. buffer would accomplish the same. Mr. Smitheman noted that the Planning Commission cannot force a property owner to donate land.

Mr. Sullivan agreed to Mr. Ciocco's request to reforest the borders of Martin Park as much as possible.

Mr. Ciocco thought that the proposed emergency access easement along the existing Collins driveway may be a good idea, but he wanted to look into the specifics a little further outside of the meeting. Mr. Ciocco stated that the concept was changed by the applicant in no longer providing emergency access to the new Collins Road, but only to the potential

future Blandy site. While this concept would be helpful to the Blandy site in its future development, it does not provide any advantages to the new Collins Roadway.

A brief discussion ensued regarding the width of the bridge. Mr. Sullivan stated it was 12 ft. and at that point and you are now on the Blandy property. Mr. Sullivan stated the applicant would give a 20 ft. wide emergency access where the existing driveway is, but once it crosses the Blandy property the applicant cannot give the Township anything. Mr. Sullivan suggested if the Blandy's develop their property in the future, they should put a new road somewhere else on their property. Mr. Ciocco stated it was a good plan for the neighboring property, but thought there could be an emergency access between 2 subdivisions, connect from one cul-de-sac bulb to another, possibly done as an easement, so that setbacks are not affected.

Mr. Ciocco reiterated the need to know that the lots can perc, using the lot lines on the plan. He stated that an applicant will typically provide septic system testing and the planning module forms prior to Preliminary Plan approval. He was concerned that the approval of a plan without knowing if sanitary sewage facilities can be provided would put the Township at risk. Mr. Houtmann was opposed to perc testing without preliminary approval. Mr. Kynett advised that more time was needed to determine if the Lot 6 driveway, as an emergency access, was sufficient. Mr. Sullivan noted that an emergency access, as requested by the Township, is not required by the Township's ordinances, but would provide a 20 ft. easement on the applicant's property.

Mr. Smitheman stated he would not entertain a motion, based on Mr. Kynett's concerns and suggested the applicant's professionals discuss this with Mr. Kynett to see what could be resolved before the next meeting.

c. Equalizing Sewer Cost Ordinance

A brief discussion ensued regarding the changes.

MOTION: On a motion by Mr. Bulkley and seconded by Mr. Ricciuti, the Planning Commission recommended that the Equalizing Sewer Cost Ordinance be approved by the Board of Supervisors.

A discussion ensued regarding the Planning Commission's requested change in paragraph 4, from 60 days to 6 months. Mr. Kynett felt 120 days instead of 6 months was fair, as it gives the Township time to figure who has and has not paid and then prepare and file a lien.

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Mr. Ricciuti amended the motion by adding the caveat that confirmation is obtained from Mr. Anderman, that in paragraph 4 he intentionally wrote 120 days, rather than the Planning Commission's suggestion of 180 days. The amended motion passed by a majority vote 5-0, and Mr. Barrett abstaining due to his general opposition to public sewers.

4. **NEXT MEETING:** Mr. Smitheman announced that the next meeting will be on Wed., April 8, 2009 at 7 p.m.
5. **ANNOUNCEMENTS:** Wed., April 22, 2009 – Joint meeting with the Board on the Cluster Ordinance
6. **ADJOURNMENT:** On a motion by Mr. Bulkley and seconded by Mr. Ferrara all members voted “aye” to adjourn the meeting at 8:41 p.m.

Respectfully submitted,

Deborah Zitarelli, Planning Commission Secretary

cc:	Planning Commission Members	Ted McCandless, Code Administrator
	Board of Supervisors	Michael Ciocco, Township Engineer
	Kenneth D. Kynett, Esq.	Wayne Grafton, Land Planner
	Robert P. Anderman, Esq.	Elizabeth Geoghegan, Subdivision Coordinator
	Jeffrey Seagraves, Township Manager	Suzanne Howat
	Jacqui Guenther	