

APPROVED JULY 9, 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 25, 2008**

The Thornbury Township Planning Commission held a public meeting Wednesday, June 25, 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
Robert Ferrara
Frances Day

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

ABSENT: 0

MEMBERS OF PUBLIC: 7

AGENDA

Chairman Smitheman reviewed the Agenda, as follows:

- Public Comment
- Approval of Minutes – June 11, 2008
- Old Business
 - Cluster Ordinance
 - Woodlands Ordinance
 - Burkholder (Final)
 - Benson (Concord Twp.)
- Next Meeting
 - July 9, 2008
- Adjournment

PUBLIC COMMENT

Chairman Smitheman asked for public comment on issues not on tonight's agenda. There were no comments from the public.

APPROVAL OF MINUTES

On a motion by Mr. Bulkley, and seconded by Mr. McCann, approving the minutes of the June 11, 2008 meeting, as corrected by Mr. Kynett and Mr. Ciocco. Mr. Ferrara and Mrs. Day abstained.

OLD BUSINESS

Burkholder

Present: Mr. Burkholder, the applicant
Tim Sullivan, Esq., the applicant's solicitor
Guss Houtmann, P.E., (G.D. Houtman & Sons) the applicant's engineer

Mr. Bulkley recused himself, as he has a conflict of interest (see attached Memo). The applicant's Study Plans 1 and 2 were discussed. Mr. Sullivan submitted to Mr. Kynett, Mr. Anderman, and Mr. Grafton, the following: (1) a memo of law, (2) a copy of a 1955 ROW agreement, (3) every relevant deed on Tiffany La., (4) and 2 old plans. Mr. Sullivan noted that a reference was made to the Pennell Plan in one of the older deeds, but was not able to locate any Pennell Plan. Mr. Ciocco suggested that the Court House archives be checked for either of the Pennell Plans. Mrs. Coppock (22 Tiffany La.) brought forth a James Pennell Plan denoting her 2 properties. Mr. Sullivan made the following conclusions: (1) the Burkholder's own the 60 ft. strip to Creek Rd., (2) 30 ft. of the 60 ft. strip is subject to a ROW agreement recorded in 1955, (3) there is no restriction in any deed that limits the number of houses that can be placed on Tiffany La., (4) the Burkholders, as owners of Tiffany La., have the right to add another house to Tiffany La., subject to the Township's regulations, (5) although Mr. Uradnisheck owns 2 parcels, only his 4 acre parcel (folio 44-00-00097-00) has the right to access Tiffany La. Even by reverse subdividing, Mr. Uradnisheck's Z-shaped parcel does not have access to Tiffany La., unless Mr. Burkholder issues those rights. There are 5 properties using Tiffany La. with Burkholder's, Coppock's, and Uradnisheck's properties containing 4 or more acres, which may be subdivided. The Coppock's and Uradnisheck's additional properties have rights to use the shared driveway. However, the Coppock's and Uradnisheck's may not be able to subdivide if it overburdens Tiffany La. Because some utilities running in the ROW are already servicing interior lots, Mr. Sullivan felt the courts would interpret that water and sewer would also be permitted within the Tiffany Lane Right of Way.

Mr. Kynett acknowledged Mr. Sullivan's opinion, but withheld his own opinion until he has an opportunity to further review the deeds and information from the existing property owners regarding their respective rights to access Tiffany La.

Mr. Sullivan requested the Coppocks to provide a deed when the Laws bought their property from the Haenn's in 1939, to see if it references any rights to use Tiffany La. Mr. Sullivan stated that Mr. Burkholder's Title Report references the easement, but it is not mentioned in the deed itself.

Mr. Grafton noted that there are 5 existing houses serviced by Tiffany Lane with the possibility of 3 more based upon what could possibly be added for a total of 8. The rights to access Tiffany La. by all the properties, plus the verbal arrangement regarding maintenance of the lane are issues. Mr. Grafton recommended that the subdivision process would provide the appropriate opportunity for the rights and obligations for Tiffany Lane to be memorialized in writing. Mr. Sullivan agreed.

Mrs. Coppock noted 3 other property owners were unable to be present tonight.

Mr. Sullivan suggested 3 different ways to subdivide the property, as follows:

1 - Split the 60 ft. and put 2nd driveway in to serve the existing Burkolder home and back part of home could use Tiffany La., with no improvements to Tiffany La., except to add a 2nd driveway. The applicant will deed restrict the properties against any further subdivision.

2 - Put a road in to Township standards and have it dedicated. Mr. Sullivan felt this is the worst alternative by changing the character of the enclave.

3 - Improve the existing driveway and use it to serve the proposed lot. Improvements would consist of putting a larger turn out area at bottom of driveway so that a car could exit while one enters, and at top of the driveway, make the road straight by removing the “S” curve and adding a macadam turn out area; it improves sight distance and allows a car to pass you.

Mr. Sullivan was opposed to widening Tiffany to 18 ft. as it may not be in the best interests of the residents because if it looks like a street rather than a driveway, it may get unwanted traffic. Mr. Sullivan suggested that the average trips for a single-family home is about 10-12 per day, so with one more house it would add 10-12 more trips/day, which is less than one car per hour.

Mr. Sullivan noted that no portion of wetlands or Waters of the U.S. are found in area of proposed house. There are however, Waters of the U.S. located to the southeast of the existing house

Mr. Sullivan requested clarification from the Township on measuring the distance from a pool, from the edge of the deck or the edge of the pool.

Mr. Sullivan noted the applicant’s plan is to put two separate sewer lines in, one for the existing house and one for the proposed lot, because permitting is easier to do it that way, or a larger line could be used to service multiple houses.

Mr. Grafton was concerned with potential flooding in the area where Tiffany Lane intersects with Creek Rd. Mr. Houtmann noted that there are flood maps that show flooding just inside the throat of the intersection, but would investigate this further.

Jay Uradnisheck (26 Tiffany La.) noted his concerns, as follows: (1) Over the past 30 years the road floods once or twice/year and suggested a good source of information is Lindsey of the Township's road crew. (2) Higher traffic than normal due to industrial style garages. (3) The garage on plan 1 has an upstairs which could be rented adding more traffic. (4) Unaware of any ROW for his large parcel. (5) Why is the Township considering plan #1 with a single driveway if doesn't meet the zoning code. (6) Against any waivers and has heard no discussion on the hardships of neighbors created by any possible waivers. Mr. Grafton felt the neighbors should decide the least disruptive way. Mr. Sullivan stated that the least disruption to the appearance is the proposed turnouts. If the turnouts are not wanted then the alternative is the 2nd driveway, and last alternative is to create a street, which would destroy the character of the lane. Mr. Ricciuti felt adding macadam at the top and bottom of the lane was not an improvement and asked what the applicant is giving the neighbors for a waiver. Mr. Sullivan stated removing the "S" and making it straight would be a benefit.

A brief discussion ensued regarding the lane's slope. Mr. Ricciuti suggested a trestle instead of fill at the pipeline, since 2 to 3 ft. of fill over the pipeline may not help much.

Stormwater run off was briefly discussed and Mr. Ciocco noted that an underground seepage bed was proposed, but the Township still needs more information on this matter.

Mr. Barrett questioned the legality of adding a new and different driveway onto Tiffany La. Mr. Kynett stated that it would be premature to issue a legal opinion and it is up for consideration. Mr. Ciocco asked if the applicant would be open to a widening of Tiffany Lane if it was made to be 14-16 feet wide. This improvement was suggested in an effort to keep additional impervious coverage to a minimum and to keep the lane from looking like a street. Mr. Sullivan responded that it was a possibility. Mr. Ciocco also requested a vertical driveway profile demonstrating re-grading of Tiffany Lane and its effect on sight distances.

The Commission's concerns were: (1) Need a roadway maintenance agreement, (2) investigate wetlands or floodplain on Creek Rd., (3) the Township needs to provide legal ruling on the ROWs, (4) what is the limit of future subdivisions connecting to Tiffany La, (5) whether adding a new driveway

to Tiffany Lane is grandfathered, (6) public sewer, (7) what are the improvements of Tiffany La., (8) sight distances on Tiffany La., and (9) problem areas on Tiffany La.

Mr. Smitheman thanked public and the applicant for their input.

Benson (Concord Twp.)

Mr. Smitheman briefly reviewed Concord Twp.'s 5/14/08 letter on Benson's Conditional Use Approval and Prelim./Final Major Subdivision Approval.

Woodlands Ordinance

Mr. Smitheman highlighted the Delaware County Planning Department's (DCPD) recommendations. There was a consensus to recommend the adoption of the current draft and then go back and amend it in accordance with the Delaware County Planning Commission review letter, as appropriate.

On a motion by Vice Chairman Bulkley, seconded by Mr. McCann, by a vote of 7 to 0 in favor, all members voted "aye" to recommend the attached Woodlands Ordinance draft be considered by the Board of Supervisors for adoption as an amendment to the Township's Subdivision and Land Development Code, to be followed by amendments in accordance with the May 15, 2008 Delaware County Planning Department's recommendations, as appropriate.

Cluster Ordinance

Discussion on this item was postponed until the next meeting.

NEXT MEETING

Mr. Smitheman announced that the next meeting is scheduled for July 9, 2008.

ADJOURNMENT

On a motion by Mr. Barrett, seconded by Mr. Smitheman, the meeting was adjourned at 8:40 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