

APPROVED MARCH 11, 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, February 25, 2009

The Thornbury Township Planning Commission held a public meeting Wednesday, February 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
Lawrence Barrett
Allen McCann
Frances Day

ABSENT: Robert Ferrara, and Wayne Grafton

MEMBERS OF PUBLIC: 5

AGENDA

Chairman Smitheman reviewed the Agenda, as follows:

1. Public Comment
2. Approval of Minutes – February 11, 2009
3. Old Business
 - a. Burkholder Subdivision
 - b. Collins Subdivision
 - c. Cluster Ordinance
 - d. Equalized Sewer Costs Ordinance
4. New Business
 - a. 2008 Annual Report & Addendum
5. Next Meeting - Wednesday, March 11, 2009
6. Announcements
 - a. Wed., March 11 – Joint meeting with the Sewer Committee on Equalized Sewer Costs Ord.
 - b. Wed., March 25 – Joint meeting with the Board of Supervisors on Cluster Ord.
7. Adjournment

1. PUBLIC COMMENT

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

2. APPROVAL OF MINUTES

On a motion by Mr. McCann and seconded by Mr. Bulkley, all members voted "aye" to approve the February 11, 2009 minutes, as presented.

3. OLD BUSINESS

a. Burkholder Preliminary/Final Subdivision, Tiffany La.:

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

Mr. Bulkley recused himself from this discussion due to a conflict of interest as the applicant is a client of his firm (see attached memo).

Mr. Houtmann reviewed the 2 driveway/road options: (1) add a parallel driveway for lot 2, and (2) connect lot 2 to Tiffany La. and improve Tiffany La. Since the Planning Commission did not have a preference, the applicant chose option 2. The Zoning Hearing Board (ZHB) granted 3 Special Exceptions: (1) Section 27-2101, expansion of existing nonconforming use – widen entrance of Tiffany La. and for the additional lot; (2) Section 27-1506 for the 100-yr. floodway – connection will be done in a floodway fringe; and (3) Section 27-2113 – front yard is parallel to Tiffany La. which puts the swimming pool 25 ft. off the rear property line. Subsequent to ZHB hearing, plans were revised 2/6/09, per Twp. engineer's 6/10/08 review, and submitted to Twp. for review. The Twp. engineer's new 2/23/09 review has been received.

The Catania Engineering 2/23/09 review letter was discussed, as follows (see attached):

Zoning (Chapter XXVII)

1. – 2.: comply

Waivers Required (Chapter XXII)

3. – 9.: add waivers associated with Tiffany La.

Subdivision and Land Development (Chapter XXII)

12. Section 22-503.4: will comply. The Township felt this would be the time to establish a formal shared roadway maintenance agreement. In the past, property owners paid their share based on frontage.

13. Section 22-602.9: Mr. Houtmann will attempt to resolve this if the applicant would accept that the lot cannot be subdivided, which would relieve the 50' requirement. The right-of-way will be expanded to include the new pull-off areas and turn-arounds. Mr. Ciocco asked if there would be a future connection. Mr. Houtmann did not know. (see #18.)

14. Sections 22-602.13 & 606.D: Mr. Houtmann stated that they will try to expand the site distance, and will comply with PennDOT's requirements.

Tim Sullivan arrived at 7:55 p.m.

Landscaping

16. Section 22-905.4: will comply. Mr. Houtmann suggested adding pine trees or buffer plantings to shield the view-scape along the property line.

General Comments

18. Mr. Sullivan stated that his client would prefer to deed restrict his property from further development, preventing any future homes or driveway connections to Tiffany Lane, since the lane is located entirely on his client's property.

John Mezzanotte, Jr., Esq., attorney for the Uradnisheck's and Coppock's felt it would be unfair to allow such a restriction from future use on Tiffany Lane as other neighboring property owners may have enough property to subdivide, but would not be able to obtain access to Creek Road. Mr Sullivan noted that he understood that the Coppock's and Uradnisheck's had told the Commission that they wanted Tiffany Lane left the way it is.

19. Mr. Houtmann stated they would comply with widening the western entrance radius with an approximate additional 4' x 10' paved area.

20. Mr. Houtmann stated they did not wish to create the requested loop because it would have a tight radius and a large or emergency vehicle may not make it the turn. Mr. Sullivan stated a trash truck can make the currently proposed turn-around, but would investigate if fire trucks could make it. Mr. Houtmann stated this would be investigated.

22. apply, once Planning Commission approval is obtained

Mr. Houtmann noted that pull out areas are proposed, and the road is planned to be straightened and realigned to lengthen the north and southbound line of sight. The zoning order references the improvements depicted in study plan #2, as required for the development.

At the request of the Commission, Mr. Houtmann will provide a set of plans to the Township Fire Marshall, for his input.

Mr. Kynett asked for clarification from Mr. Sullivan regarding #13 and #18 and whether Mr. Sullivan's client was going to comply or would prefer to deed restrict the property instead. Mr. Sullivan stated that they prefer to deed restrict from further use or access.

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Mr. Mezzanotte reiterated his clients' concerns. Mr. Kynett reassured Mr. Mezzanotte that the Commission and Mr. Ciocco are aware of the issues.

Mr. Ricciuti noted that the applicant could add a parallel driveway (option 1), with no further burden on the existing driveway, but there would be more land disturbance. Mr. Mezzanotte felt option 1 seemed to satisfy the ordinance requirements, but it was unknown if it would be safer. Mr. Kynett stated the ZHB cannot grant relief from subdivision/land development requirements. The Planning Commission and the Board of Supervisors will have an opportunity to decide if those waivers should be granted, as mentioned in Mr. Ciocco's recent letter, items 7 and 8.

Fran Coppock, Tiffany La., was concerned about safety issues, driving conditions, limitations, problematic stormwater run off, the number of current drivers and requested a regulation street with a turn at the top.

Maureen McCann, 170 Dilworthtown Rd., noted the problems if fire and ambulance vehicles had to use Tiffany La.

Paul Coppock, Tiffany La., felt the driveway should be improved and widened to a 2 lane public road now for the safety of all. Mr. Sullivan stated safety enhancements were being incorporated into the proposed plan.

Mr. Smitheman concurred with Mr. Sullivan that tonight's responses will be incorporated into a set of plans to be submitted to Mr. Ciocco and at that point a motion will be made by the members.

Mr. Ciocco clarified that a 3 ft. hump was proposed to be removed from Tiffany Lane so that you should now be able to see all the way down to the bottom of the road.

b. Collins/Scheivert Preliminary Subdivision, 69 Stoney Bank Rd.

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

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

Mr. Houtmann reported this was last discussed on 1/14/09. The plan was revised based on a 1/12/09 Twp. engineer review and a 12/29/08 Twp. planner review. Subsequently, a 2/24/09 review from the Twp. engineer has been received. Mr. Houtmann wanted to make sure the road alignment and the lots are not subject to change.

The Catania Engineering 2/24/09 review letter was discussed, as follows (see attached):

Waivers Required (Chapter XXII)

5. Section 22-602.15: Mr. Sullivan asked what type of curb is preferred. Mr. Ciocco suggested they table that discussion.

Subdivision & Land Development (Chapter XXII)

7. Section 22-502.1.C(9).(a): complied, right-of-way documents were provided to Mr. Kynett at the meeting. He will scan and send out.

8. Section 22-602.4 & 22.602.14.D: Mr. Ciocco suggested a compromise would be to provide a future emergency access easement, as it would not restrict the development of lots 4 or 5 with a future ROW.

9. Section 22-602.13: will comply with PennDOT's standards.

10. Section 22-608 & 902: Mr. Houtmann will provide the planning module at the final application. Mr. Ciocco noted the norm is to ask for it at the preliminary.

Landscaping

12. Section 22-905.4: Mr. Ciocco stated no replacement trees (357) are shown on the plan. Mr. Sullivan noted reforestation will be done in various areas, as well as in the basin area and along the street, but will not meet the 357 figure. Mr. Ciocco suggested that the engineer show the replacement trees on the plan that will fit and then review how to use the remainder of the trees.

General Comments

14. Mr. McCann stated the EAC recommended: (1) the boundary adjacent to Martin Park should retain the woodlands buffer to a minimum depth of 75 ft., and (2) that portion of the common open space adjacent to Stoney Bank Road should be donated to the Township rather than the Homeowners Association, to afford protection to Martin Park for this natural scenic vista that forms the entrance to our Township. Mr. Sullivan will investigate.

15. Mr. Sullivan noted that 3rd party approvals have not been sought yet.

Stormwater Management

18. comply

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19. Mr. Sullivan noted that the bridge is not on his client's property, and no improvements are being proposed, as no lots will be served by the bridge.

Mr. Houtmann noted his client will comply with the remaining numbered items.

Mr. Ricciuti suggested making the existing driveway into a road. Mr. Sullivan stated that it cannot be done because some of it is on another property. Mr. Houtmann stated this would be problematic. To widen it, retaining walls on both sides would be needed. Mr. Ciocco stated that keeping the road opposite Andrien Rd. is a good design standard, has better sight distance, and would not require a waiver for its distance to the nearest intersection.

Mr. Sullivan requested guidance on the lot lines. If they are satisfactory, then testing can begin to satisfy Mr. Ciocco. Mr. Ciocco stated an emergency access easement is one of the things the Township needs. Mr. Kynett stated that the Engineer's recommendation was for an easement, rather than an improved ROW. Mr. Ricciuti stated that the applicant is asking for waivers with the maximum amount of lots. Some developments did trade offs by not putting in the maximum amount of lots. Therefore, why should I approve waivers with a maximum amount of lots? Mr. Sullivan responded that the requests of the EAC may be a trade-off for consideration. There were no comments from the public.

b. Cluster Ordinance: Mr. Barrett questioned the consistency of the definition of "Tree Masses", as the definition for Woodlands in the existing Woodlands Ordinance states that a Woodland is a tree mass...of a quarter acre or more" and is otherwise nearly identical to the "Tree Mass" definition in the Cluster Ordinance. Mr. Barrett requested that the two definitions of Tree Mass be made identical. There may be a typo on page 1, under DBH (dbh), should "measures" be changed to "measured at". Also, if the definition for DBH came from the Woodlands Ordinance, it should be referenced. Mrs. Zitarelli was asked to have Mr. Grafton check and amend, as needed.

c. Equalized Sewer Costs Ordinance: Mr. Ricciuti noted that a sewer line is planned for the Brinton Lea District and this ordinance is needed to move the project along. Mr. Kynett explained that is a general ordinance, and not for a specific district so that it would apply Township wide. Those who are benefited or accommodated by public sewer will be assessed an equal share of the cost of the infrastructure. Mr. Barrett felt public sewers were not a benefit to the Township, as the sewerage effluent is discharged into Chester Creek, which is a drinking water supply. Mr. Kynett noted

that there is a difference between being required to connect to a system and simply being assessed for the installation. These changes do not address the actual connection. Mr. Kynett commented on paragraph 4 regarding the 60 day payment period. Once the system is certified for operation, the Township would have 6 months to file a lien for non-payment. The 60 days generally refers to the time period within one must connect to the system, once given the directive to connect. The Township may want to consider the 6 months, rather than 60 days. Mr. Kynett also recommended including wording in paragraph 5, last sentence to read: "Capacity shall be subject to availability at the time of requested connection to the Township system and payment of the required cost therefore". Mr. Ricciuti noted that according to paragraph 5, you are forced to pay the infrastructure, but there is no guarantee you can tie into it. Mr. Kynett stated that it is in there because it is the difference between paying for the assessment and actually connecting. The members questioned what happens if you pay for it and there is no capacity, would you get your money back? Mr. Kynett stated it is a protective provision and reflects the agreement the Township has with Concord Township Sewer Authority. If at the time you wish to connect, the capacity is not available, there probably should be something in there saying what happens. Mr. Kynett explained that capacity is not guaranteed. If for some reason capacity is unavailable, when Thornbury paid for it up front, then Thornbury would get reimbursed. Mr. Smitheman noted that this should be explained clearly to everyone. Mr. Kynett stated if you decide not to take all the steps at the time the main pipes are put in, then you assume the risk that goes with that. The EDUs are reserved, but not guaranteed. While the risk may be small, the fact that there is risk must be addressed. There were no comments from the public. Mr. Smitheman read Mr. Seagraves' letter dated 2/20/09 regarding the West Side Sewer Expansion.

4. NEW BUSINESS

a. 2008 Annual Report & Addendum: Mrs. Zitarelli was complimented on the preparation of the Annual Report & Addendum. On a motion by Mr. Ricciuti and seconded by Mr. Bulkley, all members present voted "aye" to approve the 2008 Annual Report & Addendum, as amended.

5. NEXT MEETING: Mr. Smitheman announced that the next meeting will be on Wed., March 11, 2009 at 7 p.m.

6. ANNOUNCEMENTS:

a. Wed., March 11 – Joint meeting with the Sewer Committee on Equalized Sewer Costs Ord.

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b. Wed., March 25 – Joint meeting with the Board of Supervisors on Cluster Ord.

7. ADJOURNMENT: On a motion by Mr. McCann and seconded by Mrs. Day, all members voted “aye” to adjourn the meeting at 9:25 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	