

Upper Providence Township
Planning Commission
Regular Meeting
July 22, 2019

The Upper Providence Township Planning Commission held its regular monthly business meeting on Monday, July 22, 2019 in the Township Council Room. The meeting was called to order at 7:00 PM. The meeting was opened with the Pledge of Allegiance. PC members present were Chairman Michael Crotty; Vice-Chairwoman Jackie Larkin; Joseph Maylish; Joseph Solomon and James Zaccaria. Also present were: James P. Kelly, P.E., Planning Commission Engineer; Ms. Beth Naughton-Beck, Esq., Planning Commission Solicitor; Gregory Lebold, Township Manager and Kim McCloskey, Administrative Assistant.
Not Present: Brian Carr

Approval of Minutes

Mr. Maylish made a motion seconded by Mr. Crotty to approve the minutes of the June 24, 2019 meeting.

Ms. Larkin - Yes
Mr. Maylish - Yes
Mr. Solomon - Yes

Mr. Zaccaria - Yes
Mr. Crotty - Yes

Motion passed 5-0

Public Comments and Questions

None

Communications

Mr. Crotty informed the Board that the Delaware County Planning Commission is publishing a County wide zoning mapping tool that is available to the public on their website.

Special Reports by Officers or Committees

None

Old Business

923-925 N. Orange Street, Final SLDL - Darhun

Lee Stivale, Esq., attorney for the applicant, summarized the project which started as five lots and is now at final as three lots. He described how the 3 home community would share the required maintenance of the private road without having an HOA. He proposes to impose an easement agreement with covenants and conditions regarding the private road and common water infiltration system, with the Township listed as a third party beneficiary. He is awaiting comments from the Fire Marshal and approval of their NPDES Permit Application. Mr. Stivale noted that PennDOT has approved the driveway permit. Mr. Crotty opened the floor to comments from the Board and public. Hearing no comments, Mr. Crotty recommended that a component of the easement agreement provide for financial security to prepare for future repairs and maintenance to the stormwater facilities management, with the amount subject review and approval by the Township Engineer and Township Solicitor. Attorney Stivale indicated that a base amount could be placed into a fund for that purpose (to be replenished in the future if used).

Mr. Crotty made a motion seconded by Mr. Solomon to recommend approval of the Final SDLD for 923-925 N. Orange subject to compliance with the Township Engineer's July 18, 2019 review letter and that that the applicant obtain a driveway access and stormwater facilities easements with the conditions as discussed, all of which to be satisfactory with the Township Solicitor

Ms. Larkin - Abstain
Mr. Maylish - Yes
Mr. Solomon - Yes

Mr. Zaccaria - Yes
Mr. Crotty - Yes

Motion passed 4-0

New Business

S. Orange Street & South Ave., Final SDLD - M & M Reality

Adam Powell, PE, engineer for the project, began his presentation by introducing Charles and Todd McKenney, the equitable owners of the project. Mr. Powell presented an overview of the 5 lot final SDLD plans for the S. Orange and South Ave. Mr. Powell explained the changes from Preliminary to Final. He will be submitting the legal description, the AQUA will serve letter, the Fire Marshal approval, and he is working with the UPTSA. He has been in discussion with PennDOT and they are comfortable with what they see. The HOP permits will be submitted in the next few weeks.

There is an access easement that runs along the back of lots 1-4 which benefits the houses on South Ave. and sewer easement on lots 1-4 and the two lots they are combining on South Ave. Comments from the Engineers review letter have been addressed.

The stormwater management was explained in detail. Each lot has its own system. Mr. Powell stated that PennDOT has a preference against the sidewalks, as the project is on a state roadway. Applicants have proposed a fee-in-lieu of as part of its waiver request, but he indicated that the developer would be willing to install sidewalks otherwise (provided that they are approved by PennDOT). Safe site distances from the driveways were discussed. Mr. Powell said they do meet the minimum required. This claim was contested by one of the residents, citing a provision of the Township Ordinances that appear to require a greater sight distance than the minimum that PennDOT would require. As noted later in the meeting, the possibility of relocating the driveway for Lot 5 would address this issue.

After questioning by the PC, the following residents asked questions and made comments:

Michael Siddons, Esquire (representing Christine Schuetze)
Christine Schuetze, 612 South Ave.
Kevin Corcoran 630 S. Orange St.
Maureen McLarnon, 621 South Ave.
Glenn Sheller, 545 South Ave.
Ryan Pauline, 622 South Ave.
Don Kushto, owner of 626 South Ave.
Morris Kaufman, 554 South Ave.
Kurt Bonsall, 557 South Ave.

Don, 626 South Ave.

Michael Siddons, Esquire stated that he was retained by Christine Schuetze, 612 South Ave. He had concerns about the site distance calculations, the lack of sidewalks, and the stormwater systems, and would like this to be continued so he could have time to review the plans in more detail.

The residents who spoke brought up the following concerns:

- The site distance for the Lot 5 driveway and if it actually meets the requirements;
- Parking and traffic issues on South Avenue as well as on the easement;
- Stormwater management systems;
- All residents in attendance were in favor of putting in the sidewalk on Orange Street;
- Impervious coverage calculations;
- The trees were to be cut down and which ones are to stay.

Christine Schuetze, 612 South Ave. questioned whether additional notice should have been provided to the neighbors of the proposed development. She advised that she had a list of names of residents who she believes were not notified in writing about the meetings. Mr. Lebold clarified that the Township is not required to send notification for SDLD; it does so as a courtesy to contiguous property owners pursuant to the Township Subdivision and Land Development Ordinance, which is a much lesser requirement than the Zoning Hearing Board applications that the Township is required to send notice to residents within 500 feet. All contiguous property owners of record were notified, with some coming back as unclaimed or undeliverable. The various other ways that residents can stay advised on pending matters was discussed, including through the Township website and its email alerts.

As to the substance of the development proposal, the consensus of the members of the public was for a sidewalk to be incorporated along the Orange Street frontage. The Planning Commission noted that it was inclined to do so as well, provided that PennDOT's formal position (and any objections) are evaluated. The possibility of moving the lot 5 drive to have a rear access and use the easement was also discussed. A portion of that discussion included questions by renting neighbors as to their existing parking within that easement. It was explained that the Township does not adjudicate private property issues such as parking, but that it should be considered in the design of that rear access.

The issues remaining open for discussion are any open items in the Township Engineer's review letter, the parking within the easement, the sidewalk and the driveway on lot 5.

Adjournment

With no further business to conduct, the meeting was adjourned at 8:17 PM.

Submitted by:

Kimberley McCloskey

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Kimberley McCloskey
Administrative Assistant