

# TOWNSHIP OF MIDDLETOWN

DELAWARE COUNTY, PENNSYLVANIA

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## AGENDA FOR THE REGULAR MEETING OF THE PLANNING COMMISSION

Tuesday, May 12, 2020 AT 7:30 PM VIA ZOOM\*

\*For the meeting of the Planning Commission to be held at 7:30 PM on Tuesday, May 12, 2020, online as a virtual meeting during the COVID-19 Restrictions and/or Stay-At-Home Order.

### Public Access Information:

Zoom Meeting Link: <https://us02web.zoom.us/j/83077895829?pwd=bUJTMXI1UkQwRkJlMVBoRWplSFR6dz09>

Zoom Meeting ID: 830 7789 5829

Dial by Your Location: +1 646 876 9923 US (New York)

**Planning Commission Members:** Mark Bradson, Dave Decker, Alison Hassenplug, Jeff Koenig, William Moran, Greg Reitze, Wayne Wilson

**Township Solicitor:** Donald Petrosa, Esq.  
**Township Engineer:** Eric Janetka, Kelly & Close  
**Planning Director:** Meredith Merino  
**Planner:** Jaime Jilozian

### A. CALL TO ORDER

B. APPROVAL OF MINUTES March Minutes

### C. OLD BUSINESS

Clock Date  
Extended from 06/08/2020  
to 8/18/20 due to Act 15

1. Preliminary/Final Plan for Additional Parking  
Glenwood Elementary School  
122 S. Pennell  
Applicant is proposing to construct an additional 48 paved parking spaces at Glenwood Elementary School.

**CONTINUED FROM MARCH 10, 2020**



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Meredith Merino  
Director of Planning & Development

**TOWNSHIP OF MIDDLETOWN**  
**PLANNING COMMISSION MEETING**

March 10, 2020

Present: Dave Decker, Alison Hassenplug, William Moran, Greg Reitze, Wayne Wilson, Jeffrey Koenig, Mark Bradson

Donald Petrosa, Solicitor; Eric Janetka, Engineer; Jaime Jilozian, Planner

A. Call to Order

Chairman Mr. Moran called the meeting to order at 7:30 PM.

B. Approval of Minutes-January 14, 2020

Mr. Moran brought forth the draft January meeting minutes, after which Mr. Bradson made a motion to approve the minutes. Ms. Hassenplug seconded the motion and the Commission approved the minutes unanimously with a vote of 7-0.

C. New Business

1. *Preliminary/Final- Lot line change, Westlake Investment Company, for properties located at 0 Lenni Road and 450 Lenni Road, zoned M- Manufacturing and Industrial District. Applicant is seeking to revise the location of the common boundary line between 450 Lenni Road and 0 Lenni Road, as the current lot line is located through the middle of the existing building and parking area at 450 Lenni Road. The proposed lot line change will eliminate the encroachment.*

The applicant, Gary Westlake, was represented by Gus Houtman, P.E. of G. D. Houtman & Son, Inc. Mr. Houtman explained the submission for a subdivision land development for his Applicant was a minor lot-line revision which would move the existing lot line from bifurcating the 42,000 square foot building by moving it south and west of the building. The Applicant owns both parcels at this time and is looking to remove the non-conformity with the lot line change and was seeking no other improvements at this time. Mr. Houtman detailed that the submitted plan was missing metes and bounds for the sewer easement demarcated because the Middletown Township Sewer Authority (MTSA) was currently installing new sewer line and once the as-builts were completed, MTSA would supply the metes and bounds needed for the easement. In addition, there were no metes and bounds for the SEPTA ROW because it dated back to the 1800's and there were no bearings or distances to work from. Mr. Houtman then went through only those review comments which required further clarification for the Planning Commission.

Mr. Houtman verified that the submission would be sent and shared with DEP but he anticipated that no further action would be required by DEP. The Applicant asked for waivers for the rec-fee-in-lieu, stating that no new lots were being created and thus they did not qualify for this; a waiver for the riparian corridor easement as the existing building and parking area would lie within the corridor, a no disturbance area, and would restrict future expansion or development of these attributes. Lastly, Mr. Houtman clarified the comment regarding future right-of-way dedication, stating that Lenni Road was a State road and would require a 60 foot ultimate right-of-way. Therefore, the plans would be changed to reflect a 60 foot, as opposed to 50 foot right-of-way, for future dedication.

Chairman Bill Moran made a motion to recommend approval to Council subject to satisfactory of the Engineer's review comments, subject to waivers for the rec-fee-in-lieu and riparian corridor by Council, and subject to the plans being remiss of metes and bounds for the SEPTA and MTSA easements. The motion was seconded by Mr. Decker and was approved unanimously by the Planning Commission with a vote 7-0.

2. *Preliminary/Final Land Development, Glenwood Elementary School for the property located at 122 S Pennell Road, zoned R-2. Applicant is proposing to construct an additional 48 paved parking spaces at Glenwood Elementary School.*

The Applicant, Rose Tree Media School District (RTMSD) was represented by Gus Houtman, P.E. of G. D. Houtman & Son, Inc. and he explained that due to a budget meeting no School District representatives were able to attend the meeting at present. Mr. Houtman present the proposal for the addition of 48 new parking spaces to be added adjacent to an existing parking lot at Glenwood Elementary School. Other than the additional parking spaces, the proposal involved stormwater management which consisted of modifying an existing stormwater basin and the addition of a new infiltration bed. The Applicant had not received review comments from the Township Landscape Architect or Township's Emergency Management Coordinator, and Township staff confirmed they were completed and would be sent accordingly.

Mr. Houtman then went through only those review comments which required further clarification for the Planning Commission. The Applicant was requesting waivers for the property corner markers, the rec-fee-in-lieu, and confirmed they were granted a preliminary land development waiver to proceed as preliminary/final land development with this submission. Mr. Decker asked if the Applicant would agree to the recommended fencing or buffer for the nearby playground from the proposed parking lot, and wanted to know what kind of fencing or buffer would be installed. Mr. Houtman suggested that the Applicant was willing to install fencing and would suppose split rail fence would be sufficient.

Mr. Moran asked who owned the road labeled on the plan as Constance Drive, as the parking lot directed onto this drive. Mr. and Mrs. Vieyra of 225 Lenni Road were in attendance of the meeting and affirmed that they own the road and that it is a private road which the buses use on a daily basis. Staff provided background for the Planning Commission that this was a former 'paper street', wherein the road was never formally dedicated to the Township and ownership then reverted to all adjacent property owners, including Glenwood Elementary School. Mr. Moran asked who maintains the road, and received an explanation from Mr. Houtman that in the early 1990's the School District paved the road and took responsibility for maintenance under the conditions that they would be able to utilize the road for buses. Mr. and Mrs. Vieyra expressed concerns of the use of the road by the School District without a formal agreement with all of the property owners on Constance Drive and they wanted to request that the School utilize a gate to the parking lot during non-operating hours, stating that originally a gate was installed. In addition, they requested that the Planning Commission not recommend this land development application based upon the issues they brought forth with the Applicant. Ms. Hassenplug asked if the Vieyra's had a conversation or tried to enter into an agreement with the School prior to purchasing their home in 2016, which the Vieyras stated there was no mention of the School's use of the road when purchasing their home.

Mr. Moran asked if the School District would need an easement to continue to operate as they have been and use the road for the buses, and Mr. Petrosa verified that the School District has the same

rights of access to the road as adjacent property owners as all of those along the road. Mr. Petrosa added that a dispute over private property rights, meaning this private road, does not qualify denial of a subdivision and land development application, but he encouraged the School District to address the issues that had arisen. Mr. Reitze asked the Vieyras if they felt that a meeting with the School District would provide resolution and the Vieyras expressed that it would be helpful. Mr. Petrosa reminded the Planning Commission that they would make a recommendation for the land development to go to Council or they could request to have the Applicant return next month to the Planning Commission, but that the Planning Commission could not put a condition upon the land development that an agreement concerning the private road be completed.

Bill Moran made a motion to table the discussion and request that the Applicant return the following month to the Planning Commission, Mark Bradson seconded the motion. The motion carried with a vote of 5-1 with one abstention by Mr. Koenig, who was on the School Board two months ago.

3. *Ordinance amending Chapter 275, "Zoning" Article II Terminology, by deleting the existing definition of interior lot and adding new definitions for flag front line, flag lot, interior lot and parent tract; and amending Chapter 275, "Zoning" Section 275-199.D by amending provisions related to the common driveways for interior lots and replacing it with regulations relating to flag lots and interior lots.*

Township staff presented the proposed zoning ordinance amendment to the Planning Commission explaining the specific provision changes and expounding on the need for these changes based on desired density of interior lot subdivision as well as access and safety requirements for roadways of interior lot subdivisions.

Mr. Decker made a motion to recommend approval of the Zoning Ordinance Amendment. Mr. Bradson seconded the motion, and the Planning Commission voted 7-0 in favor.

After no further discussion, Mr. Moran adjourned the meeting at 9:18 PM.

Respectfully submitted,

Jaime Jilozian