

TOWNSHIP OF MIDDLETOWN
PLANNING COMMISSION MEETING

January 10, 2017

Present: Mark Bradson, Anthony Mirenda, Bill Moran, Greg Reitze, and Peter Schettler

Donald Petrosa, Esquire

A. Call to Order

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

REORGANIZATION

Mr. Bradson nominated Mr. Schettler to serve as Chairman of the Planning Commission for 2017. Mr. Reitze seconded the nomination and Planning Commission approved with a vote of 5-0.

Mr. Bradson nominated Mr. Moran to serve as Vice Chairman of the Planning Commission for 2017. Mr. Reitze seconded the nomination and Planning Commission approved with a vote of 5-0.

APPROVAL OF 2017 CALENDAR

Mr. Schettler noted that he looked at when the primary and general locations fall in 2017 and neither conflict with the proposed meeting schedule. Mr. Mirenda motioned to accept the 2017 calendar. Mr. Bradson seconded the motion and Planning Commission approved the calendar with a vote of 5-0.

B. Approval of Minutes-December

Mr. Schettler motioned to approve the December 2016 minutes. Mr. Reitze seconded this motion and the Commission approved unanimously with a vote of 5-0.

C. Old Business

None

D. New Business

Conditional Use Application Granite Run Buick GMC: 1056 E. Baltimore Pike—Applicant seeks approval to permit motor vehicle parking lot in B-2 Business to allow for temporary parking at 1067 W. Baltimore Pike behind Sears Auto Center for the storage of vehicle inventory.

Tim Sullivan, attorney for the applicant, reported the conditional use application has been advertised. He noted that in the course of sending the notices, they realized that the addresses were wrong. He stated they used the addresses provided by the public access tax assessor's office. Nevertheless, every green card came back signed.

Mr. Sullivan noted that the applicant was before the Planning Commission back in April/May expressing a desire to store cars at the closed Denny's as a temporary storage facility. Buick GMC does a good business and is selling a lot of cars. He emphasized this was good for the Township and went on to report that the applicant is now looking for another temporary storage facility and that Sears in the Granite Run Mall complex is acceptable to make this type of arrangement. Under this agreement, the cars would be stored behind Sears Automotive. Mr. Sullivan then described exactly where this was located, noting it would be located by the retaining wall and cars would be parked tandem with two cars per row. This area is normally not visible on the South side but due to work on the retention basin, it is actually visible at present. It is not visible from Kohls and it is obstructed from view from the Acme side. Parking would only be along the retaining wall that abuts the Kohls property.

Mr. Sullivan stated that this application is a temporary solution only as the applicant is working on a more permanent arrangement and is presenting that idea to the zoning hearing board later in the month. If the Zoning Hearing Board approves that proposal, then the need for temporary parking locations will no longer exist.

Mr. Moran inquired how temporary of a solution this would be. Mr. Sullivan reported that if their other plan is approved by the Zoning Hearing Board, then it would still have to go through the process, including land development and Council approval. Mr. Petrosa asked what would happen if zoning relief was not granted and Mr. Sullivan stated the applicant would no longer have a more permanent solution and they would be back to the beginning of the process. Mr. Petrosa asked who the lease would be with and Mr. Sullivan reported Sears. He noted there was may be a related legal issue and he could talk later to Mr. Petrosa about that.

Mr. Schettler noted it was possible this lease could go on indefinitely if the zoning relief was not granted for the other concept. Mr. Reitze suggested a time constraint be attached to any recommendation for approval for Council to consider.

Mr. Petrosa stated that was a possibility, but he did not see how this use was listed as a conditional use. He then reviewed the uses permitted under B-1. He stated that the applicant filed this application under C1 for uses of same character and he did not believe parking vehicles was similar to the uses described in B-1. He then showed the document to Mr. Sullivan, and then went on to state that even though it is just parking cars, it doesn't make it a permitted use. Mr. Petrosa felt the language was clear and not ambiguous. After further discussion between the Solicitor for the Township and Mr. Sullivan, Mr. Sullivan concurred with Mr. Petrosa's reading of the uses for the B-1 zoning and stated it would have to go back to the Zoning Hearing Board. Mr. Petrosa stated that while it is rare, the Zoning Hearing Board can grant a temporary variance. He emphasized his concern for interpretation. Mr. Bradson agreed and expressed that he did not want to set a precedence.

Mr. Sullivan apologized for taking the Planning Commission's time. He explained this solution was suggested to the applicant back in November since cars were already parked there, but he deferred to Mr. Petrosa in this instance and did not disagree with his interpretation of the rule. He requested the matter be continued in order to allow him to think about the situation a little longer. Mr. Sullivan noted that if he did not come up with a solution he would withdraw the matter. He then requested no action be taken. Mr. Petrosa expressed that could work as long as he sent letter asking to hold the hearing. Mr. Sullivan agreed.

Mr. Petrosa asked if any audience member was interested in this matter and there was no comment. Mr. Petrosa explained that a conditional use is like a special exception but it goes in front of the governing body and not the Zoning Hearing Board. It needs to be listed as fitting one of the conditional uses listed though in order to be considered. He stated an additional issue to consider would be if Sears auto leased spaces in this fashion, would that take away from their minimum requirements and thereby make them noncompliant? He also expressed concern for how temporary the solution would actually be. Mr. Mirenda asked if the new construction could affect this and Mr. Petrosa stated it was possible.

Conditional Use Application Plymouth Brethren Christian Church/Philadelphia Meeting Room Inc.—219 N. Middletown Road—Applicant seeks approval to permit the property to use the facility for 25 adults for Monday night prayer meetings and early Sunday morning Lord's Supper Communion

Don Druckenmiller, Trustee for the Board of the Plymouth Brethren Christian Church, thanked the Planning Commission for considering the application. He went on to describe the Church as non-denominational with the main place of worship being on Rt. 252 in Marple. The congregation has a need for a small chapel where congregants can meet. The size of the group is governed by the size of the communion cup, which in this case accommodates approximately 25 adults.

Mr. Druckenmiller went on to report that the proposed purchase is private and the Church would take possession of the property once all approvals are granted. The applicant is proposing no internal or external changes and plan to sell the property as a private residence if there is no longer a need for the Church to maintain the location for congregants. He stated that the property was overgrown but it is now clear of brush. The parking configuration was changed as per Mr. Clark's recommendation and was approved by the Zoning Hearing Board. The use of the property would be light, with only 2 services per week. Each service is 1 hour long. Congregants come as a family so there are less cars than congregants attending the service. 10 parking spaces were shown and approved by the Zoning Hearing Board. Also, due to the way the service is assembled, nobody is coming and going at the same time. Mr. Druckenmiller reported PADOT approved the applicant's highway application with limited changes (i.e. clearing brush and opening access to a 5 foot radius). The property is located in between Sunrise Assisted Living and Lima Methodist Church so the condition fits with existing facilities in the area.

Mr. Bradson asked if Mr. Janetka reviewed the application. Mr. Petrosa reported he took a quick look prior to the application going before the Zoning Hearing Board. 1 issue was raised over the safety of the width of the driveway. Mr. Druckenmiller agreed but noted because all traffic comes and goes at the same time, it is a none-issue. Mr. Petrosa asked if it was a 12 foot driveway. Mr. Druckenmiller answered in the affirmative and added that an inspector for PADOT surveyed the site and had no concerns. Mr. Petrosa asked for a copy of that email to be forwarded to him. Mr. Druckenmiller responded that Ms. Merino already had it but he could submit the occupancy permit to him along with the notification to the neighbors. Mr. Petrosa noted that driveways are normally 20 feet for this type of use so 12 feet is narrow. Mr. Bradson asked if there was anywhere to pull off to the side along the driveway if a car had to. Mr. Druckenmiller stated the drive had grass around it where cars could pull off to if there was a need.

Mr. Reitze asked if anybody was living at the house and Mr. Druckenmiller answered in the negative, adding that there were no plans for this either.

Mr. Petrosa stated that the Zoning Hearing Board imposed 6 conditions on the application and reviewed these conditions with the Planning Commission. This included cleaning up the property appropriately, completing a land development application if required, completing a highway occupancy application if needed, a maximum of 25 adult at any time with only 25 seats for service, no more than 10 parking spaces, only the Sunday and Monday service at the times noted, and the property was not to be used or occupied at any time other than for these services. The applicant agreed to these terms. Mr. Druckenmiller noted Mr. Petrosa's summary was accurate. Mr. Petrosa stated he would recommend making the same conditions if recommending approval of the application.

Mr. Schettler asked if there would be social events held there and Mr. Druckenmiller answered in the negative.

Patricia Finegan, 40 Barren Road, stated that she received the notification letter and asked if the 6 AM service would be indoor or outdoor. Mr. Druckenmiller responded it would be inside and the neighbors would not be able to hear the congregants. He emphasized they would be respectful of the neighbors.

Mr. Petrosa stated the services were 6 AM to 7 AM on Sundays and 6:30 PM to 7:30 PM on Mondays. Mr. Druckenmiller agreed but noted that congregants usually arrived a littler earlier but would be respectful of neighbors. Mr. Petrosa felt that was understandable.

Mr. Petrosa asked for copies of the notices and Mr. Druckenmiller provided them.

Ms. Finegan asked if the property would go back to being a residence in the future and Mr. Druckenmiller responded that would only be the case if the congregants moved and the site was no longer needed. They would sell it in the same condition they purchased it—as a residence. He noted no changes to the structure was being proposed.

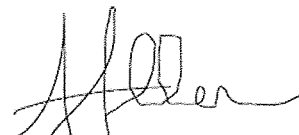
Mr. Bradson expressed some gardens on the property would be nice. Mr. Petrosa agreed and felt it would be more aesthetically pleasing for the neighbors. Mr. Reitze asked if there would be extra lighting for the early morning service. Mr. Druckenmiller felt that was a good point and they were considering placing a light at the top of the street where it is particularly dark. Mr. Petrosa instructed him to reach out to the Township about the requirements for lighting.

Mr. Moran motioned to recommend approval subject to including the Zoning Hearing Board's recommendations. Mr. Bradson seconded the motion and the Planning Commission approved the recommendation with a vote of 5-0. Mr. Petrosa stated it would be in front of Council on January 25th for consideration.

MR. Druckenmiller thanked the Planning Commission.

Mr. Schettler adjourned the meeting at 8:08 PM.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "A. Allen", written in a cursive style.

Amanda Allen, Recorder