

TOWNSHIP OF MIDDLETOWN
PLANNING COMMISSION MEETING

April 11, 2017

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

Donald Petrosa, Esquire and Eric Janetka, Engineer

A. Call to Order

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

B. Approval of Minutes-January

Mr. Mirenda motioned to approve the January 2017 minutes. Mr. Moran seconded this motion and the Commission approved unanimously with a vote of 4-0.

C. Old Business

None

D. New Business

Final Minor Subdivision/Land Development Plan: Michael Mita 272 Oak Avenue— Applicant proposes a 3 lot subdivision and land development on a 1.83 acre lot in an R4 zoning district. The project will include 3 new single-family homes.

Mike Gavin, attorney for the applicant explained that the engineers have resolved the open issues on both sides. Mr. Mita reported that he provided the copies of notices received related to this meeting to the Township but that he could forward a PDF copy of the notices to the Planning Commission if necessary. Mr. Janetka commented that he recalled seeing an electronic copy of this.

Mr. Schettler noted he received a memorandum stating the applicant would comply with open comments. Mr. Gavin agreed and stated that they met prior to the final plan approval. The plans went through the County Planning Commission process and then back to the Township Engineer to get open-ended items cleaned up prior to this meeting. It was a lot of work and he commended Mr. Janetka for his part in representing the Township on this matter. Mr. Janetka agreed it has been a process and stated the applicant was very cooperative. He reported they came to what he believed to be a reasonable, effective agreement. While there are some details on the plan still outstanding, it was about 100% complete from an engineering prospective. He has no opposition to current comments.

Mr. Moran asked if there have been any changes since March and Mr. Gavin answered in the negative. Mr. Schettler reported Council granted 8 waivers that were requested and noted that he never saw so many waivers for a minor 3 lot plan in 26 years. Regardless, Council granted these waivers so the Planning Commission was able to proceed.

Jen Kegarice, 12 Laurel Lane, asked if she could see the plan and noted she was concerned about runoff onto her property. Mr. Gavin showed her the plan. She then stated that she thought it would be difficult to get 3 homes on the property and expressed concern about \$400,000 to \$500,000 homes being built in that area.

Mr. Schettler asked if Mr. Janetka was satisfied with the stormwater management plan. Mr. Janetka stated he was satisfied but had one question. 1 item requested was a review by the Delaware County Conservation District. He heard comments were addressed and asked if they would get a letter. Mr. Mita stated he thought the Conservation District sent a letter to the Township directly but noted he would get the letter to Mr. Janetka in case they did not. The Applicant's engineer explained that there is a swell up towards Oak Avenue to divert water and the Conservation District liked the applicant's engineer and Township's engineer comments on this matter. He went on to explain the problem with the design, stating the upper watershed is clean and they did not want to get it dirty so they had to put it in inlets and culverts to avoid runoff.

Randal Sampson, 14 Laurel Lane, stated the property is uphill from his home and he gets flooding downhill from this area. He asked if the applicant plans to incorporate a swell buffer on his side of the property. Mr. Janetka reported there wouldn't be off-property work completed but the Township was establishing an easement over the wetland on the lower side that would go up to the Sampson property. This easement would be permanently protected. The applicant would also be planting more trees and shrubs and wetland vegetation, which should help stabilize the area and visually provide a buffer. Mr. Sampson then went on to explain another concern of his was the new house being able to look into his from where it would be sitting on the hill. Mr. Janetka responded that the plan is for the applicant's engineer to sit down with residents affected to decide the best places for the plantings so that should help alleviate Mr. Sampson's concerns.

Susan Masters, 6 Laurel Lane, asked if having sump pumps was built into the plans for this house and Mr. Mita answered in the affirmative. She expressed she also had a concern of mosquitos with sitting water in the area. Mr. Mita explained the water would be channeled away from the homes and to the wetlands. In addition, the rain gardens should help soak up the water. He emphasized he was hoping all of these stormwater management improvements would make the flooding issues better for the neighbors and that there isn't standing water with rain gardens. She then asked who would maintain the rain gardens and Mr. Mita stated it would be part of the agreement for the home but that there would also be money

held for this purpose for a number of years. Mr. Janetka added that this was a concern of the residents and that an additional maintenance period above and beyond what is usual for the Township has been established for the basin. This will be maintained by developer for 3 years instead of 18 months. If it fails in that time then there is a guarantee of repair. This extra time should allow vegetation to take hold of the area. The Township will also have oversight of this process above and beyond what is normally done. He explained that there is not a way to assure this will work 100%; however, all possible measures above and beyond what is normal is being completed to achieve the best results.

Ms. Masters asked the Planning Commission to keep the steep slopes in mind and noted that other municipalities have turned down proposals like this because of the steep slopes. Mr. Janetka stated that he understood her concerns and that it was recognized from the start of the review by the Township and applicant's engineer. This plan has been reviewed by Township engineering and the County Conservation District with steep slopes in mind. Again, Mr. Janetka noted that while nothing can be guaranteed 100%, this plan has been thoroughly reviewed and designed with the best stormwater management techniques available.

Ms. Masters asked who would own the wetland area behind the property and Mr. Gavin stated it would be deed restricted open space that has been offered to the Township but that the property owners would own it if Township did not accept. Mr. Janetka stated this would be attached to Lot 3. The first two lots have permanent easements attached to that area and will be monitored to help prevent erosion as allowed by law for wetlands. They have agreed to disturb the wetlands as little as possible when doing the improvements by using hand-work and small equipment only.

Ms. Masters asked if Mr. Janetka's firm was staffed enough to handle the monitoring that would be necessary for this project as well as all the other projects in the Township and he answered in the affirmative. He added that there were several people in his office working on these projects and that the agreement with the Township was set with the intention to make sure there was enough manpower to handle all projects.

Rich Kagerice, 12 Laurel Lane, asked if a few days' notice would be provided for when they are checking the back area as he would like to be present. Mr. Janetka agreed to this, stating they would make sure the applicant reached out to residents to figure out the timeline.

Maryanne Bennett, 10 Laurel Lane, asked if there was a timeline for the monument in her back yard getting reset and resurveyed. Mr. Mita stated that he had agreed to reset the monument and this would be handled once they got moving on the project following all the necessary approvals. Ms. Bennett then stated there was a large tree in the buffer area and if the roots are compromised it could be a problem. Mr. Mita stated the whole green space was to

be cleared but he was not touching the wetlands. He emphasized the residents' concerns were considered in the planning though. Mr. Janetka added that the intent is to discuss if a tree looks like it is coming down. Ms. Bennett expressed she didn't want a storm to knock a tree her way. Mr. Janetka understood and stated general guidelines were built into the plan.

Mrs. Kagerice asked if native plants would be use in planting and Mr. Mita stated that was in the agreement. She then asked distance of the proposed homes to their homes. Mr. Janetka stated he believed the homes were to be 30 feet off the common property boundary for the dwellings. Mr. Gavin stated the patio and garage have already been figured into the plan. He then stated that while all of these questions were good, they have all been answered already during the review process as this was a collaborative effort to get to this point.

Jack Masters, 6 Laurel Lane, asked if blasting would occur for this project. Mr. Mita explained that they did not foresee blasting as there was no granite uncovered during the perk test. Mr. Janetka added that if blasting needed to occur, they would have to go through the Township for a permit and there were specific rules that would need to be followed. Mr. Masters stated blasting just occurred in Aston for the sewer pipeline and then stated he would prefer to see one home on this property. Mr. Petrosa stated they were beyond that at this point as the applicant has already received preliminary plan approval for 3 homes.

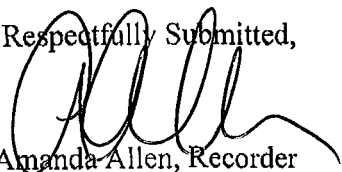
Mr. Masters then asked if there would be a fire hydrant and Mr. Mita answered in the affirmative. Mr. Janetka noted that Preliminary approval required a fire marshal review. Mr. Mita stated he has talked to Mancill multiple times and Mr. Janetka stated he was still waiting on his comments.

There were no further comments.

Mr. Moran motioned to recommend approval of the application subject to comments provided at this meeting being considered and the Township Engineer being satisfied. Mr. Mirenda seconded the motion and the Planning Commission approved the recommendation with a vote of 4-0.

Mr. Schettler adjourned the meeting at 8:05 PM.

Respectfully Submitted,



Amanda Allen, Recorder