

## **PLANNING COMMISSION**

May 3, 2021 7:00PM

Held via ZOOM / In-person - Registration Required

Meeting Minutes

This Meeting was Recorded

### ROLL CALL

- (X) Kenneth V. Farrall, Chair
- (X) Larry Burns, Vice Chair
- ( ) John Kroesser - arrived at 7:03PM
- (X) Michelle Kroesser
- (X) Lawrence G. Stevens

The record shows that four members of the Planning Commission were present along with Borough Manager Michael J. DeFinis, Borough Public Information Coordinator, Lindsay Hellmann, and Borough Engineer Chad Camburn from Bursich. Member John Kroesser arrived at 7:03PM.

### 1. APPROVAL OF THE AGENDA:

Motion to Approve the May 3, 2021 Planning Commission Meeting Agenda

Motion: A motion was made by Larry Burns to Approve the Agenda of May 3, 2021 Planning Commission Meeting Agenda. The motion was seconded by Larry Stevens and unanimously approved with a vote of 4-0.

### 2. APPROVAL OF THE MINUTES:

Motion to Approve the Minutes of the February 1, 2021 Planning Commission Meeting.

Motion: A motion was made by Larry Stevens to Approve the February 1, 2020 Meeting Minutes. The motion was seconded by Larry Burns. The Motion was unanimously approved with a vote of 5-0.

### 3. Bennett's Court Preliminary Land Development Presentation:

Manager DeFinis stated that the packets contain the most up-to-date set of plans (mailed), review letters, and correspondence.

Chairman Farrall stated that at your places this evening is a rendering of what the proposed townhomes will look like.

Jim D'Angelo, Bennett's Court Developer and Kris Reiss the Engineer for the Developer, presented to the Planning Commission the proposed plans for Bennett's Court.

Mr. Reiss went over the plans for the proposed development and highlighted the aerial view of the plans to show where the development would come in off of Maple Avenue. Mr. Reiss stated that it is currently four parcels, roughly 2.7 acres not counting the Paper Street, that will be combined into one lot, then subdivided into 18 townhome lots. Mr. Reiss showed the Planning Commission the improved development plans highlighting the turn-around, the 18 townhome locations, over flow parking locations, rain garden for stormwater management, and utility locations. Mr. Reiss added that this will be an HOA Community with sidewalk accessibility.

Mr. Reiss, stated that this was a brief summary of the project and opened it up to any questions.

Chairman Farrall asked about the HOA and road maintenance and it was stated that the HOA will maintain the road as it will not be dedicated to the Borough.

Chairman Farrall stated that he thought through this process it was discussed to have an emergency, or second access from the property. Where are we on that discussion? Mr. Reiss stated that that is something they are still trying to work out and provided an exhibit to discuss. A discussion ensued about the proposal.

Chairman Farrall stated that a review of all the letters isn't necessary, just focus on comments that seem to be causing issues and creating multiple comments and those related to any waiver requests. Manager DeFinis added that the Zoning Hearing Board did grant some variances already which are noted in the Engineer review letter.

Mr. Reiss discussed the quitclaim process with the Planning Commission and how the developer is pursuing the quitclaim to get access to the Paper Street which is the entrance off of Maple Avenue to the proposed development. A discussion ensued amongst the Planning Commission and Chad Camburn, the Borough Engineer, about this process.

Mr. Reiss highlighted the comments from the Borough Engineer's letter regarding the sidewalks, the mid-block cross, handicapped ramps on Maple Avenue, and a proposed three-way stop at the intersection of the development with a cross walk. Mr. Camburn added that this request for the three-way stop and cross walk should be submitted to the Borough Traffic Engineer for review as sight-lines could be an issue. Mr. Camburn then spoke in detail about the mid-block cross block due to the parking at the Lersch property. Mr. Camburn added that he and the traffic Engineer asked for an alternative proposal to avoid a mid-block crossing but doesn't have a preference on which should be used as they just wanted to see a proposal if one would make more sense than the other. Mr. Reiss added that he still believes that a mid-block cross would still have to be incorporated due to the alley, if the sidewalk was shifted to all one side, in the alternate proposal. A discussion ensued amongst the Planning Commission regarding the sidewalk proposals and the mid-block crossing and it was decided that the first proposal submitted with the plans is acceptable unless otherwise stated by the Borough Engineer or Traffic Engineer.

Mr. Reiss stated that the Borough would like a street light at the intersection of the development, do you agree? Yes. Manager DeFinis added the idea of the Solar Street Light Program for this location.

Waiver Subdivision request, for the Paper Street, E. Broad Street, Bennett's Court so the County can provide a parcel number. Chad Camburn the Borough Engineer reviewed the quitclaim process and referenced the parcel number needed by the County.

Waiver Subdivision request, to keep the existing ROW 33-foot wide not 40 feet as required in the Ordinance. Chad Camburn, Borough Engineer explained why this area, the proposed entrance to the development could only be 33 feet wide, with a 20-foot travel lane. A discussion ensued amongst the Planning Commission regarding the size of the proposed paved area and sidewalk access for the development.

Mr. Reiss discussed the requested waivers with the Planning Commission. The waivers were as follows from the March 31, 2021 letter submitted by Mr. Reiss from Boucher and James Engineering:

1. Waiver from providing a Right-of-way of 60 feet for a cul-de-sac (SALDO SECTION 408.3.B)

We are requesting a waiver from providing a 60-foot ROW. A 48-foot paved radius turnaround is provided within the easement to provide adequate room for emergency vehicles. The cul-de-sac is a private street, and the remainder of the cul-de-sac area is within the HOA open space.

2. Waiver from providing a maximum 500-foot-long cul-de-sac (SALDO SECTION 408.3.C)

We are requesting a waiver from the length requirement to exceed the 500-foot-long cul-de-sac limit with a 665-foot-long cul-de-sac. This waiver is requested due to the configuration of the existing property and the length of the cul-de-sac from the alley to the end is less than 500 feet long.

3. Waiver from providing an emergency access when required by Council (SALDO 408.3.D)

We are requesting a waiver from this requirement in the event approvals are required from the neighboring landowners.

4. Waiver to allow perpendicular parking on streets (SALDO SECTION 414.A(2))

We are requesting this waiver to allow perpendicular parking on the streets as the streets will be very limited use and traffic, as the roadway serves the townhome community only and the roadway will be similar to a parking lot aisle.

5. Waiver to provide parking within 20 feet of the property line (SALDO SECTION 414.B(2))

We are requesting this waiver to maximize the number of additional parking spaces provided for this community, as requested by the Township.

6. Waiver to not provide curb in the alley (SALDO SECTION 409.D)

A waiver is requested from the requirement to provide curb in the alley, as the alley is existing and does not contain curb. Providing curb would prohibit drainage and alter existing drainage patterns.

7. Waiver to have less than 6 inches between the back of the sidewalk and the Right-of-Way and to not provide a grass strip between the curb and sidewalk (SALDO SECTION 413.F)

A waiver is requested from the 6-inch requirement in the area with an existing right-of-way of 33 feet between properties not owned by the applicant. The right-of-way does not exist to provide this 6-inch space and still provide 4 feet of walking space. The applicant is pursuing easements to allow for the construction and continued maintenance of the sidewalk.

A waiver is requested from providing a grass strip between the curb and sidewalk due to the site constraints and type of development. The location of the driveways next to each other would be better served by a continuous concrete apron/sidewalk immediately behind the curb.

8. Waiver to provide access to a Private Street (SALDO SECTION 418.5)

In conversations with the Borough, the Borough does not wish to take ownership of the street. Therefore, this street will remain private and is the only access to the property; therefore, a waiver is requested.

9. Waiver to provide street trees more than the required minimum of 5 feet from the sidewalks (SALDO SECTION 420.1.B(2))

A waiver is requested as the required street trees are located along the proposed street as much as possible, with the remaining street trees located throughout the site.

10. Waiver from the requirement to provide street trees at specific spacing (SALDO SECTION 420.1.B.(3))

This section requires street tree spacing to not be less than the minimums listed in the Ordinance, nor more than twice the minimum or 50 feet, whichever is lower. We request the waiver to permit variable tree spacing throughout the site due to limited space, driveway locations, and underground utilities.

11. Waiver from providing specific screen plants and to allow alternate plants (SALDO SECTION 421.1.C(3))

This waiver is requested to provide the following alternate screen plants: Red Chokeberry Shrubs, Inkberry Holly Shrubs, and Arrowwood Viburnum Shrubs. These shrubs are native, suitable for their purpose as buffer shrubs, and suitable for their locations throughout the site.

12. Waiver from providing pavement and right-of-way of specified widths at the intersection of Maple Avenue and the proposed Bennett's Court (SALDO SECTION 428.1B (Section 102))

This waiver is requested to provide less than the required 35-foot pavement and 20-foot right-of-way arc at the existing intersection at Maple Avenue. The existing conditions are an existing non-conforming condition. The two properties on both sides of the intersection are developed and the dwellings occupied. The intersection is limited by the existing Right-of-Ways. The paper street is being developed as a private street.

Chairman Farrall asked for any other comments from any other review letters. None were stated.

Chairman Farrall stated in regards to the waivers, its sounded like through discussion this evening, the Board would really like to see what the outcome of the emergency access would be.

Motion: A motion was made by Larry Stevens and seconded by Larry Burns to Approve these listed waivers:

- Waiver Subdivision request, to keep the existing ROW 33-foot wide not 40 feet as required in the Ordinance
- Waiver Subdivision request, for the Paper Street, E. Broad Street, Bennett's Court so the County can provide a parcel number.
- Waiver from providing a Right-of-way of 60 feet for a cul-de-sac (SALDO SECTION 408.3.B)
- Waiver from providing a maximum 500-foot-long cul-de-sac (SALDO SECTION 408.3.C)
- Waiver to allow perpendicular parking on streets (SALDO SECTION 414.A(2))
- Waiver to provide parking within 20 feet of the property line (SALDO SECTION 414.B(2))
- Waiver to not provide curb in the alley (SALDO SECTION 409.D)
- Waiver to have less than 6 inches between the back of the sidewalk and the Right-of-Way and to not provide a grass strip between the curb and sidewalk (SALDO SECTION 413.F)
- Waiver to provide access to a Private Street (SALDO SECTION 418.5)
- Waiver to provide street trees more than the required minimum of 5 feet from the sidewalks (SALDO SECTION 420.1.B(2))
- Wavier from the requirement to provide Street trees at specific spacing (SALDO SECTION 420.1.B.(3))
- Waiver from providing specific screen plants and to allow alternate plants (SALDO SECTION 421.1.C(3))
- Waiver from providing pavement and right-of-way of specified widths at the intersection of Maple Avenue and the proposed Bennett's Court (SALDO SECTION 428.1B (Section 102))

All were in favor and the motion was unanimously approved with a vote of 5-0.

Chad Camburn added that he will meet with the Developer's Engineer to address stormwater issues and the developer agreed they will take care of some of the comments from this evening along with the emergency access and listing the waivers to look for preliminary/ final approval once these items are addressed on the plans.

The Planning Commission thanked the Developer and Engineer for the presentation this evening.

#### 4. Old Business:

##### A. 43 Roosevelt Land Development Update

Manager DeFinis stated the Planning Commission should have received the latest submission for the 43 Roosevelt Land Development and they are looking to be on the June 14, 2021 Planning Commission Meeting.

##### B. Edinburgh Square Land Development Update

Manager DeFinis stated this development was issued a stop work order and need to supply the Borough with the plan on how they want to proceed as they installed water utilities in locations that were not on an approved plan. Chad Camburn added that he is aware that the developer would like to flip the driveway location as well but he has not reviewed any plans to date.

Ms. Michelle Kroesser added that the construction fence needs to be addressed as there are large openings causing safety concerns.

Manager DeFinis stated he will have Code Enforcement check it tomorrow.

#### 5. New Business:

##### A. 127 Penn Avenue Sketch Plan

Manager DeFinis informed the Planning Commission of the sketch plan of the Penn Avenue project. Manager DeFinis added that this is a single-family home being torn down and the developer would like to put four townhomes on the property. Manager DeFinis stated that this property is located next to Penn Colonial and the property owner has been made aware of this submission and had comments regarding the stormwater issues. Manager DeFinis added that some other issues were discussed such as having a HOA and nonrental properties. A discussion ensued amongst the Planning Commission about the process and feedback for the developer.

B. 2021 Meeting Dates

Manager DeFinis highlighted the 2021 Meeting Dates.

C. Codification

Manager DeFinis stated that the Borough is going through the codification process with General Code.

D. Feral Cat Ordinance / Chapter 2

Manager DeFinis informed the Planning Commission that this issue was brought up to Borough Council and that the Planning, Building, and Zoning Committee is working on having a meeting and discussing this and then will send a recommendation back to Council. Manager DeFinis highlighted the proposed Ordinance and stated that it is intended to have those who are feeding the cats, take some responsibility for those actions and the cats.

Mr. Larry Burns asked who would be responsible for the TNR (trap, neuter, release). Manager DeFinis stated that there are a few organizations who would take care of this and it was brought to the Borough's attention other municipalities who are dealing with similar issues as noted in the packets identified on the map.

Mr. John Kroesser stated we received a letter regarding one specific location for the feeding of cats in the Borough but are there others? Manager DeFinis stated Yes, Lambert Street has cats as well.

Mr. John Kroesser asked about videos of the destruction identified in the submitted letters and requested if there was footage. Manager DeFinis stated that was not submitted.

Mr. John Kroesser asked what happens when the cats are released back into the Borough after the TNR process besides stopping the offspring? Manager DeFinis stated just that.

Mr. John Kroesser asked about the policing of this Ordinance. Chairman Farrall stated that he believes this would allow the Borough to have enforcement, as the Borough could then send the Code Enforcement Officer to the property to address the issue saying they are feeding cats, which in turn, is then taking ownership, which then would require them to participate in the TNR program at their expense. A discussion ensued amongst the Planning Commission about the potential to control the issue with the Ordinance.

Mr. John Kroesser added that Mr. Fox, the resident on S. Wayne Avenue feeding the cats, has spent money and time to take care of the cats and find them homes even during the pandemic when shelters were shut down. Mr. Kroesser asked if this was really something the Borough needs to be involved in. Chairman Farrall stated that without an Ordinance, the Borough has no control over the issue with enforcement. A discussion ensued about the Ordinance and the role the Borough should have on this issue.

Mr. Larry Stevens asked if more than one resident in the Borough is feeding cats and Ms. Michelle Kroesser stated Yes, according to the Hatfield Community Page. Mr. Stevens

added that not all cat feeders may be as responsible as Mr. Fox and an Ordinance could help with that issue.

After further discussion, Chairman Farrall stated to the Planning Commission to gather any comments or recommendations and be ready to talk at the next Planning Commission Meeting regarding this issue.

#### E. Sewer Lateral Repair Ordinance / Chapter 18

Manager DeFinis stated that this Sewer Lateral Ordinance started with Hatfield Township Municipal Authority (HTMA) and Hatfield Township and manifested from DEP. Manager DeFinis added that it would address televising private laterals for the sale of a property in the Borough. Manager DeFinis stated that the original proposed Ordinance was not taken well from both Hatfield Township and Hatfield Borough residents and was then sent to the Utilities Committee in the Borough for further review and guidance. Manager DeFinis stated that what is presented to you this evening is the draft from the Utilities Committee that is going to Borough Council on Wednesday and will be on for discussion and comments at the next Planning Commission Meeting.

Chairman Farrall asked if this was the same Ordinance the Township is looking to adopt? Manager DeFinis stated that the Township did adopt it.

6. Action Items: (acted on during Bennett's Court Preliminary Land Development Presentation)

7. Next Meeting Monday, June 14, 2021 7:00PM

8. Motion to Adjourn

Motion: A motion was made by Larry Stevens to adjourn the May 3, 2021 Planning Commission Meeting. The Motion seconded by Larry Burns and unanimously approved with a vote of 5-0.

Respectfully Submitted,

Jaime E. Snyder  
Borough Assistant Manager