

**PLANNING COMMISSION
MEETING MINUTES
March 29, 2023**

MEMBERS PRESENT:

Robert Vanella
Charlie Shock
Pat Tucci
Kurt Engleman

MEMBERS ABSENT:

Bran Lynch, Chairman
Frank Scarpato, Vice-Chair

STAFF PRESENT:

Dawn Maciejczyk, Township Secretary

I. CALL TO ORDER

Mr. Vanella called the public meeting to order at 7:00 p.m.

II. PUBLIC COMMENT (on agenda items)

Mr. Vanella called for public comment on agenda items. There was none.

III. APPROVAL OF MEETING MINUTES

The Planning Commission reviewed the meeting minutes of February 22, 2023. Mr. Engleman made a motion to approve the meeting minutes of February 22, 2023 as presented, seconded by Mr. Shock and approved by a vote of 4-0.

IV. PLAN EXTENSIONS

Mr. Vanella reviewed the plan extensions for:

Development	Application	Date Accepted	90 Day Expires
Needham Farms	Preliminary	March 15, 2005	April 28, 2023
Barbara Yeatman	Preliminary/Final	October 1, 2018	June 7, 2023
Cliff Anderson	Preliminary	June 30, 2021	June 19, 2023
AG Charter School	Preliminary/Final	November 30, 2022	April 28, 2023

V. SUBDIVISION PLANS ACCEPTANCE AND ACKNOWLEDGEMENT

There was none at this time.

VI. AGENDA ITEMS

Avon Grove Charter School Land Development Preliminary/Final Plan

Mr. Michael Shiring, Riley, Riper Hollin & Colagreco, Land Use Attorney, introduced the team working on the Avon Grove Charter School Land Development plan. Mr. Shiring stated last time they were in from of the Planning Commission a couple months ago, they discussed the trail requirement through the school property. The Planning Commission agreed that they did not think it was appropriate to put a trail through the school grounds for safety reasons. They did ask the Charter School to look at the existing asphalt trail on the south side of State Road, there is a segment that was not completed and to also look in to crosswalks across State Road. Prior to attending the Parks and Recreation meeting they were able to have Traffic Planning and Design do a study as to whether it is safe to add a crosswalk across there. The Traffic Planning and Design study was not in favor of adding a crosswalk across State Road. The thought at that time was that we could either complete the trail on the south side of State Road or we could do a fee in lieu of while working with your solicitor for amounts. The Parks and Recreation Committee seemed to be in favor of the fee in lieu.

There waivers and open items were discussed in length. The Planning Commission doesn't see a problem with most of the waivers. The Planning Commission does not want a trail going through the school campus, the second item was the thought process of completing a walkway of either a side walk in front of the school, or the thought was it would kill some of the trees, affect drainage and grading. The third thing was the 170 foot segment that is owned by the Black Barn, we would present a fee in lieu of to take care of that. The earth disturbance waiver, Mr. Vanella did not like the

wording, he would like to see the wording changed to at the discretion of the Township or weather permitting, something like that. Mr. Meier stated I thought we agreed we would follow the conservation requirements. Mr. Vanella stated yes, that's correct. Mr. Engleman stated with the lighting, I would like to see a plan that works and a lighting review done, I'm just not comfortable with it. Mr. Vanella, stated when you as the designers say the lighting plan works, does it work for you or does it work for the surrounding community. A representative for the Charter School stated it works to not have any spill over lighting off the property. Mr. Ragan stated the numbers can work but that doesn't mean that it is in conducive with our ordinances. Mr. Ragan stated, I am not a lighting consultant and I would like to see a lighting consultant's report stating yes this is the best we can do. Mr. Shiring, stated, okay, how do you want to proceed with this? Mr. Ragan stated myself and Mr. Shock work for a number of Townships we can see if we can find a consultant to look at that and see if it is acceptable to you or you can bring it to a lighting consultant and run it past us and we will say it's acceptable. We are looking for a third party to review it and say it's good to go or here is our recommendation. Mr. Vanella stated my other question is it says play till ten, so when would the lights actually be going off? The language needs to change there.

Mr. Engleman, stated there is a low probability that they would be able to be ready before the supervisors meeting in April. I think we get the stuff cleaned up that we discussed tonight and we see you back in April once it is ready and then we make a motion from there. Mr. Engleman stated the other waivers I am fine with but I can't get behind the lighting right now. Mr. Engleman stated that clean letters are very strong and I think that is what we need.

Mr. Shiring, stated we will put together a list of the waivers run them past Mr. Ragan and the Township Solicitor, and come back in April with a clean letter and the waivers, as well as a lighting consultant review.

Zoning Ordinance Amendments- AP and Apartments

Apartment Building Zoning Ordinance-

Mr. Vanella, stated with the Apartment Building Zoning Ordinance, he would like to see the wording changed in Section 1 Apartment Building. He would like it to say in perspective it's a legal issue and should state that "are not individually owned units". Because once they are individually owned then it would change the whole building. Mrs. Maciejczyk stated then they wouldn't be apartments they would be condos, so they would have to go through zoning to change that. Mr. Vanella states but what if me as the owner of the apartment building decides I don't want to own the building anymore and I sell individually to each one of the tenants. It should state that they have to be rental units and they cannot be individually owned.

Mr. Tucci made a motion to recommend approval to the Board of Supervisors including Mr. Vanella's comments on the definition, seconded by Mr. Engleman and approved by a vote of 4-0.

AP Zoning Ordinance

Mr. Shock asked in the AP zoning does the ordinance state in there anything about them having to have an O & M agreement that stays with that unit. For an EDU a single family wants a family member to live in their house, like an in-law suite which creates another full housing unit, so it's an accessory dwelling unit, they have to go through the Conditional Use Process. In the Conditional Use order do they state anything about, or is it a zoning part that they have to sign an agreement so that when the property goes to a transfer they can't turn it into a rental unit is there any inspection or U&O completed. Mrs. Maciejczyk stated that any resale they have to go through a U&O inspection again.

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Mr. Shock asked with the home occupation and with home business, they are not the same so is there anything allowing them. The MPC shows that they are two different categories. The no impact home business and home occupation have two different categories.

Mr. Tucci made a motion to recommend approval to the Board of Supervisors for the AP Zoning Ordinance, seconded by Mr. Engleman and approved by a vote of 4-0.

VII. PUBLIC COMMENT (non-agenda items)

Mr. Vanella asked for any public comment on non-agenda items. There was none.

VIII. ADJOURNMENT

Mr. Tucci made a motion to adjourn the meeting at 8:21 p.m., seconded by Mr. Engleman and approved by a vote of 4-0.

Respectfully submitted,

Dawn Maciejczyk
Township Secretary