

TOWNSHIP OF MIDDLETOWN
PLANNING COMMISSION MEETING

March 10, 2015

Present: Anthony Mirenda, William Moran, Greg Reitze, Peter Schettler, and David Sharbaugh
Eric Janetka, Kelly & Close, and Donald Petrosa, Esquire

A. Call to Order

Chairman Mr. Sharbaugh called the meeting to order at 7:33 PM.

B. Approval of Minutes

Mr. Schettler motioned to approve the January 13, 2015 minutes. Mr. Mirenda seconded this motion and the Commission approved unanimously with a vote of 5-0.

C. Old Business

None

D. New Business

*Clock Date: May 11, 2015—Final Minor Subdivision 150/160 Orchard Lane:
Applicant proposes a lot line change on 2 existing lots for the purpose of
eliminating the necessity for an access easement for Parcel 2 across Parcel 1*

Mike Ciocco of Catania Engineering Associates was present as the engineer for the applicants, James and Jamie Coppock. Mr. Ciocco explained that the Coppocks live on the West side of the plan on Parcel 1. Mrs. Coppock's mother used to live on Parcel 2 but has since passed away. Currently there is an existing access easement the crosses Parcel 2 in order to get to Parcel 1. The applicants are preparing to sell Parcel 2 and are requesting the removal of the access easement by changing the lot sizes.

Mr. Ciocco explained that this request is in compliance with the open area regulations for the location of at least 1 acre. Currently Parcel 1 is 2 acres and Parcel 2 is 1.8 acres. If this request is granted, Parcel 1 would become 2.6 acres and Parcel 2 would become 1.4 acres. Mr. Ciocco noted that all setbacks would still be met for the site dwellings.

Mr. Ciocco reported that he has received comments from the Delaware County Planning Department and that they recommended approval at the February 2015 meeting. He also stated that Mr. Janetka submitted comments on behalf of the Township and that the

applicants would comply with these as well. Mr. Janetka characterized these comments as minor but stated he would elaborate on any of them if the Commission felt it was necessary.

Mr. Sharbaugh asked if anyone had any questions for Mr. Janetka or the applicant. Mr. Reitze inquired if the applicants would agree to not subdivide the new Parcel 1 if it was approved. Mrs. Coppock replied that it shouldn't matter because Parcel 1 was already 2 acres and able to be subdivided at present. Mr. Coppock stated that they had not considered subdividing the property but expressed that they would like to keep the option open since a deed restriction would make it harder to sell. Mr. Ciocco expressed that he agreed with Mr. Coppock and that he thought such a restriction was not necessary since the property as it stood was large enough for a subdivision and the request in front of the Planning Commission was simply to get a driveway on the property.

Mr. Reitze commented that he would leave his concern open for Council's discussion. Mr. Sharbaugh stated that Mr. Reitze had a valid concern since the Township is trying to keep the municipality "uncrowded." Mr. Moran expressed that he does not have a problem with not implementing this restriction on the current request since any subdivision would have to come before the Planning Commission at that time. Mr. Pretrosa reported that although Mr. Reitze's question was reasonable, the Planning Commission could not legally require the applicants to agree to deed restricting Parcel 1. He also felt that the applicant's easement request was reasonable and stated Mr. and Mrs. Coppock were entitled to an approval.

Mr. Sharbaugh commented that although notices for this application were sent to the necessary neighboring properties, he did not see responses for several of them acknowledging receipt. Mr. Pretrosa stated that these notices may come in prior to the Council meeting.

Mr. Pretrosa asked who currently owned Parcel 2. Mrs. Coppock stated that she and her sister were the current owners. Mr. Pretrosa informed her that both signatures would be necessary for the easement. He inquired if the property was still in the estate and Mrs. Coppock answered in the affirmative, commenting that both she and her sister were co-executors.

Ken Green, adjoining property owner, expressed that he felt this request should be approved. He stated that he understood Mr. Reitze's concern but that he did not think it should have any bearing on the current request. He went on to state that he may have concerns if a request for subdivision was made but that he did not see a reason to consider it at this time since the applicants have not made such a request.

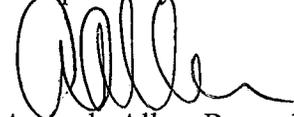
Mr. Reitze asked what type of sewer system was on each property and Mr. Coppock stated that Parcel 1 was public sewer and Parcel 2 was septic. Mr. Green commented that when the Coppocks built their home he granted an easement for sewer. He then showed on the map where the sewer easement was located. He inquired if his easement granted to Parcel 1

specifically could affect the subdivision. Mr. Petrosa stated he could not answer that question without reviewing the easement first and that regardless, that issue could not be taken into consideration for the current application.

Mr. Reitze motioned to recommend approval of the application with the understanding that Council is notified it may affect subdivision in the future and that the sewer easement is shown on the plan. Mr. Schettler seconded this motion and the Planning Commission passed the motion with a vote of 5-0.

Mr. Sharbaugh adjourned the meeting at 7:54 PM.

Respectfully Submitted,

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

Amanda Allen, Recorder