

TOWNSHIP OF MIDDLETOWN  
PLANNING COMMISSION MEETING

May 12, 2015

Present: Mark Bradson, Anthony Mirenda, William Moran, Susan Powell, 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 7:32 PM.

B. Approval of Minutes

Ms. Powell motioned to approve the April 14, 2015 minutes contingent upon minor grammatical changes being made. Mr. Bradson seconded this motion and the Commission approved the minutes unanimously with a vote of 7-0.

C. Old Business

None

D. New Business

*Clock Date: July 13, 2015: Final Land Development—McGonigle & Co Building Contractors, Inc.; 18 N. Pennell Road: Existing building to serve as new McGonigle Builders Corporate Headquarters. In addition, a new 28' X 36' accessory garage is proposed to be constructed along with associated parking, lighting, landscaping, and storm water management*

Dave Rentschler, design engineer for the applicant, introduced himself along with the applicant, Mr. McGonigle. Mr. Rentschler stated that the applicant was granted relief from the zoning hearing board in December 2014 in order to construct a garage in the back of the property and the applicant was now seeking a recommendation for approval from the Planning Commission.

Mr. Rentschler went on to report that he was in receipt of Mr. Janetka's letter and spoke with him about the technical aspects of the storm water management in order to address those comments sufficiently. He then proceeded to summarize the Engineer's comments and the applicant's response. First, in regards to landscaping, Mr. Rentschler explained that a condition of the Zoning Hearing Board was that the property lines and front yard in between the drive ways be landscaped. He provided the Planning Commission a diagram that indicated arborvitaes

trees being planted along the property line and small plants being planted along the drive way. Mr. Petrosa asked what would be done with the rear property line and Mr. Rentschler explained that there was already existing brush at this location. Mr. Petrosa expressed that the Zoning Hearing Board's requirement said to have landscaping on the "lot lines" and he felt that also included the rear line. Mr. Sharbaugh agreed, noting that the existing brush would be bare in the winter time, whereas arborvitaes trees would remain full. Ms. Powell also agreed and stated that she did not think the existing brush needed to be cleared since this landscaping request was more for privacy. She thought the applicant could simply plant the trees in addition to the current brush. Mr. Rentschler noted that the applicant agreed to comply with planting arborvitaes along all three property lines, including the rear.

Ms. Powell inquired if day lilies were acceptable for the front bed and Mr. Petrosa answered in the affirmative, stating that was at the suggestion of Mr. Comitta. Mr. McGonigle informed the Planning Commission that his intention was to eventually install a sign for the business at that location with landscaping around it at the center island. Mr. Rentschler agreed and expressed that the applicant would make sure this space was aesthetically pleasing.

Mr. Rentschler then explained that the second comment from the Township's Engineer was in regards to the 2 driveways on the property connecting to Pennell Road and the applicant's intention with them. Mr. Rentschler reported that the applicant planned to maintain both driveways. He explained that the initial proposal was to widen the one driveway; however, the Engineer commented that a PADOT permit may be needed to do this. As a result, Mr. Rentschler stated that the applicant no longer plans to widen the driveway in order to avoid PADOT permits and approval for timing reasons. He felt that the current driveway was sufficient from a safety standpoint in its current state. Mr. Petrosa noted the zoning ordinance requires a 25' wide driveway and asked if the existing driveway met this condition and if they would be remaining in their current location. Mr. Rentschler explained that the driveways would remain where they currently were on Pennell Road; however, the applicant planned to connect the two driveways on the property. Mr. Petrosa stated that would be considered a change of use and questioned if a permit would be needed as a result. Mr. Rentschler stated a permit was not needed.

Mr. Reitze stated that PADOT would most likely be interested in the type of business and how many vehicles would be coming on and off the property when determining what permits were needed. Mr. McGonigle explained that his business was general contracting with residential and commercial customers. On a daily basis, only 2-3 employees would be at the office on Pennell Road and the garage being constructed was for material storage only; not heavy equipment. He emphasized it would not be accessed everyday and would be well maintained. Mr. McGonigle reported that the garage on site would allow him to store all of his material at one location.

Mr. Moran asked for more information on what the garage would look like. Mr. McGonigle explained it would be constructed with 2 X 6 wall frames, with exterior siding on the sides. The back exterior wall would be stucco and the front exterior wall would be constructed with stone. He emphasized that he would make sure it looked nice since it reflected on his business to do so. Mr. McGonigle reported that the Zoning Hearing Board has approved the garage to stand 28' high, which is 1 ½ stories.

Mr. Rentschler noted that the width of the driveway was not included in the zoning because the existing driveway was already non-conforming. Mr. Petrosa explained that because the applicant planned to modify the driveway, the width of the driveway mattered. He reiterated that a 25' wide minimum was needed for a two-way driveway and that he was concerned about safe access since one of the driveways did not meet this requirement. Mr. Janetka expressed that his concern was for wide trucks entering and exiting the property. Mr. McGonigle reported that he did not plan to have trailers leaving the property. Mr. Janetka asked if vehicles would need to swing out into Pennell Road when exiting. Mr. McGonigle questioned if other neighbors, like Baxter Builders were held to this standard. Mr. Janetka explained that part of the land development process requires the Township to consider these types of situations at present and that he did not know what other neighbors did and when, nor what the land development process was at that time. He emphasized that his primary concern with the driveways was safety and the "fluid movement in and out."

Mr. Reitze commented that the applicant would need to comply with the ordinance requiring a 25' minimum width for both driveways. Mr. Janetka agreed but also commented that a different option would be for the applicant to demonstrate the current driveway is sufficient. Mr. Bradson inquired about the size of the vehicles and Mr. McGonigle responded that typically, vehicles would be no larger than a stake body truck with 12' bed (with the exception of an occasional FedEx truck delivery). Mr. Sharbaugh asked if it would be a hardship to expand the width and Mr. McGonigle answered in the negative, explaining that it was more of a timing concern with not wanting to be stalled by the amount of time it would take to get a PADOT permit.

Ms. Powell asked what the current width of the driveway in question was and Mr. Rentschler reported approximately 20'. Mr. Janetka commented that while he could not be certain, a larger radius may allow for a 20' wide driveway to be sufficient. Ms. Powell asked if it would matter if the radius was close to the property line and Mr. Janetka responded that PADOT may require the neighbors to be notified. Other than that, Mr. Janetka expressed it would be a "simple HOP application" and the applicant may be able to continue work while waiting to receive the permit.

Mr. Rentschler asked what the requirements for one driveway would be. Mr. Janetka responded that he thought it was 16' to 18', but radius would still be the main concern.

Mr. Rentschler asked if the completion of the driveway could be made a contingency for the C/O instead of stalling the land development at this point in time. Mr. Janetka felt that would be ideal and expressed he did not think PADOT would be difficult about this matter since the property is commercial, it is not a substantial change, and the applicant was making overall improvements to the property. Mr. Bradson suggested the applicant start the PADOT permitting process at present but continue the other improvements while waiting for the approval. Mr. Janetka agreed with this course of action and noted the applicant may be able to request PADOT streamline the process. Mr. Rentschler reported the applicant would agree to contact PADOT for their input but expressed frustration since this issue was not brought up at the Zoning Hearing Board. Mr. Petrosa explained that it is the applicant's responsibility to raise zoning questions and that the Zoning Hearing Board only reviews what is presented to them.

Mr. Janetka asked if Mr. Rentschler thought the radius would work at 20 feet wide. Mr. Rentschler stated that the property would have as much traffic as a residential property and felt it was safe in its current state. Mr. Janetka asked if the applicant would be open using the two driveways as "one way in and one way out." He explained that if the applicant could demonstrate that would work, then it would conform as a safe traffic pattern and going to PADOT would not be necessary. Mr. Petrosa commented that since the radius is a land development and not a zoning issue, Council could waive its necessity in that scenario if they were so inclined. Mr. Rentschler stated the applicant would look at the "turning templates" first to see if the "one way in and one way out" scenario could work. If it does not, then the applicant would comply with contacting PADOT as previously discussed.

Mr. Rentschler went on to discuss the comment from the Township's Engineer, which required the plan be submitted to County Land Planning for review. He reported that Mr. McGonigle received a letter from County Land Planning confirming that his application would be included on their agenda the following week.

Mr. Rentschler then addressed the Engineer's comment regarding whether or not the garage would be serviced by existing water and sewer on the property. He stated that there would not be a hook up to water or sewer and that this would be noted on the plan. He also stated that signatures would be added to the plan, as the Engineer requested. Mr. Rentschler then noted that he would be asking for a waiver for a curb on the paved areas. Mr. Janetka expressed that he thought that was a reasonable request and commented that having a curb would actually create a problem with water retention. Mr. Rentschler also commented that a concrete monument would be added to one of the corners of the property.

Mr. Rentschler went on to request the recreation fee be waived. He argued that the property is already developed and no additional office space was being added. Mr. Petrosa expressed that he was not sure how Council would feel about the waiver but noted he did not think the fee would be significant. He informed the Planning Commission that they could

comment on this request or leave it for Council to make the decision. Mr. Sharbaugh felt the decision should be left entirely to Council. Mr. Petrosa recommended Mr. Rentschler contact Bruce Clark for his guidance before going to Council.

Mr. Rentschler then addressed the Engineer's Comment regarding the Developers Agreement. He stated that because this was not a public improvement, the agreement should not be necessary. Mr. Petrosa noted this request would likely not be honored and that the Agreement was necessary. Mr. Rentschler stated the applicant would comply then.

Mr. Petrosa asked if property owners were notified about this meeting and Mr. Rentschler answered in the affirmative, stating the necessary documentation confirming this was submitted.

Mr. Rentschler went on to discuss the grading plan shown for storm water management. He reported a stone storm water infiltration facility would be installed by the garage for runoff. He proposed to install a 12' berm to channel runoff from the site to the storm water facility. Mr. Rentschler noted that Code requires 50% reduction and this plan of action would comply with the requirement. He reported that the site is currently at 2 ½ CFS and this improvement would reduce it to less than 1 CFS. Mr. Janetka commented that he agreed with Mr. Rentschler and that he was satisfied with this plan to move forward. He suggested the applicant expand the stone pit to give an "extra level of safety" and described this plan of action as a substantial improvement for the property. Mr. Rentschler inquired if an easement could be granted to the Township for its maintenance and Mr. Petrosa expressed he thought that would be acceptable.

Mr. Rentschler then briefly went over the general comments. He requested the basin landscape requirement be waived since nobody would be able to see it anyway as there would be a buffer on all property lines. He went on to state a detail would be added to the plan about what to do in case Pennell Road gets damaged during construction (so the applicant would know how to proceed) and that all affidavits would be signed. Mr. Rentschler stated a note would be added stating the current infrastructure would be abandoned in place and the applicant would comply with County requirements for doing so. Lastly, Mr. Rentschler expressed nothing needed to be done with the sewer line since no sewer service would be needed for the garage. Mr. Janetka recommended that he still reach out to the Sewer Authority to confirm no action on their part was needed.

Mr. Petrosa commented that the applicant may want to review Mr. Comitta's comments on landscaping, particularly the part about low shrubbery in the front. Mr. McGonigle stated his intention was to include low shrubs in the front once the sign was in place. Mr. Petrosa then noted that the Zoning Hearing Board stated landscaping should be approved by the

Township. To have this completed, he recommended the landscaping plan be shown on a diagram of the property.

Mr. Rentschler then went on to discuss lighting on the property. He reported the applicant was proposing wall mounted light fixtures attached to the building with 95% full cut off. He commented that lighting would be intense directly below where they were mounted. One of these lights would be located on the existing building by the 2 paved parking spots and another one would be on the garage. Mr. Janetka asked if the business would be operating at nighttime. Mr. McGonigle answered in the negative and stated the lights would just be enough for the employees to get to their cars at the end of the day. He emphasized the lighting would not be bright enough to bother neighbors, nor would they face the direction of the neighboring properties. He also noted the lights would not be on after 7 PM. Ms. Powell asked if regular house lights would be at the doors and Mr. Rentschler answered in the affirmative. Mr. Janetka felt this was sufficient but recommended a notation be added to the plan stating that if neighbors complain and the Township determines the complaint is reasonable, then the applicant would comply with making acceptable changes. Ms. Powell agreed with this idea. Mr. Rentschler stated a note was on the plan already that gave the Township the right to inspect the property at night for this purpose. He reported the applicant would agree to extinguish the lights by 7 PM as well.

Comments were then opened to the public. Allen Vasquez, 31 Cabot Court, stated he was the closest property to the proposed construction. He explained that there used to be thick vines and trees as a buffer in between the properties but that most of these were gone at present. He stated he would like to see a thicker buffer on the West side of the property and expressed that he would prefer evergreens in order to enhance the area. He also expressed that runoff was a significant concern at Pennell Place and that the Planning Commission should make sure impervious coverage is added. Mr. Vasquez then asked how tall the building would be. Mr. McGonigle stated it would be no more than 28 feet; most likely falling somewhere between 22 feet and 24 feet. Mr. Rentschler explained that landscaping has been addressed. Mr. Janetka agreed, noting this took place earlier during the current meeting. Mr. Vasquez expressed that he felt shrubs would not enhance the area.

Mr. Vasquez then went on to express that the new garage would be right next to his home and he did not want his "house to be sterilized" because of the garage. Mr. Petrosa instructed the applicant to come up with a landscaping design and to have Mr. Comitta's office review it. Mr. Rentschler agreed to comply. Mr. McGonigle commented that his property line does not go all the way to Pennell Place and that 15 feet of the buffer area is Pennell Place's property. Mr. Vasquez then expressed that he did not receive the certified mail notice for the hearing in front of the Zoning Hearing Board and that while he knew about the driveway variance, he did not know about the garage.

Lee Pasioko, President of Pennell Place, commented that the neighbors have balconies and asked if there would be a lot of trucks coming on and off the property. Mr. McGonigle answered in the negative. He went on to state that any noise generated on the property would be facing Pennell Road and that the garage was purposely positioned as it was for this reason. Mr. McGonigle emphasized that he is not looking to disturb the neighbors and that his property would not be high volume. He commented that once construction was done, the property would have grass, not dirt. Ms. Pasioko asked if trucks would be able to travel in and out and Mr. McGonigle stated that he does this every day already. He expressed that he understands the street is very busy but his business would not be creating a significant amount of additional traffic. He noted that he used to work for a condominium residential community and knows how to be a good neighbor. Ms. Pasioko asked if there would be anything flammable in the garage and Mr. McGonigle answered in the negative.

Mary Sullivan, 33 Cabot Court, asked how far off the property line the garage would be. Mr. McGonigle stated the rear of the garage is 30 feet off the property line. Using a diagram, Mr. Rentschler showed the neighbors in the audience where the garage was in relation to the property lines.

Sally Burken, 23 Cabot Court, asked how the property would be impacted if Pennell Road was widened. Mr. Rentschler responded it would be impacted the same way other properties on the road would be; however, that would be PADOT's responsibility.

Elleanor Delosier, 37 Cabot Court, asked how often trucks would be coming and going from the property. Mr. McGonigle responded a couple times per week, specifically in the morning or end of the day. Occasionally, his employees may stop by in the middle of the day to pick up materials, but he did not see that being an everyday occurrence since most supplies are delivered directly to the job site and because employees take the work trucks home, the headquarters would not be a "big meeting place."

Mr. Reitze asked if operations would be similar to Baxter Builders. Mr. McGonigle said it was similar, but actually smaller. Ms. McCarrio, 35 Cabot Court, expressed that if business picks up there would be more traffic for the property. Mr. McGonigle stated the company was very busy at present.

Mr. Moran asked what the garage would look like. Mr. McGonigle stated it would match the building and blend with the property. He emphasized that his name was on the space and that it was in his benefit to maintain the property and the buildings on it. Mr. Moran asked if Mr. McGonigle would consider matching the back of the garage to the landscaping for it to blend better. Mr. McGonigle felt that was unnecessary and would reflect badly on his type of business. He stated he wanted the garage to look nice. Several neighbors made comments that

they agreed Mr. Moran's comment was not necessary. Mr. Moran asked if any hazardous material would be stored on property and Mr. McGonigle answered in the negative.

Mr. Sharbaugh commented that Mr. McGonigle has been patient and helpful.

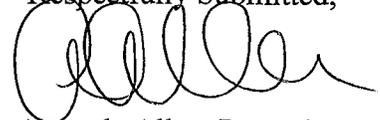
Mr. Mirenda motioned to recommend approval of the final land development agreement contingent upon satisfactory resolution of the Engineer's comments and the applicant discussing the recreation fee with Mr. Clark. Mr. Schettler seconded this motion and the Planning Commission approved unanimously with a vote of 7-0.

*Clock Date: August 10, 2015: Preliminary Minor Subdivision and Land Development —Mike Mita; 272 Oak Avenue: Subdividing an existing 1.81 acre lot into four single family residential properties and dedicating 10,000 square feet for public recreation.*

This item was deferred.

Mr. Sharbaugh adjourned the meeting at 8:56 PM.

Respectfully Submitted,

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

Amanda Allen, Recorder