

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

February 11, 2013

Minutes of Regular Meeting of Township Council Held on Monday, February 11, 2013 at 7:00 PM in the Township Building, 27 N. Pennell Road

Present: M. Amoroso, L. Bradshaw, S. Galloway, C. Quinn, N. Shropshire
B. Clark, M. Damico, Esq.

1. Chairperson Ms. Bradshaw opened the meeting with the Pledge of Allegiance to the Flag.

Ms. Bradshaw welcomed Mark Damico, Esquire, who served as Solicitor for the meeting.

Ms. Bradshaw announced that Council met in Executive Session prior to tonight's meeting to discuss zoning issues in relation to the proposed sign ordinance for the SU-1-A Mixed Use District (Agenda Items 5A, 6A).

2. Approval of Minutes – January 14, 2013 Regular Meeting

Mr. Galloway moved for approval of the Minutes of the January 14, 2013 Regular Meeting. Mr. Quinn seconded the motion, and the Minutes were approved as submitted by vote of 4-0; Mrs. Amoroso abstained from voting because she was not present at the meeting.

3. Comments from the Public

There were no comments from the public.

4. Reports

A. Chairman: Ms. Bradshaw expressed appreciation to the Public Works employees for the excellent job they do removing snow from Township roads, and for all the work they do in maintenance of the Township.

B. Land Planning: Mr. Quinn reported that the Committee discussed two items relating to the Smedley tract, (1) stabilization of the silos and (2) the farmer who leased a portion of the Smedley property to grow crops last year would like to renew the lease for the coming growing season and suggested extending the lease for 3-5 years. The Committee also

considered an amendment of the sign ordinance to permit changeable copy and electronic signs in various zoning districts.

C. Roads and Highways: Mr. Shropshire explained that two individuals met with the Committee to discuss a run/walk they are sponsoring in the fall for the benefit of a cancer fund. The run/walk will begin in Chester and is proposed to end at Granite Run Mall. The Committee also discussed the current status of a parking issue on Highland Avenue near the intersection with Oak Avenue. He noted that Mr. Clark announced that the Pennsylvania Resources Council will sponsor an electronic equipment collection in the Township parking lot on April 27th.

D. Manager: Mr. Clark stated that the Chester-Ridley-Crum Watersheds Association is co-sponsoring a program on March 10th in the Tomezscko Auditorium at Penn State Brandywine. Tom Brightman, Land Steward at Longwood Gardens, will speak on "Restoring Habitat, Landscape Structure, and Health in Our Watersheds". The program will begin at 2:00 PM and will conclude by 3:30 PM. Additional information is available on the CRC website. This program supports the Township's ongoing effort to educate residents on stormwater issues as required under the MS4 permit monitored by DEP.

5. Public Hearing

- A. Proposed Amendment of Zoning Ordinance, Pursuant to Article VI of the Pennsylvania Planning Code Amending the Code of Ordinances of Middletown Township, Delaware County, Pennsylvania, Chapter 275, Article XIX-A, SU-1-A Mixed Use District to Amend Regulations Governing Signage in the SU-1-A Mixed Use District and Use of Existing Buildings

Mr. Clark explained that an ordinance amending regulations governing signage in the SU-1-A Mixed Use District and use of existing buildings was introduced at the November 26, 2012 meeting and was forwarded to the County Planning Department and the Township Planning Commission for review. A Public Hearing was scheduled for January 14th; however, substantive changes in the ordinance text were recommended and the ordinance was updated by a revised ordinance introduced at the January 14th meeting, which was forwarded to the planning groups for review. Mr. Adams and Mr. Comitta attended the Planning Commission's January meeting to review the revised ordinance.

Mr. Clark went on to say that the revised ordinance amendment was re-advertised in the Delaware County Daily Times on January 22 and 29, 2013, and proof of publication will be entered into the record as Township Exhibit T-1.

Ms. Bradshaw opened the Public Hearing.

Robert Adams, Esquire, Township Special Solicitor for matters relating to development of the Franklin Mint property, explained that all of the required procedural steps

have been completed. The Public Hearing is an evidentiary hearing and does not require recording and transcribing verbatim testimony.

Mr. Adams stated that at the time the SU-1-A Mixed Use District ordinance was adopted in December 2011 it was acknowledged that the signage provisions would need to be fine-tuned. The Franklin Mint development team agreed to work with the Township and made several recommendations.

Mr. Adams stated that the ordinance defines “multi-tenant office building” and identifies uses in addition to general and/or professional offices that are permitted in a multi-tenant office building, such as meeting facilities, seminar facilities with or without accessory dining room, fitness and retail facilities, conference center without overnight lodging and entertainment, etc.

Mr. Adams went on to say that in addition to wall signs identifying the name and address of the building, 2-3 additional wall signs will be permitted based on the square footage of gross leasable area. The number and size of signs is scaled to the size of the building. For example, a multi-tenant office building having at least 200,000 sq. ft. of gross leasable area is permitted to have three additional wall signs of a maximum of 200 sq. ft. per sign on the exterior wall of the building. A multi-tenant office building containing 100,000 sq. ft. to 200,000 sq. ft. of gross leasable area is permitted two additional wall signs of a maximum of 200 sq. ft. each. Two additional wall signs of a maximum of 100 sq. ft. each are permitted for a multi-tenant office building containing 50,000 sq. ft. to 100,000 sq. ft. A multi-tenant office building containing less than 50,000 sq. ft. is permitted two additional wall signs of a maximum of 50 sq. ft.

Mr. Adams explained that a Master Signage Plan must be submitted at the time of Preliminary and Final Plan submissions. He noted that the land development plan will ultimately apply to the entire Franklin Mint site.

Mr. Adams stated that a use plan in the addendum to the original ordinance was modified slightly with respect to the existing Franklin Mint building to permit a conference center without lodging and entertainment. There are other locations on the site where a conference center with lodging and entertainment could be placed. In his opinion lodging and entertainment would not be appropriate for a conference center in the existing Mint building.

Mr. Adams stated he believes that the ordinance amendment is very much in the interest of the Township and provides a number of restrictions for the protection of all parties. He pointed out that the proposed signage regulations are unique to the SU-1-A Mixed Use District, and sign regulations in other Zoning Districts will continue to apply in those districts.

There were no further comments from Council or members of the audience. Mr. Shropshire moved to close the Public Hearing, seconded by Mr. Galloway, and unanimously approved.

6. New Business

- A. Consideration for Adoption – An Ordinance Pursuant to Article VI of the Pennsylvania Municipalities Planning Code Amending the Code of Ordinances of Middletown Township, Delaware County, Pennsylvania, Chapter 275, Zoning, Article XIX-A, SU-1-A Mixed Use District to Amend Regulations Governing Signage in the SU-1-A Mixed Use District and Use of Existing Buildings

Mr. Shropshire moved for adoption of an ordinance amending the Code of Ordinances of Middletown Township, Chapter 275, Zoning, Article XIX-A, SU-1-A Mixed Use District to amend regulations governing signage in the SU-1-A Mixed Use District and use of existing buildings. Mrs. Amoroso seconded the motion, and Ordinance No. 736 was adopted by unanimous vote 5-0.

Mr. Shropshire expressed appreciation to Mr. Adams for his continuing efforts on behalf of the Township, and thanked the applicants for their cooperation as they move forward with development of the Franklin Mint property.

- B. Approval of Sewage Facilities Planning Module – Martin/Brown – 76 Cherrywood Lane

Mr. Clark explained that a 2-lot subdivision of the property located at 76 Cherrywood Lane was approved more than a year ago. The property will be served by the public sanitary sewer system, but because of the moratorium on sewer connections the Martin's application for connection was denied. He noted that a few connections were released to the Township Sewer Authority and Southwest by DEP at the end of November 2012 and several have been processed.

Mr. Clark stated that a Sewage Facilities Planning Module has been prepared for the Cherrywood Lane property and requires Council's approval of a Resolution authorizing submittal of the Planning Module to DEP.

Mr. Shropshire moved that the Township Council of Middletown Township adopts and submits to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is attached hereto. Mr. Quinn seconded the motion, and Resolution 2013-30 was approved by unanimous vote 5-0.

Mr. and Mrs. Martin were present in the audience and Mr. Martin asked how long it may take for DEP to approve the Planning Module. Mr. Clark replied that the application is straightforward and it should only be a matter of someone at DEP reviewing the paperwork. However, once the application is submitted to DEP, it will be out of the Township's hands.

Ms. Bradshaw stated it has been a long road for the Martins to reach this point, and she wished them good luck in receiving approval for a sewer connection so they can move forward with the subdivision plan.

C. Review of Zoning Hearing Board Applications

2013-01 Geronikos – 115 Walter Drive

Mr. Clark stated that Thomas and Alexandra Geronikos propose to install a 15 ft. x 24 ft. x 4.5 ft. above-ground swimming pool behind the house on their property at 115 Walter Drive. The house is sited on an angle, and because of the configuration of the lot the pool will encroach into the side yard setback for a distance varying from 12.25 ft. to 19.87 ft. There is no other place for the pool because of the location of a recently built deck and the sloping ground. An application has been submitted to the Zoning Hearing Board for a variance for relief from the side yard setback requirement.

Council members agreed that the Zoning Hearing Board can handle this application.

2013-02 Garfinkel – 12 Brinton Ave

Mr. Clark explained that Todd and Sheryl Garfinkel propose to construct an enclosed garage and breezeway connecting the garage and the house on their property at 12 Brinton Avenue. Options for placement of the garage are limited because of the location of the house, which is non-conforming, and the topography of the land. The proposed garage addition will project to within 10 ft. of the front property line and 9 ft. of the side property line. The Garfinkels submitted an application to the Zoning Hearing Board for a variance from the front and side yard setbacks.

Council members agreed that the Zoning Hearing Board can handle this application.

D. Amendment of Sign Regulations

Mr. Clark stated that Mr. Damico recommended that the sign ordinance should be updated to make provision for electronic and changeable copy signs and to regulate where the signs may be located, how large and what type of messages may be displayed, hours of operation, etc. A draft ordinance was reviewed with Council and was introduced at the January 28th meeting. The Land Planning Committee reviewed the ordinance, and several minor changes have since been made in the text.

Mr. Clark went on to say that there was a question whether electronic and changeable copy signs should be permitted in several additional zoning districts, in particular, in the SU-1-A Mixed Use District and the OR-3 Outdoor and Indoor Recreational District. He pointed out that the Rocky Run Y is the only use in the OR-3 District and there could be occasions when the Y would like to have a changeable copy sign to advertise special programs or events.

Mr. Clark noted that there are restrictions on the size and type of messages that can be displayed. A sign with electrical or manual changeable copy display may not exceed 50 sq. ft., and the changeable message is limited to a maximum of 50% of the freestanding signage permitted in the zoning district where the sign is located up to the 50 sq. ft. maximum. Messages can be displayed only in the lower portion of the sign. One on-premises changeable copy sign is permitted on a property and must be installed along a principal road frontage. He pointed out that last year Council approved changeable copy signs for schools located in residential districts, and those signs will not be affected by these regulations.

Tony Ieradi, 209B Berry Lane, inquired whether there are limitations or restrictions for electronic or changeable copy signs in addition to those Mr. Clark mentioned. Mr. Clark replied that there are additional restrictions, such as the signs must comply with the Commonwealth of Pennsylvania regulations relating to outdoor advertising. In addition, the message may not change in intensity or color during the fixed display period. The display message may contain words, numbers, pictures and/or symbols, none of which may be animated. The message may not fade out before the new message is displayed. A minimum static display time of 30 seconds is required.

Mr. Ieradi asked whether the number of displays is limited. Mr. Clark explained that they studied the electronic message sign on the gold store property at the Cloverleaf, which uses approximately 4-5 different messages and designs. He pointed out that it would be difficult to establish a limit on the number of messages that should be permitted, and the ordinance does not place a restriction on the number of different messages displayed.

Mr. Shropshire stated that all signs in the Township are permitted to operate only during business hours, and should not be left on 24 hours per day. Unfortunately, some businesses do not abide by the rule.

Mr. Clark noted that the current sign ordinance was adopted in 1986, at a time when electronic signs were not being used. He suggested it may be time to revisit the sign ordinance as a whole to bring it up to date.

Mr. Clark explained that the language in the revised ordinance is not significantly different from the ordinance originally introduced. If Council is comfortable with the changes, the ordinance can be re-introduced and re-advertised for a Public Hearing to be held at the March 25th meeting.

Mr. Shropshire moved to re-introduce an ordinance amending the Code of Ordinances, Chapter 275, Zoning, Article II, entitled Terminology, Section 275-8 by providing a new definition for "Sign, Ground" and by adding definitions for "Sign, Changeable", "Electrical, Changeable Copy Display" and "Manual Changeable Copy Display", and amending Article XXXII, entitled Signs, by repealing current Section 275-192.E.(1), and providing a new Section 275-192.E.(1) for regulation of the height and display of Ground signs, and by Amending Section 275-195 to create a new Section 275-195.G. entitled "Changeable Signs" to permit manual changeable copy signs and electrical changeable copy signs in Institutional, Business,

Special Use, Office and Manufacturing Districts. Mr. Quinn seconded the motion, and the motion was approved by unanimous vote 5-0.

E. Approval of Bill List

Ms. Bradshaw read aloud the bills presented for Council's consideration for approval for payment.

Mr. Shropshire moved that payments under the February 11, 2013 Bill List be authorized for payment by the Finance Department:

General Fund

Keystone Health Plan East	February Health Insurance	\$ 24,774.25
	Highway Share	
	Sewer Authority & Library Share	
	Recreation Share	

Recreational Enterprise Fund

Touriffic Travel	Phillies Spring Training	5,022.00
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Capital Reserve

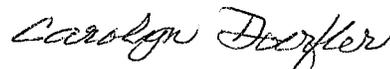
BNY Mellon	GOB Series 2010 Interest Payment	142,181.25
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Mrs. Amoroso seconded the motion, and Resolution 2013-31 was approved by unanimous vote 5-0.

7. Adjournment

The meeting was adjourned at 7:35 PM.

Respectfully submitted,



Carolyn Doerfler, Recorder

