

**APPROVED JANUARY 27, 2010**



**THORNBURY TOWNSHIP  
DELAWARE COUNTY  
Planning Commission  
6 Township Drive  
Cheyney, PA 19319-1020**

**James Bulkley, Chairman  
Robert Ricciuti, Vice-Chairman**

**Allen McCann  
Robert Ferrara  
Charles Howat  
James Quinn, Jr.  
James Moore**

**MINUTES  
Thornbury Township Planning Commission Meeting  
Wednesday, January 13, 2010**

The Thornbury Township Planning Commission held a public meeting Wednesday, January 13, 2010 at the Township Administration Building, 6 Township Drive, Cheyney, Pennsylvania. Vice Chairman Bulkley called the meeting to order at 7:00 p.m., with a salute to the flag.

**PRESENT:**

James Bulkley, Chairman	Ken Kynett, Esq., Solicitor
Robert Ricciuti, Vice Chairman	Mike Ciocco, Township Engineer
Allen McCann	Wayne Grafton, Land Planner
Robert Ferrara	
Charles Howat	
James Quinn, Jr.	
James Moore	

**ABSENT:** 0

**MEMBERS OF PUBLIC:** 6

**AGENDA**

Vice Chairman Bulkley reviewed the Agenda, as follows:

1. REORGANIZATION
2. PUBLIC COMMENT
3. APPROVAL OF MINUTES – December 9, 2009
4. OLD BUSINESS
  - a. Cheyney Univ. – Preliminary Land Dev.
  - b. Zoning Ord. – Accessory Structure Regulations
  - c. Comprehensive Plan
  - d. Floodplain Ord. – DCPC Recommendations
5. NEW BUSINESS
  - a. Wills – Preliminary/Final Minor Subdivision
6. NEXT MEETING – Wed., Jan. 27, 2010
7. ADJOURNMENT

**1. REORGANIZATION**

Vice Chairman Bulkley asked for nominations for a Temporary Chairman to chair the reorganization:

On a motion by Mr. Ricciuti, seconded by Mr. McCann, all members voted “aye” to elect Mr. Ferrara as Temporary Chairman to conduct the reorganization of the Planning Commission.

Mr. Ferrara then asked for nominations for Chairman:

On a motion by Mr. Ricciuti, seconded by Mr. Howat, with Mr. Bulkley abstaining, all members voted “aye” to elect Mr. Bulkley as Chairman for 2010.

Mr. Ferrara turned the meeting over to Mr. Bulkley, the new Chairman.

Mr. Bulkley then asked for nominations for Vice Chairman.

On a motion by Mr. McCann, seconded by Mr. Ferrara, with Mr. Ricciuti abstaining, all members voted “aye” to elect Mr. Ricciuti as Vice Chairman for 2010.

Mr. Bulkley then asked for a motion to close the reorganization.

On a motion by Mr. McCann, seconded by Mr. Ricciuti, all members voted “aye” to close the reorganization meeting.

## **2. PUBLIC COMMENT**

Mr. Bulkley asked for public comment on items not on tonight’s agenda. There were no comments from the public.

Supervisor, Jim Raith, expressed his gratitude on behalf of the residents and the Board of Supervisors to all of the Planning Commission members for their commitment to serving on this Commission. Mr. Bulkley introduced the new members, Mr. Howat, Mr. Quinn, and Mr. Moore, and welcomed back the other members, the professionals, and the staff.

## **3. APPROVAL OF MINUTES**

On a motion by Mr. Ricciuti and seconded by Mr. McCann, members Mr. Bulkley, Mr. McCann, Mr. Ferrara, and Mr. Ricciuti voted “aye” to approve the Dec. 9, 2009 minutes, as amended by Mr. Kynett and Mr. Ciocco. Mr. Howat, Mr. Moore, and Mr. Quinn abstained as they are new members and were not present at the December 9, 2009 meeting.

## **4. OLD BUSINESS**

### **a. Cheyney Univ., Preliminary Land Development**

Present: Chris Cobaugh, PE, the applicant’s engineer  
John Carroll, Assistant Facilities Director, Cheyney Univ.

Mr. Cobaugh reported on the following planning issues:

Fire Marshall - Discussed access with Fire Marshall to all parts of the proposed new building, with a plan and correspondence to follow.

Historic - Hired Bob Wise, who was instrumental in establishing the inventory of historic structures in Thornbury Twp., with a report to follow after his 1/19/10 meeting with the Historic Commission.

Parking – A Parking Plan and narrative will be submitted.

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Sewage - With the proposed new dorm and a project in the science center, the sewage treatment plant is slated for updates.

Off-Street Loading – Mr. Ciocco will review with the applicant's engineer.

Access to College Ave. – The record plan will state that Cheyney Univ. will maintain access to the stabilized emergency access areas and also to College Ave.

Wetlands – Mr. Cobaugh will obtain a wetland scientist if necessary; however the area has been redeveloped twice, and felt there was no need for a wetland inspection. Mr. Ciocco reminded the applicant of the improvements proposed approaching the nearby creek and how the issue will need to be reviewed when the new plans are submitted.

Geothermal Well Field – Mr. Ciocco was concerned how the location of the new geothermal well field related to the floodplain or wetlands without seeing a new plan and requested documentation.

Lighting – A Lighting Plan will be submitted. No further lighting is proposed for the Creek/Cheyney Rd. intersection, however, discussions of a lit crosswalk was encouraged by the Board.

Creek Rd. Crosswalk - Mr. McCann requested improved lighting where the students cross Creek Rd. Mr. Bulkley recommended PennDOT be contacted for improvements. Mr. Carroll thought SEPTA discontinued the stop on Creek Rd. due to the dangerous conditions. Mr. Ferrara suggested a perimeter around the parking lot, forcing students to exit at a certain place, to decrease the likelihood of an accident along Creek Rd. Mr. Cobaugh stated reflectors and/or signs could temporarily be used.

Landcape/Tree Removal – An arborist from the Morris Arboretum felt the old street trees were about 80 years old. Documentation will be provided.

Sidewalk – Mr. Bulkley noted a sidewalk is needed next to the sewage treatment plant, as the adjacent field is frequently used.

Master Plan – To be submitted by the applicant.

Security – If there are security issues, the university will unlock the gates for the police and/or fire department.

College Lane – College Lane will become a walking pathway, embellished by pavers, with removable bollards.

Mr. Ciocco explained that approval will be recommended after plans are submitted, reviewed, and the Planning Commission feels comfortable.

Mr. Bulkley suggested site visits, especially for the new members.

**b. Zoning Ord. – Accessory Structure Regulations**

Mr. Bulkley noted that he reported to the Board in Dec. and the Board felt that the majority of the issues were clerical errors, and therefore no changes were necessary. Mr. Ricciuti stated that at the last meeting, the members were split in their opinions, and there was a consensus to wait

for the opinion of the new members. Mr. Ricciuti noted that if someone wanted to put up a windmill on their property, they could do it. Mr. Kynett explained that the most recent applications were for garages that were the same size or larger than the primary house. Then you have to ask what is the primary use, a storage use or a residential use. Therefore, should the Township regulate accessory structures and accessory uses so that they maintain a subordinate accessory relationship to the primary use of the property?

Mr. Bulkley asked that everyone give it thought as to whether or not this is an issue, as it will be discussed at the next meeting. Mr. Kynett noted that currently there does not appear to be a size limit. Currently, there is not a great deal of regulation as to what an accessory structure or use is and where such a structure can be located. Mr. Grafton noted that there are solar and wind structures and uses, as well as a super play house, or communication antennae and the question is, "At what point does it need regulation?"

**c. Comprehensive Plan**

Mr. Bulkley noted no update from the Board. Mr. Grafton stated that it only needs to be updated, and we should start in mid to late 2011.

**d. Floodplain Ord. – DCPC Recommendations**

Mr. Kynett noted that the comments from DCPC incorporating specific statutory section references to the UCC (Uniform Construction Code) were somewhat static in nature and may require that the Township amend its zoning code every time there is a change in the UCC. Currently, the Township has adopted the UCC as its building code and compliance is required whether or not in a floodplain. Amendments to the building code will automatically apply to the floodplain and will do so without also requiring amendment to the zoning code.

**MOTION:** On a motion by Mr. Ferrara and seconded by Mr. McCann, all members voted "aye" to send Mr. Kynett's comments regarding the Delaware County Planning Commission's November 19, 2009 Floodplain Ordinance review (using the same paragraph numbering of the review letter) to the Board of Supervisors, as follows:

1. *Not necessary. Township has adopted the UCC as its building code, so the provisions of the Building Code automatically apply without additional inclusion in zoning. Additionally, by adding the UCC statutory provisions in the explicit fashion which is recommended, the zoning code provisions become static and require revision each time the statutory building code provisions are*

*amended. The zoning provision remain dynamic with automatic changes to the Township Building Code (including any UCC updates).*

*2. Not necessary. Township has adopted the UCC as its building code, so the provisions of the Building Code automatically apply without additional inclusion in zoning. Additionally, by adding the UCC statutory provisions in the exploit fashion which is recommended, the zoning code provisions become static and require revision each time the statutory building code provisions are amended. The zoning provision remain dynamic with automatic changes to the Township Building Code (including any UCC updates).*

*3. Not necessary. Township has adopted the UCC as its building code, so separate definition and reference to the statute is not required.*

*I believe that the Township has already alerted affected homeowners as the DCPC has recommended.*

### **Other Business**

Mr. Bulkley requested the members review the physical layouts of the subdivision applications, and explained the action dates for the new members.

### **5. NEW BUSINESS**

#### **a. Wills – 3 Lot Preliminary/Final Minor Subdivision**

##### **35 Locksley Road**

Present: Stephen Wasylyszyn, P.E., the applicant's engineer  
Carol Wills, the applicant

Mr. Wasylyszyn stated the applicant proposes to subdivide the 8.5 acre parcel on Locksley Rd. into 3 lots. This 8.5 acre parcel is surrounded by 2+ acre lots. Lot 1 will contain the existing improvements, and flag Lots 2 and 3 are planned to be north of the existing improvements.

Mr. Wasylyszyn then commented on Mr. Ciocco's 1/12/10 review letter:

#### **Waivers Required (Chapter XXII)**

4. Section 22-602.8: Waiver for the cartway widening of Locksley Rd.
7. Section 22-602.15: Waiver for the curb and sidewalk along the Locksley Rd. property frontage.
8. Section 22-604.1.B: Waiver regarding the 2 interior lots. Mr. Grafton suggested the applicant reconfigure the lots to create symmetrical lots rather than poorly shaped lots and get around the driveway issue; if the existing house will not be saved.

Mr. Wasylyszyn confirmed the following: (1) a historical report will be submitted; (2) the house will be replaced; (3) the barn will remain; and (4) Mr. Wasylyszyn will investigate the private driveway coming in from Skyline Dr. Mr. Ciocco noted that frontage would still be needed on a public street. Carol Wills preferred not to build her home behind the barn. Mr. Grafton suggested shifting the lot line between lots 2 and 3 in a northerly direction, and put Lot 2's L-portion back into the front lot, to help create symmetrical lots. Mr. Ciocco noted that the application would move up to a major subdivision if the applicant does a common driveway. Mr. Wasylyszyn noted that the common driveway would be eliminated.

Mr. Ciocco made the following comments regarding his 1/12/10 review:

Zoning (Chapter XXVII)

1. Section 27-402.C: Mr. Ciocco questioned the future use of the barn. Carol Wills stated that she is unsure what she will use the barn for, but it originally was used for raising horses. Mr. Ciocco noted that clarification is needed on the use of the barn, as there are different setbacks for different uses. Mr. Bulkley explained that the grandfather clause is no longer in effect if the use has been abandoned. Mr. McCann noted that there are now acreage requirements for horses.

Mr. Ciocco asked if there is any nearby public water or public sewer. Mr. Bulkley stated public sewer is at the new development and a manhole at Windtree and Locksley, and public water is at Locksley and Skyline.

Landscaping

25. and 26. Mr. Ciocco asked if the trees noted on the plan are the only trees on the site. Mr. Wasylyszyn concurred.

Mr. Kynett stated that if the use of the existing common driveway has not changed, it probably can continue, but if the use is expanded, then there is an issue. Mr. Ciocco requested that the applicant submit documentation regarding the rights for the driveway.

Mr. Bulkley noted the need for a maintenance agreement. Mr. Bulkley reported receiving comments from the Delaware County Planning Commission in which approval was recommended.

6. **NEXT MEETING** – Wed., Jan. 27, 2010 at 7 p.m.

7. **ADJOURNMENT**

On a motion by Mr. McCann and seconded by Mr. Ricciuti, the meeting adjourned at 8:35 p.m.

Respectfully submitted,

Deborah Zitarelli  
Planning Commission Secretary

cc:      Planning Commission Members                      Ted McCandless, Code Administrator  
            Board of Supervisors                                      Michael Ciocco, Township Engineer  
            Kenneth D. Kynett, Esq.                                      Wayne Grafton, Land Planner  
            Robert P. Anderman, Esq.                                      Geoff Carbutt, Subdivision Coordinator  
            Jeffrey Seagraves, Township Manager                      Suzanne Howat  
            Jacqui Guenther, Assistant Township Mgr.