



Pocopson Township

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Planning Commission Meeting Minutes Wednesday, 7:30 P.M., November 19, 2014

Commissioners in attendance: Gary Summers, Mickey Bailey, Meg Johnson, Rob Miller, Steve Simonson, Sean Rafferty.

Commissioners absent: Suzy Breiseth, Barney Leonard.

Guests: Kim Venzie, Esquire, Township Solicitor; Richard Jensen, Zoning/Code Enforcement Official. James W. Hatfield, P.E., Township Engineer.

1. Call to Order and Call for Public Comment: Summers called the regular meeting to order at 7:30 P.M. and called for Public Comment. No Public Comment. Supervisor Ricki Stumpo appeared to personally thank the PC for the work they have been doing. She also thanked Commissioner Rob Miller for his continued participation in Kennett Area Regional Planning Commission meetings.

2. Ordinances:

a) DRAFT Wireless Communication Ordinance Amending Chapter 250 –Venzie reviewed the substance of the draft ordinance incorporating the edits requested during the September 17th meeting. Revisions from the Zoning Official are incorporated along with concise, specific defensible language. Highlights of the revisions include: distances/setbacks from property lines, annual inspections and inspection certifications, and landscaping requirements.

MOTION: Simonson moved, Rafferty seconded, to submit the draft ordinance to the Board of Supervisors requesting their authorizing submission to the County Planning Commission for review and subsequent consideration for enactment in 2015; motion approved.

3. Appeal No. 6-2014 Application of Sklar Corporation, 1332 Lenape Road, being Tax Parcel 63-4-156: Robert F. Adams, Esquire and Adam J. Brower, P.E., appeared on behalf of the Sklar Corporation (Applicant) to discuss the request for relief relating to its property at 1332 Lenape Road. Township Consultants in attendance: Richard Jensen, Zoning Official and James W. Hatfield, P.E., Township Engineer.

Applicant seeks the following: (1) a special exception under the terms of 250.38.D to modify a nonstructural accessory use (parking lot) by installation of a perimeter 35-foot wide earthen berm ranging in height from 5.5 to 5.10 feet; (2) determination that the proposed use of the building as an office, storage and distribution site for high quality surgical instruments is a protected nonconforming use under 250-40.A(1); (3) variance relief from limited permitted uses; and (4) alternative variance relief from the terms of 250-38.C to allow the introduction of fill in the 100-year floodplain in the form of an earthen berm and variance to construct a wall adjacent to the building for protection from

flooding. A number of exhibits were presented depicting the elements of the property, i.e., parking lot, Brandywine Creek, and a flood analysis summary.

Adams provided background on the Applicant's operations on Matlack Street in West Chester. He noted the Applicant does not intend to expand the nonconforming structure that, presumably, lawfully exists in the floodplain. Brower reviewed the exhibits noting the FEMA reasoning for the differences between the floodway and flood fringe. Jensen noted that recent decisions by the Zoning Hearing Board allow the Cabin Club properties to rebuild 1.5 feet above the 100-year floodplain, which is similar to the end result anticipated by the Applicant with installation of the berm and flood walls.

Commissioners raised the following questions, concerns, and comments:

- (1) type of construction materials that will be used and aesthetics for the project.
- (2) agreement with Ross Capps, owner of the Brandywine Picnic Park, that there are concerns regarding the effect the flood-proofing will have on Capps's property (adjacent to Sklar property), and other properties.
- (3) the effect of displacement of the volume and velocity of the water after Applicant constructs measures to protect the parking lot.
- (4) the effect, if any, on the water volume and velocity during and after the construction of the Route 926 Bridge.
- (5) agreement with the Township Engineer Comment and Review Letter dated November 13, 2014 that:
 - a. primary and secondary storage of materials be identified and confirmed that such materials will not be subject to floating away;
 - b. additional spot grade depicted on the plan;
 - c. recommendation to meet the following conditions – submission of a site plan and documentation; specifications for the flood wall; requirement from other regulatory agencies (DEP and ACOE) that locations are not in wetlands; FEMA approval and update of FEMA maps; submission of an as-built plan and a re-run of the flood analysis.
- (6) provide documentation that there is sufficient parking for the proposed use.
- (7) address lighting and landscaping issues.

MOTION: Miller moved, Rafferty seconded, to recommend to the Board of Supervisors and the Zoning Hearing Board that they consider granting the relief requested by the Applicant subject to the concerns raised in the Township Engineer Comment and Review letter dated November 13, 2014; motion approved.

4. Other business:

a) Commissioner Reappointments for 2015 – Commissioner Barney Leonard submitted a letter of resignation that was accepted by the PC Chair. Simonson indicated that he is not

willing to accept a reappointment. Bailey will ask a local business owner who is interested in being appointed to send a letter of interest to the Secretary. **Secretary will ask the Board if they will authorize a public notice of availability of two positions on the Commission**

5. Approval of October 15, 2014 Meeting Minutes: Summers moved, Johnson seconded to approve the October 15, 2014 Meeting Minutes; motion approved.

6. Adjournment: At 9:10 P.M., Rafferty moved, Summers seconded, to adjourn the meeting; motion approved.

Susan Simone, Administrative Secretary

Gary Summers, Chair