

**APPROVED JULY 8, 2020**



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

James Quinn, Jr., Chairman  
Robert Ferrara, Vice-Chairman

James Bulkley  
Kenneth Zitarelli  
James Falcone  
John Ibach  
Samuel Yim

**MINUTES**  
**Thornbury Township Planning Commission Meeting**  
**Wednesday, May 13, 2020**

The Thornbury Township Planning Commission held a public meeting Wednesday, May 13, 2020, remotely via Zoom, due to the Corona Virus Pandemic. Chairman Quinn called the meeting to order at 7:00 p.m.

**PRESENT:** James Quinn, Jr., Chairman Mike Ciocco, P.E., Twp. Eng.  
Robert Ferrara, Vice Chair. Jim Byrne, Jr., Esq.  
Jim Bulkley Wayne W. Grafton, AICP  
Ken Zitarelli  
John Ibach  
Samuel Yim

**OTHER:** Jeff Seagraves, Twp. Manager and Zoom meeting host

**ABSENT:** Jim Falcone

**MEMBERS OF PUBLIC:** 0

Mr. Quinn called the meeting to order and reviewed the Agenda, as follows:

**AGENDA**

1. **SALUTE TO THE FLAG**
2. **PUBLIC COMMENT**
3. **APPROVAL OF MINUTES – Feb. 12, 2020**
4. **OLD BUSINESS:**
  - a. 191 Creek Rd. (a.k.a. Fichter-Jamali)  
Land Conveyance Sketch Plan
5. **NEXT MEETING – Wednesday, June 10, 2020 at 7:00 p.m.**
6. **ADJOURNMENT**

1. **SALUTE TO THE FLAG:** Mr. Quinn led the salute to the flag.
2. **PUBLIC COMMENT:** There were no comments.
3. **APPROVAL OF MINUTES:** On a motion by Mr. Ferrara and seconded by Mr. Quinn the members unanimously approved the February 12, 2020 minutes, as presented.
4. **OLD BUSINESS:**

**a. 191 Creek Rd. (a.k.a. Fichter-Jamali)  
Land Conveyance Sketch Plan**

Present: Jeff Fichter & Kelly Jamali, the applicant at 191 Creek Rd.  
Sean-Phillip Scharsig, the applicant at 195 Creek Rd.

Mr. Ciocco highlighted his 5/12/20 review on recently received updated plans, as follows: Mr. Ciocco stated that the applicants are simply doing a lot line swap. Mr. Fichter explained that he would give to Mr. Scharsig 20 ft. on the driveway side of Mr. Scharsig's property at 195 Creek Rd. and Mr. Scharsig would give Mr. Fichter 20 ft. at the rear of 195 Creek Rd. so that Mr. Fichter's horses could walk to Mr. Fichter's lower lot without crossing Mr. Scharsig's driveway. Mr. Grafton asked about the slope. Mr. Fichter stated it is an easy slope and no trees need to be removed.

**Zoning (Chapter XXVII)**

1. Section 27-403 – Mr. Ciocco stated that the interior existing, non-conforming lot (195 Creek Rd.) is being shifted over and this shift will not make it any more non-confirming.
2. Section 27-403 – Mr. Ciocco noted that any other existing, non-conforming conditions need to be clarified on the plans. Per Mr. Grafton's concern, Mr. Fichter agreed to show all accessory structures on the plan. Mr. Ciocco noted that he sent the applicant and engineer a marked up plan which shows missing items.
3. Section 27-2115 – Mr. Ciocco stated that the steep slopes should be clarified and shown on each lot and if the slopes are more than 50% of the lot, the additional lot area requirements need to be added to the plans.
4. Section 27-2811 – Mr. Ciocco stated he spoke with Mr. Miller, the Historic Commission chairman who said no waiver for Historic Resource Notation is needed, as properties with historic resources are more than 250 away.

**Waivers Required (Chapter XXII)**

**The following waiver requests shall be added to the plans:**

5. Section 22-502.2.C.(8),(9),(10),(11) & (15) – Mr. Ciocco noted that if all structures, utilities, and steep slopes are shown on the plan and recorded for future reference, there would be no objection to this waiver.
6. Section 22-502.3 – Mr. Ciocco stated that as long as all physical features located within and around the property being conveyed is on the plan, there is no objection to this waiver of a Conservation Plan submission.
7. Section 22-502.2.C(15) – Mr. Ciocco states this section requires contour lines at vertical intervals of not more than 2 ft. and the plan shows contour intervals of 10 ft.

8. Section 22-602.8 – Mr. Ciocco stated Creek Rd. cartway width is required to be 24 ft. wide and only 22 ft. is provided. There is no technical objection to this waiver.

9. Section 22-602.15 - Mr. Ciocco stated there is no objection to a waiver request for the curb and sidewalk requirement, as there is no development.

10. Section 22-610 – Mr. Ciocco requires the location of trees and there is no objection to this waiver request, unless it is developed in 3 years, so a note should be added to the plan. Mr. Fichter confirmed that nothing is planned for the next 3 years. Mr. Seagraves noted open zoning, grading and building permit applications. Mr. Fichter stated he is not moving forward on those applications.

**Subdivision & Land Development (Chapter XXII)**

13. Section 22-502.2.C.(9) – Mr. Ciocco stated this section requires all existing utilities to 191 and 195 Creek Rd. to be shown on the plan. The need for electric and phone easements and all utilities from one lot to another lot are required to be shown on the plan.

14. & 15. Sections 22-502.2.C.(9) and 502.1.D(1) – Mr. Ciocco reported common driveways are no longer permitted, but it is an existing non-conforming condition, so a copy of the deed is needed to show that there are no deed restrictions.

16. Section 22-602.8 – Mr. Ciocco stated that a note needs to be added with the legal description indicating that the applicant is offering the additional right of way on Creek Rd. to PA DOT in perpetuity.

17. Section 22-605 – Mr. Ciocco noted that there is a gas pipeline across back of the property. Mr. Ciocco stated there is a 75 ft. set back requirement for this that needs to be shown on the plan. Mr. Fichter stated it is not within 75 ft. of his home. Mr. Ciocco stated to note that the pipeline is X amount of feet away.

18. Section 22-604 & 606 – Mr. Ciocco stated that a 20 ft. wide access strip is required out to the road, but it is only 16 ft. wide. Mr. Ciocco requested all documentation regarding the common driveway. Mr. Fichter was asked to add a note on the plan deed restricting against further subdivision that would have any more lots access the common driveway.

Mr. Grafton questioned if a deed restriction could be given by one property and not the other. Mr. Byrne concurred that it should be cleared up in our motion, if they need to get permission of the neighboring property.

Mr. Seagraves asked if the Township should try to expand it to a 20 ft. ROW on Mr. Fichter's property for the future. Mr. Fichter noted that his neighbor to the right (185 Creek Rd.) utilizes the entrance. Mr. Quinn stated the 20 ft. ROW would not help Mr. Fichter, it would just help 185 Creek Rd. in the future. Mr. Quinn stated that he would not want to see more houses utilize the common

driveway. Mr. Ciocco noted that it would make it more compliant. Mr. Grafton felt that it would be important to see the access agreement and the ROW agreement first.

Mr. Byrne stated that Mr. Kynett felt that as it's an existing, non-conforming lot, with no changes, there was no need to go to the Zoning Hearing Board.

Mr. Ciocco stated there are 6 waivers, with no development and only moving lot lines. Mr. Ciocco stated he was agreeable to the waiver requests as long as steep slopes, utilities, and structures are shown on the plan.

The members then discussed the conditions within the motion.

**MOTION:** *On a motion by Mr. Ferrara and seconded by Mr. Ibach all members present recommended approval of the 191 & 195 Creek Road Lot Line Adjustment (2 Lots) Plan, prepared by GR Contracting, Professional Land Surveyors and Engineers, consisting of 1 sheet dated May 7, 2020 conditioned upon the following: (a) The compliance with Mr. Ciocco's review letter dated May 12, 2020, (b) The addition of a utility easement for telephone poles and related utility lines that extend from the 195 Creek Road property to the east across the 191 Creek Road property; (c) The addition of a utility easement for telephone poles and related utility lines that extend along the 191 Creek Road Eastern property line and out to Creek Road; (d) The clarification and/or correction of the proposed well location on the plan.*

*As part of the motion, the Planning Commission also recommended the following waivers:*

- *Section 22-502.2.C.(8),(9),(10),(11), & (15) – Waiving the required subdivision plan submission without any physical features shown such as datum, utilities, structures, streets, and contour elevations, provided physical features located within and around the property being conveyed are located and clarified on the plan, including accessory structures, utilities, and steep slopes.*
- *Section 22-502.3 – Waiving the required plan submission without a Conservation Plan, provided physical features located within and around the property being conveyed are located and clarified on the plan, including accessory structures, utilities, and steep slopes.*
- *Section 22-502.2.C(15) – Permitting contour lines at 10 ft. intervals instead of the required 2 ft. for land with average natural slope of 10% or less, and at intervals of not more than 5 ft. for land with average natural slope exceeding 10%; and clarification as to the data source; and steep slope areas identified at a minimum to identify areas of zoning conformity with respect to such.*

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- *Section 22-602.8 – Waiving the required Creek Rd. cartway width from 24 ft. wide, 12 ft. off centerline, to 22 ft. wide. This State road is also subject to PA DOT regulations.*
- *Section 22-602.15 – Waiving the required curb and sidewalk requirement along the entire property frontage along Creek Rd.*
- *Section 22-610 – Waiving the required delineation and location of all trees within the property, since no development is proposed with these plans.*

5. **NEXT MEETING:** Wednesday, June 10, 2020 at 7:00 p.m.

6. **ADJOURNMENT:** On a motion by Mr. Zitarelli and seconded by Mr. Bulkley, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Deborah Zitarelli, Planning Commission Secretary

cc: Planning Commission Members  
Board of Supervisors  
Kenneth D. Kynett, Esq.  
Jeffrey Seagraves, Township Manager  
James Byrne, Esq.

Michael Ciocco, P.E., Township Engineer  
Wayne Grafton, Land Planner  
Geoff Carbutt, Subdivision Coordinator  
Suzanne Howat, Bookkeeper