

MINUTES

BRIGHTON TOWNSHIP BOARD OF SUPERVISORS

SEPTEMBER 25, 2017

The special meeting of the Brighton Township Board of Supervisors, located in the Municipal Building, 1300 Brighton Road, was called to order at 7:00 P.M. by Chairman John Curtaccio. Thirty-Seven (37) visitors registered their attendance.

PRESENT: John Curtaccio, Chairman
James E. Equels, Sr., Vice Chairman
Mark Piccirilli, Supervisor
Bryan K. Dehart - Manager/Secretary
Harold F. Reed, Jr., Esq. – Township Solicitor
Kathryn L. Johnston, Planning Commission Solicitor

Public Comment – Agenda Items: There was no public comment.

C2 Highway Commercial Zoning District: The Board of Supervisors previously authorized the hiring of a planning consultant to work in cooperation with the Planning Commission to undertake a comprehensive revision of the C-2 Highway Commercial District. Various drafts have been circulated throughout the year. Ms. Johnston reviewed the draft ordinance with the proposed revisions. The revision was initially undertaken to consider the addition of mixed use buildings and mixed use developments, which are part of the revision proposals. But, the review by the Commission included a review of the permitted and conditional uses for changes and additions, revisions to definitions and the development of design standards within a Form and character section. The development models currently within the Code would be eliminated as part of the revisions. Ms. Johnston noted that in addition to the mixed uses the ordinance also adds a crematory use, and uses related to the Medical Marijuana Act passed by the PA Legislature.

After review and discussion, Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to forward the propose ordinance to the Beaver County Planning Commission for review and comment, to the Brighton Township Planning Commission for a final recommendation, and directing Mr. Dehart to determine public hearing date options for November though confirmation with the planning consultant.

Special Exception Application: A Special Exception Application has been filed by Mr. David Gabauer, Lutton Properties, LLC, and Gabauer Funeral Homes & Cremation Services for a crematorium use on property located at Tuscarawas Road and Little Beaver Drive. The hearing will be conducted before the Zoning Hearing Board on September 26, 2017. At the September 11th meeting the Board asked the Township Solicitor to prepare a response to the application. Mr. Reed reviewed the recommendations of his office. In summary, Mr. Reed said that the crematory use is incompatible with the purpose of the C-1 Neighborhood Commercial District and is more

appropriately located within the C-2 Highway Commercial District. He reviewed the compatibility of permitted uses in each district. He said the primary objection to the proposed location is that it is located immediately adjacent to residential neighborhoods and Hardy Field, the Township's most used recreation facility. It was his recommendation that the Board oppose the application before the Zoning Hearing Board requesting a crematory use as a special exception.

After discussion, Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to oppose the Special Exception Application filed by Mr. David Gabauer, Lutton Properties, LLC, and Gabauer Funeral Homes & Cremation Services for a crematorium use on property located at Tuscarawas Road and Little Beaver Drive, authorizing the Chairman to sign a letter on behalf of the Board that includes the report of the Township Solicitor, and authorizing the office of the Township Solicitor to appear at the hearing on behalf of the Board of Supervisors to present their opposition.

Authorize New Account: The Township has received a portion of the DCNR Grant funds for the Two Mile Run Park renovations. The funds must be segregated into a separate account.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the creation of a Rec Grant account at PLGIT and establishing the Board and Township Manager as authorized account representatives.

Public Comment: Bev Cirilli of 206 Edgewood Drive expressed her opposition to the crematory use. She asked if the Township has agreed to share parking for the project. Mr. Dehart said that there has not been a request made from the applicant on this subject. He noted that a prior project on the site for a retail shopping plaza proposed by Mr. Diana did include a proposal for shared parking.

Mr. James Kanell of 244 Edgewood Drive said he personally spoke to over 500 people about the proposed use and not a single person supports it.

Mr. Joe Biss of 201 Edgewood Drive asked the Solicitor to repeat why the Township was opposing the project. Mr. Reed said the crematory's close proximity to homes and the park were of particular concern. He said it was important for the Township to consider the public safety and health in all land use proposals.

Mr. Kevin Gallagher of 253 Edgewood Drive also said he is opposed to the proposed land use. He asked for clarification on where the C1 and C2 zoning districts are located. Mr. Dehart explained their locations within the Township.

Ms. Patti Mick of 142 Northview Circle asked about the capacity of the hearing location.

Mr. David Wilson of 204 Edgewood Drive said that there is a repeated issue with people parking near the fire hydrant during football games.

Mr. Chris Donati of 414 Sherwood Drive asked if the project would proceed as a funeral home only use if the crematory use is denied. Mr. Dehart said that this information was not known.

Mr. Joe Rose of 232 Edgewood Drive asked how the Zoning Hearing Board hearing would be conducted. Mr. Dehart said he expected the procedures would be announced at the hearing.

Mr. Shawn Bell of 235 Edgewood Drive asked if the crematory use is provided for in the C-2 Highway Commercial Zoning District. Mr. Reed explained that the use has been provided for in the ordinance that was reviewed earlier in the meeting.

Mr. Kanell asked if the provision of the use in the C-2 District precluded the use at the proposed location. Mr. Reed said that it is a pending ordinance and the applicability of it could be subject to a judicial interpretation.

Mr. Doug Fausti of 205 Edgewood Drive asked if the Zoning Hearing Board conducts research on the application prior to the hearing. Mr. Dehart said that the applicant and others who speak at the hearing will provide the record on which the decision is made.

Mr. Alexander Kanell of 244 Edgewood Drive asked if the applicant for the Special Exception would proceed with just a funeral home. That is not known by the Board.

Mr. Shawn Bell asked further questions about the C-2 Highway Commercial Zoning District.

Mr. John Hannah of 426 Sherwood Drive asked if the lot proposed for the use could be rezoned to C-2 Highway Commercial. Mr. Reed explained the zoning change process and said that he does not believe that would be the proper application of zoning.

Mr. Rose asked why the use could not just be denied.

Mr. Biss asked questions about traffic study requirements and the ability of additional conditions being attached to any approvals.

Additional Business: There was no additional business.

Adjournment: Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to adjourn the meeting at 7:47 P.M.

Respectfully submitted,

Bryan K. Dehart
Township Secretary