

BRIGHTON TOWNSHIP PLANNING COMMISSION

MINUTES OF JANUARY 3, 2018

Mr. Maze called the January 3, 2018 meeting of the Brighton Township Planning Commission to order at 7:32 P.M. The meeting was located in the Municipal Building, 1300 Brighton Road, Beaver, PA. Two (2) visitors were in attendance.

PRESENT: Jeffrey S. Maze, Chairman
William L. Snider, Vice-Chairman
Karen Green, Secretary
Tim O'Brien
Mark Piccirilli

STAFF: Bryan K. Dehart, Township Manager
Kathryn L. Johnston, Solicitor

ABSENT: Nathan Allen
Matthew Stewart

VISITOR: Gary Birmingham of GCB Builders, Inc.
Tod Arbutina, 4533 Dutch Ridge Road

Reorganization: Mr. Dehart called for the nomination and election of officers for 2018.

Mr. O'Brien made a motion, seconded by Ms. Green, vote unanimous, to elect Jeffrey S. Maze as Chairman of the Planning Commission for 2018. Mr. Maze chaired the remainder of the meeting.

Mr. O'Brien made a motion, seconded by Mr. Piccirilli, vote unanimous, to elect William L. Snider as Vice-Chairman of the Planning Commission for 2018.

Mr. Piccirilli made a motion, seconded by Mr. Maze, vote unanimous, to elect Karen Green as Secretary of the Planning Commission for 2018.

Mr. Piccirilli made a motion, seconded by Mr. Snider, vote unanimous, to appoint Kathryn L. Johnston of Reed, Tosh, Wolford and Douglass as Solicitor to the Planning Commission for 2018.

Mr. Snider made a motion, seconded by Ms. Green, vote unanimous, to hold the Planning Commission monthly business meetings at 7:30 P.M. in the Municipal Building, 1300 Brighton Road, Beaver, PA 15009 for 2018 and the January 2019 business meeting and annual reorganization on the following dates:

Monday, February 5, 2018
Monday, March 5, 2018
Monday, April 2, 2018
Monday, May 7, 2018
Monday, June 4, 2018
Monday, July 2, 2018
Monday, August 6, 2018
Tuesday, September 4, 2018
Monday, October 1, 2018
Monday, November 5, 2018
Monday, December 3, 2018
Tuesday, January 8, 2019

GCB Builders: Gary Birmingham of GCB Builders advised the Commission that he is one of the parties in the group that has the successful bid to purchase property from Beaver County located on Western Avenue in the area surrounding the Office of the District Magistrate. Their plans are to construct Senior Housing for age 55 and older. The preliminary layout is for 62 to 66 units consisting of approximately 40 quad units and 22 duplex units. There is a paper street on the property. If the paper street is able to be vacated one or two additional buildings may be able to be constructed. There will be a common or community building with swimming pool. They intend to maintain the road privately, although they will be constructed to municipal standards. Sidewalks and street lighting will be provided. The intention is to create a condominium community and sell individual units.

The definition of Senior Housing states that the units will be for private rental, publicly assisted rental or long term lease. Ms. Johnston asked if Mr. Birmingham was familiar with the Housing for Older Persons Act. The act permits age restricted communities of age 55 and older subject to a series of factors. It also permits condominium use. Mr. Birmingham said it is their intention to comply with all requirements for an age restricted community. Other issues outstanding are review of the condition of Western Avenue and if the Commission will be recommending any improvements along the street frontage.

Mr. Birmingham said they are coordinating the closing for the purchase of the property with Beaver County. At this time the subdivision to separate the Office of the District Magistrate onto a separate lot has not been recorded.

Minutes of the December 4, 2017 Regular Meeting: Mr. O'Brien made a motion, seconded by Mr. Snider, vote unanimous, to approve the minutes of the December 4, 2017 Regular Meeting.

Ordinance No. 206 Adopting Zoning Code Amendments – C-2 Mixed Use District: On December 11th the Board of Supervisors adopted Ordinance No. 206 amending the Zoning code to create the C-2 Mixed Use District. Mr. Dehart said that the ordinance is being codified and slip sheets for their code books will be provided upon receipt.

Ordinance No. 207 Adopting a Revised Official Zoning Map: On December 11th the Board of Supervisors adopted Ordinance No. 207 adopting the Revised Official Zoning Map with the C-2 Mixed Use District. Mr. Dehart provided a copy of the revised Zoning Map to the Commission members.

Property Maintenance Code: At their December 11th meeting the Board of Supervisors took under review the 2015 International Property Maintenance Code that has been recommended for adoption by the Planning Commission. Mr. Dehart said that due to the size of the code the Board wanted to take a couple months to read through it.

Zoning Code Amendments: At the November meeting the Commission asked the Manager and Solicitor to review the setbacks for the C-2 Mixed Use District and provide a recommendation. The Solicitor presented a proposed ordinance to amend the Zoning Code that covers a number of items. It amends the definitions for Accessory Building or Structure, Accessory Use, and Building or Structure. The changes were made in response to a recent decision by Zoning Hearing Board filed by Steven and Karen MacBride wherein the Zoning Hearing Board ruled that a shed was not a Structure since it was not permanently attached or affixed to the ground. Therefore, the shed was not considered an Accessory Building since it was not a structure. No Principal Use Building was erected on the lot. The changes clarify the language so that sheds and other accessory structures are considered buildings and cannot be erected without a principal use structure being first erected or constructed on the property.

The definition of Clinic is amended to prohibit lodging overnight. A definition of Controlled Substance Dispensation Facility has been added to address the requirement to provide zoning for a methadone clinic. The use is added to the HC-1 Zoning District as a conditional use. The definition for Senior Housing is amended to provide for condominium use. A series of conditions is also being added for Senior Housing that requires the applicant to demonstrate compliance with the Housing for Older Persons Act and other development requirements, including building separation. Senior Housing is being changed from a permitted use to a conditional use.

The amendments also make a correction to the C-2 Mixed Use District for tower based wireless communication facilities. Those located outside the public right of way are listed as a permitted use. Those located within the public right of way are listed as a conditional use.

The ordinance proposes amendments to Section 195-100 Form and Character within the C-2 Mixed Use District. Subsection E. Bulk and Area Regulations are being amended to provide for Side and Rear Yard Setbacks. The proposal is very similar to what was provided for in the C-2 Highway Commercial District. A setback of 75-feet is proposed for a permitted nonresidential building or structure from a residential district boundary. A buffer yard C (major) is also required. Where a building height exceeds 30-feet the minimum setback is increased one foot for each foot in building height over 30-feet. Adjoining other commercial uses the setback is 30-feet. For conditional uses the setback increases to 100-feet. Again, where a building height exceeds 30-feet the minimum setback is increased one foot for each foot in building height over 30-feet.

Tod Arbutina of 4533 Dutch Ridge Road said that his home and the other residential properties he is developing are adjacent to the C-2 Mixed Use District. He encouraged larger setbacks. He said he hopes the adjoining properties develop with a more favorable mixed use, but the possibility for warehousing or other commercial uses are possible. He noted that some uses, such as a Crematorium have much greater setbacks. He asked the Commission to give the matter consideration.

The other changes proposed are for parking. Parking is added for Controlled Substance Dispensary Facility at one (1) parking space for each 60 square feet of net floor area for public use; plus one parking space for each employee on the largest shift and a service area for mobile equipment, such as an ambulance. The parking requirement for Medical-dental clinic/office is changed to the same language.

After further discussion and review, a motion was made by Ms. Green, seconded by Mr. O'Brien, vote unanimous, to forward the proposed Zoning Code Amendments to the Board of Supervisors and recommend their approval.

Review of C-1 Neighborhood Commercial District: The Commission began discussing a review of the C-1 Neighborhood Commercial Zoning District. A copy of the C-1 Neighborhood Commercial District was distributed. The Commission will review the permitted and conditional uses to determine if there are any that should be removed, or added. They will also consider permitting Mixed Use Structures similar to what is permitted within the C-2 Mixed Use District. Mr. Dehart said that there are three single family homes across from Beaver Meadows that are part of the C-1 District that he believes should be given consideration of a zoning change to R-1. This will stay on the agenda for future discussions.

Additional Business: There was no additional business.

Adjournment: Mr. Piccirilli made a motion, seconded by Mr. Snider, vote unanimous, to adjourn the meeting at 9:10 P.M.

Respectfully submitted,

Bryan K. Dehart
Township Manager