

**WEST DEER TOWNSHIP PLANNING COMMISSION MINUTES**  
**August 25, 2022**

The Meeting was called to order with the following members in attendance:

Patrick Stark, Alan Banks, Kathy Rojik, Robert Bechtold, Rich Hollibaugh, and Mark Schmidt.

Absent Members: Suzanne Garlena

Other Attendees: Harmit Bedi (Zoning and Planning)  
Dorothy Moyta (Zoning & Planning)  
Sandy Nelko (Shoup Engineering)  
Edward Patton, Patton Engineering, LLC, Deer Park Rentals  
David Lucci, Victor Wetzel Associates, LLC  
Charlie Vrabel, Brickyard Holdings, Concert Venue

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**Outline and Order of Meeting**

1. Approval of Minutes of June 23, 2022 Meeting Minutes
2. **Deer Creek Rental Consolidation Plan**
3. **Case SALD 22-01 - Unionville:** East Union Rd. Plan of Lots: David A. Lucci/ Victor Wetzel Associates
4. **Case CUP 21-01 – Conditional Use - Brickyard Park Holdings - Concert Stage Venue**
5. Comments/Questions from Public
6. Comments/Discussion by Planning Commission Members/Staff
7. Adjournment

**Approval of Meeting Minutes**

The June 2022 Planning Commission Meeting Minutes were approved as submitted.

**Deer Creek Rental Consolidation Plan**

Mr. Patton presented the Consolidation Plan and reviewed the 3 adjacent lots. They are looking to consolidate 2 of the lots. Comments were as follows:

1. Mr. Bechtold asked what the acreage was. *Mr. Patton said 2.97 Acres.*
2. Mr. Bechtold asked if the garage which is on the property line will be relocated. *Mr. Patton said yes. Deer Creek Rental has ownership of all 3 lots.*
3. Mr. Schmidt asked if the Engineer had any comments. *Ms. Nelko said no; all comments had been addressed.*

4. Mr. Schmidt said that they should take off his and Kathy Rojik's names from the drawings.
5. Mr. Bechtold asked if they are going to tear down the block garage. *Mr. Patton said that he is not sure what they will be doing with the garage.*
6. Mr. Stark asked why the owners weren't just consolidating this all into one lot. *Mr. Patton said that he didn't know.*
7. Mr. Bechtold said that he didn't think that it was prudent to have a block garage going through the property line.
8. Mr. Schmidt said that the plan must meet the Ordinance.
9. Mr. Bechtold said that the garage limits the buildable area.
10. Ms. Nelko stated that it's an existing non-conforming use.
11. Mr. Bechtold suggested that this plan should be tabled till the garage issue is settled.
12. Mr. Hollibaugh suggested that they move the garage over 9'.
13. Mr. Bechtold said that this was more like a lot line revision.

A motion to table Deer Creek Plan of Lots till the garage issue is settled was made by Mr. Bechtold and seconded by Mr. Hollibaugh. All were in favor and the motion carried.

### **Case SALD-22-01: Unionville**

Mr. Bedi presented SALD-22-01 Unionville. He went over the staff analysis to include the location of the property, an aerial photograph, the subject property from the road, the direct view from the road, and the cemetery opposite. He also reviewed Condition #12, the ACED comments, and the applicant's responses to the ACED comments. Comments were as follows:

1. Mr. Bechtold asked if they are saying that the sidewalks are the owner's responsibility. *Mr. Bedi said no they are saying that they should be part of the performance bond.*
2. Mr. Bechtold asked who then is responsible. Mr. Bedi said that it was the Developer.
3. Mr. Bechtold said then Zokaites is responsible for the sidewalks and Ms. Nelko said yes.
4. Mr. Hollibaugh asked if everything on the plan meets R2 zoning and Mr. Lucci said yes.
5. Ms. Nelko said that Shoup Engineering has not done the final review yet.

Mr. Lucci showed a power point presentation to include the following:

1. Location on the Zoning Map in SE corner of West Deer Township.
2. Property with East union presbyterian Church and softball field.
3. 2 wetlands and wooded area.
4. Housing layout and trail.
5. That it's complies with cluster development standards with the ¼ acre lots.
6. Grading plan; wetlands are not being impacted
7. High elevation points: East Union Rd. and the cul-de-sac.
8. Easement from west for possible swale hasn't been obtained yet. Hopefully this will have been granted before the final public hearing.
9. Landscape Plan: 1 tree for every 60'.
10. Buffers.
11. Street trees along East Union Rd.
12. Nature Trail.
13. Nature resource Analysis
14. Nature resource Analysis Table.
15. Maximum number of lots is 45. They have 45 lots. (Property was previously maintained as lawn.)
16. Mr. Lucci is requested and additional 150' on the cul-de-sac length.

Additional comments/ discussion after the power point presentation were as follows:

1. Ms. Nelko said that Shoup Engineering did a review but still has to do a final review.
2. Mr. Banks asked if there would be a final landscape plan. *Mr. Lucci said yes.*
3. Mr. Bechtold asked if they had gotten their HOP from Penn DOT. *Mr. Lucci said that they were working on it; they wanted to get their preliminary approval first.*
4. Mr. Hollibaugh asked if EMS and the fireman had looked at this. Yes, it was shown to Josh Wiegand. Perhaps it's a Gavin Robb question as to whether West deer township is liable for that 150 additional length on the cul-de-sac.

5. Mr. Hollibaugh asked if west Deer should the nature trail included in the performance bond.
6. Mr. Hollibaugh also asked if West Deer required sidewalks on both sides of the street.
7. Mr. Bechtold said that Rose Ridge only had sidewalks on one side.
8. Ms. Nelko said that Rose Ridge is a PRD and Unionville is a cluster development hence the difference.
9. Mr. Banks said that if there are sidewalks, people will use them.
10. Mr. Hollibaugh asked who is responsible to maintain the sidewalks and Ms. Nelko said that it is the homeowners.
11. Ms. Rojik asked if the sidewalks slop. *Mr. Lucci said yes 2%.*
12. Ms. Nelko asked if they could meet the K value up front. *Mr. Lucci said that they could.*
13. Ms. Nelko noted that the detention pond is a 40' drop. This is very steep in the back for lots 26-29. Mr. Lucci said that those lots are walk out basements.
14. Mr. Bechtold said that there's a slope practically at the back door.
15. Mr. Banks said that if the ordinance says it's ok and people buy the houses then it's ok.
16. Mr. Hollibaugh asked if there will be signage on oak rd. for the housing development. *Mr. Lucci said yes there will be a sign.*
17. Mr. Stark asked if they looked at the width of the road considering that it's an extra long cul-de-sac. It should be 60' wide and you're only showing 50'. Mr. lucci said that a school bus can turn around.
18. Mr. Hollibaugh said that this plan definitely needs to go through EMS and the Fire Department. (Adam Williams #2; Josh Wiegand has this plan and is forwarding it to Adam Williams.)
19. Mr. Stark asked if there was only a stop sign for the plan residents coming out onto East Union Rd. *Mr. Lucci said yes.*
20. Mr. Stark asked if they had considered creating a swale for drainage. *Ms. Nelko said that they will look at that when they do apply for the NPDES permit. Mr. Lucci said that the downspouts will be tied directly into the detention pond.*
21. Mr. Bechtold asked if they didn't need to be 100' off of a property line for a swale. *Ms. Nelko said no, that wasn't required.*

A motion was made by Mr. Hollibaugh and seconded by Mr. Banks to approve the Unionville Housing plan was made with the following conditions. All were in favor and the motion carried. Mr. Schmidt abstained from voting.

Conditions:

1. Obtain sewer line easements.
2. Put sidewalk and trees in Performance Bond.
3. Place ACED letter and responses in overall file for Public Hearing/ Supervisor Review.
4. Obtain Scott Shoup's final review letter.
5. Get HOP permit.
6. Obtain review and response from EMS/ Fire Department.
7. Determine width of road: 50' or 60' based on EMS/ Fire Department review/ response.

### **Case CUP 21-01 Conditional Use – Brickyard Holdings – Concert Stage Venue**

Mr. Vrabel reviewed his plans for the Concert stage venue which had been in Planning Commission on August 26, 2021. Discussion was as follows:

1. Mr. Bechtold was concerned about the Uber lane. Other venues have similar issues. Mr. Bechtold wants a good review of the traffic issues.
2. Mr. Vrabel reviewed that this will be a higher cost venue. 1 parking place will cover 4 tickets. The venue should bring in between 900-1000 cars. Their current sports venue is bringing in 3000 cars for an event. They are also looking to bring in other venues as well.
3. Mr. Vrabel said that the Canadian National Railroad and Penn DOT are looking into remedying the one lane railroad tunnel by buying adjacent properties and building a new bridge over and around for traffic. A chunk of concrete recently fell from the roof of the tunnel onto a car.
4. Mr. Bechtold is concerned about the lights at night regarding Rock Airport. Mr. Vrabel said that they had filled out the correct forms for the FAA and it didn't seem to be a problem. He has the OK from the FAA to light the field. For the concert venue, all lights will be pointed down.
5. The noise for the neighbors across Little Deer Creek Valley Road is also a concern.
6. Mr. Vrabel is looking at Iron City Beer for sponsorship.
7. Ms. Nelko said they should look to pull together an HOP meeting with Penn DOT for the parking lot.
8. The parking lot is about as large as 2 football fields.
9. Mr. Bechtold would like to see rates for the amount of cars in the Uber lane. Ms. Nelko said they just did this calculation for a Starbucks.

10. Mr. Stark would also appreciate seeing the Uber report. He is also looking to see more detail on the 16' hemlock wall.
11. Mr. Stark is also interested in seeing a schedule as to when/ how often/ seasonally/ weekly/ what days that these music/ art venues will be scheduled, what is the range of amplified noise, and how many venues in total there will be.
12. Security at events was also an issue talked about.
13. Mr. Schmidt asked Mr. Vrabel how he sees the project moving through the Planning Commission.
14. Mr. Vrabel has filled out a formal Application for Conditional Use and will be back in to the planning Commission for the September meeting.

Mr. Bedi feels that all the Planning Commission members need to go to some Training/ Continuing Education for a refresher course on how the Planning Commission should be run. He feels that he has more expertise regarding this by virtue of his 4 advanced degrees and former managerial career positions of significant projects in higher-end communities and jurisdictions. Comments were as follows:

1. Mr. Schmidt questioned how or what order the meetings should take. He questioned Mr. Bedi on how he felt that the meetings should be conducted going forward.
2. Mr. Bedi has been writing "Staff Recommendations." Mr. Schmidt questions whether this is a liability and/or may have some issues. He feels that this practice should be looked at by Gavin Robb, the Township solicitor.
3. Mr. Hollibaugh asked what shortcomings Mr. Bedi saw with the system of running the Planning commission meetings that has been being used for the last 45 years..
4. Mr. Banks noted that he was somewhat insulted by Mr. Bedi's condescending tone.
5. Mr. Stark thought that if Mr. Bedi was looking into Training and Continuing Education, perhaps they could also refresh on Robert's Rules.

#### **Comments/ Questions from the Public**

There were no comments from the public.

#### **Comments/ Questions from the Planning Commission**

Mr. Bedi wanted to set up a time with the Planning Commission members to get their input on what they wanted to see in their community of West Deer Township.

The September Planning Commission meeting will be on September 22, 2022. The meeting time and agenda will be posted on the web site.