

UPPER DARBY TOWNSHIP

DEPARTMENT OF LICENSES & INSPECTIONS

100 Garrett Road. Upper Darby, PA 19082 Phone: (610)734-7613

December 11, 2023

UPPER DARBY TOWNSHIP PLANNING COMMISSION MINUTES

Attendance

Planning Commission Members Present:

- Debbie Nifong
- James Mullen
- Steve Bertil
- Jeffrey Roken
- Cassandra Hayes (Virtual)

Planning Commission Members Absent:

Township Staff Present:

- Joshua Chast, Asst. Director of L&I for Planning & Zoning
- Mike Galante, Township Engineer
- Courtney Mullan, Asst. Planner

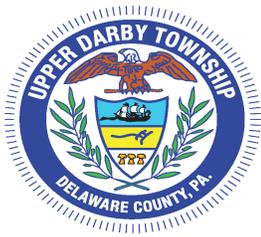
Minutes

- Steve Bertile made a motion to approve Octobers minutes under the condition that under new business section two is amended, the motion to make it conditional on council approval, as it was not reflected on the previous October minutes for the bylaw to allow planning commission member to act on. Debbie made a motion to approve Cassandra seconded. All members voted in favor.

SALDO

1) Land Development – Delaware Community College amended plan

- a) An amended plan was brought forward to the planning commission. Mike Karate presented who is legal counsel for SEL Delaware Community College. Mike explained the reasoning for the scaling back on some of the development aspects due to construction cost numbers were too high on the original plan for the College.
 - i) The amended plan is now structured into three phases- he explained that their goal was to acquire as much green space on the site while still complying with township code on parking regulations.
 - ii) Phase 1- will include 22 classrooms, the early learning center, 303 parking spaces along with all stormwater management and road improvements. Mike conveyed that 6 classrooms are for the college, the parking garage and gymnasium would be terminated from the plan. He proposed that in lew of the parking garage it will be replaced with a new surface level parking lot with 63 spaces to make up to the 303 spaces total.

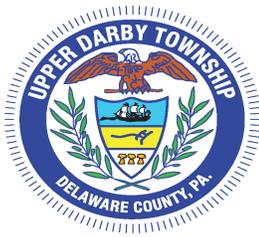


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- iii) Phase 2 – 6 additional classrooms within the main building. Mike conveyed that they will go through zoning hearing board for relief and approval to use the transit reduction credit as there are two Septa transit spots adjacent to their site.
- iv) Phase 3- To revert to the final approved plans that were already approved and recorded. Which would be converting the already built parking lot into the parking garage.
- v) Phase 2 will be started immediately; it will commence within the coming months once their zoning application is submitted. Phase three will go ahead within the next 3-5 years.
- vi) James Mullen stated that there might be less need for parking spaces due to there being a copious amount of public transport for students.
- vii) Tony DeLuca associate vice president facilities for DCCC explained that they run two shuttles currently in the Upper Darby center and Sharon Hill center to pick up students and take them to the main campus. Tony explained that 450 students take shuttles alone along with bus routes including 118,115, and 112 to campus every day.
- (1) Joshua Chast Assistant Director of L&I prepared a UD draft letter of recommendation
- (a) Joshua Chast spoke about was the parking phase run required that 303 spaces are provided and that phase 2 added 6 classrooms which brought the minimum parking spaces required up to 372 where 303 are provided. Transit access credit is only allowed in the C-1 and C-2 districts. The DCCC is located within an R-1 zoning district. Joshua advised going to the zoning hearing board for a variance for phase 2 and 3, as there are two great transit lines nearby the location for transit access credit.
- (b) Joshua also spoke about safe pedestrian provisions throughout the new at grade parking lot, and how to get staff and students from the lot to the interior pedestrian system without going onto the driveway on the plan. Josh advised that incorporating stairs or steps from the corner of the lot through the landscaping connecting to the sidewalk would be the best protocol for pedestrian safety. He also advised that bumper guards should be added on the plan.
- (c) Joshua made a comment on reflection of the SALDO, some administrative changes such as putting in the current year and adding signature lines to reflect the township's existing structure. The schedule discussed should be wrote down and recorded for the phasing plan for Section 505a. The new address for DCCC should be included on the plan. Josh mentioned that SEPTA should be included for their bus stop located on the east of the site advising that DCC should consult SEPTA on some level. Color rendering will also have to be included on the preliminary landscape plan. Final recommendations is an approval contingent on receiving zoning approval and providing a phasing timetable. That recommendation is subject to the planning commission.

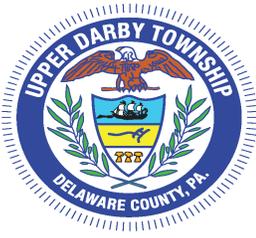


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- (d) Mike Karate commented that they have been in contact with SEPTA about the bus stop location and they are waiting to hear back from them about their timetable for how they design changes for facilities.
- (2) Mike Galante commented on the backup space on the north side of the lot to improve the angle of it to be straight in. Mike advised the DCCC to submit the correct the storm water management maps for the site, he also wanted to attain an updated O&M agreement especially for the one basin. Along with some spillway calculations for basin overflows and fencing around the basin. Mike also mentioned the curb cut put in at the at grade parking should be a 6 inch reveal curb.
- (3) Gus explained the grading plan is falling towards Huey Avenue which is on the plan is North of the at grade parking lot. In between the parking, area and Huey Ave there will be a small detention basin facility that will manage storm water runoff from the lower portions of the parking area before it discharges out before Huey Avenue. He also mentioned that they would be installing a post and rail turkey wire fence around the basin.
- (4) Gus and Mike Galante discussed moving entire parking lot South by a few feet to try to reduce the steepness of the basin.
- (5) Mike Galante's land review letter dated December 8, 2023 was submitted for review by the planning commission.
- (6) Joshua Chast made a comment that when the financial agreement is updated they should post an escrow so the Township does not have to use bill direct system to the DCCC every month.
- (7) Debbie NiFong called for public comment. No public comment was given.
- (8) Mike Karake proposed a motion for the planning commission to accept.
- (a) To approve phase one plans as well as the phasing plans subject to compliance with the December 11 2023, zoning letter from Joshua Chast, and Dec 8 2023 MG Engineering Associates review letter noting the changes to be made to the plans to soften the landscaping for the parking as well as the parking connection interior parking on the south eastern corner of the parking lot including the style of the fence and taking out the traffic impact study comment.
- (b) Jeff Roken makes a motion to approve as previously stated. Steve Bertile seconded the motion, all members voted in favor.



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Zoning

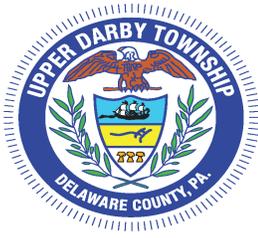
1) Discuss Smoke Shop Draft Ordinance Updates

- a. Debbie NiFong gave a brief summary of the previous smoke shop discussion, and gave the floor to Joshua Chast to give a progress update.
- b. Joshua Chast updated the draft zoning change to include the previous comments of the zoning hearing board, and prepared a map to view the consequences of alternative options presented to the planning commission last month.
- c. There had been feedback on how the township should measure display area to store area. There were concerns that these two measurements would not be comparable. A suggestion was to hire a third party that would come in and measure smoke shops instead of township employees going out and doing it themselves.
- d. Language was added to the draft ordinance to separate smoke shops from smoking parlors. Smoking parlors was changed to cigar lounges. The minimum distance between smoke shops was reduced from 1000sq.ft back to 500sq.ft because they are only going to be allowed within the C-2 and C-4 zoning districts which are already compact by nature. REC zoning and Parks were removed from the ordinances, as it would effectively prohibit all smoke shops, which could be considered a taking.
- e. After an extensive review of the language used to determine a smoke shop, the planning commission recommended that staff should still adhere to the original draft definition of a smoke shop with minor changes. Such as changing the store area measurement to be a measure against the square footage of the store's floor area.
- f. Discussion will be continued at the January planning commission meeting.

Old Business

Amend the Planning Commission Bylaws to include virtual participation as part of a quorum

- a. Debbie NiFong clarified that last month the planning commission voted to possibly change in person quorum to allow virtual participation.
- b. The township solicitor replied to the request and advised against the change, saying that there has to be a physically present quorum.



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1. Publishing of minutes on Upper Darby Township's Website

- a) A motion was made by Steve Bertil to approve publishing future planning commission meeting minutes on the Upper Darby Website. Cassandra seconded the motion. All member voted in favor.

New Business

1) Amend the bylaws to allow planning commission members active on zoom to contribute to the quorum

- g. James Mullen made a motion to authorize planning commission members active on zoom to contribute to the quorum (total three). Steve Bertil seconded the motion. All members voted in favor.
- h. Debbie Nifong agreed with public comment from Scott Alberts to get advise from the township solicitor on an in person quorum that the changes are compliant with the sunshine act and with any other rules that are compliant with the planning commission body. Scott also advised to make it a conditional on approval of the solicitor.
- i. Steve Bertil made a motion to amend the previously approved motion by adding the condition of solicitor approval to the previous motion. The motion was seconded by James mullan. All members voted in favor.

Adjournment

A motion to adjourn was made by Jeff Roken. The motion was seconded by Debbie NiFong.