

# UPPER DARBY TOWNSHIP

## DEPARTMENT OF LICENSES & INSPECTIONS

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

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April 10, 2023

### UPPER DARBY TOWNSHIP PLANNING COMMISSION MINUTES

#### **Attendance**

Planning Commission Members Present:

- Debbie Nifong
- Steve Bertil
- James Mullen
- Jeffrey Roken

Planning Commission Members Absent:

- Cassandra Hayes

Township Staff Present:

- Asst. Director of L&I for Planning & Zoning-Joshua Chast

#### **Minutes**

A motion was made by Jeffrey Roken to approve the January Planning Commission Minutes. The motion was seconded by Steve Bertil. All members voted in favor.

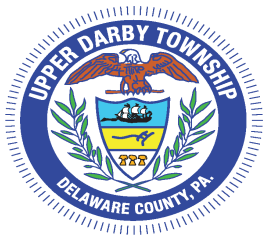
#### **Public Comment:**

Mayor Barbrann Keffer was present and invited the Planning Commission to Judge the Public Art contest hosted by Upper Darby Township. The Commission will be judging art for 5 signal boxes. Additionally, the Mayor was interested in having the Planning Commission create amendments to the zoning code such as a Transportation Oriented Development and establishing code for pervious driveways. Lastly, the Mayor recommended that the Planning Commission develop an update on the 2018 Comprehensive Plan. Paper copies of the Plan will be made for each Planning Commission Member.

#### **Old Business**

##### **1. Smoke Shop Ordinance Update and Discussion**

- a. The Upper Darby Planning team has conducted initial research into possible amendments to Ordinance No. 3116. The research compared the current Upper Darby Smoke shop Ordinance to Ordinance No. 16-O-11 of the New Boston Code and Ordinance No. 202-1 of the Matamoras Borough Code. The



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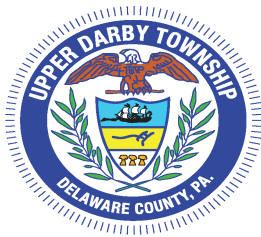
Commission discussed the definition of Smoke shops that includes term “Ancillary Sale” as per the New Boston Code. The Commission then focused their discussion on replacing a portion of the Smoke Shop definition which currently says “A retail sales or wholesale establishment which maintains 20% or more of its total merchandise as tobacco, tobacco products/accessories, and/or vaping products or accessories shall be considered a tobacco store/smoke shop for the purposes of this chapter” (Upper Darby Ordinance No. 3116). The commission was interested in using a different metric and recommended the possible use of a portion of the Mixed Use definition from Matamoras Brought that says “When a grocery store, supermarket, gas station or convenience store or similar market combines an area greater than 75 sq.ft. or 2% of the retail space, whichever is lower,”. This metric could be adopted to replace the existing 20% merchandise requirement. Steve Bertil recommended the creation of a list of existing smoke shops/convenient stores and their gross square footage to determine the average size of a smoke shop/convenient store and if 75 sq. ft. or 2% makes sense for Upper Darby. This research will be conducted by the Upper Darby Planning Team and brought back to the Planning Commission at a later date. The commission also examined the best method to calculate the area and some of the problems that can be associated with a square footage measurement such as measuring depth of the display or the height of walls. Also, the mixing of smoke shop products with non-smoke shop products on shelving displays.

- b. The Planning Commission also recommended removing the Section B of the Smoke Shop definition which states “There shall be one off-street parking space required for each 200 feet of gross floor area or fraction thereof.” The Commission felt that it was inconsistent with the existing parking requirements for retail stores.
- c. The Commission reviewed Matamoras Borough’s distance requirements for Smoke Shops, Tobacco Stores and mixed use establishments and determined that Upper Darby should adopt the 1000 ft. spacing between smoke shops and between smoke shops and schools, family day cares, child care facilities, youth centers, community centers, recreational facility, park church or religious institution of other similar uses where children regularly gather. There is also language regarding the prohibition of minors from the store and subsequent signage.

### **New Business**

#### **1. Timeframes for 2023 Goals & Projects/APA Conference Update.**

- a. Joshua Chast, the Asst. Director of Planning and Zoning gave a briefing regarding the agreed upon goals of the Planning Commission as of January 2023.



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- i. Those goals included:
    - 1. Drafting Amendments to the Smoke Shop Ordinance.
    - 2. Drafting a Solar Panel/Green Storm water Infrastructure Ordinance with the help of the Pennsylvania Environmental Council (PEC).
    - 3. Drafting a Subdivision and Land Development Ordinance that is more relevant to Upper Darby.
  - ii. The only progress of these goals has been the presentation of the PEC report and the Solar Panel report to the Planning Commission and preliminary research on the Smoke Shop Ordinance.
  - iii. Steve Bertil recommend that we have projects as standing items under old business and provide monthly status updates. Steve also recommended having Planning Commission Members volunteer to lead different projects.
  - iv. The commission discussed reviewing and revising the list of goals and projects at their June Commission Meeting. They can then use this meeting to determine if they want to shift focus on any of the projects. This would also provide the ability for the Commission to take on new project ideas such as the Transportation Oriented Development Zoning Changes and the Comprehensive Plan Update.
- b. American Planning Association Conference
    - i. The 2021 American Planning Association National Conference was held in Philadelphia on April 1<sup>st</sup>-4<sup>th</sup>. Joshua Chast and Leah Daniels attended several of the workshops and presentations and networked with Planners from across the Country. Joshua Chast assisted Alison Dobbins in giving a tour of 69<sup>th</sup> Street and the Second Ward Playground as part of a “Mobile Workshop”. At the workshop they discussed using CDBG grant funding and the process of developing the 2<sup>nd</sup> Ward Playground.

### **Adjournment**

A motion to adjourn was made by Jeffrey Roken. The motion was seconded by James Mullen.