

**Westfall Township Planning Commission  
Workshop Minutes  
April 14, 2022**

The workshop meeting of the Westfall Township Planning Commission held on Thursday, April 14, 2022, was called to order at 7:00 pm at the Westfall Township Municipal Building on Delaware Drive and LaBarr Lane, Westfall Township.

Members present were Jolie DeFeis, Pat Cordova and Twila Decker; Secretary, Jodi Manheim; Solicitor, Robert Bernathy; Zoning Officer, Jeff Cammerino; Westfall 2<sup>nd</sup> Assistant Fire Chief, Kyle Innella; Lou Cozza, Kiley Associates, LLC; John Fuller, P.E.; Jason Roeder. There were no members of the general public present.

Kim Ropke and David Twiss were absent.

The Pledge of Allegiance took place.

**NEW BUSINESS:**

**Lands of MIC Realty, LLC-Minor Land Development-115 Mountain Avenue East (Tax Map #083.17-01-01.004):** John Fuller, P.E. Representative

Mr. Fuller addressed the Planning Members and presented a proposed Minor Land Development plan for the subject property which Mr. Fuller referred to as the “Old Golden Acres Property”. He noted the following:

- a. His client is proposing a House of Worship as the new use
- b. His client has applied for Zoning and Building Permits for the change of use
- c. Building Code requires additions to the current structure for handicap accessibility
- d. The current structure is two stories with one stairwell
- e. An addition for exit stairwell and handicap ramp is required by the Building Code
- f. The property has not been occupied in many years-previous use was “some kind of home”
- g. There is an existing concrete porch which is required to be “bumped out” for bathroom requirements
- h. Parking is adequate

Solicitor Bernathy stated the following regarding the subject property:

- a. The property is a split zone-Lower portion is GC Zoning District and upper portion is R-2 Zoning District
- b. The GC Zone was created for the Katz Settlement

Solicitor Bernathy then read Section 306.B.3 of the Westfall Township Zoning Ordinance. He then noted the following:

- a. The Township does not have jurisdiction over this property
- b. All applications must go in front of a Court Appointed Master

Mr. Fuller stated that he thought the zoning was good and that the zoning review process brought him here for Land Development. He noted that the property is 75% wetlands which is mostly the R-2 Zone and that the entire structure is located on the GC Zone portion of the property.

Solicitor Bernathy reiterated that the Township does not have jurisdiction over the property and that this needs to go to a court appointed master which may be an ordeal but can be accomplished. The court would sit as an approving entity with jurisdiction of any development in the GC Zone. He then asked Mr. Fuller if a title search had been done on the property. Mr. Fuller stated he did not know. He also stated that the current owner purchased the property from Warner Tschopp and that he is unaware of the Katz relationship to the property.

Solicitor Bernathy suggested that Mr. Fuller have his client seek legal counsel. He also noted the following:

- a. He is reluctant to proceed at all and that the Township does not want to violate the Court Order in fear that Katz would take a position that the Township is in contempt of court.
- b. The GC Zone is precluded from an review or approval by the Township
- c. If the Township engages in any review or approval they would be in a position of contempt

Mr. Fuller asked how this would relate to building permits. Solicitor Bernathy stated that the Township is prohibited for any approval in the GC Zone. Any development of the subject property is required to go through the court. Solicitor Bernathy also noted that the Township could not even entertain a Zone Change application. Mr. Fuller stated he would refer his client to a lawyer.

Solicitor Bernathy also noted the following:

- a. The applicant could ask for clarification of the court
- b. Katz could waive provisions as it relates to the parcel
- c. It may be best, and less expensive, to go in front of the Master to obtain approvals

Brief discussion followed. Mr. Fuller stated he would discuss the matter with his client.

**2. 1005 Pennsylvania Avenue, LLC-Minor Land Development-1005 Pennsylvania Avenue (Tax Map #083.13-01-31):** John Fuller, P.E., Representative

Mr. Fuller addressed the Planning Commission Members and stated the following:

- a. The subject property once was a bus depot
- b. The current use of the subject property is a novelty shop and an accessory building which is being used as a cross fit studio
- c. The Minor Land Development proposal is for self storage units which is a permitted use

Solicitor Bernathy stated a settlement between the Township and Mr. Smith, Owner of the property has been reached. Mr. Smith withdrew his Zoning Hearing Board application and he can now apply for a Conditional Use and Land Development. This can be done simultaneously if he wishes.

Solicitor Bernathy asked Mr. Fuller if the three storage units currently on the property will be removed pertaining to the on-going violation to the subject property. Mr. Fuller stated he spoke briefly with Attorney Hamill regarding this matter.

Mr. Cammerino asked about the parking of buses on the property. Solicitor Bernathy directed Mr. Cammerino to handle that as a zoning issue with notices. He also stated these types of violations would not hinder or stall the Land Development process or review of same.

Mr. Fuller stated the property is a large open area with a building with novelty shop and accessory structure. The proposal is for self-storage and outdoor storage.

Brief discussion took place regarding the flea market use of the property. Solicitor Bernathy stated there has been an ongoing problem with storage containers in conjunction with the flea market. He then stated that Mr. Fuller needs to understand that the owner has been before the Township for multiple violations on the subject property. He reiterated the storage containers would require a Conditional Use as part of the Zoning Hearing Settlement.

Mr. Fuller noted that the existing entrance would remain off of Route 6 & 209 and the existing novelty shop building will be used as an office building for the self-storage units. Cross Fit will also remain.

Mr. Cammerino asked if the Wells Fargo Bank uses part of the subject property for parking. Mr. Fuller said yes.

Mr. Fuller noted the following pertaining to the proposed Minor Land Development plan for self-storage units:

- a. 83 Units proposed
- b. Units will be different sizes
- c. No water or sewer approvals needed
- d. Existing entrances will remain
- e. No issue with ingress and egress
- f. Gating will be discussed with the applicant-none proposed currently

- g. Proposed lighting on buildings
- h. 200 square foot addition is proposed to the accessory structure

Assistant Chief Innella stated there are no fire suppression issues or emergency vehicle turning radius issues.

Mr. Cozza read Section 402.A.46 of the SALDO regarding storage of materials. This condition would be part of a Conditional Use Approval.

Jolie DeFeis asked about parking requirements. Mr. Fuller stated that self-storage does not require parking.

Solicitor Bernathy confirmed with Jodi Manheim that a complete application and fee for this matter has been received by the Township. He also questioned lot coverage. Mr. Fuller stated the whole lot is paved currently and there are no storm water management issues. He also noted there will be roof leaders installed.

No further comment. This matter will be placed on the May 12, 2022 Planning Workshop agenda.

**3. Community Self Storage, Inc.-Minor Land Development Plan-115 Reuben Bell Drive (Tax Map #099.00-01-34 & 38): Representative, John Fuller, P.E.**

Mr. Fuller addressed the Planning Commission Members. He noted the following:

- a. The subject property is the “Old Skateland Property” owned now by Tom Murante
- b. The existing building, previously approved for interior storage, is at 100% occupancy
- c. Outdoor storage was also previously approved
- d. Mr. Murante purchased the adjoining property
- e. The adjoining property consists of 4 lots which are not combined and are owned by MA Land, LLC (Tom Murante)
- f. The proposed plan show access from the improved (Community Self Storage) property to the other lots
- g. The proposed Land Development consists of putting additional self-storage units on the adjacent properties.

Solicitor Bernathy stated all five lots, or at least the four lots, will need to be combined with a lot improvement or easement. He also confirmed the following with Mr. Fuller:

- a. Use is allowed in the C-2 zone
- b. No water or sewer required
- c. Proper ingress and egress
- d. Proper gating will be addressed

- e. Proper lighting will be addressed
- f. Will comply with Section 402.A.46 of SALDO

Mr. Cammerino stated the property is located in the 100 year flood zone and this needs to be reflected on the proposed plan. He also addressed the residential home setback. Discussion followed regarding tree buffer requirements. Mr. Fuller stated there will be landscaping buffer compliance. Mr. Cammerino also questioned the setback of the retention basin. Mr. Fuller stated he would address that and also a fence inside the trees on the Cemetery Road side of the subject property.

Solicitor Bernathy confirmed with Jodi Manheim that a complete application and fee for this matter have been received by the Township.

No comment from Planning.

A letter dated April 12, 2022 from Pike County Planning Agency has been received by the Township.

Brief discussion followed regarding the addition of an emergency access driveway on the additional undeveloped parcel. Mr. Fuller stated it would be designed as a permanent driveway but will be only used as emergency access. Main access will be from the currently developed property.

Mr. Roeder confirmed with the Mr. Fuller that there are no plans to add an additional billboard to the subject property. Mr. Fuller noted that the existing billboard is 200 feet from any residence. Mr. Roeder noted the following:

- a. He is an adjacent residential property owner and he does not want his back yard to look like a prison
- b. The buffer on the currently developed property was not done
- c. His backyard of his house is his whole investment
- d. There is no light glare from current storage business
- e. He is concerned with his privacy and property value

Brief discussion followed regarding the proper buffer on the existing land development. Mr. Fuller explained an issue with existing pavement.

No further comment.

This matter will be placed on the May 12, 2022 Planning Workshop Agenda.

**OLD BUSINESS:** None

**PUBLIC COMMENT:** None

**Adjournment:**

A motion was made by Jolie DeFeis to adjourn the meeting at 7:58 pm. The motion was seconded by Pat Cordova and carries with all in favor.

Respectfully submitted,

Jodi Manheim  
Secretary  
Westfall Township Planning Commission