

**PLANNING & ZONING MEETING  
(Public and Virtual)  
OCTOBER 15, 2020**

**ATTENDEES:** David Chillas, Chair  
Morris Deputy, Town Manager  
Frank Bailey, Fire Chief  
Gene Bloemker  
Joe Pontak  
Gretchen Rachko  
Charles Roberts  
Scott Unruh

**AGENDA:**

- 1. 120 Sleepy Hollow Drive – Conditional Use Permit request for an athletic training facility (Middletown Athletic Club LLC) to be located in an M-I zoned area. Facility to include endurance, strength and skills training, as well as sports-specific technical training, techniques and drills for sports including, but not limited to, soccer, baseball, wrestling and football. CU-15-20. Tax Parcel No. 23-021.00-129.**
  - 2. 102 Sleepy Hollow Drive, Suite 204 – Conditional Use Permit request for a bank (Shore United Bank) to have commercial loan offices in an M-I zoned area. CU-16-20. Tax Parcel No. 23-021.00-120.**
  - 3. 1100 Industrial Drive, Church Branch Lot 4 – Conditional Use Permit request for a chemical and delivery solutions business (Innovative Chemical Strategies) to locate in an M-I zoned area. ICS services high-end microscopes, deposition and etch applications and processes with chemistry and delivery components used in the semiconductor industry. CU-17-20. Tax Parcel No. 23-012.00-019.**
  - 4. 299 E. Main Street – Record Minor Land Development Plan for a one-story, 883 square-foot car wash addition to an existing car wash bay to provide for automated car washing. C-2 zoned area. Tax Parcel No. 23-006.00-468.**
  - 5. 119 Patriot Drive, Lot 18, Middletown Levels Business Park – Preliminary Major Land Development Plan for a 10,792 square-foot warehouse/flex space building with parking and rooftop building infiltration area. M-I zoned area. Tax Parcel No. 23-041.00-019.**
  - 6. Armstrong Corner Residential Preliminary Major Land Development Plan. Request for consideration of variations to the Subdivision Regulations regarding center islands in the subdivision and variations to the fence and trees along the adjoining property.**
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**1. 120 Sleepy Hollow Drive – Conditional Use Permit request for an athletic training facility (Middletown Athletic Club LLC) to be located in an M-I zoned area. Facility to include endurance, strength and skills training, as well as sports-specific technical training, techniques and drills for sports including, but not limited to, soccer, baseball, wrestling and football. CU-15-20. Tax Parcel No. 23-021.00-129.**

Clif Bakhsh, President of Middletown Athletic Club, requested Conditional Use approval to use the facility located in the M-I zoning district for youth athletic training. The prior tenant was Cross-Fit.

***Moved by Joe Pontak and seconded by Chip Roberts to recommend Mayor and Council approve 120 Sleepy Hollow Drive, Conditional Use Permit request for an athletic training facility (Middletown Athletic Club LLC) to be located in an M-I zoned area. Facility to include endurance, strength and skills training, as well as sports-specific technical training, techniques and drills for sports including, but not limited to, soccer, baseball, wrestling and football. CU-15-20. Tax Parcel No. 23-021.00-129. Motion Carried Unanimously.***

**2. 102 Sleepy Hollow Drive, Suite 204 – Conditional Use Permit request for a bank (Shore United Bank) to have commercial loan offices in an M-I zoned area. CU-16-20. Tax Parcel No. 23-021.00-120.**

Brian Cannelongo with Shore United Bank requested Conditional Use approval to allow their commercial loan office to relocate from 651 N. Broad Street to 102 Sleepy Hollow Drive, an M-I zoned area.

***Moved by Gretchen Rachko and seconded by Joe Pontak to recommend Mayor and Council approve 102 Sleepy Hollow Drive, Suite 204, Conditional Use Permit request for a bank (Shore United Bank) to have commercial loan offices in an M-I zoned area. CU-16-20. Tax Parcel No. 23-021.00-120. Motion Carried Unanimously.***

**3. 1100 Industrial Drive, Church Branch Lot 4 – Conditional Use Permit request for a chemical and delivery solutions business (Innovative Chemical Strategies) to locate in an M-I zoned area. ICS services high-end microscopes, deposition and etch applications and processes with chemistry and delivery components used in the semiconductor industry. CU-17-20. Tax Parcel No. 23-012.00-019.**

Ray DuBois, owner of ICS requested Conditional Use approval to occupy 1500 square-feet at 1100 Industrial Drive. Proposed is a 400 square-foot “clean room”, with office and equipment space. The lab will use clean room filtration technology to clean the air around the products. The use of chemicals will be limited to about 2 liters at a time to fill packages for semiconductor customers. Mr. DuBois displayed the finished product, a canister less than 4” containing about 4 grams of chemical. The canister powers microscopes.

Joe Pontak asked what chemicals are in the canister.

Mr. DuBois said a series of chemicals that always measure about 4 grams. The chemicals have not caused any injury or fires in any of the labs where he has worked. He hopes to start a program to have the canisters returned to be recycled.

Chip Roberts asked if the chemicals were locked up.

DuBois commented the biggest chemical is isopropanol and only 3 gallons will be on site at any time. The chemicals will be stored in fireproof cabinets.

Chip Roberts asked if the product is manufactured for just the United States or world-wide. DuBois said it could go world-wide. The companies he usually deals with are end users.

***Moved by Joe Pontak and seconded by Chip Roberts to recommend Mayor and Council approve 1100 Industrial Drive, Church Branch Lot 4 – Conditional Use Permit request for a chemical and delivery solutions business (Innovative Chemical Strategies) to locate in an M-I zoned area. ICS services high-end microscopes, deposition and etch applications and processes with chemistry and delivery components used in the semiconductor industry. CU-17-20. Tax Parcel No. 23-012.00-019. Motion Carried Unanimously.***

**4. 299 E. Main Street – Record Minor Land Development Plan for a one-story, 883 square-foot car wash addition to an existing car wash bay to provide for automated car washing. C-2 zoned area. Tax Parcel No. 23-006.00-468.**

Tim Anderson with Anderson Engineering, presented the land development plan proposing an 883 square-foot addition to the existing car wash on Rt. 299 at the intersection of East Main and New Street.

- The car wash currently has 6 wash bays. The most western bay will be converted to an automated car wash.
- One wash bay will be converted to an office, equipment room, and rest room for the staff.
- Access to the site will not change.
- Stacking space is available for five or six vehicles at the back of the property without interfering with the New Street entrance.
- Limits of disturbance is under 5,000 square-feet and exempt from stormwater management requirements.
- No new impervious is proposed.

***Moved by Chip Roberts and seconded by Joe Pontak to recommend Mayor and Council approve 299 E. Main Street – Record Minor Land Development Plan for a one-story, 883 square-foot car wash addition to an existing car wash bay to provide for automated car washing. C-2 zoned area. Tax Parcel No. 23-006.00-468. Motion Carried Unanimously.***

**5. 119 Patriot Drive, Lot 18, Middletown Levels Business Park – Preliminary Major Land Development Plan for a 10,792 square-foot warehouse/flex space building with parking and rooftop building infiltration area. M-I zoned area. Tax Parcel No. 23-041.00-019.**

Matt Brickley with Bakhsh Surveying, represented Tom Wilcox, owner of Lot 18. The building proposed is a one-story, 10,792 square-foot warehouse flex space with all necessary improvements.

- The building will be sprinklered.
- 27 parking spaces are proposed; 18 are required. Two van accessible handicap spaces and a bicycle rack will also be provided.
- Stormwater management will be handled within the neighborhood; rooftop will be handled through infiltration systems.
- No tenants are proposed at this time.

***Moved by Joe Pontak and seconded by Gretchen Rachko to recommend Mayor and Council approve 119 Patriot Drive, Lot 18, Middletown Levels Business Park – Preliminary Major Land Development Plan for a 10,792 square-foot warehouse/flex space building with parking and rooftop building infiltration area. M-I zoned area. Tax Parcel No. 23-041.00-019.***

**6. Armstrong Corner Residential Preliminary Major Land Development Plan. Request for consideration of variations to the Subdivision Regulations regarding center islands in the subdivision and variations to the fence and trees along the adjoining property.**

Bob Rosenberger, Project Manager for the Armstrong Corner Residential Project, presented the request. The first request is a variance to the Town Code requiring the 100-foot center in a cul-de-sac. He explained that if the 100' island is required, about 40% of the townhouse units will be lost. The Fire Marshal approved the original island shown on the plan.

Chip Roberts questioned the variance request.

Morris Deputy pointed out the 100' island is a code requirement. Developers can request a variance if they can show a hardship, other than losing lots. In general, the precedent for a variance is a hardship. In the past, not being able to get the number of lots proposed for a new development hasn't been considered a hardship.

Rosenberger was asked to explain the "large circle" shown on the plan indicating the 100' cul-de-sac. He answered that it includes the pavement along the outside of the 100' interior island.

Morris Deputy commented it appears the code might have been misinterpreted. He added that the island, normal travel width from curb to sidewalk, and right-of-way total diameter is about 107'.

Mr. Rosenberger said he will contact the Town's engineer to discuss the interpretation of the code.

Frank Bailey asked what the size was of the cul-de-sac shown on the original plan. Rosenberger said the grassed center island is 20 feet and the pavement around the island is wide enough to serve two-way traffic.

Bailey commented that the fire company was consulted when the Town was preparing the Code and it was the fire company's request to accommodate emergency vehicles.

Bailey further expressed concern that he would not want to see a variance granted that would affect the turning radius for emergency vehicles. If the code was misinterpreted and the cul-de-sacs can be designed to meet the code requirement, he will be satisfied.

Chip Roberts pointed out that a variance for the fence and trees is also being requested.

Morris Deputy added that the board can still vote whether or not to grant a variance for the code requirement.

Dave Chillas read the following conditions placed on granting approval for the Preliminary Plan at the March Mayor and Council meeting:

- The streets will be 32' wide.
- The fencing will be installed as discussed.
- The entrance to the development will be off Armstrong Corner Road.

- The fire lane connecting to the cul-de-sac, for emergency use only, will be stone.

Frank Bailey asked where the stone fire lane is located.

Morris Deputy said it's a forestry lane at the end of Rosemary Circle for emergency vehicles, that connects to the Wawa parking lot for access to/from Rt. 71.

Joe Pontak questioned why the plan was being presented again if Mayor and Council placed conditions on approval in March.

Morris Deputy clarified that the first variance request is a code amendment for the size of the cul-de-sac. The Preliminary Plan presented to P & Z did not address the fence issue. The fence issue was discussed when the plan went to Council. Council's condition of approval for the Preliminary Plan was the installation of the fence, per comments from neighboring residents. The developer is now asking Council to reconsider the condition for the fence placed on the Preliminary Plan approval.

Rosenberger said the trees overlap 6 or 7 feet onto the development property, except for the floodplain area toward the back – a fence cannot be built in the flood plain area. The tree line is dense enough to prohibit pedestrian access. To install the fence, the trees will have to be cleared back to the boundary line. He expressed concern with cutting back the trees and the concrete used to hold the fence posts could kill the trees.

Ciamaricone said the Mayor specifically asked the engineer if they would agree to install the fence. The engineer at that time agreed to install 1100 feet of 8-foot high vinyl fence, to be installed when construction for the development started. Mayor and Council approved the Preliminary Plan with that condition. He said he also thought the ditch was going to be replaced with a retention pond.

Rosenberger said the ditch will not be replaced – it is the outfall to the 30l bypass stormwater management facility beyond the development parcel.

Ciamaricone said the trees are his and he has no problem with the trees being cut back 8 feet to install the fence as agreed by Mayor and Council.

Rosenberger said if Mr. Ciamaricone is willing to accept the risk that the trees may die, their concern goes away.

Ciamaricone said he understands all of it.

Lauri Shahan said it was also agreed that their property would be fenced.

Rosenberger commented that the Shahan property does not join the townhouse development property. The request includes relief from providing fencing along the Shahan/WF Ventures border.

Frank Bailey asked where the fence would terminate if it is not installed around the 1.87 acre parcel.

Rosenberger said the fence would run along Armstrong's back property line, along the property line of the parcel being retained by WF Ventures, and connect to Ciamaricone's property. The fence would then run along Ciamaricone's side property line toward the back.

Ms. Shahan said it was agreed (in March) to run the fence from Rt. 71 to the back of their lot. She said they have no concern if the fence causes a problem to the trees. The purpose of the fence is to keep out children, animals, people, and trash from coming on to their property, and they don't want to look at other back yards. The fence was already approved and asked why it is being brought up again.

Morris Deputy explained that Mayor and Council have not seen this request yet. A variance request is presented to Planning and Zoning first, and then it goes to Council for review and final approval.

***Moved by Joe Pontak and seconded by Chip Roberts to recommend Mayor and Council approve Armstrong Corner Residential Preliminary Major Land Development Plan request for consideration of variations to the Subdivision Regulations regarding center islands in the subdivision and variations to the fence and trees along the adjoining property. Tax Parcel No. 23-075.00-001.***

***No one voted to approve the motion; all members voted "Nay".***

***MOTION DENIED UNANIMOUSLY.***

Moved by Chip Roberts and seconded by Joe Pontak to adjourn. Motion Carried Unanimously.

We believe these minutes accurately reflect what transpired; however, we will appreciate comments involving a different understanding of what occurred. Unless we are notified in writing to the contrary within 10 days after receipt, we will assume all in attendance concur with the accuracy of this transcription.

Respectfully Submitted,

Morris Deputy, Town Manager

Ry 10/27/20  
Cc: Mayor and Council  
Planning and Zoning Members  
All Attendees  
Duffield Associates