

Approved

LOWER MOUNT BETHEL TOWNSHIP

PLANNING COMMISSION MINUTES TUESDAY, MARCH 18, 2025 AT 6:30 P.M.

In Person – Centerfield Building

CALL TO ORDER - The March 18, 2025 meeting of the Lower Mount Bethel Township Planning Commission meeting was called to order by P. McNerney at 6:30 p.m. in person at 6984 S. Delaware Drive, Martins Creek, Pennsylvania, 18063 (formerly known as Centerfield School). Also in attendance were B. Rush, B. Kiefer, Bruce Smith, J. Coyle, Twp. Engineer, P. North, Twp. Solicitor (on zoom) M. Mastrogiovanni and R. Dentith, Stateline Engineering. The Pledge of Allegiance was recited.

APPROVE MINUTES – FEBRUARY 18, 2024 - MOTION by B. Smith, second by P. McNerney to approve the minutes as submitted. Vote: 4-0.

OLD BUSINESS – None

NEW BUSINESS

SUBDIVISIONS:

1. Sketch Plan - Michael Cauley 6058 Franklin Hill Rd. - H9-8-9C- Issac Palino, property owner where easement is proposed and M. Cauley, applicant was present. R. Dentith explained there are 2 greenhouses; the driveway of Palino and Castelletti is in the right of way to the Gillows. The Castelletti's don't use the rear property. This application was originally submitted as a conditional use. The Castelletti's don't want the driveway to go past their house. The current driveway of Pailin and Castelletti's have access off front street. The Indemnification agreement between Gillow and the Township is for use of the driveway. P. McNerney asked R. Dentiith who owns that driveway. B. Smith mentioned it seems like the Gillows objected to the shared driveway and put screening up. They discussed the frontage off Franklin Hill and no frontage in front of the new lot. R. Dentith mentioned it would be a 50-foot flag lot as part of lot 1. The covenant on the plan would go with the land if the Castelletti's move. The Planning Commission reviewed J. Coyle's review letter. A determination needs to be made whether this proposed submission satisfies the Conditional Use criteria. R. Dentith noted the Zoning Ordinance allows 3 residents use of 1 driveway. Mr. Paulino noted all parties would be aggregable to add Mike Cauley to the Deed. P. McNerny asked about joint maintenance of the driveway.

P. Norths comments are as follows: The 2011 Document does not mention the Castelletti, their lot (H9-8-9C-1), their deed, or any rights of them or their property to use the driveway which is the subject of that - even though it runs over the rear portion of their property – although it is clear the Castelletti's have owned their property for many years before that Document was signed and recorded.

From the Sketch Plan, there does not appear to be an existing driveway from the Castelletti lot to the subject driveway, nor any historical past or present use of the subject driveway by them which might provide them with rights in the driveway.

The Document is merely a release and indemnification, not a driveway easement. While it allows the neighboring landscaping and garden center business (H9-8-9) and a related lot to the rear (H9-8-9B) to continue to use the subject driveway, the Document says nothing about the maintenance and other important subjects for the joint use of a driveway.

In conclusion, the document does not provide sufficient or even any rights for the proposed Lot 1 to use the subject driveway. Accordingly, based on the Document (only) and the Sketch Plan, from a legal standpoint cannot recommend that the access arrangement proposed by the Sketch Plan be approved by the Planning Commission.

Further, I note that the sight distance between the subject driveway and Front Street appears to have been an insurmountable obstacle to the garden center and landscaping use and the related lot to the rear from obtaining a PennDOT Highway Occupancy Permit (HOP) to Front Street.

R. Dentith indicated they could go with plan C and propose a flag lot with the township, draw an easement from lot. 1 to Paulino's, it would not be a permitted driveway by the Township. J. Coyle recommended we get a future determination from the Zoning Officer regarding a flag lot, conditional use and or variance. P. McInerney agreed with J. Coyle and P. North. B. Rush asked when separating the business driveway from residential, why it wasn't resolved. B. Kiefer commented plan C would benefit the Castelletti's but doesn't agree with extending or allowing additional access to the driveway. B. Smith agreed with J. Coyle and P. North, why add more traffic to a problem driveway.

The Planning Commission suggested R. Dentith check with Penn DOT on the HOP. B. Kiefer asked Paulino why they split the driveway. Paulino indicated he wasn't sure.

P. North suggested a release and indemnification agreement be executed for the driveway to protect the Township, with that shared driveway comes safety issues. P. McInerney asked P. North is this grandfathered by deed and agreed to look into Penn DOT HOP. The PC agreed more traffic with add an extra burden. J. Coyle asked P. North about criteria for Subdivision and about Conditional Use, if we should check with the Zoning Officer if this falls under Condition Use or Variance and how does this fit into CAPZO and if permitted by right. J. Coyle also agreed with P. North about there was no HOP permit approved, adding another house and shared common driveway is unsafe.

P. McInerney mentioned CAPZO development is 10% of the land / 12 acres. R. Dentith mentioned if this would be a flag lot, there would be no frontage. R. Dentith will look into Plan C proposing a flag lot and applying for a HOP permit for a driveway onto Franklin Hill Rd. Draw an easement from lot. 1 to Paulino's. The Planning Commission agreed with J. Coyle and P. North. B. Rush noted when separating the business driveway from residential he is not sure why the problem wasn't solved. B. Kiefer noted Plan C would benefit the Castelletti's, he is not in favor of extending the current driveway. There were no further comments.

PUBLIC COMMENT - None.

ADJOURNMENT - The Planning Commission Meeting was adjourned at 7:30 p.m.

Respectfully submitted

Melissa Mastrogiovanni, Township Secretary / Planning Administrator