

## TOWNSHIP OF UPPER CHICHESTER

June 12, 2014

### I. CALL TO ORDER

*The public hearing for Ordinances 688 & 689, held by the Board of Commissioners was called to order by Michael Gaudio, President, in the Meeting Room of the Municipal Building, Furey Road, Delaware County, Pennsylvania. Mr. Gaudio conducted the Pledge of Allegiance.*

### II. ROLL CALL

*Roll was conducted by Township Manager Mr. McMullan and called as follows: Mr. Gaudio, Mr. Raikowski, Mr. Neary, Mr. Baiocco, Mr. Catania, Mr. Viscuso. Ms. Whitaker was absent.*

### III. PUBLIC HEARING FOR ORDINANCES

*Mr. Gaudio said that they would discuss Ordinance # 688, which addresses rezoning in the 1<sup>st</sup> ward from R2 to R3 and Ordinance # 689, which references consumer fireworks.*

*Mr. Catania said that they would have the public hearing on Ordinance #688. He said that the public hearing has been advertised, as required and that a Court reporter was present.*

*He entered the following items into the record: a copy of the affidavit of notice of the hearing to all property owners in the area being considered for rezoning under the ordinance, the affidavit of delivery of the Ordinance to the law library at the Daily Times, proof of publication of the notice of public hearing and the summary of the ordinance, comments from the Upper Chichester and Delaware County Planning Commissions, and proof of property posted as executed by the Township Secretary.*

*Mr. Catania explained that Ordinance # 688 is an Ordinance designed to amend and change the Zoning map and text of the Zoning Ordinance to classify a section currently recognized as R2 to R3, the area that would be changed is identified in the Ordinance and has been made available.*

*Mr. Gaudio opened the floor for public comment on the proposed ordinance.*

*Glen Hymen, Delaware County Supply Company – 1000 Randall Ave., supports the proposal. He said that they have lots that would be affected, and while they currently have no plans for the lots, they would want them to be the same zoning in the future.*

*Joe Uzdadinis, Jacqueline Drive, asked the difference between R2 and R3.*

*Mr. Raikowski explained that in an R2 area, the lot has to be 11,250 square feet. He said that none of the homes in the area off of Randall, Galbraith, Sharpless, Clements meet that, with tops of maybe 5,000-6,200 square feet. He said that when they were working on the maps for the comprehensive plan, they assumed it was more than likely a misprint from 1991. He said that it would affect homeowners in that area because they would have to come through Zoning for everything. He said that they are trying to match the footprint with the area. The lot square footage for R3 is 5,000 square feet, which represents 90% of the lots in the area.*

*Mr. Catania concluded the public hearing on Ordinance # 688.*

*Mr. Catania said that they would now be holding a public hearing for Ordinance # 689, which would allow for the display and sale of consumer fireworks in the industrial district of the Township.*

*He entered the following items into the record: a copy of the affidavit of notice of the hearing to all property owners in the area being considered for rezoning under the ordinance, the affidavit of delivery of the Ordinance to the law library at the Daily Times, proof of publication of the notice of public hearing and the summary of the ordinance, comments from the Upper Chichester.*

*Mr. Gaudiuso opened the floor for public comment on the proposed ordinance.*

*John Jaros, on behalf of Chi Holdings at Boothwyn LP, property owners at 1901-1919 Chichester Ave., said that his property was subject to a Zoning Board hearing in January of 2014, and an appeal is currently pending in the Court of Common Pleas of Delaware County. He said he is not quite sure of the impact of this ordinance on his property. He said that he wanted to come to reiterate to the Board their desire to meet with the Board and continue their discussion with regard to an offer that was made several months ago to move the Firework sales to an adjoining apartment building and terminating the apartment use on that property.*

*Mr. Catania said that he spoke to Mr. Jaros, who was kind enough to let him know in advance that he would be in attendance tonight, and he explained to him that they would not be able to engage because of the pending Zoning Hearing Board appeal, but that the Commissioners would probably ask him to work it out to an amicable resolution as opposed to fighting it out through Court.*

*Mr. Gaudiuso said that they would be happy discuss that when there is no longer pending litigation.*

*Mr. Catania concluded the public hearing on Ordinance # 689.*