



# UPPER DARBY TOWNSHIP

## DEPARTMENT OF LICENSES & INSPECTIONS

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

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June 10, 2024

### UPPER DARBY TOWNSHIP PLANNING COMMISSION MINUTES

#### Attendance

Planning Commission Members Present:

- Debbie Nifong
- James Mullen
- Jeffrey Roken
- Cassandra Hayes
- Lee Ann Jordan

Township Staff Present:

- Joshua Chast, Planning & Zoning Manager
- Courtney Mullan, Asst. Planner

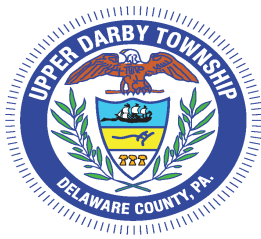
#### Minutes

- A motion was made by Jeffrey Roken to approve the March's Planning Commission Minutes. Lee Ann Jordan seconded the motion. All members voted in favor.

#### ZONING

##### 1) Zoning- Smoke Shop Presentation

- A presentation was made by Joshua Chast, Upper Darby's Manager of Planning & Zoning. He first spoke about the processes that had brought the ordinance to its current point, which at present is the review of a submitted ACT 247 application. The Act 247 application was submitted to the Delaware County Planning Commission and Township Planning Commission for review.
- Jeffrey Roken asked Joshua Chast what has changed from the first time the planning commission saw the presentation back in November. Joshua Chast went on to explain the differences from the initial presentation to the board by going through the current presentation and noting the differences along the way. He recapped section one and section two of Ordinance No. 3601. He went on to talk about the purpose of why the township wanted to amend Ordinance no. 3106 which included a vague and unenforceable definition and the permitted use in all commercial districts by special exception. The proposed changes included how a smoke shop is defined. The new definition stating that a smoke shop is considered a store where smoking products take up 15% of its retail floor space. The Township also proposed to eliminate smoke shops as a permitted use in the C-1 and C-3 Zoning Districts. They also proposed stricter sign and special exception requirements such



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as the prohibition of tobacco signs on non-smoke shop stores, the increase of 1000ft between smoke shops and a new 1000ft rule between a smoke shops and a private, public or charter schools. Lastly, the proposal included the removal of code requiring beauty salons, barbershops and nail salons be 300' form each other.

- Cassandra Hayes asked what was the reason for the 300ft rule between hair, nail and barbershops. Joshua Chast was not able to verify this reason for the initial ordinance change. Debbie Nifong asked Joshua Chast to reread the definition of smoke shop on page nine of the presentation. Debbie Nifong recommended that the definition of a smoke shop be adjusted to “15 % **or more**” of its retail floor space.
- Lee Ann Jordan asked how the township is going to handle enforcing this new ordinance on the estimated 40-70 smoke shops acting as convenience stores and if they will be grandfathered in. Joshua Chast replied that the only stores that will be grandfathered in are the stores that have legally went through the special exception process and or have been operating as smoke shop prior to the adoption of ord. 3106. Joshua Chast followed his previous statement by saying that there will be a coordinated effort from code enforcement and other municipal departments to enforce the code and transitioning requirements. The Township will also work with business owners and ensure adequate outreach and education.
- Debbie Nifong questioned that banners placed on the sidewalk outside these store would be referred to as temporary signage. Joshua Chast replied yes, those type of signs would be required to be removed within 30 days of opening.
- Cassandra Hayes asked what parking requirements are involved in the new ordinance, Joshua Chast answered that the parking requirements have not changed and that it is still one space per 200 sq. ft. of floor area. James Mullen questioned where the specific C-2 areas in the township are, Jeffrey Roken replied that they are typically located within shopping centers such as Drexel Line, Pilgrim Gardens, Bond Shopping center.
- Debbie Nifong asked for public comments. No public comment was given.
- Jeffrey Roken made a motion to recommended approval with the change of Debbie Nifong’s comment for the smoke shop definition, James Mullen seconded, all members voted unanimously for the recommendation of approval.

### Old Business

- Cassandra Hayes asked about the Township’s fence ordinance that was introduced back in 2022, as she stated that she has noticed a lot of fences going up around her neighborhood. Joshua Chast explained that since the new ordinance was put into place, there is now a permitting and inspection process for the residents to be compliant with the code. Cassandra Hayes also inquired about the shopping carts that are being left around her neighborhood and how should the Township monitor this. Joshua Chast recommended that a complaint be left



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with the One Center and code enforcement should go out and investigate the matter. Debbie Nifong also recommended that she contact with her local council representative and get them involved.

### **New Business**

No new business to discuss.

### **Adjournment**

A motion to adjourn was made by Jeffery Roken. The motion was seconded by Debbie Nifong. Unanimous approval.