

APPROVED

**SPRINGETTSBURY TOWNSHIP  
PLANNING COMMISSION  
FEBRUARY 15, 2018**

**MEMBERS IN**

**ATTENDANCE:** Tim Staub, Chairman  
Mark Robertson  
Charles Stuhre  
Paula Musselman  
James Tanzola

**ALSO IN**

**ATTENDANCE:** John Luciani, First Capital Engineering  
Jessica Fieldhouse, Community Development Director  
Raphael Caloia, Assistant Planner  
Peter Haldeman, Solicitor  
Sue Sipe, Stenographer

**1. CALL TO ORDER**

**A. Pledge of Allegiance**

Chairman Staub called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

**2. ACTION ON THE MINUTES**

**A. JANUARY 18, 2018**

**MR. ROBERTSON MOVED FOR APPROVAL OF THE MEETING MINUTES OF JANUARY 18, 2018 AS AMENDED. MR. STUHRE SECONDED. MOTION UNANIMOUSLY CARRIED.**

**3. BRIEFING ITEMS**

**A. Harley-Davidson Expansion Sketch Review**

Mike Scarborough, Nutec Design Associates

Ms. Fieldhouse stated Harley-Davidson is anticipating an expansion to their site due to a plant closing in Kansas City which will bring 450 jobs to York County. As a result of that movement, they are planning a 55,000 sq. ft. addition at the Eden Road site. She noted they have a short timeframe for review and approval of the project. In anticipation of submitting the application, they were present to discuss the plan from a development standpoint relating to stormwater management, traffic, etc. to gain the Planning Commission perspective and feedback.

Mr. Scarborough indicated they were here to introduce the project for the Harley-Davidson 2018 expansion. He provided a brief history on the site, noting the site and campus encompass

approximately 230 acres along Rt. 30 east of the Codorus Creek. The campus has undergone numerous changes over the years. The facility sits on the southwest section and the building is approximately 470 sq. ft. Because of the restructuring within the organization they have an opportunity to bring many jobs to the area. He noted they would like to break ground in June 2018.

Mr. Scarborough pointed out the proposed changes, noting there are 5 major areas on the site to be modified. Two involve building expansions – one to the north approximately 45,000 sq. ft. which will sit overtop of an existing access drive. North of that is a relocation of the access drive. The other building expansion is approximately 8,000 sq. ft. located along the west side of the building – referred to as the paint expansion building. Below that is landscape and a stormwater conversion area. They will try to account for the impervious coverage for the paint building by taking out existing concrete foundations and blacktop along the front access, restoring it to lawn to compensate for the impervious.

Due to removing earth in that area they will be looking at the northeast side of the property to dispose some of the soil and deposit it at that location. There is an area with rose walnut trees which were planted by the Boy Scouts, so they will preserve as many as possible and will replant when the project is finished.

Mr. Scarborough indicated the existing parking facility for all employees is located along the south of the building. They will continue to park there. There will be no additional parking proposed for this project. They did traffic and employee counts and based on the ordinance they do not need to expand the parking. They reviewed shift changes with the employee counts and they have enough parking to accommodate all shifts.

There will be 10 new truck docks introduced as part of the expansion. Truck traffic will enter and exit on the north side of the property. They keep the employee traffic and truck traffic separated. They will exit on Eden Road. There will be signage to direct truck traffic back on to Route 30.

Stormwater management for the site consists of three basins. During the prior building expansion, they accounted for a possible future building expansion. So the stormwater management ponds are sized taking into account the additional runoff for the site and the stormwater design is isolated to the conveyance of getting water to the pond along with water quality measures throughout the site.

Mr. Scarborough indicated they will be requesting four waivers. Two waivers involve stormwater management. The other two are for sidewalks and to show surrounding areas with roads, neighbors and adjoiners within 400 feet of the property. They have plans that encompass the surrounding area off Sherman Street with the creek.

Regarding a question about sidewalks, Mr. Scarborough stated the site already has sidewalk with the exception of frontage on Rt. 30 and on Eden Road / Paradise. From an environmental standpoint they are “no-touch” areas. He noted they do have sidewalks on the north side of the road. The other is a stream channel running along the road which would involve relocating environmental issues.

Discussion was held regarding the area where earth will be placed which is in a steep slope area. Mr. Scarborough indicated they are avoiding steep slopes as best they can. Concern was expressed regarding disturbing existing vegetation to store soil. Mr. Scarborough indicated they are evaluating ways to dispose of the soil.

Tom Austin, TRG

Mr. Austin provided an overview of traffic. He indicated the traffic study is in progress and they will present the results at the March meeting. He provided background on the current design configuration. He noted PennDOT recently installed the adaptive signal system along Route 30 and as a result they will not have to make any changes to the signal timing plans. With this proposal they will revisit the three intersections and three driveways, obtaining updated counts to assure they are operating efficiently.

**B. SD-18-01 Final Subdivision Plan Phase I Triplet Springs Estates – Pleasant Valley Road & Alcott Road**

David Koratich, Warehouse

Ms. Fieldhouse stated the project is a 127-lot subdivision that had preliminary plan approval in November/December 2017. She noted the current submission is the Triplet Springs Estates final plan Phase I to construct 71 out of the 127 lots. Three streets, six open space areas and stormwater is included. The final plan should match the preliminary plan as evidenced by the comments from the Staff meeting. The outstanding comments include street names, planning modules and rec fees. The rec fee will be paid to the township before the plan is recorded. The tap fees will be paid to the township at the time of the individual building permit. Ms. Fieldhouse noted she found in the township records evidence of planning modules that had been applied many years ago. They have 150 EDU's allocated which is more than what they will use. They were able to confirm that Metso Minerals had its own separate planning module done so that is not part of those two planning modules.

Mr. Koratich noted the project was first introduced in 2007 and subsequently resurrected in March 2017 to move forward to a preliminary plan approved in December 2017 for 127 units. No major changes have been made since the initial conception of the plan for 71 units which includes 5 estate lots. He noted they will build the connector road from Metso and Pleasant Valley Road to Alcott Road.

Mr. Koratich indicated there are no outstanding items with this plan. The lot size is 5500 sq. ft. with two story houses. It is an age targeted development – not restricted.

Other discussion was held:

- The HOA will be established with Phase I and carried over to Phase II. As part of the soil erosion on the western property line that will direct run-off to two basins north of Metso.
- In Phase I the back road will be dedicated.
- For Phase II the storm sewer system dumps into the storm water basins which is above Metso. The two stubs will have inlets in place and asphalt berms to catch any water coming down.
- Regarding runoff, the top soil on the residual parcel will not be disturbed. There is a stopcock area in Phase I staging areas at this point.
- It was noted although the tract was farmed last year, it will be vacant going forward.
- Part of this plan is to construct sidewalk between Metso and the church as well as the sidewalk along Alcott.
- The access at Alcott and Mt. Zion Road will be right-in/right-out. The application was submitted to PennDOT and they are waiting for their approval.

**MR. STUHRE MADE A MOTION TO MOVE CASE SD-18-01 TRIPLET SPRINGS FINAL SUBDIVISION PLAN PHASE I TO AN ACTION ITEM. SECONDED BY MR. ROBERTSON SECONDED. MOTION UNANIMOUSLY PASSED.**

**MR. TANZOLA MOVED IN THE CASE OF SD-18-01 TRIPLET SPRINGS FINAL SUBDIVISION PLAN PHASE I TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL SUBJECT TO OUTSTANDING ITEMS LISTED ON THE TOWNSHIP ENGINEER'S COMMENT LETTER OF JANUARY 31, 2018. MR. ROBERTSON SECONDED. MOTION UNANIMOUSLY PASSED.**

**C. LD-17-03/SD-17-11 Final LD/SD 693 North Hills Road**

John Murphy, Alpha Consulting

David Erlbaum

Mark Allen, Traffic Engineer, Alpha Consulting

Tom Skelly, Alpha Consulting

Mr. Murphy provided a recap indicating the proposal is the redevelopment of 693 North Hills Road. Mr. Erlbaum is proposing a 352,000 sq. ft. industrial building with parking, stormwater facilities and all necessary accoutrements to obtain requisite approvals from both Township and outside agencies. They will keep the same existing access points as noted on the plan. This plan is to have vehicle traffic on the northern access point which also ties into a shared access with the church and hotel along Rt. 30. Truck traffic will utilize the southern most driveway to keep it away from Rt. 30. They have NPDES approval from DEP. They are working through the traffic to address the township traffic comments and PennDOT approval. They are maintaining the driveway in the same position but will be doing some additional widening. As noted in the memo there was a comment about a WB-67 turning template which they provided to Staff and the township engineer.

Mr. Murphy indicated along with the NPDES approval and the addition to the normal stormwater management facilities and post construction plan, they are proposing to relocate the channel running through the site. There is a stormwater conveyance channel that separates several of the buildings. The channel is being relocated in that facility to accommodate the proposed building associated parking and stormwater management facilities. The Army Corp of Engineers has signed off on the joint permit and DEP is currently processing the permit. They are requesting that the recommendation or approval to be contingent upon the final permit being issued. They are aware PennDOT is proposing corridor improvements. He noted they met with PennDOT in coordination with Staff and they understand there will be some changes to North Hills Road and will make the modifications necessary to accommodate PennDOT.

A question was raised as to how that would impact the entrance to the church. Mr. Murphy indicated they have an existing right-of-way which allows the church access to the site.

Discussion was held regarding the traffic on North Hills Road as it relates to the truck traffic.

Mr. Allen indicated they met with the Township and PennDOT with a scoping application to define the scope of this study for a build year of 2018. He stated they do not know when PennDOT will be coming through with these improvements. PennDOT has reviewed the one improvement they recommended for Route 30 - an extension to the dual westbound turn lanes. He noted PennDOT indicated they are going to turn that into a one turn lane with a taper in it about 500 ft. long, to be done in 2019.

In regards to the truck traffic, Mr. Allen indicated they reviewed at the pm peak hour which showed 13 trucks exiting their site and 8 trucks entering the site. This estimate is based on the volumes of ITE publication. For the proposed facilities they assume the trucks are large vehicles with a wheel base 67. He noted they will adjust the width of their driveway to accommodate the trucks.

Mr. Murphy reviewed comments from the Staff plan summary:

- He noted that Staff brought to their attention the sanitary sewer line which runs along the rear of the property past what is currently the ball field. Staff indicated they wanted to maintain access to the one sewer manhole. Mr. Murphy stated this was reviewed and they determined there is an existing access to the manhole which comes through Caterpillar's back parking lot. There is a curb cut and a flat area going directly to the manhole, so the easement requested by Staff is physically in place, as indicated on the plan. Mr. Murphy indicated they will work with the township manager to get the easement in writing.
- The Township requests they secure easement agreements with undertaking minor grading. He pointed out the grading easement on the drawing noting they have received easement and received today the other grade easement.
- The Township requests turning templates which detail a WB-67. Mr. Murphy indicated they submitted some revised turning templates showing the maximum truck which is the WB-67 to navigate through the proposed driveways.
- There was a question regarding landscaping. Mr. Murphy referred to Sheet 10 and photos, noting the area is in the Flexible District and to the south is Commercial-Highway. In compliance with the zoning they have a row of evergreens around the site. It was pointed there is an additional subdivision landscaping requirement which is under S289-35. Mr. Murphy noted there is existing foliage which will be maintained. Based upon that they are requesting one additional waiver which was submitted to Staff asking for a modification of S289-35.C to use existing foliage and the foliage as dictated by the zoning ordinance which they meet.

Mr. Scully noted on the landscaping plan the relationship to the swale. Concern was expressed about the amount of stormwater coming through at that location that could impede flow in the swale as these trees mature. Mr. Scully pointed out on the plan the trees are on top of the bank with the channel at the bottom. He noted the plants would be at the top of the new embankment.

Discussion was held regarding the different options for the various evergreens and shrubs. It was requested the developer does not plant arborvitae.

**MR. ROBERTSON MADE A MOTION TO MOVE SD-17-11 693 NORTH HILLS ROAD TO ACTION. MR. STUHRE SECONDED. MOTION UNANIMOUSLY PASSED.**

**MR. ROBERTSON MOVED IN THE CASE OF SD-17-11 693 NORTH HILLS ROAD TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL BASED ON THE TOWNSHIP ENGINEER'S COMMENTS FROM THE FEBRUARY 1, 2018 LETTER. SECONDED BY MR. TANZOLA. MOTION UNANIMOUSLY PASSED.**

**MR. ROBERTSON MADE A MOTION TO MOVE LD-17-03 693 NORTH HILLS ROAD TO ACTION. SECONDED BY MR. STUHRE. MOTION UNANIMOUSLY PASSED.**

**MR. ROBERTSON MOVED IN THE CASE OF LD-17-03 693 NORTH HILLS ROAD TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF TWO ADDITIONAL WAIVERS - S.289-35. A AND S.289-35.C WITH THE CONDITION THAT ARBORVITAE IS REMOVED FROM THE PLAN. SECONDED BY MR. STUHRE. MOTION UNANIMOUSLY PASSED.**

**MR. ROBERTSON MOVED IN THE CASE OF LD-17-03 693 NORTH HILLS ROAD TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL WITH THE FOLLOWING CONDITIONS:**

- **ALL OF THE FEBRUARY 1 COMMENTS FROM THE TOWNSHIP ENGINEER**
- **ALL LEGAL AGREEMENTS ARE ADDRESSED**
- **ADDITIONAL SENSITIVITY ANALYSIS OF OPTIONS FOR WB-67 TURNS TO BE SUBMITTED TO THE TOWNSHIP ENGINEER.**

**SECONDED BY MR. STUHRE. MOTION UNANIMOUSLY PASSED.**

### **3. ACTION ITEMS**

#### **A. LD-17-06 Mod Pizza – 2401 East Market Street**

Joshua George, Snyder, Secary & Associates

Ms. Fieldhouse stated the case is scheduled for the Board of Supervisors meeting next Thursday, February 22<sup>nd</sup>, to hear the conditional use testimony. She indicated Staff recently met with the development team. There are several waivers and modifications requested. She noted the traffic study is still under evaluation, with a scoping session scheduled with PennDOT for February 21<sup>st</sup>, which she and Mr. Luciani will attend along with the development team. She stated this is a unique issue and Staff is looking for the Planning Commission's opinion as well as the township engineer. She indicated although a traffic study is required, these are not Township roads so PennDOT will make the decision on road improvements. She noted PennDOT does allow the opportunity to provide comment during the scoping analysis.

Mr. George stated in regard to the traffic they had gone through their submittal process to PennDOT a few weeks ago and have been waiting for the scoping meeting. In the meantime, they have continued to work through the Township's process with the land development plans. He indicated they are requesting a waiver of the traffic study if the Planning Commission will consider allowing PennDOT to be the set of requirements and review with the Township's input through the scoping process. That will allow them to proceed through PennDOT's process. They will review the traffic study if one is required and will provide the comments and at that point can proceed to the highway occupancy permitting which PennDOT will also review and approve.

Mr. George noted the only change to the plan is they moved the dumpster slightly closer to the property line. Originally it was 10 feet away from the property line since that was the what the Township's ordinance requires. He noted Ms. Fieldhouse along with Mr. Luciani were able to locate old documents from the previous variance that was granted for the property when the Hess gas station was built. Consequently, they were able to move the dumpster back closer to the property line.

Mr. George reviewed the waivers which are a result of the small size of the site on the corner of two state roads causing some constraints.

1. Preliminary plan
2. Traffic impact study
3. Buffer yard – they are in the Town Center Overlay and also have the SALDO requirements for buffers. They are asking that the requirements in relation to the SALDO be waived in favor of the requirements for the Town Center Overlay. They are providing buffer landscaping in accordance with the zoning requirements as opposed to the SALDO requirements.
4. Access drive throat length – the access drive coming from Market street does not have the 50 ft. throat length. Currently it's a right-in/right-out situation, so they are requesting a modification to allow it to be less than 50 ft.
5. Plan scale waiver to show the plan at a larger scale. (It was noted by the Planning Commission this needs to be specific in detail.)
6. Stormwater management – due to the small size of the site with limited areas to place stormwater management facilities and noting that none exist in current conditions, they are requesting three modifications to the stormwater requirements:
  - a. Loading ratios to be slightly larger than the ordinance allows, due to the size of the underground stormwater facility in relation to the amount of area that drains to it.
  - b. Volume and rate controls - the ordinance requires stormwater management for redevelopment properties with existing impervious not have any credit for the existing impervious. So 100% of that impervious has to be counted as if it were meadow. They have asked to follow DEP's requirements which are that 20% of that existing impervious be considered meadow, the rest of the impervious will be credited as an existing condition. Because of the redevelopment and the heavily impervious site they have very little area to put stormwater management facilities and a small portion of this area is encumbered by environmental contamination which prohibits stormwater facilities in that portion of the site.

Discussion was held regarding the traffic study waiver. Mr. George stated they recognize that PennDOT will decide if they will allow a left in-left out which will impact the traffic. If it has to become a right-in/right-out driveway on Memory Lane, it will not change the layout of the site. They are working on a possible connection to the north to the existing access drive which is on Taco Bell property. Taco Bell is considering redevelopment of their site with a new Taco Bell prototype. He indicated he met with the Taco Bell representatives and sent them the information to show how the access drive connection would look. They mentioned their access drive may move to the north at the location of the Gyro Express. Their thought was to get as far as possible from the intersection to allow safer and easier left turns in and out of the site. He stated if they are agreeable to allowing them to connect to that access drive they would be willing to do that. He noted Taco Bell has not yet responded to their inquiry.

Discussion was held regarding receipt of the soils report. Mr. George stated that testing scheduled for last week was postponed due to the weather. It has been rescheduled for two weeks. It is likely that the soils on the site are heavily encumbered by previous years of development. They are not native soils currently. The soils are expected to be very poor from an infiltration standpoint.

Discussion was held regarding the stormwater pipe that bisects the property. Ms. Fieldhouse indicated during the Staff review Mr. Luciani identified there is a portion of the pipe with negative slope. There was a design error in the Hess plan that showed that pipe was going to be changed in some manner, but it was not modified based on that plan and is still an existing condition.

Mr. George stated the Hess plan proposed a relocation of that pipe through the property. For reasons unknown it never happened.

Mr. Luciani reviewed the drawing pointing out the location of the pipe and inlets. His suggestion was to televise the pipe to determine its condition, replacing it if necessary.

Mr. George concurred with Mr. Luciani, noting the old plans are difficult to decipher where the water is flowing with storm drain piping around the intersection. He indicated there has been no documentation of a problem with the pipe during heavy rain so it is possible it is currently functioning. Mr. George stated they are trying to determine which way the water on Market Street is flowing. He noted this is a private storm drain and they are unaware of any existing easements. They are replacing a portion of it near Market Street because of the way their stormwater system ties in, but mostly it stays as is since they will remove the building over top of it. They will do an inspection of the pipe to determine its condition. If it is in good shape they would like to leave it intact. If it is in poor shape they will replace it.

Ms. Fieldhouse confirmed they received York County comments yesterday. She noted the majority are traffic related and cannot be answered until the results of the scoping meeting are known. They have several comments which mirror the township engineer's comments with regards to parking. There is already a modification request for the sidewalk which is a conditional use.

**MR. ROBERTSON MOVED TO RECOMMEND TO TABLE LD-17-07 MOD PIZZA UNTIL THE NEXT MEETING. SECONDED BY MR. STUHRE. MOTION UNANIMOUSLY PASSED.**

**B. LD-16-05/SD-17-05 Quattro**

Joshua George, Snyder, Secary & Associates

Ms. Fieldhouse stated she reissued her Staff briefing correctly identifying the waiver to S.289-41. J.1 Access Drive Width – providing an access width of 48 ft. rather than a maximum of 35 ft., which was approved at the last Planning Commission meeting. The only waiver remaining for this land development plan is the waiver of preliminary plan. Staff and the township engineer met with the developer's team. There were several comments discussed outlined in the Staff briefing, some of which are still outstanding. The township engineer issued comments with regards the roadway design also outstanding. They are getting movement on the four agreements:

- right-of-way acquisition
- right-of-way dedication
- sanitary sewer agreements between the County, the developer and Township
- sanitary sewer agreements between developer, Kinsley and the Township.

The developer is requesting action on both the subdivision and the land development. She outlined conditions for the land development if action were to be taken. There is a separate briefing for the subdivision and the conditions for the subdivision have also been identified in the Staff briefing.

Mr. George started with the subdivision plan. They are asking the Planning Commission to recommend approval of a subdivision plan to turn three existing lots into two new lots. The Staff briefing provides a list of the proposed waivers associated with the subdivision plan.

Mr. Luciani indicated he concurred with Ms. Fieldhouse's summary, as noted in his letter dated

February 2, 2018.

**MR. ROBERTSON MOVED IN THE CASE OF SD-17-05 QUATTRO TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FINAL SUBDIVISION FOR PROPOSED LOTS 1 AND 2 QUATTRO DEVELOPMENT WITH THE CONDITIONS AS LISTED ON THE TOWNSHIP ENGINEER'S LETTER OF FEBRUARY 2, 2018. SECONDED BY MR. TANZOLA. MOTION UNANIMOUSLY PASSED.**

**MR. ROBERTSON MOVED IN THE CASE OF SD-17-05 QUATTRO TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SUBDIVISION PLAN WITH THE CONDITION THE FINAL APPROVAL OF THE SUBDIVISION PLAN IS CONTINGENT UPON FINAL APPROVAL OF THE CORRESPONDING LAND DEVELOPMENT PLAN BY THE BOARD OF SUPERVISORS AND WITH THE CONDITION THAT GENERAL COMMENTS #1 AND #2 ON FIRST CAPITAL ENGINEERING DRAFT FEBRUARY 2, 2018 REVIEW LETTER BE SATISFIED PRIOR TO FINAL SUBDIVISION APPROVAL BY THE BOARD. SECONDED BY MR. STUHRE. MOTION UNANIMOUSLY PASSED.**

#### LD-16-05 Quattro

Mr. George reiterated the changes that were made to the plan relating to the size of the Lidl Grocery Store and the changes to the internal configuration of the parking and access drives in order to provide better truck turning movements within the site. He noted none of the items on the land development plan internal to the site have changed. They added information requested by the Township relating to the widening along Concord Road. He mentioned the proposed widening along Concord Road now consists of an extension of the right turn lane which currently stops at Kinsley's property which is now being extended into the prison's main entrance drive. It is 300+ foot extension of the right turn lane. Additionally, they are proposing widening on the Quattro side of Concord Road, such that a right turn lane is provided into the site. The existing right turn lane on Concord Road near the Mt. Zion intersection is extended back to the same access drive connection proposed for Quattro at the site, which is believed to be a significant improvement.

A question was raised regarding the crosshatching past the Quattro driveway which is to notify drivers not to pull into the other right turn. Mr. George said that came out of discussion with Staff and they decided a meaningful way to delineate the difference between the right turn lane into the site and the right turn lane that extends out to Mt. Zion was to put painted crosshatch lines which will be white.

Mr. George indicated all other traffic improvements previously discussed remain as is from the previous discussions.

Update on agreements – Mr. George stated discussion was held at previous meetings regarding the agreements between the developer and the county and also between the developer and Kinsley. They have had ratification of those agreements by the County. Those were approved at the County Commissioners meeting last week and the documents have been executed by the County and developer and will be forthcoming to the Township for execution.

Mr. George noted they have a verbal agreement with Kinsley and a written document all agreed to which has not yet been signed. He mentioned what they are asking from Kinsley is 84 sq. ft. of right-of-way 7 x 12 to allow them to connect to the existing force main with their sanitary sewer,

which will be signed before the Board of Supervisors meeting.

Waiver modifications 289-10. A. – Mr. George stated they are requesting approval of the waiver for preliminary plan, since they have been able to obtain the right-of-way with the County and in agreement with Kinsley.

Mr. Luciani addressed several concerns as identified in the Staff Summary.

In response to Mr. Luciani's comments, Mr. George stated the stop sign internal to the site was added at the request of the Township. He explained their traffic study calculated they needed 85 ft., and they provided 160 ft.

Attorney Katherman pointed out the plan was approved with the old version in October 2017 with the stop sign shown on the plan.

In regards to concern about the stormwater issues pertaining to the elevation with the one on Concord Road, Mr. George stated they determined it made the most sense to move it in the back. The elevations of the existing pipe are such that they have no way to provide cover per the Township's specifications. That may need to be a waiver or modification but there is no physical way to make that work.

Mr. George stated there is significant reasons for the discharge points to be where they are since they are within PennDOT's right-of-way. There is an existing swale which is significantly lower in elevation than their property. They need it to be lower than their property because they have underground stormwater management facilities and so to get the discharge pipe out it, has to be lower than the ground. So their discharge elevations are dictated by the discharge point into that swale rather than the actual grade at the property line.

Mr. George stated they received from Ms. Fieldhouse via Mark Hodgkinson a concept showing where Mr. Hodgkinson would like them to overlay a portion of Concord Road. In concept he believed they could make that work. They are not currently showing it on the plan.

Mr. George explained on the drawing what they are showing is a truck leaving the Lidl truck dock coming out to the driveway making a right continuing to Mt. Zion Road and exiting the site. It all fit within the curb lines which were there previously, so no change was made to the curb line as part of that. They are projecting two trucks per day for the WB-67 and they also provided turning templates for smaller trucks which are on the plan.

Ms. Fieldhouse indicated it does not appear that a WB-67 truck could make the other way around. It was recommended putting signage on the building in the loading area that states trucks cannot turn right, they have to go straight out of the site. Mr. George indicated Lidl directs their delivery drivers to enter and exit the site in a certain way and provides instruction via truck training demos.

**MR. ROBERTSON MOVED TO RECOMMEND APPROVAL OF WAIVER FOR S289-10. A PRELIMINARY PLAN PROVIDING THE INFORMATION REQUIRED FOR BOTH PRELIMINARY AND FINAL PLAN IN ONE SUBMITTAL. SECONDED BY MR. TANZOLA. MOTION UNANIMOUSLY PASSED.**

Attorney Robert Katherman, Representing the Applicant

On the issue of the shoulder, Attorney Katherman stated it is the position of the applicant there is no legal requirement and while it is a suggestion, if the entire road was going to be made that way, there might be logical merit to it, but asking the applicant to do that on an existing road without it being a legal requirement, they are respectfully submitting they will not do that and hope the Planning Commission can accept that.

Discussion was held regard roadway design associated with the profile showing both sides of the road as curbed. Mr. George stated they have an agreement with the County as part of this plan set. The legal right-of-way and everything that goes with it should be provided.

Mr. George stated there is a plan sheet which shows the proposed improvements on Concord Road which includes two cross-sections at specific points showing the widening. They are not typical cross sections they are actual cross sections, meaning they reflect true and proposed conditions at two specific points. It was noted showing the physical overlay would need to be added.

**MR. ROBERTSON MOVED IN THE CASE OF LD-16-05 QUATTRO TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL WITH THE FOLLOWING CONDITIONS:**

- **LIMITS OF OVERLAY TO BE ADDED TO THE ROADWAY DESIGN BASED ON THE OUTCOME OF HOP ON STORMWATER OUTLETS IN THE PENNDOT RIGHT-OF-WAY,**
  - **IF NEEDED THE DEVELOPER AND TOWNSHIP SOLICITORS WILL WORK OUT AN AGREEMENT OF INDEMNIFICATION**
  - **EXECUTION OF THE AFOREMENTIONED AGREEMENTS BETWEEN THE DEVELOPER, COUNTY, TOWNSHIP AND KINSLEY**
  - **PRESENTATION OF THE PERFORMANCE GUARANTEE.**
- SECONDED BY MR. TANZOLA. MOTION UNANIMOUSLY PASSED.**

**4. WAIVER RECOMMENDATIONS - None**

**5. OLD BUSINESS**

**A. Casino / Gaming Establishment Draft Text Amendment**

Ms. Fieldhouse indicated Staff provided updates to the Text Amendment. She provided draft language to the County Planning Commission, the Board of Supervisors and to the Planning Commission. The County Planning Commission responded they were fine with everything except the language she used to determine parking. She noted this was taken from another township where they allowed the developer of the facility to prove to the municipality they were providing sufficient parking. The County Planning Commission felt that was giving more powers to the zoning officer than were allotted in the Pennsylvania Municipality's Planning Code. She worked with Attorney Rausch and Mr. Luciani to develop parking counts, so rather than allowing them to prove it they are requiring .5 parking spaces for every live gaming seat for this proposed facility. Every live gaming seat would be 750 slot machines, plus 40 tables with 8 seats resulting in 1070 parking spaces resulting in half of that plus 1 space per every 5 employees, plus 3 bus stalls. The facility may have 250-300 employees, so another 60 for 600 spaces. The facility requires 1100 spaces. Township parking requirements should be less than the facility. She noted the mall has approximately 3800 spaces.

Ms. Fieldhouse indicated the change was made as a result of last week's Board of Supervisors

meeting. The language drafted initially referenced solely Category 4 gaming facilities. Because they have no control over what the Commonwealth will do with this legislation by limiting it to Category 4 casinos, it created a liability if the Commonwealth were to change their legislation. Consequently, the Board recommended referring to it as casino and gaming facilities which must be licensed by the Commonwealth.

The only other change made which Staff is recommending is not only the Galleria but also the Township's campus be placed within the Town Center Overlay. However, Attorney Rausch suggested not including the Township campus for the Town Center Overlay with the reasoning there are various funding sources used over the years to create the current campus. Since they do not know future activities the Town Center Overlay could be contradictory. Subsequently, what they are proposing is the legislation with the Galleria Mall of which there are three parcels - the Mall, Bon-Ton and Boscov's. Those three parcels will be placed in the Town Center Overlay, which will allow assessing redevelopment specifically towards pedestrian walkability and connectivity to the rest of the Township.

In regards to a question about how this will affect the Comp Plan, Attorney Rausch stated the Board postponed a new resolution of the Comp Plan.

Ms. Fieldhouse indicated this will go to the County Planning Commission on Monday for their final review. This will be on the Board's agenda on March 22<sup>nd</sup>. She noted if the Planning Commission has any recommended changes they will need to be made immediately.

Mr. Staub indicated he had several comments to include. One of which is the need to have a clause to specify that any other support, businesses, etc. would access directly either internally to the mall or externally to the streetscape. This would be from a safety security standpoint as well as to provide opportunity for others to visit restaurants without going into the casino.

Mr. Staub also recommended having a designated bus entryway.

#### Charlie Courtney – Penn National

Mr. Courtney stated he reviewed the ordinance and identified the requirements for a conditional use. He noted from a planning standpoint there are increasingly more standards which causes the conditional use process to become less meaningful. He provided an example noting if the use was permitted by right vs. by conditional use - by right there are all these standards so to get a zoning permit all the standards have to be met otherwise a zoning permit is not granted. If through a conditional use process there is a hearing, it must be shown it meets all the standards and objective requirements. The only difference is then the general criteria for conditional uses is met. For the subjective criteria an opponent would have to show that the normal effects of the use are unacceptable - that there is an abnormal effect of the project.

He noted if there is no strong preference, Penn National's preference would be to have standards, so they know what has to be designed and it is not open to a process where someone can create problems.

Attorney Rausch stated there will actually be two conditional uses because of the Town Center Overlay which is a conditional use process, involving two separate hearings. Ms. Fieldhouse indicated it was the Board's desire that it be a conditional use.

Discussion was held as to the right for public comment. Mr. Courtney stated the public input

process is the zoning amendment process. The public input process on a conditional use is not to get public opinion, it is for someone to protest there is a substantial abnormal adverse effect.

**MR ROBERTSON MOVED THE PLANNING COMMISSION RECOMMEND THE TEXT AMENDMENT BE CHANGED TO REFLECT A CASINO AND GAMING FACILITY AS A USE PERMITTED BY RIGHT IN THE COMMERCIAL-HIGHWAY ZONE, RATHER THAN A CONDITIONAL USE IN THE COMMERCIAL-HIGHWAY ZONE, AND THAT THEY HAVE CONFIDENCE IN THE TOWN CENTER OVERLAY PROCESS. MR. TANZOLA, SECONDED. MOTION UNANIMOUSLY PASSED.**

**6. NEW BUSINESS – None**

**7. ADJOURNMENT**

**CHAIRMAN STAUB ADJOURNED THE MEETING AT 9:35 P.M.**

Respectfully submitted,

Secretary

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