

APPROVED

**SPRINGETTSBURY TOWNSHIP
PLANNING COMMISSION
FEBRUARY 18, 2016**

MEMBERS IN

ATTENDANCE: Alan Maciejewski, Chairman
Mark Robertson
Charles Wurster
Charles Stuhre
Tim Staub

ALSO IN

ATTENDANCE: John Luciani, First Capital Engineering and Acting Zoning Officer
Christopher King, Solicitor
Sue Sipe, Stenographer

1. CALL TO ORDER:

A. Pledge of Allegiance

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

2. REORGANIZATION

A. Election of Planning Commission Officers

MR. STUHRE PRESENTED THE FOLLOWING SLATE OF OFFICERS FOR 2016:

**ALAN MACIEJEWSKI - CHAIRMAN
MARK ROBERTSON – VICE CHAIRMAN
CHARLES WURSTER – SECRETARY**

SECONDED BY ROBERTSON. MOTION UNANIMOUSLY PASSED.

Chairman Maciejewski introduced Tim Staub recently appointed to the Planning Commission.

3. ACTION ON THE MINUTES

A. DECEMBER 17, 2015

**MR. STUHRE MOVED FOR APPROVAL OF THE MEETING MINUTES OF
DECEMBER 17, 2015 AS PRESENTED. MR. WURSTER SECONDED. MOTION
UNANIMOUSLY CARRIED.**

4. BRIEFING ITEMS

A. SD-16-01 Bensinger Subdivision

Clark Kraumer, Surveyor

Project Narrative: This plan proposes to subdivide an existing parcel near the intersection of Trout Run Road and Lower Glades Road. The lots are to be used for residential purposes.

Plan Background: Staff has met with the applicant to discuss aspects of the proposed design. First Capital Engineering has completed a first review of the project. These comments are attached. Once input from the Commission members is received, a full evaluation of the project will be provided by staff for action at the next Commission meeting.

Mr. Kraumer indicated this is a 3 lot subdivision on Trout Run Road on the Ann Marie Bensinger Property. They are proposing 2 lots on the south side of Trout Run Road, one of which would be proposed for development shown as Lot #3. The other two lots would remain as agricultural use. The reason they created Lot #2 was because the road creates a boundary and therefore, is no longer separated. Mr. Kraumer noted they met with the township engineer and received his comments as well as York County Planning Commission comments. One of the comments relates to improvements to Trout Run Road. Waivers were requested for the improvements such as curb, sidewalk and road widening. They are also requesting a waiver for the preliminary plan because it is of a minor nature. Presently there are no curbs and sidewalks since it is a rural area.

Waiver requests include:

- Preliminary plans and specs
- Final plan
- Sewer and water
- Environmental impact
- Improvements in specification and design standards

Mr. Luciani indicated that the applicant filed the plan as if it were a minor subdivision. They are creating a building lot and have a developer who wishes to buy the lot and construct a home with a driveway, which is not permitted in a minor subdivision. He noted the challenge with this site is they have approximately 2500 feet of road frontage. One of the concerns was the condition of Trout Run Road which requires road widening on both sides of the road.

Mr. Luciani pointed out since the property cannot be designated as a minor subdivision the requested waivers would not be necessary. He also noted there are several comments addressing storm water for Lot #3. One of the conditions would be for the plan to proceed that the two other residual lots would not have building rights. If in the future someone would want to build a home it would need to be noted both on the plan and the deed that they are not building lots. On the second plan sheet there is a DEP planning note which designates Lot 2 and Lot 4 as non-building lots. Mr. Kraumer stated that would be noted on the deed.

Chairman Maciejewski pointed out under county comments that it was noted this is an agricultural security area and asked if that changes any of the designations if there is a development.

Mr. Barnes, who is purchasing Lot #3, indicated it was his understanding that agricultural security areas allow a farmer have certain rights such as spreading.

Mrs. Bensinger, owner of the property, indicated it is a program the state put in place years ago to

encourage people who own open space to continue to keep that space open. It allows certain privileges, i.e., controlled burns on the property and the farmer is allowed to have his equipment out at night using lights to harvest crops when it is necessary. Clean and green is another program for properties over 10 acres which does save on taxes. She noted some of the adjacent land on the property has conservation easements on them, evidenced by a legal document which is for property owners who wish to keep their land as open space in perpetuity. It can not be changed once a property owner goes through that process. She noted the land adjacent to the west of Lot 3 has been filed with a conservation easement of approximately 20 acres. In addition 38 acres of her property which is across the road and to the west of Lot #4 has a conservation easement on it.

Mr. Kraumer indicated that Lot 3 would have an on-lot well and be connected to the public sewer on Lower Glades Road. The closest public water would be at Mt. Zion Road and Druck Valley Road.

In relation to county comments regarding a proposed right-of-way dedication, Mr. Kraumer confirmed that will be shown on the plan. Currently they are showing the existing dedicated right-of-way line.

Chairman Maciejewski asked Mr. Luciani if he had any concern about the waiver requests. Mr. Luciani referred to the feasibility for water and sewer, noting they are connecting to the public sewer. In regards to water, he stated it may be feasible for the owner to hook up to the York Water Company line at Mt. Zion Road.

In regards to the preliminary plan, Mr. Luciani stated it is a function of what improvements are going to be required of this developer. He noted during discussion at the Staff meeting road improvements for this 10 acre lot would be financially significant to widen 2500 feet of road.

Discussion was held regarding of the condition of Trout Run Road, noting the road runs beyond the present scope of land. It was noted that earth moving and tri-axle trucks travelling on Trout Run Road in past years caused damage the road surface which affects 30% to 40% of the road. Interim maintenance was done but was not a permanent fix.

Mr. Kraumer indicated the lot owner would like to start construction on the house in the spring and/or as soon as the plan is approved.

In regards to sidewalks, Mr. Stuhre who lives on Trout Run Road, confirmed that 90% or more of the area to the township line in Hellam is developed and is all rural, with the nearest sidewalks over a mile away. He stated he was of the opinion sidewalks and curbs should be waived.

Mrs. Bensinger invited the Planning Commission members to visit the site before making a decision, since she felt it was important for them to understand the nature of the road. She also noted this is the only area in Springettsbury Township that has open space.

Kristen Denne, Township Manager provided traffic counts for Trout Run Road, noting over a 3 day period from 7/21/15 to 7/23/15 there was an average of 260 cars which ranged from 75 to 93 vehicles each day.

5. ACTION ITEMS

A. LD-15-03 NorthPoint Development

Larry Lipinski

Tim Beiber, NuTech Design

Project Narrative: This plan proposes to redevelop a former Harley-Davidson Motorcycle Operations, Inc. manufacturing site. The project will construct a new 750,818 sq. ft. manufacturing building, supporting utilities, and site improvements. The developer will make use of existing public water and sanitary sewer.

Plan Background: The plan was first presented to the Planning Commission on December 17, 2015. The plan was revised and resubmitted to address the regulations. First Capital Engineering has completed a second review of the project. Review of the revised plan has resulted in the following comments:

Waivers:

- 1.) Volume Controls (281-12.A.2.a and b) The Ordinance requires that when modeling stormwater, existing (predevelopment) non-forested areas must be considered meadow and one hundred percent of the existing impervious area of a project site, when present, shall be considered meadow in the model. The applicant has requested a waiver of these requirements and proposes to model the site using actual existing land uses and cover due to existing environmental issues. Significant portions of the site have been surfaced with bituminous paving which not only served the manufacturing use but has also served as a cap to reduce the comingling of stormwater runoff and groundwater as part of the environmental remediation measures.
- 2.) Rate Controls (281-13.A) The Ordinance requires that for computation of predevelopment peak discharge rates, 100% of the existing impervious area of a project site, when present, shall be considered meadow. The applicant has requested a waiver of these requirements and proposes to model the site using actual existing land uses and cover due to existing environmental issues. Significant portions of the site have been surfaced with bituminous paving which not only served the manufacturing use but has also served as a cap to reduce the comingling of stormwater runoff and groundwater as part of the environmental remediation measures.
- 3.) Rate Controls (281-12.B (2)) The Ordinance requires that the twenty-five-, fifty-, and one-hundred year post-development peak flows must be less than or equal to 50% of the corresponding twenty-five-, fifty-, and one-hundred year predevelopment peak flows. The applicant has requested a waiver and requests they be allowed to maintain these discharges at or below pre-development peak discharges in lieu of a 50% reduction since the site has limitations such as underlying carbonate geology, environmental contamination and remediation, and proximity to the regulatory FEMA floodplain.
- 4.) Preliminary Plans; Specifications – Sheet size (289-11.B) the Ordinance requires that the sheet size shall be 24 inches by 36 inches. The applicant has requested a waiver with a sheet size of 30 inches by 42 inches being provided instead in order to improve clarity and reduce confusion since the building is especially large.
- 5.) Streets and Aprons (289-27.C) The Ordinance requires that all driveway and access drive entrances or aprons within the street right-of-way shall be surfaced to their full width, the type of surface to be concrete as specified by the engineering specifications for streets.

The applicant has requested a waiver in order to utilize the existing driveway aprons surfaced with bituminous paving since no new driveway entrances are proposed. This will limit the site disturbance. The two driveways to be modified will be constructed to match the pavement section that is already in place in these areas.

- 6.) Sidewalks (289-32.A) The Ordinance requires that sidewalks be installed on both sides of all streets in subdivisions and land developments as herein specified. The applicant proposed to provide a pedestrian pathway in part of concrete sidewalk and in part of bituminous pavement along the northern frontage of Eden Road since the graded level area within the existing Eden Road right-of-way is not conducive to providing sidewalk within that area. The roadway (cartway and adjacent area) width was minimized during construction to limit the impact on the floodplain and environmentally sensitive areas. The applicant proposed that the combination of new concrete sidewalk and striped areas along the edge of the existing western parking lot provide a continuous pedestrian pathway along the northern site frontage of Eden Road despite the site constraints.
- 7.) Landscaping and Buffer Yards (289-35.A) The Ordinance requires that in all industrial subdivisions and land developments, the developer shall provide buffer yards and landscaping in accordance with section 289-35 of the SALDO. The applicant proposed to provide the required number of trees and plantings at the site in the general vicinity of the site frontage due to the steep side slopes along Eden Road, the need to maintain an environmental cap, and the adjacent existing parking fields. As an alternative the applicant proposes that the western edge of the property between the edge of the existing parking fields and Eden Road will be heavily landscaped.
- 8.) Streetlights (289-36) The Ordinance requires that streetlights shall be installed in all subdivisions and land developments in all zoning districts and shall be in accordance with Township Construction and Engineering Specifications. The applicant proposes to utilize street lights in their current location with additional lights provided at the three access drives that are not within the vicinity of any street lights or site lighting fixtures since the existing slope conditions along Eden Road are not conducive to installing street lights and other than minimal restriping, no improvements to Eden Road are proposed.
- 9.) Direct Access (289-41.A) The Ordinance requires that direct access to an arterial or collector road be permitted only when the subject property has no other reasonable access to the street system and only if the Township Engineer determines that the proposed access point on the street can be accommodated safely by meeting PaDOT requirements. The applicant has requested a waiver in order to provide direct access to Eden Road from the property since Eden Road is an arterial and a collector at varying points and thus the subject property has no other reasonable access to the street system.
- 10.) Access Drive Width (289-41.J.1) The Ordinance requires that access drives have a minimum width of 10 feet and a maximum width of 35 feet. The applicant is proposing the northern driveway near the connection point to Eden Road be approximately 60' wide in order to facilitate truck ingress and egress to the public road, thereby improving traffic flow in this area.
- 11.) Maximum Number of Access Drives (289-41.J.2) The Ordinance requires that a maximum of 2 access drives may be provided per lot on each frontage. The applicant proposes to utilize six of the existing access drives at their current location and remove

one of them in order to segregate truck and employee traffic flows to enhance circulation and safety.

12.)Planting Strip (289-41.J.8) The Ordinance requires that off-street parking, loading and unloading areas shall be separated from the public right-of-way by a planting strip 10 feet in width, excepting where access drives are permitted. The applicant proposes to utilize the existing parking lot in its current configuration with a planting strip less than 10 feet in width that will be further reduced by the construction of a sidewalk. The applicant indicates the reduced width is necessary to construct the relocation of Eden Road within the available right-of-way and the adjoining street improvements.

13.)Obstructions to Vision (289-42.B) The Ordinance requires that all arterial streets have a clear sight triangle of 150 feet. The applicant has proposed to meet the requirements for a collector street in lieu of this since a 150 foot clear sight triangle would extend back into the existing parking lot. It is noted that the driveway has historically operated without any known safety concerns and has safe sight distances greater than the minimum. The 75 foot requirement would also be consistent with the other driveways along Eden Road.

Mr. Luciani stated that NorthPoint attended the Zoning Hearing Board meeting on February 4. He indicated the applicant needs a water storage tank on the north end of the property, but have three road frontages which prohibits a fixture in the front yard. They obtained a variance for this issue.

Mr. Lipinski indicated at the Planning Commission meeting on December 17 a briefing was provided of their project. He reiterated this project is the redevelopment of the former Harley-Davidson plant located at Eden Road and Rt. 30. They propose to redevelop that site to a 755,000 sq. ft. bulk distribution warehouse. Mr. Lipinski pointed out on the drawing the current location of the site, noting the existing two story building would be removed. There is an existing parking lot on the south end of Eden Road extending to the north. Originally the property was put under contract in May 2015. He noted they went through due diligence with the existing conditions and some of the constraints with topography and how the site is laid out, working with Tim Beiber of NuTech Design, their civil engineer and Tom Austin with TRG, their traffic consultant. He also noted they have worked with Mr. Luciani and members of Staff, as well as with DEP to resolve stormwater and environmental concerns to make sure the site works properly. They are seeking action because of the challenges with the site resulting in several waivers.

Mr. Luciani indicated he attended a meeting with NuTech and the development team with DEP. DEP requires that stormwater go back in the ground to cool and clean the water before it runs out to the Codorus Creek. However, for this site there is a landfill type cap underneath the parking lot surface which prevents groundwater from getting in there. Removing the cap will potentially move contaminants and aggravate the problem. He noted there are not many options to do storm water collection. The applicant has installed rain gardens and underneath there is a sealed area which prevents any water getting to the containments. The old building was in the flood plain. The new building will be several feet above the flood plain. There are two flood plains – one from Mill Creek on the other side of Rt. 30 and one for the Codorus Creek. Mr. Luciani stated based on the DEP meeting, the flood plain issues and the containments, this is a unique case where he believed the waivers are warranted. It was clarified this would include waivers relating to §281-12.8 2A, §281-13A and §281-12B.

Mr. Lipinski indicated NorthPoint would maintain the cap that is within their property and the portions belonging to Harley-Davidson would be maintained by Harley-Davidson.

Discussion was held regarding using a bituminous surface. Mr. Beiber stated historically that has been done and there have been maintenance activities over the years on the west part of the parking lot controlled by Harley-Davidson. He noted there is a binding agreement with DEP to maintain that cap. He agreed that bituminous pavement is the better alternative. However, the lot is not necessarily required for parking. He noted they are re-using the existing lot to the south and adding a new lot to the north. If there was a large ecommerce type user that came in and took the whole facility, there is potential this could be become additional employee parking lot.

Mr. Beiber stated there is an environmental covenant between DEP and Harley-Davidson as landowner of their property which will become NorthPoint to maintain the integrity of the cap.

Discussion was held regarding the waiver request for §289-10 for preliminary plan as shown on the cover sheet.

Mr. Luciani stated the criteria for preliminary plan, noting that public sewer extends through the site. They are reducing the number of access points. Also, they do not need a HOP because all of the proposed improvements. They are proposing a sidewalk plan through the area with the exception of along Eden Road because of existing obstacles. They are providing a pedestrian path from Eden Road as a reasonable alternative. There is a waiver for sidewalk location.

Mr. Beiber noted there is a waiver modification for sidewalks. They discussed how to provide a means to provide pedestrian access. They are proposing to bring the sidewalk in and at the location of the west parking lot will stripe it and pick up existing sidewalk.

Waiver for Preliminary Plans; Specifications - Sheet size – no issue.

Waiver for Streets and Aprons – okay except for existing situation with bituminous surfacing.

Waiver for Landscape and Buffer Yards- requiring a modification. Mr. Beiber indicated there are some areas that would be difficult to provide the required amount of landscape. He pointed out the capped swale as part of the containment plan, noting there is limited width between the existing parking and the street which they are proposing for a sidewalk. They determined how much plant material is needed for the buffers, and tried to do as much as possible to provide it along the frontage where they could. He pointed out the area of heavier density of landscaping. They are providing interior landscaping within the parking lot with minor modifications to the parking lot.

Waiver for Street Lights - the applicant indicates the existing slope conditions along Eden Road are not conducive to installing street lights. Mr. Beiber explained it would have been provided as part of the original construction of Eden Road which was a joint venture funded from a Township grant. As the construction ensued the narrow width prevented typical street lighting along that section of roadway. Mr. Beiber pointed out on the plan the redevelopment of Harley-Davidson street lighting which was put in, noting the developer is proposing to provide lighting at the entrances where suitable. In regards to concerns about pedestrian safety, Mr. Beiber indicated there is lighting in the parking lot as well.

Waiver for Direct Access to an Arterial Road - Mr. Luciani pointed out a maximum of two connections are permitted per arterial road. They have eliminated two.

Mr. Beiber stated they are not proposing any new connections onto Eden Road - These are driveways that currently exist. They are slightly modifying the driveway on the northern-most end with slight modification on the southern-most end.

Waivers for Access Drives - Discussion was held regarding truck traffic on Eden Road going out towards Sherman Street. The access was designated as no right turns and Mr. Beiber stated those restrictions will remain in place. There will be a sign at that entrance to indicate no right turns.

Waiver for Planting Strip - Mr. Lipinski indicated there is no adequate room to get a planting strip in with sidewalk. They can install a concrete sidewalk but cannot get in a 4 ft. planting strip.

Waiver for Obstruction to Vision – Clear Sight Triangles - Mr. Beiber indicated there is only one location where relief was requested. For arterial it would have been 150 ft. clear sight triangle. All the other driveways were at 75 ft. so they are asking for the driveway to be considered at 75 ft. which they believe is adequate in this instance. This is a short length of road where speed is not going to be an issue, since vehicles will be coming to a stop.

Discussion was held regarding the shared drive with trucks and vehicles. Concern was noted regarding the clear sight triangle in that driveway. Mr. Luciani provided an explanation of the differentiation between clear sight triangle and safe sight distance which determines how far out a vehicle can see to maneuver onto the roadway safely.

Mr. Lipinski explained for a multi-tenant scenario vehicles would come off of Rt. 30 travelling to Eden Road. At that point they would either go to receiving, inbound or outboard and go on the east or west side of the building.

Mr. Luciani indicated at the last meeting there was discussion about how this driveway would operate, and he evaluated the traffic study. He noted it appeared traffic would back up approximately 450 feet back. A letter from TRG explained this would be for a period of time of approximately 10 minutes between 3 and 4 p.m. After that it would go back to the normal queue. In general, it is approximately 100 ft. normally - about 2-3 cars. Based on that discussion he believed the driveway would be free flowing and vehicles would be able to make safe movements in out of the driveway.

Discussion was held regarding the recommendation for widening of driveways. Mr. Beiber pointed out the two driveways, one of which is the NorthPoint shared driveway with Harley-Davidson.

A question was raised concerning the slip road by 84 Lumber at the point where the truck traffic pulls out to Route 30. Mr. Lipinski indicated currently it is used by residential traffic and some truck traffic. He noted it will be used by NorthPoint employees and truck traffic. He noted that in reviewing crash data they did not perceive a safety issue. He believed the best approach would be to wait and let the traffic operations at NorthPoint get off and running and then re-evaluate. He indicated they are consistently evaluating the Rt. 30 intersection, and referred to the adaptive signal program contemplated by PennDOT for 2017 which they anticipate will help manage the traffic along Rt. 30.

Discussion was held regarding the potential for making that area a non-truck movement and have the trucks go out at the traffic light leaving that road for passenger vehicle only.

Discussion was held regarding the storm water management plan proposed.

Mr. Lipinski indicated this was a work in progress. Initially they determined they would need to do water retention, realizing they were limited in the ability to do infiltration. They evaluated if there was a way to eliminate any increase in impervious surface. There were concerns about the environmental caps that have to be kept in place. In working with DEP from a volume standpoint they are reclaiming some impervious areas by retaining the cap beneath to create an elevated rain garden. This does allow some capture of storm water from the vegetation and also allows some filtering through the runoff before it hits the impervious cap. Other solutions being done as part of their post construction storm water plan is NorthPoint will institute a street sweeping program for their interior site, as well as they have 5 large water quality structures which will treat the runoff before it discharges to the Codorus. As much as possible they are maintaining the flow patterns to the current condition. One of the things Harley-Davidson did when they accomplished the demolition of their buildings is they took them down to slab level so the surface drainage facility remains in place on the slab. Where they had penetrations that came up through the slab they put in dome-like grates.

Chairman Maciejewski asked if there was any public comment. Hearing none he called for a motion.

MR. ROBERTSON MOVED IN THE CASE OF LD-15-03 NORTHPOINT DEVELOPMENT TO APPROVE WAIVER REQUESTS AS LISTED ON COVERSHEET C001 OF THE PRINTED PACKAGE, PRELIMINARY LAND DEVELOPMENT PLAN, EDEN ROAD LOGISTIC CENTER. SECONDED BY MR. WURSTER. MOTION UNANIMOUSLY PASSED.

MR. ROBERTSON MOVED IN THE CASE OF LD-15-03 NORTHPOINT DEVELOPMENT TO APPROVE THE PLAN WITH THE CONDITIONS AS LISTED IN THE FIRST CAPITAL ENGINEERING LETTER DATED FEBRUARY 18, 2016. SECONDED BY MR. STUHRE. MOTION UNANIMOUSLY PASSED.

Recessed called at 7:50 P.M. by Chairman Maciejewski.

Resumed meeting at 8:00 PM.

B. LD-14-04 Pleasant Valley Road Tract

Attorney Matthew Creme
Sandy Kime, ELA Group
Nate Pipitone, Developer

Project Narrative: This plan proposes to develop four 20 unit apartment buildings and a three store strip mall along with all other site improvements.

Plan Background: Attached you will find the most recent review for the above project. Staff has met with the applicant regarding these comments and they wish to have further discussion with the Planning Commission regarding the items.

The plan was last presented to the Planning Commission in July, 2015. The plan has been revised and resubmitted. First Capital Engineering has completed a fifth review of the project. The review of the revised plan has resulted in the following comments:

Waivers:

- 1.) Rate Controls (281-13.B.2) The Ordinance requires that the twenty-five-, fifty-, and one-hundred year post-development peak flows must be less than or equal to 50% of the corresponding twenty-five-, fifty-, and one-hundred year predevelopment peak flows. The applicant is proposing that the requirements of this Ordinance section apply only to the disturbed area. The areas outside the limit of disturbance are an upland woodland area, a downgradient grass area, and an on-site floodplain.
- 2.) Design Criteria (281-15.B.1.j) The Ordinance requires that the maximum permitted side slopes of a stormwater basin be four horizontal to one vertical. The applicant is proposing to utilize retaining walls on 3 sides of the basin in order to accommodate site improvements and associated grading, minimizing woodland disturbance, and provide additional stormwater volume capacity above ground.
- 3.) Preliminary Plans; Procedure (289-10) The Ordinance requires that a preliminary plan be submitted when a PADOT HOP is required, there are improvements proposed for dedication to the Township, when recreation land is to be dedicated, when on-lot sewer or water will be used, or when the project has multiple phases. The applicant proposes that the preliminary plan processing be waived in order to submit the Land Development plan directly as a final plan as all the necessary reports and studies have been included and the proposed improvements have been designed and engineered so that they may be reviewed per the Final Plan criteria in the SALDO. Additionally, no new streets are being proposed, no offsite easements are necessary, and agency approvals will be provided as part of the plan processing of the plan application.
- 4.) Final Plans; Specifications (289-13) The final plan shall be drawn at a scale of either 50 feet to the inch or 100 feet to the inch. The applicant proposes that the final plans be drawn at a scale of 30 feet to the inch to improve detail and clarity of the plans.
- 5.) Streets and Aprons (289-27.C) The Ordinance requires that all driveway and access drive entrances or aprons within the street right-of-way shall be surfaced to their full width, the type of surface to be concrete as specified by the engineering specifications for streets. The applicant proposes that the apron be constructed of bituminous paving instead of concrete.
- 6.) Access Drive Width (289-41.J.1) The Ordinance requires that access drives have a minimum width of 10 feet and a maximum width of 35 feet. The applicant proposes to provide a driveway 41 feet wide in order to accommodate an ingress lane, dual egress lanes, and a 5 foot wide concrete island that must be provided per Township requirements.
- 7.) Obstructions to Vision (289-42) The Ordinance requires that all arterial streets have a clear sight triangle of 150 feet. The applicant is proposed to provide a 75 foot clear sight triangle instead of a 150 foot clear sight triangle. The majority of the traffic is entering the site from Pleasant Valley Road and the secondary access is right-in/right-out only. Additionally, the requirements for a 150 foot clear sight triangle will negatively impact the ability to properly buffer the project site as most of the buffer planting between the road and the loading area on the side of the retail facility would be eliminated.

Attorney Creme indicated there have been significant disagreements between the applicant and the township engineer on legal issues, application of certain sections of the subdivision and land development Ordinance to this plan. He handed out a letter dated February 16, 2016 with attachments as an aid to illustrate the presentation being made. The opening paragraph describes what has transpired between the last plan and tonight's meeting. He noted they met on December 8th in a meeting which included the township engineer, the township manager and

township solicitor. The purpose of the meeting was to arrive at an understanding of what remained as open issues and what could be resolved and could then result in a narrowed presentation this evening. Attorney Creme noted they received a letter from the township engineer dated December 29, 2015 describing the Township's position on the open issues, which they understood to mean those where the remaining issues needing to be addressed to bring this plan to some conclusion and action by the Board of Supervisors. Attorney Creme stated the letter from the township solicitor expressed the Township's position on certain waiver requests, on the legal issues and represented a detailed statement of the open issues. They used that letter as the basis for responding to the engineer's open review letter at that time, made their resubmission and then received the engineer's review letter on that resubmitted letter dated January 29, 2016. In that letter they discovered the engineer added new issues that are comments on items that have been on the plan in most of their prior iterations. They found the engineer takes a position that is contrary to that expressed by the township solicitor, i.e., roadway improvements to Pleasant Valley Road, intersection improvements to the intersection of Pleasant Valley Road and Mt. Zion road, which the township solicitor expressed his opinion for those improvements the township cannot require the applicant to make. He did not know where that left them for discussion since they indicated their preference is to not extend the plan any further. He noted they are scheduled for action on the plan before the Supervisors on February 25 and the current extension of the plan expires on February 29.

Chairman Maciejewski stated the last time the Planning Commission saw the plan was July 2015 and since that time have not had any opportunity to discuss or evaluate any portions of the plan. He noted under normal circumstances they would ask for an extension in fairness to the applicant and to the Commission to evaluate what has transpired over the last 6 to 7 months.

Attorney Creme stated they would be glad to review the plan and discuss what they believe to be the open issues. It was confirmed by Solicitor King that a copy of the solicitor's letter was included in the packets sent to the Planning Commission members.

Attorney Creme referred to Mr. Kime, to provide an overview of what is being proposed. Mr. Kime explained this development is 8 acres in the northwest corner of Pleasant Valley Road and Mt. Zion Road. They are proposing access off Pleasant Valley Road with one lane in and two lanes out. The public road is at the same location as the current driveway that was previously for the church property. The property will provide 80 dwelling units in four apartment buildings. It also branches off to a proposed commercial facility on the southeast corner of the property. That site is also served by a right-in, right-out access off Mt. Zion Road. The site has a stream through the property. It is not in a FEMA floodplain but has a flood plain associated with it. There would be curb and sidewalk along the frontage. There is a fairly steep slope on the northern part of the property. They are proposing a retaining wall to hold back the slope. There is a parking lot shown with 40 spaces on the west portion of the property that is associated with the adjacent development of York Christian Church. They have extensive landscape buffering along both highways, plus internal landscaping. There is public sewer and water. Gas lines are located along the frontage which pushes everything further back into the site, so they are limited to what can be done in that area. They have adequate parking for these proposed uses. In regards to stormwater there are a number of facilities many of which are underground.

A question was raised regarding renderings. Mr. Kime stated they were submitted in October 2014.

Mr. Kime noted each of the proposed office and two retail facilities is 3000 sq. ft. for a total 9,000 sq. ft. and will be constructed as a typical commercial facility with glass fronts and the

building will be a stucco material. He indicated the apartment units were designed to have a front appearance because of the fact they are facing the street. Discussion was held with Staff regarding the side yard/front yard based on the Township's Ordinance. The elevations were constructed on the basis of that discussion.

Mr. Kime indicated that islands will be constructed throughout the parking lot as required by the Ordinance, with street trees and shrubbery in each one. They have internal lighting and confirmed they were compliant with the lighting range spaced throughout the parking lot for safety purposes. They have two street lights that are outside the right-of-way which will be relocated.

Mr. Kime stated they have one street crossing and are extending the existing culvert in that property. Stormwater is underground with several significant facilities in the parking lot. There are storm facilities for the apartments, both in the underground and in the commercial section and there are storage facilities throughout the site. He pointed out the location on the plan.

It was noted by Mr. Robertson that the area is prone to significant sinkhole issues.

It was noted there is a staging plan on sheet 14E showing the residential being constructed first and then commercial. A question was raised as to the requirements for commercial being built simultaneously with residential or a component. Mr. Kime indicated they are designing the entire site. The staging is to show the construction schedule. He noted all of the required site improvements will proceed as a single phase. He noted they are ready to begin the three apartment buildings as soon as the plan is approved. The construction will be completed within approximately 18 months.

Discussion was held as the control of the runoff from the hill. Mr. Kime stated above the retaining wall there is a swale and series of pipes, as shown on drawing SD7.0. The water coming down the hill will split between buildings B and C.

Mr. Kime confirmed they are not increasing run off to Mt. Zion Road. He noted the underground recharge is strictly for the parking lot and the roofs of the building.

Chairman Maciejewski asked Attorney King to explain the statements made by the solicitor that the waiver request for road improvements would not be opposed. Attorney King stated this was a result of the staff meeting with counsel present on December 8. The statement represents that township staff would not be opposed to this request and was from the perspective of Ms. Lang, former zoning officer.

Attorney King affirmed their position as solicitor does not change and are holding to what was put forth in this their letter. He indicated the engineer may express concerns he wants to discuss, but from the solicitor's perspective they are adhering to what is in the letter dated December 29, 2015.

A question was raised regarding the high pressure gas main and the opinion that the street needs to be widened and the gas main removed. Attorney Creme indicated if the Planning Commission accepts the solicitor's legal opinion on the road improvements then other issues could be removed. He indicated the location of the gas main will remain under the terms of the current plan. He also stated they have an agreement with Columbia Gas on the construction requirements that must be followed which includes protecting the main and the amount of cover required to the extent of the surface. A Columbia Gas inspector would be on site at times when construction

would affect the gas line.

Mr. Luciani stated he agreed with the solicitor that this project is not a subdivision; however, it is in the N-C district. He indicated he was imposing the road improvements under the provisions of the Zoning Ordinance §324-30, which he read.

Chairman Maciejewski called for an executive session at 8:35 p.m. to meet with the solicitor to discuss the legalities of this issue.

Chairman Maciejewski resumed the meeting at 9:00 p.m.

It was clarified for Attorney Creme that Mr. Luciani is acting in the capacity of interim zoning officer for the Township in addition to his role as township engineer.

Chairman Maciejewski stated after due consideration and they would allow the applicant's engineer to present each waiver individually to be reviewed and evaluated.

Mr. Kime stated they are asking for a waiver of the preliminary plan application process, §289-10. He noted the township engineer has indicated he is not in favor. They believe the preliminary plan and the final plan are the same. Mr. Pipitone stated they met with Ms. Lang, Community Development Coordinator and Mr. Luciani. It was Ms. Lang's opinion they could have filed this as a preliminary final plan. He noted the HOP was the trigger but it was Ms. Lang's opinion they could have asked for a waiver and filed because the plan was going to be the same. He noted they designed the plan based upon those remarks.

Attorney Creme noted the standard is whether they can provide a comparable result with the waiver requests. He believed there was nothing to be gained at this point by requiring a final plan process. If the only consideration is that this plan requires an HOP there is no impact on the public interest by waiving the preliminary plan. He noted they have not applied for the HOP because they are waiting for the traffic study to be signed off by the township.

Discussion was held regarding whether or not all issues have been addressed that would justify the waiver of preliminary plan. Chairman Maciejewski indicated that would imply their plan has met and has included all necessary reports and studies and that all proposed improvements have been designed and engineered, so they may be reviewed for the final plan criteria and SALDO. He asked the zoning officer if that was the case. Mr. Luciani indicated there are outstanding issues which warrant having the preliminary plan before it goes to final plan.

Attorney Creme stated it did not appear they could change the opinion of the Planning Commission. He indicated they are not going to extend the plan any longer and noted the options for the Planning Commission to recommend approval, recommend disapproval, or take no action. He further noted under the circumstances the confusion that was added with disagreements between the solicitor's letter and the engineer's letter and asked that no action be taken and place the decision before the Board of Supervisors.

Chairman Maciejewski stated the Planning Commission was attempting to review and understand the events that took place.

Continuing on with waiver requests Mr. Kime stated the next waiver relates to plan scale. The Ordinance requires 1" to 50 ft. They are proposing 1" to 30 ft. to make it larger and easier to understand.

Mr. Kime stated the waiver for Streets and Aprons was withdrawn. Mr. Kime indicated this is no longer on the cover sheet and they are showing the concrete apron across the front.

Mr. Kime addressed the waiver request to reduce the street separation distance of 800 ft. to an arterial road as noted in §289-41.F.3. He noted since they do not have 800 ft. of frontage they cannot comply with that requirement. The recommendation was to locate a primary access driveway, however, there are other restrictions, i.e., the gas lines which they have to avoid. He noted they are 431 ft. back from the intersection.

Chairman Maciejewski if the Township engineer agreed.

Mr. Luciani stated he did not take a position against it initially. However, upon recent review he discovered from their traffic study which was done in 2014, that at that time the former Girl Scout building was vacant. Currently, the building has been redeveloped to an assisted living facility with 52 beds and 17 shift employees. Their current plan demonstrated the elimination of the left turn lane into the assisted living facility, which will potentially cause traffic queue issues at the intersection.

Mr. Kime explained what they are proposing is a left turn lane without being solely dedicated to that use. Based on the 2014 traffic counts which produced 2 trips in the a.m. peak hour and 1 trip in the p.m. peak hour, does not warrant a dedicated traffic lane primarily for that use. He noted what they are proposing is rather than having the dedicated lane solely for that use, it will be a dedicated left turn lane.

Discussion was held regarding the current status of the traffic for vehicles making the left turn lane. Mr. Kime stated the traffic counts were done when the plans were submitted. Mr. Pipitone stated they were required to do the traffic study on the basis of what existed at the time the plan was filed.

It was noted that due to the change of use for the former Girl Scout facility, the applicant would need to revisit the traffic study.

Discussion was held regarding differing opinions relating to the series of events causing delays in the advancement of the case.

Attorney Creme reaffirmed that the plan has not changed from last year. He noted the MPC provides that the Planning Commission has 90 days to make a decision and reiterated the 90 days ends on February 29, 2016.

Chairman Maciejewski asked Attorney Creme if his client would consider granting an extension for a month in order to allow the Planning Commission time to review and understand what has transpired in order to assist them to make an informed decision.

A brief recess was granted to Attorney Creme to consult with his client.

Upon his return, Attorney Creme indicated his client has agreed to an extension to the March 17 meeting. He noted they are not planning to make any resubmissions at this point. He asked the Planning Commission to provide a list of what the remaining issues are at this time. Attorney Creme stated they will provide a full presentation on what is proposed and will come prepared with their traffic engineer and storm water engineer to answer questions. He noted they will send

the extension request letter and will ask to be removed from the supervisors meeting on the 25th.

6. WAIVER RECOMMENDATIONS - None

7. OLD BUSINESS – None

8. NEW BUSINESS

A. Reevaluate the zoning north and east of the intersection of Mount Zion Road and East Market Street.

Mr. Luciani indicated the Board of Supervisors is requesting the Planning Commission review the rezoning of this area. The discussion was tabled for a future meeting.

B. Strategy for continuation of the Pleasant Valley Road Development for the March 17 meeting.

It was recommended that since the submittal is not going to change as stated by Attorney Creme, a packet of information needs to be sent out immediately to the Planning Commission members in order to allow the maximum amount of time for review. A list of the issues was identified.

9. ADJOURNMENT

CHAIRMAN MACIEJEWSKI ADJOURNED THE MEETING AT 10:10 p.m.

Respectfully submitted,

Secretary

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