

APPROVED

**SPRINGETTSBURY TOWNSHIP
PLANNING COMMISSION
JUNE 18, 2020**

MEMBERS IN

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

NOT PRESENT: Paula Musselman

ALSO IN

ATTENDANCE: John Luciani, First Capital Engineering
Raphael Caloia, Assistant Planner
Charles Rausch, 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.

This meeting was held by Zoom technology,

2. ACTION ON THE MINUTES

A. APRIL 16, 2020

MR. TANZOLA MOVED FOR APPROVAL OF THE MEETING MINUTES OF APRIL 16, 2020 AS PRESENTED. MR. STUHRE SECONDED. MOTION UNANIMOUSLY CARRIED.

3. BRIEFING ITEMS - None

4. ACTION ITEMS

A. LD-2020-0002 - Village Realty – Canterbury Court Preliminary/Final Land Development Plan

Stacey MacNeal, Esq.

John Runge, Gordon Brown Assocs.

Bridget McAulliffe

Mr. Runge stated this is the final land development plan for 10 proposed townhouse/apartment units located on Stony Brook Drive. He indicated there are two existing buildings. Currently there is an existing pool and parking lot on the site, which they are proposing to remove. The parking lot will be replaced with the required parking lot spaces. They relocated the entrance and shifted it along Stony Brook Drive and reconfigured the parking according to the Township

ordinance. They provided stormwater management which falls underneath the parking lot and discharges to the existing stream. They will provide the water and sewer connections along with the stormwater management.

Mr. Runge indicated they are requesting four waivers as outlined on the Plan Summary:

- Preliminary plan
- Landscaping and buffer yards
- Traffic Impact Study
- Plan Scale

Mr. Runge indicated the township engineer has no opposition to three of the four waivers, with discussion on the landscaping and buffer yards waiver. Mr. Runge referred to Mr. Luciani's letter of June 9, 2020 noting they will satisfy the stormwater comments. The SALDO comments which deal with the waiver requests refers to the performance bond requirements and the recreation dedication or the fee in lieu of.

Discussion was held regarding the waiver for landscaping and buffer yards. Attorney MacNeal stated they are not proposing any new landscape buffer to the east of the proposed project, since there is already adequate buffering and screening in that location. The question is on the south end of the lot. She noted that area is existing multi-family and a parking lot and on the other side is the existing McDonalds. She noted their project is not near that vicinity and is an existing condition. The parking lot is adjacent to the commercial use and not the actual residential structure. The waiver is requested so as not to have to put in buffer yard on the other end of the property which is on the opposite end of the track from where they are proposing construction.

Mr. Caloia indicated that Staff's recommendation to the applicants is they should provide landscaping in the area where the construction is going to occur and then request a waiver for the areas outside of the scope of work proposed.

Mr. Runge indicated they provided the additional landscaping in that area to supplement the existing trees.

Attorney MacNeal indicated the applicant has been in communication with the zoning officer in regards to comments in the township engineer's letter referring to zoning issues, particularly as it relates to the density calculation. She noted it is their understanding the zoning officer's interpretation was that they are compliant with those sections. She noted they will not touch the existing development. They will be able to make adequate use of the properties since they will be filling in the swimming pool to expand what they have within this tract of land. This will allow them to add the 10 townhome units which would be consistent with the last construction that occurred in 2008.

In response to a question about the pool no longer being used as a recreational area, Attorney MacNeal indicated she knew it had become an issue and concern with the ability to maintain the pool in that location.

A question was raised as to what is being done to provide recreation. Attorney MacNeal noted they are providing a fee in lieu of to the township per unit, since the land would have to be dedicated for recreation in this case and it would not be a usable size.

Discussion was held regarding recreational use in the area. Mr. Robertson voiced concern that

children in the area would not have an adequate recreation area.

Mr. Caloia pointed out on the map the nearest Township owned parks located in relation to the proposed development – Springetts Oaks Park and Stonewood Park. He noted they also have the elementary school facility, but was not sure of the school’s policy was on use of those recreation facilities. He confirmed there are children playing in those parks during off-school hours. He noted it is fenced and gated but not locked.

Chairman Staub asked about the sidewalk connections around the property. Mr. Caloia indicated the applicant is not proposing any changes to the sidewalk connections. The area is completely sidewalked. There are no on-site improvements they could make to enhance sidewalks.

Discussion was held regarding the zoning comments noted in Mr. Luciani’s letter of June 10, 2020. Mr. Luciani indicated on the first comment under Zoning the two parcels that are split by a public street are on one deed and by tax rule are considered one parcel. There is a calculation that says “density factor 30 per acre” and multiplied by 7.47 to come up with 224 units. Currently, that parcel with the expansion done in 2007 equals 275. Line 6 indicates that the maximum number of units allowed is 30 dwelling units per acre which is not correct. He believed this use is a new number of dwelling units which start at 224 and they are currently at 275, proposing to add another 30 units to take it to 305. He believed that was a concern because of single family homes in the area rather than dense residential.

Attorney MacNeal stated when they first started this project a year ago this issue was raised with the township zoning officer because it came to her attention that it appeared that the project is already over the allowable density factor. There were conversations last summer and the applicant received a zoning determination letter based on the 2008 plan with the wording in the ordinance that indicated this was allowable to move forward. Her understanding of the situation is they do have an existing non-conformity. There were 94 units in existence since the mid-1960’s which were permitted. In 2008 that was expanded by the addition of six units and now they are asking to expand it by 10 more units. She noted they have reviewed this in different ways and believe that they fall within that 25% expansion requirement in the ordinance. Attorney MacNeal explained where the 25% fits in these non-conformity provisions in the ordinance. She noted looking at the acreage which was used for the existing 94 units which was built on 6.53 acres. The additional six units in 2008 was built on .34 acres and currently they are proposing to build these 10 units at an additional .58 acres of land. She explained the expansion of land which .92 acres is less than 25% of the original 6.53 acres used for non-conformity. Consequently, they believe they meet the requirement of the ordinance as it relates to expansion of this existing non-conformity.

Attorney MacNeal stated the ordinance speaks to non-conforming uses for a very limited amount of non-conforming structures, but does not address expansion.

Solicitor Rausch stated the enlargement under the non-conformity section of the ordinance does specifically refer to an allowed increase in area of 25%, so taking the original non-conforming area which is 6.53 acres. He noted that may be a separate concept from the density factor. He commented it looks like they are retroactively applying the density factor to all of those units. He was not sure if that was correct because 94 of the units were there before the density factor equation was adopted by the Township. He further noted in 2007 when they added six units he did not know if there was a density factor calculation in effect at that time. It now appears where the ten units have been configured the density factor does equal the 30 units per acre allowed in that high density district. Consequently, he determined they are meeting the density factor with

those 10 units, as long as they build the units in accordance with the plan.

Mr. Runge confirmed they coordinated with the owner and the plan has been revised to reflect that accordingly.

Chairman Staub questioned if the impervious coverage difference is diminimus at this stage. Attorney MacNeal indicated the impervious coverage is going up in a small amount overall.

Mr. Caloia added the existing lot coverage is 3.18 acres and they are proposing 3.46 acres. The percentage is staying the same.

Attorney MacNeal indicated her calculations are the 46.32 is at the 3.46 acres and the existing percentage is 42.57%.

Discussion was held regarding parking. Attorney MacNeal indicated they are modifying the one parking lot in the corner and will be replacing the same number of spaces as what currently exists. Mr. Runge is planning on a plan resubmission next week to add in another parking space.

Mr. Runge noted there are 26 spaces on that existing lot and the plan shows replacing 25 and they will add one more.

Attorney MacNeal stated the proposed townhouse units will each have at least two dedicated parking spaces with each unit. They will not be impacting the overall parking issue on this property. There will be a total of 46 spaces.

Mr. Runge noted they will have one required handicap space which is shown.

Chairman Staub asked if there is a sidewalk connection from the arch of the existing sidewalks to the other parking. Mr. Runge stated they did make a connection off the end of the other building to the parking lot. There are no handicap spots in that location.

Chairman Staub recommended that a sidewalk connection be installed over to the handicap spot.

Mr. Runge referred to Comment #4 noting the township ordinance requires the parking area to be curbed. He indicated they have curbing coming in from Stony Brook Drive and will bring it around to the curbing on to the other side. In order to meet the requirements of the ordinance and put in the rest of the curbing in, he indicated they would have to allow the existing grade for the water to flow towards that parking lot to be removed. They would have to depress and drop the top of the curb to meet the existing grade. He stated they would not want to build it up and trap water. The reason they are asking for that modification is to allow the water to sheet flow out as it currently does. They want to maintain a minimum of 2% to allow water flow.

Mr. Runge confirmed they are placing concrete wheel stop blocks to prevent cars from driving into the impervious area. Mr. Caloia stated this particular section of the zoning ordinance says that the township engineer can determine the curbing is not necessary for stormwater reasons and it is not required, so they will not be applying for an additional waiver or modification since it is a zoning issue. Either the township engineer will agree that the curbing is not required and they do not have to install it, or if there is a disagreement between the applicant and the township engineer, they would need to apply for a variance through the Zoning Hearing Board.

Mr. Luciani stated there are inlets on the property. He was concerned about preventing grass and

debris from plugging the inlets during a rainstorm.

Mr. Runge asked to meet with Mr. Luciani to discuss and resolve the issue in order to reflect it on their resubmission. Mr. Caloia indicated he will coordinate the meeting.

Mr. Robertson questioned the use of installing high pressure sodium lighting. He recommended the lighting be changed to LED.

Mr. Runge confirmed the owner is agreeable to install LED lights.

MR. ROBERTSON MOVED TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS FOR THE LAND DEVELOPMENT PLAN FOR LD-2020-0002 CANTERBURY COURT EXPANSION ALONG WITH THE FOLLOWING WAIVERS:

- **S. 289-11.A PRELIMINARY PLAN – THE DEVELOPER IS REQUESTING TO MOVE STRAIGHT TO FINAL PLAN.**
- **289-35 LANDSCAPING AND BUFFER YARDS - THE DEVELOPER IS REQUESTING A MODIFICATION TO ONLY INSTALL A BUFFER YARD AT THE AREA OF THE PROPERTY WITH THE NEW DEVELOPMENT.**
- **S. 289-12.A.2.F TRAFFIC IMPACT STUDY – THE DEVELOPER IS REQUESTING A MODIFICATION TO SUBMIT A TRAFFIC SUMMARY LETTER RATHER THAN A TRAFFIC IMPACT STUDY.**
- **S. 289-13.A PLAN SCALE – THE DEVELOPER IS REQUESTING A MODIFICATION TO DISPLAY THE PLANS AT A SCALE OF 1” = 20’.**

ALSO WITH THE FOLLOWING CONDITIONS:

- **SATISFACTORY COMPLETION OF ITEMS LISTED IN THE FIRST CAPITAL REVIEW LETTER DATED JUNE 9, 2020, WITH THE EXCEPTION OF ZONING COMMENTS 1,2 AND 3.**
- **THE ADDITION OF THE CHANGE TO LED LIGHTING**
- **CORRECTION ON THE FRONT COVER SHEET WITH THE CURBING**
- **INCLUSION OF A SIDEWALK FOR HANDICAP CONNECTION.**

SECONDED BY MR. TANZOLA.

Comments from the Chairman:

Chairman Staub indicated he appreciated the comments from the township engineer. He noted this is a confusing issue from a project that has moved on multiple zoning ordinances, which falls under an existing non-conformity with the 25% expansion. He felt although it warranted better clarity as to what types of densities would be appropriate, given the situation it seems like an appropriate replacement in that area and he was in support of approval.

MOTION UNANIMOUSLY PASSED.

Mr. Robertson noted there have been two situations with a similar issue of non-conforming residential, which have been confusing to applicants and others.

Chairman Staub advised the issue of units vs. area needs to be addressed relating to the language of non-conformity.

Mr. Caloia stated there was discussion to include zoning ordinance changes on the next Planning Commission agenda. He noted he will bring a list of potential changes before the Planning Commission next month to review. He noted the requirement for LED lights in the lighting standards would be added.

5. WAIVER RECOMMENDATIONS - None

6. INFORMATIONAL – Open Ended Plans in Review Process

LD 2019-05	Rutter’s #57 Expansion	Waived
LD 2019-06	Stonewood Logistics Center	Waived
LD 2019-07	3750 E Market St	September 30, 2020
LD-2017-04/	Springetts Commons	Waived
SD-2017-08		

7. NEW BUSINESS

Text amendment to include Multi-Family as an approved use within the Town Center Overlay

Alex Snyder, Barley. Snyder
Ben Bamford, True Commercial Real Estate
Steve Schmitt, SEG Realty Group (Applicant)

Mr. Caloia noted several months ago the Planning Commission recommended approval and the Board of Supervisors subsequently approved, a text amendment to allow an adapted re-use of existing structures to become self-storage. He indicated there was a developer-led zoning ordinance change which was looking at the Bon-Ton facility. It was his understanding that the initial developer for that facility had dropped out and there is someone else who is looking to take over the project. They are considering self-storage in the Bon-Ton facility but are also considering multi-family as an outbuilding in the mall parking lot within the Town Center Overlay. The stated goal according to the town center plan is to create more of a walkable community and having residential uses within that center as the best way to create a walkable community. Mr. Caloia recommended they should consider applying a density factor to multi-family dwellings within the town center overlay.

Mr. Snyder stated he was before the Planning Commission in 2019 on an adaptive re-use text amendment. At that time one of the issues was considering the life span of the Galleria. He noted the mini-storage use was positive, but there were some questions about how it fits. He characterized the multi-family use as part of the town center is that it is neither permitted nor excluded currently, so the text amendment would be to permit a multi-family dwelling with input from the township by conditional use.

Mr. Schmitt stated the previous development envisioned turning the Bon-Ton into a self-storage facility, however this would entail having the second story floor to be reinforced in order to carry the weight of self-storage due to ordinance requirements for warehousing and minimum floor area requirements. Mr. Schmitt indicated he has recently seen renovation and reinvention of

mall space. He indicated this site is attractive to their team since it has two entrance levels. The lower level is where they are proposing a multi-family dwelling on an island of its own, separate from the mall. As he illustrated on the design sketch, they are proposing to create a courtyard with a sense of community. They are considering an outdoor pool but may consider moving it inside of the Bon-Ton on the first floor. Conceptually they are considering three buildings, at least 100 units. On the first floor in the building they would still develop self-storage although it would be a scaled down version of 50,000 sq. ft. of unit space. According to the sketch, it would not be visible from the outside, so they would need to rely on appropriate advertising in order to let the public know it exists at that location. Mr. Schmitt believed the attributes of the mall would be re-invigorated with people living on the site, as well as with the aspect of the casino being developed. He noted they will need to address density concerns.

Mr. Schmitt indicated he has been associated with a group of developers for many years. They have completed over 2000 multi-family units, nearly a million sq. ft. of office and retail. Currently they have three development projects underway that involve a combination of "For Sale" housing, market rate multi-family rental which is what they are proposing for this site. They have also developed senior housing including independent living, assisted living and memory care, which are master plan communities on approximately 50 to 70 acres sites. He noted their local development participant is the Horst Group from Lancaster who would be the property management group. They would use a local architectural team - Core Designs. He noted Mr. Bamford has been instrumental in helping them move forward with the local municipality as well with the seller. They have a local storage company they will utilize for the development of the storage space within the building.

Mr. Bamford indicated they are adding residential units to try and reinvigorate malls that have lost many large retailers. Adding residential to a mall adds opportunities for the mall since it creates an audience that can be accessed easily, with an opportunity to create a residential neighborhood in the overlay that has many amenities.

A question was asked regarding parking. Mr. Schmitt stated it would be outdoor surface parking with additional parking on the upper level linked by a stair tower which will serve the upper floors of the building and provide access to the courtyard. He noted they anticipate at least 150 spaces on the lower level for approximately 100 units.

In regards to a question concerning the space on the upper floor of the Bon-Ton, Mr. Schmitt indicated they are hoping to turn it into a family entertainment space, something that complements the mall since it has first floor access and grade access to the parking area. The space is approximate 65,000 sq. ft. floor plate. The floor may have to be reinforced as a function of its future use, while maintaining economic viability.

Discussion was held regarding the density. Mr. Snyder stated they are hoping for a higher density of perhaps 35-40 units per acre, which they determined is appropriate with the surroundings, amenities, and the green space. He noted input from the Planning Commission in terms of criteria would be helpful.

Discussion was held as to how the area would be isolated from the surrounding area for security. Mr. Schmitt pointed out to the east is a retaining wall which is a natural buffer between the upper lot and the lower area, with the mall ring road. On the right-hand side they are proposing landscaping via a hedge row. He noted they are sensitive to the security necessary for the area.

Mr. Caloia mentioned he wanted to discuss implications township-wide, not only related to this

development to fully understand what approving the zoning ordinance change would entail. He pointed out on the zoning map, the area of commercial-highway zone which does not allow multi-family residential. He noted the Town Center Overlay does not explicitly prohibit or permit it as the ordinances stand currently. Anything in the mixed-use zone a developer could develop multi-family using the zoning classification on the underlying zone. This would allow permitting multi-families now being constructed in this area and also in the Galleria Mall, but for practical purposes no changes for this area. The only item to discuss is the possibility of including a density factor currently in the mixed-use zone which does not have any density factor requirements. He added if they were to add a density factor, any areas now within the mixed use would have to meet that density factor. Mr. Caloia indicated he heard some planners suggest not including a density factor when considering including a walkable community, however, others tend to agree with higher density allowances than normal in a residential zone as having more people in a concentrated area to help promote walkability.

Mr. Caloia stated moving forward he will have the text amendment as an action item in July. He will be working with the applicant to determine the density factor. He asked if the general consensus is the Planning Commission would be agreeable with a higher density factor than the standard which 30 units per acre.

All were in agreement.

8. OLD BUSINESS

On another item Mr. Caloia wanted to make the Planning Commission aware of questions in the past about the Springetts Commons site which was a conditional use item and then a land development, and never got final land development approval. He noted he had conversations with the attorneys representing the owners of the site with questions about if their conditional use were still valid, as they would like to get moving again on the site. Their conditional use is still valid for now. He talked to Attorney Rausch and noted they may be requesting some of the developers who have land development plans in review, that they either make movements or withdraw their plan.

Attorney Rausch announced that Shane Rohrbaugh is rejoining the firm. Attorney Rohrbaugh will be working with the Township and attending future Planning Commission meetings.

9. ADJOURNMENT

CHAIRMAN STAUB ADJOURNED THE MEETING AT 7:50 P.M.

Respectfully submitted,

Secretary

/ses