

**UPPER ALLEN TOWNSHIP
BOARD OF COMMISSIONERS MEETING
March 20, 2024 - 6:30 P.M.**

COMMISSIONERS

Kenneth M. Martin, President
Richard A. Castranio, Jr., Vice President
Virginia M. Anderson, Assistant Secretary
Eric Y. Fairchild, Assistant Secretary
Phil J. Walsh, Assistant Secretary

TOWNSHIP OFFICIALS

Scott Fraser, Township Manager
Timothy Wendling, Assist. Town. Manager
Andy Parsons, Chief of Police
Jennifer Boyer, Comm Dev Director
Brian Barnes, Lieutenant
Barry Cupp, Sewer Dept. Manager
J. Stephen Feinour, Solicitor
Jason Reichard, Engineer
Tom Shumberger, Fire Chief

CALL TO ORDER

President Martin called the Board of Commissioners meeting to order at 6:30 p.m. A moment of silence was held, and the Pledge of Allegiance was recited by all. Roll call was taken by Mr. Fraser.

PRESIDENT'S ANNOUNCEMENTS

President Martin welcomed everyone to the meeting. He mentioned that the Park department received an Award of Excellence at the Pennsylvania Recreation Parks Society Conference in Seven Springs on March 14th. President Martin added that the new website is up and running, but that it is still a work in progress as any new technology usually takes some time to streamline. He mentioned that there were some power interruptions before the meeting and if the lights go out, the generators will turn on.

PRESIDENT'S RECOGNITION OF VISITORS

There was no recognition of visitors.

**CONSIDERATION/APPROVAL OF MINUTES OF
BOARD OF COMMISSIONERS MEETINGS**

President Martin asked for any comments or corrections to the Minutes of the February 21, 2024, Commissioners Meeting.

Commissioner Walsh made a **MOTION** to approve the Minutes of the February 21, 2024, Board of Commissioners Meeting, **SECONDED** by Commissioner Fairchild. The motion carried unanimously.

CONSENT AGENDA

Vice Chairman Castranio made a **MOTION** to approve the Staff Report and Bills as follows, **SECONDED** by Commissioner Walsh.

Consideration/Approval of Staff Reports
Consideration/Approval of Bills in the Amount of \$935,066.33

President Martin asked if there were any comments about staff reports; there were none.

President Martin asked if there were any comments regarding the bills to be paid; there were none.

The motion carried unanimously.

PUBLIC SAFETY COMMITTEE

POLICE DEPARTMENT

Chief Parsons mentioned testing will be taking place to establish a Civil Service List for the position of police officer. He added that new electric bicycles have been purchased. Chief Parsons stated that the graphics have been added to the satellite office at Mechanicsburg Middle School.

FIRE DEPARTMENT

Chief Shumberger mentioned that there were 59 calls in the month of February, with an average turnout of 7.75 firefighters per call. He added that they had joint training with the police and are meeting at Messiah Lifeways to discuss fire-related topics. Commissioner Walsh asked at what point the turnout for the calls becomes a concern; Chief Shumberger stated that a low number would be 5, but that the number has averaged 7-10 firefighters per call since he became Chief.

PLANNING AND ZONING COMMITTEE

Consideration/Action of a preliminary/final subdivision plan for 900, 906, 908 Gettysburg Pike, UAT file #23-10-25

Ms. Boyer mentioned the purpose of this proposed project is to subdivide the property known as 900-906 Gettysburg Pike into two lots and exchange land with 908 Gettysburg Pike to create three separate lots for the three existing homes. She added that no new construction will take place with this subdivision plan. Ms. Boyer stated that there are a few existing nonconformities that will be allowed to continue, regardless of this subdivision plan. Such nonconformities include the building setback of the home on Lot 4, the building setback of the home on the new Lot 1, and a shed and small portion of the driveway setback on 908 Gettysburg Pike. She added that the residential uses of the subject properties are consistent with the Upper Allen Township's Zoning Ordinance and Comprehensive Plan.

Rory Chapman, A to Z Land Consulting Services, LLC, mentioned that he was originally hired to subdivide two homes on one deed; however, they discovered that a patio was partially constructed on another lot. Therefore, they swapped land between the two lots.

President Martin asked if each lot has their own utilities. Mr. Chapman confirmed that they do. Vice Chairman Castranio mentioned that this is a simple plan.

Commissioner Walsh made a **MOTION** to approve the preliminary/final subdivision plan for the Anderson's and Harbold's properties at 900, 906, and 908 Gettysburg Pike, UAT File # 23-10-25, with the following conditions:

SUBDIVISION, LAND DEVELOPMENT

1. The Federal Aid Project along Lisburn Road appears to have granted additional right-of-way to PennDOT, who appears to have altered the property lines. However, there are public improvements along the western side of Gettysburg Pike which fall outside of the right-of-way boundary along the frontage of the three proposed lots. The public improvements should be within the existing right-of-way limits. Gettysburg Pike is shown as having a 50-foot right-of-way. Gettysburg Pike is a community arterial road, and, as such, shall be a width as determined by the Board of Commissioners, per Section 245-5.2.F.(2) of the Codified Ordinances. Section 220-5.2.B.(14) of the Codified Ordinances states that if a subdivision or land development abuts an existing Township and/or state street which has a right-of-way less than the width set forth in Chapter 220, the developer shall dedicate to the Township or commonwealth, as applicable, the amount of land necessary so that the distance from the centerline of the street to the edge of right-of-way abutting the proposed development is $\frac{1}{2}$ the ultimate right-of-way width. The Applicant shall review the distance of the public improvements outside the public right-of-way and discuss dedicating additional land with the Board of Commissioners, modifying the plan as necessary.

2. Street trees are required, per Section 220-5.13.D. of the Codified Ordinances. Per subsection D.(7), two trees are required for every 100 linear feet. Given the total length of the three lots, it appears nine (9) street trees should be planted (five trees for Lot 4, two trees for Lot 1, and two trees for 908 Gettysburg Pike), and only six new trees are identified on the plan. There is reference to an existing tree on Lot 4, although it is unclear as to the type of tree and whether it qualifies as a canopy tree. Additionally, the planting detail references compliance with Section 220-26.D (7), which is an outdated section number. The plan must reference Section 220-5.13.D. (7).

GENERAL

3. The adjacent Neighborhood Commercial (C-1) zoning district must be identified on the plan, per Section 3.5.C.(2)(k) of the Codified Ordinances.

4. The zip code for Mechanicsburg is 17055, not 17025. The zip code is listed incorrectly in the title block and the owner/subdivider block.

5. Under General Notes, the statement that nothing shall be placed in an easement in Section 220-5.10.A.(2) shall be noted on the plan, per Section 220-3.6.B(1)(m) of the Codified Ordinances. *Note: The entire statement itself shall be noted on the plan, not just the reference to the ordinance section.*

ADMINISTRATIVE

6. All improvements can be completed prior to recording of the plan once conditional approval are granted. This includes the following improvements:

a. Setting of any property pins and/or monuments. A signed and sealed letter from a registered engineer or surveyor must be provided, indicating any property pins and/or monuments that have been set prior to recording of the plan, and have been installed in accordance with the requirements of Section 220-5.11. of the Codified Ordinances.

b. Planting of any required street trees, in accordance with Section 220-5.13.D. and the approved landscaping plan.

7. All improvements are required to be inspected for compliance with the approved plan design. Any review and/or inspection fees shall be the responsibility of the Applicant, in accordance with Section 220-7.3.B. of the Codified Ordinances and the Township's Fee Schedule. If any of the required property pins and/or monuments are not set, nor any/all required trees are planted prior to recording the plan, then financial security and all required inspection fees shall be provided in accordance with Sections 220-4.2 and 220-7.3.B. of the Codified Ordinances.

8. The Applicant must sign the plan and have the signatures notarized according to Section 220-3.5.C.(2)(dd) and 220-3.6.B.(1)(a) of the Codified Ordinances.

9. The Applicant must have the plan signed and sealed by a licensed surveyor and licensed engineer certifying to the accuracy of the survey and plan in accordance with Section 220-3.6.B.(1)(b) of the Codified Ordinances.

10. The Applicant shall also comply with all fees, taxes, utility rentals, building, police or fire codes, ordinances, resolutions, and regulations as may be in effect from time to time concerning the proposed development.

11. The Applicant shall pay such fees as are charged from time to time by Upper Allen Township for other further reviews or permits as may be required concerning the proposed development.

12. The Applicant must satisfy all conditions on the approval of the plan and the plan must be recorded within 180 days from the date of written conditional approval by the Board of Commissioners or the plan will be considered disapproved.

13. Upon approval of the final plan, and prior to obtaining Township and County signatures for final plan recording, the Applicant shall provide a CD, a flash drive, or an electronic file submission that includes a .dwg AutoCAD file that includes one drawing of all the lots on the plan, in accordance with Section 220-3.6.A.(14) of the Codified Ordinances of Upper Allen Township.

The data shall include all tract and parcel boundaries, lot lines of all lots on the plan, building footprints, street rights-of-way (public and private), curbs, sidewalks, storm sewer infrastructure, sanitary sewer infrastructure, edge of pavement,

hydrants, all utility or other easements (public and private), declaration of planned communities/condominium documents (including amendments), and any other data as required by the Township and the County. The file shall be with a spatial projection of PA State Plan projections, PA South Zone (3702), NAD83 horizontal datum, NAVD88 vertical datum. Units shall be in US survey foot. A digital copy of the final plan in PDF shall also be submitted. The County Planning Department will not sign final plans until this file has been provided to them.

Since there are conditions on the approval of this plan, the plan will be rejected unless the owner/applicant agrees, in writing, within thirty (30) days, to comply with and abide by the specific conditions of approval.

The motion was **SECONDED** by Vice Chairman Castranio and carried unanimously.

Consideration/Action of a preliminary/final land development plan and street opening request 2509 Mill Road, UAT File #22-05-02

Ms. Boyer mentioned the proposed project is for the demolition of the existing single-family home and shed, and construction of 13 townhomes. The Board of Commissioners has reviewed the plans for this project at its January 18th, September 6th, and December 20th, 2023 meetings. She added that, at the December 20, 2023 meeting, outstanding issues were discussed. Action was tabled to allow the applicant additional time to address certain concerns, including, but not limited to: the location of existing mailboxes along Mill Road and the future cluster mailbox design for the proposed townhomes; school bus pick-up and drop-off schedule and location; various public safety concerns; property management; general upkeep of the privately-owned facilities; impact to existing infrastructure; addressing any outstanding traffic concerns; consideration of overall development density; repaving design for Mill Road for the street opening request; utility relocations for this proposed development and affected property owners; and meeting with the neighbors and other affected nearby residents to address any other concerns.

Ms. Boyer mentioned that, according to the Applicant's response letter and revised land development plan, dated February 28, 2024, a neighborhood meeting was held on January 31, 2024. Based on the contents of that meeting, the Applicant eliminated one townhome unit (reducing the total number from 14 to 13 townhomes), which could create a slight reduction in total vehicle trips from the development. The elimination of the one townhome (unit B6) addresses visual impact concerns for the property owner at 605 Wingert Drive, as well as decreases the density of the development. Total impervious coverage of the site is reduced to 42.7% (maximum is 45%). The total number of parking spaces increased from 42 to 46 spaces. For the "A" units, this would include a 2-car garage and two surface level spaces per unit. For the "B" units, there would be a total of 12 surface level space in front of the units, plus two overflow guest parking spaces by the mailbox pad (one space would be ADA accessible).

Ms. Boyer stated that the redesigned driveway entrance onto Mill Road will not impact Mr. Weakland's driveway at 2513 Mill Road. Both property owners at 2505 and 2513 Mill Road are said to be agreeable to the placement of the relocated aerial utility lines. The existing mailboxes for residents on Mill Road will be relocated further northward towards the end of the new driveway.

Charlie Suhr, of Stevens & Lee and Matt Fisher, of RJ Fisher & Associates, introduced themselves. Mr. Sur mentioned that they were last before the board in December 2023 and that since then, there was a meeting on January 30th with good attendance. He added that they listened to the comments and concerns, and that they went over the plan with the residents. Mr. Suhr stated that they tried to talk about various solutions and modifications for the plan. Some of the highlights are: they reduced the number of units from 14 to 13 and that gave more green space; parking went from 42 spaces to 46 spaces. Mr. Suhr added that the access road onto Mill Road has been redesigned to eliminate any impact on the neighbor's driveway. The overhead utilities are being relocated, and both impacted property owners are agreeable in maintaining the provision of the electric and utilities through the overhead poles. Mr. Suhr stated that he felt the meeting was productive and left with a positive discussion and improved the project. He added that he is before the board now for the street opening request and a waiver on the stormwater easement in the back.

Mr. Fisher mentioned that the plans show a 24-foot width mill and overlay centered over the access drive. He added that and Mr. Reichard decided to expand the width to the north and the south by 10 feet each way, which would be a total of 44 feet. Mr. Reichard stated that the street cut would be following the ordinance, which requires the patch to extend and cover the entire width. Also, the buffer yard requirements are clarification on where it is around building A. He added that, even though the plantings are outside of the buffer yard, they are serving a purpose for the buffer yard and they comply. The waiver for the stormwater easement to go from 30 feet to 20 feet is for the northern property line where there is a small trench to divert water off the property line. He added that the rest of the easements on the property are the standard size.

President Martin asked Mr. Reichard if he had any comments; Mr. Reichard stated that he reviewed, and is fine with the reduction of the stormwater easement. Commissioner Fairchild stated that he has issues caused by the density of what is proposed and realizes they are just trying to follow the ordinance in place. He added that, in Chapter 245, the density amount for different types of homes, he feels, is inconsistent in the way it is written. He expressed that it is the same in R2 and R3 which is a broader issue than what we are talking about. Commissioner Fairchild referenced ordinance 245.12. He stated that he could keep going but he feels this would be reasonable if the same number of townhomes as the development across the street but not this many. Commissioner Fairchild stated that he does not feel that this is maintaining the character of that area, and you hear much of the same language in Chapter 220. He stated he feels it has a lot of impact on a small space. Mr. Suhr mentioned that ordinances should be used for meeting goals and to make sure you are following the rules, which this plan does comply. He added that they could have proposed a smaller plan but decided on this one and appreciated the comments on it.

Commissioner Castranio asked Ms. Boyer about ordinance 245.1.2. and asked if he was correct in thinking that it is a preamble to the zoning ordinance. and why we have them in place. Ms. Boyer stated that he was correct. Mr. Martin called on the residents in the audience that wanted to speak on this case.

Carole Weakland, 2513 Mill Road, thanked the gentlemen for dropping off the blueprints at her house, and inquired about the structure at the bottom right of the plans. Mr. Fisher stated that is a vegetative line. She asked if it is possible to put up a black fence where the fence is going so it won't look unsightly, and Mr. Fisher stated he is open to changing that. Ms. Weakland's last

question was: if the lights will be according to specification. Mr. Fisher stated that it is nine feet and will be shielded with no spillover. She stated she will be a good neighbor, but she asked them to be a good neighbor also.

Sherri Wolgemuth, 2510 Mill Road, stated she lives right across the street from where this is going on. She just wanted to say that the meeting they had was wonderful and a good time to discuss and hash things out. She added that they are willing to do what the neighbors want and it meant a lot when the owner said he would reduce the numbers if needed. Commissioner Fairchild mentioned that Susan McFadden, 2505 Mill Road, had mentioned before that at times, it is very hard to get out of her driveway due to traffic and Ms. Wolgemuth added that is correct for her as well.

Melanie Horvath, 605 Wingert Drive, stated the description of the meeting with the developers had some good changes but she that still had some major concerns. She thanked the Commissioners for their due diligence with the project and appreciated their letting everyone talk. She added that, as recently as this week, a gentlemen's agreement was reached to address some of their privacy concerns if the project would be approved. That being said, it would be very disingenuous of Vince and her to tell them that they support the project. She added that there are other concerns such as maintenance of the swales, lacking guarantee that they will be maintained.. Ms. Horvath stated that the biggest concern is the maintenance of the grinder pump and the wastewater system and that, from what she understands, the Township is not taking over the grinder pump. Instead, the property management would hire the personnel to take care of that. She called a gentleman with 30 years of experience and asked what he could tell her about the grinder pumps systems. He told her that based on that system, there will be a hard time controlling the odor as there will not be enough flow. From that she would like to know if the plans have been approved by DEP. Ms. Horvath also asked who sprays the swales for mosquitoes and who is enforcing that and making sure those things are being addressed. She added that she feels that the Township does need to review and revise the zoning ordinances.

Commissioner Castranio mentioned that there will be an operation and maintenance agreement with the township regarding the swales and that they will be actively monitored along with yearly inspections. President Martin stated that he assumes the grinder pump meets the specifications and Ms. Boyer states that Mr. Cupp had reviewed the grinder pump and all comments have been addressed.

Robin Banks, 835 Grantham Road, stated that it seems more and more developments and with the Banzoff tract that will like around one hundred more cars and the road is not built for this traffic. She added that the Township needs to start thinking about safety with small roads as there are going to be problems there. Ms. Banks asked that the traffic is investigated.

John Banks, 835 Grantham Road, mentioned that if the grinder pump fails or overflows, then it will go into the streams, and he asked about all the of the sediment when the development is under construction. He added that he has called before for other projects and the sediment does not get cleaned up right away. Mr. Banks stated that his dad was once on the sewer board, and that the sewer back in 1996 was overused. He mentioned that he is concerned about the grinder pump.

Jeremy Ellis, 513 West Lisburn Road, mentioned that he appreciates the words of fellow neighbors and Commissioner Fairchild. He stated that there are 8 or 9 single family homes landlocking this lot and it is very different from the other townhomes on the Mill Road. Mr. Ellis

mentioned that he understands the owner has been very accommodating, but he would prefer not to go ahead with this plan. If it does, he is asking for a privacy fence along the northern border as he has five children, including one with intellectual and physical disabilities; he is concerned with trying to keep his young children in his yard during the construction period. Mr. Fisher responded but the recording did not pick up his comment.

Ms. Weakland mentioned the traffic on Mill Road and that she has witnessed people using their horns and flying up the road. She added that they start braking at her driveway for the 4-way stop sign. President Martin asked the Police Chief to look into it and have it monitored.

Commissioner Fairchild asked if these will be rental units and Mr. Fisher stated that they will be. Commissioner Fairchild pointed out, that would be changing the character of the neighborhood as all the homes are privately owned. Commissioner Fairchild asked for an executive session for legal interpretation.

President Martin reconvened after a short executive session for a legal definition interpretation with no action taken.

Vice President Castranio made a **MOTION** to approve the modification of Section 220-5.10.a(1) to allow for portions of the sanitary sewer and storm drainage facilities easements to be 20 feet wide instead of the required 30 feet. The motion was **SECONDED** by Commissioner Anderson. Commissioner Fairchild stated that this is where density is in play for this request because, if there were less units, then this modification might not be needed. The motion carried 3-2.

Vice President Castranio made a **MOTION** to approve the preliminary/final land development plan for 2509 Mill Road, UAT File #22-05-02, with the following conditions:

SUBDIVISION/LAND DEVELOPMENT & ZONING

1. The Applicant has indicated the Applicant has met with the property owners of 2505 and 2513 Mill Road and they have come to an agreement regarding the reconnection of overhead electrical utility service, to avoid excavating their driveways and yards. Section 220-5.20.A. of the Codified Ordinances states that such utilities shall be installed underground; however, Section 220-5.20.B. allows for those abutting lots to be supplied with electric services from those overhead lines if there was an existing easement. Service connections shall be installed underground. The Applicant shall demonstrate that there is an existing easement, and note such easement on the plan. Section 220-5.10.A.(1)(b) requires a minimum 20-foot wide easement for utilities. Additionally, all plantings that would be within the easement area should be moved outside the easement to ensure, at full maturity, that they do not interfere with the utility line. If no easement exists, the utility line shall be installed underground, in accordance with Section 220-5.20.
2. The front yard along Mill Road must be labeled to include the Type 1 Buffer Yard, in accordance with Section 245-16.5.C. of the Codified Ordinances. The plan does indicate a buffer yard area, but it is only labeled as being ten feet wide. The buffer yard area is to be the entire front yard area of 25 feet, not a 10-foot area within the setback.
3. The decks for townhomes A1-A6 are within the buffer yard area. No part of the structure (the townhomes), including their decks, can be within a buffer yard area, per Section 245-16.3.A.(5), Section 245-16.5., and Section 220-5.10.A.(2) of the Codified Ordinances.

SANITARY SEWER

4. On Sheet 5 of 21 – Grading & Drainage Plan – the following shall be corrected on the final plan.
 - a. Delete note reading “6” Dia. PVC San. Lateral, Typ.” on the right side of drawing between the 514-516 elevation lines.
 - b. Label the sanitary sewer manholes as “G04-44” (upstream) and “G04-43” (downstream); see profile on Sheet 9.
 - c. Shift label to make visible “Existing Sanitary Manhole (G04-38)”.
5. On Sheet 9 of 21 – Sanitary Sewer Plan and Profile, Plan View – the following shall be corrected on the final plan:
 - a. Label the sanitary sewer manholes as “G04-44” (upstream) and “G04-43” (downstream) in plan view; see profile.
 - b. Cleanup note at existing manhole G04-38 in Mill Road in plan view, as follows:
 - i. Eliminate shading in Mill Road.
 - ii. Redirect leader to manhole G04-38.
 - iii. Revise “Inv. In. = 525.87 (2)” to “Inv. In. = 525.87 (3)”.
 - iv. Darker or otherwise make clear manhole/symbol.
 - c. Redirect leader from the label “6” Dia. PVC San. Lateral, Typ.” to the lateral.
 - d. Redirect leader from the label “8” Dia. Private Sewer Main, Typ.” to the sewer main.

ADMINISTRATIVE

6. An engineered design of all retaining walls shall be submitted to the Township for review and approval prior to recording the plan, per the retaining wall detail (Sheet 11).
7. The fire hydrants shall be equipped with the 5” Storz adapter, per Section 220-6.9.C.(3) of the Codified Ordinances. A note shall be placed on the plan, either in general notes or on the fire hydrant detail sheet.
8. The Applicant shall obtain approval of the planning module for new land development or approval of an exemption from the planning requirements from the Township and PA DEP in accordance with the requirements of Section 220-5.7.A. of the Codified Ordinances of Upper Allen Township and pay all applicable application and tapping fees in accordance with the requirements of Section 200-15.D.(8) of the Codified Ordinances.
9. This project is situated in the Grantham Interceptor Special Sewer District within the Township (Ordinance 741, Chapter 200, Article XI), having an additional cost of \$325.06 per EDU. This amount is in addition to the current tapping fee of \$1,840.00 per EDU. The applicant shall pay the total fee to the Sewer Department before recording the plan.
10. The Applicant must provide evidence that the sanitary sewer system design has been reviewed and approved by the Township Engineer and/or Township Sewer Manager, in accordance with Section 220-5.7.D.(3)(b) of the Codified Ordinances.

11. The Applicant must enter into a Reservation of Capacity (ROC) Agreement with the Township and pay the appropriate ROC fees, or, pay tapping fees for the number of approved EDUs.
12. The Applicant must enter into a Sewer Extension Agreement with the Township and furnish the required \$1,000.00 escrow for plan and legal review costs, provide plats and legal descriptions for sanitary sewers to be located outside of the public rights-of-way, furnish the required escrow amount for inspection and related costs, and provide appropriate installation financial security for the sanitary sewers.
13. The Applicant shall enter into a Stormwater Best Management Practices Maintenance Operation and Maintenance Agreement with the Township and pay all applicable fees, in accordance with Section 214 of the Codified Ordinances.
14. Any modifications, waivers, and/or deferrals granted by the Board of Commissioners shall be listed on the final plan, including the date in which such action was granted, in accordance with Section 220-3.6.B.(3) of the Codified Ordinances of Upper Allen Township.
15. The Applicant must contribute to the Township Recreation Land Acquisition and Improvement Fund in the amount of \$29,900.00. This contribution to the Fund shall be paid at the time of approval of the subdivision or land development plan in accordance with the requirements of Section 220-5.15.D.(4) of the Codified Ordinances.
16. The Applicant must sign the plan and have the signatures notarized according to Section 220-3.5.C.(2)(dd) and 220-3.6.B.(1)(a) of the Codified Ordinances.
17. The Applicant must have the plan signed and sealed by a licensed surveyor and licensed engineer certifying to the accuracy of the survey and plan in accordance with Section 220-3.6.B.(1)(b) of the Codified Ordinances.
18. The landscape architect licensed by the commonwealth of Pennsylvania shall sign and seal the landscaping plans, as designed in accordance with Section 245-14.61.G. of the Codified Ordinances.
19. The Applicant must submit a signed and sealed construction cost estimate for all public improvements, including sanitary sewer work, in accordance with Section 220-4.2. of the Codified Ordinances.
20. The Applicant must provide financial security in a form acceptable to the Township and in an amount to be estimated by the applicant and approved by the Township Engineer to ensure construction of the improvements and/or concrete monuments shown on the plan, and the applicant must enter into an agreement with the Township providing for construction and installation of all improvements shown on the plan according to Section 220-4.2. of the Codified Ordinances. The financial security shall contain the provision that the Township shall be informed in writing thirty (30) days before the expiration date of any letter of credit or bond provided as a condition of approval.
21. The Applicant must also furnish financial security to the Township in an amount equal to the required percentage of the total financial security provided to cover the cost of construction

inspection, administrative, and other related costs according to Section 220-7.3.B. of the Codified Ordinances.

22. The Applicant shall obtain final water design approval from Veolia Water Company and note any easements on the final plan. The Township shall review the final updated design plan prior to recordation.
23. The Applicant shall also comply with all fees, taxes, utility rentals, building, police or fire codes, ordinances, resolutions, and regulations as may be in effect from time to time concerning the proposed development.
24. The Applicant shall pay such fees as are charged from time to time by Upper Allen Township for other further reviews or permits as may be required concerning the proposed development.
25. The Applicant must satisfy all conditions on the approval of the plan and the plan must be recorded within 180 days from the date of written conditional approval by the Board of Commissioners or the plan will be considered disapproved. Since the final land development plan is approved with outstanding conditions, the signature block for the Upper Allen Township Board of Commissioners shall state the date on which the conditional approval is granted.
26. Upon approval of the final plan and prior to obtaining township and County signatures for final plan recording, the Applicant shall provide a CD, a flash drive, or an electronic file submission that includes a .dwg AutoCAD file that includes one drawing of all the lots on the plan, in accordance with Section 220-3.6.A.(14) of the Codified Ordinances of Upper Allen Township. The data shall include all tract and parcel boundaries, lot lines of all lots on the plan, building footprints, street rights-of-way (public and private), curbs, sidewalks, storm sewer infrastructure, sanitary sewer infrastructure, edge of pavement, hydrants, all utility or other easements (public and private), declaration of planned communities/condominium documents (including amendments), and any other data as required by the Township and the County. The file shall be with a spatial projection of PA State Plan projections, PA South Zone (3702), NAD83 horizontal datum, NAVD88 vertical datum. Units shall be in US survey foot. A digital copy of the final plan in PDF shall also be submitted. The County Planning Department will not sign final plans until this file has been provided to them.

Since there are conditions on the approval of this plan, the plan will be rejected unless the owner/applicant agrees, in writing, within thirty (30) days, to comply with and abide by the specific conditions of approval.

The motion was **SECONDED** by Commissioner Anderson. Commissioner Fairchild stated that hopefully he has identified his reason for support of the denial. The motion carried 3-2.

Vice President Castranio made a **MOTION** to approve the applicant's request to perform work within the right-of-way of Mill Road, which was paved within the past five years. The motion was **SECONDED** by Commissioner Anderson. Commissioner Fairchild asked if there was less density, and if they would still have to do work in the street; Mr. Fisher said yes. The motion carried unanimously.

President Martin thanked everyone for taking the time to come out. He stated that the Board has acted, has taken into consideration all of the comments from residents, and that the owner seems to be very understanding. He added it might not be everyone's preference, but that the Board is obligated to follow its own ordinances, and hopefully has reduced some of the issues for neighboring residents.

Consideration/Action of a zoning map amendment request within Autumn Chase Development

Ms. Boyer mentioned that the Hertzler Road Associates ("Applicant") is requesting a zoning map amendment to rezone a residual portion of the Autumn Chase development tract. She provided the board with a binder prepared by the Applicant outlining their request. The Autumn Chase development is a 142.55-acre parcel of land, with approximately 127.77 acres as developable land already zoned as a Planned Residential Development (PRD). The Autumn Chase PRD was approved in 2012 for the development of 295 dwelling units. The development, once completed, will be comprised of 161 single-family detached dwellings, 60 duplex units, and 74 townhouse units.

The residual 14.8-acre lot was located within a zoning district that did not permit the PRD overlay. Therefore, it was not included in the original PRD application. The tract was split-zoned, and when the Township comprehensively amended its zoning map in 2017, the land remained split-zoned. The Applicant would like to rezone this 14.8-acre residual lot from Low-Density Residential (R-1) to Medium Density Residential (R-2), so that it could qualify for inclusion into the Autumn Chase PRD. The Applicant would then like to apply the PRD overlay district to this residual land. The residual lot would be developed into 22 single-family detached dwelling lots, for a total of 317 units within the Autumn Chase PRD neighborhood. A total of 6.9 acres would remain as private open space around the homes.

Ms. Boyer stated that if the board decides to move forward, the request will go before the Planning Commission and the County Commission before any official action takes place. Ms. Boyer added that one public comment was sent online regarding this from Mr. Bowersox on Pennington and that will be entered into the record.

The comment is as follows: Kevin Bowersox, 317 Pennington Drive: "I strongly and respectfully request that Upper Allen Township Commissioners reject the petition to rezone 14 acres of the Autumn Chase Development. Several of the statements made within the petition that support rezoning are speculative and subjective, failing to justify why the township should deviate from the originally agreed upon zoning designation. The third argument in section 3 of the petition states, "Serves to promote ingenuity and originality in total subdivision and site design". I do not believe switching to R-2 zoning demonstrated ingenuity or originality. There is no concrete evidence provided to support this claim. The fourth argument in section 3 of the petition states, "serves to maintain or increase Township property values, and enhanced opportunities for Township residents". This is pure speculation, akin to predicting the price of the S&P 500 in five years. There is no concrete evidence supporting this claim. It could be argued that this change oversaturates our housing market, lowering township property values. As a resident, I'm concerned about over development within our township. I believe our schools, infrastructure and other resources will become strained by increasing the population through unrestrained development practices, which I believe this petition represents. Additionally, a tremendous amount of natural habitat and space is lost every year to development within our township. In my opinion, this places strain on the local wildlife, destroys the splendor that many love about our township and lowers our quality of life. I urge the township commissioners to consider the interest of those who will remain invested in our community long after the last development lot is sold."

Tim Mellott, of Mellott Engineering, stated that the property is in a split zone, which is very uncommon. He added that the intention is to put this in front of the planning experts and then come back before the Board, but would take questions at present. Commissioner Fairchild stated that he would have presumed this would have been done before when the plans for the development first came to the Board and doesn't understand why it is just now in play. Mr. Mellott mentioned there were talks about it, but it just never took place. Mr. Mellott asked if certified mail goes out the abutting properties notifying them of the proposed changes. Ms. Boyer stated that they would go out to neighboring properties and, with Autumn Chase having an HOA, it would be sent out to any known HOA's as well. Commissioner Fairchild asked how big of a notice this would be. Ms. Boyer stated it would need a 30-day notice for a map change. Mr. Fairchild asked if it goes along Mt. Allen, and Mr. Mellot stated that anyone that abuts this section of land will receive notice. Mr. Mellott stated that he doesn't care who it is sent to. President Martin added that the property would be posted as well. Commissioner Fairchild stated that he is not getting a satisfactory answer. He again asked Ms. Boyer who would be notified, that if it is open space, querying whether residents in Pennington would get a letter. Ms. Boyer replied that she will go above and beyond, and notify the HOA's of the properties that are on the other side of the open space. Commissioner Fairchild stated that again his words were being challenged; and stated that he is asking that the Township notify the people in Pennington. President Martin added that what Ms. Boyer is saying is that the Township is required to notify all abutting properties; he stated that the Township generally goes above and beyond. Mr. Fraser reminded Commissioner Fairchild to direct his questions to the manager and that Ms. Boyer would notify the HOA of Pennington. Commissioner Fairchild stated that he would like all the residents in Pennington Estates to be notified. Vice Chairman Castranio mentioned that the land touches a lot of open space which backs to several homes, and he feels those owners should be notified as well. Ms. Boyer presented a map showing where the property in question is located and the area that abuts that property. She stated that Allenview Development is a townhome community, and the land is owned by the HOA, not the homeowners. She also showed that the land between the property in question and the home in Pennington is open space owned by the HOA. Ms. Boyer stated that, if the Board would like, she could notify the homes in Pennington that are not owned by the developers. President Martin asked where the fairness is and requested a rationale for who to include and who not to include.

Margaret Eckrote, 903 Hertzler Road, asked how many homes there were and was told 295 homes. She stated this is adding more and more cars on the country road. Ms. Eckrote mentioned that now we have lost all that land to absorb water and asked to please stop adding homes on this road.

Jim Cochran, 384 Allison Avenue, said history will show this developer has a habit of coming back with changes. He asked how many additional homes this will include, and Mr. Mellott stated that it will be 22 homes on 14 acres with stormwater as their main focus. Mr. Martin stated that questions are being asked by the Board that Mr. Mellott should be prepared to discuss in the future. Mr. Cochran added that developers come in all the time and say how bringing in more homes benefits the township. He added that it doesn't take any more roads to put in a few homes on bigger lots. Mr. Mellott stated that people now want smaller lots for their homes.

Vice Chairman Castranio made a **MOTION** to authorize the appropriate Township staff to refer the zoning map amendment and revised tentative PRD plan requests for the residual tract within the Autumn Chase development, as presented, to the Township Planning Commission for their review and

recommendation. The Applicant is required to submit their application to the County Planning Commission for their review and recommendation. The motion was **SECONDED** by Commissioner Anderson. The vote was 4-1.

PUBLIC IMPROVEMENTS COMMITTEE

Consideration/Action bids for HVAC improvements to the Township Building

Mr. Fraser stated that the 2024 Approved Township Budget included \$750,000 in the Facilities Improvement Fund for the Township Building HVAC Projects. The Project includes the replacement of energy recovery units, air handlers, and rooftop units due to end-of-life concerns and interest in more efficient units. Additionally, the project includes the installation of building automation systems and UV air purification systems. The construction estimates for all items to be bid will be in the \$825,000 to \$900,000 range to allow the Board the opportunity to evaluate and deduct items that are of lower priority.

Mr. Fraser mentioned that a bid opening was held on March 12, 2024. Only one bid was received for the base contract. Heim Electric bid \$774,940 on the base contract, which included the replacement of building controls.. EI has been invited to the Township's Public Improvement Meeting to discuss potential options and future action. The improvements are based on the results of the Long-Range Facilities Plan that was developed and submitted by EI in August of 2022.

Mr. Fraser recommends that, due to the lack of bids and overall expense of the build received, the bid should be rejected.

Commissioner Fairchild made a **MOTION** to reject the bid from Heim Electric in the amount of \$774,940 for the Township Building HVAC Projects. The motion was **SECONDED** by Vice Chairman Castranio and passed unanimously.

Consideration/Action on request to advertise bids for the 2024 Road Improvement Projects

Mr. Fraser stated that the approved 2024 Upper Allen Township Budget contains \$1,435,000 in the Permanent Improvement and Liquid Fuels Funds for the 2024 Road Paving Project. He added that additional funding is included from the Sewer Reserve Fund and Stormwater Authority Fund for various paving and repair projects. Mr. Fraser stated that the total estimated construction costs related to the Permanent Improvement Fund and Liquid Fuels Fund is \$1,667,757 (this total includes \$152,082 which is partially budgeted out of the Permanent Improvement Fund), with another \$450,385 estimated costs being associated with the other listed funds.

Mr. Reichard mentioned that the areas of focus are Candlelight Drive, Kendall Drive, Southview Drive, Fisher Road, and others. He added that the spinoff projects include sanitary sewer and various stormwater repairs. Commissioner Fairchild inquired about the time horizon for the project. Mr. Reichard stated that the bid opening would be before the April 17th meeting, followed by a window to sign the contracts and start the work. Commissioner Fairchild stated he meant time-wise for the project work and if there was to be a window included for a potential time extension. Mr. Reichard stated that the Township has had to give time extensions before. Mr. Fraser added that if it goes too late in the fall, then it falls while school is in session. Mr. Reichard stated that the latest allowed is October 15th due to Liquid Fuels. Commissioner Martin mentioned that he is not in favor of going into October because that is too close to the deadline but is okay extending it to the end of November.

Commissioner Fairchild made a **MOTION** to authorize the appropriate Township Staff to advertise the 2024 Road Paving Project. The motion was **SECONDED** by Vice President Castranio and passed unanimously.

Resolution to Delete Sections of the PennDot Publication 408 that Limit the Use of the Bituminous Price Adjustments for Projects with more than 100 Liquid Tons of Asphalt

Mr. Fraser stated that this resolution will provide additional flexibility of who can bid on the projects. Mr. Reichard mentioned that, without this, contractors have to guess what the cost is, and by doing this, the price is based on what the current price is with a fluctuation so that it can be budgeted.

Vice President Castranio made a **MOTION** to adopt resolution no. 1097 to allow an Escalator Clause for bituminous material to be included in the Proposal. The Escalator Clause will follow Pennsylvania Department of Transportation Publication 408, Section 110.04, latest edition with the following exceptions:

1. **Section 110.04.(a):** Delete “100 tons of asphalt cement.” Price adjustment of bituminous material will apply to all quantities of asphalt cement, including asphalt cement residue contained in emulsions or cutbacks, which will be used in the bituminous materials specified or indicated for placement.
2. **Section 110.04.(b).7:** Delete “Cumulative price adjustment amounting to less than \$500.00 will be disregarded.” Bituminous price adjustment will be calculated for any payment or rebate.

The motion was **SECONDED** by Commissioner Walsh and passed unanimously.

Consideration/Action of a street opening request for 5112 Kylock Road

Ms. Boyer stated that the Township has received a letter from Mr. Dan Fauth, Field Operations Supervisor at Pennsylvania American Water, requesting permission to open an 8’x5’ trench in the south shoulder area of Kylock Road. An additional 4’x5’ opening will be made within the public right-of-way, but outside of the paved area. This proposal is to install a new water service to serve the residents 5112 Kylock Road. She added that project plans have been provided.

Ms. Boyer stated that, per Section 217.12 of the Streets and Sidewalk Ordinance, any person seeking to open or excavate a street that has been paved within five years must receive approval from the Board of Commissioners. A Chip seal & Fog seal was placed on Kylock Road during the summer of 2023. Ms. Boyer added that Township staff will be reviewing the full permit, and that, to date, there are no known issues. She stated that if approval is granted, staff will work with UGI to ensure the road openings are restored in accordance with Chapter 217.

President Martin asked if it would just be the opening that would be restored or if they would go out further. Ms. Boyer replied that they would have to meet the standards: go out ten feet to the middle of the carway. President Martin stated that, if approved, to make sure they understand what area needs to be fixed.

Commissioner Fairchild made a **MOTION** to approve the request by Mr. Dan Fauth, Field Operations Supervisor at Pennsylvania American Water, to open cut an 8'x5' trench in the south shoulder of Kylock Road. The Applicant will be required to pay all applicable fees and perform all required temporary and permanent restoration to the openings, as presented, and in accordance with Chapter 217 of the Township Ordinances. The motion was **SECONDED** by Commissioner Walsh and passed unanimously.

Consideration/Action on authorization to notify Cumberland County of the Township's intent to remediate the Bishop Bridge

Mr. Fraser mentioned that, in the past week or two, he and Mr. Wendling have had several meetings regarding the bridge. He stated that he is requesting authorization to communicate to Cumberland County through a letter with intent to remediate Bishop Bridge if certain things fall in place. Mr. Fraser mentioned that he talked with Mr. Stoner at the County, and expressed that he would need until June or July to do appropriate due diligence.

Mr. Fraser stated that he is suggesting to move forward with the communication. President Martin asked if there was any comments, support, or discussion. Commissioner Fairchild added that the County has been very responsive so far. Mr. Fraser added that the township will need to check into engineering, legal, and funding, and then follow up with the process and the cost.

President Martin suggested the Board agree by discussion to move forward with the notification, with no specific action or expenditure of funds at this point. Mr. Fraser added that he will need to spend money on vendors. Martin understood and stated he meant construction costs.

SANITARY SEWER SYSTEM

Vice President Castranio asked if Mr. Cupp could put together a quick memo on the grinder pump for the Mill Road project.

ADMINISTRATION COMMITTEE

Budget Update

Mr. Fraser presented a budget update stating that for the month of February, General Fund Revenues of \$1,046,000 exceeded General Fund Expenditures of \$761,000 by \$285,000. He added that the majority of the expenses in February are related to payroll, insurance payments, and debt service payments. Mr. Fraser added that revenue was higher than most previous years due to the sale of a building in Industrial Park selling for 78 million dollars.

Mr. Fraser stated that the sewer budget is matching up with trending lines with a net surplus of \$819,000. He noted that it will bounce around in the first couple of months and then will start to drop as expenses continue but revenue will stay level.

PARK AND RECREATION COMMITTEE

Mr. Fraser stated that the committee meeting will be held next week. Vice President Castranio mentioned that the Joint Recreation Meeting was cancelled.

MISCELLANEOUS

Solicitor Update

Mr. Feinour mentioned that there is a hearing next Tuesday on the Lisse property regarding an interior inspection. He stated that, last Friday, the US Supreme Court had a civil rights suit where the individual claimed their first amendment rights were violated. Mr. Feinour added that a Township Manager blocked this individual from his social media page after he drew criticism over using his personal Facebook page for posting Township-related items. He stated that this highlights the need to be careful when using a personal page regarding municipal business. Mr. Feinour added that there will be more comments on this as it goes on.

Tax Collection Committee (TCC) Update

There was no report.

Capital Region COG Update

President Martin mentioned that there are two trainings coming up. He stated the first one is April 9th focusing on Crisis Communication; it will be four hours in the morning at Hampden Township. President Martin mentioned that the second one is April 24th on Incident Command. He stated he has extra copies for anyone who would like one.

Municipal Advisory Board (MAB) Update

There was no report.

Pennsylvania State Association of Township Commissioners (PSATC) Update

Commissioner Anderson stated the meeting is next month.

PUBLIC COMMENT

Commissioner Fairchild mentioned that he and Commissioner Walsh attended the PSATS boot camp second session last Saturday and that it was very informative. He added that one of the speakers was a labor attorney from Eckert Seamans and he asked him about hiring students for summer work and was told that is possible. President Martin stated that we did hire students in the Parks Department for mowing and such and that we should continue to do so.

John Banks, 35 Grantham Road, is glad to hear that something is being considered for Bishop Bridge.

Meeting dismissed at 8:45 pm for an executive session.