

**UPPER ALLEN TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING  
December 18, 2023  
7:00 P.M.**

**PC MEMBERS**

R. Wayne Willey, Chairperson  
Robert Siodlowski, Vice-Chairperson  
Amanda Parrish, Secretary (absent)  
Scott Steffan  
Barbara Roddin  
Garth Wales  
Eric Clancy

**TOWNSHIP OFFICIALS - PRESENT**

Jennifer Boyer, Comm. Dev. Director  
Scott Finkenbiner, Planning Technician

**BOARD OF COMMISSIONERS**

Ginnie M. Anderson, Commissioner

**CALL TO ORDER**

Chair Willey called the Planning Commission Meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited by all. Roll Call was taken by Mr. Finkenbiner. Secretary Parrish was noted as absent.

**APPROVAL OF PLANNING COMMISSION MINUTES**

Chair Willey called for the approval of the Minutes of the November 27, 2023, Planning Commission Meeting. Vice-Chair Siodlowski made a **MOTION** to approve the Minutes of the November 27, 2023, meeting. The **MOTION** was **SECONDED** by Ms. Roddin. The motion carried unanimously (6-0).

**REVIEW OF BOARD OF COMMISSIONERS MINUTES**

Chair Willey noted Board of Commissioners Minutes from the November 1<sup>st</sup>, 2023, meeting. Chair Willey accepted these minutes.

**Old Business**

**A. Banzhoff Subdivision Lots 2A, 5C, 6D**

Discussion continued from the November 27<sup>th</sup> meeting. Mr. Melham of Melham Associates represented the plan as the engineer. Mr. Melham stated that the plan's purpose was to subdivide the strip of land on the western side of Route 15 from the development of the main lot on the eastern side of Route 15, as it was not needed for the open space requirements. The comments from staff either have already been addressed or are admin comments and will be addressed. The plan includes land for future road right-of-way for the development along Grantham Road (shown as Lot 6D). Lot 5C on the plan is a nonbuilding lot because it is in the floodway and will be enclosed within a conservation easement.

Mr. Clancy asked if these lots were part of the original tract until the state changed Route 15 and separated it from the main tract. Mr. Melham confirmed that when the current Route 15 was built, this tract of land was separated.

Mr. Steffan asked Mr. Melham to discuss the two proposed waivers. Mr. Melham explained that the first waiver was for relief from submitting a preliminary plan by having the plan be a combined preliminary and final plan. The second waiver was for relief from performing a wetland delineation. Ms. Boyer stated that staff has no issues with the first request, and that staff would like a note on the plan indicating that wetlands exist but are not delineated.

No public comment.

Chair Willey called for a **MOTION** on the first Waiver. Mr. Steffan made a **MOTION** to approve the waiver of Section 220-3.5 to submit a combined preliminary and final plan. The **MOTION** was **SECONDED** by Vice-Chair Siodlowski. The motion carried unanimously (6-0).

Chair Willey called for a **MOTION** on the second Waiver. Mr. Steffan made a **MOTION** to approve the waiver of Section 220-3.7(l)(1) to provide a report of important natural habitats, specifically wetlands. The **MOTION** was **SECONDED** by Ms. Roddin. The motion carried unanimously (6-0).

Chair Willey called for a **MOTION** on the Plan. Vice-Chair Siodlowski made a **MOTION** to approve the plan with conditions. The **MOTION** was **SECONDED** by Mr. Clancy. The motion carried unanimously (6-0). The conditions are:

1. Yard setback lines shall be shown and labeled on the plan for each proposed lot, in accordance with Section 220-9.C(2)(y) and 220-10.A(2) of the Codified Ordinances. Additionally, Section 245-155.A(2) states that if a yard borders Route 15, then that yard which borders Route 15 shall be deemed to be a rear yard and shall meet the rear yard setback.

The setback for Lot 2A is showing as 30 feet and 25 feet, respectively, along the area which abuts Route 15. These are front yard setback distances for the R-1 and R-2 Districts, respectively. The yard setback can be reduced to 15 feet for both districts. Additionally, the side yard setback of Lot 2A is also showing a 25 foot (front yard) setback, and it should be considered as a side yard, so the setback would be 10 feet.

2. General Note #1 must clearly state that the purpose of the plan is to subdivide only certain lots at this time, specifically referencing Lots 2A, 5C, and 6D. The remaining tract shall remain as is until further subdivision plans are submitted. Sheets C-3.1 through C3.3 could appear confusing, and the county could misconstrue the plan as its intent to subdivide out the other lots (i.e. Lots 5D and other lots east of Route 15) as they are shown as separate lots on these sheets) when they should be shown as a residual tract for this subdivision plan.
3. A signed and sealed letter from a registered engineer or surveyor shall be provided, indicating any property pins and/or monuments have been set prior to recording of the plan, and have been installed in accordance with the requirements of Section 220-24 of the Codified

Ordinances. If the property pins/monument are not set prior to recording of the plan, then financial security and all required inspection fees shall be provided for in accordance with Sections 220-13 and 220-52.B of the Codified Ordinances.

4. 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 220-10.B(3) of the Codified Ordinances.
5. The Applicant/Owner must sign the plan and have the signatures notarized certifying title of the property, according to Section 220-9.C(2)(dd) and 220-10.B(1)(a) of the Codified Ordinances.
6. 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 220-9.C(2)(e) and Section 220-10.B(1)(b) of the Codified Ordinances.
7. The Applicant shall 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.
8. 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.
9. 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.
10. 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. 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), 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), MAD83 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.
11. Upon approval of the final plan and prior to obtaining township and county signatures for final plan recording, the Applicant shall provide copies of any declaration of planned communities/condominium documents (including amendments). The county Planning Department will not sign final plans until these files have been provided to them.

## **NEW BUSINESS**

### **A. Andreozzi, Benjamin & Ciara**

Ben Kirk of Burget & Associates represented the plan as the engineer. Mr. Kirk explained that the homeowner owns both Lot 200 (601 Autumn Court), which is a vacant lot, and Lot 196 (514 Jonagold Circle), which has a home on it. The purpose of the plan is to remove the lot line between the two lots to create one lot. The homeowner would like to construct a soccer field on Lot 200, but it cannot currently be built as it would be considered the primary use for the lot.

Vice-Chair Siodlowski asked what will happen to the utilities on the vacant lot. Mr. Kirk stated that the stubs would stay where they are and remain unconnected.

No public comment.

Chair Willey called for a **MOTION** on the Plan. Mr. Clancy made a **MOTION** to conditionally approve the plan. The **MOTION** was **SECONDED** by Mr. Steffan. The motion carried unanimously (6-0). The conditions are:

1. A location map shall be provided, per Section 220-3.5.C(2)(l) of the Codified Ordinances.
2. The utility easement note 220-5.10.A(2) shall be noted on the plan, per Section 220-3.6.B()1(m) of the Codified Ordinances.
3. The public sanitary sewer and public water lines shall be shown on the plan, per Section 220-3.5.C(2)(j) of the Codified Ordinances.
  - a. Manhole LS04-18 on Jonagold Circle shall be shown, along with the sanitary sewer lines in and out of the manhole.
  - b. Manhole LS04-14 on Autumn Court shall be shown, along with the sanitary sewer lines in and out of the manhole.
4. Remove signature line for Director of Public Works. Signature blocks shall follow those required in Section 220-3.8 of the Codified Ordinances.
5. The zoning data indicates the minimum single family is 40%. This language must be clarified as to its exact reference, per Section 220-3.5.C of the Codified Ordinances.
6. Show the north arrow on the plan, per Section 220-3.5.C.(2)(c) of the Codified Ordinances.
7. The site address, lot number, and development phase shall be shown for each lot.
  - a. 601 Autumn Court, Lot 200 – Winding Hills PRD, Stage 5, Lots 198-219

- b. 514 Jonagold Circle, Lot 196, Winding Hills PRD, Stage 2.
8. Add a note to the plan stating, *“Township to verify that 6-inch lateral riser to 601 Autumn Court is properly installed to grade with a brass cap.”*
  9. The Applicant shall demonstrate compliance with any comments issued by the township engineer and such amendments shall be noted on the final plan.
  10. 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.
  11. 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.
  12. 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.
  13. 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.
  14. 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 in which the conditional approval is granted.
  15. 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), MAD83 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.

Additionally, the Planning Commission suggested capping or covering the utilities on existing Lot 200 (601 Autumn Court), so that the lot appears to be “finished” and the stubs are no longer showing.

### **B. 2401 Arcona Road**

Mark Romeo of Romeo Land Surveying represented the plan as the engineer. Mr. Romeo explained that the purpose of the plan was to subdivide the existing 58-acre lot into 3 lots with one lot being approximately 10-acres and the other 2 lots being evenly split from the 48 acres. After the subdivision, the northern most lot (Lot 1) will have a single-family dwelling built on it.

Mr. Romeo had some questions concerning staff comments on the plan. He first asked if comment number 3 would be satisfied by an okay from PNDI, Ms. Boyer indicated that PNDI approval would suffice. Mr. Romeo asked about comment number 10 concerning the addition of curbs along Arcona Road and if a deferral would be required. Ms. Boyer stated that a deferral would be required, and Chair Willey told Mr. Romeo that the Planning Commission could take action on a curb deferral during the meeting if he wanted to request it and the paperwork would have to be filed later. Mr. Romeo asked when the recreation land fee needed to be paid, Ms. Boyer clarified that the fee must be paid before the plan is recorded.

No public comment.

Chair Willey called for a **MOTION** on the plan. Vice-Chair Siodlowski made a **MOTION** to table the plan until it can be cleaned up. The **MOTION** was **SECONDED** by Mr. Steffan. The motion carried unanimously (6-0).

### **Other Business Not Being Heard**

The following plans are pending review and recommendation. They were not discussed during this meeting and will be on future agendas.

- A. K Care - UA (Genius Kids). UAT File # 23-08-01
- B. 900, 906, & 908 Gettysburg Pike. UAT File # 23-10-25
- C. 2210 Aspen Drive (JoJo’s Pizza). UAT File # 23-11-01

### **BUILDING INSPECTOR’S REPORTS**

Chair Willey noted the Building Inspector’s Report for November 2023.

### **ADJOURNMENT**

There being no further business Mr. Steffan made a **MOTION** to adjourn. The **MOTION** was **SECONDED** by Vice-Chair Siodlowski. The motion carried unanimously (6-0). Chair Willey adjourned the meeting at 7:50 P.M.