

**MINUTES  
UPPER ALLEN TOWNSHIP  
BOARD OF COMMISSIONERS REGULAR MEETING 1 – 6:30 P.M.  
September 7, 2022**

**COMMISSIONERS**

Kenneth M. Martin, President  
Richard A. Castranio, Jr., Vice President  
Virginia M. Anderson, Assistant Secretary  
James G. Cochran, Assistant Secretary  
Jeffrey M. Walter, Assistant Secretary

**TOWNSHIP OFFICIALS**

Scott Fraser, Township Manager  
Kelly Palmer, Assistant Manager  
Andy Parsons, Chief of Police  
Jennifer Boyer, Comm Dev Director  
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 regular meeting to order at 6:31p.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**

The Administrative meeting scheduled for September 14, 2022, will be September 20, 2022.

President Martin asked if there were any questions, additions or corrections to the minutes from the regular meeting of August 3, 2020. He noted that for the sealed bid process for the 1215 McCormick Road house, it says there is a down payment of good faith in the amount of \$10,000 and it will be changed to reflect the correct amount of \$5,000.

Commissioner Cochran made a **MOTION** to approve the regular meeting minutes for August 3, 2020, **SECONDED** by Commissioner Anderson. The motion passed unanimously.

**PRESIDENT’S RECOGNITION OF VISITORS**

**A RESOLUTION RECOGNIZING THE 8U BASEBALL TEAM FOR WINNING THE  
CAL RIPKEN WORLD SERIES**

President Martin invited the team members to the front of the room for presentation of the resolution. He read the entire resolution and then invited coaches to join the team for the presentation and photos.

Vice President made a **MOTION** to adopt resolution No. 1071, a resolution of the Township of Upper Allen, Cumberland County, Pennsylvania, Recognizing the 8U Baseball Team for winning

the Cal Ripken World Series, **SECONDED** by Commissioner Anderson. The motion passed unanimously.

Mike Bonini, Manager of the 8U all-star team, expressed his appreciation for the Township, the Board of Commissioners and the facilities. The assistant coaches were Scott Shirley, Jack Oyler, Dustyn Soloman, and Luke Varner.

Cindy Arnold-Steele, of 1929 Fisher Road, is looking to build a house on the lot next door to her house. She distributed copies of a drawing. She originally set the driveway to the South View which would have required approximately 75 – 100 loads of fill. When she put the grade stake up and looked at it, with the continuation of Fisher Road, it did not look well and thought that it would be a hindrance to water flow. Ms. Arnold-Steele said that on a Saturday, there is traffic from soccer at the park and that park is parked full. She then reversed the plan and did not think about it being an issue with the driveway coming off of Fisher. She said she thought it was better for the entire process for the neighbors. She did not come after the fact. Commissioner Cochran said that he supports the request. He has looked at the lot several times and that with the drainage they would be hard pressed to come up with a driveway that really works with the drainage that is going to come from the back of the lot to the front of the lot and he thinks if you built that home, the Township would have the homeowners in here complaining about stormwater runoff coming through their property. The parking is an issue and they would park Southview solid. Commissioner Cochran thinks it is a good solution Ms. Arnold-Steele did all of the site distances. President Martin asked Ms. Boyer if she had any problems with it from a staff perspective and she said no. Ms. Boyer provided comments from the parks and police departments.

Commissioner Cochran made a **MOTION** to waive section 220-5.4.A6 for the property to be located at lot 74 Meadowview, **SECONDED** by Commissioner Anderson. The motion passed unanimously.

There will be a Planning Commission meeting on September 26, 2022, at 7 p.m.

The Grantham Sidewalk Feasibility Study meeting will be on September 27, 2022, at 6 p.m.

Ms. Boyer has been updating the development project page of the Township website. When it is known when the next meeting will occur regarding The Mill at Shepherdstown, it will be posted.

## **EI TO PRESENTING LONG RANGE FACILITIES PLAN**

Adam Kerr with EI Associates came to present the Long-Range Facilities Plan. Mr. Kerr said that EI Associates and JDB Engineering were brought on board in February of 2022 to create a long-range facilities plan for the Township building and the Fire Company building. He will be going through a high-level executive summary of the findings within the report. Neal Cluck and Craig Malesic from JDB Engineering were also present. The process included meeting with all the departments and they got a sense of what was to be included in the plan, what the goal of the plan was and ultimately what it was that we wanted to have from the plan. In March and April, they went through numerous building surveys where the staff came and surveyed the buildings, checked out condition assessments inside and outside of the buildings and documented information. May and

June, they started to put together an improvement matrix. July to August, they put together a draft report. They were here to present the final report.

They categorized all of the systems in the building and got a sense of age and condition potentially when some of those systems would need replacements or upgrades. They created a listing of categorized items and developed numerous items depending on what the conditions were and created a 20-year long range plan.

A draft report was created that included inventory sheets for all major equipment with descriptions and photos. The final report itself contains overview info, surveys, improvement costs and detailed inventories. It is a living document that can be updated over time. At a high level, it is a 20-year plan looking out towards 2043, starting next year. The Township building on average costs \$200,000 per year. Depending on the nature of what needs to be replaced on that year, it can vary. That is the average over 20 years. The fire department building, the average cost per year is \$63,000. The cost that they included did have escalation factors and soft costs included. The majority are HVAC, electrical and plumbing systems. The largest architectural item is new rubber roofing on both buildings.

President Martin asked if the data is the Townships and if it is our responsibility to update. He asked if other Townships had a staff person do this. Mr. Kerr said yes, it is an excel document that can be updated by staff and becomes a tool that the Township can use. Vice President Castranio asked Mr. Fraser if the Township is prepared to use it as a living document and Mr. Fraser said yes. Mr. Fraser said we would have to budget with planned out items, we just plan and when we make the purchase, we check them off and move them back to the end. We will track, check it off and move forward. The goal is to use this as a budgetary tool.

Commissioner Walter said he likes the thoroughness of it, and it is really done well and Vice President Castranio shared his agreement.

### **CONSENT AGENDA**

#### **FINANCIAL SECURITY REDUCTION FOR AUTUMN CHASE PRD, PHASE I, UAT FILE #15-12-18**

Commissioner Cochran made a **MOTION** to reduce the financial security reduction for Autumn Chase PRD, Phase I, UAT File #15-12-18 from \$841,527.50 to \$547,657.00. Township staff shall release the current financial security to the developer after the developer provides an amendment to the current bond or posts with the Township new financial security in the reduced amount in a satisfactory form as provided for in the Subdivision and Land Development Ordinance, **SECONDED** by Commissioner Anderson. The motion passed unanimously.

### **PUBLIC SAFETY COMMITTEE**

#### **POLICE DEPARTMENT UPDATE**

#### **CONSIDERATION/APPROVAL FOR DET/SGT TRENTON MELLOTT EXCEPTIONAL DUTY AWARD**

Chief Parsons recognized Detective/Sergeant Trenton Mellott for outstanding investigative work. Detective/Sergeant Mellott is being awarded the Exceptional Duty Award. This award is for a highly credible accomplishment bringing acclaim to the officer, his or her department or the police profession because of training, devotion of duty or service to the public. Detective/Sergeant Mellott was assigned to a case where the Upper Allen Police department responded to a residence for a reported drug overdose where the victim passed away. His work led to the arrest of four individuals for the crime of drug delivery resulting in death. Chief Parsons presented Detective/Sergeant Mellott with a Citation Bar to be worn on a Class A uniform and a certificate recognizing the accomplishment.

Commissioner Walter made a **MOTION** to approve Detective/Sergeant Trenton Mellott to receive the Exceptional Duty Award, **SECONDED** by Vice President Castranio. The motion passed unanimously.

### **FIRE DEPARTMENT UPDATE**

Chief Shumberger shared that the station dedication is this Saturday at 1pm. The golf outing is at Rich Valley Golf Course on September 23, 2022.

### **PLANNING AND ZONING COMMITTEE**

#### **CONSIDERATION/ACTION ON FINAL SUBDIVISION/LAND DEVELOPMENT PLAN FOR PHASE II, AUTUMN CHASE PRD, UAT FILE # 22-07-01. END DATE: 09/08/22**

The proposed development project for Phase II of Autumn Chase PRD includes the construction of 56 dwelling units. There will be 32 townhomes and 24 duplex units, along with a 3.59-acre open space lot. Phase II will include the construction of new roadways for South Fall Harvest Drive, South Autumn Chase Drive, and Brittany drive. The roadways will eventually be offered for dedication to the Township.

There is a small portion of the property which is in the 100-year floodplain. No development is scheduled to occur within this area. The floodplain area is located near Hertzler Road and the railroad tract. All floodplain areas are either located in the Hertzler Road right-of-way or within open space lots.

The Autumn Chase PRD tentative plan was approved on May 8, 2012. The proposed use of the subject property is consistent with the Upper Allen Township Zoning Ordinance and Comprehensive Plan.

The Applicant received approvals of several waivers and modifications on February 15, 2012. They are:

1. Waiver of Section 220-15.B(5) requiring cul-de-sacs to not exceed 800 feet and not serve more than 20 dwelling units.
2. Modification of Section 220-18.B to allow residential block lengths of 1,652 feet instead of the required maximum length of 1,500 feet.

3. Modification of Section 220-15.B(11)(a) to provide cartway improvements along adjacent roadways and the requirements of Section 220-15.F(2) to allow the Applicant to provide widening along Hertzler Road to 24 feet with a full width of 1 ½ inch depth overlay pavement along the property frontage with the condition that the Applicant also widens to 24 feet and provide full width 1 ½ inch depth overlay pavement on Hertzler Road from the development west to the property line of the Winding Hills PRD. A note shall be added on the plan that in the opinion of the Township Engineer, should field conditions indicate insufficient structural integrity in areas of existing pavement to receive overlay, those areas shall receive full depth reconstruction (Section 220-15.G(1)).
4. Modification of Section 220-16.A(3) to permit slant curbing instead of vertical curbing.
5. Modification of Section 220-16.B(4) to allow the Applicant to install sidewalks on one side of the street for “Road J”, adjacent to Lot OS-7, instead of both sides of the street.
6. Modification of Section 220-16.B(3) to provide six (6) foot wide walking trail on the south side of Hertzler Road in lieu of sidewalks. The trail shall be shown on the final plans extending from the western property line with the existing Allenview PRD to the Township Greenway property to the east.
7. Modification of Section 220-16.A(2) to permit Hertzler Road improvements in lieu of curbs, to include widening and overlay of off-site portions of the road west approximately 650 feet toward the improvements completed by the Winding Hills PRD and east approximately 400 feet toward the intersection of Hertzler Road and Klinedinst Road. Improvements along the property frontage shall consist of widening of the cartway to 24 feet and installing a 1 ½ inch wearing course overlay. A note shall be added to the plan stating that in the opinion of the Township Engineer, should field conditions indicate insufficient structural integrity in areas of existing pavement to receive overlay, those areas shall receive full depth reconstruction (Section 220-15.G(1)).

The Applicant is also requesting the following waivers, which were approved for the Phase I and Phase III final plans.

1. Waiver of Section 220-9.C(2)(o) requiring contours to be at one-foot vertical intervals or as authorized by the Township Engineer.

*Staff comments: Staff has no issues with this request.*

2. Waiver of Section 220-10.B(2)(b) requiring cross section details of rights-of-way, cartways, sidewalks, and utility mains.

*Staff comments: Staff has no issues with this request.*

**TIMELINE**

The following table presents the review period timeline for the above referenced application.

<b>PLAN REVIEW PERIOD</b>	<b>CURRENT DATES</b>
Application Date	07/01/22
Review Period Beginning Date	07/25/22

Last Available Planning Commission Meeting	08/29/22
Last Available Board of Commissioners Meeting	09/07/22
Review Period End Date	09/08/22

### **DEPARTMENT/AGENCY REVIEWS**

The following agencies were notified on July 7, 2022, that this plan is available for review, and revised plans were made available August 4<sup>th</sup>. Their comments have been included in this report.

<b>AGENCY</b>	<b>SUBMISSION OF COMMENTS</b>
Community Development Department	07/15/22; 08/09/22
Township Engineer (C.S. Davidson, Inc.)	07/27/22; 08/08/22
Sewer Department	07/22/22; 08/17/22
Police Department	07/08/22 No Comments
Fire Marshal/Fire Department	07/07/22
Public Works/MS4 Coordinator/MS4 Manager	07/11/22 No Comments
Cumberland County Planning Commission	08/16/22

### **PLANNING COMMISSION RECOMMENDATION**

The Upper Allen Township Planning Commission voted to recommend approval of the Applicant’s requested deferrals at its August 29, 2022, meeting. They also recommend approval of the Applicant’s plan with conditions listed below.

Lauren McDaniel, representing Hertzler Road Associates LP who is the applicant in this matter asked if there were any specific questions for her.

Commissioner Cochran shared that the way this development has been handled has been excellent and he has appreciated the effort.

Vice President Castranio asked if these are going to be the same builders. Ms. McDaniel said that as of now, she believes they will they be the same builder but that has potential to change.

### **BOARD OF COMMISSIONERS MOTIONS**

Commissioner Anderson made a **MOTION** to approve the waiver request for Section 220-9.C(2)(o) requiring contours to be at one-foot vertical intervals or as authorized by the Township Engineer. Most contours will be at two-foot intervals, **SECONDED** by Vice President Castranio. The motion passed unanimously.

Commissioner Anderson made a **MOTION** to approve the waiver request for Section 220-10.B(2)(b) requiring cross section details of rights-of-way, cartways, sidewalks, and utility mains. The Applicant will be required to provide cross-section details for the Hertzler Road improvements, **SECONDED** by Vice President Castranio. The motion passed unanimously.

Commissioner Anderson made a **MOTION** to approve the Phase II plan for Autumn Chase PRD,

UAT File #22-07-01, with the following conditions:

### **SUBDIVISION, LAND DEVELOPMENT & ZONING**

1. The staggering of dwelling units and the façade setback change shall be a minimum of four feet, per Section 245-221.E of the Township Ordinances.
2. Section 220-10.B(2)(c) of the SALDO requires pipe sizes and the location of valves to be shown for the proposed water distribution system. The water utility must also be shown on the street and utility profiles.
3. Prior to final plan approval, detailed design plans must be provided for each curb ramp or reference the ADA ramp type identified by the PennDOT RC Standards or ADA regulation.
4. Sheets 6-7 shall indicate the width of the proposed sidewalks, per Section 330-18.B(5).
5. Crosswalks shall be shown at all proposed intersections.
6. Crosswalks and a ramp shall be provided southeast of the proposed gazebo. It appears that the trail/pathway shown will encourage pedestrians to cross S Fall Harvest Drive without a crossing.

### **STORMWATER**

7. Soil erosion and sedimentation control plans must be provided for review and approval.

### **SANITARY SEWER**

8. Note that on the profile sheets the manhole prefix is G13-\_, not GS13-\_. This mislabeling shall be corrected.
9. On Sheet No. 3 of 11, on the Pennington Drive blow-up, add manhole labels G13-10 and G13-11 upstream of existing manhole G13-06.
10. On Sheet No. 4 of 11 – S. Autumn Chase Drive Profile – the following shall be corrected:
  - a. Manhole G13-40: Inv. In. = 482.50.
  - b. Manhole G13-40 to G13-45: Slope = 5.82%
  - c. Manhole GS13-31: Revise note to read “5’ Diameter Inside Drop Manhole per Township Requirements”.
11. On Sheet No. 5 of 11 – Brittany Drive Profile - Manhole LS11-33 to LS11-34: Slope = 3.37%.

12. On Sheet No. 7 of 11 – Coral Bells Drive Profile – the following shall be corrected:
  - a. Manhole GS13-31: Revise note to read “5’ Diameter Inside Drop Manhole per Township Requirements”.
  - b. Manhole G13-40: Inv. In. = 482.50.
  - c. Manhole G13-40 to G13-41: Slope = 2.52%
13. On Sheet No. 10 of 11, the following shall be corrected:
  - a. Remove New Connection to Existing Manhole detail drawing (not needed).
  - b. Add Heavy Duty Manhole Frame (H-25) detail drawing.

## **GENERAL**

14. On the Cover Sheet, the following shall be added and/or corrected:
  - a. Per the approved tentative PRD plan, setbacks for single-family attached dwellings (townhomes and duplexes) shall be as follows: 25-foot front yard setback, 10-foot side yard setback, and 15-foot rear yard setback. The Zoning Data and site plans shall be updated accordingly.
  - b. Ensure the sheet numbers in the Drawing Index match the actual sheet numbers (as an example the landscaping plan is labeled as sheet 12 but is actually sheet 13)
15. The proposed Stop bars should be four (4) feet away from the pedestrian crossing along Hertzler Road so that stop bars are compliant if a future decision is made to install pedestrian crosswalk markings.

## **ADMINISTRATIVE**

16. The Applicant must obtain approval of the Erosion and Sediment Control Plan from the Cumberland County Conservation District and furnish to the Township a copy of the required NPDES permit in accordance with the requirements of Section 220-9.C(4)(h), Section 220-27, and Section 214-19.C of the Codified Ordinances.
17. The Applicant must submit a final copy of the Erosion and Sediment Pollution Control Plan to the Township in accordance with the requirements of Section 220-27.A(1) of the Codified Ordinances.
18. 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 220-20.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.
19. The Applicant must provide evidence that the storm drainage and stormwater management facilities have been reviewed and approved by the Township Engineer, in accordance with Section 220-31 and Chapter 214 of the Codified Ordinances.



20. 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 in Phase II (56 EDUs).
21. The Applicant must enter into a Sewer Extension Agreement in accordance with Section 200-15.D(8) of the Codified Ordinances 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.
22. 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 214-20.E of the Codified Ordinances.
23. The Applicant must sign the plan and have the signatures notarized according to Section 220-9.C(2)(dd) and 220-10.B(1)(a) of the Codified Ordinances.
24. 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 220-10.B(1)(b) of the Codified Ordinances.
25. All plans, profiles or drawings required under the provisions of this chapter shall include a certification by a Pennsylvania-registered professional engineer attesting that all elements of the plan are in conformity with the Township Code and applicable state regulations, as required by Section 220-15.N(3) of the Codified Ordinances.
26. The Applicant must submit a signed and sealed construction cost estimate for all public improvements, including sanitary sewer work, in accordance with Section 220-13 of the Codified Ordinances.
27. 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 220-13 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.
28. The Applicant must also furnish financial security to the Township in an amount equal to 10% of the total financial security provided to cover the cost of construction inspection, administrative, and other related costs according to Section 220-52.B of the Codified Ordinances.
29. The Applicant shall obtain final water main design approval from Veolia Water Company and furnish to the Township an updated design plan.

30. 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.
31. 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.
32. 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 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. A second line shall be added to state, "The conditions of approval were satisfied this \_\_\_\_ day of \_\_\_\_\_, 20\_\_."
33. 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.
34. 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.

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, **SECONDED** by Commissioner Walter. The motion passed unanimously.

### **127 NITTANY DRIVE APPLICATION**

Ms. Boyer stated that the property owner at 127 Nittany Drive extended their driveway. The Township has a requirement that says that at the right-of-way it can be no more than 24 feet wide. The owners paved over portions of it because of existing inlets and stormwater runoff that was coming over and damaging their property so they paved their parking and expanded and re-sloped the area so that the water would drain properly into the inlet that is in front of their property, but in

doing so they did not seek a permit. It came in after the fact. It has greatly improved the flow.

Ms. Boyer said they would have had to ask for a variance prior to commencing work. Commissioner Cochran said the solution they have works but asked if there was a solution that would have worked that met our zoning ordinances. Ms. Boyer said she did not know. Commissioner Cochran said we do not know because they avoided the process and they simply said, “well I will do it and hope nobody notices, if they notice, I will pay the amount for the hearing and hopefully I will get it passed through since it is already done and no one made me take it up.” Commissioner Cochran asked why have the ordinances if we do not enforce them?

President Martin said that he understood, but in every ordinance, there are situations that are not quite covered by it. President Martin asked that staff looks at 131 Nittany Drive, because he believes that driveway is wider than 127 Nittany Drive. Ms. Boyer said she thinks that was one the Township may have gone after. There were a couple in that area and some of the neighbors talked about other neighbors. There have been a couple things in that neighborhood that Mr. Welt has been working on.

Commissioner Cochran asked if we were going to go onto Foxfire and make them change their parking because they have too wide of an opening onto the street. The townhomes that are down off of Grantham Road that have the parking lot that the whole lot opens onto what would be Bonnie Lane on the other side. Ms. Boyer asked if that development was approved like that? Commissioner Cochran said it was not a street when it was approved, but now, his understanding is that we are going back to them to bottleneck that down so that they do not have such a wide access onto the street. Vice President Castranio said that was not on the land development plan the way they built it. Commissioner Cochran said it is the same thing, but those folks have to go back and change it. Vice President Castranio said that the new location on this lot is better for site distance. If you are going to make them move their driveway, it should be the old portion, you can see better on the curb there both ways. President Martin said that “so from a site distance, you are suggesting that it is an improved situation.” Vice President Castranio said that was correct.

### **ZONING HEARING BOARD APPLICATION FOR SIGNAGE AT ELECTRICAL VEHICLE CHARGING STATION AT 1415 S. MARKET STREET**

Ms. Boyer said that Tesla is looking to have signage on charging stations and for directional signage for dedicated parking spaces at Sheetz. This would be for Tesla vehicles only. The Township made the determination that they should seek variance approval through the Zoning Hearing Board.

Commissioner Walter stated that he was disappointed that the Township is forcing this business to go through this. He said that it says Tesla on it, but asked how that compares to the Sunoco where every pump says Sunoco on it - is that also not considered advertising? All it is, is designating it as a Tesla pump so people who do not own a Tesla cannot use it. He compares it to every fuel station that is in and out of the Township. Commissioner Walter asked if the Township is going to start considering that fuel pumps are advertising? He thinks there is cost added to this project that should not have been.

Ms. Boyer said the staff did not take this consideration lightly. They called around to other

townships to find out how they were handling this, because the EV stations are new. They reached out to the solicitor to talk this through. The sign ordinance was created before charging stations existed. Mr. Welt will talk to the Zoning Hearing Board to get a determination on it until a new sign ordinance would be put in place, is this the correct interpretation and should we be viewing in a certain way.

Commissioner Cochran said he slightly disagrees with Commissioner Walter. He asked if Sheetz were to say they wanted to put in two new pumps, would there be some approval process to that? Ms. Boyer said there would be permitting. Commissioner Walter said that it would not go to Zoning Hearing Board. Commissioner Cochran's concern is that he has been at the Sheetz several times and there has been no parking and that a Tesla area would take more parking spots away from the public and designate them for one particular brand of automobile. What does that do? He asked Ms. Boyer if they met the parking requirements without those spaces, because they would not be general parking spaces anymore. Ms. Boyer said that Mr. Welt looked into it and he did not come back and say anything different. Vice President Castranio said that anyone can use the Tesla spot for ten minutes. Vice President Castranio agrees with Commissioner Cochran about the overall parking. They still should have to meet the overall parking independent of this.

Commissioner Cochran wants to know if they have enough parking beyond that. Ms. Boyer said she believes they do but will double-check. Commissioner Cochran said we do not count the cars parked at pumps as parking spaces and it is odd that we would count cars parked at chargers as parking spaces. Ms. Boyer said that we would count them. Ms. Boyer said they were adamant about including the Tesla to be able to advertise for their vehicles. They are only usable for Tesla vehicles. Commissioner Cochran said that if that is the case, they will probably lose a couple more spots as they bring in EV charging for other brands too.

President Martin said he does not recall seeing the Giant charging station go in front of the Zoning Hearing Board. Ms. Boyer said that is because they have extra parking. It just says electrical vehicle charging on it. President Martin said that is not the rationale that was given for this to go to the Zoning Hearing Board. It was given because of signage and so then to be consistent, parking came up with an ancillary comment and he respects that, but he is concerned that Giant can pretty much do anything they want in terms of signage and plaster stuff on windows and here is a top-rate convenience store and he does not want to disadvantage one business over another. Commissioner Cochran said that the parking situations are very different between Giant and Sheetz. President Martin said this case was not sent to the Zoning Hearing Board for parking, it was sent because of signage. Commissioner Cochran asked what would have happened if that had not happened, would it simply flow through like Giant apparently did because they had extra parking? This store does not have much extra parking. President Martin said that perhaps it does not, but it still meets the requirement. Ms. Boyer will verify that. Ms. Boyer said that if you just had electrical vehicle parking or charging station, we would allow that under directional signage, the difference here is that our directional signage in our ordinance does not allow for commercial advertising and Tesla is commercially advertising their brand. That is why we had asked Tesla to just put electrical vehicle station and then they would not have had to go to Zoning Hearing Board.

Commissioner Walter said that it is not partially advertising, but as an EV owner, it tells me when I go around the back of that building and I see those chargers that he will just keep going because it is

almost directional to me, because I cannot use a Tesla charger. We are in new technology and that is part of the problem, and the ordinance was written long ago. It has not met up with where we are at today. Ms. Boyer will relay these comments to the Zoning Hearing Board. Commissioner Cochran said a Tesla owner does not need a sign to tell them where a charging station is, they have an app that tells them where the closest one is.

There is a zoning hearing board meeting Thursday, September 8<sup>th</sup> at 6 p.m.

### **PUBLIC IMPROVEMENTS COMMITTEE**

There was no report.

### **SANITARY SEWER SYSTEM**

There was no report.

### **ADMINISTRATION COMMITTEE**

There was no report.

### **PARK AND RECREATION COMMITTEE**

## **CONSIDERATION/APPROVAL OF THE NAME “UPPER ALLEN GENERATIONS PARK” FOR THE TOWNSHIP PROPERTY LOCATED AT 1340 E. LISBURN ROAD**

The name suggestion of “Upper Allen Generations Park” for the Township Park located at 1340 E. Lisburn Road, was brought before the Park and Rec Committee at their August meeting and was approved. We are seeking approval for the name.

President Martin said this is probably our only park in the Township that really is designed for both kids, passive recreation, adult games and thinks it is probably the most descriptive name we could get. Commissioner Anderson said she thinks it is something that is different as far as park names in the Central area and thinks it is something that will attach very easily.

Eric Fairchild, of 1224 McCormick Road, said he took the name to mean that the Township was paying homage to the generations that have lived on the farm. He said it seems like a fine name and thanked the Township for the creativity. He thinks a name means something and it is distinctive that way and that is the goal of the park to be distinctive.

Mr. Fairchild spoke with Ms. Palmer before the meeting and the Master Plan for the park has been posted on the website. Mr. Fairchild said that he was not trying to be critical, but there seemed to be an issue, and said that of course, we have issues with our own Friends of the Farm website, about the minutes listing some minutes more than once and missing others. Ms. Palmer said the issue was resolved today. Mr. Fairchild asked if you could now go further back in the minutes and Ms. Palmer said that yes, additional tabs were added for that today.

Commissioner Cochran made a **MOTION** to approve the name “Upper Allen Generations Park” for the Township Property located at 1340 E. Lisburn Road, **SECONDED** by Commissioner Anderson. The motion passed unanimously.

Mr. Fairchild has three questions in the “Friends of the Farm” update.

Mr. Fairchild said that he forgot to mention that he was at the Lower Allen Barn a couple of months ago for an event and they have a picture of the barn when Lower Allen first bought it and there was a Ford Falcon, 1<sup>st</sup> Generation in front of the barn. So that is how long that process has been, so it kind of ties in with the generational idea. He said he threw out this question, some of the neighbors have people trying to access the lot back to the creek. Vice President Castranio asked Mr. Fairchild what he was talking about when he said he threw out a question to who? Mr. Fairchild said about whether this deed in lieu of condemnation extinguished the deed restrictions or how does that affect the deed restrictions, it may be more of a question for the solicitor. He is not trying to get a legal opinion or anything, just an understanding. President Martin asked if Mr. Fairchild could help him and others by reframing his question, so right now there is a deed restriction on where? Mr. Fairchild said on the lots across from the farm, there are 11 lots that were called Camelot Meadows that were, you know, the plan was filed in 1958. President Martin asked if it was an approved sub-division and Mr. Fairchild said that was right. Mr. Fairchild said it had the restrictions about the kind of house you could build, how it would look and so forth. Mr. Fairchild said it had for residential use only, so we were concerned about turning it into the public park that lot and then you have the issue of a buffer. President Martin asked if that was a new concern. Mr. Fairchild said we have had it for some time, and he is trying to tie up the loose ends as he sees people walking trying to walk down to the creek through the lot. Mr. Fairchild thinks the Township wants to be a good neighbor. President Martin said that is a legal issue and we will have our solicitor research it and see if in fact those covenants or restrictions are applicable to the land the Township owns and if so, for how long. President Martin said he does not know and is not going to comment. Mr. Fairchild said one thing that happened early on that may have created a little friction was former Manager Fazekas said that the deed restrictions did not matter. President Martin said that he did not recall that and asked the solicitor to take that under advisement.

Mr. Fairchild said the second question he had was about the historical significance of the farm house and just trying to understand the Boards thinking since the Board has not had any professional historians give an opinion, certainly Friends of the Farm has tried to provide a lot of this historical information, but he wanted to know what qualifies the Board to more or less determine that the farm house is not historically significant. President Martin said that he does not know that anyone on the Board ever said that it was not historically significant or that it was not an old building, or it did not have a history associated with it. He thinks the Township’s discussions since then have been mostly in terms of the use in the future of the building. Mr. Fairchild said he means he certainly got the impression that you (the Township) do not want it on site. President Martin said that does not say that we do not recognize, to leap frog and then say that this Board has indicated that it has no historical significance, he does not quite make that argumentative of leap. Vice President Castranio said no, if the Board had made that decision, it would have been demoed two years ago and this building would not even be there. President Martin said that is a good point, we would not have even had this time and conversation to try to preserve it or to allow or give the possibility for it to be relocated and preserved. That is exactly what we are doing now from his perspective. Mr. Fairchild said that we just wish, hope that the historic significance be considered, continue to be considered. President Martins said that he

understands that we are accepting sealed bids to purchase and relocate the house and so there has been interest in that and so I think the concern you are expressing, this Board is in the process of trying to honor and allow. Mr. Fairchild said okay and that he hopes so.

Mr. Fairchild's third question related to them going back and looking at the comprehensive plan from 2013 and it says on page 28, "It is a policy goal to rehabilitate and preserve significant and historic residential structures" and on page 30, "to support the identification and designation of properties of national, state and local historic significance and to encourage the preservation, rehabilitation and adaptive reuse of historic structures as identified in the 1976 publication "Early Architecture in Upper Allen Township" by the Upper Allen Heritage Committee and in Cumberland County's Historic Structure Inventory." The question was how does the Board feel they are following the comprehensive plan by the approach the Board has taken at least toward the farm house. Vice President Castranio asked who Mr. Fairchild was referring to when he said, "we have these questions." Mr. Fairchild the Friends of the Farm, the ones interested in history. Commissioner Cochran said he thinks we need to be clear that a comprehensive plan, much like a financial plan, a budget is a set of guideposts, but it is not some kind of sacrosanct document that the Township has to abide by something that was written in 2013, now nine years later. He said there are some things we tried to do and things we tried to follow and there are other things in other areas too that we just did not do or did not follow because times change, he thinks the other things that he noticed when Mr. Fairchild called some of this to question, the comprehensive plan called for buildings of historical significance. He thinks that leaves a lot of leeway in there, what is significant to you might not be to me or what is significant to me, might not be to you and the Township has gone through a rather long and drawn-out process to make sure and he is glad we did. He is glad the Township slowed down and took time, but personally, he has yet to see a true historical significance. It is an old building that was chopped up many times in its lifetime and put back together in a rather poor fashion and over the last 10 years, really was not taken care of and now has some really significant problems. If he is asked what he feels is best for the constituency he feels he serves, it is not to spend seven digits on rehabbing a house that really in his opinion does not warrant it. It is more in spending that money to get facilities within the park up and running so people can use it and that is his preference. Again, one of the interesting things is you cannot, you are elected to a four-year term and he thinks Mr. Feinour will back him on this, there are things we can do and things we cannot do, but you cannot constrict the hands of a Board into the far future. There are limits on that. In 2013, he thinks only Commissioner Anderson and himself were on the Board when the Comprehensive Plan came through. We have three new members who have their own ideas and again, it is a guidepost much as a budget is. We put a budget out every year, but we do not meet that to the penny. There are things that we do not spend money on and there are new things that come up that we do spend money on, so that is just the way he views it and does not assume to speak for the Board. President Martin said he thinks Commissioner Cochran is right that a comprehensive plan is not prescriptive in terms that it is directional. Vice President Castranio said that just like the Long Range Facilities Plan we got this evening, we are not held to do everything that is in it. It is suggestions. Commissioner Cochran said we have that on our road improvements, we go out and list what we think we will be doing next year and that is just a year in advance sometimes and we have to change it because of things beyond our control, weather and wear and tear on the road comes in and changes what needs to be pushed up and needs to be pushed back. The other thing in the comprehensive plan was that we were to come up with more creek access

and we have not done that. We could say that it is in the comprehensive plan, we have to do it, but that is not the way a comprehensive plan works, it is directional, and we have said this is not a good property to have creek access from.

Mr. Fairchild said that regarding the historic significance, just using that term, he always thought it was in the eye of the beholder, he thought that was a fair way to look at it, he thought Friends of the Farm or people we have talked to could necessarily say it is historic because we are not experts or professionals, he did not think the Board could say it is not, so kind of that in-between point of still being in the eye of the beholder we have not had the historical society able to look at the farm or the farmhouse and things like that, which he thinks could be advisable and he knows the Township had Mr. Tilley look at it as an architect for the building purpose, but not necessarily as a historian. Commissioner Walter said he thought Mr. Tilley did bring up historic, part of his presentation was what he thought was some historic significance of certain parts of the architecture and there was a piece over the door. Mr. Fairchild said Mr. Tilly identified what period hardware was still in the house. Commissioner Walter said he did bring that up and he is all for certain things of that house and keeping it for display as how houses were built in those time periods, but he agrees with Commissioner Cochran in regard to the whole house, that the decay of that building and multiple times that it was poorly added onto have really changed his mind about the aspects of saving the house for display. President Martin said he would just like to say it and he does not want to cut anyone off, but he thinks this Board to its credit has listened to citizens to you, Mr. Fairchild, your organization multiple times, and things that the Board has been patient and considerate and then we came up with a process whereby that was partially suggested by your organization and we are in that process and so to suddenly, it feels like you are pre-judging that process and so now you are trying to abort that process and find another way to prolong the process we are already in and he does not mean to be disingenuous or suggest that there is any malintent, Mr. Fairchild. You are a wonderful human being, and you are the best attendee at our meetings, but President Martin said he is a little bit troubled by the fact that the Township did what a lot of the residents have asked for and we have an opportunity now that the house can be kept in tact and reconstructed somewhere or moved across the street like you, Mr. Fairchild, have publicly suggested. President Martin feels like the Township is sometimes kind of beat up for nothing. Mr. Fairchild said he understands the feeling.

Commissioner Anderson said that it is often times a misinterpretation of the comments that are made about the 1976 booklet that was put out and that was during the Centennial and it was put out and you refer to not having anyone historically, technically those people did not either. She said she knew most of them on that committee. She was not living in the Township at the time, but they were interested in historical things. She often feels that it is being thrown out and it technically was not done by someone who has a title after their name of being historic so-and-so. That was done by residents of the Township that had interest and that is how she views it. She gets offended when that is thrown up because it is interesting and it tells us things, but it is not carved in stone.

Mr. Fairchild said he wanted to get a little more understanding of the Board's thinking and he appreciates that and he is not trying to be argumentative or drag anything out. President Martin said that several of us have given personal responses, but he does not think that anything that was said here tonight is a Board response and he would caution Mr. Fairchild in future



correspondence when he kind of links individual responses or discussion amongst us as an official position of the Board. “Well, the Board is going to do this, or the Board thinks that.” Well, we kind of talk sometimes in a discussion period and it is not action, or it is not official, so he hopes the Township is extended that courtesy in correspondence to the public. Mr. Fairchild said okay and thank you.

Jeff Williams, of 334 East Meadow, serves on the Park and Rec Board. He shared that the supports the name of Generations Park. He also shared that one of the 4,000 beagles that were rescued in Virginia, was adopted by the former chair of the dog park committee.

Mitchell Thompson, of 1949 McIntosh, shared that he moved to Upper Allen Township from Utah five years ago. He expressed his concern over the taxes in Upper Allen Township. He said he pays five times what he did in Utah and twice what people pay in Hampden Township. He asked if there was some way to help, particularly in his area of Winding Hills as there are residents who are retired and on fixed incomes and if something could be done in that direction, he would personally appreciate it and thinks his neighbors would. Commissioner Cochran shared that the biggest difference with Hampden are the school taxes and that his questions are best addressed to the Mechanicsburg School District. The county tax is the same. He shared that Upper Allen Township does not have commercial taxes and that is why Hampden can be lower. Mechanicsburg does not have that. Mechanicsburg is in the upper 1/3 as far as school taxes and that is the biggest different.

Karen Overly Smith, of 855 Oak Oval, said she would like to have her email be correct in the distribution list so she knew when meetings were canceled. She shared that she enjoys being on the sewer committee.

## **MISCELLANEOUS**

### **Solicitor Update**

There was no report.

### **Tax Collection Committee (TCC) Update**

There was no report.

### **Capital Region COG Update**

Everyone is signed up for golf outing

### **Municipal Advisory Board (MAB) Update**

There was a meeting on August 29, 2022. The ARPA grants 322 grant applications .... They are saying that they will get back to us by the end of summer regarding the grants.

Public Safety, they are not going live with the radios until mid-2024.

Planning Commission University is coming up.

COG Manager Breakfasts are going to start up again.

County did get tax break for the fire fighters. There are only ten municipalities that passed that.

### **Pennsylvania State Association of Township Commissioners (PSATC) Update**

Summit is coming up at the end of the Month in Pittsburgh.

There was an Executive Session following this meeting at 8:05 p.m. regarding a legal issue.

Commissioner Walter made a **MOTION** to authorize payment in the amount of \$45,000 to Dr. Jared Coble for the acquisition of the right-of-way on Hertzler Road and damages associated therewith, including cost to cover damages, **SECONDED** by Commissioner Anderson. The motion passed unanimously.

Commissioner Cochran made a **MOTION** to adjourn the meeting at 8:55 p.m., **SECONDED** by Commissioner Walter. The motion passed unanimously.