

**UPPER ALLEN TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
December 19, 2022
7:00 P.M.**

PC MEMBERS

R. Wayne Willey, Chairperson
Robert Siodlowski, Vice-Chairperson
Barry Natwick, Secretary
Amanda Parrish (late arrival)
Scott Steffan
Barbara Roddin
Tim Kortze

TOWNSHIP OFFICIALS - PRESENT

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

BOARD OF COMMISSIONERS

Ginnie M. Anderson, Commissioner
Jeffrey Walter, Commissioner

CALL TO ORDER

Chair Willey called the Planning Commission Meeting to order at 7:03 p.m. and the Pledge of Allegiance was recited by all. Roll Call was taken by Mr. Finkenbiner. Ms. Parrish arrived at 7:08 p.m.

APPROVAL OF OCTOBER 31, 2022, MINUTES

Chair Willey called for the approval of the Minutes of the October 31, 2022, Planning Commission Meeting. Mr. Natwick made a **MOTION** to approve the Minutes of the May 23, 2022, meeting. The **MOTION** was **SECONDED** by Vice-Chair Siodlowski. The motion carried unanimously (6-0).

REVIEW OF BOARD OF COMMISSIONERS MINUTES

Chair Willey noted the copies of the Board of Commissioners Minutes from the October 5th, October 19th, and November 2nd, 2022, meetings. Chair Willey accepted these minutes.

OLD BUSINESS

A. 2509 Mill Road P/F LD File # 22-05-02

Discussion of this plan continues from August, when the plan was tabled so the Applicant could address several outstanding items.

Dan Wise of R.J. Fisher and Associates represented the plan as the Applicant's engineer. Mr. Wise gave an overview of the project. The proposed project includes the demolition of the existing single-family home and the development of 14 rental townhouses, with 8 on the northern side and 6 units on the southern side of the lot. An entrance drive will take the place of the existing driveway, with a surface parking lot area to support the 14 units. There will be a

stormwater basin in the southeastern corner.

Mr. Wise had previously asked for four waivers, three of which the Planning Commission recommended for approval. However, the fourth request was denied, and the Applicant had agreed to remove the request and build the sidewalk. Mr. Wise is asking the Planning Commission to again consider this request, as his client would like to defer construction of the sidewalk to a later time. Mr. Wise said that he believes most comments on the plan have been addressed, and that the Zoning Hearing Board approved the special exception permit required for portions of some homes to be constructed in the steep slopes.

Chair Willey asked if there were any comments or questions from the board members. Mr. Steffan said that he had several questions. Mr. Steffan asked about comment #10, and whether the Applicant had obtained E&S approval and received their NPDES permit. Mr. Wise stated that the conservation district was planning to issue a NPDES permit, but the approval was based on a previous version of the plan and revisions were needed, which was in progress. Mr. Steffan asked how close sanitary sewer and stormwater management is to approval. Mr. Wise reiterated that the Township's engineer stated they were satisfied. There was one comments from sewer, which involved adding a note to the plan.

Mr. Steffan then asked why the April version of the plan showed 47.73% impervious coverage out of a 50% allowable maximum, while the new plan from December shows a decrease to 44.7%, yet the only change between the two versions appears to be more impervious area. Mr. Wise said the initial plan contained 16 units with parking for 16 units, whereas the current plan was reduced to 14 units with parking for 14 units. Mr. Steffan noted that since the plan is so close to maximum impervious amount allowed any subsequent impervious areas would require a variance. Mr. Wise stated that there are no plans to expand, and they will keep the impervious under 50% as required. Mr. Steffan noted that both plans show 14 units. Mr. Wise stated that this was likely due to a clerical error missing a digit, however, he will be sure to double check the numbers. Mr. Steffan stated that he would need to see the confirmed impervious surface percentage before he could vote to approve the plan.

Mr. Steffan showed that on Sheet 6, the landscape plan, the first two trees listed, with quantities of 16 and 11 respectively, are not native species trees. Mr. Wise acknowledged this and agreed to change to native species trees. Mr. Steffan also noted that the plans had passed the allowable review time and asked if a time extension was given. Ms. Boyer confirmed that a time extension was received and the review period is valid until the end of January 2023. Lastly, Mr. Steffan questioned at what point would a traffic study be required for the addition of townhomes in a residential neighborhood that is generally single-family dwellings, specifically considering the number of townhomes that have been built in this area. Ms. Boyer explained that if each individual development project contains fewer than 20 dwelling units a traffic study is not needed. Mr. Steffan noted that each development project could contain 19 units and no traffic study would ever be required, but there would still be a traffic impact. Ms. Boyer agreed and stated that the Township would have to consider that issue separately. The Township could require a traffic study if there would be a known issue in an area, and that these concerns would

be passed along to the Board of Commissioners.

Vice-Chair Siodlowski asked about a public comment from a neighbor during the previous meeting who had concerns about utilities and if they would be run underground, which was a recommendation by the board. Mr. Wise stated that utilities for the project would be underground, and that the existing aerial electrical line serving the neighbors to the north would need to be relocated in conjunction with the neighbor and electric company.

Vice-Chair Siodlowski asked for confirmation that the landscaping and maintenance would be done by owner or a contractor for the owner. Mr. Wise confirmed that was correct.

PUBLIC COMMENT

Melanie Horvath of 605 Wingert Drive stated that this property is adjacent to her property. The location of the townhomes are so close to the property line, and that her pool is close to her property line, making it so that her and the new neighbors could share lunch on a nice day. The new townhomes will reduce her property value and that of her neighbors' properties. Ms. Horvath also wanted to know who would maintain the swales on the property and perform mosquito control for the property. Ms. Horvath also agreed with Mr. Steffan's assessment of the traffic study requirement being 20 dwelling units. Finally, she noted that this sets a bad precedent for all developments within the R-2 Zoning District.

Annette Simington of 601 Wingert Drive explained that her property will abut the proposed project right where the swales and stormwater basin meet and deposit into a stone outlet. Ms. Simington also wanted to know who would maintain the swales and how these changes would impact water flow on the property. Ms. Simington noted that Mill Road is considered dangerous by the school district due to the curve along the road that prevents traffic from seeing the stopped bus. This dangerous condition caused the district to add bus stops to prevent children from having to walk along the road. Ms. Simington said the winter weather, while it is handled well by the Township, can still cause issues for traffic entering Mill Road from intersecting roads, such as Wingert Drive.

John Harms of 604 Wingert Drive implored the Commission to consider having a traffic study performed as the number of residences along Mill Road is quickly increasing and there have already been several accidents reported over the past few years. Mr. Harms also reiterated the concerns with impervious surface percentages.

Justin Lehman of 1702 Patricia Court wanted to know if any greenspace had been identified for recreation for the residents. Chair Willey clarified with Mr. Wise that a recreation fee in lieu of land dedication was being proposed, and that the development itself has no plans for a private recreation area. Mr. Lehman wanted to know what would happen if the sidewalks were not installed. Ms. Boyer explained that if a deferral is granted, a note would be placed on the recorded plan and the improvements would be shown on the plan as future improvements. When the Township deems the improvements necessary, it will call upon the property owner to

install the sidewalks.

Ms. Boyer noted that the Applicant had satisfied several conditions since the staff report dated December 13, 2022 was distributed. Condition # 1.b. and # 2-7 of this report have been satisfied. Chair Willey called for a **MOTION** on the plan. Vice-Chair Siodlowski made a **MOTION** to recommend approval of the 2509 Mill Road plan with the outstanding conditions. The **MOTION** was **SECONDED** by Ms. Parrish. The motion carried unanimously (6-1). The conditions of approval are as follows:

1. Landscape islands shall be designed and have appropriate plantings in accordance with Section 245-17.6.A(7) and 220-5.13.B(2).
 - a. Parking ends must be provided at the end of each parking row and identified on the plan. Each end shall be equal to one parking space. The ends of parking rows shall be designated with landscaping islands per Section 220-5.13.B(2)(a)[2].

Staff Note: The plan includes 35 parking spaces, with 32 spaces required. Removal of two additional parking spaces will put an additional burden on the residents who may rely on more than 2 parking spaces for themselves and visitors. We encourage you to provide the required landscaping islands without removing additional parking spaces. We recommend you discuss this further with both the Planning Commission and Board of Commissioners to work out an acceptable solution. Additional parking spaces near the homes will help limit parking along the access drive.

2. On Sheet 5 of 21, Grading & Drainage Plan, the following shall be corrected: Add a note to the plan stating that both the lateral and building sewer to be constructed of 6" PVC with one 6" two-way cleanout installed outside the building.
3. The Applicant has received a Special Exception permit to build some of the townhomes within the Steep Slope Overlay District, in accordance with Chapter 245, Article 9 of the Codified Zoning Ordinance. The date, case number (ZHB # 22-05), the approval request and any conditions granted by the Zoning Hearing Board must be noted on the Cover Sheet.
4. 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 220-3.5.C(4)(h), Section 220-5.14., and Section 214-19.C of the Codified Ordinances.
5. 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.

6. This project is situated in a 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.
7. The Applicant must provide evidence that the sanitary sewer system design has been reviewed and approved by the Township Engineer, in accordance with Section 220-5.7.D(3)(b) of the Codified Ordinances.
8. The Applicant must provide evidence that the storm drainage and stormwater management facilities has been reviewed and approved by the Township Engineer, in accordance with Sections 220-5.14 and 220-5.18, and Chapter 214 of the Codified Ordinances.
9. 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.
10. 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.
11. 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.
12. 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. All deferred improvements shall be shown on final plans as future improvements. A note shall be placed on the plan indicating that all deferrals are granted “.....until such time as the Board of Commissioners deem the improvement necessary.”
13. The Applicant must contribute to the Township Recreation Land Acquisition and Improvement Fund in the amount of \$32,200.00. This contribution to the Fund shall be
14. 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.

15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. The Applicant shall obtain final water main design approval from Veolia Water Company and furnish to the Township an updated design plan.
22. 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.
23. 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.
24. 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.

OTHER BUSINESS

A. Letter to support a grant to expand the sewer capacity at the Lisburn Road Trunk.

Ms. Boyer presented a grant proposal, from the Assistant Township Manager and Sewer Engineer, to help increase sewer capacity for the Lisburn Road Trunk. The Planning Commission was asked to review to ensure the proposed improvements meets the comprehensive plan, zoning ordinance, Township standards, etc. The proposal was deemed acceptable, and Chair Willey signed the required documentation.

BUILDING INSPECTOR'S REPORTS

Chair Willey noted the Building Inspector's Report for October and November 2022.

PUBLIC COMMENT

John Harms of 604 Wingert Drive stated Mr. Wise's claim that two units were removed from the April plan was inaccurate. None of the plans showed 16 units. The plan last updated July 22, 2022 displayed an impervious surface percentage of 44.73%, which was a slight decrease from the latest plan of 44.7%, yet the Applicant added more impervious area. Mr. Wise also claimed that the northern townhome units decreased in size, yet both the July and October plan versions show the unit size as having a 832 square foot footprint.

ADJOURNMENT

There being no further business Vice-Chair Siodlowski made a **MOTION** to adjourn. The **MOTION** was **SECONDED** by Mr. Steffan. Chair Willey adjourned the meeting at 8:07 PM.