

**UPPER ALLEN TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING  
February 27, 2023  
7:00 P.M.**

**PC MEMBERS**

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

**TOWNSHIP OFFICIALS - PRESENT**

Jennifer Boyer, Comm. Dev. Director  
Jason Reichard, P.E. – Twp. Engineer

**BOARD OF COMMISSIONERS**

Ginnie M. Anderson, Commissioner  
Jeffrey Walter, 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. All members were present.

**APPROVAL OF JANUARY 30, 2023 MINUTES**

Chair Willey called for the approval of the Minutes of the January 30, 2023 Planning Commission Meeting. Mr. Steffan made a **MOTION** to approve the Minutes of the January 30, 2023. The **MOTION** was **SECONDED** by Ms. Roddin. The motion carried unanimously (7-0).

**REVIEW OF BOARD OF COMMISSIONERS MINUTES**

Chair Willey noted the copies of the Board of Commissioners Minutes from the January 4 and January 18, 2023 meetings. Chair Willey accepted these minutes.

**NEW BUSINESS**

**A. Autumn Chase PRD, Phase V Final PRD. UAT File # 23-01-31**

Tim Mellott of Mellott Engineering represented the plan as the applicant's engineer. Mr. Mellott began by explaining that this plan is the fifth phase of the Autumn Chase development, consisting of 35 single-family detached lots, to be located on the southern side of Hertzler Road. Phases One and Three, on the northern side of Hertzler Road, have already been completed. Phase Two, also located on the southern side of Hertzler Road, is under site construction. Mr. Mellott continued stating that staff comments for the Phase Five plan had been received, would be addressed, and he would be happy to answer any questions.

Chair Willey asked about the two waivers being requested for the plan. Mr. Mellott clarified that these waivers have been requested for every previous final plan. The Applicant is requesting

relief to provide two-foot contour lines instead of one-foot contour lines, and relief from preparing separate road cross sections as the roads are all the same and they will provide a single standard cross section which represents every road.

Mr. Wales asked about condition #18 concerning a streetlight along the road near a community mailbox area. Mr. Mellott said he already amended the plan to move the light closer to the mailbox so there was better lighting at the mailbox area. Mr. Wales also asked about general note #15 about the fire hydrants. Mr. Mellot stated that he thought the wording had already been updated and that it would be addressed.

No public comment.

Chair Willey called for a recommendation on the two waivers being requested. Secretary Parrish made a **MOTION** to approve the waivers of Section 220-9.C(2)(o) and Section 220-10.B(2)(b) for the Autumn Chase Phase II Plan. The **MOTION** was **SECONDED** by Vice-Chair Siodlowski. The motion carried unanimously (7-0). The waivers are:

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

Chair Willey called for a **MOTION** on the plan. Secretary Parrish made a **MOTION** to recommend approval of the plan with conditions. The **MOTION** was **SECONDED** by Vice-Chair Siodlowski. The motion carried unanimously (7-0). The conditions are:

1. The landscaping plan shall include the following:
  - a. Identify the required Buffer Yard 3 plantings around Stormwater Basin #5, per Section 220-26.B(1)(g)[5] of the Codified Ordinances of Upper Allen Township.
  - b. The proposed street trees are Japanese Lilac trees, which are not native species. The Applicant shall use a native or other recommended species, per the requirements of Section 220-26 of the Codified Ordinances of Upper Allen Township.
  - c. The landscaping plan shall include the size and height of the trees at planting and full maturity, in accordance with Section 220-26.B(1) of the Codified Ordinances of Upper Allen Township.
2. Walking trail north of Coral Bells Drive shall include a crosswalk where it crosses the proposed streets. The trail and its access points should be ADA compliant.

3. Crosswalks shall be provided at the intersection of Sweet Honey Lane and South Fall Harvest Drive.
4. The passing space for the sidewalk between the curb ramp landing at inlet A49 and inlet B38 do not meet the requirement of where passing spaces must be at least every 200 feet if the sidewalks are to be only four feet wide. Revised the passing space location accordingly. Additionally, the Applicant shall clarify the aforementioned passing spaces since it is shown as larger than the 5'x5' label.
5. Section 220-10.B(2)(c) of the Subdivision Land Development Ordinance requires the pipe sizes and 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. We acknowledge that a design for the water distribution system will be provided, and plan revisions will occur upon conditional approval by the Township.
6. Metes and bounds need to be labeled for all proposed drainage and sanitary sewer easements or establish their boundary with reference to the centerline of the proposed infrastructure. This should be provided in a table format on the subdivision plan sheet(s).

#### **STORMWATER**

7. The 36" pipe from MH-B10 to Inlet B9 enters the 2'x4' B9 box on the short face, which compromises the corner and structure integrity of the box. The size of the box must increase so it can take a 36" pipe while satisfying Section 214-18.G.5.8 of the Stormwater Management Ordinance.
8. The 30" pipe from Inlet A36 to Inlet A35 exists the 2'x4' A36 box on the short face, which compromises the corner and structure integrity of the box. The size of the box must increase so it can take a 30" pipe while satisfying Section 214-18.G.5.8 of the Stormwater Management Ordinance.
9. Inlets B11, B12, and B13 (future phase improvements) have 30" pipe connections through the short face of their 2'x4' boxes. These boxes must increase in size for the future phase plan submission.

#### **SANITARY SEWER**

10. Furnish an overlay sheet showing streets, building footprints, sanitary sewer mains and laterals, and planned landscaping. Note that no trees are to be planted within ten (10) feet of the sanitary sewer laterals.
11. On Sheet 6 of 21 – Grading and Utility Plan, the following shall be corrected:

- a. Shift manholes G13-29 to G13-32 to 8.5' off of the curb line (center of travel lane) out of the vehicle tire path.
- b. Shift manhole G13-27 north such that this manhole and future phase G13-37 to G13-39 manholes are out of the vehicle tire path.

12. On Sheet 8 of 21 – Street and Utility Profiles, the following shall be corrected:

Autumn Chase Drive Profiles

- a. Adjust inverts and slopes from manhole G13-29 to G13-32 (see comment 1 for Sheet 6 of 21 above).
- b. Manhole G13-30 must be labeled as a 5' Diameter Manhole.

Cul-de-Sac Profile

- a. Manhole G-13-23 must be labeled as a 5' Diameter Manhole.

13. On Sheet 17 of 21 – Sanitary Sewer Construction Details, the following shall be corrected:

Autumn Chase Phase V Manhole Table

- a. Revise coordinates for manholes G13-27 and G13-29 through G13-32 (see comments 1 and 2 for Sheet No. 6 of 21 above).

Sewer Index Map (Phases I-III and V)

- a. Revise manhole locations based on comment # a. above (for Autumn Chase V Manhole Table).
- b. Show development phase delineation lines.

## GENERAL

14. The Applicant shall ensure the temporary cul-de-sacs are large enough for the fire department's ladder truck to turn around (Coral Bells Drive and South Autumn Chase Drive).
15. General Construction Note #9 on the Cover Sheet can be revised to include information stating all hydrants must be within 600 feet of structures and have the Storz adapter, in accordance with Section 220-22 of the of the Codified Ordinances of Upper Allen Township.
16. Sheet 12 identifies West Hanover Township as having the right but not the duty to enter the premises and repair a stormwater facility, under the "Operations and Maintenance Notes" and Property Ownership O&M and Township Right of Entry Note". This should be corrected to Upper Allen Township.

17. General Note # 15 on the Cover Sheet mentions street lighting will be installed. The note shall also state who will be responsible for maintaining the streetlights. The township does not accept responsibility for streetlights.
18. The Applicant should determine whether the location of the streetlight on South Autumn Chase Drive near the mailbox parking area will provide adequate lighting. It does not appear so. Could the light be moved closer to the mailboxes, similar to the configuration on Brittany Drive?
19. The property lines for Lots 84 and 85 should be adjusted so that they do not overlap with the 50-foot required tract boundary line.
20. Additional details shall be provided as to maintenance of drainage of easement and how access to it will affect the trail and/or the trail easement area since there is an overlap of easement areas within several sections of the residual land.
21. The stop bar depicted at the intersection of South Fall Harvest Drive and Coral Bells Drive must be repositioned to be four (4) feet away from the pedestrian crosswalk markings.

**ADMINISTRATIVE**

22. 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 214-15.C of the Codified Ordinances of Upper Allen Township.
23. The Applicant must submit a 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 of Upper Allen Township.
24. 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 of Upper Allen Township.
25. 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 of Upper Allen Township.

26. 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.
27. 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.
28. The Applicant must provide a copy of agreements with other utilities, highways, or railways when crossing and occupying their easements with new sanitary sewer facilities.
29. 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 of Upper Allen Township.
30. The plan shall note separately the modifications and waivers granted by the Board of Commissioners including the date in which such action was granted, in accordance with Section 220-10.B(3) of the Codified Ordinances of Upper Allen Township. *All previously approved waivers and modifications were granted on February 12, 2012. The approval date on the cover page is incorrect. The newly requested waivers have not yet been approved.*
31. 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 of Upper Allen Township.
32. 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 of Upper Allen Township.
33. 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 of Upper Allen Township.
34. 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 of Upper Allen Township.
35. 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 insure 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 of Upper Allen Township. 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.
36. 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 of Upper Allen Township.
  37. The Applicant shall obtain final water main design approval from Veolia Water Company and furnish to the Township an updated design plan.
  38. 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.
  39. 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.
  40. 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\_\_."
  41. 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.

42. 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.
43. The Applicant shall comply with all other applicable conditions as set forth in the PRD Tentative Plan Finding of Fact dated May 8, 2012.

**B. 2210 Aspen Drive (JoJo's Pizza), P/F LD Plan. UAT File # 23-02-01**

Christopher Hoover of Hoover Engineering represented the plan as the applicant's engineer, and Antonino "Nino" Purpura represented the plan as the owner. Mr. Hoover began by describing the plan as a minor addition to the property, known as JoJo's Pizza. The original building was constructed in 2014 and was planned as a restaurant with attached retail space; however, the retail section never came to fruition. Therefore, Mr. Purpura decided to turn the retail section into a second restaurant that differs from JoJo's with its own name and menu. The plan also included an addition onto the back, northern side, of the building and an additional parking lot also behind the building.

Mr. Hoover acknowledged that the plan needed to be cleaned up, and the comments provided by staff would be addressed; however, there was one comment that he wanted to discuss. Mr. Hoover wanted to discuss the requirement for a traffic impact study. He hoped to be able to do an abridged study as opposed to a full study because he believed that the traffic impact caused by the current use and the addition of the new restaurant would be negligible. Secretary Parrish asked if a traffic impact study had been performed when the property was first built. Ms. Boyer stated that the original plan received a waiver for the traffic study. Mr. Hoover also noted that other projects, specifically the ModWash project located at 127 Kim Acres Drive, would be doing traffic studies. Ms. Boyer confirmed ModWash had recently completed a traffic impact study, and it was available to view on the Township's website. Ms. Boyer suggested the results of ModWash's study could be used as a starting point, and Mr. Purpura traffic engineer could easily include the current traffic counts from JoJo's Pizza into the study as well as the anticipated trips for this second restaurant.

Mr. Steffan asked why a traffic study would be needed when changing the use would only result in additional 15 parking spaces. Ms. Boyer clarified that the number of parking spaces does not determine whether a traffic study is required. A traffic study is required when there is an addition to a use or a change of use. In this case, the Applicant is proposing a second restaurant on the site. The second restaurant space was not part of the original land development plan. The two restaurants, as currently proposed, could bring in 600-800 daily trips, so it is important to know if this development will impact the surrounding intersections. Mr. Hoover continued Mr. Steffan's line of questioning by arguing that the current use of a restaurant and three retail spaces would already be accounted for in a traffic study. Ms. Boyer replied that since a waiver had been granted for the original traffic study, there was no traffic data recorded for the site. Mr. Steffan agreed with Ms. Boyer's assessment, stating that there was no data to build off of, or



modify from. Mr. Clancy argued that the best solution would be to have a traffic engineer write a statement stating the number of peak trips, based on the ITE model, that would be generated by the two uses.

Mr. Steffan asked what would happen after a traffic study was completed. Ms. Boyer explained that if the Level of Service (LOS) for an intersection came back below a LOS D then remediation would be required to bring it up to a LOS D or better, at the expense of the Applicant. Mr. Steffan then asked Mr. Hoover what he was requesting at this time, to which Mr. Hoover said that he would like a traffic engineer to take the number of trips generated by the original use of a restaurant and retail space as compared to the new use of two restaurants and see what the difference in total trips may be. We can then know if the change is large enough to make a substantial impact. Mr. Steffan believed that to be a reasonable solution.

Chair Willey asked if the proposed inlet #2 would drain out the bottom. Mr. Hoover said that the drainage for that specific area would be subsurface. Chair Willey then asked how the water from Inlets # 1 and 2 would drain to the collection if the slope for the pipe was going uphill by three (3) feet. Mr. Hoover clarified that he was informed by the Township's engineer that there were some errors in the design, and that they will be cleaned up.

Mr. Hoover stated that he was willing to come back before the Commission next month, or whenever the information was prepared, and present the traffic numbers for consideration. Chair Willey agreed that the Commission should recommend deferring the plan until such time.

Mr. Wales asked if the sidewalk in front of the property would connect to the sidewalk along Aspen Drive so that the path from the new parking lot would be continuous. Mr. Hoover stated that a connection could be made for that.

No public comment.

Chair Willey called for a **MOTION** on the plan. Vice-Chair Siodlowski made a **MOTION** to defer the plan until next month's meeting. The **MOTION** was **SECONDED** by Mr. Steffan. The motion carried unanimously (7-0).

### **BUILDING INSPECTOR'S REPORTS**

Chair Willey noted the Building Inspector's Report for January 2023.

### **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 8:05 P.M.