

## MINUTES

### **LOWER SWATARA TOWNSHIP PLANNING COMMISSION**

**REGULAR MEETING  
JULY 27, 2023, 7:00 P.M.**

Meeting was called to order by Chauncey Knopp at 7:00 P.M. with the following present:

Chauncey Knopp, Chairman	Jim Diamond, LST Solicitor
James Young, Vice Chairman	Rich Snyder, LST Planning/Zoning Coordinator
Kimber Latsha	Tonya Condran, Recording Secy.
Dale Messick	Shawn Fabian, HRG
Howard Crawford	Alexa Korber, DCPC

Others present:

Deb Cotton, resident	Dean Cotton, resident
Emily Botterbusch, resident	Michelle McMenamin
Ron Burkholder, Colony	Matt Fisher, R.J. Fisher & Associates
Jessica Knaub, CHS	Sean Carcannon ( <i>ill.</i> ), CHS
Jim Spade, CHS	Chris DeHart, LST BOC
Ryan Woerner, Stewart Properties	David Koratich, Warehaus
Zach Michelo, Warehaus	Ron Paul, LST BOC
Todd Truntz, LST BOC	Zach Border, LST Manager
Adam Davis, Hyland Engineering	Jason Wheeler, Traffic Planning & Design
( <i>ill. first name</i> ) Nelson, CHS	Bill McKelvie, CHS
Mark Hackenburg, RGS Assoc.	Jake Kreiger, RGS Associates
Senate Alexander, CHS	Jody Koenecke, resident
Bruce Koenecke, resident	

### **ROLL CALL & PLEDGE OF ALLEGIANCE**

### **APPROVAL OF MINUTES**

Mr. Knopp asked if there was a motion to approve the May 25, 2023, meeting minutes. The motion was made by Mr. Latsha and seconded by Mr. Messick. All were in favor. Minutes were approved.

### **COMMENT FROM CHAIRMAN KNOPP**

Chairman Knopp started the meeting by announcing that the Planning Commission will solicit public comment at the end of each item on the agenda, and again prior to adjournment.

**NEW BUSINESS:**

**a. Capital Valley Business Park Lot 3 & Lot 4** – Zoning Hearing Board File SE#2023-08. The Applicant, Capital Valley LP, requests a Special Exception to §27-1104.3. to allow the outdoor storage of materials and equipment.

David Koratich, of Warehaus, introduced his colleagues Zach Michelo of Warehaus, and Ryan Woerner of Stewart Properties representing the applicant Capital Valley. He reminded the Planning Commission that they had seen this plan back in March; tonight, they were here to seek recommendation for approval of a Special Exception for outdoor storage for both lots. The outdoor storage would be in the truck court which is behind both buildings. It will be surrounded by opaque fencing and there will be some added landscaping behind Lot 3 in addition to the existing buffer already there.

Mr. Knopp asked Mr. Snyder for any comments.

Mr. Snyder said that the outdoor storage of materials and equipment is allowed by relief through the Zoning Hearing Board by Special Exception. They are also going to request a Variance to the Zoning Ordinance to increase the fence height around the outdoor storage area to a height of 8 feet. They have details printed on their plans that indicate it will be a slatted fence, so it will not be an open chain-linked fence. This will help reduce the visibility of materials inside. From a Zoning standpoint, we find that what they are requesting is acceptable. And just to reiterate what Mr. Koratich had requested is that this would be Lot 3 and Lot 4 in preparation for at least one, if not two, tenants.

Mr. Crawford asked if there would be any hazardous material stored.

Mr. Koratich said no, it would be all building materials.

Mr. Knopp asked Mr. Fabian, Ms. Korber, and Mr. Diamond for any comments.

Mr. Fabian and Ms. Korber did not have any comments at this time.

Mr. Diamond just wanted to make clear that we are not here to grant anything this evening, we are just making a recommendation for the Zoning Hearing Board to consider.

Mr. Knopp asked for any comments from the Public.

There were none at this time.

Mr. Knopp asked the Planning Commission what their recommendation would be.

Mr. Young made the motion to recommend approval to the Zoning Hearing Board.

Mr. Crawford seconded the motion.

All were in favor.

**OLD BUSINESS:**

**a. Catherine Hershey School** – Planning Commission File PC#2023-03. The proposed project intends to consolidate two (2) existing parcels into a new 7.578-acre parcel. Furthermore, the proposed project intends to construct a 37,700-sf school for early learning, improvements to/along Oberlin Road (SR 441), retaining walls, public water/sewer connections, utilities, and Stormwater Management BMPs, and repaving an existing access drive.

Mark Hackenburg, of RGS Associates, explained that they received the comments from the Township Engineer, and they are in agreement with those comments. He also explained that they are working on an issue raised by the Sewer Authority; and they are working on some issues with utility matters. The plans for this project are generally clean. He informed that there is one waiver request: the applicant requests a waiver from the requirements of a submission of a separate Preliminary and Final Plan to proceed with a combined Preliminary and Final Plan. He asked for any questions or concerns from the Planning Commission.

Mr. Knopp asked the Planning Commission for any questions/comments.

They had none at this time.

Mr. Knopp asked Mr. Snyder for any questions/comments.

Mr. Snyder said that based upon the Comment Letter issued by the Township, all comments have been addressed with the exception of one, which was a small drafting issue that he had already coordinated with the RGS engineering staff and it will be taken care of before the final draft set has been recorded.

Mr. Knopp asked Mr. Fabian for his questions/comments.

Mr. Fabian replied that his comments were very similar, just a different drafting issue. But what they had was very minor and easy to correct.

Mr. Knopp asked Ms. Korber and Mr. Diamond for their questions/comments.

They had none at this time.

Mr. Knopp then asked for any questions/comments from the Public.

Jessica Knaub, who will be the CHS center's Director, came to the floor to introduce herself. She just wanted to let everyone know how excited they are to be joining the community and working with the children and families in this area.

Mr. Knopp responded that we are excited to have them here, as well.

Mr. Knopp then asked the Planning Commission to address the waiver (Preliminary Plan to be addressed as a Preliminary/Final Plan).

Mr. Young stated that consistent with past practices, and since they have been working with the staff to submit a plan that complies with LST Ordinances, he made a motion to recommend approval of the waiver of the preliminary plan requirement.

Mr. Messick seconded the motion.

All were in favor. Waiver was recommended for approval.

Mr. Knopp asked the Planning Commission what they would like to do with the plan.

Mr. Latsha made a motion to recommend approval.

Mr. Messick seconded the motion.

All were in favor.

The Catherine Hershey School plan was recommended for approval.

**b. Colony at Old Reliance** – Planning Commission File PC#2022-01. The proposed project is a Traditional Neighborhood Development (TND), consisting of 77 single-family lots, 42 duplex lots, 5 commercial/single-family lots, and 5 open space lots. Furthermore, the TND will include 6 local streets, improvements to/along Longview Drive, public water/sewer connections, and various stormwater BMPs.

Matt Fisher, of RJ Fisher & Associates, introduced himself and stated the plan is generally consistent with what has already been seen in previous Planning Commission meetings. The most significant change that has occurred is that they previously had a Pump Station shown for the sewer, but they have since changed that over to an all Gravity Sewer going through Kreider's land next to this project. He stated that they are in the process of finalizing those easement agreements right now; but there is a verbal understanding between all parties involved as far as what is accepted. He said that is the main change from what was presented to them before. They have worked with LST staff and HRG to clean up the comments, which are all fairly minor. He asked for any questions or comments at this time.

Mr. Knopp asked the Planning Commission for any questions/comments.

Mr. Messick stated that he has several. First, there are still no details at all on the emergency access road (with the exception of the load rating on it).

Mr. Fisher responded that they are waiting for paving specs to clarify what is being proposed there.

Mr. Messick then added that Nicholson Drive to Powderhorn Road should have curbing that runs down along there, in his opinion. He feels the curbing would keep the water off other people's lots and direct it down to that catch basin that is already

constructed at the bottom of Powderhorn. He feels as the road gets improved with that curve that's there, it would be a good way to handle the stormwater if, in at least part of that portion of this new development, there would be curbing down to Powderhorn.

[At this time, the overhead projection of the map of this project was brought up and discussion ensued on curbing and stormwater runoff.]

Mr. Snyder also brought up that we have not seen any road realignment of Longview Drive as of yet because this is a preliminary plan being presented tonight.

Mr. Messick then asked for clarification on the number of new buildings: 77 single family houses, 42 duplexes (21 buildings), and 5 commercial buildings.

Mr. Fisher said that was correct.

Mr. Messick feels this is a lot of new housing for not widening the road or having any kind of turning lane into the development. He added that with all the new warehouses built on N. Union Street, traffic has picked up a lot on Longview Drive. He asked how many new buildings would make it prudent to have that road widened. He feels that unless no other development in that area will be happening in the future, that road will need to be dealt with. So, again, he feels that there needs to be widening of that road at least at the access/outlet of the development.

Mr. Fisher added that they had a traffic engineer look at this for turning lanes and such, but none of the traffic engineers saw a need for actual turning lanes.

Mr. Messick said he understands they had traffic engineers review this, but he disagrees with them.

Mr. Knopp asked for any other questions/comments.

Mr. Crawford asked who would be doing the adjustment of the curve.

Mr. Fisher said that would be part of their plan.

Mr. Crawford asked if the new curve would provide better visibility for turning.

Mr. Fisher said that he felt they did not need that adjustment for sight distance there. He believes that was just a request from long ago with previous plans that the Township wanted them to carry through with.

Mr. Fabian added that the curve was right at the high point of the topography there, so it is not going to be lowered at all and the sight distance will not change either. What it will do is make that a less drastic curve, where we have had some traffic incidents due to that curve.

Mr. Knopp asked Mr. Snyder for any questions or comments.

Mr. Snyder commented on Longview Drive and the subject of curbing and sidewalks. The Developer has requested a waiver on this. He went on to say that this is the first plan where we have seen the Gravity Sewer, so we are working through the technical aspects of that. There will be permits necessary from DEP and modifications of those permits through DEP that may be in the process for NPDES. We will also be working through the legal ramifications of access easements, temporary construction easements, permanent easements, or right-of-way for Township ownership of the sanitary sewer down through there.

Mr. Knopp asked Mr. Fabian for any comments.

Mr. Fabian stated that HRG issued a Sanitary Sewer comment letter but some of their comments were pretty minor with the lines and the sanitary laterals and where they come in. There are still a couple of comments outstanding but overall, he feels everybody is greatly in favor of moving from a Forced Main System to a Gravity System.

Mr. Fabian went on to say that there is not really a lot changing from this plan's perspective affecting the drainage profile. For the road drainage coming into the project itself, there will be grading along Longview to accept the flows coming from the road and from the cross-drains and storm-sewer system across the street. Those were incorporated into the overall design.

Mr. Fabian brought up the two waivers. He said usually we see a request for deferral but there is a proposition of doing a Fee-In-Lieu-Of instead of the deferral. This will be for the Planning Commission to consider. He went on to say that the only

outstanding technical comment he had for this preliminary plan was in regard to the 30' perimeter setback.

Mr. Knopp asked Ms. Korber for any comments.

Ms. Korber asked about the water feature. She asked if it was considered a stream.

Mr. Fabian said that was a huge complication in trying to review the whole stormwater concept because you have so many different discharge points within that. And that is where the bulk of our previous technical comments were aligned, how to handle the routing through all those BMPs going into that stream and that wetland complex system. He said it was definitely a challenging site with a lot of floodplains to consider, but they worked through all the technical issues.

Ms. Korber asked if at the bottom of Newport Ave, Lot 108, there is an outfall going into that.

Mr. Snyder responded that it is the top-end of a swale.

[Stormwater talk followed using the overhead projected map.]

Mr. Diamond stated that with respect to the 30' open space area, it is overlapping into some yards to some extent. He said we think that can be addressed, instead of moving lot lines, by overlaying easements and making it very clear to everybody that these easements may flow into their yard. He feels this is a very workable solution.

[More stormwater discussion ensued.]

Mr. Snyder stated that they had representatives from the Swartz/Nissley Family come into the Township building a few weeks ago expressing concern. They have an existing family cemetery that is located on Mr. Kreider's property (bordering the Colony property). They historically use the Sessa property on Pheasant Run Road to access the cemetery for visitation and maintenance; they have inquired about access to that point. [Mr. Snyder then pointed out on the overhead projected map where that space was appointed for them to get back to the cemetery.] He said he did bring this to the attention of Mr. Burkholder. So this will be one of the features of the project, that they will provide more direct access to the historic cemetery that is back there.

Mr. Diamond asked if this would be a pedestrian access or vehicle access.

Mr. Snyder responded that it would be a pedestrian access.

Mr. Messick asked how does the Tot Lot tie into the Rec Fee?

Mr. Snyder said that is a point that we have to discuss internally. Typically, it is a “per lot” fee-in-lieu-of for residential. What will be discussed is if the value of the lot and the improvements equate to the fee-in-lieu-of.

Mr. Knopp asked for any other questions/comments.

Mr. Diamond asked about the Fee-In-Lieu-of vs. a deferral. He asked how one is determined over the other.

Mr. Fisher said that he believes the final amount is yet to be determined but Developer is willing to work back-and-forth with staff until they come to a final agreement as to what that number may be. They would have to come up with the construction cost and then see where negotiations go from there.

Mr. Fabian added that HRG had recommended using the value per linear foot that they utilize on the financial securities.

Mr. Latsha asked if we could recommend approval subject to working that out.

Mr. Fisher said that is what they would be looking for. They do not have a final amount right now, so he feels it would be perfectly acceptable to approve it subject to working out an agreeable amount with the Township.

Mr. Diamond then asked if there was an upside to doing a preliminary plan as opposed to tabling it with the open issues.

Mr. Fisher said that they are just looking to moving the plan forward as much as possible. He feels it is clean enough to move it forward as a preliminary plan at this point.

Mr. Knopp asked if there were any questions or comments from the Public.

There were none at this time.

Mr. Knopp asked for the waivers to be addressed.

Waiver #1 - Sidewalks and Curbs:

- Mr. Messick requested that the curbs and sidewalks be voted on separately.
- Mr. Knopp agreed with this and asked for the curbs to be discussed first.
- Mr. Crawford was in favor of requiring curbing in this area.
- Mr. Messick was also in favor of curbs.
- Mr. Latsha said he noticed that HRG is willing to approve this without the curbs, so he feels we should defer the curb requirement instead of a fee-in-lieu-of, for possible reconsideration in the future. So, Mr. Latsha's position is that the curb requirement should be a deferral.
- Mr. Fisher said that the thought process behind what the Developers are proposing, was that there are a lot of other areas in the township that are in more of a need for curbing and sidewalk, so the fee could be used for these other areas.
- Mr. Latsha said it all depends on how Longview gets realigned as it gets developed, so we could always come back if we defer the curbing, and then require it along the development.
- [Discussion on the probable amount of the fee versus deferring the curbing requirement ensued.]
- Mr. Latsha asked Mr. Fabian if there was a benefit in curbing as far as drainage goes. Does it help resolve a drainage problem?
- Mr. Fabian stated that the current design standard with stormwater management is to keep everything from going into curb gutter pipe and try to decentralize all the treatments. So smaller catchments instead of larger basins, and to use open grass swales as much as possible. If we were having erosion problems, he feels that is when curbs would be of better use. But if you are not tying it in to either side, it is hard to push on the recommendation because you are not keeping in the character of that whole corridor that currently exists, unless we would have development plans coming down the road that would have curbing.
- Mr. Latsha asked if there were already existing swales there that would be handling the runoff. He asked if we knew if we had problems there with that.

- Mr. Fabian said there are a couple outfalls that over time have silted in and we don't have the positive drainage that we really could have, this stormwater plan addresses a lot of those concerns. Mr. Fabian said they have already evaluated the flow from the road through the conveyances into the piping and BMPs and into the stream going through the middle of the property, so what they are proposing meets the requirements.
- Mr. Latsha said that if what he is hearing is that there is not a problem and there shouldn't be a problem or HRG would not approve it, his recommendation would be that the BOC weigh in. If they prefer the money, he is for that. If not, and they feel there is a real need for curbing, then he is for installing curbing. But he thinks they should make that decision.
- Mr. Young asked if there were identified areas in the township where there is a need for curbing.
- Mr. Fabian said there was less need on the curbing in the township and more need on the sidewalk end. They did a fragmentation analysis when they did the Park, Recreation, and Open Space plan back in 2020, and they identified areas of fragmentation and gaps in the sidewalks where the fee definitely would be beneficial.
- Mr. Diamond added that this is a developer offer. It is outside of the normal rules of the MPC with the developer making the fee-in-lieu-of usable on sidewalks or curbs within the township. So, it could be a special fee-in-lieu-of.
- Mr. Latsha then said that since there doesn't appear to be a drainage problem, he votes for accepting the Fee-In-Lieu-Of and the use it elsewhere in the Township where it is needed.
- Mr. Young is also in favor of waiving the curbing requirement and accepting the fee.
- Mr. Knopp announced that the vote at the moment is tied with two in favor of the waiver, and two opposed to the waiver.
- Mr. Crawford said that after the discussion, he feels that if the Township prefers the money rather than needing a curb out there, he moves to recommend approval of the waiver of curbing and accepting the Fee-In-Lieu-Of.
- Mr. Messick stated that he is still not in favor of a total waiver of the curbing, so his vote remains opposed to this waiver.
- Mr. Knopp and Mr. Young recapped that there are now 3 votes for the waiver of curbing, and 1 deferral.

- Mr. Diamond added that this is not saying there will never be a curb there, the Township could sometime in the future put a curb in there. He just wanted to make it clear that we are not saying that there will never be a curb there.

Ron Paul, resident and Township Commissioner, asked if the Developer described the improvements that are going to be made along Longview Drive. For example, what is going to be the width? He stated that he heard a comment being made that it will not be widened, so will Longview be brought up to the Township standards? He would like to hear more about the plan for Longview Drive.

Mr. Fisher responded that he was not sure as he was just filling in tonight for the engineer who was in charge of this plan while he was away.

Mr. Snyder explained what we have currently and how the road will be moved. [He gave details on this using the overhead projection map.] He also stated that the understanding he was under was that would be presented in a separate submission.

Mr. Latsha added that he has a vague recollection of us discussing the widening of Longview Drive many years ago.

Mr. Fisher stated that there is widening shown on the plan. [He then pointed out on the map where the lines are showing this.]

Mr. Latsha asked for confirmation that it is actually getting widened from where the development is and up through the turn.

Mr. Fisher said yes.

Mr. Snyder added that due to discussions that occurred at the BOC level, at the end of 2022/beginning of 2023, a wooden guard-rail was placed out there in preparation of the curve realignment. Instead of putting the guard-rail where the road is today, it was pulled back to the proposed alignment in accordance with this plan. This was an attempt to reduce any traffic incidents where vehicles ran into people's yards, hitting sheds, trees, shrubbery.

Mr. Latsha asked how that will be shown on the plan. Or will it be a separate submission?

Mr. Snyder replied that there would be a separate submission of construction drawings for roadway improvements.

Mr. Latsha asked if that would be essential before making a motion to move forward.

Mr. Snyder responded that the intent of a Preliminary Plan is that these items should be taken care of, such as items like Sanitary Sewer, utilities that need some sort of relief, any type of public improvements that need to be made. So that when we look at the Final Plan, we are looking at the final details so we can move that phase forward.

Mr. Fisher said if that was the case, they would be more than willing to make that a condition of approval and make sure it gets on the Final/Preliminary Plan.

Mr. Diamond and Mr. Snyder would recommend tabling this tonight.

Mr. Latsha said he would be inclined to just table this tonight. He feels everyone would be more comfortable in seeing the road realignment in writing.

Mr. Young pointed out that there are three issues that need to be resolved: 1.) the realignment of Longview Drive; 2.) the Gravity Sanitary Sewer; 3.) the Fee-In-Lieu. So rather than piecemealing this, it makes sense to just table it and get everything in order so we can make an informed judgement so we can make an informed recommendation to the BOC. He says he doesn't like to see unnecessary delays, but he feels this is a necessary one.

Mr. Diamond asked Mr. Snyder what their deadline was.

Mr. Snyder responded it is in September 2023. They had just executed an extension in June.

Mr. Young then made the motion to table this plan.

Mr. Latsha seconded that motion.

All were in favor.

Plan was tabled.

**c. Oberlin Rd - Aberdeen Development** – Planning Commission File PC#2022-02. The proposed project intends to subdivide a 19.1-acre lot into 25 single-family lots. Furthermore, the proposed project will include 2 local streets, improvements to /along Oberlin Road (SR 441), public water/sewer connections, utilities, and Stormwater Management BMPs.

Adam Davis, of Hyland Engineering, said that since they have been in, there are two talking points: one is the sidewalk (crossing over Oberlin Rd. and connecting to the existing sidewalk at Powderhorn Rd., the other is to provide additional information responding to the HRG's traffic comments. Mr. Davis stated that Jason Wheeler from TPD will discuss traffic. There was some talk as to if the right-turn lane would be warranted.

Mr. Davis went on to discuss the sidewalk. They are proposing a sidewalk extension along Powderhorn Road. Currently, there is a sidewalk there that stops abruptly so they are going to continue it around the radius of Powderhorn which will then provide connectivity to the onsite sidewalk that they are proposing. In addition to that, they are proposing an additional sidewalk south connecting to the Catherine Hershey School property. [He pointed out on the map where this would be.] He continued that along that southern portion of Oberlin Road there is a stream or wetland that wouldn't allow sidewalk along Oberlin Road at that section, so they would have to pull the sidewalk more inward. In addition to that, pulling the sidewalk more inward and away from Oberlin Road would provide better safety for pedestrians instead of walking on the sidewalk closer to Oberlin Road. So, what they are proposing is an internal sidewalk from their internal street to where it would connect with the existing sidewalk that is there today at the Catherine Hershey School property.

[More discussion on the sidewalk ensued using the overhead projected map.]

Mr. Davis continued that the other discussion point was traffic. He said they have responded to HRG's review and comments.

Mr. Fabian stated that his traffic engineer just re-reviewed everything and issued the letter yesterday. HRG's traffic engineer was working with Jason Wheeler of TPD on some of the concerns about sight-distance on Oberlin as you approach Powderhorn Road and the sight-distance as you are coming around that curve.

Mr. Davis informed us that they did provide additional sight-line exhibits. He said that it was determined that there is adequate sight-distance coming around the curve.

Mr. Latsha stated that would be if they were going the speed limit.

Mr. Fabian said that the posted speed limit is 35mph but the 85<sup>th</sup> percentile showed that 45mph is usually what people are driving coming around there.

Mr. Latsha added that there are many large trucks coming around that curve too.

Mr. Fabian said that he personally has heard trucks lay on the jake-brakes coming around that curve, so it is somewhat of a concern. He said normally in a sight-distance evaluation, that is not usually one of the things they look at, but knowing there is an existing concern had them pull together some exhibits to show what the sight-distance is and what it's proposed to be and what the grade is in that whole front section of the subdivision. There might be some concerns about keeping the sight-distance triangle because right now it is all grown up with cattails which makes it very difficult to see through.

Mr. Latsha stated that he thinks sometimes it's our responsibility to look at continued growth in the Township even if it is arguably satisfactory now, we are going to have more traffic on 441 in the future, it is just inevitable. He told the Developer that when they were here last time, the Planning Commission made it pretty clear to them that we wanted to have a turn-lane. He feels they are being obstinate about it. He asked how much it costs to do a turn-lane.

Mr. Davis said he understands his concern, and if it is determined that a turn-lane is warranted, they would be more than willing to do that. However, he feels just wanting a turn-lane....

Mr. Latsha interjected that it is not a matter of just wanting a turn-lane, it is for the safety of the people who will be using that intersection and Route 441. There are turn-lanes everywhere else on 441 beginning at the intersection of Powderhorn. He asked again how much it would cost to put in a turn-lane.

Mr. Davis responded that in addition to the turn-lane there are wetlands immediately adjacent to....

Mr. Latsha interjected again saying they said that the last time; he just wanted to know how much it costs to do a turn-lane.

Mr. Davis said it is more than just drawing a line on a piece of paper and he doesn't have an answer for how much it would cost.

[More discussion/debate on the necessity of a turn-lane ensued.]

Mr. Latsha said that although he appreciates that the Traffic Study says what it does, 5 years from now it will all be different. He adamantly feels that a turn-lane, if not now, will someday down the line be necessary. So, he feels that it should be done now before finding out in the future that it needs to be done. He asked once more if they could tell him how much it would cost.

Mr. Davis said it would be hard to say. Maybe \$100,000? Maybe \$200,000? It all depends. There would be wetland impacts and stormwater impacts. It's not just a simple task to widen the road there. He added that they have provided sight-line profiles, crash evaluations, turn-lane warrants, all kinds of capacity analysis and none of them even remotely indicated that a right-turn-lane is warranted.

Mr. Latsha retorted that a couple hundred yards up the street and on the other side of the street, there are right-turn-lanes.

[More debate on turn-lanes proceeded.]

Mr. Young stated that PennDOT just resurfaced the road there and put down a 2- or 3-inch berm there. He asked what sort of impact that would have on the wetland there.

Mr. Davis answered that it is still delineated as a wetland.

Mr. Young asked Mr. Snyder how he would deal with that.

Mr. Snyder answered that around 2004, he, in a previous position, had issued an NPDES permit for PennDOT improvements along 441. This particular area with the “wetlands” was a turning point of whatever we needed for the NPDES permit or a standard E&S Plan. The position that was taken indicated that there are exemptions for wetlands. One of the exemptions in there is relative to wetlands that are formed from unmaintained stormwater facilities or unmaintained conveyance of stormwater. For example, a roadside swale has 15 years of sediment buildup. The entity that owns it, whether it is a private entity or municipality or PennDOT or whoever, has the right to go in there and maintain that stormwater feature, regardless of the fact that there are cattails and/or other wetland vegetation. That is an exemption that they have. That exemption was granted specifically for this section of 441 around the year 2004 and no permitting was necessary from DEP. Thus, if the earth disturbance increased, they would need an NPDES permit. Again, if as far as he recollects from Chapter 105 a year or so ago, that exemption is still in there. There are wetlands out there that are jurisdictional, specifically on Lot 20, you have that large vault where they have a spring seep or a low area from a previous watering area. Those areas in particular, would qualify as jurisdictional wetlands. But those that are a drainage facility for stormwater management or stormwater conveyance, the entity that has ownership to them, can go in and maintain those. They can come in with a grade-all tomorrow and take that out and reestablish that channel. So that is a little background on that end relative to Chapter 105.

Mr. Snyder continued that with PennDOT just going in there and milling/paving that area, he paid particular attention to what they did along the edge. The subject wetland is no longer that wide. When they came down there with the milling machine, they took half of it out. So, if they are technically jurisdictional wetlands, a bunch was just lost because of PennDOT’s milling. So, he said knowing the history of that area, there are some of those wetlands that fit that exemption because they are maintained stormwater features.

Mr. Davis stated that the wetlands are not the reason they are not proposing the turn-lane; it's all the technical data and engineering data in response to the Township Engineer's comments while providing additional information about it not being warranted and providing proper sight-distance not just on the posted speed limit but on the 85<sup>th</sup> percentile speed limit that people are actually driving.

Mr. Messick stated that he has the same concern as Mr. Latsha. On the surface, they are saying that it meets requirements, but that road is heavily used by a lot of big trucks, and it might be fine now, but in the middle of the winter when the roads are slick with sleet, snow, or ice, when they come around that curve, he feels it will be dangerous. He said that the road is improved all along there, he believes it would be wise to have an access road that was wide enough there to get the turning traffic off of the main cartway.

Mr. Davis said there was a development before them that had about 120 homes with no right-turn-lane.

Mr. Diamond said that this is an engineering issue. It is not really a question of what-do-you-think, so at this point you must depend on a municipal engineer's reasoning.

Mr. Young stated that we could go back and forth on this all night, but he had a question about the waivers. He said after reading HRG's review letter, it is referencing three waivers. He is only seeing one waiver request on the curbing.

Mr. Davis said they have provided three waiver requests to the Township in the second letter. The first letter only had one request.

Mr. Snyder stated that two were in the original submission. Then as we went forward, the discussion ensued about putting curb along 441 on their side. They had a long discussion regarding additional costs, additional drainage, or just allowing the road to sheet-flow into the creek without a curb being there. They came to the consensus that that was where they were looking at going (allowing the road to sheet-flow into the creek). That being the case, we had asked them to come back and present a waiver request for that curbing specifically. He said he was pretty certain they had the additional waiver request when the plan was submitted before.

Mr. Young said that he just remembers it being an issue when we hadn't seen at least two of them when they were here in May.

Mr. Snyder interjected that the intersection 5% came to us in February. And the curbs came to us in late May/early June.

Mr. Young responded that it was an issue in May when they were here, and he didn't want it to be an issue again.

Mr. Young then asked Mr. Snyder if what PennDOT did by putting a lip on the road affects the analysis at all in terms of the waiver on the curbing.

Mr. Snyder said that he had not been over to look at the finished paving. He said when he had noticed the segment where the wetlands were was right after it was milled, but he has not been over to look at the frontage since the area has been final paved.

Mr. Knopp asked the Planning Commission for any further questions/comments.

There were none at this time.

Mr. Knopp then stated he did not have all the waivers in front of him to be able to address them.

Mr. Snyder pulled them up on the overhead projection screen:

1. Preliminary/Final Plan (received in December)
2. Intersection with 5% approach (received in February)
3. Curbing (received in May)

Mr. Knopp asked Mr. Snyder if he had any further comments.

Mr. Snyder said no.

Mr. Knopp asked Mr. Fabian for any additional comments.

Mr. Fabian said that he addressed all the traffic comments. He said he did have some minor comments, a lot being clarification and clean-up in nature. He feels the sidewalk they propose addresses pedestrian traffic coming from the subdivision itself, but it would be nice to find a solution to the sidewalk along Oberlin Road though to connect the foot traffic coming from Old Reliance down to the existing sidewalk there. But they

have responded to all the technical comments and what they are proposing are meeting standards.

Mr. Knopp asked Ms. Korber for any comments.

Ms. Korber said DCPC is happy to see sidewalk connectivity. She said although she would like to, she cannot give an official County stance on the turn-lane discussion.

Mr. Knopp asked Mr. Diamond for any comments.

Mr. Diamond commented on the road. He said that is a technical engineering basis decision to say no. He added that if he is understanding correctly, that has been cleared by the engineers.

Mr. Fabian said that HRG's traffic engineer and Jason Wheeler (TPD) had several back-and-forth discussions on this issue, and they provided the additional exhibits that we were requesting. They showed that there is a sight-distance. They showed that there is no warrant on the PennDOT standards.

Mr. Diamond stated that is what a Developer has to rely on.

Mr. Knopp asked for any questions/comments from the Public.

Dean Cotton, of Bonnie Blue Lane, came to the microphone and explained that they are at the cul-de-sac where they want to connect the developments. He stated that he sees all of that traffic that comes down 441 and he feels it would be "absolutely ridiculous" not to have a turning-lane regardless of what the traffic studies have found. He watches the traffic from his backyard every day. His second issue is the connection of the cul-de-sacs. He said they had a meeting with the Developers about three months ago. The question he has is that his deed has an addendum to it that says he must maintain a stormwater run-off along the edge of his property, but of course if you are going to require curbing, that stormwater run-off addendum needs to go away. He said he should no longer be responsible for stormwater coming down across his lawn. So, his question is who is responsible for updating that deed?

Mr. Snyder advised that this issue that Mr. Cotton is bringing up (regarding stormwater management) falls into account with everything that we were bringing up

about the extinguishment of the cul-de-sac bulb. The stormwater that is being generated is from inlets that are currently sitting off of the cul-de-sac that discharge down into a swale at the bottom of Mr. Cotton's lot. So ultimately, the stormwater that is generated from the temporary cul-de-sac gets lumped into that proper extinguishment of the right-of-way (ROW) and any adjustments that need to be made with the adjacent properties.

Mr. Davis explained that where the existing bulb is labeled as a temporary ROW where there are two existing inlets in that cul-de-sac. There is a pipe that runs on Mr. Cotton's property that discharges onto his property then ultimately onto the Aberdeen site. Mr. Cotton is looking to have that easement removed since we will be extending Bonnie Blue Lane and then connecting into that storm-sewer, so there would be no need for that discharge pipe to be on his property. When they met with Mr. & Mrs. Cotton, they wanted to help but they don't have the authority to remove the easement from their property, he believes that is with the Township.

Mr. Diamond said that is correct. If the engineers say that this is now not necessary, the Township can do a recordable termination of easement.

Mr. Cotton asked who would be communicating that.

Mr. Fabian said that we still have that as an administrative item. He told Mr. Cotton that on his property is an 18-inch corrugated metal pipe and that is to be demolished with this new plan set. So, one of the administrative items that we have is to provide additional information on how that existing ROW is going to be extinguished.

Mr. Cotton asked who would be coordinating that with them.

Mr. Snyder said that, by what our Solicitor indicated, that would be the Township.

Mr. Diamond confirmed that. He said he doesn't have all the background on this yet, but it can be fixed.

Mr. Cotton also added that there are changes to the deed that are going to need to be made, there is going to be landscaping that needs to be done. So, who is responsible for that? Him as the homeowner? The Developer? The Township?

Mr. Diamond stated that it would be on the Developer as part of the clean-up here, and the Township would have to be the one who signs the documents.

Mr. Davis added that physical removal of the pipe and any needed landscaping clean-up would be part of their project. The removal of the easement associated with that deed would be through the Township.

Mr. Fabian agreed and said that is something that we will have to work out before this plan gets recorded. So that is on the administrative list of items that we must work on.

Mr. Knopp asked if there were any other questions or comments from the Public.

Deb Cotton, wife of Dean Cotton of Bonnie Blue Lane, came to the microphone and stated that she doesn't know who is responsible for the haybales, but she wanted to say thank you. The neighbors really appreciate it. However, there is a strip of weeds filled with ticks that runs between our property the whole way down [the length of the property line]. She is just requesting that somebody take care of those weeds.

Mrs. Cotton's second concern was the cul-de-sac. She says she respectfully requests that the cul-de-sac is not extinguished. She is representing the majority of the Twelve Oaks community who are asking to please consider keeping the cul-de-sacs there. She feels that making that a throughway will create many safety issues.

Mr. Knopp asked for any other comments from the Public.

Jody Koenecke, of Scarlett Lane, came to the microphone to state that she was also against opening the cul-de-sac. She feels if opened, it will turn into a shortcut for traffic to come through their developments. In Twelve Oaks, there are no sidewalks and there are a lot of kids and pets, and she feels it would ruin their neighborhood. She feels it is a safety issue, as well.

Mr. Knopp asked the Public again for any further comments.

There were none at this time.

Mr. Young asked Mr. Knopp that before we get to the waivers and the plan itself, he would like to make a motion, (recognizant of the fact that 441 is a State road and that there are environmental issues in terms of the wetlands there), to the BOC that in their process of adjudicating this plan, that they reach out to PennDOT with our firm belief that a deceleration lane is warranted. This is based just on the practical experience of driving that portion every day and living in that area for many years, we understand what is warranted and what isn't warranted under the regulations, and he appreciates all the work the engineers have done, but rarely is there a consensus of the five of the Planning Commission members that they feel so strongly on an issue like this. So, the motion is that we recommend to the BOC, either in writing or staff-to-staff basis, they reach out to PennDOT with our firm belief that there should be a southbound deceleration lane on 441 making a right-hand turn into the Aberdeen development.

Mr. Latsha seconded that recommendation and added that he does respect engineering science on averages and theory, but he also lives there, and he has seen people coming around that turn. He feels they are ignoring a safety risk and it concerns him that they would do that.

All were in favor of this recommendation.

Mr. Knopp added that he agrees 100% with this recommendation. He has lived here for almost 50 years, and he knows people come around that curve very fast. He feels it is very important that they at least voice their opinions on this and let the BOC decide what to do.

Mr. Crawford wanted to express that while he agrees with the rest of the Planning Commission, he understands that the engineers have done their job and he does appreciate their efforts, but he also agrees that while the traffic engineers have done what they are educated to do, he is not sure that it works the same with every situation, such as this one. He just wanted to show appreciation to the engineers for their time on this.

Mr. Knopp asked for the three waivers to be addressed:

- Preliminary/Final Plan: Mr. Young made the motion to recommend approval; Mr. Crawford seconded the motion; All were in favor.
- 10% Grade. Due to the grades on Oberlin Road and Bonnie Blue Lane, the applicant is proposing to maintain a constant 10% grade to the internal site drive: Mr. Fabian said that HRG recommends approval of this waiver. Mr.

Crawford made the motion to recommend approval; Mr. Messick seconded the motion; All were in favor.

- Curbing. Due to the surrounding features, the applicant is requesting a deferral of installing curbing along Oberlin Road: Mr. Messick asked if in light of what we have talked about with the turning-lane, will that have any effect on this. Mr. Fabian answered that right now they do propose curbing along the entire radius of Bonnie Blue coming out onto Powderhorn, so if they have to do a deceleration lane, they will just continue to run the curb along there. Mr. Davis added that if the deceleration lane must be installed, they will be back in front of them to show that plan. Mr. Knopp asked if there was a motion. Mr. Young made the motion to approve as a deferral. Mr. Latsha seconded the motion. All were in favor.

Mr. Knopp asked the Planning Commission what they would like to do with the plan on a whole:

- Mr. Young made a motion to recommend approval to the BOC subject to their resolution of the issues that have been raised today. He said he doesn't feel anything is gained by continuing to table this. Eventually there is going to have to be some type of resolution between PennDOT, the Township, and the Developer. So, his motion is that we would recommend approval with the caveat that a resolution of the issues presented tonight will be resolved at the BOC level.
- Mr. Crawford said he would like to make that a little more specific. Just so we recommend a letter to the Commissioners to address the issue of the turning lane. So, he would second the motion to recommend approval with the condition that the Commissioners address the letter.
- Mr. Messick then seconded Mr. Crawford's conditional approval.
- All were in favor.

The Plan was recommended for approval with conditions.

### **OTHER BUSINESS:**

**August 24<sup>th</sup> Meeting** - The next Planning Commission Meeting will be scheduled for Thursday, August 24, 2023, at 7:00 P.M.

**PUBLIC COMMENT:**

There were no more comments/concerns at this time.

**ADJOURN:**

A motion was made by Mr. Crawford and seconded by Mr. Latsha to adjourn the meeting. All were in favor.

Meeting adjourned at 8:44 P.M.

Respectfully Submitted,

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Donald A. Fure, Director of Codes/Planning & Zoning