

East Cocalico Township
Transportation Impact Fee Advisory Committee

Draft Meeting Agenda

7:00PM, Monday, January 18, 2016, 100 Hill Road, Denver, PA 17517

- I. Call to Order**
- II. Public Comment**
- III. January 19, 2015 Meeting Minutes**
- IV. Solicitor Matthew Crème's Legal Update**
- V. Committee Roster Update**
- VI. Fees Collected**
 - A. \$ 20,000 Morphy Auction House (Interim)
 - B. \$ 4,521 Horst Signs (West TSA)
 - C. \$ 28,633 Kyma Seafood Restaurant (West)
 - D. \$ 95,130 Dollar General (South)
 - E. \$128,520 Pet Food Experts, 561 South Muddy Creek Road (Waiver)
 - F. \$ 12,056 Four Seasons Produce 30,000 sf Expansion (West)
 - G. \$ 4,536 Sturdy Built 9,575 sf Expansion (East)
 - H. \$ 6,028 Blaise Alexander Ford Dealership Phase 1 Expansion (West)
 - I. \$ 4,536 Procopio's Restaurant Expansion (Waiver)
 - J. \$ 16,610 Two Cousins Restaurant (South)
 - K. \$320,570 Total
- VII. Plans Expected to Pay**
 - A. Fox Brooke (421 dwellings) was not in TIF program but it is expected to pay at least \$700,000 (East)
 - B. WEH Enterprises, 54 Denver Rd, 73,000 sf building proposed (West)
 - C. Blaise Alexander Ford Dealership Phase 2 Expansion (West)
 - D. Garden Spot Frame & Alignment 32,100 sf New Building, \$31,752 (East)
 - E. Sanford Seed Site 67,722 sf development (East)
- VIII. Transportation Projects Status**
 - A. Denver Road Bridge: \$1.52 Million Estimated Cost (West)
 - B. Routes 272 & 897 and Route 272 & Muddy Creek Road Intersections with Fox Brooke (3/4 East, 1/4 West)
 - C. Routes 272 and East Church Street PennDOT Resurfacing Project
 - D. Cocalico Commons Shopping Center Update
- IX. Changes Possible**
 - A. Rose Hill Farms 300 Possible Dwellings Became a Perpetual Bog Turtle Preserve (East)
- X. Adjournment**

Minutes of East Cocalico Township Transportation Impact Fee Advisory Committee

Meeting Date: January 18, 2016

Location: Township Municipal Building, 100 Hill Road, Denver, PA 17517

Members Attending: Vice Chairman Shad Sahm, Brian Wise, Doug Nedimyer, Marcia Martin, David Lutz, May Roth

Others: Scott Russell, Brent Lied, Matt Crème, and Mark Hiester.

Call to order: The annual regular meeting convened at 7:04pm.

Appointment:

On a motion by Wise, seconded by Roth, the appointment of Shad Sahm as Chairman of the Traffic Impact Fee Committee was approved 6 to 0.

Nominations are open for a Vice Chairman for the Traffic Impact Fee Committee.

On a motion by Sahm, seconded by Lutz, the appointment of Brian Wise as Vice Chairman of the Traffic Impact Fee Committee was approved 6 to 0.

Public Comment: No comment, no public present.

January 19, 2015 Meeting Minutes:

On a motion by Lutz, seconded by Marcia Martin, the minutes were unanimously approved 4 to 0 with replacing one of the two mentions of Hurst with Sahm on the bottom of Page 1.

Solicitor Legal Update: Mr. Crème highlighted two Commonwealth Court cases: (1) A developer challenged Perry Township's (Berks County) denial of direct access to a higher order roadway; which resulted in the approval of the plan but with a light controlled intersection and the loss of one lot for development. (2) Manheim Township (Lancaster County), Metro Bank proposed a new location, submitted a Traffic Impact Study that did not count the pass-by trips in calculating the peak hour trips. The Commonwealth agreed with the Township to calculate the trips by requiring the pass-by trips to be included except in the case of the section in the Act that allows for a levy to cover an additional fee for new development which results in an additional 1,000 trips during the peak hour. This is calculated to be a \$100,000+ fee. Metro Bank stopped the project. Mr. Crème noted that his observation of these cases is that the TIF calculations are becoming increasingly negotiable. Crème noted that the US Supreme Court in the 2013 Koontz case changed the test for certain exactions to be roughly proportional to the cost to the applicant. The test used to be - is there a rational basis for the exaction or in some cases is there an essential nexus for the exaction. The change in the test means municipalities need to show a closer link between the need for the exaction to the cost to the applicant. Discussions continued.

Committee Roster Update: To be updated as soon as the committee members are identified. The board of supervisors are considering appointing the planning commission members to the TIFAC.

Fees Collected: Some are on a monthly payment plan.

- \$ 20,000 Morphy Auction House (Interim)
- \$ 4,521 Horst Signs (West TSA)
- \$ 28,633 Kyma Seafood Restaurant (West)
- \$ 95,130 Dollar General (South)

Fees Collected: (CONTINUED)

- \$128,520 Pet Food Experts, 561 South Muddy Creek Road (Waived - *the Traffic Impact Study and granted the Township to spend the funds within any of the three service areas*). Mr. Russell explained that the increase from last year's total was due to two Engineering Firms calculating; with the first one not being a traffic engineering firm base, and the second one calculated it and got it approved by PennDOT as well as the Township
- \$ 12,056 Four Seasons Produce 30,000 sf Expansion (West)
- \$ 4,536 Sturdy Built 9,575 sf Expansion (East)
- \$ 6,028 Blaise Alexander Ford Dealership Phase 1 Expansion (West)
- \$ 4,536 Procopio's Restaurant Expansion (Waived - *the Traffic Impact Study and granted the Township to spend the funds within any of the service area*)
- \$ 16,610 Two Cousins Restaurant (South)
- \$320,570 Total (*projected to be collected within 2 years*)

Approved Plans Expected to Pay: Mr. Russell discussed that in addition to the TIF program; there are some significant changes to the Act 209 study with existing intersection conditions. Discussions continued.

- Fox Brooke (421 dwellings) was not in TIF program but it is expected to pay at least \$700,000 (East). This is a significant change to the TIF program.
- WEH Enterprises, 54 Denver Rd, 73,000 sf building proposed (West)
- Blaise Alexander Ford Dealership Phase 2 Expansion (West)
- Garden Spot Frame & Alignment 32,100 sf New Building, \$31,752 (East)
- Sanford Seed Site 67,722 sf development (East)
- Cocalico Commons (*July 2, 2016 state permit extension act expires*)

Transportation Projects Status:

- Denver Road Bridge: \$1.52 Million Estimated Cost (West)
- Rt. 272 & 897 and Rt. 272 & Muddy Creek Road Intersections with Fox Brooke ($\frac{3}{4}$ East, $\frac{1}{4}$ West)
- Routes 272 and East Church Street PennDOT Resurfacing Project
- Cocalico Commons Shopping Center Update: the plan is still valid (state passed a permit extension act in 2010); have until July 2, 2016. If this plan changes and is resubmitted under the TIF program, the fees for the 2,000 peak hour trips could be over \$1 million; and the TIF program will need to be updated

Fee Program Changes Possible:

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- Rose Hill Farms 300 Possible Dwellings Became a Perpetual Bog Turtle Preserve (East). This is a significant change to the TIF program.
- Looking at some surrounding cases, the TIF calculations seem to be increasingly negotiable.

With no further business Lutz adjourned the meeting, seconded by Nedimyer at 8:21pm.

Respectfully submitted,
Mark Hiester
Township Manager