

EAST COCALICO TOWNSHIP PLANNING COMMISSION

AGENDA

February 27, 2017

APPROVAL OF MINUTES

SUBDIVISION AND LAND DEVELOPMENT PLANS

<u>Plan</u>	<u>Status</u>	<u>Deadline</u>
Fox Brooke	Preliminary Sub/Land Dev. Plan	4-11-2017
Wabash Landing	Phase 1 Final Plan	4-13-2017
UGI	Preliminary Land Development Plan	4-30-2017
NHT Holdings LLC	Preliminary Land Development Plan	5-24-2017

BRIEFING /GENERAL DISCUSSION ITEMS

Tru – Denver	Sketch Plan	N/A
Pending Preplanning Meetings		

ADJOURN

PLANNING COMMISSION MEETING MINUTES MONDAY, FEBRUARY 27, 2017

The regularly scheduled and advertised meeting of the East Cocalico Township Planning Commission was called to order on Monday, February 27, 2017 at 7:30 p.m., at the East Cocalico Township, 100 Hill Road, Denver, PA 17517.

ATTENDANCE:

Planning Commission: Chairman Sidni Schlegel, Vice Chairman Paul Wenger, Secretary Chris Fitterling, Ralph Buckles, Piero Dinnocenzo, and Robert Zimmerman

Employees: Tony Luongo, Zoning Officer

Land Planning Eng.: Brent Lied, P.E.

Transportation Eng.: Scott Russell, P.E.

Visitors: David Stahovich and Joe Swope from UGI; Rob Fogarasi from Binswanger; Dino Cesarini; Lauren Hudak and Mark Heeb from BL Companies; Timothy Cassidy from Bernardon; Dwight Yoder from Gibbel Kraybill & Hess LLP (GKH), Shakher Patel, Chris Vernarchick of RGS Associates, and Tom Matteson from Diehm & Sons

APPROVAL OF MINUTES:

MOTION: Secretary Fitterling made a motion, seconded by Vice Chairman Wenger, to approve the Planning Commission meeting minutes of Monday, January 30, 2017. No questions or comments were offered. Motion carried unanimously. (6/0)

SUBDIVISION AND LAND DEVELOPMENT PLANS:

FOX BROOKE - PRELIMINARY SUBDIVISION/LAND DEVELOPMENT PLAN (04-11-2017): Mr. Lied noted that since the last Planning Commission Meeting there has not been any progress or new information to offer. The applicant is awaiting a response from DEP relative to the NPDES permit and stormwater design review. The applicant's design team is also working on some transportation issues in response to PennDOT's Traffic Impact Study comments. Scott Russell confirmed he is waiting on intersection improvement concepts to review. Dwight Yoder, the applicant's attorney, who was in attendance for another project, indicated he had no further information to add.

MOTION: Vice Chairman Wenger made a motion, seconded by Ralph Buckles to table the Fox Brooke Preliminary Subdivision/Land Development Plan. No questions or comments were offered. Motion carried unanimously. (6/0)

WABASH LANDING – PHASE 1 FINAL PLAN (04-13-2017): Mr. Lied indicated that the applicant and applicant's design team have recently received a response from DEP relative to the updated NPDES permit submission. A conference call is scheduled with the applicant's design team and DEP later next month to work through some of the remaining review comments. Mr. Lied noted the Planning Commission previously recommended Conditional Approval of the plan, so no further action is required at this time. Dwight Yoder, the applicant's attorney, who was in attendance for another project, indicated he had no further information to add.

UGI – PRELIMINARY LAND DEVELOPMENT PLAN (04-30-2017): David Stahovich, Joe Swope, Rob Fogarasi, Dino Cesarini, Mark Heeb, Lauren Hudak and Timothy Cassidy were in attendance for this plan. Mr. Lied gave a general overview of the project and prior related activities. Becker issued a plan review letter dated February 25, 2017. Rettew issued a review letter dated February 27, 2017. Mark Heeb acknowledged receipt of the comprehensive review letters. Mr. Heeb also noted that a recent meeting was held with DEP and a prior Traffic

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UGI – PRELIMINARY LAND DEVELOPMENT PLAN (CONTINUED)

Scoping Meeting was held with PennDOT. Mr. Heeb acknowledged and highlighted several items relative to the project:

- An NPDES permit is required and will be obtained.
- The applicant's consultants recently met with DEP to discuss NPDES permit aspects of the project.
- The design team has evaluated the Becker review letter and will use it as guide to begin addressing the technical issues.
- The design team intends to meet with the Township Engineer's to discuss technical issues and obtain any clarifications of the review comments in hopes of efficiently satisfying them.
- In light of the initial discussions and concerns expressed during the PennDOT meeting, which was also attended by the Township, Pepperidge Farms and Benderson, UGI has elected to revise the proposed access approach. An updated handout was provided to the Planning Commission depicting the new proposed approach, which consists of a proposed right-in and right-out onto Colonel Howard Boulevard with an internal linking access drive connecting to Pepperidge Farm Boulevard and a proposed signal at the intersection of Pepperidge Farm Boulevard and Colonel Howard Boulevard. The Planning Commission indicated that they were supportive of the update access approach. Mr. Russell indicated that the revised approach, will simplify the approval process with respect to PennDOT. Mr. Russell stated that since UGI will need to have a Sketch Plan of the access configuration go along with the PennDOT Traffic Study Plan (TIS) for review and approval by PennDOT, that sketch shall be submitted to the Township and Rettew as soon as possible, so a Township acknowledgement can be provided.
- UGI noted that they are meeting tomorrow with the East Cocalico Township Authority (ECTA) to discuss the proposed location of the tie-in to the existing public sanitary sewer. Mr. Heeb stated that the ECTA is supportive of the extension and connection staying on the south side of the Turnpike and will help identify an acceptable tie-in location.
- Mr. Heeb stated that UGI has initiated coordination with the Turnpike regarding the proposed access drive connection and other utility lines which would be required to cross the Turnpike property.
- It was acknowledged that if any additional waiver/modifications are identified when responding to the review comments, those waiver/modifications will be submitted to the Township for consideration.
- Mr. Heeb stated that they intend to re-submit updated plans in time to attend the regular Planning Commission Meeting in April.

MOTION: Secretary Fitterling made a motion, seconded by Vice Chairman Wenger to table the UGI Preliminary Land Development Plan. No questions or comments were offered. Motion carried unanimously. (6/0)

NHT HOLDINGS LLC – PRELIMINARY LAND DEVELOPMENT (05-24-2017): Tom Matteson of Diehm and Sons and Dwight Yoder of GKH was present for this plan. Mr. Lied highlighted aspects of the project and plan. Mr. Lied indicated that plan review letters were recently issued from both Becker and Rettew. Mr. Lied noted for the record that one of the key issues relative to the project is the method of water and sanitary sewer service. The East Cocalico Township Authority has issued correspondence to the Township indicating that it is the ECTA position that the proposed project shall be required to connect to public sanitary sewer and water. Mr. Lied explained that the applicant's attorney, Mr. Yoder, filed a response in the Court of Common Pleas of Lancaster County requesting an Appeal of Local Agency's Determination relative to the ECTA position. Mr. Yoder explained that it is his legal opinion that the ECTA and Township can't require the applicant to connect based on the Second Class Township Code. Mr. Lied recommended that the other aspects of the project and plan reviews be discussed and then further discuss can occur regarding the water and sanitary sewer issue. Mr. Matteson highlighted NHT's business and indicated that the company collects, bundles, and distributes refrigerated products, mainly to the New York City metro area – items such as deli meat, produce, etc. NHT is proposing to construct a plus or minus a 75,000 sq. ft.

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NHT HOLDINGS LLC – PRELIMINARY LAND DEVELOPMENT (CONTINUED)

building, with the majority of the square footage being refrigerated cooler and freezer warehousing with an accessory truck garage on the eastern portion of the site. Discussion highlights:

- Site distance for the access drive was an issue based on the curved alignment of the South Muddy Creek Road and the positioning of the proposed access drives. Clearing and regrading has been performed on the PPL property (opposite the site) to improve the sight distance. In response to PennDOT's most recent Highway Occupancy Permit review comments the northern access drive has been revised to be a right-in only (no exit).
- Mr. Matteson explained that they will be meeting with PPL's attorney this week to proceed with obtaining the site distance easement that is needed.
- The proposed on-lot sanitary sewer location is satisfactory at its current proposed location per the Township SEO. Mr. Matteson noted that Stanford Seed at its peak had 30 employees, while the NHT building is proposed to have 22, which includes 15 drivers that will be at the site only once or twice a week.
- Mr. Matteson explained the intent to continue to use the existing well and that initial testing came back good.
- Two stormwater basins are proposed in the front or western portion of the site, and a larger stormwater facility is proposed in the back or southern portion of the site. Both release points from the stormwater facilities discharge towards the Turnpike right-of-way. The Turnpike has reviewed the plans and responded favorably and without further comments.
- Mr. Matteson noted that PPL is in the process of extending a new overhead transmission line from their facility across South Muddy Creek Road to the east along the northern portion of the site. As a result of working with PPL, they are providing a 100 ft. swath along the northern tier of the property to allow the future improvements to occur. They have also clarified what improvements (landscaping, sanitary sewer, etc.) NHT can place within the area.
- Mr. Matteson indicated that the initial access drive opening and radii proposed were not acceptable to PennDOT. Since PennDOT does not want trucks to use the opposing lane of the access drive or roadway to complete the turning movement modifications are required. These modifications result in a much larger intersection and access drive opening to allow for the turning movements. Discussions continued.
- It was noted by NHT, that as a result of various issues, they will be using newer refrigeration technology which consists of an air cooled system. The compressors and system do not use water.
- NHT responded to a question relative to vehicle types and indicated that they have a few straight trucks, but most of their trucks are tractor trailers.

The various waiver/modifications and deferrals were discussed and the following motions were made:

MOTION: Vice Chairman Wenger made a motion, seconded by Ralph Buckles to recommend approval of a waiver/modification of §194-9 and related sections of the Subdivision and Land Development Ordinance to authorize the plan to be reviewed as a single submission meeting all applicable requirements of both Preliminary and Final Plan. No questions or comments were offered. Motion carried unanimously. (6/0)

MOTION: Piero Dinnocenzo made a motion, seconded by Bob Zimmerman to recommend deferral of the requirements of §194-32.A. of the Subdivision and Land Development Ordinance as it relates to the installation of sidewalk along the South Muddy Creek Road frontage, conditioned upon the applicant grading an area to the satisfaction of the Township Transportation Engineer and placing notation on the plan acceptable to the Township acknowledging the deferral and requirement for the property owner to install sidewalk at such future time as requested by the Township and Board of Supervisors. No questions or comments were offered. Motion carried unanimously. (6/0)

MOTION: Vice Chairman Wenger made a motion, seconded by Piero Dinnocenzo to recommend deferral of the requirements of §194-33.A.(1) of the Subdivision and Land Development Ordinance as it relates to deferring the installation of curbing along a portion of the South Muddy Creek Road frontage, conditioned upon the applicant placing a notation on the plan acceptable to the Township acknowledging the deferral and requirement for the property owner to install the curbing at such future time as requested by the Township and Board of Supervisors. No questions or comments were offered. Motion carried unanimously. (6/0)

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NHT HOLDINGS LLC – PRELIMINARY LAND DEVELOPMENT (CONTINUED)

MOTION: Secretary Fitterling made a motion, seconded by Bob Zimmerman to recommend approval of a waiver/modification of §194-33.E.(1) of the Subdivision and Land Development Ordinance to authorize use of PennDOT style vertical curb with a depth of 18" and a reveal of 8", in lieu of the Township's standard curb with a depth of 22" and a reveal of 7". No questions or comments were offered. Motion carried unanimously. (6/0)

MOTION: Vice Chairman Wenger made a motion, seconded by Ralph Buckles to recommend approval of a waiver/modification of §194-14.E.(4) of the Subdivision and Land Development Ordinance to grant relief from preparing and submitting a Traffic Impact Study conditioned upon the current associated plan notation on the Cover Sheet being adjusted as outlined in the Township Transportation Engineer's review letter dated February 13, 2017, prior to plan approval. No questions or comments were offered. Motion carried unanimously. (6/0)

MOTION: Piero Dinnocenzo made a motion, seconded by Secretary Fitterling to recommend approval of a waiver/modification of §194-25.L.(5) of the Subdivision and Land Development Ordinance to authorize the utilization of a reduced clear sight triangle with 100' dimensions along the centerline of South Muddy Creek Road and 75' dimensions along the centerline of the access drive for Access Drive A. No questions or comments were offered. Motion carried unanimously. (6/0)

Following the waiver/modification and deferrals the discussion returned to the sanitary sewer and water issue. Dwight Yoder gave additional background in reference to the ECTA's request that the project connect to public water and sanitary sewer. Mr. Yoder stated that his legal review revealed that one of two conditions must be met per the Second Class Township Code in order to follow through on a mandatory connection requirement. Mr. Yoder explained where the project stands in reference to the wording of the Second Class Township Code. Mr. Yoder indicated that for connection to public facilities to be required one of two conditions must be met: (1) the property must be adjoining the facilities, or (2) the public water and sewer must be within 150' of the principal building on the property. Mr. Yoder noted that they are not an adjoining property to facilities and the proposed building is not within 150' of public water and sewer. Mr. Yoder noted that at a recent Authority meeting the ECTA adopted a motion stating that all development projects within the Urban Growth Boundary must connect to public water and sewer, and accordingly the NHT project at 340 S. Muddy Creek Rd. will be required to connect the public water and sanitary sewer. Mr. Yoder stated that based on the wording of the initial ECTA motion, he filed a protective appeal to the Court of Common Pleas. Mr. Yoder explained that it turns out that the ECTA motion was clarified at their more recent meeting, and noted that it was revised to a motion that ECTA was "recommending" to the Board of Supervisors. Mr. Yoder stated he is waiting on the official ECTA meeting minutes in order to review the specific motion; noting that if it is worded as a "recommendation" the court appeal will be withdrawn. In reference to the February 25, 2017 Becker Engineering Review Letter, Item #7, Mr. Matteson asked if Mr. Lied's letter can serve as the needed correspondence in the files that DEP sewage facilities planning is not required. Mr. Lied answered that the letter is sufficient. Lengthy discussions continued regarding the water and sanitary sewer issue. Following the discussions the Planning Commission made the following motion.

MOTION: Vice Chairman Wenger made a motion, seconded by Secretary Fitterling to recommend conditional approval of the plan following the discussions and information provided by the applicant's consultants, Township Engineer's and staff, subject to the method of water and sewer services being deemed to be satisfactory to the Township and the Township Solicitor, and subject to both the Becker Engineering Review Letter dated February 10, 2017 and the Rettew Review Letter dated February 13, 2017. No questions or comments were offered. Motion carried unanimously. (6/0)

BRIEFING/GENERAL DISCUSSION ITEMS: Tru-Denver (Tru Hilton/Red Carpet Inn Re-development) – Sketch Plan: Shakher Patel, the applicant, and Chris Vernarchick, consultant with RGS, were both present for this plan. Mr. Lied provided a brief introduction and background. Mr. Lied noted that there were several previous pre-planning meetings with the Township regarding this project, which primarily focused on access and concerns

PLANNING COMMISSION MEETING MINUTES

MONDAY, FEBRUARY 27, 2017

BRIEFING/GENERAL DISCUSSION ITEMS: Tru-Denver

(CONTINUED)

regarding safety, opportunities for shared access and long-term access management along Route 272. Chris Vernarchick gave a brief background of the Sketch Plan and details of the proposed project:

- The existing 25-room hotel is proposed to be demolished and replaced with a new 4-story, 84 room hotel.
- Two other similar Tru-Hilton projects are currently under construction (one in Lancaster, one in York)
- Tru-By-Hilton has signed on for the project
- The proposal is to access the site via two full movement access drives onto North Reamstown Road and elimination of the existing access drive onto Route 272.
- The site design provides the required setbacks, landscape buffers and require parking surrounding the proposed building.
- The design respects the existing wide PennDOT and/or Turnpike road right-of-way.
- The applicant is attempting to confirm the existing right-of-way with PennDOT and the Turnpike.
- The hotel will have 84 compact rooms focused towards business travelers with additional technologic features and larger common areas.
- Oversized parking spaces have been shown as required by the Zoning Ordinance with adjustments to the proposed length and style (back-in style currently depicted).
- Approximately 20 new jobs may be generated during their peak season counting all departments and shifts and approximately 6-10 during off-peak season.
- Based on the anticipated traffic counts, Mr. Russell recommends that a Traffic Study not be required to be performed and that a waiver/modification would seem applicable. Mr. Russell indicated that he could share other waiver/modification language used on other similar projects where traffic studies were waived in response to the applicant's offer to grant flexibility relative to the use of Traffic Impact Fees in any of the three districts.
- Mr. Lied noted that some consideration shall be given during the future detailed site design to the possible shifting of the refuse area away from the highest visibility area.
- The applicant indicated that they are looking at an aggressive schedule relative to Land Development Plan review and permitting with hopes of break ground as soon as possible.

A review letter was issued by Becker, dated February 23, 2017, and Rettew, dated February 27, 2016. Mr. Russell stated that the biggest initial issue was the status of the existing access drive onto Route 272 and safety concerns. Mr. Russell indicated that the current layout and proposed removal of the Route 272 satisfies those main concerns, as long as the details associated with accommodating potential future shared access are further addressed. Mr. Patel stated that during his initial contacts the Turnpike they were not clear on where their old right-of-way was, but he will continue to see if that can be clarified with PennDOT and the Turnpike. Benderson will likely be submitting an updated plan in the future, and Mr. Russell stated that those plans will be coordinated with Shakher Patel. Mr. Lied highlighted the review comment related to the proposed curb line for the access drive radius shown extending across the adjacent property's frontage and conflicting with an existing access. Mr. Lied and Mr. Russell expressed that this is an issue that will require coordination and sign-off from the adjacent property owner and should be investigated early, since it impacts the layout.

Pending Preplanning Meetings: Willis Leid, 133 Denver Road held on Thursday, March 2nd.

ADJOURN:

MOTION: There being no further business to come before the Planning Commission, Secretary Fitterling made a motion, seconded by Vice Chairman Wenger to adjourn the meeting at 9:38 p.m. There were no questions. Motion carried unanimously. (6/0)

Respectfully submitted,

Chris Fitterling, Secretary