CALL TO ORDER

President Martin called the January 6, 2020 Board of Commissioners regular meeting to order at 6:30 p.m. A moment of silence was observed, and The Pledge of Allegiance was recited by all. Roll Call was taken by Mr. Fazekas.

PRESIDENT’S ANNOUNCEMENTS

President Martin noted that the Board of Commissioners meeting that would normally be held the third week of January will be held on the 22nd instead, then the Board will resume the first and third Wednesday schedule thereafter.

President Martin took this opportunity to congratulate and add to the Board of Commissioners Jeff Walter, who has been a Township resident for many years and is a local businessman who has served very well on the Planning Commission. He said the bittersweet part is that the Board has to say goodbye to Paul Rigney, who has served the board for 14 years and has chosen not to renew that assignment. President Martin presented the following Resolution to Mr. Rigney:

RESOLUTION #1018

A RESOLUTION OF THE TOWNSHIP OF UPPER ALLEN, CUMBERLAND COUNTY, PENNSYLVANIA, HONORING PAUL M. RIGNEY FOR HIS YEARS OF SERVICE TO UPPER ALLEN TOWNSHIP

WHEREAS, Paul Rigney has served Upper Allen Township well for many years in numerous capacities, including 14 years as a member of the Board of Commissioners, and 8 of those years as Vice President; and

WHEREAS, his years of service have been marked by exemplary dedication to the best interests of the community as he has worked constantly for the betterment of its economic, cultural and aesthetic development. In particular, his service on the Township’s Administrative Committee, Dog Park Committee, Historical Architectural Review Board, Park and Recreation Board, Public Improvements Committee, Public Safety Committee, Sewer Advisory Board, Stormwater Authority, and Vacancy Board, as well as Capital Region Council of Governments and Cumberland County
Municipal Advisory Board has proven to be of great value to the Township during his tenure as Commissioner; and

WHEREAS, during his tenure the Township experienced significant growth, with the population increasing by over 25 percent, the addition of over 1,500 new single-family homes, park land tripling to approximately 150 acres, construction of a new dog park, the addition of over 20 miles of new sewers, expansion of the municipal building, and completion of Chesapeake Bay sewer plant improvements; and

WHEREAS, Paul Rigney has earned the admiration and high regard of those with whom he has come in contact and the affection of his fellow Commissioners; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Upper Allen Township, on behalf of all our citizens, does hereby express our sincere appreciation and thanks to Paul Rigney for his distinguished service to the community and highly commend him for the manner in which he carried out his duties and responsibilities.

BE IT FURTHER RESOLVED that the Board of Commissioners extend him best wishes for continued success in the coming years.

ADOPTED by unanimous vote of the Board of Commissioners this 6th day of January, 2020.

In addition to the Resolution, Mr. Rigney was presented with a plaque commemorating his service. President Martin then introduced Barbara Rigney, and thanked her for her service as a Commissioner’s wife. Mr. Rigney noted that Barbara served on the Park & Recreation Board for 18 years, so her service exceeds his.

REORGANIZATION

NOMINATION/ELECTION OF PRESIDENT

Solicitor Paolini called the reorganization portion of the meeting to order and presided over the nomination and election of Board President. Commissioner Anderson nominated Commissioner Martin for the office of President, SECONDED by Commissioner Cochran. With no further nominations or discussion, the motion carried unanimously.

NOMINATION/ELECTION OF VICE PRESIDENT

President Martin presided over the nomination and election of Board Vice President. Commissioner Cochran nominated Commissioner Castranio as Board Vice President, SECONDED by Commissioner Walter. With no further nominations, the motion carried unanimously.

NOMINATION/ELECTION OF ASSISTANT SECRETARIES

President Martin presided over the nomination and election of Board Assistant Secretaries. He nominated Commissioner Anderson, Commissioner Cochran, and Commissioner Walter as Assistant Secretaries, SECONDED by Vice President Castranio. With no further nominations, the motion carried unanimously.
APPOINTMENT OF TOWNSHIP OFFICIALS

President Martin announced the following appointments:

Township Manager/Secretary – Lou Fazekas
Assistant Township Manager/Assistant Secretary – Scott Fraser
Township Solicitor – J. Stephen Feinour/Nauman Smith Shissler & Hall
Township Engineer – C.S. Davidson
Sanitary Engineer – GHD
Traffic Engineer – TPD
Building Code Official – Frank Grottola
Zoning Officer – Jennifer Boyer
Police Chief – James Adams
Treasurer – Dennis Zerbe

Commissioner Anderson made a **MOTION** to appoint all positions listed above, **SECONDED** by Commissioner Walter. The motion carried unanimously.

APPOINTMENTS TO VARIOUS POSITIONS

President Martin noted the following positions, and Commissioner Cochran made a **MOTION** to appoint individuals as follows, **SECONDED** by Commissioner Anderson:

Sewage Enforcement Officer – Gary Morrow
Assistant Sewage Enforcement Officer – Barry Cupp
Auditor – Maher-Duessel CPAs
Emergency Management Director – Lou Fazekas
Deputy Emergency Management Director – Scott Fraser
Recycling Coordinator – Scott Fraser

The motion carried unanimously.

APPOINTMENTS TO BOARD COMMITTEES

President Martin deferred appointments to the following Board Committees until a later date:

Administration & Finance Committee
Planning & Zoning Committee
Public Improvements Committee
Public Safety Committee
Park & Recreation Committee
Sewer Advisory Board
Ad Hoc Committees:
   Historical Architectural Review Board
   Capital Region Council of Governments
   Cumberland County Tax Bureau
   Geisinger Emergency Management Services
   Cumberland County Municipal Advisory Board
   Upper Allen Township Vacancy Board

**DESIGNATION OF NEWSPAPIERS OF GENERAL CIRCULATION**

Consensus of the Board was to designate The Harrisburg Patriot, Carlisle Sentinel, and The Guide as Newspapers of General Circulation.

The Reorganization portion of the meeting concluded and the regular Board of Commissioners agenda continued.

**CONSIDERATION/APPROVAL OF BOARD OF COMMISSIONERS MEETING MINUTES**

President Martin asked for any comments or corrections to the Minutes of the December 4, 2019 Board of Commissioners meeting. There were none, and Commissioner Anderson made a **MOTION** to approve the Minutes of the December 4, 2019 Board of Commissioners meeting, **SECONDED** by Commissioner Walter. The motion carried unanimously.

**PRESIDENT'S RECOGNITION OF VISITORS**

Joan Stokes, of 568 Allenview Drive, said she is a retiree and is concerned about the increase in the trash bill on top of the recent increase on the sewer bill. She said the increase is over 40% and it’s not easy. She asked for an explanation of why it would go up that much. President Martin said the recycling program initiated some years ago hit a crisis in that some of the countries that used to take recycled materials are not taking them or have more stringent requirements, so the haulers are up against a financial burden. He said our contract was due to expire in December of 2019. We solicited bids and received two. He said the Board accepted the lower of the two bids and Republic Services was the lower bidder. While the new rate is substantially higher, he said it is still quite a bit lower than the other bid we received. He noted that many municipalities in our area will be renewing contracts and this is a trend being experienced by every municipality around us and throughout Pennsylvania. He said he knows it doesn’t help her but it is a service that we don’t have an alternative for. He noted that the other bid was $105 per quarter. He said Hampden Township, with their old contract, was $100 per quarter, but they rebid and came in at $84 per quarter. He said there is no one else out there to go to.

Mrs. Stokes said it doesn’t help retirees on a fixed income on top of the sewer bill going up. Commissioner Cochran clarified that it was the stormwater bill that was added to the sewer billing, which was a fee the Township had to initiate to meet a federal mandate. He said we basically got the same trash service that Hampden Township has but for less money. Mr. Fazekas pointed out that it’s a 3-year contract but it does have a fuel escalator. The contractor is allowed to make adjustments based on fuel costs that in the past have equated to a few pennies. He said that is the only thing that could change over the next 3 years. Commissioner Cochran said we don’t expect trash costs to go down in the future, but they will probably go up. Mr. Fazekas said if it levels off, we have an option
for 2 additional years and it is usually at the discretion of Republic Services. He said it is a fixed rate for the next 3 years and we did publish something in the newsletter indicating that we anticipated an increase. President Martin thanked Mrs. Stokes for coming in. He said he’d rather she has the correct information even though it’s not the information she wanted.

Daniel Kruper, of 930 Emily Drive, said he is shocked with the increase. He questioned whether the Board considered charging by how much is put out. He said he is divorced and his kids are gone, and he’s lucky if he puts out a bag a week. He said it’s not fair to him and noted that the people down the street from him are putting out 10 bags. President Martin said if they put out that much, they are being charged extra for anything over 6 bags. He said he doesn’t believe there are services that would look at differential bag numbers per household. However, Commissioner Cochran said Carlisle does have a per bag, per household arrangement. He said everyone is charged a 1-bag minimum and $6 per bag, and it comes out less the way we do it. Mr. Kruper asked if the Board ever considered an ordinance to stop people from using plastic bags, noting the amount of litter created by them. President Martin said it is a good suggestion, but in all fairness he said there seems to be a sensitivity among folks now, and many more people using reusable bags than he did years ago.

Bill Werner, of 877 Northern Spy Drive, said he appreciates the previous comments on trash. He wondered if the Township could have an area set aside for a dumpster, where residents could pay a set fee to be able to put in one bag per week. He said it seems like people would pay less than they are now. He said he would think that would be one way to help these people out.

Mr. Werner continued with concerns about stormwater runoff on his lot. He displayed a number of slides and commented that his is the largest lot among 14 others, and he paid a premium for it. He said when he chose the lot, it was flat with no catch basins visible, and unfortunately by the time his house was built they turned his back yard into a transportation system for stormwater. He said 14 houses drain their water onto his back yard, which is being utilized to get the water to the catch basin on Northern Spy Drive, and the developer has purposely graded everybody’s property so the water is being drained toward his back yard. He said he had no idea this was going to occur. President Martin commented that the developer submitted a land development plan to the Township and had it approved. He questioned whether Mr. Werner is experiencing something different than what was on the original plan. He said he doesn’t want to minimize Mr. Werner’s concern or plight, but said this could be an issue between he and the developer or the agency that sold him the land. Mr. Werner said he thought the Township oversees how water is transported. He said in northwest Pennsylvania where he comes from, they don’t have issues like this. He said there are no hidden agendas and you know what you are getting into. Vice President Castranio commented that he wasn’t in the Chesapeake Bay drainage area, where we are subjected to more stringent regulations.

President Martin asked Mrs. Boyer if she is aware that anything has changed since the land development plan was approved, and she said she is not aware of anything and that this was the first time she has heard this. Commissioner Cochran said we have an opportunity here to check and see whether the grading meets the approved land development plan. Mr. Werner said the #1 issue in his neighborhood is yard issues, so he isn’t the only one, but he is the one who is getting water from 14 homes. Commissioner Cochran said we need to find out if it has been graded in accordance with the approved plan. He said if they are doing what they are supposed to be doing, we have no leverage. President Martin said the Township engineer and staff will look at the approved land development plan to see what was approved, and will go on site to make sure it is being installed as per the approved plan, but we cannot force the developer to do anything beyond what is on the approved
plan. Otherwise, he said it will be between Mr. Werner and the developer. Vice President Castranio added that the Township is also holding financial security to make sure it is functioning as designed.

CONSENT AGENDA

Commissioner Anderson made a MOTION to approve the Consent Agenda as follows, SECONDED by Commissioner Cochran:

Approval of Bills in the Amount of $195,897.67

The motion carried unanimously.

PUBLIC SAFETY COMMITTEE

APPROVAL OF COLLEGE COURSE WORK
FOR SERGEANT THOMAS CUCKOVIC

Sergeant Thomas Cuckovic submitted a request for approval of college course work. The class he is requesting approval for is CRM700 Advanced Criminological Theories, which is a required class in the Master of Arts in Applied Criminology he is enrolled in through California University of Pennsylvania. Chief Adams asked that the request be reviewed and approved.

Vice President Castranio made a MOTION to approve the request for college course work from Sergeant Thomas Cuckovic, SECONDED by Commissioner Walter. The motion carried unanimously.

Chief Shumberger had nothing to report. He said the Fire Department ordered a new utility truck, and he thanked Mr. Fraser for that. He also thanked staff for helping with Christmas trees this year and for their help in cleaning up out front.

PLANNING & ZONING COMMITTEE

ZONING HEARING BOARD (ZHB) CASES FOR JANUARY 9

The property owner at 5011 Louise Drive is seeking three sign Variances. Mrs. Boyer said they are proposing a monument sign by the entrance and then two wall signs, and only 2 signs are permitted by right on this property. She said the proposed wall signs are just under 60 square feet, which is more than what is permitted, and they are also asking for a variance on the height to go higher than the permitted 25 feet. Commissioner Walter noted that this business is a Holiday Inn Express, and they like to put their signs way up, and he thinks that’s what they are trying to do here. Commissioner Cochran said he doesn’t like extra signs. He said these folks came in for the land development plan and at that time we made some concessions, but there was no mention of signs. Mrs. Boyer said typically for a commercial land development plan we ask them to put a note on the plan saying they will comply with the chapter on signs in the Zoning Ordinance. Commissioner Cochran said maybe the note should say that the developer read the sign ordinance and will abide by it. Vice President Castranio disagreed, and said if they can prove that it’s a hardship it should be granted, and if not it should not be granted. Or, he said we could ask developers to submit their sign plan with the land development plan, but he said that won’t happen. Commissioner Cochran said his personal feeling is that our sign ordinance is easy enough to comply with and he hates to see us turn
into a Carlisle Pike. Commissioner Anderson said we want to keep that park from getting too cluttered with all that stuff. President Martin agreed, but said terrain and placement should be considered and he wants to make sure Township businesses can be successful. Commissioner Walter said in his opinion it is a business park, and he doesn’t want the clutter either, but the property sits in the back of the business park and visibility is limited. Commissioner Cochran said it also sits below a residential development, so a higher sign will be annoying to them. Vice President Castranio said if they can’t prove that they won’t alter the character of that neighborhood, then it shouldn’t be granted.

HARB CASES FOR JANUARY 21

There are no cases scheduled.

CONSIDERATION/ACTION ON REVISED LAND DEVELOPMENT PLAN FOR OAKWOOD HILLS, PHASE 1B, UAT FILE #19-04-01 (REV)

Phase 1.B was conditionally approved on June 19, 2019. Construction began in the fall on the second phase of Oakwood Hills, which consists of 177 multi-family units and associated parking on Lot #2. The revised plan is to add two additional studio apartment units—one unit in Building 5 and one unit in Building 6. The building footprints will remain unchanged. The developer is utilizing existing rooms within each building to create the additional apartment units. However, approval of a revised land development plan is necessary because there is an increase in dwelling units. The parking area for Lots 5 and 6 includes 266 parking spaces, and includes 12 garage spaces. Per the Zoning Ordinance, only 240 spaces are required. For the entire phase and development of 179 units, 358 parking spaces are required and the applicant is providing 394 spaces.

On August 16, 2017, the applicant received approval of the following modifications and deferrals, as part of the conditional approval of the Preliminary Subdivision & Land Development Plan for Oakwood Hills.

1. Modify the requirements of Section 220-9.C(2)(s) to request 30-inch caliper trees shown within limit of disturbance only due to undevelopable portions of the site and areas reserved for future development. Large trees shall be shown separately with the submission of subdivision and/or land development plans for Lots 4 and 5.
2. Modify the requirements of Section 220-16.B(2) to use 3’-4” grass planting strip instead of a four-foot-wide grass planting strip between the curb and sidewalk. This is due to Township road, sidewalk and curb dimensions.
3. Modify the requirements of Section 220-26.B(1)(g)[5] requesting a Buffer Type 1 screening instead of the required Type 3 for stormwater management due to courtesy screening along the development perimeter.
4. Modify the requirements of Section 220-9.C(2) scale requirements for the overall sheets within this plan, to include Sheet pages 3, 10, 14, 19, 23, 29, and 59 due to the unique nature of the site and the proposed subdivision and land development.
5. Defer the requirements of Section 220-15.B(11)(a) to widen Mill Road except for 130 linear feet at the proposed intersection of Mill Road and Oakwood Hills Drive until such time as the Township deems the improvement necessary or submission of a subdivision and/or land development plan for Lots 4 or 5, whichever occurs first.
6. Defer the requirements of Section 220-15.B(11)(a) to widen Lisburn Road until such time as the Township deems the improvement necessary or submission of a subdivision and/or land development plan for Lot 5, whichever occurs first.
7. **Defer the requirements of Section 220-16.A(2) to provide curbing along Mill Road. Curbing shall be provided at such time in the future when the Township deems the improvement necessary or submission of a subdivision and/or land development plan for Lots 4 or 5, whichever occurs first.**

8. **Defer the requirements of Section 220-16.A(2) to provide curbing along Lisburn Road. Curbing shall be provided at such time in the future when the Township deems the improvement necessary or submission of a subdivision and/or land development plan for Lot 5, whichever occurs first.**

9. **Defer the requirements of Section 220-16.B(3) to provide sidewalks along Mill Road until such time in the future when the Township deems the improvement necessary or submission of a subdivision and/or land development plan for Lots 4 or 5, whichever occurs first.**

10. **Defer the requirements of Section 220-16.B(3) to provide sidewalks along Lisburn Road until such time as the Township deems the improvement necessary or submission of a subdivision and/or land development plan for Lots 4 or 5, whichever occurs first.**

11. **Defer the requirements of Section 220-16.B(4) to not install sidewalks along Oakwood Hills Drive from Station 26+50 to Mill Road until adjacent lots are developed.**

On October 18, 2017, the following deferrals were approved with Phase 1.A:

1. **Defer the requirements of Section 220-16.B to not install sidewalks along Oakwood Hills Drive in its entirety during construction of Phase 1A. The applicant shall install sidewalks from West Lisburn Road to Station 9+50 as part of Phase 1A. The applicant shall install sidewalks from Station 9+50 to Station 17+00 as part of Phase 1B. The applicant shall install sidewalks from Station 17+00 to Station 26+50 as part of Phase 1C. Deferred improvements shall be noted as such on all final plans.**

2. **Defer the requirements of Section 220-26.D(7) to not install street trees along Oakwood Hills Drive in its entirety during Phase 1A. The applicant shall install street trees from West Lisburn Road to Station 9+50 as part of Phase 1A. The applicant shall install street trees from Station 9+50 to Station 17+00 as part of Phase 1B. The applicant shall install street trees from Station 17+00 to Station 26+50 as part of Phase 1C. Deferred improvements shall be noted as such on all final plans.**

No further action is necessary on the approved modifications and deferrals. The applicant is not asking for any additional waivers, modifications or deferrals currently.

The applicant has already submitted $407,100 for the 177 dwelling units associated with Phase 1.B. The applicant, upon plan approval and prior to plan recording, will contribute an additional $4,600 to the Township’s Recreation Land Acquisition and Improvement Fund, in accordance with Section 220-28.D(5) of the Codified Ordinances of Upper Allen Township.

The Community Development, Sewer, Police, Fire, Public Works/MS4 Departments, and Cumberland County Planning Commission were notified on December 3, 2019 that this plan is available for review, and comments were submitted. At its December 30, 2019 meeting, the Upper Allen Township Planning Commission unanimously voted to recommend approval of the applicant’s plan with conditions.
Christine Hunter, of H. Edward Black and Associates, representing the applicant, said the plan is very straightforward. She said Phase 1.A is virtually completed and 1.B is under construction. It became apparent that there is a lower need for storage units and a higher need for studio apartments. She said they are proposing to install two units within the existing footprint with no impact to parking at all. Commissioner Cochran asked how many excess parking spaces they had for overflow before this proposal. Ms. Hunter said they had 26 extra—266 versus the 240 required. She noted that there are 120 units in that area. Commissioner Anderson commented that the Planning Commission discussed the plan in detail and did recommend approval.

Commissioner Anderson made a MOTION to approve the revised final subdivision/land development plan for Oakwood Hills, Phase 1B, with the following conditions, SECONDED by Commissioner Walter:

**FIRE**
1. The following items shall be addressed on the Building 4, 5, and 6 sprinkler plans:
   a. Plan #4, the two dry standpipes and the automatic sprinkler FDCs are on the same side of the structure and all face the parking lot.
   b. Plan #5, the one dry standpipe and one automatic sprinkler FDC comes out the same side of the structure and faces the parking lot.
   c. Plan #6, the two dry standpipes and the automatic sprinkler FDCs are on the same side of the structure and all face the parking lot.
2. The following items shall be addressed for the revised land development plan:
   a. All FDCs shall be properly marked with the systems that they feed.
   b. The fire engines must be able to access all FDCs and they should be on the same side of the building so the fire department does not have to tie up another piece of apparatus to feed the FDCs.
   c. The first apartment building, the fire department is not able to use the standpipes due to the location of the FDCs.

**ADMINISTRATIVE**
3. The applicant shall obtain approval of the planning module for the additional units 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.
4. The applicant must contribute to the Township Recreation Land Acquisition and Improvement Fund in the amount of $4,600.00. This contribution to the Fund shall be paid at the time of approval of the subdivision or land development plan in accordance with the requirements of Section 220-28.D(5) of the Codified Ordinances of Upper Allen Township.
5. 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.
6. 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.
7. 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.

8. The landscape architect licensed by the Commonwealth of Pennsylvania shall sign and seal the landscaping plans, as designed in accordance with Section 245-206.E of the Codified Ordinances of Upper Allen Township.

9. 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.

10. The applicant shall complete all site and sewer improvements for this Phase 1.B, in accordance with Township specifications, and dedicate all applicable improvements to the Township within five (5) years from the date of the signed financial improvement agreement. If the applicant requires more than five (5) years to complete the improvements, they may ask for an extension from the Board of Commissioners.

11. 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. 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.

12. 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.

13. Prior to obtaining the county signature for final plan recording, the applicant shall provide a CD that includes a .dwg AutoCAD file that shows any revised parcel boundaries, lot lines, building footprints, road rights-of-way, edge of pavement, and any utility or easements (public and private), etc.

Since there are conditions on the approval of this plan, the plan will be rejected unless the owner/applicant agrees, in writing, within thirty (30) days, to comply with and abide by the specific conditions of approval. President Martin, Vice President Castranio, and Commissioners Anderson and Walter voted yes; Commissioner Cochran voted no.

**CONSIDERATION/ACTION ON REVISED LAND DEVELOPMENT PLAN FOR 500 INDEPENDENCE AVENUE, UAT FILE #19-03-01C**

The purpose of this plan is to amend a note on the plan stating that tractor trailer parking is restricted within certain portions of the parking lot. The eastern parking lot restricts the use of this parking lot for tractor trailer traffic. The property owner currently has trailers parked in the restricted area, which is a violation of their land development plan. This note was placed on the plan because of discussion among the developer and residents in Deer Haven.
The previous plan submitted in March of 2019 was officially withdrawn in June of 2019 for the developer to have further discussions with the residents of Deer Haven for both parties to come to an agreement. The current plan is a result of the most recent discussions between residents of Deer Haven and the developer. The plan now will show truck restrictions in the western parking lot between the hours of 10:00 p.m. and 6:00 a.m. along with additional plantings between the properties to buffer some of the views and sounds. The restrictions would be monitored by the landowner and the tenant. There is a full-time property manager on site and they will be the point of contact for the Township if an issue were to occur. Additionally, the tenant’s lease going forward will state that they must abide by the restrictions on the lot.

The applicant intends to install a second “No Trucks” sign on the western parking lot so that signs are located on each side of the access drive. No other changes are proposed to this site. The Police Department has reviewed the restriction and has no issues with it. There have been no complaints filed within the last two years regarding any noise or light pollution, or other issues concerning this property.

The Community Development, Sewer, Police, Fire, and Public Works/MS4 departments, as well as the Township Engineer and Cumberland County Planning Commission were notified on March 4, 2019 that this plan is available for review. An amended plan was provided to everyone on November 1, 2019 and comments were submitted.

The Upper Allen Township Planning Commission unanimously voted to recommend approval of the applicant’s plan with conditions during the November 25, 2019 meeting. During that meeting, several residents of Deer Haven spoke up regarding their conversations with the applicant. While the residents and applicant had agreed on the improvements, further clarification was needed on a few items. They were:

1. When the berm and landscaping would be planted. The applicant stated they would begin work in Spring 2020, once the weather allowed. They expect the work to be finished by June 1, 2020.
2. Previous conditions, particularly noting that the emergency access drive along the northern side of the property continue to be used for emergencies only. Lighting restrictions along the access drive continue, use of appropriate “down lighting,” and replacement of all evergreen plantings that have died or have been damaged need to be clarified.

The applicant has stated that these concerns are already conditions on the plan that was originally approved, and they have no intention of changing them.

Mike Davis, Senior Development Manager for Duke Realty Corporation, owner of 500 Independence Avenue, was in attendance. He said Duke Realty owns industrial logistics warehouses all across the country and they have owned this property since 2013. Over that time he said they leased the building twice to the same tenant, which is the original tenant since the property was built. He said they were presented with a zoning restriction they weren’t previously aware of since they didn’t build the facility. He said the parties met in nearby resident Mark Judge’s kitchen to discuss potential options. He said they evaluated a variety of different solutions. They looked at relocating that parking lot into a stormwater basin but it was not a viable option. They investigated a concrete sound wall to minimize sound. They hired an accoustic engineer but determined it wouldn’t do enough to justify the cost. The final solution involved a more conventional manner—landscaping and berming to visually screen the impact. He said they went back and forth with Buckeye Pipeline
and the gas company. Ultimately they said we couldn’t do what we wanted here. So, what they did to get proper berm height is to eliminate six parking spaces, and add evergreen plantings, and Duke will record a covenant against the property so they can’t use it between 10 p.m. and 6 a.m. He said he thinks this is the best solution they have been offered and believes the Deer Haven residents will agree. Regarding the restricted hours, President Martin asked if that is between Duke and the current tenant or would run with the land. Mr. Davis said it would be memorialized with the current land development plan. They would amend it to record a revised plan and then it would run with future tenants too.

Commissioner Anderson noted that they met with the residents and worked things out. Mrs. Boyer said there are residents present at this meeting, and there have been a lot of meetings back and forth throughout the whole process, and they have been good about updating her. She said they went through a plethora of concerns and discussed them, and she got a synopsis after each meeting. At one point she said they were coming up on a deadline and they withdrew the plan to allow themselves more time to talk with the neighbors so they weren’t rushed by the deadline. Later they came to solutions and came before Planning Commission. She said they have agreed to a new condition regarding grading the berm to ensure draining away from the building.

President Martin asked Mr. Judge if he is satisfied. Michael Judge, of 538 Harvest Lane, said he has nothing to add except to say that Duke Realty have been terrific neighbors. He said it is nice to have a commercial entity work so well with neighbors. He said staff has been super and it’s been a great process and the residents are very supportive of Duke Realty. Mark Silver, of 554 Harvest Lane, said everything Mr. Judge said is absolutely accurate. He said it was a pleasure to deal with them. Regarding the new condition mentioned by Mrs. Boyer, he said the wording “away from the building” gives him a bit of pause. He said he just wants to make sure that whatever occurs there grading-wise does not get pushed onto the southern areas of the residential lots, and Mrs. Boyer assured him that it won’t go on his lot. He said the residents are happy that there will be covenants running with the land and that they will be enforceable.

Commissioner Cochran noted that the berm work is to begin in spring of 2020 but parking doesn’t start until the berm work is finished. Mr. Davis responded that he is generally correct. He said they are using the lot now so they would continue to use it and address it at that time once it is complete. Mr. Judge said they agreed at Planning Commission that the neighbors would take no offense to them continuing to use it until that is done and that they would honor the 10 p.m. to 6 a.m. time restriction. Commissioner Cochran pointed out that the Board of Commissioners is then in effect condoning them violating a zoning regulation. Mr. Judge said the violation impacts no one but the residents of his neighborhood but Commissioner Cochran said the Board of Commissioners put something into law and are saying these people don’t have to abide by it. He said he worries about precedent. Vice President Castranio said approving the plan tonight eliminates that condition.

Greg Davis, with Saul Ewing law firm, was in attendance representing the applicant. He questioned if the restriction could be temporarily waived. He said they have a deadline of June 1 for completion. Commissioner Cochran said he is not completely opposed to that but would like to see something in writing that it will happen by that date if the Board waives it. He suggested a monetary condition and said we haven’t imposed any penalties since we discovered it and could have fined them daily. He said he thinks the Board has been very lenient. He acknowledged that the applicant is working in good faith but just wants to make sure it is done. President Martin questioned what additional damages Commissioner Cochran wants to see, and who the damages would be payable to. Mike Davis said if for some reason their tenant said tomorrow that they no longer need parking in
that location, this self-times out, so why would he pay a penalty. Commissioner Cochran said he wouldn’t, but if it is going to be used for parking, he wants them to get it done. Greg Davis suggesting working with them in good faith and Mike Davis asked about posting financial security in the traditional manner. He said he is only guarding against bad weather situations. Commissioner Cochran said he just wants it over and done with, and wants a guarantee that it will be done by June 1.

President Martin questioned whose responsibility it is to maintain the trees. Mike Davis said the landowner is, and it is addressed in condition 10a. He said residents asked them to revegetate the original plantings that have not survived. Discussion ensued on Commissioner Cochran’s concern. Commissioner Anderson questioned whether the Board wants a 12th condition that says the owner will pay so much per day after June 1. Commissioner Cochran asked what happens if it’s not done by June 1 and Mike Davis said he would come back to the Board for an extension. Commissioner Cochran said if this isn’t done by June 1 then the Township’s approval is null and void and they will have to come back for approval again, but Mrs. Boyer disagreed and said if the plantings aren’t done then they can’t use that lot. She said if they record the plan they have to post financial security, so if the plantings aren’t done by June 1 it wouldn’t disapprove the plan since it would have already been recorded.

Commissioner Walter reiterated that in 4 years on the Planning Commission, he has never seen an instance where a neighborhood has worked so long and hard with a developer to iron things out. He added that quite frankly, the June 1 deadline was a pushback from the Planning Commission in case we have a cold March and they can’t do the work. President Martin concurred with Commissioner Walter and said this probably is in his tenure some of the best interaction between a neighborhood and developer and owner to try to work out a situation. He said it’s not perfect but the intent to make it work is what community government is all about. Commissioner Anderson agreed and said she has been dealing with the Planning Commission and Board of Commissioners for many years, and gave them all credit for working to come up to a solution.

Commissioner Anderson made a MOTION to approve the revised final land development plan for 500 Independence Avenue, UAT File #19-03-01C, with the following conditions, SECONDED by Commissioner Walter:

GENERAL
1. All curb radii shall be shown on the plan in accordance with Section 220-16.C(3) of the Codified Ordinance of Upper Allen Township.

ADMINISTRATIVE
2. 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.
3. The applicant must have the plan signed and sealed by a licensed surveyor or 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.
4. The landscape architect licensed by the commonwealth of Pennsylvania shall sign and seal the landscaping plans, as designed in accordance with Section 245-7.5.B. of the Codified Ordinances of Upper Allen Township.
5. If the applicant installs the improvements prior to recording the plan, then the surveyor or 
engineer shall provide a signed and sealed letter stating all property pins and monuments are 
installed, and all other improvements are installed on site as required by the revised final 
plan. If the applicant does not install the improvements prior to recording the plan, then:

   a. The applicant must submit a signed and sealed construction cost estimate for all 
improvements, in accordance with Section 220-13 of the Codified Ordinances of 
Upper Allen Township.
   b. 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 2230-13 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 condition of approval.
   c. 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 Ordinance of Upper Allen Township.

6. 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.

7. 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.

8. 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.

9. 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___."

10. In a discussion held between Mike Davis and the Deer Haven HOA during the Planning 
Commission meeting of November 25, 2019, Duke Realty has agreed to address several 
issues. While many of the concerns are already identified on the revised land development 
plan, the following shall be taken into consideration. If the Applicant chooses to take the 
conditions into consideration, they shall be shown on the plan as additional Plan Notes.
a. The land owner and any future land owners shall be responsible for replacing any and all landscaping along the north side of the property that may have died or been removed, in addition to the landscaping on the revised plan.

b. The land owner and any future land owners shall continue the restriction of lighting along the rear of the property and use the appropriate “down lighting” in the trailer drop lot.

c. The proposed landscaping shall be completed no later than June 1, 2020. In the even it is not completed by that time, the landowner shall cease use of the trailer drop lot until planting has been completed.

11. A grading plan shall be provided for the earthen berm work to ensure the improvements fit on site and ensure positive drainage away from the building. Appropriate E&S measures shall also be in place while the improvements are under construction.

Since there are conditions on the approval of this plan, the plan will be rejected unless the owner/applicant agrees, in writing, within thirty (30) days, to comply with and abide by the specific conditions of approval.

President Martin, Vice President Castranio, and Commissioners Anderson and Walter voted yes; Commissioner Cochran voted no.

**CONSIDERATION/ACTION ON TIME EXTENSION FOR PRELIMINARY SUBDIVISION/LAND DEVELOPMENT PLAN FOR WEST WINDING, UAT FILE #19-10-01**

A subdivision/land development application has been submitted by Charter Homes to develop the Gate of Heaven cemetery land. The cemetery will remain, and 160 residential lots, and 10 stormwater management and open space lots will be developed on the residual 66-acre tract of land. More than 10 acres will be devoted to private open space for the development community. The stormwater facility will be approximately 7.6 acres in size. The development will be constructed over three phases, as follows:

Phase 1 – Lots 1-7, 62-95, 116-129, 138-140, 149-151, 158-159 – Filing Date 2022 – 39% of development
Phase 2 – Lots 42-61, 130-137, 141-148, 152-157 – Filing Date 2025 – 29% of development
Phase 3 – Lots 8-41, 100-115 – Filing Date 2028 – 32% of development

On December 30, 2019, the applicant presented the plan to the Township’s Planning Commission. Due to the outstanding conditions listed from staff, the applicant would like an opportunity to address the comments before any action is taken. Based on discussion with the Planning Commission, the applicant offered a time extension of 180 days. The Planning Commission unanimously recommended approval of the time extension, allowing the Commissioners until July 24, 2020 to act on this plan and communicate the board’s decision to the applicant.

Commissioner Anderson commented that the applicant presented to the Planning Commission and they went with a 180-day extension; however, they did feel that it may not be that long. She said they are being on the safe side. President Martin commented about how often developers hire professionals who come back over and over for additional extensions. He said his frustration in working with developers and engineers is that they tend to short-circuit their time. He asked Mark
Allen, of Alpha Consulting Engineers, if he is confident they will meet their deadline. Vice President Castranio noted that he will abstain because he is employed by the developer’s engineer. Commissioner Cochran said he has a concern that by issuing an extension we may end up in the same kind of situation that Camp Hill Borough ended up with over Chick-fil-A.

Commissioner Anderson made a **MOTION** to approve a time extension granted by the applicant to extend the review period 180 days from the current end date. The new end date in which to communicate any action on the preliminary subdivision and land development plan for West Winding, UAT File #19-10-01, shall be July 24, 2020. **SECONDED** by Commissioner Walter. The motion carried unanimously, except for Vice President Castranio, who abstained because he is employed by the developer’s engineer.

**PUBLIC IMPROVEMENTS COMMITTEE**

There were no items for discussion.

**SANITARY SEWER SYSTEM**

There were no items for discussion.

**ADMINISTRATIVE COMMITTEE**

**CONSIDERATION/APPROVAL OF 2020 EXEMPT EMPLOYEE SALARIES**

Commissioner Cochran made a **MOTION** to approve the salary increases for exempt employees as discussed on December 18, 2019 in Executive Session, **SECONDED** by Vice President Castranio. The motion carried unanimously.

**APPOINTMENTS TO VOLUNTEER BOARD TERMS AND STORMWATER AUTHORITY VACANCY**

Planning Commission – President Martin commented that there is no written policy or procedure but there was discussion about not putting a former commissioner on a volunteer board right away, and although he has expressed interest, he said former Commissioner Paul Rigney is ok with that. He further questioned whether we can consider imposing attendance regulations on volunteers and asked the Solicitor to look into it. Mrs. Boyer said volunteers can be removed for malfeasance and other reasons. Commissioner Anderson made a **MOTION** to appoint Barbara Roddin to the Planning Commission with a term to expire December 31, 2023, **SECONDED** by Commissioner Walter. After discussion, Commissioner Cochran made a **MOTION** to **TABLE** appointment to the Planning Commission vacancy to the January 22, 2020 meeting, **SECONDED** by Commissioner Walter. The motion carried unanimously.

Zoning Hearing Board – Commissioner Cochran made a **MOTION** to reappoint Gerald Schultz to the Zoning Hearing Board with a term to expire December 31, 2024, and to appoint Christopher Gleeson to the same Board to complete a term that expires December 31, 2020. **SECONDED** by Commissioner Walter. The motion carried unanimously.
Sewer Advisory Board – Commissioner Anderson made a MOTION to reappoint Robert Haines to the Sewer Advisory Board for a term that expires December 31, 2024, SECONDED by Commissioner Cochran. The motion carried unanimously.

Civil Service Commission – Commissioner Cochran made a MOTION to reappoint John Galski to a term on the Civil Service Commission that expires December 31, 2025, SECONDED by Commissioner Anderson. The motion carried unanimously.

Stormwater Authority – Commissioner Cochran made a MOTION to appoint Jeff Walter to the Stormwater Authority, SECONDED by Vice President Castranio. The motion carried unanimously.

Appointments to vacancies on the Sewer Advisory Board and the Civil Service Commission will be made at a later date.

CONSIDERATION OF RESOLUTION HONORING COMMISSIONER PAUL RIGNEY’S SERVICE

Commissioner Anderson made a MOTION to adopt Resolution #1018, a Resolution of the Township of Upper Allen, Cumberland County, Pennsylvania, Honoring Paul M. Rigney for his Years of Service to Upper Allen Township, SECONDED by Commissioner Walter. The motion carried unanimously.

PARK AND RECREATION COMMITTEE

Mr. Fraser distributed copies of draft revisions to Chapter 51, which covers the Park & Recreation Board, and Chapter 175, which covers the rules and regulations of the park system. He said he has received some comments back from staff and the community involved in recreation and would like to request permission to advertise at the January 22nd Board meeting. He said he is still waiting for advice from the Solicitor. President Martin asked Board members to look at the draft and get their comments back to Mr. Fraser.

MISCELLANEOUS

TAX COLLECTION COMMITTEE UPDATE

There were no items for discussion.

CAPITAL REGION COG UPDATE

President Martin noted the upcoming CAPCOG annual dinner and meeting on January 20.

MUNICIPAL ADVISORY BOARD UPDATE

There was no meeting.

PA STATE ASSOCIATION OF TOWNSHIP COMMISSIONERS (PSATC) UPDATE

There were no items for discussion.
SOLICITOR UPDATE

There were no items for discussion.

ADJOURNMENT

President Martin adjourned the regular meeting at 8:34 p.m.