CALL TO ORDER

At the July 29, 2019 meeting Chair Wayne Willey called the Planning Commission Meeting to order at 7:00 p.m. Roll call was taken. The Pledge of Allegiance was recited by all. Ms. Amanda Parrish was noted as leaving at 8:00 p.m.

APPROVAL OF JUNE 24, 2019 MINUTES

Chair Willey called for the approval of the Minutes of the June 24, 2019 Planning Commission Meeting. Vice-Chair Cerveny made a MOTION to approve the Minutes of the June 24, 2019 meeting. The MOTION was seconded by Secretary Walter. The motion carried unanimously (7-0).

REVIEW OF BOARD OF COMMISSIONERS MINUTES

Chair Willey noted the copies of the Board of Commissioners Minutes from the May 15, June 5, and June 19, 2019 meetings. Chair Willey accepted these minutes.

OLD BUSINESS

A. Rev. Final Land Development Plan for Starbucks, UAT File # 19-06-03A

Mr. Julio Williams, Cocca Development, represented the plan as the engineer for Starbucks. The proposed plan calls for the construction of a Starbucks fast-food restaurant with a drive-through on the vacant 3.4-acre parcel at 260 Cumberland Parkway. Mr. Williams provided details on the current uses of the lot as well as an overview of the Starbucks design. Mr. Williams also discussed the applicant’s request for a few deferrals and modifications.

Mr. Williams stated the Board of Commissioners had conditionally approved the use of an
accessory drive-through facility for Starbucks during a Conditional Use hearing on July 17th. The conditions are:

1. The menu order board shall be moved further inward on the drive-through lane to allow for at least three stacked vehicles between the entry into the drive-through lane and the menu board.
2. The right-in only access drive from Cumberland Parkway shall be more geometrically designed/aligned to preclude vehicles from making a right-turn out onto Cumberland Parkway.
3. The full movement access lane at the west end of the property shall provide an additional lane to create separate left and right turn lanes onto Cumberland Parkway, consisting of 2 lanes out and 1 lane in.
4. A barrier shall be placed in Cumberland Parkway to deter westbound traffic from turning into the right-in only access drive.

Mr. Williams stated that his team is working with Starbucks to meet these conditions. Mr. Williams did note the change in location of the dumpsters. The dumpster was previously shown in an easement area, and now will be near the drive-through entrance. Mr. Siodlowski said the dumpster area should be brick enclosure or other privacy screening. Patrons of Starbucks will not want to look at the trash cans as they’re pulling into the drive-through. The Township has high standards and Starbucks should, too.

Mr. Williams then went on to explain the traffic circulation on-site and what they’re doing to address the Conditional Use conditions. The Planning Commission expressed a great deal of concern regarding the internal traffic. Vice-Chair Cerveny asked how the Applicant intends to address safety concerns regarding patrons leaving the drive-through and not seeing vehicular traffic entering in from the right-in only drive. Mr. Williams explained what signage would be installed. Patrons would have to stop at the end of the drive-through line, and then look for traffic before proceeding through the site. Mr. Steffan stated he is not opposed to the project, but he would prefer to see the right-turn access from Cumberland Parkway be eliminated. Mr. Williams said he would look into this concern.

No public comment.

A MOTION was made by Vice-Chair Cerveny to recommend approval of the requested deferral for the Revised Final Land Development Plan for Starbucks, UAT File # 19-06-03A. The MOTION was seconded by Secretary Walter. The motion carried unanimously (7-0). The requested deferral is:

1. Defer the requirements of Section 220-16.B to not install sidewalks and curbing along Cumberland Parkway and Gettysburg Pike.

A MOTION was made by Ms. Amanda Parrish to recommend approval of the requested modifications for the Revised Final Land Development Plan for Starbucks, UAT File # 19-06-03A. The MOTION was seconded by Vice-Chair Cerveny. The motion carried unanimously (7-0).
requested modifications are:

1. Modify the requirements of Section 220-26.D(7) to allow two (2) street trees to be planted on the site instead of the required eight (8) trees. The Applicant shall either dedicate the remaining six trees to be planted at a Township-owned park or pay a fee in lieu of planting.

2. Modify the requirements of Section 220-26.B(1) to allow two (2) shade trees to be planted on the site instead of the required six (6) trees. The Applicant shall either dedicate the remaining six trees to be planted at a Township-owned park or pay a fee in lieu of planting.

A MOTION was made by Mr. Robert Siodlowski to recommend conditional approval of the Revised Final Land Development Plan for Starbucks, UAT File # 19-06-03A. The MOTION was seconded by Vice-Chair Cerveny. The motion carried (5-2). The conditions of approval are:

1. The landscaping plan shall include a summary of all landscaping, street tree, and dumpster screening requirements, in accordance with Section 220-26 of the Codified Ordinances of Upper Allen Township.
   a. Dumpster screening must be shown on the plan in accordance with Section 220-26.B(1)(e) of the Codified Ordinance of Upper Allen Township. The evergreen tree is not shown on the plan.
   b. The landscaping shall identify how many trees and shrubs are required and how many are being provided. For example, the street trees should be shown as requiring eight trees but only two will be provided for on the site (pending approval of the modification).

2. On Sheet C-8 of 16 – Utility Plan, the following shall be corrected:
   a. Label the three existing sanitary sewer manholes on East Winding Hill Road; from left to right, LN04-58, LN04-59 and LN04-60.
   b. Revise drawing note to read “PROPOSED GREASE INTERCEPTOR & SAMPLING...”.
   c. Place a north arrow on sheet.

3. On Sheet C-9 of 16 – Utility Plan & Profile Details (Sanitary Profile for Building Lateral), the following shall be corrected:
   a. Revise sampling vault note to read “...SHALL BE A MIN. OF 3-INCHES...”.
   b. The cleanout located 15’ from the sewer main connection should be shown extending from the lateral to the pavement surface and include a note at the top stating “Cap Protection Casting”; this is required in paved areas.

4. In accordance with Sections 220-9.C(2)(k) and 220-9.C(2)(jj) of the Codified Ordinances of Upper Allen Township the proposed use and proof of variances or special exceptions granted shall be placed on the Cover Page. The following shall be shown:
a. Hearing date/approval date of the Conditional Use. All conditions of approval shall be shown on the final land development plan.

5. Any modifications, waivers, and/or deferrals granted by the Board of Commissioners shall be listed on the final plan, including the date in which such action was granted, in accordance with Section 220-10.B(3) of the Codified Ordinances of Upper Allen Township. All deferred improvements shall be shown on final plans as future improvements. A note shall be placed on the plan indicating that all deferrals are granted “……until such time as the Board of Commissioners deem the improvement necessary.”
   a. The deferred sidewalk appears to go outside of the right-of-way along various areas of the property. A public pedestrian access easement no less than ten feet wide shall be shown centered around the portions of sidewalk that are outside of the public-right-of-way. The plan shall also identify the appropriate ADA compliant ramps at the various intersections or provide a note stating the construction of such ADA infrastructure shall be in accordance to current regulations.

6. The Applicant must obtain approval of the Erosion and Sediment Control Plan from the Cumberland County Conservation District and furnish to the Township a copy of the required NPDES permit in accordance with the requirements of Section 220-9.C(4)(h), Section 220-27, and Section 214-15.C of the Codified Ordinances of Upper Allen Township.

7. The Applicant must submit a copy of the final approved Erosion and Sediment Pollution Control Plan to the Township in accordance with the requirements of Section 220-27.A(1) of the Codified Ordinances of Upper Allen Township.

8. The Applicant shall obtain approval of the planning module for new land development or approval of an exemption from the planning requirements from the Township and PA DEP in accordance with the requirements of Section 220-20.A of the Codified Ordinances of Upper Allen Township and pay all applicable application and tapping fees in accordance with the requirements of Section 200-15.D(8) of the Codified Ordinances of Upper Allen Township.

9. The Applicant must provide evidence that the sanitary sewer system design has been reviewed and approved by the Township Engineer, in accordance with Section 220-20.D(3)(b) of the Codified Ordinances of Upper Allen Township.

10. 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.
11. The Applicant must enter into a Sewer Extension Agreement with the Township and furnish the required $1,000.00 escrow for plan and legal review costs, provide plats and legal descriptions for sanitary sewers to be located outside of the public rights-of-way, furnish the required escrow amount for inspection and related costs, and provide appropriate installation financial security for the sanitary sewers.

12. The Applicant must provide evidence that the storm drainage and stormwater management facilities has been reviewed and approved by the Township Engineer, in accordance with Section 220-31 and Chapter 214 of the Codified Ordinances of Upper Allen Township.

13. The Applicant has submitted a Stormwater Best Management Practices Maintenance Operation and Maintenance Agreement. The Applicant shall record the easement and pay all applicable fees, in accordance with Section 214-20.E of the Codified Ordinances of Upper Allen Township. The Agreement shall be recorded prior to recording of the final land development plan.

14. 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.

15. 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.

16. 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.

17. The landscape architect licensed by the commonwealth of Pennsylvania shall sign and seal the landscaping plans, as designed in accordance with Section 245-6.8.B of the Codified Ordinances of Upper Allen Township.

18. The Applicant must submit a signed and sealed construction cost estimate for all public improvements, including sanitary sewer work, in accordance with Section 220-13 of the Codified Ordinances of Upper Allen Township.

19. The Applicant must provide financial security in a form acceptable to the Township and in an amount to be estimated by the applicant and approved by the Township Engineer to insure construction of the improvements and/or concrete monuments shown on the plan, and the applicant must enter into an agreement with the Township providing for construction and installation of all improvements shown on the plan according to Section 220-13 of the Codified Ordinances of Upper Allen Township. The financial
security shall contain the provision that the Township shall be informed in writing thirty (30) days before the expiration date of any letter of credit or bond provided as a condition of approval.

20. The Applicant must also furnish financial security to the Township in an amount equal to 10% of the total financial security provided to cover the cost of construction inspection, administrative, and other related costs according to Section 220-52.B of the Codified Ordinances of Upper Allen Township.

21. 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.

22. The Applicant shall obtain final water main design approval from Suez Water Company and furnish to the Township an updated design plan.

23. 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 ________, 2019.”

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

OTHER BUSINESS-CONTINUED

A. Fee in lieu-of sidewalk construction

Ms. Boyer presented the board with a draft ordinance based on discussion from the June 24, 2019 Planning Commission meeting. Discussion ensued regarding how the ordinance could change current policy. Where sidewalks do not currently exist, developers often ask for a deferral. With the new policy, developers will be required to install the sidewalks during the construction phase, unless they could prove certain requirements that would allow for them to pay a fee in lieu of construction.

Discussion ensued regarding the use of the fees collected. Chair Willey said he would like to see a threshold established. When a certain percentage of sidewalks exist along a roadway, the Township would use the fees collected to connect missing segments along said roadway. Mr. Siodlowski said the language in Section 220-16.B(9)(d)[3] was too vague, and questioned
whether it was needed. Staff agreed to remove the language, citing subsections [1] and [2] were enough.

No public comment.

A MOTION was made by Secretary Walter to recommend staff forward the ordinance to allow for a fee in lieu of sidewalk construction be forwarded to the County Planning Commission for their recommendation. The MOTION was seconded by Mr. Robert Siodlowski. The motion carried unanimously (6-0).

BUILDING INSPECTOR’S REPORTS

Chair Willey noted the Building Inspector’s Report for June 2019.

ADJOURNMENT

There being no further business Vice-Chair Cerveny made a MOTION to adjourn. The MOTION was SECONDED by Secretary Walter. Chair Willey adjourned the meeting at 8:14 PM.