

TOWNSHIP OF MIDDLETOWN
PLANNING COMMISSION MEETING

June 12, 2018

Present: Mark Bradson, Alison Hassenplug, Greg Reitze, and Peter Schettler

Donald Petrosa, Solicitor and Eric Janetka, Engineer

A. Call to Order

Chairman Mr. Schettler called the meeting to order at 7:30 PM.

B. Approval of Minutes-May

Mr. Bradson motioned to approve the May 2018 minutes as submitted. Ms. Hassenplug seconded this motion and the Commission approved the minutes unanimously with a vote of 3-0 (Mr. Reitze abstained due to his absence at that meeting).

C. Old Business

None

D. New Business

Final Land Development Plan: Linvilla Orchards, 137 W. Knowlton Road—Applicant requests to construct Phase 2, the other 40' X 40' section of the 40' X 80X Chemical Storage Facility

Gus Houtman, engineer for the applicant, noted he and the applicant, Steve Linvill, were present to propose construction of the second phase of the Linvilla chemical storage facility for pesticides, which will be 3,200 square feet. Using a diagram, he showed that this would be located on the south side of Knowlton Road, west of Linvill Road. It is more than 200 feet east of the Knowlton Swim Club and 330 feet from S. Knowlton Road.

Mr. Houtman noted a waiver has been granted by the Township to allow the first part of the building to be built. The property is 101 acres and while zoned R1-residential, it operates as mixed use. It includes swimming pool clubs, fishing, farming, open space and wooded areas. The building would be used to store a mix load of pesticide products with water and electricity. There would be no bathroom. The existing gravel drive would be used for access. The stormwater management plan would call for impervious infiltration beds south of the building, which would contain 100% of the runoff.

Mr. Houtman reported that he has received and reviewed the comment letters from the engineer and zoning officer and has submitted his response. He noted that most of his responses were will comply but went on to report on the areas that needed further discussion. First, he reported the Township engineer wanted the soil types to be listed on the plan but stated that this area in question only makes up ½ an acre of the total 101 acre property.

Also, the Township engineer proposed lot corner markers. Mr. Houtman asked that this be waived since this project is on such a small part of the overall property. While Mr. Janetka did not see a problem with this, Mr. Reitze expressed concerns. He felt that the Township had to have some way to designate borders. Mr. Houtman stated that it is no less than 600-700 feet from the property borders. Mr. Reitze felt that it was still good to have these markers as it would assist in determining where property lines were. Mr. Houtman expressed that imposing this requirement on a 3,200 square foot building on a 101 acre property was excessive. Mr. Reitze asked if they would locate the building and Mr. Houtman responded that part of the building was already constructed and that what is being proposed is better than what is already there now.

Mr. Linvill then provided background on the project, stating that federal funding was available through the NRCS to help make pesticide-use safer for farmers. Only a small part of this building will be used for storage. This proposed project would make the whole process safer, for both the environment and the people mixing the chemicals.

Mr. Reitze still felt the area should be noted. Mr. Houtman stated that this requirement would require extensive work and requested the waiver again. He agreed to show the impervious property though. Mr. Janetka saw no issue with this based on the project size.

Mr. Bradson asked if Knowlton Swim Club was spring-fed. When Mr. Linvill answered in the affirmative, Mr. Bradson asked if the building was up-terrain. When Mr. Linvill answered in the affirmative again, Mr. Bradson asked Mr. Janetka if he was satisfied with the stormwater management plan. Mr. Janetka responded that he was; however, he did not review the architecture of the plan as that is not his job. Mr. Linvill reported that the NRCS would be on site before and during the pouring of concrete to assure the integrity of the impervious surface with a dual barrier. Mr. Bradson asked what would happen if there was a spill outside the building. Mr. Linvill stated this was unlikely to occur. Spills should only occur when mixing and that would take place in the building. He went on to state this was a huge improvement over the previous 75 years of practice. Pesticides are more highly regulated now and farmers are more safety-conscious.

Mr. Houtman stated all other items were will comply. While some stormwater management issues still needed to be coordinated with Mr. Janetka, he felt this was able

to be handled between the Township engineer and applicant, and requested the Planning Commission grant conditional approval. Mr. Bradson asked if the fire marshal review was completed. Mr. Houtman stated they submitted the plans to him but were still waiting on a response.

Mr. Bradson motioned to recommend approval with the waivers noted contingent upon satisfactory review by the Township Fire Marshal.

Mr. Reitze asked if the MSDS information was submitted. Mr. Linvill stated it was on file but not sure if it was turned in to the Fire Marshal. Mr. Reitze asked this to be done and Mr. Linvill agreed.

Mr. Reitze seconded the motion. The Planning Commission approved the recommendation for approval with a vote of 3-0 (Mr. Reitze abstained).

Preliminary Major Subdivision and Land Development: Darlington Pointe II, 432 Old Forge Road—Applicant proposes to subdivide 10 acres into 8 residential lots

Jim Buckler, attorney for the applicant, reported the proposed changes to the property described above is in the R1-A zoning district. The existing home on the property would remain as one lot and 7 additional residential lots would be created. All 8 residential lots would have public sewer and water. No new public roads would be created. Mr. Buckler stated the Township engineer's comments were received and turned the conversation over to the applicant's engineer, Gus Houtman, to review.

Using a diagram, Mr. Houtman reported that this would be considered the second phase of Darlington Pointe. It is located on the southeast side of Old Forge Road, west of Yearsley Mill. Currently the property has the existing dwelling, as well as a detached garage, shed, tennis court and wooded area. The Rocky Run tributary flows at the northeast corner of the property. There is moderate to severe sloping in all directions, with the majority being in the southeast portion of the lot. Most of the very steep slopes are in the buffer area of the Rocky Run creek.

Mr. Houtman reported that a lot would contain the existing site improvements and the tennis court would be removed. Lot 1 would be accessed with the existing private driveway. Lot 2 would have a private driveway with access from Old Forge Road. Lots 3 and 4 would have a common driveway with access from Matrissa Ridge, which is able to be installed due to a previously approved and created right of way through the Darlington Ridge subdivision. Lots 5-8 would have a common driveway with access from Old Forge Road. He went on to state that the lots would use public sewer and

water, noting that a public extension for sewer is being proposed for lots 5-8 with connectivity on Old Forge Road.

Mr. Houtman explained that he received comment letters back from the Township's engineer and zoning officer. He has responded to the engineer, with most responses being will comply.

Mr. Buckner reported that there is a common driveway on the original property close to the property line. He noted that David and Jen Hall, represented by Timothy Sullivan, were all present at this meeting due to their concern about the existing tree-line. This tree-line has given the Hall's privacy and they wish to maintain it. Mr. Buckner explained that by moving the driveway 20 feet, this request should be able to be accommodated. Mr. Bradson asked if that distance was enough to not disturb the trees. Mr. Buckner stated it was out of the dripline and 40 feet from the property line.

Mr. Sullivan reported that he represented Mr. and Mrs. Hall of 400 Matrisa Ridge. They are satisfied with moving the driveway 20 feet east. He noted that he believed the sewer lateral was in the area but assumed the developer would keep the driveway away from that. Mr. Houtman responded they would. Mr. Sullivan stated he was satisfied with this arrangement. Mr. Janetka asked if the driveway still met the setback requirements and Mr. Buckner answered in the affirmative, commenting it would be outside the easement.

Mr. Houtman reported the zoning review letter was generally responded with will comply but there may need to be some coordination with the engineer. He went on to state that the drainage discharge and stormwater management comments were generally responded with will comply as well. He felt that they would be able to coordinate with Mr. Janetka to reach a satisfying agreement on those matters. They may need additional testing of the areas of the property for stormwater management. There were several areas they thought they could use for stormwater management, but they will require additional testing. They would comply with the rest of the requirements.

Mr. Bradson asked if they hit rock when testing for infiltration beds. Mr. Houtman stated they tested limiting zones of 7-8 feet in downslope areas. While there were some areas of rock, they were not shallow in most areas. They kept isolation distances and don't expect and surprises with additional testing. Soil type is very uniform. Mr. Janetka asked if any negatives results were adjusted for and Mr. Houtman responded in the affirmative.

Mr. Houtman went on to report that there were some notations and additional details needed for erosion sediment control but the applicant would comply. He noted the first question about the County Bridge over Rocky Run being entirely in the right of way should be true but they will double check. Mr. Janetka stated he asked this question because the discharge pipe is close to the bridge and he wants to be sure it is not in the

right of way. Mr. Houtman stated they did propose the installation of stormwater inlets and pipes on the southside of Old Forge Road to pick up existing gutter-flow. The first one would be installed above the existing driveway and 2 would be for the slight bend of Old Forge. There were comments about the maintenance and upkeep of these. Some will be installed within the Township right of way. Structures within the legal right of way will be offered for legal dedication to the Township. Not these.

Mr. Janetka stated the storm sewers proposed are primarily their water but will pick up flow off of Old Forge Road. He recommended to design it to handle 100 year storm capacity. He is not opposed to not using the 100 year storm capacity as long as there is not a negative impact and additional flow can bypass the inlets. Some are within the Township right of ways so he thinks they would want it all designed for 100 year storm flow. Mr. Buckner responded that he would work through those details, as well as the details regarding the maintenance.

Mr. Reitze asked how Penn State construction impacted Rocky Run. Mr. Janetka did not know. Mr. Sullivan, who represented Penn State for that project, stated that Penn State deed restricted the Davis tract and created an easement of a wetland area upstream. Mr. Bradson commented that this sort of acted like a double buffer for neighbors upstream and Mr. Sullivan agreed.

Mr. Petrosa asked Mr. Janetka if he wanted a comment on the plan that if the Township does not accept dedication, then it should be removed from the plans. Mr. Janetka stated he did not care either way but thought such a notation wouldn't hurt. Mr. Houtman stated they extended the inlets because there is runoff on Lot 1's existing driveway and it seems to make sense to collect before it hits the common driveway. Mr. Petrosa asked who was responsible for Lot 1 since it is not in the Township right of way. Mr. Buckner explained that about 80% of the water coming upstream is from Old Forge Road. Only a small amount would be from their seepage beds in a major rain event, and not from what they are creating. This still needs to be worked out. Mr. Janetka stated he does not want to see it any worse and the Township does not accept dedication from the ultimate right of way. He thought it could be figured out and noted he would want an easement or right of way controlled by the Township or HOA so they know it is handled. Mr. Schettler asked if they would be able to resolve this before going to Council. Mr. Janetka thought this was probable. Mr. Houtman commented that this was only preliminary planning approval and they would get these types of issues narrowed down. Mr. Petrosa stated this would need to be figured out before preliminary plan approval. Mr. Houtman agreed.

Mr. Bradson asked who would maintain the driveways. Mr. Buckner stated there would be a declaration of covenants and easements imposing maintenance on the owners. There would not be an HOA.

Mr. Janetka stated that most basins do not have direct emergency discharge, so he asked for lot grading to be refined to reduce risk to the dwellings. He stated a notation to the plan needs to recognize the design of flow. Mr. Janetka wanted to make it clear in the plan so the homeowners know about it. Mr. Houtman stated there would be restrictions on what can go on certain areas. Mr. Petrosa stated the usual procedure is to prepare a declaration and submit it to the Township.

Mr. Janetka asked the applicant to discuss the wetland study. Mr. Houtman stated there was an existing wetland study and did not think additional mapping was needed because the riparian buffer is identified and large. They would not be near the wetland area. Mr. Janetka added there would be an easement in the riparian area to restrict what can go there. Mr. Houtman agreed and commented that it would declare nothing can go there. Mr. Janetka was comfortable with this arrangement. He noted that only about 30-40 feet was not previously studied, and that area is to be preserved. The applicant covered most of his issues with the project. There are some minor comments on steep slopes that they are handling but he felt they would be coordinated appropriately.

Mr. Reitze noted there were no hydrants on the plan. Mr. Houtman stated that was a comment and would be addressed. They were also still waiting on the fire marshal review.

Mr. Bradson motioned to recommend conditional approval contingent upon working through the outstanding issues with the Township engineer to his satisfaction, an acceptable review by the Fire Marshal, and a satisfactory agreement made between the applicant and Mr. and Mrs. Hall about their question noted in this discussion. Ms. Hassenplug seconded the motion and the Planning Commission approved it with a vote of 4-0.

Preliminary/Final Land Development Plan: Promenade at Granite Run Wawa, 1073 W. Baltimore Pike—Applicant proposes to demolish the existing Riddle Ale House in order to construct a 5,051 s.f. Wawa with gasoline pumps

Joe Riper, attorney for the applicant, reported they were before Planning Commission to request merging the Riddle Ale House parcel to the MCO tract in order for it to meet the regulation. He provided copies of an affidavit showing the appropriate notices were sent. Mr. Riper noted that Andrea Thomas, engineer for the project, and a representative of the applicant, Peter Keller, were also present.

Mr. Petrosa asked if the zoning was already in place. Mr. Riper stated that the zoning ordinance allows for properties along Baltimore Pike to be brought into the MCO tract subject to Council's approval. BET would own the property but there is a pad lot option permitted. As of now though, it would be a long-term ground lease with Wawa.

Ms. Thomas went on to report that the existing Riddle Ale site would be incorporated into the mall district to apply the same ordinance requirements. The proposed Wawa would be just over 5,000 square feet with gas pumps. She showed a diagram of what the structures would look like. There would be a new access point on Route 1 made to allow for right in/right out turning. The existing access for Riddle Ale House will be closed. There will be another access point on the mall road. The proposed Wawa would have public water and sewer. There is an approved MPDS plan for the mall, which will be amended to include this project. Ms. Thomas reported that there is a waiver to request this preliminary plan to be considered preliminary/final planning.

Ms. Thomas stated that they have the engineering and zoning comments, but the applicant is still waiting on the Township's architect, traffic, and landscape consultants to provide their review. They have also not presented this plan to the County's Planning Commission. For the engineer and zoning comments, the majority of the applicant's responses are will comply. She felt there was nothing within these letters that could not be worked out to the satisfaction of the engineer and zoning officer. Mr. Janetka asked her to address the zoning review for the setback.

Ms. Thomas stated she reached out to Ms. Merino to see why she thought the applicant's plan was not in compliance. Ms. Merino was referring to sheet 5 of the plan, but sheet 4 has a large blow up of the area in question. This blow up shows that the plan meets the 50-foot setback requirement that Ms. Merino was questioning. Ms. Merino informed her she would review the plans again. Ms. Thomas stated she didn't think Ms. Merino knew the plans had this detail on sheet 4. Mr. Petrosa stated that the Wawa property extends further into Baltimore Pike than the property to the west. Ms. Thomas stated the drawing is only based on the Wawa portion of the property. Mr. Janetka noted that any recommendation approved should be contingent upon Ms. Merino agreeing to this.

Mr. Janetka stated the applicant is also asking for a waiver on preliminary plan approval to move straight to final plan approval. Mr. Petrosa stated he had no problem with this as long as all problems were resolved. Mr. Riper stated the applicant was accepting of this condition.

Mr. Schettler asked how the North Baltimore Pike traffic would enter. Ms. Thomas stated it would be a left turn at the intersection. Mr. Reitze asked if there was potential

for historical discovery underneath the existing building. Ms. Thomas had no knowledge of this.

Mr. Schettler then opened the discussion up to audience questions. Bob Bertolette, CEO of Riddle Village, stated he represented 500 residents and 315 employees. He expressed his support for the Wawa project but noted there was concern about the traffic this business could bring to an already busy intersection on Baltimore Pike. He explained that there is no left turn coming into the hospital and Riddle Village, and that he had concerns over how the current loop road to Riddle Village and the hospital will be impacted by this project. He wanted to make sure it is a safe area for pedestrians and that traffic is not made worse.

Mr. Bertolette then introduced Dr. Peter Bloom and his wife, Marsha Bloom, who are residents of Riddle Village and present as representatives of the residents. Mr. Bertolette expressed that pedestrian crossing at this intersection is not safe and that during the construction, the sign directing Riddle Village traffic was lost. Mr. Petrosa thought the crosswalk was to be addressed in the road improvements to Baltimore Pike related to this project. Mr. Bertolette also noted he would like to see turning lanes into and out of this intersection for the hospital and Riddle Village.

Ms. Thomas stated that there is work currently being done at the intersection. The applicant is in the process of amending the PADOT permitting for the new right in/right out for this project and as part of that, PADOT asked for a traffic update study since Wawa is a different use. She was hopeful this study would address Mr. Bertolette's concerns.

Mr. Janetka asked about the signal modification. Peter Keller stated that the signal modifications and crosswalks still need to be made. He also noted that the Riddle Village sign would be replaced but the applicant has not developed the sign package yet. It is part of their plan to replace the Riddle Village sign when the signs for the site are posted.

Dr. Bloom then expressed several concerns about traffic. He stated they met with Mr. Clark in October and talked about current problems. They proposed to Mr. Clark and PADOT a left turn lane into the hospital and to create this by carving it out of the concrete as has already been done on the opposite side of Baltimore Pike. He then stated that with Wawa going into this location, they were concerned previous traffic surveys are no longer relevant and now feels left hand turns should be located at all parts of this intersection. Dr. Bloom expressed that there were safety concerns for this intersection as it is at present with the proposed Wawa project and asked that real consideration was given to safety. Mrs. Bloom added that there is usually advanced notice of jug-handles

and that is not the case with the one for the turn into Riddle Village and the hospital. She felt this would be even more dangerous with people now looking for the turn into Wawa.

In response, Ms. Thomas stated that PADOT is already involved in this process, but their work has only just started. Mr. Keller added that the traffic consultant was not present to address these concerns. He did know, however, that a left turn out of the hospital was considered and deemed unwarranted by the PADOT study since it took away from traffic time on Baltimore Pike. He thought the PADOT study also indicated that there was not enough space for the length of a turn-in lane that would be necessary for a left turn into the hospital. Lastly, Mr. Keller agreed the jug-handle was not the best design but noted that the Township and State did not want to take ownership of it.


Mr. Bertollette asked if the anticipated traffic for Wawa would be considered in the study and Mr. Keller answered in the affirmative, commenting that most of Wawa's traffic would be off peak from the mall traffic.

Steve Mescanti, Oriole Avenue, asked if the exterior design of Wawa shown on the drawing was made to match the Promenade. Mr. Keller answered in the affirmative. Mr. Mescanti expressed concern for how the lights would be pitched and if it would affect the neighboring residential areas. Mr. Janetka stated the Township planner would review the plans with a lighting expert. Any concerns would be addressed.

Mr. Schettler motioned to recommend approval, with the requested waiver granted to accept this preliminary plan as final, and subject to further implications of studies on traffic and lighting. Mr. Reitze seconded the motion and the Planning Commission approved with a vote of 4-0.

Mr. Schettler adjourned the meeting at 9:01 PM.

Respectfully Submitted,


Amanda Allen, Recorder