

TOWNSHIP OF MIDDLETOWN
PLANNING COMMISSION MEETING

November 14, 2017

Present: Mark Bradson, Anthony Mirenda, Bill Moran, Greg Reitze, and Peter Schettler

Charles Miller, 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-August

Mr. Moran motioned to approve the August 2017 minutes. Mr. Bradson seconded this motion and the Commission approved the minutes unanimously with a vote of 5-0.

C. Old Business

None

D. New Business

The Planning Commission agreed to go out of order for the agenda to accommodate present applicants.

Conditional Use: Congregation Beth Yeshua—28 New Middletown Road: Applicant seeks amended approval to permit a Jewish Synagogue, including the construction of an addition not to exceed a footprint of 9,730 square feet to accommodate applicant's congregation. Two accessory buildings will be demolished and removed from the site.

Preliminary/Final Subdivision Land Development Plan Review: Congregation Beth Yeshua—28 New Middletown Road: The project proposes to expand the religious use to accommodate additional seating and meeting space and an expansion of the parking facilities to accommodate the building addition.

Timothy Sullivan, attorney for the applicant, noted the applicant's engineer, Brian Ciampitti, was also present. He then noted that zoning relief from the Zoning Hearing Board was granted about a year ago and at that point, they only had a preliminary idea of what they wanted to do. They then went before the Planning Commission with a conditional use application due to changes related to the proposed Jewish synagogue. They appeared a second time in front of Zoning Hearing Board for additional relief and

are now appearing due to the changes granted by this second zoning relief with a conditional use and land develop plan. The applicant also requests a waiver in order to make this a preliminary and final plan. Mr. Sullivan then provided the plans given to the Zoning Hearing Board.

Mr. Sullivan went on to explain that this congregation is existing and currently located in Haverford, Pennsylvania; however, most members live in this area. He noted that he received a review letter from Mr. Janetka and that he will be having the MTSA engineer and Township traffic engineer also review the plans. He noted they were only prepared to discuss the Township engineer review letter at this time and would hold off on discussing the other two reviews until they are completed. Mr. Sullivan noted they also plan to submit a HOP application but cannot do so until after the traffic engineer review letter is received.

Mr. Sullivan provided the Planning Commission Solicitor with the notices sent out to the abutting property owners.

Mr. Ciampitti then began his presentation by indicating where the property was located. He stated the property is 4 acres but if the right of way and easement were not included in the calculation, it was about 3.75 acres.

Mr. Ciampitti reported that the project included infilling the existing court yard at the rear and an addition off the front of the main structure. The existing playground would be relocated and the house on the property would be removed. The existing 58 parking spaces would be increased to 127 parking spaces to conform to Township standards. Currently there is plans for a 25-foot wide drive aisle and accessway off of Rt. 352. This may change though depending on traffic feedback from the Township and State. There will be two-way drive aisles all the way through.

Mr. Ciampitti went on to report that there would be a loading/unloading zone at the rear of the property, west side. There would also be an overflow area for traffic in the form of grass pavers or porous asphalt with an infiltration storage bed underneath. This will add 24 additional spaces as stack parking, providing a total of 151 available spaces.

In terms of stormwater management, there will be 2 systems due to a split drainage area. 2/3 of runoff would go to the west, towards the Chester Creek watershed and the remaining 1/3 to the Ridley Creek watershed. An underground infiltration system will be established for the front addition and parking and directed to the Ridley Creek watershed while the Chester Creek watershed would accept runoff through an aboveground detention basin constructed to the west of the parking lots designed to accept flows of the western parking lots and existing building. It will be released towards the west, down

slopes and off the property in a way that will minimize disturbance to the west side of the property.

Mr. Ciampitti then stated he received Mr. Janetka's review letter and commented on items within the letter. He noted that there was concern for the proximity of the property to the Northern most neighbors and noted that they proposed a 3-foot retaining wall be built at this location. The applicant is at the higher side of the retaining wall and Mr. Ciampitti stated they would be able to demonstrate that it could be built in a way that would have minimal disturbance to the other side.

Mr. Janetka asked Mr. Ciampitti to only go through the major things in the review letter instead of the whole thing since most of the letter is only notations. Mr. Sullivan noted that #10 on page 5 was a plan revised of easements. He stated this is typically done with stormwater management with a best practice agreement recorded for all the Township to access and requiring maintenance to the stormwater management facility be upkept. Mr. Janetka stated that was what he was looking for.

Mr. Ciampitti went on to discuss the other major issues of the review letter. He stated Mr. Janetka noted a barricade to prevent vehicles/people going over the ledge was needed and the applicant was going to design a guardrail in that area. A barricade will also be adjacent to the stormwater management basin for similar reasons. In response to a concern about the stormwater management basin discharge, Mr. Ciampitti stated a revision would take place to reorient the plans so there will not be a chance of significant waterflow on other surrounding properties.

Mr. Bradson asked how the disbursement from the stormwater management system would take place. Mr. Ciampitti stated that there would be an outflow structure at the edge of the basin and an 18" ADS pipe on the other side. The speed of flow would be controlled. Mr. Janetka explained his concern was to have the runoff going to adjacent properties where it is improved rather than to an undisturbed area.

Mr. Ciampitti stated there was a comment about keeping debris out of the stormwater management system and that was something he had to work out with the architect. The only concern is leaves, but he will provide this detail of information to Mr. Janetka for review when completed.

Mr. Bradson asked if there would be any plantings along the guardrail, regarding the 6 feet on the North Side. Mr. Ciampitti stated some shrubs will be planted but nothing big. He noted the McCusker side of the property has some big trees already. Mr. Janetka stated Township planning would review lighting to make sure everything is screened properly.

Mr. Bradson asked if Mr. Janetka was comfortable with the front addition coming right up to the sewer easement. Mr. Janetka responded that he was fine with this but that the plan still need to be approved by MTSA. He did not believe it would be an issue though.

Mr. Janetka informed planning commission that his main concerns with this plan were related to stormwater management. Lighting and landscape would be done via a separate review, as would traffic. Mr. Ciampitti noted that they kept in mind their neighbors when making their plans for lighting.

Mr. Sullivan stated that the applicant was not present at this meeting for recommendations as more reviews needed to be done by other consultants first.

Andy Parker, Township traffic engineer was in the audience and noted that he was just recently made aware of this project and that he had a few questions about the traffic. He asked when the traffic engineer planned to submit. Mr. Ciampitti responded that the HOP application has been started with the goal of a December submission. He felt he'd be able to get a draft form of this earlier, if necessary. Mr. Ciampitti noted that he requested trip generation numbers already and that the numbers have come in a little more than double what they are currently. Mr. Parker asked if coordination with PADOT has begun and Mr. Ciampitti answered in the affirmative, stating he would get Mr. Parker's contact information in order to contact him directly about this project.

Mr. Parker asked if school was proposed to take place during the week. Mr. Sullivan responded that the existing Montessori School is anticipated to continue renting.

Mr. Parker expressed that his main concern with just a quick glance at the project was the left turn out and left turn in to the property. Is a turning lane needed? Will traffic control officers be out? These are all things he will look at during the review process. Mr. Ciampitti stated he would get what he had to Mr. Parker as soon as possible. Mr. Sullivan stated that the Township gets to comment on the HOP application, so it was important to get Mr. Parker and the applicant's traffic consultant together.

Mr. Sullivan stated they were hoping to be back to present further information next month.

The Planning Commission Solicitor asked about the waiver of fee in lieu request. Mr. Sullivan stated that he did not think there was a precedent to waive this for non-profits. If he can find a precedent, then he will proceed with this request.

Mr. Ciampitti stated there was a waiver not in the letter regarding the basin side slopes. The maximum requirement is for 4 horizontal to 1 vertical but this would be 3 to 1 in order to minimize disturbance. He noted this is recognized as a stable slope and that New

Jersey allows it. Also, a waiver to reduce the berm width from 10 feet to 6 feet. Water is not meant to go to the top so he did not think this would be a problem. Mr. Janetka stated he would support those requests.

Mr. Reitze asked if the basement plan was for the new building only and Mr. Ciampitti answered in the affirmative. He also asked if there were any diagrams showing the existing properties surrounding this property with names included. Mr. Ciampitti responded not at this time but they would have that added. Mr. Sullivan stated that Desedarro and McCusker are to the North, Riddle Foundation (Riddle Village) is to the West, and an access way is to the South. Mr. Ciampitti showed these locations on an aerial photo.

Mr. Reitze asked if the applicant talked to Riddle Village about use of their access road for emergency access in event of emergency. Mr. Sullivan stated they talked to Riddle Village about purchasing the access road and the answer was no, but they did not talk about egress for emergencies. Mr. Reitze advised them to make this request of Riddle Village.

Mr. Schettler tabled the discussion until the applicant returned at a future meeting.

Reverse Subdivision: Stavros & Anastasia—107 Elwyn Avenue: Applicant seeks to eliminate 2 existing property lines reducing the number of lots from three to one large lot

Matt Houtman, engineer for the applicant, introduced the property as a simple application required due to learning during a Zoning Hearing Board presentation that there are 3 different folio numbers for a location only being used as 1 property. The Zoning Hearing Board requested it be condensed to 1 folio number. He also noted that the applicant, Steve Voudoukas, was in the audience.

Mr. Houtman went on to report that the property is .33 acres and that they are submitting a waiver to not have to show soil boundaries nor topography since no construction is to take place. He stated that he received Mr. Janetka's review letter and that the applicant would comply with all 4 comments.

Mr. Bradson motioned to recommend approval of the final plan application with requested waivers. Mr. Miranda seconded the motion and the Planning Commission approved with a vote of 5-0.

Amended Conditional Use Application: Ponds Edge, LP—1328 Baltimore Pike: Applicant seeks amended Conditional Use approval as a result of a material modifications to the approved plan. An amended Conditional Use approval dated July 24, 2017 allowed for the subdividing of an approximately 1.631 gross acre part of the retail/commercial section shown on the plan in order for the parcel to be rezoned to SU-1-A and merged into an approximate 1.679 acre part of the contiguous Franklin Mint parcel in order to construct a PA State Police Barracks and administrative offices on the new Lot. The foregoing modification resulted in a decrease of the amount of commercial space showing on the Conditional Use Plan. In addition, Applicant seeks to further amend the Conditional Use approval due to loss of residential lots shown on the plan as a result of construction by Sunoco Pipeline LP. Applicant seeks approval to reconfigure lots and decrease the number of proposed single-family lots from 211 lots to 197 lots.

Final Subdivision Land Development Plan Review: Ponds Edge, LP—1328 Baltimore Pike: The applicant is proposing to develop the “Ponds edge Property: with a 15,600 s.f. commercial building and 197 residential townhomes. The site currently contains two abandoned dwellings, a pond, wetlands, and consists primarily of wooded area. All existing structures are to be removed and the pond is to remain untouched. The applicant proposes two accesses from Baltimore Pike; a signalized intersection at Donovan Drive, as well as right in-right out at the Commercial Building. Stormwater management will be provided within two underground detention facilities and 26 individual seepage beds.

Kevin Matson joined the Planning Commission as engineer and Mr. Janetka was dismissed.

Joe Riper, attorney for the applicant, explained he was presenting the conditional use application and final subdivision plan together. He stated he was present to amend the conditional use approval to reflect the loss of lots related to the ME2 pipeline. The notification to landowners was handed in for both application agenda items.

Mr. Riper went on to explain that the ME2 pipeline is on the side of the easement closest to the project. When the plan was approved, it complied with setback requirements, but this is no longer the case with the development of the location of the ME2 pipeline. 24 units were noncompliant, so the property has been reconfigured with 14 lots being lost. Mr. Riper was seeking Council approval for this change since it is listed as a major modification and requires review as such.

Mr. Houtman, engineer for the applicant, showed a diagram of the original 2013 plan with 211 units approved. It also shows the location of the existing pipeline running through the property. The new pipeline will be about 25-30 feet closer to the property.

He then showed the revised plan, noting that units 56-60 on the original were removed from the plan. Conceptually, the road layout is similar, but some units were lost. This diagram only shows 197 units.

Mr. Riper stated they were asking for Planning Commission's recommendation of approval since this request was not for an increase of units. Mr. Matson stated he had no objection to this request.

Mr. Matson inquired if there were any additional steep slopes effected by this change and Mr. Houtman responded in the negative, stating there was likely less.

Mr. Moran asked if the original setback was determined from the center of the pipeline easement. Mr. Houtman responded that there are two pipelines in the easement prior to the impending installation of ME2, so the setback was determined by going 75 feet from the closest pipeline to the project at that time. Mr. Moran asked if there was room in that easement for an additional pipeline and Mr. Riper responded that he was comfortable stating that there was not enough space in the easement for an additional pipeline.

Mr. Moran recommended approval of the conditional use application and Mr. Bradson seconded it. Planning Commission approved with a vote of 5-0.

Mr. Riper then went on to discuss the final subdivision land development plan, stating that they went through over 18 months of discussions about the layout with Township Council and staff. At that point, Mr. Rothe was the Township's engineer and was meticulous about the requirements necessary to get the approval. He stated he was pointing this out because Mr. Matson brought up some comments that have already been vetted in his approval letter. Since this is the case, Mr. Riper felt those matters could not be revisited and he did not have them responded to. With the exception of those, most of the other comments were responded with "will comply." Mr. Matson stated that he understood Mr. Riper's point and that if what he brought up was not required by code, they were just things to think about as discussion points.

Mr. Houtman stated that Mr. Matson's comments in the review letter were made up of plan notes, reminders, clarifications, issues resolved in the preliminary planning stage and then minor planning stages. He stated he would review with Planning Commission the items there were not responded with will comply.

Mr. Houtman stated that 3rd party permits were in the process and understood any recommendation would be contingent upon those being approved. He reported he would follow up with request for integrating the trail system.

Mr. Houtman reported the first comment indicated a concern about Drive I and K alleys and locations for perpendicular parking. He stated that they are 18-foot drives and the only 16-foot drives are in areas where there is no 90 degree parking; only parallel parking. Mr. Matson asked if there were any major changes to road widths with the modifications. Mr. Houtman responded that there was a change in location to one area due to ME2, but not a change in width.

Mr. Houtman reported the second comment was about the cul-de-sac radius mid-turn being around 50 feet and there being a few locations that it was less than 50 feet. He stated this was vetted with the Township prior and there was no change in the geometry between the preliminary and final plan. Mr. Matson asked if his stance was that since this was approved during preliminary it is compliant and Mr. Houtman answered in the affirmative, adding that with the exception of one road, this property was to be all private roads.

The third comment on loading area dimensions would be complied with. The Township solicitor reviewed the easements and found them acceptable. They would also comply with the monuments comment.

Mr. Matson stated he met with the applicant and invited the McKee group to attend. He shared that it was nice to speak with all parties and assure everyone was on the same page. He asked if the Sunoco easements were ratified and Mr. Riper stated it was a condemnation.

Mr. Houtman went on to report that the architectural rendering given during preliminary planning was found acceptable by the Township. The documents for property maintenance were in the process and the applicant would comply.

In response to driveway grade, the 25-foot maximum at 2% slope required is impractical for some of the townhomes that are stepped due to driveway length. Mr. Houtman asked if Mr. Matson would prefer that to be submitted as a waiver. Mr. Matson stated that 2% is very flat and asked what the greatest slope would be. Mr. Houtman responded 6%. Mr. Matson thought that was acceptable and instructed him to add a note to the plan that reads up to 6%. Mr. Houtman agreed.

Mr. Houtman went on to report they would comply with the easements becoming roads to the Township. The description of the roadway class was discussed. They would also comply with the comment on clear sight triangles. He noted that he did not believe there were any dead-end roads so there should not be any violations of the ordinance about dead-end streets. Mr. Matson noted Road D was questionable but stated he trusted that Mr. Rothe reviewed it in detail. Mr. Houtman confirmed this. Mr. Houtman moved on to note they would also comply with the comments on street signs and no trees within 30

feet and that the comments on steep slopes and stormwater management were already discussed during preliminary approval. Mr. Matson instructed Mr. Houtman to skip the less technical parts and asked him to go to number 38. The Planning Commission agreed with this decision.

Mr. Houtman stated the request for 4' fence around retention basin would be a will comply as there is only 1 above-ground on the property and it would really appear as a rain garden. Mr. Matson commented that this was not requested for the Penn State project but that one did not hold water. He felt more comfortable with this one being fenced since it would hold water.

Mr. Houtman stated they would comply with Mr. Matson's comment about retaining walls, but stated they still needed to be designed, reviewed by Township, and then once approved, go out to bid. Mr. Matson noted that some of the walls were as high as 17 feet and would need to be checked by a geotechnical engineer. Mr. Houtman moved on to #41 on the PINDHI response and reported that would comply. Mr. Matson asked if the original PHINDI picked anything up and Mr. Houtman answered in the negative. Mr. Houtman then went on to state they would comply with locating the soil test points and will note who will maintain the seepage beds on the HOA. He then reviewed a few other points that would be complied with and then stated that instead of putting the signage of the pavement on the plan as requested, they would be doing that on a separate plan sheet. Mr. Houtman went on to state that Mr. Matson requested truck turning templates for garbage and fire trucks. He noted this was already done during the preliminary planning, but he would provide the information to Mr. Matson again.

Through questioning from the Planning Commission, Mr. Houtman shared that resident trash would be handled by having a concrete pad for trash cans towards the end of the alley for the middle quad with the HOA stipulating how long trashcans can stay out for. The larger units will be able to leave their trash at the curb since the trash truck can go down those roads. Mail boxes will be in a cluster format and will be shown on the plan. The Cross walks will be featured on the pavement-making plan. Finally, he noted that Leni Road will be an emergency access point but gated during non-emergent times. Mr. Bradson asked him to clarify this and make the residents of that area aware that Leni Road is only an emergency access points. He noted residents in that area were under the assumption that will be a thoroughfare way. Mr. Houtman agreed and noted that only the fire department, fire marshal, and ambulance would have a key.

Mr. Houtman reported that most comments from Mr. Comitta would be responded with will comply. A Color rendition was provided at preliminary planning, but an updated copy will be provided for the final. There was a comment that the development may have

too much lighting. Township Council will need to provide guidance on this point. Mr. Matson asked what the lights would look like and asked if they would be LED. Mr. Houtman responded that the electrician consultant recommended a warmer color and that LEDs were not fully accepted back during the preliminary planning process. Mr. Matson expressed that LEDs are very bright and thought a high-pressure sodium option would be better. He recommended the applicant get Township staff's opinion on this. Mr. Houtman agreed.

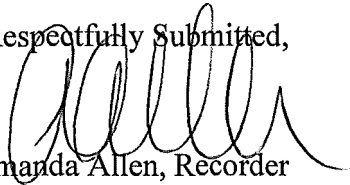
Mr. Houtman stated that overall, a lot of the comments were valid and useful and the applicant would comply. He noted that this plan was under scrutiny for over 18 months previously and that at this point it is important for the project to be on the same timeline as the Town Center project because of congruent parts.

Mr. Bradson asked what the commercial building on Road A was and Mr. Houtman stated retail or office.

Mr. Matson asked if there were any forthcoming letters from MTSA or fire marshal. Mr. Houtman responded that he did not expect a new letter from the fire marshal but did anticipate one from MTSA. Mr. Riper noted he planned to reach out to the MTSA solicitor and chairman for a response. Mr. Matson expressed that the planning for this project has been thorough and that he has no objection to letters not being received at this point as long as applicant plans to comply with any comments provided.

Mr. Bradson motioned to recommend approval of the final land development plan upon all consultant reviews being completed and met satisfactorily. Mr. Moran seconded the motion and the Planning Commission approved it with a vote of 5-0.

Mr. Schettler adjourned the meeting at 9:13 PM.

Respectfully Submitted,

Amanda Allen, Recorder