



**UPPER MACUNGIE TOWNSHIP
PLANNING COMMISSION
MEETING MINUTES**

October 19, 2022

I. CALL TO ORDER/PLEDGE TO THE FLAG:

Meeting called to order at 7:00 PM by Vice - Chairman Paul McNemar

MEMBERS PRESENT: Vice Chairman; Paul McNemar, Tim Helmer, Chris Walls, Mike Werst, Aubrie Miller

STAFF PRESENT: Asst. Township Manager/Director of Community Development; Kalman Sostarecz, Planning & Zoning Specialist; John Toner, Township Engineer; Dave Alban, Township Solicitor; Andrew Schantz, Permits Clerk; Roxann Colfer, Daren Martocci; Township Consultant

Vice - Chairman McNemar opened the meeting and asked all present to join him in the Pledge of Allegiance to the Flag of the United States of America.

Vice - Chairman McNemar asked if there was any action necessary for pending projects in review. J. Toner stated the necessary time extensions have been received and no action on pending plans is necessary tonight.

II. ACTION ITEMS:

C. Walls made a motion was made to approve the September 21, 2022, meeting minutes. It was 2nd by P. McNemar, and the motion passed unanimously (5-0).

III. ADDITIONS/DELETIONS TO AGENDA

With the resignation of Kim Snelling from the Planning Commission, Vice-Chair McNemar called for a motion to appoint a new Planning Commission Secretary. asked if any members of the Planning Commission would volunteer for the position of Secretary. C. Walls made a motion to elect A. Miller as the Planning Commission Secretary. The motion was seconded by Vice-Chair McNemar. The motion passed unanimously 5-0. A. Miller accepted the nomination.

C. Walls addressed the audience regarding a circular that was sent around the neighborhood adjacent to the proposed Sunset Orchards development and wanted to clarify statements found in it. He noted that the circular stated the developer, and the Planning Commission had a work session on Monday prior to the meeting, which was not true. Monday night was the Planning Commission Workshop Meeting where the Planning Commission and Township Staff discuss the items on the agenda. He also addressed a statement noting a gated access point onto Tupelo Road. This is not shown on the plans and stated this could have been from plans proposed years ago.

K. Sostarecz explained to the audience what the planning process was and noted that the proposed Sunset Orchards plan is the first time the Planning Commission is reviewing the plan and stated that no approvals are given by the Planning Commission, only recommendations. The Board of Supervisors is the governing body of the Township who will ultimately approve or deny the plan, or any land development plans. Vice-Chair McNemar stated that plans and reports submitted to the Township are subject to public records and if anyone is interested in seeing those submitted items to contact the Township. A. Schantz clarified that if any items are copyrighted he does not allow the Township to give out copies but the public is more than welcome to come to the Township Building to review the material.

A. Miller reiterated that this is the first time the Planning Commission is seeing the proposed Sunset Orchards Plan. The Planning Commission does not give recommendations on the first review, typically, rather tonight was the opening of a dialogue.

IV. PLANNING DOCKET REVIEW TIMETABLE:

V.	Projects in Review	
Docket	Project	90 or 45 Day Period (MPC Section 508)
<i>*2334</i>	<i>BlueTriton Semi-Trailer Entrance – Sketch Plan</i>	<i>N/A</i>
<i>*2338</i>	<i>Twin Ponds Developments – Sketch Plan</i>	<i>N/A</i>
2326	Carriage East – Preliminary Sub/LD Plan	11/10/2022
2330	Taco Bell – Prelim/Final LD Plan	11/20/2022
2202	6500 Chapmans Road – Land Development	11/22/2022
2328	Millipore Sigma Distribution Center – Prelim/Final Land Development	12/9/2022
2317	1001 Glenlivet Drive – Prelim/Final Land Development	12/11/2022
<i>*2336</i>	<i>Sunset Orchards – Preliminary Sub/LD Plan</i>	<i>12/23/2022</i>
<i>*2339</i>	<i>Air Products Redevelopment of Cetronia Road Site – Preliminary Land Development</i>	<i>1/9/2023</i>
<i>*2304</i>	<i>Trexler Pointe – Prelim/Final Land Development</i>	<i>1/14/2023</i>
2335	8451 Hamilton Blvd – Preliminary Land Development	1/16/2023

**Projects being heard in October*

VI. PLAN REVIEW

A. **#2336 Sunset Orchards, Preliminary Subdivision/Land Development, Schantz & Ruppville Road**, the applicant is proposing the construction of a residential development consisting of 110 twin style homes and 106 townhome units. The project is located within the Township’s R3 – Medium Low Density Residential Zoning District.

J. Toner explained the proposed plan noting that at the Workshop Meeting discussions of the stub street connections, street classifications, design and layout of the roadways, sidewalk connections and concerns of the residents citing heavy traffic concerns.

Bo Erixson, with DR Horton, spoke on behalf of the submission. He reiterated what Staff, and the Planning Commission has already stated to the audience that tonight they are not seeking a recommendation on the plan but opening a dialogue and to hear the adjacent residents concerns and any reasonable requests. Rolph Graff, represented the plan as the engineer for the project. He did recognize Staff and Engineer’s reports and they have received them; his team is current going through them. He continued to explain the property as it exists and what they propose to do noting the number of twins and townhomes and the reasoning for the roadway connections. He explained that on a resubmission he will include more screening and buffering along the property line to provide more privacy for future and existing residents. Parking will be satisfied via driveways, on street parking and several parking lots. He further spoke about the ongoing traffic study that has not been submitted into the Township yet. It was delayed because the developer wanted to wait until school had started to get more accurate numbers. From a very preliminary basis the intersections are not severely impacted by this development however, he will know more once the study is complete. P. McNemar asked when that is anticipated to be complete. R. Groff stated that within the next few weeks it should be complete and included on a resubmission of the plan for review. P. McNemar asked if the developer intends on this development be a condo and if the roads will remain private; yes on both questions according to the applicants engineer.

C. Walls noted that the Trust that owned this property owns others along Ruppssville Road and asked if those were to be acquired for any future use with this proposal. R. Groff stated no, they do not intend to be acquired.

J. Toner brought up issues he found during review. Most notably the consideration for additional screening along existing property lines for current residents along Elm and Fir Roads. He also added that the number of cul-de-sacs has exceeded the allowable limit under the Township Ordinance. He specifically called out Road B noting nothing can be placed within the bulb of a cul-de-sac, right now the plan depicts a parking island and landscaping. No snow dump easements were present on the proposed plans and stop bars and stop signs were not included on the plans and absence of sidewalks along Schantz & Ruppssville Roads. R. Groff stated that the number of cul-de-sacs and how many homes are allowed to access one is an issue and intends to look at the design again for resubmissions. J. Toner also mentioned an overall discussion of connecting Road A from Schantz Road all the way to Bastian. R. Groff explained that was looked at and was decided against because of sight distance issues, safety concerns and steeper slopes in that area. D. Alban stated that a T intersection would be a better option if this connection is pursued. He is mainly concerned with future traffic using Fir and Elm Roads to access the new development and those roads are not wide roadways and the proposed connections on Tupelo and Elm could be reserved for emergency access roads only. K. Sostarecz added that was the main comment from concerned residents that the Township has received. C. Walls noted that in his opinion he would not be in favor of that concept because of the existing conditions of speeding along Bastian Lane. R. Groff stated that he is aware that there will be required traffic improvements associated with this development and when the TIS is complete he can discuss those in further detail. D. Alban spoke to roadway standards throughout the development and noted that the plan would have to be looked at again to comply with those ordinances.

P. McNemar asked about a tree preservation comment found in D. Alban's letter and asked if the property was an orchard or a tree farm. If a tree farm, would this comment apply? D. Alban explained that it would because it meets the definition of a woodland under the ordinance. However, he understands these were planted to sell so a further discussion can be had. P. McNemar asked to discuss Roads B & C and future road names as to be clear for emergency services. He also mentioned the possibility of putting a stub street on Road C noting the open lots to the north some day and there could be a potential connection. P. McNemar was concerned about drainage in this area and extension of drainage pipes within this area and asked if there was a drainage area map included with the submission. None were included. P. McNemar reiterated that impacts of stormwater needed to be closely watched at the intersection as to not make it worse.

A. Miller and C. Walls expressed concerns about parking being not enough and spillover into the existing neighborhood. C. Walls specifically pointed out that homes have multiple cars anymore and doesn't want to put residents in a situation where they are parking in the streets, increasing pedestrian vehicle conflicts, nor have them start parking in the existing neighborhood. P. McNemar added that the waiver request to reduce the cartway width of the road is going to be subject to the Bureau of Fire to make sure that fire services can get in and out of the roadway with cars parking on the street.

A. Schantz wanted to express that the applicant should verify that the public rights remain on the Tupelo and Elm Road stubs. If the roadway hasn't been maintained or accepted within 21 years, publicly, the public rights no longer exist, and they become private which the Township cannot force those roads to connect if that is the case. He also stated that he has concerns with the on-street parking and the multiple driveways that access that roadway. Recently, the Township has had requests to relinquish parking on many streets within the developments.

There being no more comments from Staff or the Planning Commission, Vice-Chair McNemar opened the floor to public comments. Members of the public expressed concerns over privacy, stormwater runoff, water quality, drainage issues, bus stop locations, safety concerns, placement of snow and the most common concern among residents was increase in traffic and the proposed connections indicated on the plan. Members of the public who spoke included:

Todd McAvoy, Lisa Weigel, Jody Millard, Caroll Facchiano, Deb Barnes, Francis "Butch" Stopp, Charles Scott, Pattabiraman Neelakantan, Brian Ehrig, Art Garcia, Jill Holland, Jane Cornaty, Mike Milano, Andy Snyder, Reid Clemmer.

No motions or actions were taken on this application.

B. #2334 BlueTriton Semi-Trailer Entrance, Sketch Plan, 405 Nestle Way, the application is proposing modifications to the access road around the site. Improvements on the site include, widening of internal roadways, reconfiguring internal traffic patterns, and improving an abandoned roadway. (*Previously Fogel Road*) The project is located within the Township's LI -Light Industrial Zoning District.

J. Toner explained the proposal noting the discussions at Monday night's workshop meeting included outstanding fire comments, sidewalk connections, and possible interruptions of a stormwater culvert. Mark Pickering, GHD, represented the plan. He explained the history as to why the project is being pursued. The past access drives for this lot have since been bought out under new ownership and BlueTriton is no longer allowed to use it. The proposal is to create a new internal road network for trucks in addition to alleviate congestion concerns on Nestle Way. Vice-Chair McNemar asked about the new circulation being proposed and how the trucks will maneuver through the property as he was concerned about turning radius throughout the property. He also asked about a guard shack. Donna Batz, BlueTriton, explained this new circulation will allow for the trucks to be better queued and avoid backup onto Nestle Way as they are aware the Township has concerns with that.

M. Pickering mentioned that he would like to talk more about sidewalks. He is aware they are required but wants to take safety into consideration especially with trucks coming in and out of the site so often. He also explained the headwall of the culvert will be closely looked at during construction to make sure the function, and water quality aren't affected. Vice-Chair asked if the applicant's consultants could check into whether or not this culvert takes in water from the north of I-78.

There were no public comments. No motions or recommendations were made on the application.

C. #2304 Trexler Pointe (formerly Towns at Schafer Run), Preliminary/Final Land Development, Weilers & Schafer Run Roads, the applicant is proposing the develop the lots into 128 townhome units with associated improvements located near the intersection of Route 100, Weilers & Schafer Run Roads in Breinigsville. The project is located within the Township's R3 Medium Low Density Zoning District.

Brian Spray represented the applicant as the engineer with CEC Inc. He also explained the proposed plan and noted that this plan has been before the Planning Commission multiple times with a previous engineer. He noted that this plan has been granted Preliminary Approval by the Board of Supervisors and he is before the Planning Commission for another recommendation for Preliminary/Final because the plan changed enough to warrant another review in addition to DEP requirements changing for stormwater. He further explained changes to the plan layout which included a change in the roadway layout. The plan still has the same number of units, the same amount of parking and less impervious coverage than before. He asked questions about comments within the Township Engineer review letter regarding required separation of driveways at intersections on the south side of the plan. D. Alban and J. Toner reviewed the location of the concern, A. Schantz noted that in fairness, it would not be fair to have Staff review this request at the meeting and waiver requests are required to be in writing. D. Alban noted that he would have to look through his notes from the previous engineer on this plan as he remembers discussing this concern before and could get back to the applicant the next day. Vice-Chair McNemar asked D. Alban about this concerns that were mentioned on Monday night's workshop. D. Alban has a concern with queuing at the proposed left hand turn lane, into the south phase of the plan, and doesn't want it backing into Route 100. It is a waiver request that was approved with the previous Preliminary Plan, on condition that a traffic study was done on that section. Vice-Chair McNemar asked D. Alban if asking for a Preliminary/Final recommendation change anything at the Board of Supervisors. D. Alban explained that the left turn lane issue can be sorted out however the applicant has not submitted required right-of-way descriptions.

Vice-Chair McNemar asked if the waivers being asked were the same as previously approved, J. Toner and D. Alban stated yes, they are. He also noted that there are waivers for curbing that traditionally they have granted deferrals. Since this is being treated as a new submission, he is more comfortable with recommending a deferral rather than a waiver. He also wanted to clarify the request for the reduction in recreation fee contribution as the Planning Commission typically leaves that to the Board of Supervisors. D. Alban noted that it was previously recommended before and approved because the applicant is providing a walking/bicycle path throughout the property that will be open to the public and that has not changed.

B. Spray stated that although this plan is being considered a separate plan from the previously approved plan, that still has standing, it is very much the same and the applicant is still seeking a recommendation at this meeting. Bo Erixson, DR Horton, explained that they are on a tight timeline with the project and need a recommendation this evening to be on the December Board of Supervisors meeting. B. Erixson also noted that if given a Preliminary/Final recommendation, on the condition that the traffic study is complete and in for review before the December Board of Supervisors meeting, that allows them to stay on track for the timing of the project. And if they fail to get the study in, the recommendation would not be valid.

P. McNemar made a motion to recommend approval to the Board of Supervisors approve the following waiver requests based on comments found in a letter from the Township Engineer, Dave Alban, dated October 17, 2022:

- 1. A waiver from Section 22-503.1: to allow the applicant to submit the plan as a combined Preliminary/Final plan.**
- 2. A waiver from Section 22-704.6.C: to allow the applicant to have a proposed centerline of a private roadway, Francis Lane, to be within 280 feet from the centerline of Weilers Road and 413.8 feet from the centerline of SR 100.**
- 3. A waiver from Section T.I.C.S Section 330.1: to allow the applicant to use an alternative “Belgian Block Curbing” in lieu of concrete curbing.**
- 4. A Waiver from Section 22-707.4.C.1: to allow the applicant to have dewatering times in detention ponds be more than 12 hours but less than 72 hours.**
- 5. A Waiver from Section 22-703.D(3): to allow the applicant to have a 15’ minimum radius instead of a 20’ minimum radius for the emergency access road in the North section of the property.**
- 6. A Waiver from Section T.I.C.S Detail 1-1: to allow the applicant to have less than a 5’ grass strip between the curbing and sidewalk within the development.**

T. Helmer seconded the motion. The motion passed 4-1, C. Walls voting no. There was no public comment.

P. McNemar made a motion to recommend a deferral to the Board of Supervisors for the following waiver requests:

- 1. A Deferral from Section 22-704.9.A: to allow the applicant not install sidewalks in the following areas until a time the Township deems necessary:**
 - a. Route 100 along the West & South Sections**
 - b. Hamilton Boulevard; west of the west driveway in the North section of the plan**
 - c. Along Weilers Road from the main driveway, over the culvert of the Goddard School**
 - d. Internal cartways of the development**
- 2. A Deferral from Section 22-704.9.B: to allow the applicant not install curbing in the following areas until a time the Township deems necessary:**
 - a. Route 100 along the West and South Sections**
 - b. Along Hamilton Boulevard**
 - c. Along Weilers Road from the main driveway, over the culvert of the Goddard School**
 - d. Along Weilers Road, along the east side of the roadway between 100 and East Century Blvd and along the west side from West Century Blvd to West Schaefer Crest.**

T. Helmer seconded the motion. The motion passed 4-1, C. Walls voting no. There was no public comment.

No motion was entertained on waiver request #5 in the Township Engineer’s reports.

P. McNemar made a motion to recommend to the Board of Supervisors conditional approval of the Preliminary/Final Land Development Plan, based on the comments found in Township Staff & Township Engineer reports dated October 17, 2022.

The motion was seconded by T. Helmer. The motion failed 2-3, A. Miller, M. Werst, and C. Walls voting no. There was no public comment.

Further discussion between the Planning Commission and the applicant were had on whether a Preliminary Plan would be entertained for a motion.

P. McNemar made a motion to rescind the previous recommendation for the following waiver request:

1. A Waiver from Section 22-503.1: to allow the applicant to submit the plan as a combined Preliminary/Final plan. The motion was seconded by T. Helmer. The motion passed 5-0. There was no public comment.

P. McNemar made a motion to recommend denial to the Board of Supervisors the waive request from Section 22-503.1 to allow the applicant to submit the plan as a combined Preliminary/Final Plan. The motion was seconded by T. Helmer. The motion passed 5-0.

P. McNemar made a motion to recommend to the Board of Supervisors conditional approval of the Preliminary Land Development Plan, based on comments found in Township Staff & Township Engineer reports dated October 17, 2022. In addition to supplying a T.I.S. for review to address the comment #15 in the Engineer's Review Letter regarding the shortened left turn lane and is submitted by the December submission date for the Board of Supervisors.

The motion was seconded by A. Miller. The motion passed 5-0. There was no public comment.

D. #2338 Twin Ponds Development, Sketch Plan, 8739 Hamilton Blvd, the applicant is proposing to construct 132 residential apartment units within 22 buildings and a daycare facility utilizing the Township's Mixed-Use Zoning Overlay. The project is located within the Township's NC – Neighborhood Commercial Zoning District.

J. Toner explained the proposed sketch plan, noting this plan is utilizing the Township's Mixed-Use Overlay ordinance. He further explained Monday night's workshop meeting discussion was centralized around public safety, specifically the location of the proposed buildings and parking spaces. He also mentioned the application doesn't meet the common space threshold as described in the Mixed-Use Overlay ordinance. Nate Fox, the applicant's attorney, represented the plan and stated that he has received Staff and Engineer review letters noting that work needs to be done on the proposal and the next steps would be to discuss with Staff before coming back to the Planning Commission. He is here tonight looking for other feedback that the Planning Commission may have. He did want to clarify how the ratio of residential vs nonresidential is calculated regarding the proposed daycare and wanted feedback on a clear sight line and having the buildings offset from each other.

A. Miller expressed concerns about traffic in this area, specifically Treeline Drive, and safety concerns. In her opinion that intersection is already dangerous and now there is a proposal for residential uses and a daycare which will add more traffic there and how they plan on addressing those concerns. Vice-Chair McNemar echoed her concerns and noted the speeds coming off the bypass. He also added the suggestion of turning the Hamilton Blvd access drive be turning into a right in, right out only access drive. The Planning Commission's main concern with this proposal is traffic and pedestrian safety. N. Fox noted that all of this can be taken into consideration while discussing further with Staff, and when those traffic numbers are clearer, they can come back with the Sketch Plan and discuss further. T. Helmer noted that they should look into considering changing the orientation of the daycare to have the play area not fronting Hamilton Blvd.

Ian Ripki, of the Highgate Development, expressed concerns of traffic and if there is a backup on Hamilton Blvd, he is concerned that traffic may cut through this development and go up Twin Ponds Road, through the Highgate Development noting young kids in the neighborhood.

No recommendations or motions were made on the application.

E. **#2339 Air Products Redevelopment of Cetronia Road Site, Preliminary Land Development, 7201 Hamilton Blvd,** the applicant is proposing to redevelop the existing industrial campus. The project consists of the demolition of existing structures and associated underground utilities and the development of three (3) commercial warehouses an associated waterline, sanitary sewer, storm sewer, and stormwater management facilities. The project is located within the Township's LI – Light Industrial Zoning District.

J. Toner explained the plan, noting that the applicant received their required Special Exception in July of this year. Discussion of a scoping application for PennDOT and how the Township has not seen one yet was discussed on Monday night; J. Toner indicated that a scoping application was submitted to PennDOT, and they just learned about it the day prior.

B. Anderson represented the plan as the applicants engineer. He noted that the scoping application was submitted in August and acknowledged in September. The Township for some reason was not included on those notifications and that has been addressed to include them moving forward. They are awaiting on PennDOT to schedule a meeting. Vice-Chair McNemar asked if LANTA has been contacted regarding the possibility of future bus stops in this area. They have not yet but will reach out. D. Alban noted that the subject of the walking path came up during Monday night's meeting noting that there are many crossings which could create pedestrian conflicts. The Planning Commission agreed to have the applicant discuss that with Township Staff and Engineer.

Vice-Chair McNemar asked if a motion could be entertained. D. Alban and J. Toner explained that they were comfortable with a recommendation. They would ask the applicant to prepare a "check set" for review prior to a Board of Supervisors Meeting to have a "clean" plan in front of them for approval. B. Anderson agreed. Blake Marles, the applicant's attorney, stated that they would be seeking Preliminary approval knowing that the plan has been designed for Final Plan standards but are aware of pending outside agency comments/approvals. M. Werst expressed concerns with the Mill Creek Road & Grange Road interchange with the bypass. D. Alban explained that the traffic study shows trucks going towards Route 100 & the bypass as a split. C. Walls asked who enforces the traffic numbers after a tenant occupies the building. The Special Exception that was agreed to have the applicant counting traffic after each building is occupied and over time. If those numbers do not comply, they would be in violation of the Special Exception and must come back before the Zoning Hearing Board and a comment from PennDOT. M. Werst asked if the landscaping proposed is going to be like the new Air Products HQ. Mr. Pat Garay, Air Products, explained the purposed of the ground cover at the new Air Products HQ, but this project will not mimic that.

Ben Dobil, Cetronia Road resident, asked for clarification on the LANTA comments that were discussed. B. Anderson explained that they had suggestions of creating a through road to allow for bus access onto Hamilton Blvd however the layout of the site doesn't make that possible. The other aspect was consideration of future bus stops. J. Toner clarified that the comment was to have the applicant reach out to LANTA to discuss appropriate places for a future bus stop, not proposing a definite location at this time. B. Dobil's concern is placing further traffic on Cetronia Road with an additional bus stop. He also asked for clarification as to where this plan is at in the process. J. Toner explained that the process over the summer was for the approval of the use itself, what the applicant is here for now is approval of the physical plan now that they are permitted the use. If the plan receives a recommendation tonight and ultimately approved by the Board of Supervisors, they must come back for Final Plan approval to clean up any remaining conditions. Kal Sostarecz noted that the reason this seems so familiar is because most, if not all of the information, was presented with the Special Exception which typically isn't done. The applicant provided all additional information. He also has concerns with access to an outbuilding on his property and if access would be impacted by the road improvements. Discussion of a possible curb cut for his outbuilding was discussed.

Rachel Arden, Uline, appreciated the explanation of the landscaping at the new Air Products HQ. She just wanted clarification on the landscaping with the proposed plan of the old HQ and whether that would mimic was Uline currently has. The plan intends to mimic what Uline currently has.

P. McNemar made a motion recommending to the Board of Supervisors conditionally approve the Preliminary Land Development Plan based on the comments found in Township Staff & Township Engineer review letters dated October 17, 2022, in addition to the applicant providing a pedestrian easement for the walkway proposed throughout the site.

The motion was seconded by A. Miller. The motion passed 4-1, M. Werst voting no. There was no public comment on the motion.

A. Miller made a motion to adjourn the meeting at 11:23PM. The motion was seconded by C. Walls. The motion passed 5-0.