

TOWNSHIP OF MIDDLETOWN
PLANNING COMMISSION MEETING

April 14, 2015

Present: Mark Bradson, Anthony Mirenda, William Moran, Susan Powell Greg Reitze, Peter Schettler, and David Sharbaugh

Eric Janetka, Kelly & Close, and Donald Petrosa, Esquire

A. Call to Order

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

B. Approval of Minutes

Mr. Schettler motioned to approve the March 10, 2015 minutes. Ms. Powell seconded this motion and the Commission approved unanimously with a vote of 7-0.

C. Old Business

None

D. New Business

Clock Date: July 13, 2015—Final Land Development and Conditional Use Application PA State Police Communications Tower: 1060 E. Baltimore Pike for construction of 270 foot tall State communications tower in B-General Business district to be located at the on/off Ramps of the Route 1 Bypass

Dave Onorato, legal representation for the State Police, introduced himself along with Bob Heath, engineer, and John Howley. He explained that this request was to replace an existing communications tower with a taller, more technologically advanced communications tower. Although the old tower does not present any imminent danger to the surrounding area, it is outdated and in need of replacing. Mr. Onorato reported that the Zoning Hearing Board granted relief from variances for dimensional issues related to the proposed tower's height and setback. He stated that the new tower would be built along Rt. 1, approximately 700 feet from the existing tower.

Mr. Onorato provided packets to the Planning Commission that reviewed what the Zoning Hearing Board approved and photographs of the site in question. Using an aerial photograph of the location, Mr. Onorato noted where the current tower was positioned and where the proposed replacement tower would be located. He also used a diagram a show that if the proposed tower unexpectedly fell, it would not land on any surrounding structures. Mr. Onorato

reported that the proposed tower would replace the older tower and would be used for State police communications, as well as communications for County and local fire and emergency management services. He emphasized that this tower would not be used at any time for commercial purposes.

Ms. Powell asked how big the property was for the construction of the tower and Mr. Howley explained that the property was 1 ½ acres but the structure would only be located on .09 acres of this property. Mr. Reitze asked who would own the structure and Mr. Howley reported the State Police.

Mr. Petrosa asked for a description of equipment for this location. Mr. Heath stated it would include an equipment shelter measuring 12 feet by 25 feet, which would be a stone-faced module structure brought in and positioned by a crane. This shelter would house the generator necessary for the running of the tower.

Mr. Sharbaugh asked if the tower could be transferred over to commercial purposes if the State Police ever decided it was no longer needed. Mr. Howley commented that if that occurred then the contract requires the tower to be removed within 6 months. He also stated that he could include this language in the plan if necessary.

Mr. Moran asked for the height of the current tower and Mr. Howley stated 165 feet. Mr. Moran then expressed that he was concerned about the view for neighboring residents of the proposed tower. Mr. Howley expressed that he did not think this was a major concern because the elevation at the location is higher than where the residential houses are located and there are also trees. He felt it was unlikely that the residents would see anything. Mr. Bradson commented that may be the case with the residents of Heilbron but not necessarily true with the future residents of the townhome community currently being constructed.

Mr. Petrosa noted the plans called for an illuminated white light at the top of the tower during the day and a red light at night. Mr. Onorato stated that the light was mandated by the FAA. Mr. Petrosa asked if there was a difference of radio frequency emissions with the proposed tower compared to the existing one. Mr. Howley stated the radio frequency would be the same as it is currently, at 800 megahertz. He noted that the new tower would also use microwaves, but that it would not cause any interference.

Mr. Reitze asked what the fee would be for local fire and emergency management service agencies to use this tower and Mr. Howley reported there would be no charge associated.

Mr. Bradson motioned to recommend the conditional use and land development application for the State Police communications tower as required by the ordinance and contingent upon compliance with all engineering comments. Mr. Reitze seconded this motion and the Planning Commission approved unanimously with a vote of 7-0.

Clock Date: June 8, 2015—Amended Final Land Development—Granite Farms Estates: 1343 W. Baltimore Pike—Applicant proposes a 2,247 square foot one-story front entrance addition to existing Building E

Joe Hanna, engineer for the applicant, introduced himself and explained that he prepared the land development application and plans for Building E of Granite Farms. He reported that Building E was located at the rear of the property and that Granite Farms was proposing to renovate the building by removing the current apartments on floors 1 and 2 in order to construct a personal care facility in their place. The current personal care facility in the Health Care Building would be removed. Mr. Hanna also reported that the upper level floors of Building E would be renovated to create larger independent living apartments.

Mr. Hanna commented that he received comments from the Township's engineer and from the Township's landscaping consultant, and that Granite Farms would comply with the comments. He also noted that the County Planning Commission recommended approval of the plans.

Mr. Bradson motioned to recommend approval of the amended final land development plan for Granite Farms Estates. Mr. Schettler seconded this motion and the Commission approved unanimously with a vote of 7-0.

Review of the proposed Zoning Ordinance Amendment to create the Mall Conversion Overlay District

Joe Riper, legal representation for BET Investments, introduced himself, Michael Markman of BET Investments and Keith Lieberman, project engineer. Mr. Riper explained his client is in the process of converting the existing mall into an unenclosed retail center and that this would require an amendment to the zoning ordinance. He reported that this matter was scheduled for public hearing at the April 27th Council meeting.

Mr. Riper stated that the applicant was proposing an overlay district and that it would not impact zoning for Oriole Avenue, Riddle Ale House or McDonalds. He emphasized this overlay was just for the mall itself. He then went into detail about the proposed amendment, stating that it would allow retail, entertainment, office, and multi-family use with a height limitation of 65 feet and minimum tract size of 75 acres required.

Mr. Riper noted that there are several key issues that BET Investments had to consider when proposing the amendment in order to make the project successful. He identified these issues as underground granite, a pipeline running through the property, and parking restrictions sanctioned by the existing leases of two remaining anchor stores. He went on to state the applicant wishes to preserve existing non-conformity while at the same time tailoring the

existing parking and landscaping ordinances to fit the needs of the property. He also commented that the signage would conform to the Township but that the amendment would add the ability to have electronic signage. Mr. Riper then stated that in the past, design guidelines were developed as part of zoning; however, based off of the experiences of the Franklin Mint redevelopment project, the applicant requests to have design guidelines approved as a condition of approval for the plan instead. Lastly, he noted that the amendment also creates a pad lot provision with zero lot lines.

Mr. Lieberman then went over the plan, explaining that the existing indoor mall would be demolished but that the footprint of the department stores would stay the same. The indoor mall portion of the property would be reconstructed to allow for parking, and approximately 6 retail stores. An access walking promenade would be landscaped from the Baltimore Pike parking lot to the center of the complex. Mr. Lieberman reported that JC Penny would be demolished but the footprint would be kept. In its place would be an anchor store on the first story with parking at ground level and a movie theatre on the second story. On the front side of the property towards Baltimore Pike would be 3 additional retail/restaurant spaces. On the Rt. 352 side of the property, a pad site for possibly a bank would be located close to the entrance of Oriole Avenue. He noted the applicant was also proposing a restaurant pad site by Kohls and possibly one other additional pad site on the Rt. 352 side of the property.

Mr. Lieberman reported that 2 apartment buildings were also proposed with this project. The one by Rt. 352 would have 180-190 units and the parking garage would be seen from the Acme parking lot but not the road. The one next to Rt. 1 would have 210-220 units and have interior parking. Mr. Bradson inquired about the elevation of the apartments. Mr. Lieberman explained that the Rt. 352 apartment would be 5 stories, starting a little below the current pad site where ChiChi's was located previously. From Rt. 352, however, it would only look to be about 3 stories. The 65 foot height limit would be maintained with the 5 story building; even with the mechanical equipment on top of the structure. Mr. Lieberman explained that the Baltimore Pike apartment building would also be 5 stories; however, from behind the building it would only look like 4 stories and from Oriole Avenue it would only appear to be 3 stories. He noted that the bottom portion of this building would also include retail space with separate parking for these customers.

Mr. Bradson asked if there would be a buffer between the apartment building and gas station. Mr. Lieberman indicated where the buffer was located on a diagram and also commented that there were fire lanes added for the apartments, which were 26 feet wide and reinforced as per the fire marshal.

Mr. Lieberman explained that the goal was to enhance pedestrian linkage. With this in mind, there would be a trail put in place from Oriole Avenue to the retail center, which would use the fire lane. He also commented that they were looking to link Middletown Road

around the Rose Tree Road intersection, and would consider linking the Township Building and Library to the property in the future. In terms of the actual property, Mr. Lieberman stated additional sidewalks would be constructed to provide pedestrian linkage throughout the property. Mr. Moran asked if there would be pedestrian walk ways added across Baltimore Pike. Mr. Lieberman stated that there was already pedestrian walk ways established for this highway and that are no plans to modify the intersection further. Mr. Moran felt that there may be an increase in pedestrian activity from the hospital side of Rt. 1 and that considering an elevated walkway across the highway may be a good idea.

Mr. Lieberman reported that the existing mall has 1,200,000 square feet of retail space and that the redevelopment of the property would reduce the retail space to 866,000 square feet. The parking would be 4 per 1000, which exceeds requirements, and the apartments would be fully serviced for parking with the garages structured exclusively for them.

Mr. Sharbaugh asked if public transportation would stop at the property and Mr. Lieberman reported that the applicant was discussing this with the Township at present. Mr. Bradson asked if there was an increase of green space and Mr. Lieberman answered in the affirmative, stating that there would be an increase in green space of about 5% throughout the site. Mr. Moran asked if the current "ring road" around the mall would still be maintained and Mr. Lieberman stated it would, but with a minor modification.

Ms. Powell asked why it was necessary to demolish JC Penny and Mr. Lieberman stated the floor plan does not accommodate the needs. Mr. Markman explained that 3 junior box stores would be on the bottom and a theatre on top. He commented that theatres are structurally heavy and that it is more cost effective to rebuild. Mr. Schettler asked for an example of how big a junior box store was and Mr. Markman stated approximately 20,000 square feet and likened it to stores such as TJ Max or Michaels. Mr. Markman also commented that Acme is working with BET actively to come up with ways to encourage the neighboring proposed apartment complex to patronize the market.

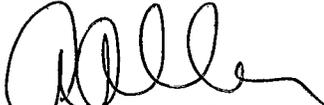
Mr. Petrosa informed Mr. Riper that he had several questions to go over with him that could be discussed in a separate meeting. He went on to ask Mr. Riper to explain the map amendment and how it relates to text changes. Mr. Riper stated that the overlay is considered both map and text change. Mr. Petrosa stated that does not explain where all the conversion was and Mr. Riper responded it was anything in B2 zoning. Mr. Petrosa asked why a definition of mall conversion was not included. Mr. Riper explained that he had not been asked to define this by Mr. Damico and felt that it may be a moot point since the Granite Run property is the only mall in the Township. Mr. Petrosa also informed Mr. Riper that he would like to meet to discuss the provisions for signage with electronic messaging in order to determine restrictions on change frequencies.

Evelyn Bond, Oriole Avenue, stated she has been a resident on that street for over 55 years and stated the initial zoning ordinance allowed the properties on Oriole Avenue to be treated as residential; however, the 1979 ordinance eliminated that language and they now have to abide by a 200 foot setback. She requested this be addressed. Mr. Riper provided a brief summary of what he learned about the original B2 provisions and informed Ms. Bond that the current ordinance in place allows for the properties on Oriole Avenue to expand their building up to 10% without relief. Ms. Bond said that appeared to not be the case since her neighbors, Mr. and Mrs. Mescanti, just had an issue that required them to go in front of the Zoning Hearing Board when they constructed a porch. She expressed that she was happy with the plans for the redevelopment of the mall property, but didn't think it was right that she and her neighbors had to go through so much difficulty when they want to improve their homes.

Ms. Powell and Mr. Reitze sympathized with Ms. Bond, expressing that the residents of Oriole Avenue should not have to put out extra money because of how their street is zoned since the homes are residential. Mr. Petrosa stated the Township could look into this further and to contact the Township manager. Ms. Bond stated that the Township has been made aware of this issue and their request. Mr. Riper stated that their request may be able to be added into the proposed amendment and Mr. Markman informed Ms. Bond that BET would look into the matter further. Robert Bond, Oriole Avenue, thanked them and expressed that he was also looking forward to the mall's redevelopment.

Mr. Bradson motioned to recommend approval of the proposed zoning ordinance amendment to create a mall overlay conversion district. Mr. Schettler seconded this motion and the Planning Commission approved unanimously with a vote of 7-0.

Mr. Sharbaugh adjourned the meeting at 8:39 PM.

Respectfully Submitted,

Amanda Allen, Recorder