

TOWNSHIP OF MIDDLETOWN  
PLANNING COMMISSION MEETING

August 9, 2016

Present: Anthony Mirenda, William Moran, Greg Reitze, Peter Schettler, and David Sharbaugh and Dave Petrosa, Esquire, and JP Kelly, Kelly & Close, Township Engineer Consultant

A. Call to Order

Chairman Mr. Sharbaugh called the meeting to order at 7:31 PM.

B. Approval of Minutes

Mr. Reitze motioned to approve the March 2016 minutes subject to a minor change on last page of document. Mr. Schettler seconded this motion and the Commission approved the minutes unanimously with a vote of 5-0.

Mr. Reitze motioned to approve the April 2016 minutes. Mr. Schettler seconded this motion and the Commission approved the minutes unanimously with a vote of 5-0.

Mr. Sharbaugh asked Mr. Pollaha if it would be acceptable to proceed to the New Business first since those items would not take as long. Mr. Pollaha agreed.

D. New Business

*Preliminary/Final Minor Subdivision: Falcone Brothers -141 Barren Road - Applicant proposes to subdivide 2.009 gross acres into 2 lots.*

Gus Houtmann, engineer for applicant, reported that the Falcone Brothers would be the owners of this property subject to the subdivision approval. The property in question is opposite of Penncrest High School. Mr. Houtmann reported that the applicant received zoning relief to allow Lot 1 to be .94 acres and Lot 2 to be .84 acres instead of the 1 acre required by Code. The copy of this approval is attached to the Kelly & Close Review Letter. The existing structure has public water and sewer and the site is moderately sloping with elevation numbers of 380-367.

Mr. Houtmann reported that the subdivision is requested in order to create 2 new building lots with access via private driveway and with public water and sewer. Each lot would have stormwater infiltration beds with drainage swells to direct the water to the seepage beds.

Mr. Houtmann stated he received the Township Consultant's letters and most responses are will comply. The only major one he wished to discuss was that the Township Engineer was looking for the lot corners to be determined by historic right of way but they usually determine it by ultimate right of way. Mr. Petrosa instructed him to review this request with Council.

Mr. Petrosa noted that the zoning decision was made 7/22/15 and asked for paper work indicating an extension was granted. Mr. Houtmann stated he would provide the Township with that documentation and confirmed the extension was granted.

Mr. Petrosa reported that the ultimate right of way for that area is 80 feet, but the applicant is requesting 60 feet. He asked if that was consistent with the area. Mr. Houtmann answered in the affirmative, explaining it was consistent with residential properties on that side of the road. Since the applicant's property is residential, he requested a waiver to allow a 60 foot right of way. Mr. Petrosa agreed an 80 foot right of way would not make sense if the other properties were 60 feet.

The Township Engineer Consultant for the project had no comment.

Ruth Henrik, 127 Barren Road, stated her property is next to the applicant's and asked when it was last surveyed. Mr. Houtmann reported it was surveyed when it was proposed to develop the archery property. She then asked if the metal debris in the back of the property that she previously showed photos of would be removed. Mr. Houtmann reported he did a perk test and it looked like it was all fill and no debris buried. The applicant stated that he would clean up whatever was on his property. Ms. Henrik also requested stakes be put in on the property line and to be made aware when this was to happen. Mr. Houtmann stated the stakes would be on the corners of the property and that he would need her contact information if she wanted to be notified. She was also concerned about drainage onto her property but Mr. Houtmann told her the stormwater management plan for the property would not allow that to happen. Mr. Sharbaugh recommended that Ms. Henrik provide her photographs to Council if she has evidence that something on their property was affecting her property. Ms. Henrik indicated this was a reason she wanted the property staked again.

Mr. Miranda motioned to recommend approving the preliminary/final minor subdivision subject to Council's review of the right of way and zoning issue, and satisfaction of all Township consultant comments. Mr. Moran seconded the motion and the Planning Commission approved with a vote of 5-0.

*Preliminary/Final 4 Lot Subdivision: Joseph and Deborah Convery - 33 N. Middletown Road - Applicant proposes to subdivide 4.789 gross acres into 4 residential lots*

Gus Houtmann, engineer for applicant, noted that Joe Convery (property owner and applicant) and George Fisher were also present and that he emailed the notifications sent to adjoining properties to the Township prior to the meeting. He explained that this request was for a 4 lot subdivision on the east side of Rt. 352, opposite of the old Chi

Chi's Entrance. It is 4.728 acres and zoned R-1. All 4 lots meet the minimal requirements and the existing dwelling is public water and on-lot sewage. The property has gentle to moderate sloping away from Rt. 352. The applicant is proposing 3 new building lots and 1 lot for existing site improvements. Mr. Houtmann reported there would be a 50 foot easement for a common driveway between Lots 1 and 4 in order to give access to the other two lots. The proposed lots would be serviced with public water and have on-lot sewer. There would be seepage beds on Lots 1, 2 and 3 for stormwater management, as well as, two seepage beds down along the sides opposite the common driveway.

Mr. Sharbaugh noted that the applicant may want AQUA to reissue their letter to correct the address error before submitting it to Council.

Mr. Houtmann went on to report that the applicant received review comments from the Township consultants and most responses were will comply. He wished to address the others directly with the Township engineer. The Fire Marshall's review comments are not in yet but if there are any, the applicant will address as needed.

Mr. Petrosa noted that the zoning officer was correct about the side yards. The top lot line is non-conforming (south of the barn) and does not meet aggregate side yard requirements. He asked if there was a way to slide the easement over by 2 feet. Mr. Houtmann thought that was possible, stating he could move it from 32 to 34. Mr. Petrosa also instructed the applicant to discuss the Township Engineer's concern about net lot area with Council.

The Township Consulting Engineer for the project had no additional comments.

Mr. Reitze asked if there was any discussion of having an access road from the Smedley property. Mr. Houtmann answered in the negative and noted that the park property has restrictions on improvements that would benefit developers.

Mr. Sharbaugh motioned to recommend approval of the preliminary/final 4 lot subdivision subject to addressing the force main inlet pipe, revision of setback as discussed above, and satisfaction of Township consultants. Mr. Schettler seconded the motion and the Planning Commission approved the subdivision with a vote of 5-0.

#### C. Old Business

*Preliminary Subdivision and Land Development: Franklin Mint—Residential Project—Applicant proposes to consolidate 7 parcels into 1 parcel, and then subdivision of main lot into 302 residential lots on 45.604 acres*

Steve Pollaha, attorney for the applicant, provided a history of the project; noting the last development was revising the preliminary land development plan on January 29, 2016. The applicant was present to discuss and review this plan and had two additional comments. First, he reported that Council introduced a proposed zoning ordinance the night before to amend SU-1A uses. He then discussed the changes to the plan, noting the following changes:

1. The plan now allows single family detached units
2. Single family detached dwellings building impact distance decreased from 20 feet to 18 feet, which will allow them to be further apart
3. As per Mr. Comitta, the buffer yard was being measured from boundary or cartway line and now it will be measured to right of way line
4. The buffer yard will remain at 100 feet and not the 50 feet the applicant requested, but stormwater management, retaining walls, interior streets, etc. can be within the buffer yard. This change will only impact one town house and allow all the improvements along Route 1.

Second, Mr. Pollaha reported Council granted Preliminary Land Development approval for the Wawa project. He stated they were hoping to present the Final Land Development plan to the Planning Commission in September, along with this Ordinance.

Mr. Matson asked Mr. Pollaha to detail the impact of the property zoning amendment versus site geometry. Mr. Pollaha stated the 20 foot distance was being reduced to 18 feet for single family detached dwellings, so the homes will actually be getting further away. Mr. Reitze asked if it would still be 302 homes then and Mr. Pollaha stated that was likely the case.

Mr. Matson commented that the applicant's other changes all had to do with uses and that the stormwater management plan got more detailed. Mr. Pollaha agreed and stated that the change in uses would allow a day care, assisted living/memory care, skilled nursing or rehab facility as a mixed-use possibility. He also noted that the mixed use percentage changed from 30% but not more than 90%, to 10% but no more than 90% and that this would allow the applicant more flexibility.

Barry Archimbault, engineer for applicant, stated that he has responded to the Township Engineer's review letter with mostly "will comply" but that there were four items to still address:

1. The Applicant is asking for waiver in order to allow sidewalks on only one side of the road where the dwellings are located. The main road would still have 2 sidewalks but because there is less foot traffic on the roads where the homes will be, they are requesting only one sidewalk be permitted. He argued this would be

in the best interest of stormwater management too. Lisa Thomas, landscape consultant noted she discussed this matter with Tom Comitta as well.

2. The Applicant requests to modify the requirement that states trees can't be planted within 3 feet of curb/walkway. While trees would be planted as close to 3 feet as possible, they would also use route deterrent methods for these areas to assure roots won't cause damage to roads and/or curbs
3. The Applicant requests to reduce required distance of trees from intersections of road (30 feet required) and driveways (15 feet required). He noted this would allow for more trees to be planted and that Mr. Comitta stated limb trees should only be up to 7 feet tall for site distance purposes.
4. The Applicant requests the stormwater management basins be able to be constructed beyond the retaining wall with explanations of means of access provided. He noted the access point may be able to be incorporated into trail network.

Mr. Reitze asked if the homes would have natural gas and Mr. Archimbault answered in the affirmative. Mr. Sharbaugh asked if the applicant was proposing only 1.5 parking spaces per unit and Mr. Archimbault stated that was incorrect; the actual figure is closer to 4.57 parking spaces per unit. Mr. Reitze asked if there would be access to the train station. Mr. Archimbault stated that was planned to be done in conjunction with SEPTA during construction. As of now, the plan is only conceptual in nature for this access.

Mr. Matson note that he thought it was good that the number of units was significantly lower than what was allowed (302 instead of 350) and that there was a significantly higher amount of parking.

Mr. Archimbault also noted that the existing pump station is 60-80 feet from the closest home and that it would be used in the interim until the Baltimore Pike line is installed and activated during Phase 3 of MTSA's CCI upgrade project.

He also noted that the alleys between the units are now 16-foot one way roads with pavers on each side to allow for a total clearance of 24 feet for fire trucks. He stated there were 3 of them like this and all one way.

Mr. Matson reported that he has met with Mr. Archimbault several times regarding this plan. He noted that he originally felt a "T" format for traffic would be more appropriate, but since the applicant has shown that they are trying to make this area less desirable to be used as a cut-through for traffic, he is comfortable with how the roads are planned. Mr. Archimbault agreed and stated the traffic engineer could discuss this further.

Mr. Moran asked if the plan was still to make the community age-targeted and if the homes would be built on slabs. Mr. Archimbault responded that it would remain age-targeted and Mr. McKee stated the homes would most likely have crawl spaces but not definitive decisions on this have been made yet.

Mr. Sharbaugh asked if a marketing study has been completed for this project, noting that the Skycrest development has become a hard sell and Granite Run was planning a lot of units too. Mr. McKee responded that he has been in this line of work for 40 years in this area. A major difference between Ponds Edge and Skycrest compared to this property is that this one would be age-targeted. He felt that his project was very different from the other ones being constructed in the Township.

Mr. Sharbaugh commented that he did not see a persuasive argument to grant the requested waivers. Ms. Thomas responded that when the code was written, it did not consider this type of development. She went on to point out the root barriers would force tree roots to go straight down so they would not interfere with the walkways or roads. In addition, the curb will be 18"-24" in the ground, which will also act as a root barrier. She emphasized these techniques have been successfully used elsewhere.

Ms. Thomas then moved into her presentation and began by stating that most of her responses to Mr. Comitta's letter are will comply, but she had 4 outstanding issues:

1. Page3, #2.2: discussed distance between buildings as pursuing 18 instead of 15 feet.
2. Page 5 #8.51-6: discussed encroachment in buffer and revising the plan to allow it
3. Page 13 #71B: EIA prepared for Pennell House showed concern from PHMC that work not impact archeological resources. Applicant has letter indicating it will not impact such resources
4. Page17: Sidewalk and trail plan was made at Mr. Comitta's request and color coded to show septa trail, sidewalks, and trails. Ms. Thomas also noted that this is an age-targeted development and that all recreation is passive. She pointed out the areas on the plan for this purpose.

She stated that if there is a high density of units or it is the main road, then there would be sidewalks on both sides of the street. 68% of the homes will have a sidewalk in front of them. Ms. Thomas noted that Mr. Comitta also asked for crosswalks and the applicant will comply.

Ms. Thomas also stated that the applicant was asked to have access to the trail network. Currently there are now deer paths, walking trails and ATV trails in the woods.

The applicant would like to work with the Township to make the trails safe and efficient in the open space, and also to connect to the proposed development, adjacent Township open space, and future Chester Valley Trail. This would be provided in the Final Plan.

Mr. Moran asked if there was still open space in this plan as there was a few years ago. Ms. Thomas stated that the boulevard has green space and there are also 3 community, passive green space areas for residents to gather, in addition to the open space surrounding the parcel. Mr. McLaughlin noted there are pocket parks still featured in the community green space. It is different from the original plan but has a lot of nice features.

Nicole Klein, traffic consultant for applicant, stated that access to the residential property would be at the Valley Road intersection with Route 1 and that there would be a right turn deceleration lane put in to accommodate this. There is already an existing left turn lane. Some improvements may be done to it but analysis shows it could handle traffic sufficiently. Using the diagram, she indicated Road A was the main road to the residential area of the property and that while it will connect to the rest of the property, it was designed in a way to deter drivers from cutting through it to avoid Rt. 1 traffic. She stated that she received the Township Traffic Engineer's letter and her responses were all will comply. She noted that she continues to work with the Township staff, Township Traffic Engineer, and PADOT to improve offsite traffic along the Rt. 1 corridor. There is a meeting scheduled about this for September.

Mr. Matson noted the Township Traffic Consultant, Andy Parker, was also present to answer questions if there were any. Mr. Parker noted that he agreed with the presentation Ms. Klein provided.

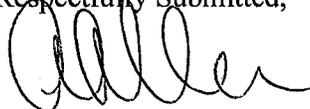
Mr. Matson expressed concerns that a preliminary land development approval was a major step and asked if approving would lock down the number of units. Mr. Pollaha agreed it was a major step but reminded the Planning Commission that Council still has the opportunity to review and consider the waiver requests. He stated Mr. Comitta already was conferred with on the sidewalk plan and seemed okay with it. He agreed this was going to give the applicant significant rights but that does not preclude plan changes that will be worked through in the final plan. He also stated that the number of units could not go up because of the concessions the applicant is willing to make as discussed above. It would most likely go down.

The applicant, Kevin McLaughlin, expressed that he thought 3-4 waivers seemed reasonable considering the relationship between the applicant, Township and Council. He stated he wanted to progress and succeed with this project.

Mr. Reitze motioned to recommend approval of the preliminary land development and zoning application subject to Council's review and close examination of waivers and satisfaction of all Township consultants. Mr. Moran seconded the motion and Planning Commission passed the plan with a vote of 3-2 (Mr. Sharbaugh and Mr. Schettler voted against and wanted it noted that they did so).

Mr. Sharbaugh adjourned the meeting at 8:28 PM.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Allen", written in a cursive style.

Amanda Allen, Recorder