

TOWNSHIP OF MIDDLETOWN
PLANNING COMMISSION MEETING

October 13, 2015

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

Kevin Matson, McCormick & Taylor consulting Engineer, and Bob Adams, Esquire (For Franklin Mint Preliminary Land Development Discussion)

Eric Janetka, Kelly & Close consulting Engineer, and Dave Petrosa, Esquire (For Granite Run Final Land Development Discussion)

A. Call to Order

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

B. Approval of Minutes

Mr. Schettler motioned to approve the August 11, 2015 minutes. Mr. Bradson seconded this motion and the Commission approved the minutes unanimously with a vote of 7-0.

C. Old Business

None

D. New Business

Preliminary Land Development: Franklin Mint Tract (Wawa)—1442 W. Baltimore Pike—Applicant proposes a Wawa Convenience Store on 2.1 +/- acres of 1242 W. Baltimore Pike within 9.38 acres "Pennell Road Parcel" included in the 173.8 acres SU-1A zoning tract

Steve Polaha, attorney for the applicant, was present along with Kathryn Black, Vice President of the McKee Group, Barry Archambault, engineer for the applicant, Nicole Klein, traffic consultant for the applicant, Michael Riddel, real estate project engineer for Wawa, and Stacey Alburnio, landscape consultant for the applicant.

Mr. Polaha commented that Mr. Matson's review comment letter stated that the applicant needed to balance the short term review of the Wawa site with the long term development of the project as a whole. Mr. Polaha stated that the applicant is aware that this is necessary and that while the applicant has its sight on the overall tract, the location of the

proposed Wawa is only on 2.135 acres of the whole property. Mr. Archambault noted that they were in front of the Planning Commission to discuss the Franklin Mint parcel of the plan in August and that they were now present to discuss the Pennell parcel, which is only 9 acres of the total 175 acre tract. Wawa would only be leasing 2.135 of the 9 acres on the tract. He stated that Wawa was considered the first step for this parcel.

Mr. Archambault went on to report that while the ordinance requires 23 parking spaces, the applicant would be providing 75. They would also be larger than what is required. Instead of the required 9 ½ feet by 19 feet, they would be 10 feet by 20 feet. He explained that due to the high customer turnover, they felt a larger number of spaces and the extra size was warranted. He stated the proposed service road to Pennell Road would be located past the post office to the rear entrance of the Wawa. There would be two entrances off Baltimore Pike; one of which would be for incoming traffic only and the other would be for entering and exiting the property. While the goal is to have an access road from this property to the Granite parcel, that will depend on whether or not the applicant can acquire easements from the property owners in the space between the two parcels.

Mr. Archambault stated the utilities would be public. PECO would be providing electricity and gas, Verizon would be providing the phone service and fiber optics, and Comcast would be providing cable. He went on to report that the applicant is actively negotiating with MTSA on Phase 3 of the CCI upgrade in order for public sewer to be provided to the property. Mr. Archambault was able to report that the conceptual plan at this point has the interceptor running from Chester Creek, along Baltimore Pike to the Pennell Road parcel.

In terms of stormwater management, there would be 3 underground storage retention and detention facilities. Mr. Archambault noted that the geotech studies have been completed. They now have more data and would be submitting revisions to the original submission soon.

Mr. Archambault reported that most of their responses to the comment review letter were “will comply.” He reviewed the comments that did not have this response from the applicant for the Planning Commission. First, under the heading of zoning, the comment was made that there should be 1 shaded tree for every 5 parking spaces. He stated that the zoning code allows for the required trees to go elsewhere on the tract if insufficient room exists in the area in question. Mr. Matson asked if the exhibit displayed on the right was an accurate depiction of the landscaping and was told it was by a member of the applicant’s party. Mr. Archambault went on to discuss a comment made regarding the driveway grade under the heading of subdivision and land development. He stated that the applicant would be requesting a waiver to keep the grade at 6% because the elevation difference is pretty substantial, and the applicant would need to cut down the site to have a “reasonable amount of earth work and visibility” from Baltimore Pike.

Mr. Archambault then stated that another comment had to do with sidewalks. He noted this was the first project of 3 on this site and that the applicant would prefer to hold off on adding a sidewalk on the opposite side of the road until it more definitive plans were decided on what will be happening with the rest of the development. He then stated another comment had to do with pipeline material and that the applicant is requesting a waiver to keep the reinforced concrete pipe and to increase the density of the PPE pipe. He stated this was a better choice for the needs of the project. Another comment was in regards to the combined access utility easement. He noted he wished to further discuss this with Mr. Matson.

Mr. Archambault continued the review of the comments by noting that the requirement of not planting trees within 30 feet of the road would not work. The applicant requested a waiver to plant trees within 15 feet of the driveway entrance and stated that if the requirement was followed as it stood, then trees would not be able to be planted in a lot of places. Mr. Archambault did not believe this would disrupt site lines. He also commented that in terms of the comment about setting aside open space, the applicant sees the comment on every submission and it looks at the entire tract to determine where open space will be; not specific parcels. He stated he would need to engage the Township in the future for this discussion.

The next comment he discussed was about storm water management. Mr. Archambault stated the applicant was not compliant with the current storm water management plan; however, he reported there was a new amended ordinance that was expected to be passed soon and the applicant would be in compliance with that one. He noted that the applicant was accepting of the comment on soil versus geology class and then stated the following comment on the curve number item would be reviewed and revised as needed. Mr. Archambault then reported that the applicant would be requesting a waiver on 2 to 1 slopes by the access road. He said this could be considered temporary since there would be future development in that area. Finally, in regards to the comment about the location of air pump. He stated this space would be a 5 foot wide, no parking area. There would be a parking space for the air pump next to it, with a sign designating the space for air pump use only. Mr. Archambault stated that a concern was that there could be a line that formed for the use of the air pump. He expressed that there are a lot of parking spaces and 10 specifically near the air pump so waiting cars could park there instead of forming a line.

Mr. Bradson asked if the post office would be demolished at a later date. Mr. Archambault stated the demolition would occur when the road is build, but they are only planning of demolishing about 20 feet of the building so the road would fit. The doorways to the building would be kept and the remainder of the building may be rehabilitated for future use. It was also possible the developer may decide later to demolish the remaining portion of the structure and put something new there in the future.

Mr. Bradson stated that the idea of the access road is for service traffic but that he felt customers would use this road as well. Mr. Archambault stated that the general public would likely use this road in order to access other parts of the development. Mr. Bradson asked how the future development would affect access to what is currently being proposed. Mr. Archambault responded that what is being shown is for the proposed development only and that he imagined the driveway would come off Pennell Road to the left of the existing building; however, the plans for this were not concrete at this point.

Mr. Bradson then asked if the site be balanced for "earth work." Mr. Archambault explained that it would not be for this particular submission but since the developer has the entire tract to work with, there is time to balance the earth work throughout the property as a whole. He expressed that there is a lot the developer can do in terms of earth work.

Ms. Powell asked how far back into the lot would the 6% entrance grade go. Mr. Archambault responded that it would start at the right of way line to where the driveway opens up to parking. From there on, the grade is 1%-2%. Ms. Powell then asked what the old post office would look like after demolition took place. Mr. Archambault stated that he did not believe that it would be an open shell of a building but that he would have to confirm this. Ms. Powell inquired why the developer could not plant trees to the left of the building and Mr. Archambault explained that it is a steep slope and they want to reserve that space for the possibility of a future tenant. Lastly, Ms. Powell asked if he anticipated a right turn lane on Route 1 for this business. Mr. Archambault answered in the affirmative, commenting that some signs will need to be moved in order for this to happen. He also noted the right turn lane is existing but not used at present.

Mr. Bradson asked where the overflow would go for the 3 facilities of the underground stormwater management system if the maximum capacity was reached during a storm. Mr. Archambault responded that all three facilities were connected by pipes, which would lead to the proposed manhole and connect to an existing inlet on Route 1. He stated that further study was still necessary to assure the sizes of the pipes are adequate. Mr. Bradson asked what the size of the HD piping would be. Mr. Archambault stated the pipes would be about 15 inches to 18 inches long, with the biggest being 24 inches. The stormwater chambers would be 24 inches.

Art Rothe was in the audience and commented that he was present on behalf of the residents and not the Township. He asked if the developer has been in contact with AQUA about the property next to this location since there is discussion about an access road connecting the Granite Parcel to the Pennell Road parcel. Mr. Archambault stated that the developer has been in contact and that AQUA is agreeable to an arrangement pending a few design items. Mr. Rothe stated that 20 years ago, Aqua planned to put a second tank and underground seepage pit on that property. He inquired what the developer would do with that possibility, and how it

would address the main waterline that runs down the length of the AQUA property. He also asked if the developer reviewed the plans for an office building or drug store that was approved 15 years ago. Mr. Archambault answered in the negative. Mr. Rothe went on to explain that AQUA and Pace own the property to the right of the site in question and that Pace granted an easement for the drugstore. He asked how that would affect this current project and the setback. He noted that he was simply trying to point out the importance of knowing what is going on with the neighboring properties.

Mr. Rothe then asked if the building in the back by Hunter Street would have a large retaining wall. Mr. Archambault stated he was not sure and at this point only ideas are being discussed for that area with no timeline established. He explained that there is the potential for a retaining wall, parking lot, or to just leave it wooded. Mr. Rothe commented that he believed the residents would prefer if it was left wooded.

Mr. Sharbaugh commented that a lot of waivers were requested and asked Mr. Matson for his opinion on whether or not the waivers were justified. Mr. Matson stated that he felt some waivers were justified, while others should only be granted partially or with conditions attached. He stated that although the applicant has been thorough and to the point, he did not feel that a "blanket waiver" should be provided.

Mr. Sharbaugh stated that he understood the slope consideration for the driveway entrance noted in Item 1 but turning radius could be issue. Mr. Archambault stated there was no issue with the turning radius and that he would revise the plan accordingly. Mr. Sharbaugh asked specifically what type of waiver was being asked for with the grading issue and Mr. Archambault stated it would in order to have the entrance only driveway be 6% instead of 2%. Mr. Matson expressed that he understood the developer's wish to preserve and work with existing conditions but asked if it determined 6% was necessary. Mr. Archambault responded that he looked for the best grade to minimize the amount of cutting. If he went below 6%, then he would have to increase the cut throughout the site. He noted that he could discuss this matter further with Mr. Matson. Mr. Matson said that he held no objection within the PADOT requirements but wanted to look further into the matter to see if they could "make it tighter." Mr. Archambault noted that this waiver was only for the entrance and not the parking lot. Mr. Bradson asked if cars could scrape at this slope. Mr. Archambault expressed that there was potential for this but commented that his personal driveway has a slope of 25% and he is able to not scrape. He believed it was reasonable that no scraping would occur at 6%. Mr. Sharbaugh asked if there was a workable grade between 2% and 6%. Mr. Archambault responded that there potentially could be and that he would work with Mr. Matson further on this issue. Mr. Matson asked what the pedestrian experience would be at the entryways. Mr. Archambault deferred this question to the traffic and landscape consultants for the applicant.

Mr. Sharbaugh asked if it was a cost factor to prefer RCP piping for stormwater management. Mr. Archambault answered in the affirmative and commented that there were several other factors, including ease of installation and the longevity of plastic piping that made RCP piping more preferable. When asked about long term durability compared to concrete, Mr. Archambault stated that it was about the same or better. Mr. Matson commented that he thought a partial waiver was acceptable for this request because he would like to see concrete pipes under the roadway (not parking lot). Mr. Bradson asked Mr. Matson to confirm that he meant it was acceptable to use HDP piping on site and RCP piping within the PADOT right of way and service road. Mr. Matson answered in the affirmative. He noted that HDP is a tough material and it is seen everywhere; however, with the traffic on the service road, he would prefer concrete to be used.

In regards to the waiver for trees needing to be planted 30 feet from roadways, Mr. Matson explained that his concern was there being adequate site distance if the trees are planted only 15 feet away. He stated he did not have an objection as long as the design is proven to be safe. In regards to waiver request for item #20, "2 to 1," Mr. Matson stated consideration needed to be given for an additional language oversight. He expressed that the request was feasible but that the developer would need to make sure erosion was not likely. In order to assure this, he stated geotech would need to visit the site.

Glen Sides, 219 Hunter Street, stated that his garage is the closest to the property line and Wawa is open 24 hours a day, 7 days a week. He asked how it could be justified to turn a quiet neighborhood into one that has an all-hours operation store and possibly another building next to it. He felt that a lot of waivers for this site had the justification that the requirement will be handled elsewhere on the property and that the developer was putting too much on this particular parcel. He felt that the neighbors have made a lot of concessions already. Mr. Archambault responded that there is a setback for a buffer and that no waivers have been asked for that. Mr. Sides stated that he is accustomed to having Route 1 850 yards away and that this makes traffic a lot closer; especially since the developer is thinking about putting another building on this parcel. He went on to express that from a design standpoint, the building would have to be 10 feet from the property line and that this showed no consideration for the neighbors. He requested that the neighbors were considered above and beyond what the requirements stipulate.

Mr. Matson asked what the relative grades of the building and gas pumps would be compared to the houses. Mr. Archambault reported that the grades were significantly lower and that if you are standing on Hunter Street, you may see the top of the Wawa building but not the traffic below it. He reported that the grade difference was 376 feet at the back of the property and 346 feet where the Wawa building was being constructed; a difference of 30 feet. It is possible the homeowners may not even see the top of the Wawa building.

Mr. Matson asked if there was an environmental impact assessment regarding noise being prepared for the residents. Mr. Archambault stated there is an EIA report addendum with the submission but he did not have it available to discuss at present.

Mr. Sharbaugh thanked Mr. Sides for his comments. He stated that Wawa has been a good neighbor in the past and thinks they are deserving of waivers as long as the waivers are also fair for neighboring property owners.

Nicole Klein, traffic consultant for the applicant, stated she prepared a preliminary traffic impact study for Wawa and the residential portion on the other parcel of the property. She stated there are two existing entrances to the property and a separate right turn and left turn lane as well. The first access allows for a right and left turn in on exit.

According to Ms. Klein, the Pennell Road entrance has been discussed with the Township, PADOT, and Township consultants. While there will be a right and left turn entrance at this specific location, there will only be a right turn exit. Drivers would not be permitted to make a left exit. Ms. Klein recommended a left turn lane for the Route 452 access road and that it was warranted under PADOT. She stated Mr. Matson concurred with this recommendation but a conceptual plan was still needed for proper coordination. That would be the next step.

Ms. Klein went on to report that the right turn lane would be maintained on Route 1, but restriped. She noted that the existing left turn lane was about 450 feet but the opposite direction was much shorter. The developer proposed to modify this area to make the left turn lane for Wawa shorter and to give more of the length for the opposite direction for drivers traveling North on Route 1. She stated that Mr. Matson agreed with this proposition. Therefore, the applicant requested to maintain a left turn lane of 125 feet and to flip the remaining length to the opposite side. She felt this would help move more cars over on the opposite side.

Ms. Klein stated the intent of the developer is to connect the remainder of the property but as access to the other parcels only and not as a Route 1 cut-through. She felt that having a right turn only exit on Pennell Road would help assure this from occurring.

Ms. Klein then reviewed the comments she received. She stated the developer would comply with most of the comments or provide additional information. She noted she is completing a master plan traffic study for the developer, which would provide a lot more detail.

Mr. Bradson asked where gas delivery trucks and product delivery trucks would enter the property. Ms. Klein stated that still needed to be planned out but that she will prepare circulation diagrams to illustrate how it will take place. Mr. Archambault noted the striped area shown on the current diagram around the building is considered the loading area and no cars will be parked there.

Mr. Sharbaugh asked if there was any further feedback from PADOT about road widening. Ms. Klein stated that there was not at this time but that she will be in contact with PADOT more as the master plan is developed. She noted that she has met with PADOT about the Route 1/Route 352 interchange project, which encompasses the Route 1/Route 452 intersection too. She stated the planning is very preliminary and that the developer will continue to work with PADOT on these efforts. She commented that a conversion lane was discussed in the past and that PADOT is looking into alternatives as well.

Mr. Moran expressed that drivers on the Route 1 Northbound side may consider turning into Wawa to get to Pennell Road more quickly and asked what would be done to discourage this. Ms. Klein stated that nothing was planned at this point but noted that Wawa is typically very busy and cutting through a property like this would not be ideal. Cutting through, in her opinion, would not be a quick alternative. Mr. Moran commented speed bumps could be considered but then noted they could be difficult for big truck. Ms. Klein agreed they could prove difficult.

Sarah Claypoole, 206 N. Middletown Road, asked if the existing businesses like the pizza place would stay. Ms. Klein stated those businesses are not owned by the applicant. Ms. Claypoole went on to express that the Route 452/Route 1 intersection is dangerous already and that adding a left turn lane on Pennell Road is going to provide a lot of congestion, especially during rush hour. Ms. Klein expressed that her point is well taken and that the developer is working with the Township and PADOT on the improvements at this intersection. Mr. Bradson commented that changing the timing of lights and lengthening the left turn light may help. Ms. Klein stated she could evaluate that.

Mr. Rothe asked if a study was completed on Aqua Road. Ms. Klein responded it was not here. Mr. Matson clarified that the study is being worked on. He was aware of the issues Mr. Rothe noted earlier and that he was in discussions about them. Mr. Rothe discussed the issues he pointed out earlier regarding the tanks and seepage beds. He asked Ms. Klein if she had more discussions with AQUA and she answered in the negative. Mr. Rothe went on to express that he thought Mr. Moran's comment earlier was warranted and noted that a lot of people used to cut through the old Wawa property and that this Wawa may be more inviting since it would be constructed further down on Route 1 than the previous one.

Mr. Rothe went on to state that he has seen a lot of accidents caused by drivers pulling out onto Pennell Road with drivers making a right turn into the Post Office. He asked if the applicant would consider changing the service road to the old Wawa service road instead. He felt that there shouldn't be both. Mr. McLaughlin stated that road belonged to a different owner. Mr. Reitze expressed that such an arrangement would be advantageous to patrons of the existing business trip as well as the proposed Wawa.

Steve Parakis, 32 S. Pennell Road, expressed that although this preliminary meeting was straight forward, it was a moot point until it is known what is happening with the other parcel. Ms. Kelin stated the service road would be the only access to the whole Pennell Tract. Mr. Matson asked about the ownership of the roads and Mr. Archambault stated they would be private.

Andy Parker, traffic consultant for the Township, stated that he did concur with the points made by Ms. Klein. He stated the traffic study only looked at the Wawa and the residential portion of the property and that the full site must be kept in mind still, along with the offsite intersection improvements.

Ms. Powell expressed that she agreed with Mr. Rothe in that it seemed like a lot to have an additional access road on Pennell Road. She encouraged the applicant to talk with Ms. Biordi, the owner of the neighboring property where the beer distributor is located, and to work together on this issue. Mr. Sharbaugh agreed that the access roads needed to be coordinated. Ms. Klein stated the applicant would consider coordination with the adjacent property owners.

Mr. Polaha asked if anyone had questions specifically for Wawa. Mr. Matson asked if there is an architectural rendering of the building yet. Mike Riddell, representative for Wawa, showed a photograph of a current building prototype with fuel canopies being located at the front of the store. Mr. Matson asked if it would be similar to the new West Goshen store. Mr. Riddell answered in the affirmative, but noted that this one would have a rear entrance. He explained that this helps separate the fuel customers from the store customers. The rear of the store would look similar to the front. There would be stone on the bottom of the building and stucco on the top. The rear tower would be similar to the front tower, but smaller. He went on to explain that the trash enclosure would be to the right of the site with stone and stucco on three sides and a white gate made with PVC at the front.

In terms of deliveries, Mr. Riddell reported there would be four types, and that the drive aisle would be made to fit for them:

1. Dairy (tea, juice, milk etc.) from the corporate head quarters down the street,
2. Provisionary items, which would come from New Jersey and would likely utilize the left and right turn lane into the property from Route 1,
3. Fuel, which would likely utilize the left and right turn lane into the property from Route 1, and
4. Vendor deliveries

Mr. Riddell stated most of these deliveries would likely circulate back to Route 1. The Wawa would be open 24/7 and would be a high profile store. He expressed there is a lot of anticipation for this specific store and that Wawa always tries to be a good neighbor. Furthermore, because

of the location, a lot of Wawa executives would be stopping at this Wawa and this specific store would be a step above the rest.

Mr. Archambault noted that the West Goshen Wawa just opened and that Wawa did a "fine job." He stated there is great landscaping and Wawa worked hard to minimally impact the area. Mr. Riddell stated the inside of the store is different too, even from the newer Aston and Stony Bank locations.

Mr. Matson asked if there were any further discussion needed for the Township's landscaping consultant's comment letter. Stacey Alburnio, landscape consultant for the applicant answered in the negative. When Mr. Matson asked her about pedestrian access Ms. Alburnio stated there would be a small walkway between the Route 1 entrances and along the property line; to the right of property and on one side of the service road. Mr. Matson asked if there would be an outside eating area. Ms. Alburnio stated this was not planned at this time but it was possibly something Wawa could explore.

Mr. Bradson inquired about lighting on the service road. Ms. Alburnio stated it was similar to the residential portion of the property, with full cut off and focused on the road itself. At this time, no light spill was anticipated.

Mr. Side asked what the grade difference would be from the existing post office. Mr. Archambault stated it was currently at the maximum of a 10% decline.

Mr. Polaha concluded his presentation for the applicant.

Mr. Sharbaugh asked if a motion was needed. Mr. Adams stated that the Planning Commission was not in a position to make a motion at this point because the applicant needs to come back so that Mr. Matson can have more input in order to make a more precise recommendation for what would be needed. Mr. Sharbaugh agreed. Mr. Polaha stated he would let the Planning Commission know when they would be coming back. Mr. Matson commented this would give him a chance to meet with the applicant to discuss the requested waivers. Mr. Sharbaugh thanked the applicant, Mr. Adams and Mr. Matson, and stated the matter would be tabled until the applicant's next appearance.

Final Land Development BT Granite Run LP: Promenade at Granite Run Mall—1067 W. Baltimore Pike—Applicant is proposing a redevelopment of the Granite Run Mall property, which includes primary mall structure (anchor stores Sears, Boscov's, and JCPenney's) and various other free-standing structures/business surrounding in the main mall including Sears Automotive, Kohl's, Acme Market, retail stores, and AMC Granite Run Movie Theatre

Joe Riper, legal representative for BET, explained that Council approved his applicant's request to move directly to final plan approval. He noted that notices of this meeting were provided to neighboring residents and provided copies of this information to Mr. Petrosa. Mr. Riper then reintroduced the applicant's engineer, Keith Lieberman, who would be discussing the final land development plan.

Mr. Lieberman explained that the plan is essentially the same as what was presented the last time they were in front of the Planning Commission, with only minor changes. He then reviewed some of these minor changes, which included a right turn in/right turn out access point along Baltimore Pike for the retail stores on the lower level of Apartment 2 (he described this as a site enhancement) and a minor reduction to the size of the curb along the loop road (completed based on Township engineer's comments from October 5th letter).

Mr. Lieberman reported that he received a comment letter on October 5th from the Township's engineer, lighting, and landscape consultants, as well as from Township zoning. He stated he provided a response letter on October 7th, which noted that by and large the applicant would comply. He noted that anything that the applicant did not list as a "will comply" would be addressed to the satisfaction of the respective Township consultant. In addition to the response letter, Mr. Lieberman stated that he spoke with Mr. Janetka, Mr. Federico and Mr. Comitta's office and they all indicated that they were satisfied with the applicant's responses.

Mr. Lieberman stated that 2 waivers have been requested for the plan. He described the first as sections 210.09 and 210.20, stating it was about being allowed to resubmit as a final plan. He described the second waiver as 210.41, stating it was regarding the recreation fee. He explained that the applicant is providing a trail system from the Oriole Avenue border and along Rt. 352 to the intersection of Rose Tree Road, which is an improvement for pedestrians. He also noted a pedestrian walk way would be constructed along Route 1 from Apartment 2 to Citizens Bank.

Mr. Lieberman asked if there were any specific comments the Planning Commission would like to discuss. Mr. Reitze asked for the parking garage height restriction measurements. Mr. Lieberman stated that was an architectural detail but likely 7 feet with a clearance bar. Mr. Reitze then asked how much the sidewalks would cost compared to the recreation fee. Mr. Riper stated the trail system alone would cost approximately \$750,000 but he

did not know how it compared in relation to the park fee. He also stated the pools for the apartments would be counted. Mr. Petrosa stated that issue would ultimately be resolved with Council and suggested that the Planning Commission could recommend a partial waiver. Mr. Riper stated that he had a meeting scheduled the next day with Mr. Damico and Mr. Clark to discuss this matter as well as others. Mr. Lieberman stated that the promenade in the middle of the property would also have benches, bike racks, etc. and described it as a lot of public space. When the project is completed, the applicant hoped it would be viewed as a destination for the Township.

Mr. Rothe, who was in the audience, noted that with 400 residential units, the recreation fee would be about \$1,300,000, even without considering the retail. He also noted that he believed Riddle Village and Lima Estates tried to include their pool as part of a waiver for paying this fee and the Township denied the request because it was private and not truly opened to the public. He recommended the Planning Commission referenced the Skycrest subdivision, as the costs associated with their improvements were deducted from the fee and he thought that would be a more suitable arrangement. Mr. Riper stated that he believed it was Mr. Damico's opinion that recreational facilities do not have to be public, but to the benefit of the subdivision. On the other hand, if you pay a fee, the Township can use it to their liking for the public's benefit.

Mr. Moran asked for more information on the trail around the perimeter of the property and asked if it would impact the back yards of the Oriole Avenue residents. Mr. Lieberman stated it would run along the existing mall loop road and that the existing landscaping would remain but augmented to be more of a barrier between the residential properties and mall property. Mr. Moran stated that the Oriole Avenue residents asked for a fence in the past and asked if this request was being granted. Mr. Lieberman stated the walkway would not impact their property and that people could walk along this loop road now if they wanted to. The only difference was the applicant was putting in a sidewalk.

Sarah Claypoole, 206 N. Middletown Road, stated that her property is at the intersection of Route 352 and Oriole Avenue and that she is the only property that does not have a fence at the border with the mall. She commented that Mr. Markman previously stated she could get a fence put there. She noted that she is excited for the mall property improvements, but thinks adding bike racks and benches near her property would be enticing safety and security concerns.

JC Lucas, 201 N. Middletown Road, stated her house is close to the road and asked for details about what would be going in across the street from her house at Building K. Mr. Lieberman stated that it would be a 7,000 square foot building in the middle of the current parking lot with parking and lighting around it. The lighting would be full cut off and not intrude past the property lines. He also stated they would be on short poles and that this area was

being designed to have less of a noise impact facing the direction of the neighboring residents. Ms. Lucas asked what type of signage would be at this location and Mr. Lieberman stated he did not know yet. Ms. Lucas then asked if there were any updates on the bus stop in front her property being moved. Mr. Lieberman stated that the bus routing was still a work in progress. He noted a meeting with SEPTA took place recently and they now have a better idea of the developer's plans. SEPTA is now looking into rider information and would be getting back to the developer when they were ready. Ms. Claypoole noted she also had a bus stop on her property. Mr. Lieberman commented that she brought this up at a prior meeting and that while SEPTA is looking into the resident's concerns, the meeting he had with them was really only about the existing bus stations on the Granite Run property; focusing on ridership, current routes, and the best locations for bus stops. He stated that they left the meeting with a good faith decision to work together, along with the Township and PADOT. Mr. Reitze asked how the residents could become involved in these discussions. Ms. Powell suggested they connect with Mr. Clark.

Steve Mescanti, 33 Oriole Avenue, commented that while pedestrians could technically walk on the loop road now, the sidewalk the developer was putting in would encourage this activity. He also stated that Boscov's current lights spill onto his property at present and that Mr. Markman could not give him an answer on how to fix this because Boscov's controls the existing lighting. Mr. Lieberman noted that it is because it is existing and that the parking lot was not being touched. There would be some new lighting going in at the loop road but it would not spill past the property line. He recommended Mr. Mescanti continue the conversation with Mr. Markman on the existing lighting issue.

Ms. Lucas asked if there were any renderings of Building K and Mr. Lieberman answered not at present. She then asked what was going at this location and what it would look like. Mr. Lieberman stated it would be 1 story and most likely a bank and pizza shop. He emphasized that nothing is leased yet so there was no guarantee. He added that the JCPenny building would be the same foot print as today but that a movie theatre was going in there. Ms. Lucas explained that there is no buffer on her property so noise is a concern. Mr. Lieberman noted that more landscaping is being added onto the Route 352 border, mostly trees and shrubs. He stated that it would most likely be noisier on the property but only because it would be more successful than the mall was.

Ms. Claypoole asked how she could become more involved with what would be put in around her property. She specifically expressed concerns for benches being near her property. Mr. Lieberman stated there were no pedestrian facilities going in by building K and that there would be minimal disturbance. He stated that the trail did not go to the perimeter of Route 352 from Building K and he did not think there would be any benches. Ms. Claypoole commented all the answers she has heard are not definitive; only what would probably take

place. She also stated that Building K was not on the original plans. Mr. Lieberman stated that Building K has been on the plans for well over a year and reiterated that no benches would go along that specific perimeter. Ms. Claypoole stated that outdoor dining would also be a concern of hers and that she did not want to have to be forced to make changes to her property for her own safety or due to an increase of trash on her property.

Mr. Rothe asked if there was anything in the ordinance about a design committee. He also asked how the residents could be more involved. Mr. Lieberman stated there were design guidelines. Mr. Petrosa stated this was still being worked out but that it was agreed the committee members would be made up of a Land Planning committee member, the architect, Township manager and Council member. It was strictly about conformance to the guidelines and did not have a public member.

Mr. Bradson asked if there was fencing along the perimeter of Oriole Avenue by Building K. Mr. Lieberman stated that he has noted this concern and would look into the fencing issues further. Mr. Bradson also stated that there is a lot of greenery shown down the length of the border with Oriole Avenue and thought that was good.

Mr. Petrosa asked to discuss the review letter comment regarding the dedication of the loop road that functions primarily as access to Riddle Village and Riddle Memorial Hospital. He stated that Ms. Merino noted that it was unlikely that the Township would accept dedication. Mr. Petrosa suggested that the applicant speak with Council but felt she was probably right. Mr. Riper noted he was planning to discuss this at his meeting the next day with Mr. Clark and Mr. Damico and that he was unsure why the Township would not want the road. Mr. Petrosa suggested he also asked PADOT but Mr. Riper commented that would be highly unlikely. Mr. Riper asked what would happen if the applicant closed the road. Mr. Petrosa stated he did not know the history of the road. Mr. Rothe commented that he saw a plan at some point in time that showed it as a PADOT right of way. Mr. Lieberman stated that they have a PADOT plan that shows the road was offered to dedication but could not find anything showing the legal dedication actually took place. Mr. Riper again stated that he would discuss the matter at the meeting the next day and that his only thought was an arrangement where the Township accepts dedication with the mall owner maintaining it for paving and plowing. Mr. Petrosa stated a creative solution like that may work. Mr. Rothe noted that Oriole Avenue was the closest Township Road to this location and Mr. Petrosa noted the road in question would probably not qualify for liquid fuels.

Glen Side inquired what direction would cars be coming in to the Building K area. Mr. Lieberman stated from the left and right of the building from the loop road but because of the lower elevation due to a grade change, the lighting of the cars shouldn't go beyond the wall. Ms. Claypoole asked if this meant people would not be able to park in the parking lot and stare into her house and Mr. Lieberman answered in the affirmative.

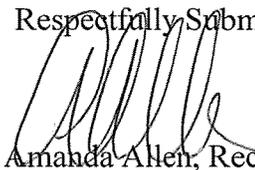
Evelyn Bond, 37 Oriole Avenue, stated that Council representatives have told the Oriole Avenue residents that they are zoned B2 Business but could remain residential and at residential rates with the concession that they could have businesses at their home. She was okay with this but noted that the plans showed that they are excluded from the zoning district. She stated she feels let down by the Township. Mr. Riper stated the overlay applies to the entire B2 zoning district but because her property is not part of mall ownership, it could not be part of their overlay. He felt the solution was to change the B2 zoning to eliminate the setback requirements if used for residential purposes. If that is really her only issue, then it could be an easy fix. He noted that Mr. Markman already authorized him to put this type of language in writing. Ms. Bond asked how she would know that language wouldn't be taken out in a few years. Mr. Riper stated his goal was to get her what she wants and that her issue is the setback. He proposes to adopt a minimal setback (i.e. 10 feet from property line). He stated he still needed to discuss this with Mr. Damico and Mr. Clark.

Ms. Bond then stated that she wanted to make sure there were sufficient plantings behind her house because she did not want her home accessible from the mall property. Ms. Powell stated this wasn't really the correct forum for that concern. Mr. Sharbaugh stated that the applicant's engineer and attorney seem to be expressing that they should be able to solve resident's problems but that the Planning Commission doesn't have any oversight in this manner. He recommended that concerns be taken up with Mr. Clark. Ms. Bond stated that she met with Mr. Clark and Mr. Damico and nothing happened. Mr. Riper assured her that her concerns would be discussed at his meeting the next day.

Mr. Sharbaugh motioned to recommend the final land development plan for approval contingent upon further attention to the issues discussed at the meeting, subject to the satisfaction of the consultant's comments, and subject to consideration of the recreation fee and whether or not it would be appropriate to grant a partial waiver. Mr. Miranda seconded this motion and the Planning Commission approved unanimously with a vote of 7-0.

Mr. Sharbaugh adjourned the meeting at 10:13 PM.

Respectfully Submitted,



Amanda Allen, Recorder