

East Manchester Township
PLANNING COMMISSION MINUTES
August 22, 2023

At a regular meeting held at the Township Building, the following members were present: Edward Hewitt, Mike McCowan, Mike Scarborough, Herb Nix, and Troy Rentzel. Also present: Engineer Laymon Mortorff, Zoning Officer Gary Mayfield, Manager Kristie Masemer, Recording Secretary, and four citizens.

Chairman McCowan called the meeting to order at 7:10 p.m.

Minutes

Motion by Rentzel, second by Nix, to approve the minutes of the meeting of July 25, 2023. All members voted aye; motion carried.

Plans

Orchard Business Park -- Preliminary Subdivision and Land Development Plan, Phase II, Lot 2; Canal/Bear Roads

Present on behalf of the applicant: Josh Hoffman from Pennoni Associates, Inc. The plan has been resubmitted with a few revisions. Also included in that submission is an exhibit of the location of the proposed ramp of Exit 26 from Route 83.

Shown on the screen/plan: the realignment of Bear Road with ROW to Route 83. If the new exit 26 ramp comes to fruition, the access would just go around the site to the left from Bear Road. Apparently, part of Bear Road will be vacated; part will be dedicated to the Township. To clarify: the exit ramp will tie into their public street and the applicant's road will tie into that public road, too. The applicant tied a few options together, but mostly, it's still undecided because Exit 26 isn't yet designed. The Township will have the option to dedicate part of the access to PennDOT for the new exit. It's all hard to anticipate because of the uncertainty surrounding the actual location of the new exit.

Last month, the Planning Commission reviewed letters from Gordon L. Brown and YCPC, each of which had several open items. Those open items are still open, but progress is being made to obtain permits, etc., from outside agencies.

How did the scoping meeting with PennDOT go? Mr. Hoffman says it doesn't make sense to install a retaining wall if PennDOT's going to come and plow it over to make the exit. The waiver is only for the setback distance from the property line. It was noted that the applicant is now proposing to meet the slope ratio requirements in the ordinance.

Discussion was held on the waiver request for the slope. If the applicant can't get the HOP, they would still need a waiver for some part of the project. From Mr. Scarborough, what is the distance that the applicant can't meet, to require a waiver? They would need 20' maybe, and they have zero. In some areas, they're grading over the ROW line.

Mr. Mortorff reported that PennDOT says they need additional ROW. Where this needs to be done is where the Township has to abandon some ROW. PennDOT would rather negotiate ROW with the Township than with a private company/resident. Why would the Township give up ROW now only to have PennDOT try to renegotiate at a later date?

Bottom line, PennDOT really can't make any decisions that might affect this site/project because it's too early in the process. Also present tonight, Brian Johnson, Kinsley Properties,

reported that the applicant is submitting the HOP, so a lot of this discussion will be held, and details will be hashed out surrounding that permit application.

Mr. Hoffman noted that if the applicant can do 2:1 slope, it would stay out of the ROW, but a waiver would be necessary. Making the slope 3:1 involves encroaching into the ROW. There are also interior property lines which require a slope waiver.

Also from the PennDOT meeting, this involves more than just a simple lane widening of Route 83; also have to take into consideration the deceleration lane exiting Route 83.

Mr. Mortorff said that the building can be made smaller to avoid some of this waiver discussion, especially with regard to the slope waiver. It doesn't matter that the applicant has to consider its financial state as the reason for the building size in the first place. Of course, the applicant doesn't want to make the building smaller for financial reasons, but could the whole waiver situation be cleared up if the building were reconfigured? Mr. Johnson thinks the applicant would still need some part of that waiver.

Dean Kohr from the audience commented that the steep slopes of some other businesses present some ugly surfaces to look at, as those slopes are not being maintained too well. Regarding the new exit 26, there were a few options from PennDOT, one of which goes away if this plan were approved and developed.

Indeed, it would be so nice if PennDOT were able to commit to a location and a plan, however, that hasn't happened yet.

Chairman McCowan stated the Board of Supervisors might be more inclined to grant the waiver (slope/property line) if it applied only to the interior lots.

If the HOP permit process were finished or at least had some input to report, would that make things any better surrounding the slope setback waiver? Likely. The Board of Supervisors would likely appreciate the information in any case.

What if PennDOT were to approve the slopes? Would the Board of Supervisors be more approachable? Bottom line, the Township's in the middle of changing the process of approving slope waivers because of bad past experiences with other applicants which were granted those waivers.

From Mrs. Masemer; If the Township didn't vacate Bear Road, the private access driveway would not be needed, correct? Correct. There would be a driveway from Bear Road, and that would be better for emergency access, yes? Mr. Hoffman feels that this wouldn't change anything. Mr. Johnson agrees with Mr. Hoffman.

Also from Mr. Mortorff, the traffic study was discussed with PennDOT. A new traffic signal in the area isn't on the planning sheet, as it's not warranted. Mr. Mortorff asked why would the Township want to adopt a road with a Level of Service (LOS) F in the first place? How about a traffic circle instead of a signal? How about staging the development to gradually increase the traffic numbers until a traffic signal is warranted not exceeding LOS C.

Bob Leonard, Erdman Anthony, engineer for the Canal Road Betterment project, spoke that the relocation of Bear Road is to increase sight distance from Canal Road. With that project, a traffic signal was not warranted at the intersection of Canal and Bear Roads. Discussion was held on the current situation and the proposed configuration with increased truck traffic and turning vehicles. Mr. Mortorff would not recommend that situation at all. Mr. Johnson noted that it's anticipated that the applicant and the other applicants in the area are proceeding as if a signal will be installed in the future. However, traffic numbers have to increase before the area can warrant a signal. Mr. Leonard noted that signals that are installed where the counts are not warranted can be as dangerous as no signal at all where it is warranted.

Waivers requested:
 §208-34.A, plan size
 §208-44.F, minimum separation between top/bottom edge of slopes and property ROW lines
 §208-46.J, private access driveway
 §208-47, sidewalks (Canal Road)
 SWMO §199-20B, riparian buffer zone 2 width

The waiver requests were discussed and explained to everyone's satisfaction.

Mr. McCowan would like to see the HOP process give some information before it goes to the Supervisors.

Motion by Hewitt, second by Nix, to recommend approval of the waiver request for Section 208.34.A, plan size. All members voted aye; motion carried.

Motion by Scarborough, second by Hewitt, to recommend approval of the waiver for curbs/sidewalks (on Canal; partial on Bear Road). Four members voted aye; Nix opposed. Motion carried.

The previous motion is incorrect, and a new motion will be made **Motion by Scarborough, second by Hewitt, to recommend approval of the waiver for Section 208-47.B, sidewalks on Canal/Bear Roads, AND to add the standard six-month note. All members voted aye; motion carried.**

Motion by Hewitt, second by Rentzel, to recommend approval of the waiver request for SWMO Section 199-20B, for stormwater waiver/riparian buffer. All members voted aye; motion carried.

Motion by Scarborough, second by Nix, to recommend *denial* of the waiver request for 208-44.F, minimum separation between top/bottom edge of slopes and property ROW lines. NO VOTE on this motion; request by applicant to table this waiver vote until the applicant can get input from PennDOT for the HOP.

Based on the scoping meeting with PennDOT, abandoning Bear Road doesn't make sense. Discussion was held on the waiver for Section 208-46.J and what happens if the Township doesn't abandon that portion of Bear Road--the applicant wouldn't need this waiver. If the waiver is denied, this plan cannot proceed because the applicant is creating two lots with two buildings, and this waiver permits access to both buildings. The existing Bear Road driveway/access cannot be used. Can there be a sort of lease agreement to state that the developer can use the access/ROW (Bear Road) until the Township wants to have it back?

Motion by Nix, no second, to recommend approval of the waiver request for Section 208-46.J, private access driveway: instructing the parties to work out an agreement by which the Township can lease the area to the applicant until such time as the Township needs to have this area returned. Discussion was held. Could the applicant show how much ROW would be granted at the right time? The risk there is that the Township could come back and say it's not enough. That's something for the engineers to figure out, not the Planning Commission. REQUESTED BY APPLICANT TO BE TABLED.

Additional New Business

Mrs. Masemer reported the following: a large project is going in on Willow Springs Lane, at the Maple Press site, in Manchester Township, which will generate a lot of traffic for EMT roads. A few years ago the Board of Supervisors authorized Mrs. Masemer and Attorney Miller to draft a letter from EMT to Manchester Township to request that EMT be permitted to review this plan because of the increase in traffic. There was no response from Manchester Township and the plan was apparently recorded with no opportunity to review by EMT. The Board of Supervisors could waive the LDP process since there's no land in EMT, but the increased traffic is the issue. From Mr. Mortorff: traffic study determined that the road is LOS F, and the solution according to the traffic study is to install a traffic signal. But the volume isn't there to warrant a traffic signal. Discussion was held.

Mr. Scarborough referred to the memo from the Supervisors regarding the waivers, saying that this is going to be the norm in meetings from here on out, when waivers will be discussed. Discussion was held on the standards included in the ordinance and the possibilities of waivers to comply with those standards. Mr. Scarborough is anticipating much more discussion on waivers in the future which would make planning commission meetings much longer.

Motion by Nix, second by Rentzel, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:37 p.m.

Respectfully submitted,

Julie B. Maher, Recording Secretary
And Gary Mayfield, Zoning & Code Enforcement Officer
And Kristie Masemer, EMT Manager