

**Lower Heidelberg Township Planning Commission
Meeting Minutes
Virtual Meeting
December 14, 2020**

The December Meeting of the Lower Heidelberg Planning Commission was held remotely through the Zoom Platform on the above date. The December meeting was duly advertised to be held electronically through the Zoom application via telephone and the internet. Present were Chairman Neal Nevitt, Vice Chairman Dean Hartman arrived after the meeting minutes were approved, and Members Heath Kearney, and Linda Williams. Also attending were Recording Secretary/Manager Pamela Stevens, Supervisor Vice-Chair Debbi Scull, Supervisor Member Cheryl Johnson, Assistant Township Solicitor John Mahoney, Zoning Officer Andrew Kraft and Township Engineer Ryan Rhode. Guests present at the Meeting were Gregg Bogia, Andy Roland, Atty. John Roland (Car Wash), Trupert Ortlieb (Legacy), Steve Bensinger (CCN Ph2), Dave Kurtz, and Robert Melson.

Neal Nevitt, the Planning Commission Chairman called the December 2020 meeting to order at 7:02 PM.

Mr. Nevitt asked if all had received and reviewed the minutes of the November 9, 2020 meeting. All members attending the meeting had reviewed the minutes and there being no corrections or additions the minutes were considered for approval. **On Motion** by Mr. Nevitt, seconded by Mr. Kearney the minutes were approved as presented. Roll call Mr. Nevitt – Yes, Mr. Kearney – Yes, Mrs. Williams – Yes. Motion passed unanimously by the 3 PC Attendees.

Public Comment - None

Development Plans: Penn Ave Car Wash Plan

Gregg Bogia, Andy Roland and Atty. John Roland were in attendance to discuss the Penn Avenue Car Wash Plan. Mr. Nevitt asked for the people involved in the Car Wash make their presentation and Assistant Solicitor Mahoney requested Mr. Bogia begin his presentation. Mr. Bogia summarized that they met with Ryan and Andrew and have resolved some of the zoning hurdles. Mr. Bogia feels looking through the letter that several of the Zoning Comments were resolved including the Rendering. Mr. Rhode stated that the rendering is required per the Overlay District. Mr. Nevitt asked about the status of the response from the Emergency Services. Mr. Rhode summarized the Storm Water Management comments are very close to being resolved and finalized. Mr. Rhode continued his discussion noting the plans reflecting the stacking of 2 lanes of vehicles along the 24 ft. wide entrance drive and up to the check in station along the eastern property line. Vehicles stacked in the entrance aisle and the emergency exit for a vehicle to exit via a three point “K” turn. Mr. Rhode wants the Emergency Services to review the stacking plan, the emergency exit, and access to the site during an emergency. Additionally Penn DOT has now required the Car Wash to share the existing Stereo Barn driveway. With all of the businesses, there are many vehicles entering and existing at this same point. Mr. Bogia noted he has discussed with Penn DOT about the shared driveway and the need for safety markers, flexible delineators, and additional signage. Ms. Stevens will reach out to the Fire Commissioner so he can review the plans for emergency purposes. Mr. Rhode noted that there were significant improvements from the last meeting on addressing the previous comments, and he believes that we are missing the BCCD plan approval, Emergency Services review, and Penn DOT reviews. His preference is to see responses from the 3rd party agencies before a preliminary plan approval is suggested. Mr. Nevitt asked about the traffic generation and Mr. Bogia did not do a traffic study but projected 5 to 6 vehicles per hour. Mr. Bogia estimated 5 to 6 vehicles per hour will be stacked on the average, and that is why they stacked 10 vehicles with a maximum of 28 stacked vehicles. Mr.

Mahoney asked Mr. Rhode if at the January Planning Commission meeting the Penn Ave Car Wash could receive conditional preliminary final plan approval including addressing the sewer service. Mr. Rhode believes that the largest outstanding comments are Emergency Services, BCCD and Penn DOT and could foresee conditional with pending outstanding third party reviews if the 3rd party reviews do not require plan modifications.

Mr. Bogia requested if the waivers could be acted on by the Planning Commission and Mr. Rhode does not have objection to any of these waivers. Mr. Bogia reviewed the waivers for Chapter 26-522 concerning direct access, for Chapter 26-652 and Chapter 26-653 for curbs and sidewalks with the deferral note, Chapter 26-658 for concrete monuments, for Chapter 26-660 partial waiver on metal markers, and for Ch. 24-1006.b.6 utilization of the emergency spillway. **On Motion** by Mr. Nevitt that the Planning Commission recommends to the BOS, the waiver requests for the Penn Ave Car Wash as follows Chapter 26-522 concerning direct access, for Chapter 26-652 and Chapter 26-653 for curbs and sidewalks with the deferral note, Chapter 26-658 for concrete monuments, for Chapter 26-660 partial waiver on metal markers, and for Ch. 24-1006.b.6 utilization of the emergency spillway, and seconded by Mr. Hartman. Roll call Mr. Nevitt – Yes, Mr. Kearney – Yes, Mrs. Williams – Yes, and Mr. Hartman. Motion passed unanimously by the 4 PC Attendees.

Ms. Stevens requested clarification of the Emergency Spillway waiver. Mr. Bogia explained that this is a regional basin and Mr. Rhode summarizes that the emergency spillway does discharge in certain events. Since it is a regional basin and with the limited space, they want to preserve the berm as much as possible, including relining and landscaping. The storms that discharge through the spillway are the 50 and 100 year storms. Mr. Rhode believes this is a better design. Mr. Nevitt asked if there are any plan extensions needed and Ms. Stevens stated the Car Wash has a February date so this plan and no other plans need an extension tonight. Mr. Nevitt asked if there were any other questions from the Planning Commission members or attendees and there were no other questions.

Development Plans: Cacoosing Crossing North Phase 2 Final Plans:

Mr. Nevitt then moved onto the next plan on the agenda. Steve Bensinger was present to discuss the Final Plan Phase 2 and noted that Phase 1 is currently under construction. The review letter had many comments and he feels that 99% of the comments can be addressed, but he needs some clarification on Page 2, comment 4 about the Pedestrian circulation and input from the School District. His recollection during the Preliminary Plan there was a school district person who commented on the Pedestrian circulation but who is no longer at the School. Mr. Bensinger and Mr. Rhode could not find the School District comments. Mr. Rhode believes this could be a benefit for the Developer to discuss with the School District the current needs on the children walking to the schools, and Mr. Bensinger will reach out to the sidewalk. The plans reflect a sidewalk on the School side and Steve will contact the School District as he is uncertain whose responsibility for the installation of the sidewalk. Mr. Rhode brought up the lot to width ratio on Page 3 comment 11 for lot depth to width ratio and the lot layout was revised. Mr. Bensinger stated that current Lot 17 was previously Lots 17 & 18 and there was a basin between these 2 lots. The redesign would require a new waiver for Lots through 11. Mr. Bensinger did extend the PCSWM and the BCCD did not have any comments with the minor changes of the storm water system. Mr. Rhode is concerned about some of the slopes and the diversions and the elevation difference. Mr. Rhode would like Mr. Bensinger to discuss Page 4 comment 1 which discusses the diversion swales with Mr. Grande and even though there are easements, there may need to be changes within the easements after the plans are recorded, but Mr. Rhode would prefer the diversion swales are addressed now. Steve will discuss

with Grande and Grande may have some more current designs on the diversion. Mr. Rhode agrees with Mr. Bensinger that there are many details to iron out but nothing that can't be addressed. Mr. Bensinger asked to bring up the road width on page 3 comment 8, and Mr. Rhode noted that the Streets are designed for parking on one side under comment number 8. Mr. Nevitt stated with the larger lots the parking on one side should not be a problem. The Assistant Solicitor asked about the HOA status as well as the notes on educating the property owners on amended soils, and their maintenance responsibilities. Mr. Bensinger offered a Deed restriction to address the unique lot constraints. Assistant Solicitor Mr. Mahoney offered to prepare a plot plan that is signed off at the time of the Agreement of Sale or at Settlement. Mr. Rhode agrees that home owners may not be aware of all of the lot stipulations including easements, and storm water basins. Mr. Rhode agrees there should be a disclosure sheet presented at the Agreement of Sale and not at Settlement as it may be too late. Ms. Stevens discussed the Glen Ridge Estates plans included a chart of Lot encumbrances and she agrees it is critical that the plot plan with the lot encumbrances and restrictions are placed in front of the Buyer well before they come to settlement. Mr. Rhode will forward the plan chart to Mr. Bensinger. Mr. Bensinger requested if the Planning Commission could act on the lot depth to width ratio. Mr. Rhode supports the waiver request. Mr. Rhode commented that the new lot layout is a much better design. **On Motion** by Mr. Nevitt to recommend to the BOS a waiver for Lots 7 to 11 of Section 521.d for the lot width to depth ratio and seconded by Mr. Kearney. Roll call Mr. Nevitt – Yes, Mr. Kearney – Yes, Mrs. Williams – Yes, and Mr. Hartman. Motion passed unanimously by the 4 PC Attendees.

Mr. Mahoney noted that the next submission the hatching should be changed to Phase 1. Mr. Nevitt asked if there were any other comments on CCN Ph. 2, and there were none.

Development Plans: Legacy at the Paper Mill Phase 2

Mr. Ortlieb summarized the status of the submission of the Phase 2 plans. The Engineer will be submitting the plans this week either on Thursday for the January 11, 2021 PC Meeting. Mr. Rhode will do a cursory review to identify and significant items just in case before the January Planning Commission Meeting.

Time Extensions – Currently there are no Time Extensions for the Planning Commission to consider. At their January PC Meeting, the Penn Avenue Car Wash will require an extension. Eberly Plan with the Board of Supervisors acknowledging the MPC extension of 90 days the plan now expires on March 13, 2021.

Other Business – No other business except Mr. Nevitt is resigning at the end of this Year.

On Motion by Mr. Nevitt to adjourn 7:51 p.m. and all 4 PC members voted yes to adjourn the Meeting.

Respectfully submitted, Pamela J. Stevens Recording Secretary for the Planning Commission