

**Valley Township Planning Commission
August 8, 2023 – Meeting Minutes**

Convened: 7:04 p.m.

Adjourned: 8:35 p.m.

In Attendance: Denny Bement, Joe Arvay, Jim Druecker, Shawn Leonard-Members
Mike Ellis-Pennoni Associates, Inc.
Janis Rambo-Township Manager

Absent: Yvette Smith-Member

Approval of July 11, 2023, Meeting Minutes-Shawn Leonard motioned, Joe Arvay seconded, approved 3/0. Jim Druecker abstained as he did not attend the July meeting.

Remarks on Actions of Board of Supervisors

- 1) Extension for land development review time was accepted at the BOS' August 1, 2023, meeting for NSEC Complex Land Development-to December 31, 2023;
- 2) Conditional Use Hearing application for Valley Square Development for Lot 3 that was continued to July 13, 2023, was requested by applicant to be continued indefinitely;
- 3) Conditional Use Hearing application for Resources for Human Development, Inc., for 1229 West Lincoln Highway (renovate the office building for the purpose of a “short-term supportive housing facility”) opened on July 31, which exceeded the time allowance of 9:00 p.m. was continued to August 29, 2023, at 6:30 p.m.

Remarks on Actions of the Planning Commission Chair-no remarks

Old Business

Valley Suburban Center – Lot 1

Craig Robert Lewis (Kaplin Stewart Law Offices) representing Valley Square Development Associates, LP, explained they are seeking approval for the Amended Final Plan for Lot 1; Lot 2 is currently under construction. Initially approved for 192 multi-family units, the Final Plan for Lot 1 has been amended to proceed with 100 townhomes. Mr. Lewis points out that the Amended Final Plan is consistent with the Preliminary Plan. Although the Review Letter does discuss it, Mr. Lewis confirms there is no pending Plan for Lot 3; the application is on hold, and they are not prepared to discuss it. Mr. Lewis confirmed the majority of Comments in the August 1, 2023, letter are technical with a few requiring discussion.

Paul Lepard (PE, Nave Newell) walked through the Plan pointing out there is no significant departure between the original Preliminary Plan and what is being presented now for Lot 1. Lot 2/Phase 1 Plan included the construction of the entire infrastructure for all three lots. We are now looking at internal infrastructure, not what has already been approved.

Denny Bement asked if the position is that the original zoning and other rules in place now under the existing Conditional Use Approval should be applied moving forward because that was part of the initial Agreement? As time passed, pricing and supply assumptions needed to be revisited

with suppliers, banks, builders, etc. Why can't the Township revisit Approvals from back in 2003?

Mr. Lewis indicated, to protect builders' rights, they are entitled to and will proceed with this Plan under ordinances in affect when the Preliminary Plan was approved.

Denny Bement asked if they could simply decide which codes to follow? Mr. Lewis clarified they cannot pick and choose which code to follow. If they adhere to the originally approved Plan, as they are permitted to do, they are bound by codes in place at that time. He pointed out that, although not required to do so, they chose to follow current standard for the sidewalks (5 feet) not already installed because it was the logical and right thing to do.

Mike Ellis pointed out that, although some time periods are subject to governing body approval, comments within the August 1, 2023, letter indicate Conditional Use Plans are applicable.

Comment #4-Mike Ellis asked whether additional discussions have been had with PennDOT, Mr. Lepard advised, while it is acknowledged discussions are required, they have not happened yet. Denny Bement asked if a convenience store/gas station is in the picture on Lot 3. Mr. Lepard advises if a convenience store with gas station is included on Lot 3, the change would be substantial enough to go back to PennDOT to make sure there is a Plan in place sufficient to handle traffic. Mike Ellis added that a traffic study is not part of the Plan for Lot 1. He also asked at what point traffic signal might be necessary; when Lot 1 is developed or when the commercial comes in (Lot 3)?

Comment #6-sidewalks designed in 2003-2004 follow standards in place at that time. Current standard is 5 feet. Lot 2 sidewalks are 4 feet wide. Mr. Lewis indicated sidewalks already included in the contract with Ryan throughout Phase 1 (including internal to Lot 2) include 4-foot-wide sidewalks. They can't change that contract, but will move to 5-foot-wide sidewalks moving forward.

Comment #8-specifically recommends additional lighting on Lexington Way near Units 75-80 while admitting some internal curves in roads with less than a certain radius do not require additional lighting.

Comment #9-stormwater basin fencing was not required at the time of original submission, but subsequent Township ordinance updates require fencing around all basins with more than 3 feet of water. Mr. Lewis advised of extensive internal discussions as to how often this Lot 1 basin will have water and agree to revise the Plan to include fencing. Lot 2 is already under construction, will not have the same frequency of water, and will not have fencing.

Comment #18-Mr. Lewis clarified that Lots 1 and 2 will be governed under one residential HOA, and the commercial Owners Association with separate obligations. Shawn Leonard pointed out that the two separate Associations may share a common contractor, but they will not share costs. Mike Ellis is trying to understand how property boundaries work regarding the need for easements between the residential lots; Mr. Lewis will check and confirm.

Mr. Lepard advised they have an obligation to construct a trail on the 9.3-acre parcel that is proposed for dedication to the Township. The Plan shows trees, the trail, and a stormwater basin. He questioned the intention of the Township on future use of this parcel; it would be a shame to construct the asphalt trail only to rip it up later; wasted resources. He will check to see if the trail was dedicated with Lot 2. Mike Ellis added that the Recreation Plan will be tied into this trail.

Comment #25-Mike Ellis stated it would be extremely helpful to understand traffic signals and suggested the traffic study could be revisited. Mr. Lewis indicated they are only obligated to provide a traffic study if two scenarios come into play: a dramatic increase in traffic because of change-in-use only if gas pumps are added on Lot 3 and other development/projects in the area AND if something changes in the future, that belongs to someone else. At this point, they are consistent with HOP.

Comment #26-Mike Ellis stated managing foot traffic back-and-forth with the shopping center would be easy to do with a traffic signal. Mr. Lewis pointed out they do not control the shopping center and can't force them to do anything; can only address traffic on their own property. He added that, if PennDOT touches an intersection, they are required to bring that intersection up to code. Not sure they'll do that in this situation. It was agreed that the developer would contact PennDOT to revisit the feasibility and alternatives for a pedestrian crossing across Airport Rd at Prescott Rd. Mr. Ellis requested the Township be part of any related meetings on the topic with PennDOT.

Comment #31-Mike Ellis is requesting the Township solicitor weigh in on this issue.

Comment #38-Mike Ellis strongly suggests the proposed equipment and layout of the tot lot be resolved now rather than getting into disagreements later on. Mr. Lewis points out the Lot 1 Conditional Use Approval establishes a timeline for access/use of the tot lot. They are obligated to provide a tot lot, but have not designed it yet.

Denny Bement asked how many changes can be made to an Amended Final Plan before a new application is required? Could changes from 192 to 100 units require a new Preliminary Plan? Mr. Lewis responded they have the right to do the 100 townhomes in the Preliminary Plan. The Plan was then made part of that Conditional Use Approval generally consistent with what is proposed here. They are entitled to a Final Plan as long as it is consistent with the Preliminary Plan. The law recognizes there will always be some changes so Plan may be tweaked during the land development process. What might require a potential change would be complete modification of infrastructure. Here, the infrastructure is already under construction. It would take a change-in-use to warrant a new application.

Confirming no additional questions from Members or Mike Ellis, **Jim Druecker motioned they recommend approval of the Final Plan with the condition that all comments from the engineer and questions from Planning Commission Members be addressed. Shawn Leonard seconded and the motion was approved 4/0.**

New Business

1-Valley View Lot 8A-Lot 8B subdivision plan-informal review

Denny Bement pointed out issues with Lot A including stormwater runoff. Allan Zimmerman (Commonwealth Engineers) responded that Lot A will be self-sustaining and completely independent. When asked about the easement for the road going straight down into the property below, Mr. Zimmerman stated the two lots will share the same access drive.

Mike Ellis asked that they make sure Lot 6 has access to their (Lot 6's) stormwater basin, which will likely require the access easement remain on Lot 8. He also stated that notes will need to be added regarding tree removal limitations, similar to those on the previous Lot 8C subdivision plan. Traffic signals on Lincoln Highway are required as part of the Lot 4 Conditional Use from the 2004-2006 timeframe. Make sure it is made clear this was transferred to be the responsibility of Lot 8.

Otherwise, Mike Ellis has no objection to the Plan and no action is required from the Planning Commission tonight as this was an informal review, and there are a few property owners who were not notified of the meeting in advance; all within 200 feet must be notified. Janis Rambo also believes the mailing went out a day late for those who received it. Action can therefore be considered at the next Planning Commission meeting.

2-Proposed Zoning Amendment to amend time period the variance or special exception is valid-from 6 months to 1 year - Mike Ellis recommends approval explaining this proposed Zoning Amendment provides a more reasonable and realistic amount of time to get a variance. Shawn Leonard motioned, Denny Bement seconded and the motioned was approved 4/0.

Township Engineer Report/Update - Mike Ellis reported that a Land Development submission had been received for 700 Fox Chase Blvd in the Highlands Corporate Center. They have it scheduled for review and expect it will be on the Planning Commission's agenda in September.

He also reported that the Lincoln Hwy Corridor Master Plan (CMP) remains on hold. PennDOT is supposed to complete their concept design for improvements to the intersection of Lincoln Hwy and Airport Rd in August. Once that is completed, the CMP can be finalized and then move through the formal approval and adoption process. Formal consideration by the Township Planning Commission will be one of the first steps. It is tentatively anticipated to be on the PC agenda in the next two months.

The meeting was adjourned

Minutes prepared by Gwen Stillwell, Recording Secretary
Schedule for presentation to the Board of Supervisors

Denny Bement

Yvette Smith

Shawn Leonard – will present to the BOS at their next meeting

Joe Arvay

Jim Druecker