

Pledge of Allegiance

Present:

Present at the meeting: Bob Mitall, Zachary Kansler, Bill Yant, Frank Muzika, John Bosetti, Hayley Welsh - Municipal Planner, and Tony Spadaro, Council Liaison. Also in attendance were Susan Reese Hartzell and Kevin White, members of the Traffic Impact Committee.

Absent: Ed Patrick, Jayne Hoy

Minutes: Mr. Yant moved to approve the minutes; Mr. Kansler seconded. All present voted aye. Motion approved.

Public Comment:

Mr. Kearns commended and thanked Mr. Mitall for keeping the members in line and helping to install the reestablishment of trust at the FTMSA meetings. Mr. Kearns then addressed the proposed Sloan School development and noted that all prior bids had been rejected and, in the process of re-bidding, it appears that the major concern is the soils. He believes all of the earthwork that is proposed is unmanageable. He said there is an ordinance that deals with steep slopes and asked if there was an ordinance that deals with swamps that aren't wetlands. He mentioned Act 34, which deals with construction costs and has some oversight as far as keeping control over the construction of school buildings, but it doesn't address site preparation costs. He appeared before the Commission to spur discussion on what can be done now or in the future to make the situation better.

Mr. Mitall then moved to a discussion on the Markosky Final Traffic Feasibility Study Alternative Recommendation so that the Traffic Impact Committee members wouldn't have to sit through the entire meeting.

New Business: SP-4-19; Fusting Executive Park, Rt. 22/Manor Rd./Wilson Rd. Intersections, 46.6 Acres, B and R-3 Zoning Districts

Ray Gusty of Fahringer, McCarty, Gray, representing the applicant, presented a drawing of the proposed development, including a multi-use development in the B District (sit-down restaurant, retail center, sports medicine building, DNA corporate campus and rec center), and a 19-unit townhouse development and park in the R-3 district. He then explained the connection of all the utilities at the site. Showing a depiction of the phasing, Mr. Gusty explained the DNA corporate campus and restaurant will be included in Phase I, which is anticipated to take 2 ½ to 3 years to build (2022); the sports medicine building and retail complex will take an additional 2 years as Phase II (2024); the townhomes and park will take an additional 1 ½ years as Phase III (2026); Phase IV will be the DNA office buildings, which will take another 1 year (2027). The whole project is anticipated to take approximately 8 years.

Mr. Mitall asked if the recreational facilities would be for the public or just the people on the site. Mr. Gusty said they will strictly be for the DNA employees; however, the park area

would be available for the public. Mr. Mitall asked if any of the streets or roads are proposed to be public. Mr. Gusty said he would have to discuss that with Mr. Fusting, but would think they would remain private; the streets for the townhomes would be public. Mr. Yant asked if the strip center would be part of the public access and was told it would. Mr. Yant asked if any changes to Manor Road were proposed regarding left-turn lanes. Mr. Gusty said Wooster & Associates is working with PennDOT on that and improvements would have to be made to Manor Road with a turning lane onto Wilson Road. He also said there will be a turning lane added to Wilson Road and the road will be widened and he believes there is a proposed signal at Manor/Wilson. When asked about the volume of traffic expected, Mr. Gusty said he wasn't sure what it was but that a traffic study had been submitted to staff. He added that they are getting ready to do geotechnical work at the site – a consultant has been hired to do borings and a soil report. He added that separate site plans will be submitted for each individual phase as it is developed.

Chief Administrator Jim Morrison asked if the health center is proposed to be public or private. Mr. Gusty said he believes it will be private. Regarding the traffic study, Mr. Morrison said when the original study was submitted, the counts were taken on each individual unit as it was developed and built out; what is now being proposed is by ITE information (corporate park) which generates a different set of calculations for the average daily traffic. Wooster & Assoc. is working with PennDOT on that issue.

Mr. Yant noted that the buildings are all private and asked if the retail center will also be private. Mr. Gusty said it will. Mr. Mitall said the Commission is being asked to review and comment on this as a preliminary site plan and asked if everything has been submitted. Ms. Welsh said everything has been submitted. Mr. Mitall asked about the time on beginning Phase I; Mr. Gusty said probably later this year. Mr. Mitall said it seems as though the requirements for a preliminary subdivision plan are more stringent than what is being asked for with this project and asked if that is what the ordinance states. Mr. Muzika said this is like a Google campus - a closed audience – a non-public facility. Mr. Morrison said that is how it has been defined to him. Mr. Mitall asked about the sports complex and restaurant. Mr. Morrison said, as part of the traffic study, submissions were made under the definition of the ITE manual that this is a town center complex, or a captured clientele by definition. Mr. Muzika said, in other words, he would not be able to visit the restaurant. Mr. Morrison said that wasn't what he said; the restaurant is in support of the other activities on the site and the restaurant would be public. Mr. Mitall said the sports medicine complex would be for individuals to go and get “worked on” and the restaurant and retail would be the same. He would guess that it's a 50-50 captured audience/employees of DNA. Mr. Fusting approached and said there will be approximately 500-600 employees, so the restaurants and other services will be utilized by those employees. There could be outside employees using the restaurant, but the bulk will be DNA employees. There was discussion on the retail space, some of which will be designated strictly for employees (gym) and others for the public. Mr. Muzika said he isn't comfortable with the thought that it might be 90% private and 10% public, and then maybe 2 years later change it to 80-20. He said he was confused and the percentage would depend on how it is treated; he mentioned specifically parking spaces. Mr. Gusty said the parking meets the ordinance, whether it's public or private, and is based on the square footage.

There were no additional questions from the Commission members. Mr. Kansler moved to recommend this to Council with the conditions outlined by staff in the comment section of the briefing. Mr. Muzika seconded. Mr. Yant abstained – all others present voted aye. Motion approved.

Old Business: Markosky Final Traffic Feasibility Study Alternative Recommendation

Mr. Mitall noted that over the past few weeks, members have gotten updates on the study and said that the real concern is the Old William Penn/Sardis Road intersection and there have been discussions on building bridges and other alternative ways of getting traffic through that area – none of which address the issue of the bad intersection, which will be expensive but needs to be fixed.

Mr. Kansler said that the Commission's charge from Council is to look at the Franklintonne Court/Logan Ferry/Sardis area, have a study commissioned, and look at the results for that one area. He said he understands that the bigger concern is how that feeds into Old William Penn to Rt. 22, but the charge was to look at the initial smaller scope.

Mr. Yant said he doesn't disagree with Mr. Kansler, but in looking at it from that perspective, he sees that a lot of tax dollars will be spent to build a new bridge and a new road – or more – depending on the final plan. He doesn't believe any of the suggested plans are feasible to get to Rt. 22 or go behind Brookside to Old Rt. 22 and said members were left with 2 or 3 reasonable things to do: (1) replace the bridge in place, (2) go out to Sardis Road and put in a new road connecting Logan Ferry above; and (3) remove the Heather Highlands bridge. He continued that removing the Heather Highlands Bridge will make a dramatic change in the emergency services' response to that area. He said that no matter if the plan is to go out Sardis or at the current location, there is still going to be the same number of vehicles at the intersection mentioned by Mr. Mitall. Mr. Yant said his concern is that the people that now stack on Logan Ferry Road are going to stack on Sardis Road past the turn, which is already an area where there are a fair number of accidents. He recommended just fixing both the bridges in place (Heather Highlands and Franklintonne Road).

Mr. Kansler said that, from his perspective, alternative 5 is going to cost more than \$10 million and people will have to be removed from their houses; he doesn't believe that alternative is palatable given the cost and having to move people out of their houses. Alternative 2 is \$7.5 million, which is much higher than what he anticipated the budget would be for that project. He believes that alternative 1 is an option and alternatives 2 and 3 are also affordable. However, in reading the summary of alternative 3, he doesn't believe it addresses a lot of the issues; therefore, his opinion is that alternative 1 or 2 is a better, feasible option. He said he agrees that it doesn't lessen the load on Sardis, but his thought process is that it takes out another tricky intersection that people have to navigate with Franklintonne Court trying to get onto Sardis with people already queuing, which might cause additional delay. He agreed with Mr. Yant that it doesn't relieve another part of the problem, which is the load that Sardis Road continues to have.

Ms. Hartzell said she is still in favor of keeping both bridges and believes the road from Logan Ferry to Sardis should be done now, but she is in favor of doing something with Old William Penn Highway/Sardis Road sooner than later.

Mr. White said he is new to the committee and wasn't aware of the background between what Council tasked the Planning Commission and Traffic Advisory Committee to come up with the options. He said he believes everyone agrees that the main hindrance is Old William Penn Highway and Sardis and suggested that the Commission go back to Council and say that intersection should be the number 1 priority and tackle the other ones at a later date. He said this might be a naïve approach but, as a new person, it makes sense to him.

Mr. Muzika said he thinks everyone agrees not to lose any infrastructure or close any existing bridges. Other than that, it doesn't seem that they can agree on anything but should address the situation suggested by Mr. White. Mr. Kansler said the problem is that there is a timeline on using the funds available for this project.

Mr. Kansler made a motion to recommend to Council alternative 1, with the rehabilitation of the Franklintowne Court Road Bridge and the Heather Highlands Bridge. There was no second to the motion; motion failed. Mr. Yant moved to recommend the alternative regarding rebuilding the Logan Ferry Road Bridge at Franklintowne Drive, rehabbing the Heather Drive Bridge, and widening Sardis Road. Mr. Bosetti asked if anyone considered a roundabout. Mr. Mitall said he thought it was considered, but there is no room. There was continued discussion and Mr. Mitall said he thinks the Old William Penn/Sardis intersection should be done, even though it will cost a lot. Mr. Yant said that, either way, the Franklintowne Bridge has to be rehabbed or the Heather Drive Bridge has to be rebuilt or removed. Mr. Mitall said he believes everyone is in agreement that both bridges have to be kept. Mr. Yant then moved that none of the alternatives be recommended to Council, but that both bridges be rehabbed as required. Mr. Muzika seconded. All present voted aye. Motion approved.

SP-4-18; CU-1-18, Titan Well Pad, 6109 Bollinger Road, 71 Acres, R-R Zoning District

Mr. Mitall noted that this application has been before the Commission on several occasions and a list of conditions has been recommended by staff. He asked if there is also a list of conditions for the site plan and was told by Ms. Welsh that those conditions are included in the documents before the Commission. Mr. Mitall referenced a letter sent to the members by Attorney Sittig and asked if Mr. Sittig wanted to make any comments. Mr. Sittig said the letter was confirming more details and citing applicable references on the preemption on the water and air monitoring conditions suggested by the consultants. He noted that all conditions are legal if the applicant accepts them; however, the conditions were presented and the applicant has objected.

As far as SP-4-18, Mr. Yant said the document lists the permit conditions (land development), cost estimate, bond, water management, certificate of compliance – all of which have been met or to be provided – and the other 2 items are beyond the purview of the Commission. Mr. Yant then moved to forward this to Council recommending that items 1-4 be accepted as written. Mr. Sittig noted that on the bottom of the page, under conditional use conditions (the

condition requiring a gas pipeline transportation narrative prior to a land operations permit) he was just informed that the well is most likely going to be drilled so they will need a land operations permit even before they identify the gas transportation. His suggestion is to consider modifying that to note that a site plan approval is going to be needed for a gas line, separately. Mr. Yant then modified his motion to state that, upon receiving a location of the gas line, a site plan for the gas line would be required. Mr. Sittig clarified that, for the land operations permit for the well, they will be able to drill the well and develop the site, but will have to come in separately with the gas line plan. Mr. Muzika seconded. All present voted aye. Motion approved.

Mr. Sittig noted that the condition he referred to as noted above was in the CU application, not the SP application. He said that, on the land development, the only requested change is in the last condition at the very end on the air quality. The last bullet point talks about reports being generated; it is his understanding, after being advised by the applicant, that there is no record of that tap and it is just an alarm system. Therefore, he is recommending that the SP conditions be accepted with the deletion of that last sentence. Kate Gafner responded that was correct and it's her understanding that the LEL monitors and monitors on the site during drilling operations are just for safety purposes and not recording. She continued by saying that there is a requirement that HHEX provide a detailed plan in cooperation with the Municipality's air consultant for the location of the monitors. She respectfully requests that the placement of those air monitors be allowed to rest with HHEX because they're the ones who build and understand the monitors, so it's important that HHEX has control over where the air monitors are placed during the operations. That was the only other request HHEX had with request to the land development approval. Mr. Sittig said that request is consistent with the recommendation he made that the Municipality's air consultant had no authority to approve or deny. Mr. Mitall said that condition was actually under the site plan and Mr. Sittig agreed. So the condition would read to "...supply a detailed plan **to** the municipal air consultant identifying the location and reporting parameters...." Mr. Mitall said it looks like SP-4-18 will have to be re-done. Mr. Yant said he didn't see why because if the first sentence says they are not allowed to impose conditions, then how can they? Mr. Sittig explained that HHEX has said they don't have to, but are willing to supply it but they don't want any approval authority, so they will notify the Municipality's consultant where they are. They don't want to have to have the consultant's approval is what they are willing to accept. Mr. Yant modified his original motion to approve, but to change the wording in the last condition [re: air quality] regarding supplying a plan and deleting the last sentence. Mr. Kansler seconded the amendment. All present voted aye. Motion approved.

Mr. Kansler asked if they have received clarification as to whether the water is to be piped in or trucked. Ms. Welsh said they have not received that information. Mr. Mitall said the items noted are not really conditions, but the Municipality has asked HHEX to address issues regarding Silvis Road having narrow cartway widths, Silvis/Hilty Road intersection having turning radius issues, Hilty/Bollinger Road intersection having turning radius and sight distance issues, and Bollinger Road having narrow cartway widths and site distance. Mr. Yant asked the members if the traffic conditions as listed on pages 2 & 3 are acceptable. Mr. Sittig said yes and that the applicant has asked for clarification on the mileage and how that's going to apply.

Mr. Sittig pointed out conditions regarding safety training and noted that the Municipal inspector won't be inspecting the operations of the gas well, but the safety of the site. Other conditions in that section are standard conditional use conditions. Mr. Sittig noted that the last bullet point on page 1 was previously discussed and that the land operations permit will not be related to the permit for the pipeline. The first two bullet points under Acoustic Conditions are acceptable, and it was also agreed to provide higher sound barriers. When asked if members had any questions on the conditions proposed by the staff, Mr. Yant said he cannot accept the final item under Acoustic Conditions because there are big differences between the seasons when people are outside in the summer. Mr. Sittig said it is his understanding that HHEX is going to begin operations in the same season that they will do the tests, so it may not be an issue and asked Ms. Gafner to comment. She said that construction is anticipated within the next 12 months, so there won't be the possibility to conduct another acoustical test during every season because construction is going to begin before that can take place. Mr. Yant said that, as he understands it, at certain times during the evening and on the weekends, HHEX cannot meet the sound requirement. There was additional discussion about the ambient noise and the requested waiver.

Mr. Mitall asked Ms. Gafner if there were any issues other than the noise condition. Ms. Gafner asked for an additional clarification regarding the PennDOT approval to utilize Hilty Road. The condition notes that HHEX would have to show that Hilty Road has been added to the existing EMA with PennDOT and asked only that it be required to show that PennDOT has approved the use of Hilty Road. None of the members indicated they had a problem with that request. Mr. Yant asked that the word "shrill" be struck from the first bullet point on page 4 because he felt that was subjective. Mr. Morrison was not in agreement with HHEX's request to remove the reference to the EMA with PennDOT because the EMA was in there to ensure that Hilty was brought back to whatever condition existed prior to the traffic impact, whether it is a bond or traffic impact fee. Staff wants to see an arrangement with PennDOT to bring the road back up to standards. Mr. Sittig suggested that the condition read "EMA or its equivalent." Mr. Morrison said that was fine. Mr. Yant moved to accept CU-1-18, but strike the last paragraph in Acoustic Conditions. Mr. Morrison asked if the Commission is recommending approval of HHEX's request for a waiver, because they go hand-in-hand. Mr. Yant said he is requesting approval of the waiver. Mr. Muzika seconded the motion. All present voted aye. Motion approved.

Other Business: Mr. Yant asked on the status of the Neuwirth application. Ms. Welsh said she is still trying to get in contact with the surveyor to get final confirmation. Mr. Yant asked if, when it comes back before the commission, it will be for a lot line revision. Ms. Welsh said that was correct. Mr. Kansler asked about the GetGo application and was advised that it is still with PennDOT. Ms. Welsh also advised that Zips might be coming back before the Commission.

Adjournment:

Mr. Yant: Moved to adjourn at 8:07 p.m.

Mr. Kansler: Seconded

Motion Approved: 5-0