

**UPPER PROVIDENCE TOWNSHIP
PLANNING COMMISSION MEETING
WEDNESDAY, July 13, 2016**

A meeting of the Upper Providence Township Planning Commission was held at the Upper Providence Meeting Hall, 1301 Black Rock Road in Phoenixville, Pennsylvania on Wednesday, July 13, 2016. The meeting was called to order at 7:00pm. Attending were Planning Commission members Dave Evans, Chris Caggiano, Charles Stoll, Paul Newlin, and Robert Heist. Also in attendance was Township Solicitor, Joseph Bresnan; Assistant Township Manager, Bryan Bortnichak; Township Engineer, William Dingman; Township Planner, Geoff Grace; and Township Traffic Engineer, Ken O'Brien.

1. **Approve Minutes of the May 25, 2016 Planning Commission Minutes:**
Chairman Evans called for a motion to approve the meeting minutes of the Planning Commission's May 25, 2016 work session. Mr. Caggiano made a motion to approve the minutes. Mr. Heist second the motion and the motion passed 5-0.

2. **Approve Minutes of the June 22, 2016 Planning Commission Minutes:**
Chairman Evans called for a motion to approve the meeting minutes of the Planning Commission's June 22, 2016 work session. Mr. Caggiano made a motion to approve the minutes. Mr. Heist second the motion and the motion passed 5-0.

3. **Shoppes at Upper Providence, Plan#8-001 017-1122(CU), 1831/1835 Ridge Pike:**

*Present: Joseph Bryon, Applicant's Attorney
Michael Jeitner, Applicant's Engineer
Robert Hill, Applicant*

Mr. Bryon proposed a bank with two drive throughs.

Mr. O'Brien requested additional signage in his letter.
All letters are will comply.

Mr. Caggiano made a motion recommending that the Board of Supervisors approve the request of the Shoppes at Upper Providence. Mr. Stoll second the motion and the motion passed 5-0.

4. **Shoppes at Upper Providence, Plan#8-001 017-1120(PLD), 1831/1835 Ridge Pike:**

*Present: Joseph Bryon, Applicant's Attorney
Michael Jeitner, Applicant's Engineer
Robert Hill, Applicant*

Mr. Bryon filed for Preliminary Sub-Division and Land Development Plan. The Applicant added a letter dated 6/30/2016 from Bohler Engineering. Mr. Bryon explained that they would comply with all letters from the Consultants with the exception of the 8 waivers in the Waiver Request Letter of 7/13/2016.

Mr. Dingman has two items of concern. One is the rear property line grading to enhance the protection of the existing vegetation in that area. The second item was the southwest corner along Ridge Pike there is a low point in that area that the Applicant is grading and there is a 20" pipe that runs under Ridge Pike that doesn't show on this plan and the pipe will get looked at and make sure it doesn't cause a ponding issue in that corner.

Mr. Jeitner discussed a few of the waivers on the Waiver Letter of 7/13/2016. They are installing the fence on the new berm on Lot 1 and requesting to install a 2 to 1 side slope as opposed to the required 3 to 1, this also help maintain the trees Mr. Dingman has inquired about. The Consultants did not have any issues with that request. They will maintain the existing trees on the property line. Regarding the pipe, they are capturing more storm water on-site so there should be less water run-off into that natural low point. The Applicant will work with the Engineer to address this concern even though it is not on their property.

Mr. Dingman will be adding new minimum criteria's to the waivers. Mr. Jeitner is fine with this. Also Item #8 of the Boehler letter, dated 6/30/2016, reads a 20' setback for an easement for road and sewer. The buffer is 20', but not less than 15' in the top left corner. Mr. Caggiano clarified that all is will comply outside of the Waiver Letter and the Boehler Engineering letter of 6/30/2016. Mr. Grace said he still had some architectural concerns, but the recommendation is pretty clean. Most items meet the spirit of the Ordinance and he's comfortable with that.

Mr. Heist asked Mr. O'Brien regarding the replacement of a portion of the island median with striping at the entrance on Ridge Pike. Mr. O'Brien explained that they removed a portion of the island at the entrance with striping for trucks to turn in so they wouldn't be hitting the concrete and breaking that apart.

Audience Comments:

Mr. Rick Collier, of Land Concepts is working for the neighbors around this parcel and with the Owner, Robert Hill.

Mr. Collier said Mr. Hill was very receptive to recommendations. Storm water

management on the right hand side with a berm to a width of about 45', noise fence and landscaping, possibly with evergreens. Revised plans came back.

1-Question about one of the property lines came back and was re-surveyed. The neighbors also surveyed, and the line was in a different place.

2-There is a row of arborvitae trees on the proposed development property and the homeowners would like them to remain after construction.

3-There was a short discussion regarding changing the slope back to 3 to 1. Mr. Dingman said this was a much steeper slope and higher berm. Mr. Collier explained that this was exactly what they were trying to achieve.

4-Instead of 37 White Pine trees the homeowners would prefer Spruce or Fir trees and they would like the Evergreen trees proposed to have an 8'-10' start not the suggested 6'-7' start.

5-Since the berms will be hard to mow at either ratio, they would like to see a groundcover of turf-being warm season grasses and wild flowers. This should keep the mowing down to only a few times a year.

6-The homeowners would like to specify the fence color as an earth tone, and where the gaps are in the fencing they would like to see gates put in to keep out trash, animals, and people.

7-The homeowners would like a copy of the Maintenance Agreement so they know the berm and back area will be taken care of and not left to be overgrown.

8-The dust, trash and delivery trucks are considered to be nuisance factors. The homeowners would like to propose a new location for the dumpsters or to have them enclosed. They would also like to have the delivery trucks and work hours committed to only during normal business hours. The homeowners would like strict, regular dust control.

Ms. Pam Bauman of 110 Berkshire Lane feels that the Arborvitae trees fall on her property line and there is a discrepancy between the 2 surveys. Mr. Bresnan explained that it is a private dispute-not a dispute that will be dealt with during the Plan Development approvals. Mr. Bryon said that they were trying to work with everyone to keep everyone happy and keep all of the trees.

Mr. Scott Bendig of 106 Berkshire Lane said that Mr. Hill has been very helpful. There was a discrepancy about the property line and he had concerns about the fence touching the White Pines. Mr. Hill made assurances they would move the fence back 3' to allow the trees room to grow. They all agreed and he is happy. Mr. Bryon discussed no adverse possession, they would write up some paperwork for everyone interested to sign.

Mr. Carl Colliluori of 108 Berkshire Lane also has no issues taking care of this extra piece of property.

The grocery store operation was questioned and Mr. Bryon said they are allowed to operate 24/7. They don't know at this time the exact hours the store will be open

and aren't willing to set a time to it yet.

The Noise Ordinance was questioned regarding operations and truck deliveries. Mr. Bortnichak said they can be open 24/7 but they will have to follow the Township's Noise Ordinance.

Mr. Mike Boyd of 12 N. Township Line Road has been working with Dave and Robert regarding the fence down the left side to Wes Jackson's property line. He also has an issue with a septic system and keeping the fence away from it a few feet. Mr. Hill said they would agree to this also.

This discussion led to a lateral discussion-Mr. Dingman brought up the fact of needing a lateral easement before all of the landscaping gets done.

Ms. Donna Colliluori of 108 Berkshire Lane wanted to make sure that the fact that Mr. Hill offered them 8 Evergreen trees on their property was in the notes and that she would like them later in the development rather than sooner. Mr. Hill agreed.

Mr. Evans brought up the point that a 7' slope and an 8' berm is 15' total. Mr. Collier agreed that 15' is substantial. Mr. Dingman is ok with either 2 to 1 or 3 to 1 slope. Mr. Jeitner explained that a 2 to 1 slope sounds good, but in reality it brings the berm and fence much closer to the property line.

Mr. Jeitner went through the list and answered the list of recommendations from Mr. Collier.

Regarding the fence and gates, the Applicant is willing to put in gates.

The Applicant agrees to plant Fir and Spruce trees, but not the 8'-10' variety, and agrees to plant better cover on the berm.

The Applicant agrees to the fence color chosen.

There is a Maintenance Agreement of 18 months-after that it is the property owners responsibility to maintain.

The Applicant refuses to move or cover the trash, it's not possible. Mr. Caggiano said this is more than likely a high end grocery store and you won't have problems.

The Applicant has to follow the Township's Noise Ordinance and the dust control will be handled by spraying and is regulated by the Conservation District.

Mr. Collier recommended they not use Red Oak trees, they get diseased easily.

Mr. Jeitner agreed to having the fence 2' off the property line consistently and having a gate mid-point at 42/43.

Mr. Caggiano made a motion to recommend to the Board of Supervisors to recommend the Preliminary Land Development Plan#8-001 017-1120(PLD) with conditions that;

1-The Applicant address the technical deficiencies as outlined in the consultant review letters from Grace Planning Associates of June 15, 2016 and July 6, 2016, Gilmore Associates of June 14, 2016 and July 12, 2016, and McMahon Associates of June 10, 2016 and July 12, 2016, Upper Providence Fire Marshal of June 2, 2016 and July 7, 2016, and Suburban Lighting of May 20, 2016.

2-Requested waivers be granted subject to the conditions that curb radii be no less than 4.5" and that a minimum 1f 15' setback be maintained to non-fuel utility easements. Mr. Heist second the motion and the motion passed 5-0.

Mr. Caggiano made a motion to cancel the July 27th Planning Commission Work Session. Mr. Stoll second the motion and the motion passed 5-0.

5. Adjournment:

Mr. Caggiano made a motion to adjourn at 8:30pm. Mr. Stoll second the motion and the motion passed 5-0.

Respectfully submitted,

Chris Caggiano
Upper Providence Township Planning Commission