

BOARD OF SUPERVISORS SPECIAL MEETING /HEARING FOR
MODIFICATIONS OF CONDITIONS FOR PENN GRANT COMMONS,
October 3, 2012 AT 7:00 PM

Minutes of the Pequea Township Board of Supervisors special meeting / hearing held October 3, 2012 at 7:00 p.m. at the Pequea Township Municipal Building, 1028 Millwood Road, Willow Street, PA 17584.

Present at the meeting were:

Board of Supervisors
Jay Reynolds, Chairman
Bill Schall, Vice-Chairman
Harry Lehman, Supervisor

Others present:

Connie Kauffman, Twp. Secretary
Matthew Crème, Solicitor
Mark Deimler, Zoning Officer
Randall Hess, Applicant, Oak Hill Partners
William Swiernik, David Miller/Assoc., Inc.
Sign in Sheet Attached

Pledge of Allegiance

ANNOUNCEMENTS:

- This conditional use hearing has been advertised and posted in accordance with the requirements of the Municipalities Planning Code (“MPC”) and the Sunshine Act. The property has been properly posted in accordance with Sections 603©(2) and 908(1) of the Municipal Planning Code.

PUBLIC HEARING OF THE OAK HILL PARTNERS CONDITIONAL USE APPLICATION FOR THE MODIFICATION OF THE PREVIOUS CONDITIONAL USE CONDITIONS AND THE REDESIGN OF PHASE 4 OF THE PROJECT KNOWN AS PENN GRANT COMMONS TO INCLUDE A COMMERCIAL COMPONENT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF PENN GRANT ROAD AND WILLOW STREET PIKE.

Supervisor Reynolds turned the meeting over to Solicitor Matthew Crème who explained the meaning of being a party to a zoning proceeding.

Cynthia Evans-Herr, 642 Millwood Road, stated why she should be considered for party status. Since the Applicant had no objection, Supervisor Reynolds moved to allow Cynthia Evans-Herr to be a party to the proceedings. Supervisor Schall seconded the motion. All voted in favor, none opposed.

Mr. Crème verified with Zoning Officer Mark Deimler that the property was posted, this hearing was advertised according to the Municipal Planning Code requirements, and proof of advertisement was returned from *Lancaster Newspapers*. Mr. Deimler said a written waiver letter has been submitted by the applicant to extend the timeframe.

Mr. Swiernik, Landscape Architect, and the Applicant, Randy Hess requested modifications to the section referred to as Phase 4 of the original Conditional Use Decision approved on April 28, 2010. Mr. Swiernik presented five modifications for the Board of Supervisors to consider approving. These modifications are supported in the narrative portion of the letter from Mr. Swiernik to Mr. Deimler dated July 16, 2012. Mr. Swiernik explained a traffic assessment prepared by Grove Miller Engineering, Inc. to evaluate the proposed Phase 4 plan modifications.

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PARTY QUESTIONS:

Ms. Evans-Herr asked about the two retail spaces.

Mr. Hess replied that ideally he would like two tenants, although he has no definitive number.

Mr. Crème read the definition of a “Neighborhood Center.”

Mr. Deimler said the particular use of a Neighborhood Center is not defined in the Zoning Ordinance.

Ms. Evans-Herr questioned what a “Neighborhood Center” is in relation to traffic.

Mr. Swiernik replied the traffic assessment was done to project the worst case scenario.

BOARD QUESTIONS:

Supervisor Lehman stated the agreement in 2010 was to pay a \$50,700.00 fair share traffic contribution based on 169 units and asked if they would still pay the same amount even if units were reduced.

Mr. Hess said he is still willing to pay that same fee.

Supervisor Lehman asked if Oak Hill Partners would still pay the \$900.00 per dwelling unit even though the number of dwelling units was reduced.

Mr. Hess agreed the township would receive the same amount of money as previously negotiated.

PUBLIC QUESTIONS:

Jackie Johns, 23 Pine Lane, questioned sustainability.

Mr. Hess defined sustainability as a product that will allow a business to survive or thrive in a given location.

Ms. Johns asked how they came up with 4000 or 5000 square feet for retail business sizes.

Mr. Hess said it was based on the traffic assessment and the dimensions may be split into smaller sizes.

Ms. Johns asked about the possibility of a gas station.

Mr. Hess said a gas station is being considered.

Ms. Johns asked if they considered the impact of a gas station on accidents.

Mr. Hess replied that he hired engineers to do the traffic study.

Ms. Johns asked if a commercial center and increased traffic is an enhancement to his neighborhood center.

Mr. Hess agreed it is an enhancement if done properly.

Ms. Johns asked about landscape modifications and if a traffic light has been considered for Penn Grant Road and the development intersection.

Mr. Swiernik said he doesn't think the threshold would be crossed for a traffic light at that location.

Suzi Schaum, 50 Hill Road, questioned the ownership of the commercial component.

Mr. Hess said his intention is to retain the project, but he cannot commit to that.

Ms. Schaum asked about the sustainability of this proposed development and about the greenery.

Barbara Bowser, 16 Wyndmere Way, asked when this project may be completed.

Mr. Hess estimated completion would be in a minimum of one year.

Bob Bear, 2 Fisher Terrace, asked questions about the proposed design.

Mr. Hess cited Richmond Square as an example and said this type of design is very popular.

Ms. Evans-Herr asked if they know the population count in the surrounding area.

Mr. Deimler asked about sustainability and the viability of a commercial project.

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Mr. Swiernik said the community is required under their Comp Plan process to determine their needs and how to distribute their land uses and agreed that the MPC does not require a municipality to look at the viability of a commercial project.

Mr. Deimler asked about a PennDOT traffic impact study and about negative impact to the roadway.

Mr. Swiernik said when this project is submitted for approval it will have to be presented to PennDOT and agreed that the developer would be required to mitigate negative impact to the roadway.

Mr. Deimler asked about lighting if a convenience store would be a potential tenant.

Mr. Swiernik said low-glare lights would be used.

Mr. Deimler asked about architectural style and layout.

Mr. Hess said it will be a minimum 50% masonry and Mr. Swiernik said a good model has been created.

Mr. Crème asked Mr. Hess if it was agreeable, unless revised by any decision the Board might make on this application, the prior Board 2009-1 Decision was to remain in effect.

Mr. Hess said he was agreeable.

PUBLIC COMMENTS:

Ms. Johns commented we do not need a commercial property at that intersection and if it is approved, she asked we keep the entrance and exit on Penn Grant Road. Ms. Johns asked the Supervisors not to permit a gas station and to consider renegotiating to be paid for all the trouble. Supervisor Lehman asked if the applicant will still agree to pay for our legal or engineering expenses. Mr. Hess said he will.

Mr. Deimler said that Pequea Township doesn't have the legal ability to assess a traffic impact fee on any developer.

Supervisor Reynolds moved that the testimony and the hearing of Oak Hill Partners Conditional Use Hearing be closed. Supervisor Lehman seconded the motion. All voted in favor, none opposed.

Mr. Crème explained the decision process to the Supervisors.

The Board of Supervisors met in Executive Session for consultation with the Solicitor at 8:18 p.m. The Hearing reconvened at 8:41 p.m.

Mr. Crème explained that in the Executive Session, the Supervisors asked Mr. Crème to draft a motion for the Board's consideration. If an oral decision is made, a written decision must follow.

Supervisor Reynolds moved approval of the requested revision of the decision in 2009-1 to permit the proposed neighborhood center and to grant the five requested modifications of design standards conditioned on all of the conditions of approval in the decision in Application 2009-1, particularly conditions 40 and 41 regarding required payments of the developer to the township, with the following additional conditions: 1. Any convenience store canopy lighting shall be recessed into the canopy, 2. The architectural design of the neighborhood center structure shall be consistent with the design of the residential portion which has been described as "Craftsman style" with at least 50% masonry facade. Supervisor Lehman seconded the motion. All three Supervisors voted in favor.

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Supervisor Reynolds moved to adjourn the hearing for Oak Hill Partners. Supervisor Lehman seconded the motion. All voted in favor, none opposed.

MEETING ADJOURNED at 8:46 p.m.

Respectfully submitted,



Connie Kauffman, Township Secretary

Sign-In Sheet

2012-10-03 Special BOS meeting + Hearing

Jane Guyard

Jackie Johns

~~Christy Adams~~

Eigine Jones

~~Robert T. Emswiler~~

~~Joe Long~~

Walter McAdam

Emily Bowse

Barbara Bowser

~~Martha Adams~~