

**Planning Commission  
Minutes  
July 13, 2020 VIA ZOOM  
7:00 PM**

**Present:**

Brett MacKay  
Douglas Leach  
Joseph Vavra  
Dennis McGeehan  
Nancy Becker (in-person)  
Patricia Younce

**Staff:**

Carolyn Shisler, Asst. Zoning & Planning Officer  
Jennifer Guckin, Director of Community Planning and Code Enforcement  
Mary Stover, Township Engineer

Roll call via zoom 7:06 PM – The above named were present and Ed Buonocore and Matt Chartrand were absent.

Ms. Guckin introduced the staff present at the Township building as well and the residents present Ms. Swanson, Ms. Picozzi, Ms. Paillard and Ms. Sendelgrant. One resident via zoom, as well as Chad Dixson from McMahan.

Mr. MacKay had some video trouble via zoom, so Ms. Guckin asked if it was OK for Ms. Younce to proceed as the Vice Chairman and run the meeting. Mr. MacKay agreed.

Ms. Younce - call meeting to order at 7:07 PM

**Approval of the June 8, 2020 Planning Commission Meeting Minutes**

Ms. Becker made a motion for approval of minutes for June 8, 2020 and Mr. Vavra seconded. All were in favor.

**Old Business:**

LD 818 Core 5 Warehouse Facility

Presented by:

Mr. Mike Clement - applicant attorney

Mr. Brian Reisinger

Mr. John Anderson

Mr. Paul Pontius

And the Applicant/owner - Mr. Bruce Heck and Mr. Jon Grosser

Mr. Clement presented the property and showed its location on Wambold, Allentown and Fretz. He explained the most important issues relate to traffic and water. Mr. Guthrie will present regarding traffic.

Mr. Clement explained this is a large industrial tract and it will generate traffic and it will have a large usage and also that storm water is completely controlled.

Mr. Clement stated in regards to the traffic, the applicant is going to provide a walkway for pedestrians. The applicant will work with Penndot and the Township and will prohibit trucks from using Derstine Road. The applicant will optimize signals during peak hours. With respect to the water, Mr. Clement stated the applicant has met with the requirements of the Township for storm water and also other measures which far exceed the Township ordinance regarding water run-off.

Mr. Clement asked Ms. Younce to allow the applicant to address the traffic and water issues and then they will go over the review letters for this project. He stated they plan to comply with all of the comments except for the items they will request a waiver for.

Ms. Younce stated that is fine with her.

Mr. Clement handed over the presentation to Mr. Anderson regarding the water issues. Mr. Anderson spoke regarding this presentation and the plan presented this evening.

He showed an aerial photograph and explained the location, the size, and the roads it borders.

Mr. Anderson showed the Planning Commission members the PECO easement and the location of high tension lines through the easement. Mr. Anderson explained the top section of the LI District section and stated it is the main subject for this project. He then showed the lower portion in the R175 District- and explained this is the residential portion. Mr. Anderson showed this project to contain a subdivision; one portion will be retained by Core 5 and the second parcel will be retained by the current owner and will remain in the R175 District.

Mr. Anderson showed a slide regarding a rendering of the various improvements for this project and development. He stated there will be 3 buildings and the total building area is just under 600,000 square feet. Mr. Anderson showed there are two access points to this project and explained the entrances and how each of them will work. Mr. Anderson stated there is multiple provisions for parking for passengers and a separate parking area for truck traffic and a loading facility. He stated the truck area is isolated.

Mr. Anderson went over the drawing and showed the PECO easement area on the presentation. Mr. Anderson showed they are including a portion of the R175 District for an above ground retention basin. He showed on the presentation where the residential portion is and explained it will be retained by the current owner and explained this will be a 2 lot subdivision.

Mr. Anderson went over both the underground and above ground retention facilities and he showed on the map where these retention areas will be located. Mr. Anderson also explained that the underground retention basins will distribute the water to the above ground retention basin.

Mr. Clement reiterated how the discharge is dispersed. Mr. Anderson added it will then discharge to a stream onsite and nothing will be discharged off of this property.

A small portion goes to the Penndot discharge, but all of it meets the requirement for discharge.

Mr. Anderson went over another slide representing the above ground basin which is approximately 7 acres. He explained the area where the water will drain and went over how it is regulated. The berm will be off the southern property line; which allows landscaping and an overflow swale if the basin fails for any reason.

Mr. Clement interjected that the overflow swale and berm Mr. Anderson was describing is a second fail safe.

Ms. Becker asked if there is a berm, a basin and a swale and Mr. Anderson said yes, two swales and a basin and a berm.

Mr. Clement asked if they can now present traffic issues. Mr. Guthrie presented the information regarding traffic. He went over the slide, but first gave a little about his background. Mr. Guthrie - project manager with Traffic Design. He stated they have addressed all comments and the study has been approved by PennDOT. Mr. Guthrie explained that 90 percent of truck traffic will go along Wambold Road to the turnpike. He went over the entire plan and stated they will also add custom signage directing all trucks to Wambold Road and not onto Derstine Road.

They explained where the trucks are restricted from going and where they will be routed to go. The applicant plans to have signage to direct all trucks to turn left onto Wambold Road to the turnpike and not right toward Derstine Road, where no trucks are allowed. Supplemental signage will also be placed on the roads. Truck route signs will be placed on Allentown Road. They will be looking at the traffic signals and see what results in peak hours and then mitigate the already existing issues. He stated they believe they can direct all truck traffic and meet all standards. Mr. Clement thanked Mr. Guthrie and said he will be back to the traffic issue to answer any questions.

Mr. Anderson went over the letters. Mr. Clement stated any comments not addressed in the letters are a "will comply".

Mr. Anderson went over CKS Review letter dated 7/9/20 - third revised preliminary and final.

1. Regarding the mature trees along Wambold Road – they are seeking approval for removal of these trees. They followed the tree replacement ordinance, identified what is there and what is being removed and will agree to come to an agreement with the Township
2. The PECO approval for anything in the easement. Seeking this from PECO and they are confident they will receive this for the underground utilities
3. Parking: 80 percent of required parking. Requesting to place 20 percent of the parking in reserve. And they are asking for approval to hold 118 in reserve.
4. The deed restrictions on the plan - restrictive covenant. The deed stated if the property was not developed then no longer applicable. Mr. Anderson explained the restrictive code is self-eliminating.

Proposing to construct a retaining wall and will get approval from PECO

Page 3, Item 3 for repairing the corridor and Mr. Anderson stated they will schedule a meeting with the engineers and will make amendments to the plans per that meeting for this.

5. Storm water management basin – they provided an emergency action plan and have no problems making this part of the plans. (B)- Existing swale and will move it to provide more coverage and vegetated area. Will comply on many of these issues.
6. Indicating the proposal of retaining walls and will provide calculations, they will comply.

7(D). Protective fence around basin and location they will go over with the engineer. And this is a will comply.

8. Underground GEO tech. Will provide reports to Township engineers. Will follow up with a report and are in agreement with the plans and might adjust some of the plans and will coordinate with CKS

9. and 10. are a will comply.

11. B, C and D design issues are all a will comply.

Mr. Anderson went over the Water Facilities Section 4 Sanitary discharge rates have been submitted and they expect to have an approval.

A Waiver request or deferral for requirement to widen the streets of Allentown or Fretz as no improvements are being made on those streets.

Deferral for sidewalks as they are providing improvements along Wambold, but not providing curbs, and the same for Allentown and Fretz Roads.

Waiver request for trails along Allentown Road, Fretz Road and an unopened paper street. And a Waiver request to provide trails on those roads. They will provide trails along Wambold Road.

Waiver request for parking for stalls - for tractor trailer parking areas only. The passenger parking complies with this requirements.

Waiver request for slopes - asking for 3 to 1 slopes for the basin itself. This is to gain more volume areas for the basin area.

A waiver request for inlets measuring 4 feet, as they are seeking a waiver for some areas.

A waiver request for storm sewer concrete pipe and plan to use the allowed HDPE poly pipe - RCP for the PennDOT right-of-way.

A waiver request from storm water collection 15 feet per second - as to not provide a minimum. All pipes are on site.

Ms. Becker stated this would be a waiver or a fee because there is an ordinance.

Mr. Anderson stated MCPC generally supported the application in their review letter. One comment on their review, which they have addressed and have documentation that there are no wetlands.

Mr. Anderson stated the Keystone reviewed the plan and has approved it. Towamencin Fire Co. reviewed the plan and other than comments regarding fire hydrants; they have approved the plan. The Planning Commission did not have this letter and Ms. Guckin stated it was a hand written note. Ms. Younce asked Ms. Guckin to verify the note and she did.

Mr. Clement went over the review letters from McMahon Associates.

Mr. Clement asked if there were any questions on the general engineering and Ms. Younce stated she is OK to continue with Mr. Guthrie.

Ms. Stover asked to say something about storm water. She stated there is concern about storm water on Wambold Road. Ms. Stover stated CKS suggested the resident/neighbor to this project be contacted because this project will be right next to their house. Ms. Stover asked if this is something the applicant is willing to do as they feel the resident that the basin will be placed next to should be contacted.

Mr. Clement stated this is not unusual in development and explained he does not agree they should contact the neighbor for the reasons given and because the design has been approved and run through the township. He further explained the design has been augmented, even if the basin overflows, that there is a plan. He stated there is no reason for the applicant to go to the resident if the design is properly designed. Mr. Clement doesn't feel it is their responsibility.

Ms. Younce feels, on the behalf of the residents, it would be in good faith. She explained they would have the opportunity to speak to the Township regarding any issues. Mr. Clement agrees but doesn't feel it is the applicant's responsibility.

Mr. Anderson continued with the July 8, 2020 Review letter and stated all PennDOT issues are all a will comply. He also explained the Land Development plans are also a will comply.

Mr. Anderson addressed comment 10 - regarding traffic signals and timing for Allentown Road & Derstine Road and stated they will comply. He stated numbers 11-16 for the PennDOT Highway occupancy are also a will comply.

There was discussion regarding PennDOT study of traffic flow. Mr. Anderson stated both engineers have been working together for signage regarding the 309 connector project.

Ms. Younce asked the Planning Commission Members if they had any questions regarding traffic. Mr. Vavra asked about keeping trucks off of Derstine Road and how do they intend on doing so. He also stated for the past 3 days there have been many trucks on Derstine Road despite current signage. Mr. Guthrie stated the trucks are coming from the neighboring Township where there is not clear signage from south Derstine Road and lack of clear signage from the other Township area.

A Resident, Lisa Picozzi, asked to speak. She stated she would like to see the proposed route in the absence of the 309 connector.

Mr. Guthrie stated they are not going to attempt truck traffic to 309. Ms. Picozzi responding saying she does not believe that truck traffic will not go to 309. Mr. Guthrie stated that 90 percent of the truck traffic will come to and from the turnpike.

Ms. Lauren Sendelgrant, another resident, asked to speak. She expressed her concern and stated that she understood that in the applicant's planning criteria there will be no reason for trucks to access 309. Ms. Sendelgrant explained she has lived in the township since 1989 and cannot count how many times the turnpike has been shut down. She also stated that with the current construction on the turnpike, it has caused a marked increase in trucks trying to avoid the construction and use

back roads to get to 309 north. She feels there are multiple reasons trucks will try and find an alternative route.

Mr. Guthrie stated they will be directing all traffic to use roads to primarily access the turnpike.

Ms. Guckin asked if Mr. Guthrie is finished his presentation as the residents have put together a presentation and would like to speak. Mr. Guthrie stated he was finished.

Ms. Jackie Swanson, a resident of 118 Kimberly Way (which is off of Derstine Road) presented a Community Concern presentation regarding this proposal and the impact it will have on the community, mostly a quality of life. Ms. Swanson went over the history of the Township, from rural farm land to where it is developing and mentioned how this township has access to many major roads. She explained the warehouse plans, which she believes will increase truck traffic to the area. Ms. Swanson stated the intersection at Allentown Road, Fretz Road and Derstine Road had a stop sign up until 24 years ago. She explained the cowpath roads in this township and how they have not changed.

Ms. Swanson presented the solution vs. reality issue regarding the proposed 309 connector. The connector has been on the books since the 1960's since the last development plan. She went over the connector plan and stated that Phase 1, as well as Phase 2, have not been completed. Ms. Swanson stated this connector project may start in 2021, provided that there is no change to the funding, etc. and will still not connect to 309 at that time. Ms. Swanson expressed with no 309 connector, the Core 5 plan is too much truck traffic for the area; even if only 10 percent of the trucks used the back roads to 309. Ms. Swanson showed photos of trucks making turns in her presentation and explained Hatfield Township refuses to put a truck ban on their end of Derstine Road.

Ms. Swanson showed more photos and slides regarding the trucks turning and showed traffic. She said she feels signaling will not address that issue either. She referred to multiple accidents of tractor trailers. Ms. Swanson explained as trucks are coming from Hatfield, it is dangerous and showed a sign regarding a bus stop and stated 18 elementary children stand at this bus stop and are at risk.

Ms. Swanson does not feel 10 percent of truck traffic is acceptable. The danger is already there. So a warehouse this size is too much and she explained they don't need any additional truck traffic in this area.

Ms. Cheryl Ciotti, resident via zoom, who lives at 115 Sterling Way asked to speak. She explained where she lives and spoke about the Township putting in new red diamonds on the truck ban signs. Ms. Ciotti stated she saw 10 trucks ignore the new signs. She stated even the new improved signs are not working. Ms. Ciotti also shared that about 3 weeks ago, her and a neighbor saw a tractor trailer broken down on Derstine Road and then another tractor trailer had to come and tow that truck. Ms. Ciotti's children have to walk along Derstine to Kimberly Way to the bus stop and she feels they are at risk the whole way. Ms. Ciotti explained that the attempts of the Township trying to help isn't working and they can't handle any additional traffic by trucks.

Ms. Guckin stated Mr. Dixon, via zoom, asked to speak. Mr. Dixon explained what the Township has done already regarding restrictions for truck traffic on Derstine Road, but only on the portion in Township of Towamencin. Unfortunately, he stated, they are not able to post restrictions in the

other Township, which is Hatfield. He explained there are postings only on Fretz and Allentown Roads and stated he has called on additional signage. Mr. Dixon explained there will never be 100 percent compliance with this type of restriction. Mr. Guthrie stated they can work together to help guide the trucks leaving the warehouse and they do not have much control over the trucks coming to the site. He stated they will continue to try and come up with solutions for trucks to better observe these restrictions.

Ms. Younce asked if there is a way that the entrances to the development can be revised so that trucks cannot enter from the turnpike or from 309 area, asking if there is something that would discourage this. Mr. Vavra stated with the "no left" on Cowpath Road for trucks, they go past St. Marie Goretti and make a left onto Derstine Road. He explained that coming from 309 it is almost impossible and the only alternative is to go down Mininger Road.

Mr. Clement made a suggestion, that the applicant is being requested to pay 1/4 million dollars for traffic impact study, so why not use some of the money for enforcement. Ms. Guckin stated it is a BOS decision on the traffic impact study and Mr. Dixon answered this cannot be used for enforcement.

Ms. Jackie Swanson, resident, spoke again.

She made a second point, asking the developer how they enforce the tenants to follow the rules. Mr. Clement stated there are no landlord around, anywhere that can enforce it. Has to be enforced by the Township. He recognizes they can't use the impact fees for enforcement, but suggested they find a way. He explained there is an industrial tract and a site that is ready for development. The traffic issues cannot be the reason not to develop it.

Lisa Picozzi stated they already established the fees cannot be used for enforcement. She also stated that they cannot enforce the tenants to follow the directions for traffic.

She stated although she appreciates the Township efforts, she needs something concrete.

Ms. Guckin asked for the specific time frame the residents see most of the trucks. Ms. Picozzi replied it is rush hour and 24/7.

Ms. Guckin stated she will pass this along to the Police Chief.

A resident, via zoom, added the traffic is all hours of the night and all day

She explained there have been police officers who have tried to enforce and for trucks who have devices, they do avoid that road if police are set up there.

Ms. Jackie Swanson commented they have been suffering as a community for awhile

If the developer wants it and the connector isn't ready due to the funding for the 309 connector.

Perhaps if the developers could then turn their attention to the PennDOT and say they are holding up economic growth and it could be the power the developer has to make this change.

Ms. Younce asked if any other residents have any questions or comments to be presented or if the Planning Commission members had any questions. Ms. Becker stated everyone should let their representative and state representatives know their concerns; with this being an election year. Ms. Younce explained it would be powerful.

Ms. Guckin, asked if there were any other comments from the applicant, the Planning Commission or the residents and Ms. Younce asked Mr. MacKay if he had any questions.

Ms. Younce stated the developer has responded to the Township and what was required. We have no authority to govern the resident's traffic concern. She stated she would like to make a recommendation to the Board of Supervisors and go over the waivers. She also stated the condition of a meeting of police the township and the developer to work on a solution be added.

Ms. Younce asked if the Planning Commission members are in favor of this and Mr. Leach stated he has a problem with this issue, but following your lead he feels this would help. Mr. MacKay agrees.

Ms. Younce stated she feels the neighbors have a valid concern, she mentioned again that the Planning Commission is not the body that can control this issue. Ms. Younce made a motion that the Planning Commission recommends to the Board of Supervisors, on a conditional basis, approval of the revised final major subdivision of Core 5 Warehouse Facility and the revised preliminary plan that they approve it based on the following review letters:

7/9/2020 and 4/7/2020 letters from CKS Engineers, final and preliminary

Montgomery County Planning Commission Review letter of 10/3/2019

Bursich Associates Review Letter of 1/16/2020

Gillmore & Associates Review letter of 6/26/2020

Keystone Review letter of 1/23/2020

Suburban Lighting Review letter of 10/3/2019

As well as the review from the Fire Company letter (note) based on the Fire Chief.

And with regard to the review letters, conditioned on the wetland report being in housed,  
And also the issue of the basin being very close to the neighboring property and the township notifying the neighboring resident.

Regarding the waiver and deferral requests:

Pages 6 and 7 of CKS waiver request - 1 regarding open space - no waiver needed. Include in the motion that the Planning Commission recommend, in lieu, that open space be accepted.

2 and 3 deferral requests- approved by the BOS

Waiver request for trails be turned into deferral and waiver on the parking isle be approved.

The Waiver request on 6, 7, 8 and 9 be approved,

And back to the issues of the trucks and private roadways and complaints and presentation content that this all be conditioned on working with the developer and police and residents and Township to resolve these issues.

Ms. Becker seconded the motion.

All in favor – yes. Mr. Vavra abstained due to a conflict of interest. Mr. Vavra stated he and his family utilizes the applicant's attorney's firm.

Ms. Guckin confirmed the vote. Mr. MacKay - approve, Mr. McGeehan, approve, Mr. Leach – approve. Mr. Vavra – abstained.

Mr. Chartrand and Mr. Buonocore - absent.

5 yes, 1 abstained. Motion is approved.

Ms. Guckin stated her appreciation to the residents participating and how organized and structured their presentation was. .

Ms. Nancy Becker stated she felt the presentation was one of the best presentation from residents she has ever seen.



**New business:**

Fences in Easements – Ordinance change.

Ms. Guckin presented a new ordinance regarding easements and fencing as she explained this comes up often. Ms. Guckin stated this is an agreement regarding fences for permission to place them in easements with permission from the owner of the easement. If the easement is township related, she explained a Waiver of Damages would be required.

She explained the Waiver of Damages and that it gets recorded with the county.

Ms. Guckin did not have the review letter from the county yet, but stated she does not anticipate any issues but she will let you know if it does come back.

Ms. Guckin stated to the Planning Commission Members that this is a Township proposed ordinance request. Ms. Younce asked how this came up and Ms. Guckin explained it often comes up and has been coming up more often lately with many people wanting to install fencing around their properties.

Ms. Younce asked if there were any questions.

Ms. Becker mentioned the easement nightmare with PSDC and how would that effect this.

Ms. Guckin stated it is being held up and is not dealing with fencing. She explained the Board of Supervisors granted them approval, conditional on them working it out. That is an example of the Township not letting it move forward until both parties agree.

Mr. Vavra made a motion to approve this draft ordinance for fencing in an easement. Ms. Becker seconded. All were in favor.

Ms. Guckin added that there is no new business. She stated that during roll call earlier it was not mentioned that Mr. Marino was in this zoom meeting and she confirmed that Mr. Buonocore was absent.

Mr. Vavra made a motion to adjourn at 9:09 PM and Ms. Becker seconded.

Respectfully submitted,



Carolyn Shisler  
Towamencin Township  
Planning Commission Secretary/ Asst. Zoning & Planning Officer