

MINUTES

BOARD OF SUPERVISORS REGULAR SESSION

AUGUST 26, 2009
6:30 PM

The Silver Spring Township Board of Supervisors met in a regular session on Wednesday, August 26, 2009 at the Township Building, 6475 Carlisle Pike, Mechanicsburg, Pennsylvania.

Chairman LeBlanc called the meeting to order at 6:30 pm and the Pledge of Allegiance to the Flag was given.

Supervisors present: Chairman Jan LeBlanc, Vice-Chairman Mary Lou Pierce-McLain, Supervisor Vince DiFilippo, Supervisor Jackie Eakin, and Supervisor Nancy Konhaus Griffie.

Staff members present: Mr. William S. Cook, Township Manager; Ms. Terri A. Martini, Assistant Township Manager; Mr. Steve A. Stine, Esquire, Township Solicitor; Mr. Bony R. Dawood, PE, Township Engineer; Mr. James R. Sadler, Chief of Police; and Ms. Kathy K. Kramer, Assistant Secretary.

Others present:

Karl Miller	Rachel Manning
Joyce & Jerry Booz	Nate Spade
Dave Lenker	J. Funkhouser
Rhoda Ioerger	L. Spenard
Wayne Stevenson	Creedin & Delores Sunday
Sandra Brady	John Rowland
Bill DeVore	J. L. Bruner
Grace Stoner	G. Diener
Nancy Shoaff	Rich Shoaff
Dave Martin	Doris
Tom Griffie	Terry Moser
Valerie Greene	John Myers
Kathi Pifer	Larry Shultz
Jeff Kohlon	Eugene Graham
J. R. Zeigler	Dale Miller
Ron Ferris	Frank Lynch
R.A. & L.F. Mauro	Dave Weihbrecht
Todd Wilson	Kathy Hooker
Nate Spade	Quin Hoch
Sue Breen	Shirley Culley
Gary Lawrence	Karen Williams
Alan Kreitzer	George Weimer
Daryl Gogenhaur	George Coleman
Craig Mellott	John Murphy
Roy Brenner	Tom Posavec
Dick Norrie	Libby Gibson
Edward L. Balsavage	

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PETITIONS AND COMMENTS

Chairman LeBlanc announced that an Executive Session was held on August 19, 2009 at 4:30 pm to discuss a personnel matter.

Mr. Karl Miller shared his concerns regarding increased traffic on Woods Drive due to the zoning changes made several years ago.

Mr. Lionel Spenard commented on the good condition of the Bent Creek Boulevard building that is for sale.

A Gingerfield resident questioned if there was an update on the paving of the roads in the development. The Board advised that it would discuss a Settlement Agreement in Executive Session at the end of the meeting.

PUBLIC HEARINGS

COMCAST FRANCHISE AGREEMENT RENEWAL

Chairman LeBlanc turned the conduct of the public hearing for the Comcast Franchise Agreement Renewal over to the Township Solicitor, Mr. Steve Stine, at 6:40 pm.

The hearing was advertised in The Sentinel on August 8, 2009 and on August 15, 2009.

The hearing was declared closed 6:53 pm.

A copy of the transcript is made part of these minutes by reference.

ZONING ORDINANCE NO. 13 OF 2009 REVISIONS – OUTDOOR FURNANCE AND WAREHOUSING

Chairman LeBlanc turned the conduct of the public hearing for the Zoning Ordinance No. 13 of 2009 Revisions – Outdoor Furnace and Warehousing over to the Township Solicitor, Mr. Steve Stine, at 6:53 pm.

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The hearing was advertised in The Sentinel on August 8, 2009 and on August 15, 2009.

The hearing was declared closed 7:10 pm.

A copy of the transcript is made part of these minutes by reference.

APPROVAL OF MINUTES AUGUST 12, 2009

On a Pierce-McLain/DiFilippo motion, the Board of Supervisors approved the minutes from the meeting held on August 12, 2009.

The motion carried.

REPORTS

POLICE

Nothing additional.

ENGINEER

No additional report.

TREASURER REPORT

Ms. Kathy Kramer read the Treasurer's report for the month of July 2009 and by agreement, the report was filed subject to audit.

EMERGENCY MANAGEMENT COUNCIL

Nothing additional.

RECREATION ADVISORY COUNCIL

Nothing additional.

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APPROVAL OF EXPENDITURES

On an Eakin/Griffie motion, the Board approved the expenditures since July 22, 2009.

The motion carried.

OLD BUSINESS

MUNICIPAL BUILDING PROJECT

Landmark Realty Presentation (1300 Bent Creek Boulevard)

Mr. Tom Posavec and Mr. Roy Brenner of Landmark Commercial Realty discussed the 1300 Bent Creek Boulevard building with the Board. Some of the items that were discussed included:

- Generally cheaper to buy a building than to build a new one
- Discussed the length and terms of the tenants' leases
- The new owner would pay an inconvenience fee to relocate current tenants
- 67 parking spaces available for tenants and the customers

After Mr. Posavec was finished with his presentation, other items discussed were:

- The Township would be receiving income from the tenants that were already leasing the Bent Creek Boulevard building.
- Where will the money come from to buy the building?
- What will the monthly/annual debt service payments be?
- It was represented that residents do not want an increase in taxes to pay for either to build or buy option.

Certified Commercial Investment Member (CCIM) Analysis RFP

On a DiFilippo/Pierce-McLain motion, the Board of Supervisors approved the proposed Request for Proposals, schedule, and the distribution list.

The motion carried.

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Dawood Geotechnical
Investigation Proposal

On an Eakin/Pierce-McLain motion, the Board of Supervisors approved Dawood's August 21, 2009 proposal to conduct a Geotechnical Investigation on a unit price basis.

The motion carried with negative votes cast by Supervisor DiFilippo and Supervisor Griffie.

NEW BUSINESS

ZONING ORDINANCE NO. 13
OF 2009 REVISIONS –
OUTDOOR FURNACE AND
WAREHOUSING – DECISION

On a DiFilippo/Griffie motion, the Board of Supervisors adopted Ordinance No. 13 of 2009 that amends, modifies, and changes the Silver Spring Township Zoning Ordinance.

The motion carried.

MUNICIPAL UTILITY
ALLIANCE (MUA)
ELECTRICITY
PROCUREMENT PROGRAM

On a Pierce-McLain/Eakin motion, the Board of Supervisors authorized the Township Manager to proceed in delivering a written commitment to purchase electricity for metered uses through the Municipal Utility Alliance and execute a Purchase and Sales Agreement with Constellation New Energy for a 1-year period.

The motion carried.

LONG LANE MINI-
STORAGE LD2007-15F –
PLAN REQUIREMENT

Mr. Dave Weihbrecht, of Alpha Consulting, Inc. discussed the Long Lane Mini Storage plan dumpster requirement with the Board.

On an Eakin/Pierce-McLain motion, the Board of Supervisors re-approved the Long Lane Storage Land Development Plan without the installation of the dumpster, pad, and enclosure and rescinded the

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August 12, 2009 approval of the release of the Letter of Credit contingent upon the installation of the dumpster as depicted on the land development plan. The Board then approved the release of the Letter of Credit as per the re-approval of the land development plan without the dumpster.

The motion carried.

WATERFORD SQUARE
PHASE II COMMERCIAL,
2003-3F – LETTER OF CREDIT
REDUCTION

On a Pierce-McLain/Griffie motion, the Board of Supervisors approved a reduction in the Letter of Credit to a balance of \$226,616.25 for the Waterford Square Phase II Commercial, final subdivision plan, 2003-3F.

The motion carried.

DELTA POINTE, 2009-25F –
LETTER OF CREDIT
REDUCTION

On an Eakin/Griffie motion, the Board of Supervisors approved a reduction in the Letter of Credit to a balance of \$1,352,459.38 for the Delta Pointe, final subdivision plan, 2009-25F.

The motion carried.

SUN MOTOR CARS,
LD2005-10F – LETTER OF
CREDIT RELEASE

On a Griffie/Eakin motion, the Board of Supervisors approved the release of the Letter of Credit for the Sun Motor Cars, final land development plan, LD2005-10F, contingent upon the following:

1. The permanent outlet structure shall be modified to eliminate the additional orifice in order that the final configuration of this structure is in conformance with the recorded plan and the approved storm water management report and design.
2. The outlet protection shall be installed at endwall EW-E1 as shown on the recorded plan.

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3. The As-Built Plan review comments shall be addressed to the satisfaction of the Township.

The motion carried.

SUN MOTOR CARS,
LD2008-10F – LETTER OF
CREDIT RELEASE

On a Pierce-McLain/Griffie motion, the Board of Supervisors approved the release of the Letter of Credit for the Sun Motor Cars, final land development plan, LD2008-10F, conditioned upon addressing the As-Built Plan Review comments to the satisfaction of the Township.

The motion carried.

ZONING HEARING BOARD
APPLICATIONS -
SEPTEMBER

Charles & Salena Herbinko
Variance 2009-15
(Property located at 185 Warm
Sunday Way)

The applicants are requesting a variance request to Section 204.6 (Design Requirements – Maximum Lot Coverage) in the R -1 Residential Zone. A zoning permit for a 19-foot by 40-foot patio was issued. During construction, the applicant decided to add a 16-foot by 16-foot addition to the patio which has exceeded the maximum lot coverage allowed. The Board requested that the applicants have the electric and plumbing inspected since the work was already done without a building permit.

Clifton and Susan Henderson
Variance 2009-16
(Property located at 16
Hazelwood Court)

Staff will inquire with the Federal Emergency Management Agency regarding the Clifton and Susan Henderson variance request to Section 231.9 Permitted Uses in the Floodplain Zone (FP). The applicants seek approval to install a 4-foot fence around a proposed in ground swimming pool.

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G. Lee Souder
Variance 2009-17
(Property located at 250 North
Locust Point Road)

The Board did not object to the G. Lee Souder variance request to Section 222.6 (Minimum Lot Width), Section 222.7 (Maximum Lot Coverage), Section 222.8 (Minimum Setback Requirements) in the I -2 General Industrial Zone. The applicant seeks approval to subdivide a 10.14-acre tract with existing buildings into 5 lots.

Shenandoah Mobile Company
Special Exception 2009-2
(Property located at 7253
Wertzville Road)

The Board did not object to the Shenandoah Mobile Company Special Exception to Section 412 (Communication Antennas, Towers, and Equipment) in the "R" Rural Residential Zone. The applicant seeks to install a 190-foot communication tower and the Board requests that the applicant install a "flag pole" type tower.

Shenandoah Mobile Company
Special Exception 2009-3
(Property located at 6839
Wertzville Road)

The Board did not object to the Shenandoah Mobile Company Special Exception to Section 412 (Communication Antennas, Towers, and Equipment) in the "R" Rural Residential Zone. The applicant seeks variances to Section 307 (The Erection of More Than One Principal Use On a Lot) and Section 345-1 (The Tree Planting). The applicant seeks to install a communication tower on property owned by St. Paul's Evangelical Lutheran Church.

SUBDIVISION PLANS

TEXACO ROAD (MIKE
GREENE) 2009-4P

Mr. John Murphy, of Alpha Consulting Engineers, Inc., requested that the Board table the Texaco Road (Mike Greene) preliminary subdivision plan.

On a Griffie/Eakin motion, the Board of Supervisors tabled action on the Texaco Road (Mike Greene) preliminary subdivision plan,

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2009-4P. The waivers and comments from the Board's July 22, 2009 letter must be addressed.

The motion carried.

LAND DEVELOPMENT PLANS

CROSSROADS AT WALDEN, LD2008-13F

There was no representative present to discuss the Crossroads at Walden, final land development plan.

On a DiFilippo/Pierce-McLain motion, the Board of Supervisors denied the Crossroads at Walden, final land development plan, LD2008-13F, due to the following deficiencies:

ZONING ORDINANCE OF 2007 (ZO):

1. [ZO:207.05] – Conditional Uses
The “Inventory of Use” provided on the recorded Phase I Final Subdivision Plan outlines the entitled uses for Lots 129, 130, 131 and 186. The current proposal appears to exceed the specified entitlements for these lots. Please review and revise as appropriate. The “Inventory of Use” shall be included on the Land Development Plan. Provide the proposed use for each of the buildings.
2. [ZO:207.9] – Architectural Consideration
All applications shall include the preparation of textural and (typical) graphic descriptions by a Commonwealth-registered architect, of proposed architectural features and styles, which shall be presented and analyzed with the criteria outlined in this Section of the Township's Zoning Ordinance. This requested submission shall be in compliance with Condition Number 16 of CU2005-15.
3. [ZO:207.11.2.E] – Main Street Setting
Provide the locations of and details for the required lampposts, trash receptacles, benches, shade trees and any other similar amenities.

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4. [ZO:207.11.2.I & 313] – Main Street Setting
Provide a plan note that state in effect that review and approval of this plan does not constitute approval of the outdoor signs. The permitting procedure for review and approval of Outdoor Signs is provided in Zoning Ordinance Sections 207.11.2.I and 313.
5. [ZO:207.11.2.J] – Main Street Setting
Provide a parking tabulation to demonstrate that the required number of parking spaces is provided. The parking tabulation shall include the use of each of the proposed buildings, since different uses require different parking. Cross access, easements to ensure integration of off-street parking and loading spaces shall be provided for review and approval by the Township Solicitor.
6. [ZO:207.11.2.K] – Main Street Setting
For each commercial use, one upper-floor apartment with a separate ground level access and one off-street parking space must be provided.
7. [ZO:207.11.2.L] – Main Street Setting
No business shall comprise more than two thousand (2,000) square feet of gross floor area (excluding the upper-floor apartment). Lots 188, 187 and 189 all appear to exceed the permitted square footage. Please review and revise as appropriate.
8. [ZO:207.11.2.O] – Main Street Setting
Provide the required twenty-five (25') feet wide landscape buffer strip at Lot 129.
9. [ZO:207.11.2.P] – Main Street Setting
Provide the maximum lot coverage permitted (i.e., 90%) and the lot coverage proposed for each of the lots (i.e., Lots 129, 130, 187, 188 and 189) to demonstrate compliance with this Section.
10. [ZO:207.11.2.Q] – Main Street Setting
It appears that several of the proposed buildings encroach into the setbacks (e.g., 129-2). Please review and revise as appropriate.
11. [ZO:207.11.2.S] – Main Street Setting
Provide a plan note stating to the effect that no outdoor storage is permitted.

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12. [ZO:207.11.2.T] – Main Street Setting
Provide the location of the proposed dumpsters to demonstrate compliance with the setback requirement.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 2007 (SLDO):

13. [SLDO:301] – Land developments proposing greater than fifty (50) parking spaces require the submission of a Preliminary Plan application. Subdivision plans creating lots for development must be approved by the Township, prior to the filing of an application for Land Development for a lot. Therefore, two (2) separate plans shall be submitted for review and approval; one for the Subdivision Plan (i.e., Lot Consolidation) and one for the Land Development Plan.
14. [SLDO:304.02] – Emergency Management Council review and approval is required. If applicable, building sprinkler systems are required to have five (5”) inch Stortz connections with 22-degree elbows. Also, buildings must be equipped with Knox Box.
15. [SLDO:304.02] – The building designs must meet or exceed the Pennsylvania Universal Construction Code (Pa. UCC) requirements.
16. [SLDO:304.06] – All final plans as recorded shall be submitted in electronic format compatible with AutoCADD 2000®.
17. [SLDO:402.01.2 & 403.01] – Lot line descriptions shall read in a clockwise direction. It appears that not all of the descriptions provided on Sheets 2 and 3 of 7 follow this convention. In addition, C02 and L186 on Sheet 2 of 7 and C189 on Sheet 3 of 7 lack descriptions. Please review and revise as appropriate.
18. [SLDO:402.01.4 & 403.01] – The legend does not match the line types provided on the plans. In addition, the titles provided in the Index of Drawings do not match those provided on the individual sheets. Please review and revise as appropriate.

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19. [SLDO:402.01.5 & 403.01] – Utilities and storm water facilities located in a given area shall be provided on the same profile to show their interrelationship.
20. [SLDO:402.02.5 & 403.02] – Provide the source of title to the land as shown in the office of the Cumberland County Recorder of Deeds.
21. [SLDO:402.02.6 & 403.02] – Provide the tax map and lot number assigned to the property.
22. [SLDO:402.02.9 & 403.02] – Provide the total acreage for each of the existing parcels.
23. [SLDO:402.03.1 & 403.03] – Contours shall be labeled on Sheet 2 of 7.
24. [SLDO:402.03.3 & 403.03] – Provide the location and description of existing and proposed lot line markers and monuments.
25. [SLDO:402.03.4 & 403.03] – Provide existing features within two hundred (200') feet of the subject tract.
26. [SLDO:402.04.4 & 403.04] – Building elevation drawings shall be provided.
27. [SLDO:402.04.5 & 403.04] – Provide all of the information as required by this Section of the Ordinance.
28. [SLDO:402.04.6 & 403.04.3] – Easements, which do not follow property lines, shall be located by a centerline metes and bounds description.
29. [SLDO:402.04.12 & 403.04] – Provide the location and material of all proposed permanent monuments and lot line markers and provide a plan note indicating when they will be set.
30. [SLDO:402.04.13 & 403.04] – Provide better clarification of existing versus proposed contours. Provide a legend distinguishing between existing/proposed elevations, top of curb/bottom of curb.

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31. [SLDO:402.05.2 & 403.06.3] – A Sewer Facilities Plan Revision (planning module or exemption) is required for adoption by Silver Spring Township and approval by the Department of Environmental Protection.
32. [SLDO:402.05.6 & 403.05] – In accordance with the Hogestown Road (S.R. 0114) – Woods Drive (T-585) Intersection Improvement Agreement dated November 19, 2003, and Condition Number 11 of CU2005-15, the applicant shall verify if signal warrants have been met at the intersection due to the safety concerns at this intersection. If signal warrants are met, the applicant shall proceed with the improvements.
33. [SLDO:402.07 & 403.07] – All applicable fees shall be paid prior to final plan approval.
34. [SLDO:403.04.1] – Provide complete description of the centerline and right-of-way line for all existing streets.
35. [SLDO:403.04.5] – Include information to tie two opposing proposed points, such as building corners, to existing physical features on the site. Each proposed point shall be tied to at least two existing physical features.
36. [SLDO:403.06] – All original seals, signatures, and notarizations shall be provided on each copy of the final plan prior to being recorded. Copies of sealed, signed, and notarized plans will not be permitted for recording.
37. [SLDO:403.06.1] – Revise the Final Plan Approval Statement in accordance with Appendix 5. Also, the statement shall be updated to reflect the current plan.
38. [SLDO:403.06.2] – Provide the correct County Plan Review statement.
39. [SLDO:403.06.8] – An Improvement Guarantee in accordance with Article V is required prior to plan recording.
40. [SLDO:403.06.9] – Provide a note on the plans that all construction or modifications of public facilities shall comply with the latest edition of the Township's "Improvement Specifications Manual."

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41. [SLDO:403.06.11] – An executed Memorandum of Understanding is required prior to plan recording.
42. [SLDO:403.06.13] – Provide a statement on the plans that states that the development shall be constructed in accordance with the Plan and all applicable ordinances.
43. [SLDO:602.12.6] – Clear-sight triangles shall be provided and maintained at all existing and proposed intersections. Provide a general plan note stating to the effect that no building, structure, planting, or other obstruction that would obscure the vision of a motorist shall be permitted within the clear-sight triangle.
44. [SLDO:603.04] – Parking spaces shall be guarded by curbs or other protective devices, so parked vehicles cannot project into the streets, sidewalks, or setback areas.
45. [SLDO:603.07] – Provide a plan note that states in effect that all off-street parking facilities shall conform to both the Americans with Disabilities Act Accessibility Guidelines and the International Building Code requirements for Accessible Parking and Passenger Loading Facilities, in accordance with the Pennsylvania Uniform Construction Code as adopted by the Township.
46. [SLDO:603.10] – Provide the curb radii to demonstrate compliance with this Section of the Ordinance.
47. [SLDO:603.12] – Provide a lighting plan in accordance with the latest edition of the Illuminating Engineering Society of North America (IESNA) guidelines. In addition, add a note that states, in effect, that due to vegetation, topography, and other unforeseen circumstances, the site lighting must be reviewed, evaluated, and approved after installation but before the issuance of a Certificate of Occupancy.
48. [SLDO:603.14 & SLDO:611.03] – Interior landscaping shall be provided in parking lots containing twenty-five (25) or more spaces.
49. [SLDO:603.18] – Provide a schedule of the required and proposed off-street loading spaces. Clarify the location and design of off-street loading areas.

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50. [SLDO:604.01.10] – Provide a plan note that states to the effect that sidewalks shall conform to the Americans with Disabilities Act Accessibility Guidelines.
51. [SLDO:604.02.6] – Provide a plan note that states to the effect that curb shall conform to the Americans with Disabilities Act Accessibility Guidelines.
52. [SLDO:609] – Provide design calculations for the proposed storm water collection and conveyance system.
53. [SLDO:613.03] – Silver Spring Township Authority approval is required prior to final plan approval.
54. [SLDO:614.02] – Provide a letter from the water utility indicating that water service is available for the proposed development.
55. [SLDO:616] – Provide detailed information regarding materials and waste handling in accordance with the requirements of this Section.

GENERAL COMMENTS

56. Based on the number and nature of the comments contained within this letter, we reserve the right to generate additional comments based on subsequent reviews of the Land Development Plan.
57. The current plan shall reference the recorded Final Subdivision Plan and all conditions of approval.
58. The plan must be certified by the surveyor/engineer.
59. The number of residential units proposed by this plan is unclear. The table on sheet 4, indicating the number of residential units, is not consistent with the number of units shown on the plan. On Walden Way the table should indicate 1 unit @ 1148²/unit for building 186-1. The table indicates building 130-2 contains 1 residential unit and the plan indicates no units. On Summer Lane the table does not list residential units for buildings 131-3 and 131-4.
60. The proposed lot coverage is not provided for each lot. (Zoning Ord. Section 207.10)

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61. The residential units in lot 130 do not appear to comply with the front build-to line of 10-15 feet. (Section 207.10)
62. The County review block should be revised to state Cumberland County Planning Department and contain only one signature space for Director of Planning.

The motion carried.

114 ASSOCIATES,
LD2009-1P

Mr. John Murphy and Mr. Dave Weihbrecht, of Alpha Consulting Engineers, and Mr. Craig Mellott discussed the 114 Associates land development plan with the Board.

On an Eakin/Pierce-McLain motion, the Board of Supervisors approved the 114 Associates, preliminary land development plan, LD2009-1P. The following waivers were approved by the Board:

WAIVERS:

1. [SLDO:402.03.04] – Existing Features
The applicant is granted relief from the requirement to show all existing features within two hundred feet (200') of the subject tract. This relief is approved on the basis that the plans provide adequate information and preclude any potential negative effects to off-site properties.
2. [SLDO:402.04.04] – Architectural Elevation Drawings
The applicant is granted relief from the requirement to submit architectural elevation drawings. This relief is approved on the basis that architectural elevation drawings are not available at this time for all proposed uses on this lot.
3. [SLDO:603.18.7] – Off Street Loading
The applicant is granted relief from the requirement to provide a 15' wide landscape strip around off-street loading facilities. The applicant is proposing to provide a 15' landscape strip within non-impervious areas adjacent to street loading facilities. This relief is approved on the basis that it is impossible to access the off-street loading areas if these areas are completely surrounded by landscaping. Also, several of the proposed off-street loading areas are in between the proposed office

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buildings where limited area is available to provide the required landscape strip.

4. [SWMO:402.06] – Storm Water Basins
The applicant is granted relief from the requirement to provide 2% slopes and low flow channels within storm basins. This relief is approved on the basis that the basins shall function as post construction storm water BMP's, as required by DEP.
5. [SWMO:402.21] – Storm Water Basins
The applicant is granted relief from the requirement to provide an impervious lining within storm water management basins. This relief is approved on the basis that both storm water basins shall function as infiltration BMP's as required by DEP. The installation of a basin lining will prevent infiltration and groundwater recharge, which is inconsistent with Pennsylvania Chapter 93, 102 and 105 water quality guidelines.

It is noted that the two waivers for Storm Water Basins and Earth Fill Dams [SWMO:402.06 emergency spillways and 402.08.1 maximum depth of 6 feet] were withdrawn.

In addition, the preliminary subdivision plan for the 114 Associates, LD2009-1P, was approved by the Board with the following conditions:

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 2008 (SLDO):

1. [SLDO:304.02] – Emergency Management Council (EMC) review and approval is required. The EMC requires that each of the proposed buildings be identified with a number. *Applicant has acknowledged. Based on a meeting of the EMC on August 18, 2009, the EMC has determined that the applicant shall provide battery backup for the traffic signal located at intersection of S.R. 0114 and S.R. 0011.*
2. [SLDO:304.03] – An adequacy letter from the Cumberland County Conservation District is required prior to plan recording.
3. [SLDO:402.01.2] – It appears that the lot line between Lots 2 and 3 has been modified from that which appears

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on the Final Subdivision Plan for 114 Associates dated July 17, 2008, last revised August 15, 2008, and approved by the Board of Supervisors at its meeting held August 27, 2008. Please clarify. *Applicant indicates revised Final Subdivision Plans for Lots 1, 2 and 3 will be submitted under separate cover.*

4. [SLDO:402.02.11] – If applicable, provide a statement on the plan identifying any existing waivers, variances, special exception, conditional use, and existing non-conforming structures/uses. *Please update the waiver statements upon final action by the Board of Supervisors.*
5. [SLDO:402.03.6] – Show location and general species of any trees eighteen (18”) inches in diameter or greater with a description of whether the tree is proposed to be removed or maintained.
6. [SLDO:402.04.6 & 607] – A cross-access easement is required to ensure common use of, access to, and maintenance of, the joint-use access drives. Such easements shall be recorded in language acceptable to the Township Solicitor, and depicted on the land development plan.
7. [SLDO:402.04.9] – Cross sections for improvements to existing streets shall be provided for each fifty (50') feet station location. No plan view correlating with the cross section stationing was provided; therefore, unable to determine adequacy of information.
8. [SLDO:402.05.2] – Sewer Facilities Planning module or exemption is required for adoption by Silver Spring Township and approval by the Department of Environmental Protection.
9. [SLDO:402.05.6] – A Traffic Impact Study for the Phico Site prepared by Traffic Planning and Design, Inc. and dated July 16, 2008, was submitted by the applicant. On August 11, 2009, the applicant's engineer, Traffic Planning and Design, Inc, made a submission to address the final review comments.

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10. [SLDO:402.05.11 & 617] – A Carbonate Assessment Report is required. The prior Carbonate Assessment Report prepared by CMX Engineering, dated March 10, 2008, and submitted with the Final Subdivision Plan for 114 Associates was specifically for the Subdivision Plan. This report did not provide for any land development improvements. The Carbonate Assessment Report shall address the proposed site improvements, including the storm water management facilities for this Land Development Plan.

In addition, the report shall provide proposed measures to control potential adverse environmental impacts on groundwater quality and storm water management resulting from the development and utilization of the property to include the installation of ground source heat pump system(s). *The applicant has submitted a response to the August 10, 2009 comments, prepared by CMX and dated August 14, 2009. Based on our review of the submission, we offer the following comments for your consideration:*

- a. *Please consolidate all prior and any future reporting including the correspondence date August 15, 2009 under one cover and provide a signature and seal dated after the last report revision.*
- b. *The presence of a thrust fault crossing the property (March 10, 2009 Carbonate Assessment Report Figure 3) and test pit locations must be shown on Drawing No. 090102201-D-100 Test Boring Location Plan in accordance with SLDO 402.05.11. b) iv). *Test pit locations have not been shown relative to the thrust fault. One soil boring (B-1) is located on the fault. No other boring is within 150 feet of the fault. Therefore, the impact of this feature has not been demonstrated. The applicant has responded that there has been sufficient testing to assess the impact of the thrust fault. It is our opinion that the thrust fault has not been adequately located.**

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If the applicant is requesting deferring further investigations at this time, we would request that the professional of record be retained during construction to assure the Township that the proposed improvements will not be impacted by the thrust fault and/or that adequate measures will be implemented.

- c. Proof rolling is a reasonable investigation method for roadways and perhaps foundations and utility easements. However, another means of investigating the presence of karst features is required in storm water management basin areas (SLDO 617.03). *Provide a plan note requiring the developer to provide for proof rolling and assessment of the subgrade soils by a professional engineer licensed by the Commonwealth of PA and qualified in Geotechnical Engineering in the storm water management areas during construction.*
- d. References to proof rolling will require elaboration to indicate the entire developed area exclusive of storm water management pond areas, a roller of adequate size, and independent verification and documentation of proof rolling activities. *Provide a plan note stating to the effect that the site will be proof-rolled and assessed by an independent professional engineer licensed by the Commonwealth of Pennsylvania and qualified in Geotechnical Engineering and that written records of this assessment will be prepared and provided to the Township and that a rubber-tire vibratory roller, with a minimum static weight of 30 tons or equivalent device will be used.*
- e. March 10, 2009 Carbonate Assessment Report prepared by CMX Engineering indicated a “thorough geotechnical investigation is recommended.” The June 9, 2009 addendum presents geotechnical information. However soft soils were found present in more than 3% of the total soil boring footage (page 6),

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which can be karst feature indicators. The report limitations (page 8) indicate the results of the subsurface investigation cannot be extrapolated to areas of the site not investigated. However, 3% of the site area represents significant opportunities for karst problems. Will additional investigation be undertaken? *Provide a certification that there will be minimal risk associated with Karst features by a professional engineer licensed by the Commonwealth of Pennsylvania and qualified in Geotechnical Engineering. The certification may also state oversight of adequate measures to further “minimize the risk of structural damage” created by Karst features during construction.*

- f. The report (page 7) provides a conclusion that “there is minimal risk for damage due to sinkhole formation to buildings, structures, utilities, and storm water facilities.” However, 26 soil borings within the footprints of approximately 91,200 square foot of building construction results in a 0.3% probability of finding an average sinkhole (as defined by Drumm & Yang, 2005). Given the amount of proposed site improvements, less than 1% (i.e., 0.3%) probability of identifying sinkhole features suggests additional investigation is warranted. Therefore, the report does not demonstrate minimal risk of structural damage to sinkholes will exist as required by SLDO617.02. *Provide a certification that there will be minimal risk associated with Karst features by a professional engineer licensed by the Commonwealth of Pennsylvania and qualified in Geotechnical Engineering. The certification may also state oversight of adequate measures to further “minimize the risk of structural damage” created by Karst features during construction.*

11. [SLDO:402.07] – All applicable fees shall be paid.
12. [SLDO:602.01] – Based on our evaluation of the proposed circulation system, we offer the following comments:

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Sheet 7:

- Realign lane to provide straight-line access to the receiving lane for eastbound traffic at Access 'C'/Restaurant/Pharmacy Road. *The entrance lane is still skewed from the receiving lane.*
- The dumpster location appears to interfere with the drive-thru operations at Restaurants 1 and 2. Please review and revise as appropriate. *The dumpster location at Restaurant 2 will potentially back up traffic onto the internal traffic circulation road. Please review and revise as appropriate.*

Sheet 8:

- Make the Restaurant access connection to Access 'A' Right-In/Right-Out (RIRO) only. Provide proper signage and traffic islands. *The proposed design could potentially generate traffic spill back onto S.R. 0014.*
- Along Access 'A', extend the concrete island beyond RIRO driveway to the intersection with Access 'B', and provide no left turn (R3-2) signage at the restaurant access.
- Provide all way (R1-4) signs under stop signs at all intersections, which include a 4-way stop.
- On westbound approach to S.R. 114, provide lane delineation signage for exiting traffic. *Please provide all proposed signage on the Land Development Plan (e.g., R3-8A (LS-R)).*
- All east/west movements within the office building areas should have a stop sign and stop bar at each end.
- It is recommended that for speed and traffic control, a 4-way stop be provided at the intersection of Access 'B' with the access drive to the Office Building #'s 1 through 4 and the access drive to the existing office building (*i.e., Sta. 20 + 00 and 23 + 45*)
- Provide "Yield to Pedestrian" signs with arrows on both sides of the northbound entering traffic at Access 'A'. Provide a "Yield" sign for northbound right turning drivers entering the property at Access 'A'. Please provide all proposed signage on the Land

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Development Plan. *ADA ramps and crosswalks are being provided at these locations.*

Sheet 9:

- It is recommended that the two (2) proposed 5-way intersections be eliminated and replaced with a standard 4-way intersection in consideration of traffic safety (i.e., Sta. 23 + 45 and intersection located southeast of Building 5).
 - Refer to comments 6 & 7 for Sheet 8. *Stop signs shall be provided at the end of major aisles in addition to stop bars.*
 - Office Building 5 and 6 access road, and Access 'B' must have stop signs and stop bars for the east/west directions.
13. [SLDO:602.18.3.a] – All access drive intersections shall be subject to approval of the Pennsylvania Department of Transportation (PennDOT) when intersecting a State Route. Copies of Highway Occupancy Permits from PennDOT shall be submitted for all proposed intersections with a State Route prior to Final Plan approval. Also, it appears that “Access A” intersects with “Access D”, however “Access D” does not currently exist, please clarify.
14. [SLDO:602.18.3.g] – All access drive intersections shall be rounded by a tangential arc with a minimum radius of thirty (30') feet. It appears that the minimum radius requirement is not met for several intersection locations. In addition, the Township may require fifty-five (55') feet radius where large vehicle turning movements are anticipated. Provide turning radii information to demonstrate that delivery vehicles will be able to navigate the proposed access drives. *Based on the turning radii information provided, it appears that the intersection radii are insufficient. Please review and revise as appropriate.*
15. [SLDO:602.18.3.i] – Board of Supervisor approval is required when an access drive is proposed to serve two or more adjoining lands.

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16. [SLDO:603.12] – Provide a lighting plan in accordance with the latest edition of the Illuminating Engineering Society of North America (IESNA) guidelines. *Please revise General Note 36 to include a reference to Zoning Ordinance Section 347.*
17. [SLDO:603.19] – Show the locations and provide appropriate signage for all fire lanes as determined necessary by the Township's Zoning Officer.
18. [SLDO:604.01.c] – Provide additional sidewalk and identify safe pedestrian access and pedestrian circulation within the site (e.g., between uses located within the site). Provide handicap ramps and crosswalks at appropriate locations. *It appears that an accessible ramp is missing at the following location: terminus of sidewalk located at the access drive to Buildings #5 and #6. Please review and revise as appropriate.*
19. [SLDO:607.02] – Nothing shall be placed, planted, set or put within the area of an easement that would adversely affect the function of the easement or conflict with the easement agreement. *It appears that proposed Restaurant #2 will be constructed over an existing storm water pipe for which there is no easement designated. Please review and revise as appropriate.*
20. [SLDO:611.04] – Landscape screening shall comply with all of the provisions included in this Section of the SLDO. The Township may require alternative or additional screening measures, when there are substantial reasons for concern about compatibility of a non-residential use adjacent to a residential district, as is the case where Lot 1 abuts the R-1 Residential District.

STORM WATER MANAGEMENT ORDINANCE OF 2008 [SWMO]:

21. [SWMO:303.01] – A Storm Water Management Permit for a Major Land Disturbance is required for the proposed construction.
22. [SWMO:304.01.8] – Provide the Storm Water Management Plan Certification shown in Appendix 3, as well as the seal and signature of the professional responsible for the preparation of the Storm Water Management Report. *The certification shall be signed,*

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sealed, and dated after the last Storm Water Management Plan revision.

23. [SWMO:304.03.7 & 304.04.4] – Provide plans and profiles of all erosion and sedimentation control measures.
24. [SWMO:304.04.7] – Provide verification of NPDES, DEP permit and/or County Conservation District approval.
25. [SWMO:402.02] – Demonstrate that a means for the safe overland conveyance of the post development 100-year storm event is available, without causing damage to any public or private property. Several pipe runs for the 100-year design storm are shown in a surcharge condition in the calculations. Please provide the required overland relief route. The grading should reflect the proposed relief route. *Provide flow arrows depicting the proposed overland route to demonstrate there will be no impact to S.R. 0114. Please clarify the hydraulic grade line reported in the storm sewer inventory report for outlet structure OS-2B.*
26. [SWMO:402.06] – Provide emergency spillways for each of the proposed basins. *The routings to use the inlet as the emergency spillway. The values used for the effective perimeter and the effective flow area are not consistent with the specified Type M inlet box provided on sheet 40.*
27. [SWMO:402.06] – All storm water facilities, located in known sinkhole-prone areas, are required to be designed, constructed, and installed in accordance to the provisions of Section 617 of the Subdivision and Land Development Ordinance, and Section 402.21 of the Storm Water Management Ordinance. Provide clarification as to whether the basins are intended to be lined. The response indicates infiltration within the basins is proposed; therefore, provide the information required by Section 304.04.3. *The applicant has acknowledged. Provide design information for the basins with regard to infiltration. The applicant has provided a Storm Water Infiltration Feasibility Report, prepared by CMX, dated August 10, 2009. The infiltration values used in the analysis appear to be based on the condition of the*

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underlying bedrock. How will the applicant verify that an infiltration rate of 5 in/hr can be obtained?

28. [SWMO:402.08.1] – The maximum water depth (measured from the base to the crest of the emergency spillway) shall not exceed six (6') feet. The proposed water depths present a karst-related concern. *This comment shall remain until Comment #26 is adequately addressed.*
29. [SWMO:402.10] – Provide an analysis of the spread and flow depth at curb based on the 10-year storm. *It appears that I-212 and I-205 exceed the maximum allowed gutter depth of 2 inches. Please review and revise as appropriate.*

GENERAL COMMENTS:

30. The plan should be certified by the surveyor/engineer.
31. The status of Access D should be clarified. Is it proposed for development as part of this plan? Who is responsible for its construction and maintenance? A separate easement agreement may be necessary for access through the adjacent UD Properties tract. Applicant shall provide a copy of the access easement agreement. *The solicitor shall determine if the agreement provided is sufficient.*
32. Based on the number and nature of the comments contained within this letter, we reserve the right to generate additional comments based on subsequent reviews of the Land Development Plan.

It was agreed that a revision to the preliminary land development plan and responses to these comments will address the discussions between the Township staff and the applicant's engineers from the August 25, 2009 meeting.

The motion carried.

OTHER PERTINENT BUSINESS

Supervisor Pierce-McLain announced that the Volunteer Dinner will be held on Friday, October 2, 2009 at the Kanaga House. The Entrée will be chicken and beef and will be held outside under the tent.

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Supervisor Griffie asked the Board to take a tour of the 1300 Bent Creek Boulevard building.

EXECUTIVE SESSION

The Board recessed to an Executive Session to discuss the Sentry Select Settlement Agreement at 10:01 pm and returned at 10:08 pm.

On a Pierce-McLain/DiFilippo motion, the Board of Supervisors accepted the Sentry Select Settlement Agreement.

The motion carried.

ADJOURNMENT

There being no further business or comments to come before the Board, the meeting was adjourned at 10:09 pm by general consensus.

Recorder: _____
Kathy Kramer

APPROVED: _____
Chairman

Secretary