

The 2304th meeting of the Upper Leacock Township Board of Supervisors was held on Thursday, April 4 2019, at 6:30 p.m. Chairman Ron Simmons, Vice-Chairman Harold Leaman via phone, and Nelson Bard were present. Also present was Michael Morris, Township Manager; Bill Cassidy, Township Solicitor; and Brian Kauffman, Township Engineer.

Supervisor Simmons called the meeting to order and then asked all present to rise and recite the Pledge of Allegiance.

Supervisor Bard made a motion to **approve** the March 7, 2019, meeting minutes. Supervisor Leaman seconded the motion. The motion passed.

Recognition of Guests:

None

Public Comments:

None

Old Business:

None

New Business:

- A. *Henry & Rebecca Glick – Letter of Credit Release Request- Snake Hill Road* – Supervisor Bard made a motion to **approve** the \$18,700 Letter of Credit Release based on Rettew's Review Letter. Supervisor Leaman seconded the motion. The motion passed.
- B. *Sundance Car Wash Expansion – Waiver of Land Development – 118 W Main St* – Supervisor Bard made a motion to **approve** the Land Development Waiver subject to Rettew's Letter of March 5th, 2019. Supervisor Leaman seconded the motion. The motion passed.
- C. *David W Stoltzfoos – Planning Module – 232/234 S Groffdale Road*- The Board has previously reviewed this planning module, but this is a revised version being reviewed. Supervisor Bard made a motion to **approve** the revised Planning Module for 232/234 S Groffdale Road. Supervisor Leaman seconded the motion. The motion passed.
- D. *South Market Square Garman Subdivision Preliminary and Final Subdivision Plan*

1. *Waivers*

Subdivision and Land Development Ordinance

- a. *Waiver of Section 303 (Preliminary Plan Application)* – The applicant requested a waiver of the requirement to process a preliminary plan and in the alternative, proceed directly to final plan. Supervisor Bard made a motion to **approve** this waiver request contingent upon the applicant completing all preliminary and final plan requirements to the satisfaction of

the Township. Supervisor Leaman seconded the motion. The motion passed.

- b. *Waiver of Section 402.02.01 (Plan Scale)*- The applicant has requested a waiver of the requirement to provide a plan meeting the Township scale requirements and in the alternative, the applicant has provided the existing features plan with a scale of sixty (60) feet equal to one (1) inch. Supervisor Bard made a motion to **approve** this waiver with the justification that the existing features plan is still legible and it would assist in review by having the entire project on one sheet. Supervisor Leaman seconded the motion. The motion passed.
- c. *Waiver of Section 602.06 (Required Connection to Existing Curb Streets)*- The applicant has requested a waiver of the requirement to extend Granger Road into the proposed project and indicates that to extend Granger Road would be difficult due to the existing overhead electric transmission lines. The applicant has also stated that the design of this development was configured so that all traffic enters/exits the development utilizing a signalized intersection at West Main Street. Once Market Square (South) is extended east through the adjoining development tract to Hellers Church Road, traffic will also be entering/exiting the development to a signalized intersection with West Main Street. If Granger Road is extended, additional traffic flow to an unsignalized intersection presents safety concerns. The Township's Official Map does not show Granger Road being extended. In the alternative, the applicant has provided a twenty-four (24) foot wide paved emergency access connection to Granger Road. Supervisor Bard made a motion to **approve** this waiver request based upon the justification provided. Supervisor Leaman seconded the motion. The motion passed.
- d. *Waiver of Section 602.09 (Minimum Centerline Horizontal Curve Radius)*- The applicant has requested a waiver of the requirement to provide a minimum centerline horizontal curve radius of three hundred (300) feet for circulation streets with the justification that the reduced centerline horizontal curve radii would not create traffic concerns or maneuverability issues for garbage and fire trucks. In the alternative, the applicant has proposed centerline horizontal curve radii varying between two hundred (200) and three hundred (300) feet for Market Square South. The applicant provided a fire truck turning exhibit illustrating acceptable fire truck turning movements within Lot 1. Supervisor Bard made a motion to **approve** the waiver request based upon the justification and alternative provided. Supervisor Leaman seconded the motion. The motion passed.
- e. *Waiver of Section 602.14(Permanent Cul-de-Sac Street Length)*- The applicant has requested a waiver of the requirement to provide a maximum permanent cul-de-sac street length of six hundred (600) feet and indicates that future intention is to connect Market Square South with Hellers Church Road. In the alternative, the applicant proposes an approximately one thousand four hundred fifty-eight (1,458) foot permanent cul-de-sac street length with an emergency access connection to Granger Road. Supervisor Bard made a motion to **approve** this waiver request with the condition the

cul-de-sac is not dedicated to the Township. Supervisor Leaman seconded the motion. The motion passed.

- f. *Waiver of Section 602.18.3.b (Clear-Sight Triangle- More Than 10 Spaces)*- The applicant has requested a waiver of the requirement to provide clear-sight triangles with dimensions of one hundred (100) feet as measured along the street centerline and the access drive centerline for access drives providing connection to more than ten (10) off-street parking spaces. The applicant indicates that the access drives will be controlled with a stop sign before accessing Market Square South and offering the one hundred (100) foot clear sight triangle would not have any additional benefit to motorists. In the alternative, the applicant has proposed a fifty (50) foot clear-sight triangle for access drives connecting to Market Square South. Supervisor Bard made a motion to **approve** this waiver subject to the following conditions; stop bars are provided at the intersections and the available and required safe stopping sight distances (SSSD) are provided to verify that the intersections meet the minimum requirements. Supervisor Leaman seconded the motion. The motion passed.
- g. *Waiver of Section 602.18.4 (Horizontal and Vertical Alignment)*- The applicant has requested a waiver of the requirement to provide a minimum centerline horizontal curve radius of one hundred fifty (150) feet for access drives. This requirement applies to Drive A, from Market Square to Drive E. The applicant indicates that the minimal access drive length makes it not feasible to meet the geometry requirements, and that the proposed geometry would not cause difficulty for vehicle movement. In the alternative, the applicant has proposed a centerline horizontal curve radius of one hundred (100) feet and no vertical curve. Supervisor Bard made a motion to **approve** the waiver based upon the justification and alternative provided. Supervisor Leaman seconded the motion. The motion passed.
- h. *Waiver of Section 607.03 (Pedestrian Easement Width)*- The applicant has requested a modification to the requirement to provide a 10' wide pedestrian easement. In order to provide adequate access to maintain sidewalks along Market Square South, the applicant is proposing an easement measured 5' from the centerline of the sidewalk, which meets the intent of Section 607.03. Supervisor Bard made a motion to **approve** the waiver based upon the justification and alternative provided. Supervisor Leaman seconded the motion. The motion passed.

Stormwater Management Ordinance

- i. *Waiver of Section 308 (Volume Control)* The applicant is requesting a waiver of the requirement to provide volume control measures so that the post-development runoff volume shall not exceed the pre-development runoff volume for all storms equal to or less than the 2-year, 24-hour storm event. In the alternative, the applicant proposes no infiltration on the site due to the location within a community wellhead protection area and the underlying geology. Supervisor Bard made a motion to **approve** this waiver request with the following conditions; the issuance of an NPDES

permit shall constitute satisfaction of consultation with PADEP (§ 805.F). and per Section 805.D.1, the applicant needs to propose alternate means (water quality or pre-treatment BMPs) of meeting the Volume Control requirements of the Stormwater Management Ordinance. The applicant has proposed a wetland basin, bio-retention areas, water quality inlet, landscape restoration, and riparian buffers as water quality BMPs, which meets this condition. Supervisor Leaman seconded the motion. The motion passed.

2. ***Preliminary and Final Subdivision Plan*** – Supervisor Bard made a motion to **approve** Market Square Preliminary and Final Subdivision Plan subject to the applicant satisfactorily addressing all items in Rettew’s review letter dated March 20th 2019. Supervisor Leaman seconded the motion. The motion passed.

- E. *Barry Krick – Newport Road - Letter of Credit Release and Reduction* – Supervisor Bard made a motion to **approve** the Letter of Credit release and reduction for Barry Krick. Supervisor Leaman seconded the motion. The motion passed.

Engineer’s Report:

None

Supervisors’ Concern:

Supervisor Simmons expressed concern regarding having two commercial building inspectors and whether having just one would be more beneficial.

Solicitor’s Report:

- A. *Recycling Ordinance* – Supervisor Bard made a motion to **draft** a Recycling Ordinance as discussed by Bill Cassidy. Supervisor Leaman seconded the motion. The motion passed.

Payment of Bills:

Supervisor Leaman made a motion to **pay** bills totaling \$5,424.06 from State/Liquid Fuels, \$349,879.56 from the General Fund, \$61,706.40 from the Water Fund, and \$142,953.48 from the Sewer Fund. The receipts from the General Fund totaled \$108,914.20. Supervisor Bard seconded the motion. The motion passed.

Correspondence:

- A. *Pennsylvania SPCA Agreement* – The Board reviewed the Agreement included in the packet.

Manager’s Report:

- A. *Water Runoff Onto the Property at 45 N Maple* – The resident expressed concern to the Township Manager concerning water runoff from the Leola Community Park onto his property. After some discussion, Supervisor Bard made a motion to **authorize** the Township to provide top soil and pay for quote to elevate the area of land conditioned upon

a release of liability by property owner drafted by Township Solicitor and no adverse effects on surrounding property owners as approved by Township Engineer.

B. Award 2019 Mowing Bid- Supervisor Bard made a motion to **approve** the staff recommendation to award the mowing contract for 2019, 2020, and 2021 to Arborwood Tree and Lawn Care, LLC. Supervisor Leaman seconded the motion. The motion passed.

The Board went into Executive Session at 7:40 and reconvened at 8:40

Supervisor Bard made a motion to **support** the zoning officer's determination for the May hearing for Rutter's to appeal prohibiting gambling machines. Supervisor Leaman seconded the motion. The motion passed.

On a motion by Supervisor Leaman and seconded by Supervisor Bard, the meeting **adjourned** at 8:45 p.m. The next meeting is scheduled for April 18, 2019, at 6:30 p.m. in the Community Building meeting room.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Michael H Morris', with a long horizontal flourish extending to the right.

Michael H Morris
Township Manager