

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TRANSCRIPT OF PROCEEDINGS
BOROUGH COUNCIL

BEFORE: Borough Council
Andrea Lage, President
Kathy Coy, Vice President
Joseph Hockersmith
Angie Facchinei
John Alosi
Kerri Burrows
Bruce Hockersmith, Mayor
John Epley, Borough Manager

DATE: December 1, 2015, 7:00 p.m.

PLACE: Shippensburg Borough Office
111 North Fayette Street
Shippensburg, PA. 17257

TAKEN BY: Diana L. Sydnor
Court Reporter

APPEARANCES:

Samuel E. Wiser, Esquire, appears on behalf of
Shippensburg Borough Council.

1 COUNCIL PRESIDENT LAGE: I'll call this meeting to
 00:00:02 2 order.
 00:00:08 3 (Invocation and Pledge)
 00:00:08 4 COUNCIL PRESIDENT LAGE: Welcome everybody. The
 00:00:10 5 first thing up is a conditional use hearing. That's for
 00:00:16 6 McDonald's, extension of a non-conforming use so, Donna.
 00:00:20 7 MRS. SOMMERVILLE: Yes, I would like to state for
 00:00:22 8 the record tonight's meeting was advertised in the New's
 00:00:24 9 Chronicle on November 17th and November 24th. The contiguous
 00:00:28 10 property owners were notified in writing. A notice of the
 00:00:30 11 hearing was posted at the property as well as the front door
 00:00:34 12 of the borough office. Thank you.
 00:00:40 13 COUNCIL PRESIDENT LAGE: Who is here tonight to
 00:00:44 14 speak to this issue?
 00:00:48 15 MR. JEITNER: Good evening. I'm Michael Jeitner
 00:00:48 16 with Bohler Engineering.
 00:00:50 17 COUNCIL PRESIDENT LAGE: If you will anyone who
 00:00:52 18 would like to address Council regarding this please stand and
 00:00:56 19 raise your hand.
 00:01:12 20 (Thereupon, the oath was administered.)
 00:01:12 21 MR. JEITNER: Hi again, Michael Jeitner,
 00:01:18 22 J-E-I-T-N-E-R, with Bohler Engineering, B-O-H-L-E-R, located
 00:01:22 23 in Center Valley, Pennsylvania on behalf of McDonald's.
 00:01:26 24 We are here tonight for the conditional use
 00:01:28 25 application. This plan that is before you has been before

2
 Diana L. Sydnor
 Official Court Reporter

00:01:34 1 your HARB, has received approval from your HARB and also
 00:01:38 2 Council as well.
 00:01:42 3 The conditional use application was before your
 00:01:44 4 planning commission. They recommended approval of the
 00:01:46 5 conditional use, and we are here before you.
 00:01:50 6 If we are successful this evening the plan will
 00:01:52 7 then be presented back through the process for the formal
 00:01:56 8 land development.
 00:01:58 9 The plan that is before you is a rebuild of
 00:02:00 10 McDonald's almost in the exact footprint where it is today,
 00:02:06 11 although the footprint of the proposed structure is slightly
 00:02:10 12 larger than the existing by about 16 percent.
 00:02:14 13 The overall gross floor area is being drastically
 00:02:16 14 reduced. Currently today the existing building has a
 00:02:20 15 basement and the proposed building will not have a basement,
 00:02:24 16 so therefore the overall gross floor area will be reduced
 00:02:28 17 from about 6,000 square feet down to what is proposed to be
 00:02:32 18 about 4,500 square feet, however as I noted the area of the
 00:02:38 19 actual footprint on the building itself or on the lot itself
 00:02:44 20 is being increased and therefore we are subject to a
 00:02:46 21 conditional use under Section 150-48, nonconforming
 00:02:52 22 structures and uses.
 00:02:54 23 In regards to that section of the ordinance
 00:02:56 24 specifically Section B 2 it notes that extensions of
 00:03:00 25 non-conforming uses of a portion of a building throughout the

3
 Diana L. Sydnor
 Official Court Reporter

00:03:02 1 building or the limited extension of the building which is
 00:03:04 2 the devoted to a non-conforming use or lot and there's three
 00:03:08 3 requirements. And I believe we comply with each requirement
 00:03:14 4 when I read those in to the record. That it is clear that
 00:03:16 5 such an extension is not materially detrimental to the
 00:03:20 6 character of the surrounding areas or the interest of the
 00:03:22 7 borough. We believe we comply with that in regards to the
 00:03:26 8 fact that the use is existing. We will be modernized and
 00:03:30 9 also the reduction of impervious coverage on the site and the
 00:03:32 10 increase of additional landscaping on the site. Storm water
 00:03:36 11 management facilities will also be improved on the site, and
 00:03:40 12 we believe it will be an overall improvement over the
 00:03:42 13 existing condition.
 00:03:42 14 2 B notes that the area devoted to the
 00:03:46 15 nonconforming use shall in no case be increased by more than
 00:03:50 16 50 percent of the size of the footprint of the existing
 00:03:52 17 nonconforming structure, and as I noted earlier although the
 00:03:56 18 overall gross floor area of the building is being reduced,
 00:04:00 19 the footprint itself is being slightly increased from 3,800
 00:04:04 20 to about 4,500 and noting an increase of about 16 percent, so
 00:04:10 21 although it is an increase we are less than the 50 percent
 00:04:14 22 that's noted in the ordinance so therefore we believe we
 00:04:16 23 comply.
 00:04:18 24 The last section, Item 2 C, such extension shall
 00:04:22 25 conform to the area and height regulations of the district

4
 Diana L. Sydnor
 Official Court Reporter

00:04:24 1 for which it's situated and the lot itself is either
 00:04:28 2 conforming with the ordinance or improving some of the
 00:04:32 3 nonconformities on the site.
 00:04:36 4 In regards to the general criteria noted in Section
 00:04:38 5 150-93 Items A through G we feel that we comply with that
 00:04:44 6 section of the ordinance as well.
 00:04:46 7 If the board would like I can go through each item.
 00:04:50 8 If not, I can just say on the record that it is again my
 00:04:54 9 professional testimony that this will be a positive and will
 00:04:58 10 not have a negative impact and be a detriment to the public
 00:05:06 11 safety welfare.
 00:05:06 12 MR. WISER: Could you please address each element.
 00:05:10 13 MR. JEITNER: Yes, so in regards to Section 150-93
 00:05:14 14 Item A, the proposed use shall be consistent with the purpose
 00:05:16 15 and intent of the zone ordinance. As I indicated earlier, we
 00:05:20 16 are compliant with those such ordinance requirements.
 00:05:22 17 B, the proposed use shall not detract from the use
 00:05:28 18 and enjoyment of adjoining or nearby properties, and we
 00:05:30 19 believe that, again, that although the use is -- the same use
 00:05:36 20 will be proposed on the site, we are increasing landscaping
 00:05:40 21 on the site, decreasing storm water management facilities and
 00:05:44 22 providing what we believe to be a new modernized building
 00:05:48 23 both interior and exterior, and therefore we believe it will
 00:05:50 24 not have an impact on the nearby properties.
 00:05:54 25 The proposed use shall not effect the change in

5
 Diana L. Sydnor
 Official Court Reporter

00:05:56 1 character of the subject property's neighborhood. Again, the
00:05:58 2 use is remaining and is being modernized.
00:06:02 3 Item D, adequate public facilities are available to
00:06:04 4 serve the proposed use such as schools, fire police,
00:06:10 5 ambulance protection, sewer, water and other utilities.
00:06:12 6 Again, the existing utilities are in place. In fact, with
00:06:16 7 the modernized building and modernized facilities inside the
00:06:20 8 building we believe it will have a decrease in regards to
00:06:24 9 water usage as well as sewer usage on the site itself.
00:06:28 10 The lot has been designed in accordance with proper
00:06:32 11 turning maneuvers for fire and safety vehicles that need to
00:06:34 12 access the site for some reason, and also the building will
00:06:38 13 be supplied with a Knox Box on the front of the site or if
00:06:42 14 there's any issues with fire protection necessary.
00:06:46 15 Item E for development within the flood plain that
00:06:48 16 is nonapplicable in regard to our site.
00:06:52 17 Item F, the proposed use shall comply with those
00:06:54 18 criteria specifically located in Article XV of this chapter.
00:06:58 19 In addition the proposed use must comply with all other
00:07:02 20 applicable regulations of this chapter. That specific
00:07:06 21 ordinance talks about an open space district and we are not
00:07:08 22 within an open space or open space conservation district.
00:07:10 23 And the last item is proposed use will not
00:07:14 24 substantially impair the integrity of the Borough's
00:07:16 25 Comprehensive Plan.

6
Diana L. Sydnor
Official Court Reporter

00:07:18 1 We believe that the plan is in accordance with the
00:07:20 2 comprehensive plan and will not have a detrimental impact to
00:07:22 3 that.
00:07:24 4 MR. WISER: Thank you.
00:07:28 5 MR. JEITNER: You're welcome.
00:07:28 6 COUNCIL PRESIDENT LAGE: Council, do you all have
00:07:28 7 any questions?
00:07:32 8 MAYOR HOCKERSMITH: Was any consideration given to
00:07:38 9 the left turn out of the driveway -- out of the western
00:07:44 10 driveway, right turn and left turn as far as traffic flow and
00:07:50 11 things like that in people getting out of your parking lot to
00:07:54 12 the left.
00:07:54 13 MR. JEITNER: Left on to King Street?
00:07:56 14 MAYOR HOCKERSMITH: Yes.
00:07:56 15 MR. JEITNER: I will say as part of the land
00:07:58 16 development application that both of the existing driveways
00:08:04 17 which are being shown maintained that there are in fact no
00:08:08 18 HOP's or PennDOT highway occupancy permits that are in place,
00:08:12 19 so therefore this plan will be reviewed by the state in
00:08:14 20 regards to such access.
00:08:18 21 It is critical to have the left out and right out,
00:08:20 22 although the driveway is wide enough so that an individual
00:08:22 23 making a left out of the site if they're waiting there's room
00:08:28 24 -- maneuverability there for a car to get out to the right.
00:08:32 25 We are also adding which is new to this plan at the

7
Diana L. Sydnor
Official Court Reporter

00:08:34 1 front of the site -- I apologize. I'm referring to the site
00:08:38 2 plan which has a revision date of November 13, 2015. It was
00:08:42 3 submitted as part of the application package. We are noting
00:08:46 4 a front wrap lane at the front of the site which does not
00:08:52 5 exist today, so that gives you the ability that if for some
00:08:52 6 reason you need to wrap the building either get back to the
00:08:54 7 building, back to the drive through and more importantly for
00:08:58 8 emergency vehicles to have access on four sides of the
00:09:00 9 building, that is being proposed, so in regards to -- there's
00:09:04 10 cars stacking for whatever reason and you need to get back
00:09:06 11 out and you want to exit on to the rear alley you have the
00:09:10 12 ability now whereas in the existing condition you're kind of
00:09:14 13 locked in at that point. We believe that's an improvement.
00:09:18 14 COUNCILWOMAN COY: There will be no effect on the
00:09:20 15 -- what I will call alleys in the back and along the side,
00:09:24 16 there will be no effect on those at all?
00:09:26 17 MR. JEITNER: No, correct. In fact, there's a
00:09:28 18 retaining wall along that property that has been inspected.
00:09:30 19 It is shown to remain and no further impact to that
00:09:34 20 surrounding. I will say that there is a positive in regards
00:09:38 21 to the corner. Martin Ave and Walter Avenue, the existing
00:09:44 22 trash corral is right on that corner today. We're moving it
00:09:48 23 off the corner so that the line of sight in that area is
00:09:52 24 improved.
00:09:52 25 COUNCILWOMAN COY: Great.

8
Diana L. Sydnor
Official Court Reporter

00:09:54 1 COUNCIL PRESIDENT LAGE: And, again, as a reminder
00:09:54 2 to Council some of these details are also part of the land
00:09:58 3 development plan but this is really about the use tonight.
00:10:04 4 Any other questions? John, you look like you would like
00:10:10 5 to --
00:10:10 6 COUNCILMAN ALOSI: No, I am not quite sure. I was
00:10:14 7 thinking about in the future when there's certain --
00:10:22 8 regarding storm water.
00:10:24 9 COUNCIL PRESIDENT LAGE: That will be part of the
00:10:26 10 land development plan.
00:10:26 11 COUNCILMAN ALOSI: So this more or less would be --
00:10:32 12 comply with some of those or would be easily let's say
00:10:40 13 modified to meet some of those.
00:10:42 14 MR. JEITNER: I can answer that question. Your
00:10:44 15 ordinance has a certain criteria that if you increase a
00:10:46 16 certain amount of macadam or impervious coverage, then you
00:10:50 17 need to comply with certain regulations within your
00:10:54 18 ordinance. This plan is actually reducing impervious
00:10:58 19 coverage, so we are -- although we're exempt from storm water
00:11:02 20 management control we are providing new storm water
00:11:04 21 facilities in the form of new trench drains, new inlets on
00:11:06 22 the property in order to really collect the water and
00:11:10 23 discharge it properly in to the state system on King Street,
00:11:12 24 and although today some of those facilities exist they're a
00:11:16 25 little outdated, so I'm sure some of the storm water on a day

9
Diana L. Sydnor
Official Court Reporter

00:11:20 1 like today is probably just shooting just blowing right out
00:11:22 2 to the road so this will be an improvement over the existing
00:11:24 3 conditions in regards to your storm water ordinance although
00:11:26 4 I say we're exempt, technically we're complying with your
00:11:28 5 ordinance.
00:11:30 6 COUNCILMAN ALOSI: Thank you.
00:11:32 7 MR. JEITNER: You're welcome.
00:11:32 8 MAYOR HOCKERSMITH: The current structure will be
00:11:34 9 on the same elevation? The new will be on the same elevation
00:11:38 10 as the current structure?
00:11:40 11 MR. JEITNER: It's generally in the same elevation,
00:11:42 12 yeah.
00:11:42 13 MAYOR HOCKERSMITH: No attempt to level out the --
00:11:48 14 MR. JEITNER: We're in a tough situation here in
00:11:50 15 regards to the grade from Martin Avenue down to King Street,
00:11:52 16 so we're kind of wedged in if you will in regards to the
00:11:56 17 grade through there, so we're working with that in order to
00:11:58 18 comply with, you know, the safe passage of not only vehicular
00:12:04 19 traffic but pedestrian as well.
00:12:06 20 This will be ADA accessible from the street
00:12:08 21 sidewalk out on King Street which I do not believe today
00:12:10 22 exists, so in regards to the site itself both exterior and
00:12:14 23 interior the project will be brought in to strict conformance
00:12:18 24 with the latest ADA regulations.
00:12:24 25 MAYOR HOCKERSMITH: Thank you.

10
Diana L. Sydnor
Official Court Reporter

00:13:52 1 approved this evening. You will receive a written decision
00:13:56 2 by mail. There is a 30 day appeal period that begins with
00:14:00 3 the date of the written decision. Anything you do before the
00:14:02 4 expiration -- before the end of that 30 day appeal period is
00:14:08 5 at your own risk. Thank you.
00:14:10 6 MR. JEITNER: Thank you.
00:14:12 7 COUNCIL PRESIDENT LAGE: Thank you, gentlemen.
00:14:14 8 All right, with that we return to our more standard
00:14:18 9 council meeting and the public comment. Is there anyone here
00:14:20 10 that would like to address Council during the public comment
00:14:24 11 time? I would just like to say welcome, Sandy.
00:14:30 12 MRS. MAILEY: Thank you.
00:14:34 13 COUNCIL PRESIDENT LAGE: Then moving on to the
00:14:36 14 business part of the agenda. First is a consideration of a
00:14:38 15 request by the First Church of God for the Children's
00:14:44 16 Ministry Scarf Project. Is there someone here that wishes to
00:14:46 17 address this. Is Colleen here?
00:14:50 18 COUNCILWOMAN COY: No, I spoke with her on the
00:14:50 19 phone. I made a phone call to her today just to get an idea
00:14:52 20 of what they had in mind and she had a conflicting meeting so
00:14:56 21 she apologized, but what they were looking for and they're
00:15:02 22 still in discussions on this is what it is. They wanted to
00:15:04 23 do something where they could put these scarves down through
00:15:08 24 town.
00:15:08 25 My concern when I called her was that we now have

12
Diana L. Sydnor
Official Court Reporter

00:12:24 1 MR. JEITNER: You're welcome.
00:12:30 2 COUNCIL PRESIDENT LAGE: Any other questions,
00:12:30 3 Council? If not then we will close the testimony portion of
00:12:38 4 the hearing. Thank you very much.
00:12:42 5 MR. JEITNER: Thank you.
00:12:58 6 COUNCIL PRESIDENT LAGE: Discussion?
00:13:02 7 COUNCILMAN HOCKERSMITH: It looks to me like they
00:13:04 8 presented a fairly thorough plan. They have the
00:13:08 9 recommendation from planning. It looks like to go ahead with
00:13:10 10 this.
00:13:12 11 COUNCIL PRESIDENT LAGE: Do we often take action
00:13:14 12 now instead of going in to the standard --
00:13:16 13 COUNCILMAN HOCKERSMITH: In the past we have.
00:13:18 14 MR. WISER: We do.
00:13:20 15 COUNCIL PRESIDENT LAGE: So why don't we go ahead
00:13:22 16 and revert to past because we're creatures of habit, so is
00:13:28 17 there a motion?
00:13:28 18 COUNCILMAN HOCKERSMITH: I'll move to approve the
00:13:30 19 conditional use.
00:13:32 20 COUNCILWOMAN COY: I'll second.
00:13:34 21 COUNCIL PRESIDENT LAGE: A motion by Joe and a
00:13:34 22 second by Kathy. Any further discussion? Hearing none, all
00:13:38 23 those in favor of approving the conditional use for
00:13:44 24 McDonald's say aye. Opposed? Motion carries 6-0. Donna.
00:13:50 25 MRS. SOMMERVILLE: Your conditional use has been

11
Diana L. Sydnor
Official Court Reporter

00:15:10 1 the new garland on the poles and I didn't want to see scarves
00:15:14 2 tied around them. I did suggest that there's a possibility
00:15:18 3 that if she would go to maybe the D.O.I.T. committee that the
00:15:22 4 flower poles are empty now so that may be something, but my
00:15:26 5 concern was how are you going to keep them dry. We don't
00:15:30 6 want a bunch of soggy wet looking scarves.
00:15:34 7 COUNCILMAN HOCKERSMITH: How long are they going to
00:15:36 8 be up.
00:15:36 9 COUNCILWOMAN COY: How long will they be out.
00:15:38 10 COUNCILMAN HOCKERSMITH: Who's responsible for
00:15:40 11 taking them down when that period ends.
00:15:40 12 COUNCILWOMAN COY: She would be the main person and
00:15:42 13 she really has not got -- she does not have all the -- she
00:15:48 14 doesn't have all her ducks in a row.
00:15:50 15 COUNCIL PRESIDENT LAGE: Maybe we put this aside
00:15:52 16 then.
00:15:54 17 MRS. BURROWS: This is a national program. A lot
00:15:56 18 of times you see it urban areas not as much as rural areas
00:15:58 19 like Shippensburg, but I know DC and New York have a program
00:16:02 20 like this, but it only takes place in their green zones like
00:16:10 21 little block parks or whatever which we really don't have
00:16:14 22 here. They don't tie them to street poles and telephone
00:16:18 23 poles.
00:16:18 24 COUNCILWOMAN COY: What I was going to suggest and
00:16:20 25 I didn't at the time, I just thought I would talk to her but

13
Diana L. Sydnor
Official Court Reporter

00:16:24 1 there might even be some of the churches have boxes and
00:16:26 2 coolers out with bottles of water and something like that so
00:16:30 3 maybe that might be an idea to do so I will meet with her and
00:16:36 4 talk with her again about it, but that's just where she was
00:16:40 5 at and she was hoping to get started within the next two
00:16:44 6 weeks.
00:16:44 7 COUNCILMAN HOCKERSMITH: If she thinks this through
00:16:46 8 a little further and would like to come back the 15th it is
00:16:50 9 within the next two weeks.
00:16:52 10 COUNCILWOMAN COY: Right. Come back with a little
00:16:54 11 bit better thought out program.
00:16:56 12 COUNCILMAN HOCKERSMITH: Yes, and let us know the
00:16:56 13 particulars of how are they going to keep them dry, things
00:17:00 14 like that.
00:17:02 15 COUNCIL PRESIDENT LAGE: I think you're on the
00:17:02 16 right track but it seems like you --
00:17:06 17 MRS. BURROWS: They don't keep them dry to answer
00:17:08 18 your question. They literally just hang on the trees but
00:17:12 19 it's a little bit different whenever you're in an urban area
00:17:16 20 as opposed to a rural area. I'm not sure that she will have
00:17:18 21 the response that they get for a national program where it's
00:17:22 22 a little bit more populous.
00:17:26 23 COUNCILWOMAN COY: I think this is -- a lot of this
00:17:28 24 is stemming from Pastor Jim is the one so I think they see
00:17:32 25 the need but, like I said, I believe that tying them to poles

14

Diana L. Sydnor
Official Court Reporter

00:17:38 1 and trees I can't see picking up a wet scarf. It's not going
00:17:44 2 to do anybody any good, so I will call and speak with her
00:17:46 3 again, but I thought maybe if there was just a location of a
00:17:50 4 box, cooler someplace.
00:17:52 5 MRS. BURROWS: Water tight 10 gallon tub.
00:17:56 6 COUNCILWOMAN COY: It might make more sense to stop
00:17:58 7 and pick it up, make a note if you need a scarf stop and here
00:18:02 8 it is.
00:18:02 9 MANAGER EPLEY: Maybe they could put them inside of
00:18:06 10 businesses that has a sign directing somebody to go in to the
00:18:08 11 store and ask for one.
00:18:10 12 COUNCILWOMAN COY: It could be but I'm not sure
00:18:12 13 that would probably go over well. I can see some
00:18:16 14 people already --
00:18:18 15 COUNCILMAN HOCKERSMITH: Especially if I was
00:18:20 16 selling gloves and mittens.
00:18:22 17 COUNCILWOMAN COY: I would see that would probably
00:18:24 18 not happen but having them somewhere out where someone could
00:18:28 19 pick them up. I'll talk with her a little bit more about it.
00:18:34 20 COUNCIL PRESIDENT LAGE: Alright, then moving on
00:18:36 21 we have a series of considerations from our planning
00:18:40 22 commission, and these all are aligned with the Rowe Road
00:18:46 23 project, and I know Scott and Carl are here to help answer
00:18:50 24 any questions.
00:18:52 25 Scott, do you want to maybe just sort of briefly

15

Diana L. Sydnor
Official Court Reporter

00:18:56 1 give kind of an overview of how this is all being pieced
00:18:58 2 together?
00:18:58 3 MR. SCOTT BERT: The whole big picture project?
00:19:04 4 COUNCIL PRESIDENT LAGE: Yes.
00:19:14 5 MR. SCOTT BERT: Andrea mentioned there's three
00:19:22 6 different things before you, two subdivision plans and then I
00:19:26 7 believe just a discussion on the project, but I'll just give
00:19:30 8 you a brief overview of the project and then kind of lead you
00:19:34 9 in to the subdivision plans if you would like.
00:19:38 10 I don't know what all has been discussed here as
00:19:40 11 far as your formal meetings, but I know you're probably all
00:19:44 12 somewhat aware of it, but what is going on with the
00:19:48 13 relocation of Rowe Road is back when Volvo did some of their
00:19:52 14 expansion a few years back their traffic study showed that
00:19:56 15 they needed to do -- that there needed to be some kind of
00:19:58 16 improvements down here at Rowe Road, a signal of some kind
00:20:02 17 and when that plan got approved at the borough it was
00:20:06 18 recognized that this would happen but I think everybody knew
00:20:08 19 it was bigger than just slap a light up there and move
00:20:12 20 forward, so fast forward three years later I guess, I don't
00:20:18 21 know. It's been awhile --
00:20:18 22 COUNCIL PRESIDENT LAGE: Several.
00:20:20 23 MR. SCOTT BERT: -- since we've been working
00:20:20 24 through this. The current proposal before you is to put
00:20:26 25 instead of a traffic signal down here but rather to realign

16

Diana L. Sydnor
Official Court Reporter

00:20:32 1 Rowe Road where the red is at and put the traffic signal here
00:20:36 2 which is the current driveway entrance for the Weis Market
00:20:40 3 and this entire Cressler Marketplace complex.
00:20:44 4 What we would be proposing in that project is this
00:20:48 5 would become the main Rowe Road now to get back to both the
00:20:52 6 school and to Volvo. We would be in essence vacating as far
00:21:00 7 as a public road goes Rowe Road from here out to the main
00:21:04 8 road and then in that scenario what would happen is the area
00:21:08 9 in the purple would maintain as far as existing pavement. It
00:21:14 10 would remain in place but it would serve as a private
00:21:18 11 driveway to the marketplace, so by doing that -- currently
00:21:24 12 the store has three ingress and egress points. As far as
00:21:30 13 customers go they have one off of Rowe, a private one off 11
00:21:34 14 and then one for trucks, so under this scenario they would
00:21:38 15 still have their three points of ingress and egress. It's
00:21:42 16 just now this one now would be private. This would be public
00:21:46 17 and then the truck would maintain the same, and then the
00:21:50 18 point -- the portion that's in green would be vacated and
00:21:56 19 eventually the macadam would be dug up and just planted as
00:22:02 20 grass then. And in that scenario you have the purple part
00:22:08 21 would go to Cressler's, the green portion the right-of-way.
00:22:12 22 I think that's actually still in process and still in debate
00:22:16 23 whether it goes back to the school or whether it comes to
00:22:20 24 Cressler's as part of this overall project, and -- well, as
00:22:26 25 part of this also there's a storm water detention basin

17

Diana L. Sydnor
Official Court Reporter

00:22:28 1 that's currently behind the store. That will remain in place
00:22:32 2 with some modifications. It will be getting a little bit
00:22:34 3 bigger and with the road -- well, it will be getting bigger
00:22:38 4 because of the road coming through and eliminating some of
00:22:42 5 the volume that we currently have there, so that's kind of
00:22:46 6 the overview of what's going on and then subdivision plans
00:22:52 7 before you are a necessity to get to this point because
00:22:56 8 there's some land that needs to be -- well, first of all,
00:22:58 9 this area of red needs to be created, a right-of-way, which
00:23:02 10 is mostly coming from Cressler's but a small portion coming
00:23:08 11 from the Oberholtzer property, and then there's some -- kind
00:23:14 12 of some land not really swapping but there's a corner here
00:23:20 13 from the Cressler's that is going to be given to the
00:23:26 14 Oberholtzer's and there's more details in to that if you want
00:23:28 15 to get in to that now but that's what the subdivision plans
00:23:32 16 are that are before you.

00:23:34 17 COUNCIL PRESIDENT LAGE: They're basically
00:23:34 18 facilitating like the use of the detention ponds, aren't
00:23:38 19 they, as well as where the road right-of-ways are as well?
00:23:42 20 MR. SCOTT BERT: Basically. I mean, there's a
00:23:44 21 couple of different things with the detention basin. One of
00:23:48 22 the lots on the subdivision plan is this area here that's
00:23:52 23 hatched which will be created for a storm water easement
00:23:54 24 that's currently on the Oberholtzer property. That easement
00:24:00 25 already exists as part of this land development plan but

18
Diana L. Sydnor
Official Court Reporter

00:25:20 1 right. Yeah, I mean, I can see why students or whoever are
00:25:22 2 tempted to do it. Here knowing that there's a signal there,
00:25:26 3 I can't say people won't do it but there's not as big of an
00:25:30 4 advantage. I can't see that people --
00:25:32 5 COUNCILMAN HOCKERSMITH: I didn't realize that we
00:25:36 6 were going to have a private drive there.
00:25:40 7 COUNCIL PRESIDENT LAGE: That's actually been on
00:25:40 8 the table the whole time.
00:25:42 9 COUNCILMAN HOCKERSMITH: Pardon me?
00:25:42 10 COUNCIL PRESIDENT LAGE: That's been on the table
00:25:44 11 the whole time.
00:25:44 12 MR. SCOTT BERT: As part of this development they
00:25:46 13 would have to have two points of ingress and egress.
00:25:48 14 MRS. BURROWS: They have to be able to turn, I
00:25:52 15 mean, turning right isn't the issue. It's turning left off
00:25:58 16 that private drive and there's nothing to prevent a no turn
00:26:02 17 left there?
00:26:02 18 MR. SCOTT BERT: No, I think the thought is one,
00:26:04 19 the only traffic that's going to be there should be customers
00:26:08 20 of this complex and given the fact, again, there's a signal
00:26:14 21 here, yeah, traffic study kind of shows that most of the
00:26:16 22 people will come here. I don't think that turning left there
00:26:22 23 also will not be as much of a problem with a signal here
00:26:26 24 because some of the issue is you get people speeding down
00:26:30 25 here and then people turning out. I think the signal will,

00:26:30 25 here and then people turning out. I think the signal will,

20
Diana L. Sydnor
Official Court Reporter

00:24:02 1 there's not really good record of it. It's not really
00:24:06 2 recorded anywhere so that's why it's being included as part
00:24:10 3 of this.
00:24:12 4 COUNCILWOMAN COY: Is there one behind Weis now?
00:24:14 5 Does that exist now?
00:24:16 6 MR. SCOTT BERT: This one, yes.
00:24:18 7 COUNCILWOMAN COY: Okay.
00:24:18 8 COUNCIL PRESIDENT LAGE: Part of the issue is that
00:24:20 9 the road goes through the existing one I think, right?
00:24:24 10 MR. SCOTT BERT: Yeah, exactly. By the road going
00:24:26 11 through it then you need -- if you can envision it, you know,
00:24:30 12 it dips down, so when you place fill in there it's not just
00:24:34 13 like you're putting a road through there but you're placing a
00:24:36 14 lot of fill material that you will lose. The basin will get
00:24:42 15 smaller because of that.
00:24:42 16 COUNCILMAN HOCKERSMITH: The existing Rowe Road in
00:24:44 17 purple that's going to remain but become private, what's to
00:24:48 18 prevent somebody from cutting through Cressler's lot to
00:24:52 19 circumvent the light, the signal at the intersection of the
00:25:00 20 new Rowe and Route 11?
00:25:02 21 MR. SCOTT BERT: I mean, basically the same as what
00:25:04 22 happens now, you know, kind of. There's not. The difference
00:25:10 23 being, I don't know -- currently whenever you're coming down
00:25:12 24 here people cut through here to turn right. Face it, there's
00:25:16 25 a benefit. You're avoiding a long line. You're turning

19
Diana L. Sydnor
Official Court Reporter

00:26:34 1 the intent anyway and the hope is that will slow some of that
00:26:36 2 traffic down, but the main thing there won't be as much
00:26:40 3 coming out and another reason why we still need this is
00:26:44 4 because this is where the trucks access.
00:26:48 5 COUNCILWOMAN COY: I don't see that you can
00:26:50 6 actually, Joe, I don't see how they could really stop that, I
00:26:52 7 mean, people are going to do what they want to do.
00:26:56 8 MRS. BURROWS: I actually agree with Scott. I
00:26:58 9 think that --
00:27:04 10 COUNCIL PRESIDENT LAGE: It's less.
00:27:04 11 MRS. BURROWS: Right.
00:27:06 12 COUNCIL PRESIDENT LAGE: We know where Joe is
00:27:06 13 going to go, right.
00:27:08 14 COUNCILMAN HOCKERSMITH: Well, I'm questioning if
00:27:10 15 there's -- I don't know.
00:27:12 16 COUNCILWOMAN COY: You're still going to have some,
00:27:14 17 but the point is you're not going to have as much.
00:27:18 18 MR. WISER: You know there will be a learning
00:27:18 19 curve on this. It will take some time for people to get out
00:27:22 20 their habits. They're just going to turn their by habit and
00:27:24 21 truck drivers to get updated navigation systems. Remember we
00:27:30 22 went through that with Schreiber.
00:27:32 23 COUNCILMAN HOCKERSMITH: Truck drivers it won't
00:27:32 24 effect, if that's --
00:27:34 25 MR. SCOTT BERT: The difference is it's Volvo

21
Diana L. Sydnor
Official Court Reporter

00:27:38 1 trucks, not grocery store trucks.
00:27:40 2 COUNCILMAN HOCKERSMITH: Okay.
00:27:44 3 MRS. BURROWS: I think a bigger concern is the
00:27:46 4 back-up of traffic is it going to inhibit the availability to
00:27:50 5 Cressler's during high traffic flow areas, you know,
00:27:54 6 beginning of school, beginning of all those shifts, end of
00:27:56 7 school, end of all those shifts, that's the bigger issue.
00:28:00 8 Honestly I think the private drive is going to be probably
00:28:02 9 the only good way to access the grocery store during those
00:28:06 10 high traffic volume times.
00:28:10 11 MR. SCOTT BERT: Yeah, agreed. Whenever Volvo and
00:28:14 12 the school are letting out it will back up. Now, the signals
00:28:18 13 will also be timed. They'll set them in a way that when
00:28:20 14 there is more of a back-up they will have -- they would allow
00:28:26 15 more traffic to get out. And another benefit is, I mean, you
00:28:30 16 can't -- this isn't much of an argument but the peak times
00:28:34 17 that you're talking about with the school and Volvo are not
00:28:38 18 necessarily the peak times of the store.
00:28:40 19 MRS. BURROWS: Correct.
00:28:42 20 MR. SCOTT BERT: So that's at least one good
00:28:44 21 benefit.
00:28:48 22 COUNCIL PRESIDENT LAGE: Should we go ahead with
00:28:50 23 the subdivision and then if there are questions relative to
00:28:54 24 the subdivision. So the first one is a final subdivision
00:28:58 25 plan for Alvin Oberholtzer.

22

Diana L. Sydnor
Official Court Reporter

00:30:30 1 think that would have been the first one. There should be
00:30:32 2 one I think in the middle twenties.
00:30:36 3 COUNCILWOMAN COY: Twenty two and then there's one
00:30:38 4 at 23 and 24.
00:30:38 5 COUNCILMAN HOCKERSMITH: November 11 and November
00:30:42 6 4.
00:30:42 7 MR. CARL BERT: I think November 11.
00:30:46 8 COUNCIL PRESIDENT LAGE: I think November 11.
00:30:48 9 MR. CARL BERT: Eleventh is the last one.
00:30:50 10 COUNCIL PRESIDENT LAGE: Yes. They're just
00:30:56 11 technicalities about owners certifications, statement signs
00:31:00 12 and approvals for the nonbinding waiver requests as well as
00:31:04 13 approvals by us, so I think you were saying all of those come
00:31:08 14 through except for our approvals.
00:31:12 15 MR. CARL BERT: Yes. After your action then we'll
00:31:14 16 have to circulate the plans among everybody to get signed and
00:31:16 17 notarized and then ultimately recorded.
00:31:18 18 COUNCIL PRESIDENT LAGE: So I have just sort of a
00:31:20 19 procedural question. In looking at this final subdivision
00:31:24 20 plan do we also have to deal with the nonbinding waiver
00:31:26 21 request?
00:31:26 22 MR. WISER: Yes.
00:31:28 23 MR. CARL BERT: Yes.
00:31:28 24 MR. WISER: Carl, do we need to have them
00:31:32 25 approved, the waiver of the fee as a separate action. I

24

Diana L. Sydnor
Official Court Reporter

00:29:08 1 MR. CARL BERT: I can update you just a little bit
00:29:10 2 on this. Both Oberholtzer and Cressler are before you
00:29:16 3 because there's two municipalities involved and each have
00:29:22 4 land in both municipalities so that we have the plan for
00:29:26 5 Oberholtzer and Cressler both. Both of the plans have been
00:29:32 6 through both planning commissions. Both have been reviewed
00:29:34 7 by Martin & Martin who made recommendations and then there
00:29:40 8 were a few changes.
00:29:40 9 We now have a clean review from Martin & Martin and
00:29:44 10 the Southampton Township Supervisors have taken action to
00:29:48 11 approve both.
00:29:48 12 The only thing pending yet is borough council on
00:29:52 13 both of them, and I can go through what the different parcels
00:29:56 14 are for but I think Scott already touched on them. There's
00:30:00 15 all kind of little easements. There's a little wee section
00:30:02 16 we didn't talk about that ends up getting conveyed from
00:30:04 17 Cressler to PennDOT to widen -- it's a road widening.
00:30:12 18 COUNCILMAN HOCKERSMITH: Have we seen the
00:30:12 19 recommendation, the letter from Martin & Martin? Is it in
00:30:16 20 here?
00:30:18 21 MANAGER EPLEY: Yes, it's in your packet.
00:30:22 22 COUNCILMAN HOCKERSMITH: I thought I had seen it
00:30:24 23 earlier. Is this it?
00:30:26 24 COUNCILWOMAN COY: Twenty two.
00:30:28 25 MR. CARL BERT: There should be another one. I

23

Diana L. Sydnor
Official Court Reporter

00:31:36 1 think that was anticipated, right?
00:31:38 2 MR. CARL BERT: Yeah, I didn't make that formal
00:31:40 3 request but we were anticipating with the municipalities you
00:31:44 4 would not require your normal fees.
00:31:46 5 MR. WISER: Because in a sense it's submitted in
00:31:50 6 part on behalf of the borough that you waived the application
00:31:52 7 fee so it would be a third action. Whichever order is fine.
00:32:00 8 COUNCIL PRESIDENT LAGE: Can we do that like the
00:32:02 9 waiver of fees for both applications?
00:32:04 10 MR. WISER: Yes.
00:32:04 11 COUNCIL PRESIDENT LAGE: So maybe do that first.
00:32:06 12 COUNCILMAN HOCKERSMITH: I make the motion that we
00:32:08 13 waive the normal application fees for both subdivision plans.
00:32:12 14 COUNCILWOMAN COY: Second.
00:32:14 15 COUNCIL PRESIDENT LAGE: I have a motion by Joe
00:32:16 16 and a second by Kathy. Any further discussion? Hearing
00:32:18 17 none, all those in favor. Opposed? Motion carries 6-0.
00:32:22 18 What is the order then on the final subdivision
00:32:28 19 plan and the waivers?
00:32:28 20 MR. WISER: You should approval the nonbinding
00:32:32 21 waiver before approving the plan.
00:32:32 22 COUNCIL PRESIDENT LAGE: Can we do those together?
00:32:34 23 MR. WISER: Yes, you can.
00:32:36 24 COUNCIL PRESIDENT LAGE: So do we have a motion to
00:32:36 25 approve the nonbinding waiver requests for both the

25

Diana L. Sydnor
Official Court Reporter

00:32:42 1 Oberholtzer subdivision plan and the Cressler Limited
00:32:44 2 Partnership?
00:32:44 3 COUNCILMAN HOCKERSMITH: So moved.
00:32:46 4 MRS. BURROWS: Second.
00:32:46 5 COUNCIL PRESIDENT LAGE: We have a motion by Joe
00:32:48 6 and a second by Kerri. Any further discussion? Hearing
00:32:50 7 none, all those in favor? Opposed? Motion carries 6-0.
00:32:54 8 So then we have the subdivision plans themselves.
00:33:00 9 Do we have consideration of the final subdivision plan for
00:33:02 10 Alvin M. Oberholtzer?
00:33:04 11 COUNCILMAN HOCKERSMITH: We are approving final,
00:33:06 12 right?
00:33:06 13 COUNCIL PRESIDENT LAGE: Yes.
00:33:06 14 COUNCILMAN HOCKERSMITH: So moved.
00:33:08 15 COUNCILWOMAN COY: Second.
00:33:10 16 COUNCILMAN ALOSI: I have a question.
00:33:12 17 COUNCIL PRESIDENT LAGE: We have a motion by Joe
00:33:14 18 and a second by Kathy. Discussion? What's your question?
00:33:16 19 COUNCILMAN ALOSI: I have a question about the
00:33:20 20 retention basin in the road that goes through them. Is the
00:33:24 21 road going to be elevated or is there some kind of a
00:33:28 22 connecting pipe underneath the road?
00:33:30 23 MR. SCOTT BERT: Yeah, exactly.
00:33:34 24 COUNCILMAN ALOSI: Almost like it's a bridge going
00:33:36 25 over the --

26

Diana L. Sydnor
Official Court Reporter

00:34:54 1 outlet structure, like a concrete inlet box at the end, and
00:35:00 2 that's where that would probably most likely be controlled
00:35:04 3 more so than right up here.
00:35:08 4 MRS. BURROWS: So the grading of the road, you
00:35:10 5 know, it's usually a peak in the center and then it comes
00:35:14 6 off, that's essentially what the intent is here too.
00:35:16 7 MR. SCOTT BERT: It is.
00:35:16 8 MRS. BURROWS: So you will have run-off on one lane
00:35:20 9 going in to the smaller basin and the run-off on the other
00:35:22 10 lane going to the larger basin.
00:35:24 11 MR. SCOTT BERT: Correct. Anything that comes this
00:35:26 12 way would just come over and then through that pipe right
00:35:28 13 away to get to this one. I didn't mention this area in here
00:35:32 14 is -- what's the best way to explain it. It's going to be
00:35:36 15 rock. You see it along places like interstates a lot like on
00:35:40 16 ramps and things where it's just rock the whole way down as
00:35:44 17 opposed to having to maintain grass or something of that
00:35:48 18 nature, and it also serves as an erosion protection control
00:35:52 19 so that's what both sides here would have.
00:35:56 20 MRS. BURROWS: The grading of the basin draws the
00:35:58 21 water from the small basin to the large basin?
00:36:02 22 MR. SCOTT BERT: Correct.
00:36:02 23 MRS. BURROWS: Does that answer your question?
00:36:04 24 COUNCILMAN ALOSI: Yes.
00:36:06 25 MR. CARL BERT: This has nothing to do with the

28

Diana L. Sydnor
Official Court Reporter

00:33:38 1 MR. SCOTT BERT: You're right. There will be --
00:33:40 2 these will be the two basins and there's the connecting pipe
00:33:44 3 as they would go and because it is elevated there would be
00:33:48 4 guide rail on that section of it as well.
00:33:50 5 COUNCILMAN ALOSI: So the storm water to be guided?
00:33:52 6 MRS. BURROWS: See the little blue line there?
00:33:56 7 MR. SCOTT BERT: That's what this line is. This
00:33:58 8 pipe will kind of connect these two.
00:34:00 9 COUNCILMAN HOCKERSMITH: The basin on the left has
00:34:00 10 shrunk?
00:34:00 11 MR. SCOTT BERT: Well, no.
00:34:04 12 COUNCILMAN HOCKERSMITH: So it's the same size?
00:34:06 13 MR. SCOTT BERT: It's the same size and I'll say I
00:34:08 14 think in talking to Mr. Oberholtzer whenever we kind of went
00:34:10 15 over some of this. Since the store has been build he's seen
00:34:14 16 water here twice. This is basically overflow of like the 100
00:34:18 17 year storm. Most of the water stays in this area. I really
00:34:22 18 don't think you're going to see water over in this area very
00:34:24 19 much, I mean, for the most part I think he uses that as a
00:34:28 20 pasture and it doesn't really impact anything.
00:34:32 21 COUNCILMAN ALOSI: Say, for example, oil that drips
00:34:36 22 out of the vehicles, is that guided out of the basin, I mean,
00:34:40 23 is there like a --
00:34:46 24 MR. SCOTT BERT: I mean anything of that nature
00:34:48 25 would be more controlled as it gets through here down at the

27

Diana L. Sydnor
Official Court Reporter

00:36:08 1 plans that you are on right now. Do you want to say anything
00:36:12 2 about the walking plans?
00:36:14 3 MR. SCOTT BERT: I mean if you want to. This is
00:36:16 4 not really part of the subdivision plans but it's all part of
00:36:20 5 the overall project. Also as part of the overall thing, this
00:36:26 6 road is -- it's wider than what your ordinance requires
00:36:30 7 because of the trucks and the buses and the potential, you
00:36:34 8 know, use of it. Well, width wise it will compare almost
00:36:38 9 exactly to Dykeman Road, the road going up for Schreiber, 12
00:36:44 10 foot lanes and then eight foot shoulders on the outside. So
00:36:48 11 what we have shown was on this eight foot shoulder along this
00:36:52 12 side is trying to propose like a five foot walking path per
00:36:58 13 se along the shoulder.
00:37:02 14 COUNCIL PRESIDENT LAGE: In lieu of a formal
00:37:04 15 sidewalk, correct.
00:37:06 16 COUNCIL PRESIDENT LAGE: Because we have a sidewalk
00:37:08 17 ordinance but in this case I think it makes more sense to
00:37:10 18 have a dedicated walking space rather than a formal sidewalk
00:37:14 19 so it does allow for safe passage but you don't have the
00:37:18 20 added structure.
00:37:18 21 MRS. BURROWS: Which is actually amazing because of
00:37:20 22 how many kids go to work at Cressler's immediately after
00:37:24 23 school.
00:37:24 24 COUNCILWOMAN COY: Will they meet the ADA
00:37:28 25 requirements or is this -- just curious because --

29

Diana L. Sydnor
Official Court Reporter