

MINUTES

BOARD OF COMMISSIONERS

LOWER ALLEN TOWNSHIP

REGULAR MEETING

September 9, 2024

The following were in ATTENDANCE:

BOARD OF COMMISSIONERS

Dean W. Villone, President
Jennifer M. Caron
Joshua Nagy (via telephone)
Charles Brown
Joseph Swartz

TOWNSHIP PERSONNEL

Thomas G. Vernau, Jr. Township Manager
Rebecca L. Davis, Assistant Manager/Public Works Director
Steven P. Miner, Township Solicitor
David Holl, Public Safety Director
Alycia Knoll, Finance Director
Isaac Sweeney, PE, Community & Economic Development Director
James Bennett, Township Planner
Mike Knouse, Township Engineer
Nathaniel Sterling, Administrative Secretary
Renee' Greenawalt, Recording Secretary

President Villone called the September 9, 2024 Regular Meeting of the Board of Commissioners to order at 6:00 PM. He announced that Proof of Publication for the meeting was available for review. This was followed by a prayer and the Pledge of Allegiance.

MEETING MINUTES:

President Villone requested a motion to approve the minutes of the August 26, 2024 Regular Meeting. Commissioner **BROWN** moved to approve the minutes. Vice President **CARON** seconded. The motion passed 5-0.

AUDIENCE PARTICIPATION: Any item on the agenda.

President Villone advised the audience that if there were any item on that evening's agenda that they wished to comment on, to please indicate as such. There were none.

CONSENT AGENDA:

President Villone stated that any Commissioner, staff member, or anyone in attendance who would like to have an item(s) on the Consent Agenda removed for further discussion could do so at that time. There were none.

Items on the Consent Agenda:

- a. Check Register of September 6, 2024, in the amount of \$1,420,150.80.
- b. Payment of Estimate No. 3 to Kinsley Construction, LLC for labor for the Weis/UMHC Basin Retrofit Project in the amount of \$97,964.56.
- c. Payment of Estimate No. 2/FINAL to Kinsley Construction, LLC for labor for the Bethany Village Basin Retrofit Project in the amount of \$39,076.99.

Vice President **CARON** moved to approve the items on the Consent Agenda. Commissioner **SWARTZ** seconded. With no further discussion the consent agenda was approved by a vote of 5-0.

PRESIDENT

Check Register of September 6, 2024

President Villone requested a motion to approve the manual Check Register of September 6, 2024 in the amount of \$2,075.00 for legal services to Eckert, Seamans, Cherin & Mellott.

Commissioner **BROWN** offered the motion. Commissioner **SWARTZ** seconded. The motion passed 4-0 with Vice President **CARON** abstaining.

RESOLUTION 2024-R-34

President Villone requested a motion to adopt **RESOLUTION 2024-R-34**, requesting a Category 4 Facilities Local Share Assessment (LSA) grant in the amount of \$270,000 from the Commonwealth Financing Authority to acquire a leaf turner. Director Davis described the background for the grant, which is a local shared program through the Pennsylvania Department of Community and Economic Development, which funds items such as leaf turning equipment.

Commissioner **SWARTZ** made a motion to adopt **RESOLUTION 2024-R-34**, seconded by Commissioner **BROWN**. The motion passed 5-0.

ANY BUSINESS PERTINENT TO THE TOWNSHIP:

President Villone noted that if anyone wished to speak at that time, there would be 10 minutes allotted per person to speak at the podium.

Ms. Jessica Miller, of the Frederickson Library provided an update about participation levels in activities and programs and expressed appreciation to Lower Allen Township for their support of the library. Commissioner Swartz noted that volunteers were needed for the upcoming book sale. Vice President Caron expressed compliments to the library on the success of their summer programs. President Villone stated appreciation for the value the library offers to residents of the Township and noted that the financial support is an excellent value for the taxpayers.

PUBLIC SAFETY

Activation of the Civil Service Commission

Director Holl introduced the item for discussion and possible action, to activate the Civil Service Commission to create a new eligibility list. He reported that the current eligibility list had been exhausted and was requesting to activate a new list and waive the Act 120 requirements prerequisite for hiring due to the limited pool of candidates.

Commissioner **BROWN** offered a motion to approve activation of the Civil Service Commission to create a new eligibility list and to waive the Act 120 requirements, seconded by Commissioner **NAGY**. The motion passed 5-0.

PUBLIC WORKS

SLD 2024-04

Director Sweeney introduced for discussion and possible action, SLD 2024-04 Preliminary/Final Subdivision & Land Development Plan for Arcona Neighborhood 8.3 and Revised Subdivision & Land Development Plan for Arcona Neighborhood 8.2.

Mr. Anthony Faranda-Diedrich from Charter Homes and Neighborhoods presented an update on progress since the Board of Commissioners (BOC) meeting of August 12, 2024, whereby feedback from public comments and the BOC have been considered and addressed. He noted that they had worked extensively with Arcona homeowners, members of the Boards of Directors of the Arcona neighborhood associations, the Township Engineer, Public Safety personnel, and Township staff. He described in detail the efforts undertaken to implement changes. The collaboration by all parties resulted in the following: (1) meaningful updates to Arcona's parking policies to make more spaces available for homeowner parking, (2) better understanding of how Charter is designing Arcona to meet the intent of Lower Allen Township's zoning objectives around traditional neighborhood development, while ensuring that adequate parking is provided, (3) line striping on all on-street parking spaces to avoid confusion around where to park, (4) a closer examination of the area of the neighborhood where parking concerns are acute, to determine where additional on-street parking spaces can be accommodated, and (5) an audit of the streets and alleys to develop a punch list of work that will be performed in advance of final paving. He noted that a plan for additional parking spots would be provided to the neighborhood associations. He also reported that the land

development plan for Phase 8.3 had been updated to address all remaining questions and concerns and received a clean review letter from the Township engineer.

Responding to an inquiry from Commissioner Brown, Mr. Faranda-Diedrich identified on a map the location of Arcona's core neighborhood. Commissioner Brown expressed his understanding that the overlay district is intended to encourage residents to live, work, and shop within the neighborhood, and to provide reasonably safe recreation, and he noted his belief that the existing and planned density does not meet the original intent. Mr. Faranda-Diedrich stated that Charter feels strongly that the design meets the intent of the planned neighborhood and emphasized that development is not yet half complete, such that traffic and infrastructure improvements have been designed and finished to support future development. Commissioner Brown also expressed some frustration at the lack of commercial development, despite the ongoing advertising for the availability of commercial real estate. Mr. Faranda-Diedrich noted that their sense is that as the area is developed, more commercial uses will become attractive for commercial purposes. He also invited Board members to join him for a tour of Arcona for the purpose of highlighting the design elements related to the intent of the ordinance.

President Villone articulated, on behalf of residents and the surrounding community, a desire for commercial uses such as a gas station and grocery store. He also asked about the plans for the designated nature preserve, green space. Mr. Faranda-Diedrich indicated that the space would be primarily left in its natural condition, with the development of a nature trail.

Commissioner Swartz asked if the plan for commercial space was planned to be mixed use, multi-family, with medium density to take advantage of efficiencies that relieve parking and traffic issues, rather than to exacerbate them. Mr. Faranda-Diedrich noted that the only true commercial space was the area wedged between the turnpike, Lisburn Road, and the railroad. He noted that a specialty grocer had expressed interest in the area, as well as a service station/convenience store. Charter Homes would like to see an expanded mixed-use extension up to Strong Road.

Commissioner Nagy stressed the importance for Board members to advocate for residents, the intent of the neighborhood to be a place that includes the amenities as envisioned.

President Villone stated for the benefit of the residents and the public, an assurance that the Township holds financial security to ensure that any street deterioration is addressed, and repairs would occur and be paid for with security funds if necessary.

Arcona Neighborhood 8.3 Preliminary/Final Land Development Plan

Ms. Laura Curran with Charter Homes presented updates, based on the feedback from 8/12/24, on the revised plan and associated waivers. She reiterated that issues of public safety, parking, and maneuverability for emergency service vehicles were addressed in the revised plan. All the cartways through Phase 8.3 were widened to allow for additional on-street parking and maneuverability for fire services. Leroy Drive was extended and connected to Overlook Drive to provide easier access and street frontage to maximize public safety. Next, she reviewed each of the waivers.

Commissioner Swartz sought confirmation from Director Holl on his comfort level with the revisions to the plan. Director Holl indicated that his concerns were addressed. Commissioner Swartz also asked for clarification on a planting barrier between the paved trail and Rossmoyne Road. Ms. Curran said that standard street trees would be planted, and that detailed landscaping would be included on the plan for that and all open space areas.

Commissioner Nagy expressed appreciation for the efforts at Leroy Drive and the additional parking. He inquired about the justification for keeping neighborhood roads private. Assistant Manager Davis noted prior discussions with the Board regarding the challenges and concerns involved with maintaining them using Township resources.

Vice President Caron asked Director Sweeney to confirm the representation made by Charter Homes regarding a clean comment letter. Director Sweeney provided affirmation and noted no concerns. He mentioned that pursuit of full movement access from PennDOT continues with support from Representative Kutz. Charter Homes has committed to the installation of full access turn lanes if the Township is successful in their efforts with PennDOT.

Mr. Knouse confirmed that remaining comments are administrative in nature and reiterated the ongoing situation with PennDOT regarding full access. He also noted huge strides on improvements to safety had been achieved on the plan, specifically identifying significant effort on the part of Charter Homes to address concerns.

Members of the audience offered public comments.

Ms. Mary Beth Stringent, 3112 Wayland Road, expressed concern about the safety of the limited, one-way in/out access and asked for the installation of speed bumps to calm traffic to be considered. She also expressed a desire by residents for more playgrounds and a dog park within the spaces set aside for recreational uses.

Mr. Bob Abel, Carnegie Way, suggested that determinations for how much parking should be available in a community should be based on the number of bedrooms versus homes, and noted his belief that driveways should not be designated for parking. He also expressed concern over insufficient garage space and the addition of parking near green spaces. He requested specific timetables for paving. He expressed concerns of the Homeowners Association about longevity and private roads. Lastly, he noted concern with the Traditional Neighborhood Design in that the developer is not responsible for completing the commercial space.

Ms. Lauren Shartle, 3110 Wayland Road shared her appreciation that Charter Homes had listened to residents and took steps to remedy their concerns. She identified an area on the plan where she felt it would be beneficial to install a walkway to allow comfortable access to parking. She also inquired about the responsibility of traffic enforcement on private streets. Addressing the public safety question, Director Holl specified that traffic enforcement was limited to highways and that while criminal codes are enforceable, vehicle codes could not be enforced on private roads.

Mr. Jeff Logan, 3212 Emerson Way, expressed thanks to the Board members and to Public Safety for their efforts to work with Charter Homes and to advocate for additional parking, and adequate road widths. He posed a question seeking clarification on the intended purpose of the parking area in the High Point area. Is that subject to commercial development? Mr. Faranda-Diedrich addressed the question, noting that the new HOA policy resolution designated the area to be available for homeowners to park. As the rest of the neighborhood is built, additional parking will be provided to support the development.

President Villone shared his perspective that the best way for residents to address concerns in their neighborhood was to join the HOA.

Hearing no further discussion, President Villone directed the Board to consider acting on the waivers and the plan. He noted agenda item 9(a)(3), which presents an option to accept a 30-day extension on the plan.

Vice President **CARON** offered a motion to approve a waiver of Section 192-24.C. – Preliminary Plan before final approval. The motion was seconded by Commissioner **SWARTZ** and passed 5-0.

Vice President **CARON** offered a motion to approve waivers of 192-57.B.(2)(h)[2] and 192-57.C.(13)(c)[1] – Additional right-of-way and cartway along the frontage of Rossmoyne Road. The motion was seconded by Commissioner **SWARTZ** and passed 5-0.

Vice President **CARON** offered a motion to approve a waiver of Section 192-57.C.(1) – Street right-of-way width requirement of 50' approval. The motion was seconded by Commissioner **SWARTZ** and passed 4-1, with Commissioner **NAGY** opposed..

Vice President **CARON** offered a motion to approve a waiver of Section 192-57.C.(8) – Curbing along the frontage of Rossmoyne Road. The motion was seconded by Commissioner **SWARTZ** and passed 5-0.

Vice President **CARON** offered a motion to approve a waiver of Section 192-57.C.(9) – Sidewalks along the frontage of Rossmoyne Road. President Villone asked if the pathway could eventually be connected to the sidewalk. Ms. Curran confirmed that was the intent. The motion was seconded by Commissioner **SWARTZ** and passed 5-0.

Vice President **CARON** offered a motion to approve a waiver of Section 192-63.A.(3) – PennDOT Publication 408 curbing requirements. The motion was seconded by Commissioner **SWARTZ** and passed 5-0.

Vice President **CARON** offered a motion to approve a waiver of Section 192-68.B.(3) – Minimum center-line radius requirement of 165'. Commissioner Brown asked Director Holl for affirmation of no issues with the waiver, which he did. The motion was seconded by Commissioner **SWARTZ** and passed 5-0.

Vice President **CARON** offered a motion to approve SLD 2024-04 Preliminary/Final Subdivision & Land Development Plan Arcona Neighborhood 8.3 and Revised Subdivision & Land Development Plan Arcona Neighborhood 8.2 with the following conditions:

- a) Satisfy all remaining comments listed on Rettew's letter dated September 5, 2024.
- b) Satisfy all remaining comments listed on the Cumberland County Planning Department letter dated April 23, 2024.

Additionally, directing the Township staff to continue ongoing conversation with PennDOT to provide full access as opposed to emergency access, with a commitment by Charter Homes to provide a note on the plan, and to installation of the full access, if approved.

Commissioner **SWARTZ** seconded the motion.

Commissioner Nagy expressed his hesitation given comments made by residents, but also appreciation for Charter Homes to rectify issues and make improvements.

President Villone thanked Charter Homes for their work, and residents for their patience. He noted his hope that the intent remains strong for opportunities to satisfy residents access to amenities such as groceries and gas.

Vice President Caron inquired if Charter Homes conducted market studies to determine the types of commercial development residents were seeking. Mr. Faranda-Diedrich replied that although there have been no formal surveys in that regard, Charter Homes would be supportive of a grocery or convenience type store business.

Hearing no further discussion, the motion passed 4-1, with Commissioner **NAGY** opposed.

Due to the SLD Plans passing, an extension was not necessary and item 9(a)(3) was removed from the agenda.

SLD 2024-07

Director Sweeney introduced for discussion and possible action, SLD 2024-07, Preliminary/Final Land Development Plan for Tru By Hilton Rossmoyne Business Center. He described the plan and noted it was recommended by the Planning Commission at their meeting on August 20, 2024.

Representing the applicant, Mr. Greg Holtzman, BL Companies presented the details of the plan. He shared a rendering of the proposed Tru Hotel, which will be near the two other hotels in the Rossmoyne Business Center. He stated that the existing parking lot is double the capacity that is needed. He reviewed the requested modifications and noted discussions with Township staff to address comments.

Mr. Knouse reported that the Planning Commission and staff were in support of the waivers, and that his comment letter was limited to outside agency approvals and the required posting of bond.

Vice President **CARON** moved to approve waiver of Section 192-30.A. – Submission of a Preliminary Plan. The motion was seconded by Commissioner **BROWN** and passed 5-0.

Vice President **CARON** moved to approve waiver of Section 192-58.E.(10) – Parking lot planting islands designed to collect stormwater. President Villone affirmed that the stormwater mitigation was adequate. The motion was seconded by Commissioner **BROWN** and passed 5-0.

Vice President **CARON** moved to approve waiver of Section 192-59.C.(2) – Additional 2' for parking spaces adjacent to

an end of row island, The motion was seconded by Commissioner **BROWN** and passed 5-0.

Vice President **CARON** moved to approve SLD 2024-07 Preliminary/Final Land Development Plan for Tru By Hilton Rossmoyne Business Center with the following conditions:

- a) Satisfy all remaining comments listed on Rettew's letter dated September 6, 2024.
- b) Satisfy all remaining comments listed on the Cumberland County Planning Department letter dated July 1, 2024.

Commissioner **BROWN** seconded the motion, and sought confirmation that the hotel would not house permanent residents. The applicant indicated that permanent residents were not their expectation.

The motion passed 5-0.

90-day Extension for SLD #2024-05

Director Sweeney introduced the item for discussion and possible action, to accept a 90-day extension for SLD #2024-05 Preliminary/Final Subdivision Plan for Capital City Mall.

Commissioner **SWARTZ** offered the motion to approve, seconded by Commissioner **BROWN**. The motion passed 5-0.

60-day Extension for SLD#2024-06

Director Sweeney introduced the item for discussion and possible action, to accept a 60-day extension for SLD #2024-06 Preliminary/Final Subdivision and Land Development Plan for Arcona Neighborhood 9. He noted that the plan for eighteen single family homes would be presented again to the Planning Commission.

Vice President **CARON** made the motion to approve, seconded by Commissioner **SWARTZ**. The motion passed 5-0.

Public Hearing on Ordinance #2024-02

Director Sweeney introduced the item for discussion and possible action, to approve advertising a public hearing on October 14, 2024 for the adoption of Ordinance #2024-02, which amends Chapter 65 Animals and Chapter 220-151 Non-intensive Agricultural Uses to provide for the keeping of domestic fowl as a permitted accessory use in the R-1 Zoning District. He noted that the Planning Commission had recommended approval of the ordinance and referenced materials in the meeting packet regarding staff and Cumberland County Planning Departments.

Commissioner **BROWN** offered a motion to advertise the hearing to be held on October 14, 2024 at 5:30 PM. The motion was seconded by Vice President **CARON** and passed 5-0.

TOWNSHIP MANAGER

Amendment to Non-Uniform and Police Pension Fund Investment Policy Statements

Ms. Vernau introduced the item for information, amendments to sections of the Investment Policy Statements related to asset allocation guidelines, on prohibited transactions, and to the language about pooled funds. He noted that the investment advisor requested these changes to allow more freedom in investing. The proposed amendment was discussed by the Pension Committee meeting, which recommended adopting the amendments. It will be on a future agenda for action.

COMMISSIONERS REPORTS

President Villone announced that the meeting would adjourn to Executive Session following Commissioners Reports.

Mr. Vernau provided an update on plans to create an authority open to participation by all municipalities to share yard waste equipment. He shared information about the average cost of the equipment and a possible grant funding to purchase a leaf turner. If the Township opts not to join the authority, it cannot rent a leaf turner. The initiative is being led by Hampden Township and if the Township opts in there will be a Memorandum of Understanding to participate.

Director Holl reported attendance at a hazard mitigation event, noting that he and Assistant Manager Davis are evaluating hazard mitigation plans that will be presented to the Board in the budget presentations for 2025. It would require Board approval of a resolution to adopt the plan. He also shared a flyer on a recruitment incentive program for the fire services.

Commissioner Swartz expressed appreciation to Jennifer Miller for providing an update on activities of the Frederickson Library. He also thanked residents of Arcona for participating and expressing their concerns, noting that many changes to the plan would not have occurred without their input.

Commissioner Nagy thanked the Board for allowing him to participate virtually and noted appreciation to residents for voicing their concerns to make the community a better place.

Commissioner Brown referred to prior meeting participation by residents along Cedar Cliff Drive and reported his taking the opportunity to visit and observe the circumstances of concern. He reported that he observed some instances of speeding and efforts by Lower Allen Township police to address it. He noted confidence that the problems are being resolved and that workable solutions are under development. He also reported on his recent ride along experience with EMS, expressing praise for personnel for their composure and professionalism.

President Villone noted appreciation of all staff. He acknowledged participation by residents and expressed pride in being part of a team that identifies and resolves issues to meet the needs of residents. He expressed his trust in the staff to provide reliable and clear information and gave a special shoutout to EMS for their kind and courteous service.

EXECUTIVE SESSION

President Villone announced the Board would adjourn to executive session to discuss the Solicitor's fees for 2025.

ADJOURNMENT

The meeting was adjourned at 9:10 PM.