
P L A N N I N G C O M M I S S I O N R E P O R T

TO: South Middleton Township Board of Supervisors

FROM: Brian O’Neill, Township Engineer

RE: **Heritage Village – Conditional Use Application
Plan No. 20230008**

At the Planning Commission meeting on June 20, 2023, the Commission recommended denial of the conditional use application for Heritage Village. This denial was based upon the memo from the Planning Department dated June 15, 2023, which outlined several deficiencies with the Development Plan.

The Planning Commission indicated a lack of information and/or detail regarding several issues. Those issues included traffic improvements, the vacation of Lisburn Road, and the ability of, and coordination with, the Sewer Authority to provide water/sewer service.

When the Connector Road was built, a Traffic Impact Study (TIS) was completed that outlined several required traffic improvements. You may recall, that RSJ Holdings and Heritage Developers created a joint-entity identified as “Heritage Connector Road, LLC” to apply for permits and construct the connector road. The TIS was based upon assumptions of land uses and their phasing as follows:

Phase 1	Phase 2
Heritage Village:	Heritage Village:
<ul style="list-style-type: none"> • Pharmacy with Drive Thru (13,000 SF) • Day Care Center (4,000 SF) 	<ul style="list-style-type: none"> • SF Detached Homes (130 units) • Apartment (192 units) • Condo/Townhomes (215 units) • Medical Office (45,000 SF)
Rose Business Park:	Rose Business Park:
<ul style="list-style-type: none"> • Pharmacy with Drive Thru (13,000 SF) • General Light Industrial (18,000 SF) 	<ul style="list-style-type: none"> • General Light Industrial (55,000 SF) • General Office Building (10,000 SF) • Shopping Center (20,000 SF) • High Turnover (Sit-down) Restaurant (7,200 SF) • High Turnover (Sit-down) Restaurant (7,200 SF) • High Turnover (Sit-down) Restaurant (6,000 SF)

The Connector Road TIS identified several improvements that would be necessary to accommodate the anticipated traffic in each phase (Phase 1 & 2). Those are outlined in an attached spreadsheet under the columns "Phase 1" and "Phase 2".

The project(s) along the Connector Road are deviating from both the assumed land uses, and the phasing of the development. The developer of Heritage Village is proposing to develop the residential units in what could be characterized as "Phase 1". The Connector Road TIS assumed 537 residential units. The applicant is proposing 746 units (or, 209 additional units). Concurrently, there is also plan for two of the parcels that make up the Rose Business Park for outdoor storage facilities.

The third column of the spreadsheet outlines the improvements that the Heritage Village has proposed as part of this application. Their TIS indicates the developer would be willing to provide a contribution in the listed amounts to offset the construction of those improvements (note - permitting and engineering costs are not included). These improvements were developed by modeling the new traffic generated unto the roadway network, without consideration to the development of the Rose Business Park.

In conjunction with one of the projects in the Rose Business Park, a trip generation memo was submitted using "Mini-Warehouse" land use code, and indicates that "given the minimal trip generation, the site is not anticipated to impact the recommendations or conclusions of that study." Due to the possible impact from the use of tractor trailers, as opposed to cars, further information will be needed about the use and vehicular traffic to confirm that conclusion.

The permits for the Connector Road required the developer (Heritage Connector Road) to commit to the improvements identified in the Connector Road TIS. Attached is a document, signed by the property owner, committing to the construction of the improvements identified in the Connector Road TIS, as a condition of the PennDOT permits.

So, there needs to be some coordination between the developers as to which land owner is completing specific improvements and when, since both the uses and timing have changed. The Board will need that information to construct appropriate conditions.

Another issue that is unresolved is the vacation of Lisburn Road. This issue has never really been properly vetted, from the Township's perspective. The road was initially proposed to be vacated by a prior developer in response to comments from the current residents (Tennysons) who live along Lisburn Road. Since the Board's concern at the time was to minimize traffic onto Fairview Street, eliminating a connection onto Fairview Street and having the traffic from the development be forced to use the Connector Road was viewed as favorable. However, the details have yet to be finalized.

Is the road going to be vacated from the Connector Road all the way to Fairview Street, or just between the Tennyson resident and the Connector Road? If just a portion, who's going to install a permanent cul-de-sac? Is the portion that remains a Township road going to be improved to current standards? The Township would prefer not to maintain and/or plow almost 1,250 feet of roadway for what is essentially access for one residence. Is the developer or the Tennyson's willing to assume that responsibility? There is a cell tower on the property of Rose Business Park that accesses Lisburn Road as well. Can they access their site through the property? Does their easement agreement need to be redone?

It would appear that a multi-party agreement would be most beneficial in this case to outline the parameters and provide coordination among the various property owners prior to vacating the road.

The last issue involved the capacity of the existing sewer and water systems to accommodate the development. The developer had requested a will-serve letter from the Authority. The attached letter was received on June 20, 2023, the day of the Planning Commission meeting. The letter indicates that there is capacity "with limitations". There may be improvements necessary to the existing infrastructure, of which the cost would be the responsibility of the developer. Again, it appears some coordination is needed to fully determine whether capacity exists.

Traffic Comparison of the Connector Road TIS and Improvements proposed by the Heritage Village Development

Intersection	Phase 1	Phase 2	Proposed by Heritage Village	
York Road (SR 0074) & Giant Lane & Carlisle Plaza Mall	- Adjust signal timings & Cycle Length	- Adjust signal timings & Cycle Length		
Trindle Road (SR 0641) & I-81 SB Off Ramp	- Adjust signal timings & Cycle Length	- Adjust signal timings & Cycle Length - Widen I-81 Off-ramp to provide exclusive SBR turn lane with 250' of storage		
Trindle Road (SR 0641) & I-81 NB On Off Ramp		- Stripe a center turn lane along Trindle Road (SR 0641) between I-81 On-Ramp and the storage area for the eastbound left turn lane at Trindle Road (SR 0641) & Army Heritage Drive. Remove portions of the existing moutable concrete median and restore the pavement.		
Trindle Road (SR 0641) & Army Heritage Drive	- Adjust signal timings & Cycle Length	- Adjust signal timings & Cycle Length - Widen the northbound approach of Army Heritage Drive to provide an exclusive right turn lane (maximize storage) - Provide re-striping to maximize length of the NBL lane on Army Heritage Drive between Trindle and Westminster Drive - Provide re-striping for EBL to tie into the proposed center lane - Provide striping and signing to discourage blocking of the Sheetz driveway - Provide a right turn overlap phase for the proposed NBR turn lane	- Signal Timing Adjustments - Provide re-striping to maximize length of the NBL lane on Army Heritage Drive between Trindle and Westminster Drive - Provide striping and signing to discourage blocking of the Sheetz driveway	\$8,000
York Road (SR 0074) & I-81 NB Off-Ramp	- Adjust signal timings & Cycle Length	- Adjust signal timings & Cycle Length - Widen the I-81 Off-Ramp to provide channelized NBR turn lane. Maximize the storage area to the extent	- Signal Timing Adjustments	\$1,000
York Road (SR 0074) & Westminster Drive	- Adjust signal timings & Cycle Length - Provide re-striping to lengthen the EBL storage to 500'	- Adjust signal timings & Cycle Length - Widen the southbound approach of Westminster Drive to provide and exclusive SBR lane (minimum 150' plus 100' taper)	- Signal Timing Adjustments - Provide re-striping to lengthen the EBL storage to - Widening of the SB approach may be needed - Restripe NB approach to extend the NB Left Turn Lane	\$150,000
York Road (SR 0074) & Fairview Street		- Adjust signal timings & Cycle Length		
York Road (SR 0074) & Springville Road		- Obtain line of sight easement		
Army Heritage Drive/Westminster Drive - Fairview Street			- Signal Timing Adjustments	\$1,000
Trindle Road (SR 0641) & Middlesex Road			- Traffic Control Required -Fair share contribution to traffic signal or roundabout in conjunction with Kensington Development	TBD

TOTAL COSTS \$160,000

CUMBERLAND COUNTY, SOUTH MIDDLETON TOWNSHIP
SR 0074, SEGMENT 0140, OFFSET 3636 to SEGMENT 0140, OFFSET - 0786
HIGHWAY OCCUPANCY PERMIT NO. _____

HIGHWAY OCCUPANCY PERMIT CONDITION STATEMENT

Whereas, the undersigned (hereinafter, whether singular or plural, referred to as the Permittee) has Applied to the Department of Transportation, Commonwealth of Pennsylvania (hereinafter referred to as the Commonwealth), for a permit (hereinafter the Permit) to occupy the Commonwealth's legal right-of-way at the location and for the purposes more fully described in Permit Application Number 133416.

Now, intending to be legally bound, the Permittee by its designee agrees and understands that the following terms and conditions are assumed by the Permittee as additional obligations under the Permit.

This permit is intended to authorize work relating to the construction of the proposed connector road, and associated roadway improvements as fully described in the Highway Occupancy Permit Plans. Additional off-site improvements have been identified in the Transportation Impact Study to mitigate impacts associated with the development of the site. Therefore, the Permittee understands and agrees that this Highway Occupancy Permit is issued conditioned upon the completion of Phase 1 off-site improvements (as identified in the TIS) prior to the opening of Phase 1, and the completion of Phase 2 off-site improvements (as identified in the TIS) prior to the opening of Phase 2.

The obligations of the Permittee hereunder are in no way meant to lessen the obligation of the Permittee outlined under PA Code, Title 67, Chapter 441. The terms and conditions herein shall commence upon the date of execution hereof and shall continue in full force until the subject for which the Permit has been issued has been removed, closed, or otherwise extinguished in accordance with the then existing regulations of the commonwealth.

In witness whereof, the undersigned have set their hands this 6 day of August, 2019.

For the Permittee (type or print Permittee's name on top line; indicate title where applicable).

Kiran P Patel
By: Kiran P Patel
Title President

Name _____
Title _____

Name _____
Title _____

Attest:

CUMBERLAND COUNTY, SOUTH MIDDLETON TOWNSHIP
SR 0074, SEGMENT 0140, OFFSET 3636 to SEGMENT 0140, OFFSET 0786
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Now, intending to be legally bound, the Permittee by its designee agrees and understands that the following terms and conditions are assumed by the Permittee as additional obligations under the Permit.

Permittee understands and agrees that this Highway Occupancy Permit is issued conditioned upon the acquisition and recording of a line of sight easement to serve northbound drivers looking toward the west at the York Road (SR 0074) / Springville Road intersection. The line of sight easement must be obtained prior to construction of Phase 2 of the development (as identified in the Transportation Impact Study).

The obligations of the Permittee hereunder are in no way meant to lessen the obligation of the Permittee outlined under PA Code, Title 67, Chapter 441. The terms and conditions herein shall commence upon the date of execution hereof and shall continue in full force until the subject for which the Permit has been issued has been removed, closed, or otherwise extinguished in accordance with the then existing regulations of the commonwealth.

In witness whereof, the undersigned have set their hands this 6 day of August, 2019.

For the Permittee (type or print Permittee's name on top line; indicate title where applicable).

Kiran P. Patel

By Kiran P. Patel
Title President

Name _____
Title _____

Name _____
Title _____

Attest:

South Middleton Township Municipal Authority

P.O. Box 8
345 Lear Lane
Boiling Springs, PA 17007-0008

Administration of:

Sewer System
Water System

Telephone: 717-258-6476

Fax: 717-258-3599

Website: www.smtma.net

June 20, 2023

Chad Zimmerman, RLA
Dawood Engineering, Inc
4250 Crums Mill Road, Suite 301
Harrisburg, PA 17112

**RE: Public Water and Sewer Capacity
Will Serve – Heritage Village**

Dear Mr. Zimmerman:

The South Middleton Township Municipal Authority (“Authority”) is in receipt of your request for a “will serve” letter for the above-referenced land development project (“Project”). The anticipated usage for the Project totals **746 residential units and 1 commercial unit**. This response is based upon the information supplied by the Developer’s engineer on April 26, 2023, see attached plan and email correspondence.

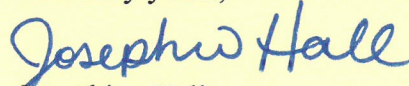
As of the date of this letter, capacity for the Project in the amount noted above appears to be currently available in the Authority’s water and wastewater treatment systems *with limitations*. At this point, the Authority has reason to suspect that there will be improvements necessary to the water system and also to the wastewater collection and conveyance system and potentially to Pump Station No. 2 that would be borne by the Developer. As the Authority is without detailed information necessary to accurately make that determination, an engineering study would be required by the Authority’s engineer paid for by the Developer at the time of Preliminary Plan submission to both identify what level of improvements are necessary and the costs related thereto to serve the proposed development. Further, please be advised that the SMTMA would also require the execution of a Developer’s Agreement between the SMTMA, SMT, and the Developer addressing the construction of improvements, payment of tapping fees, financial security, etc. The entering into a Developer’s Agreement concurrently with preliminary plan approval, is typically a condition of Conditional Use, if such application is ultimately approved by the South Middleton Township Board of Supervisors.

Please be advised, however, that this correspondence does not in any manner serve as an offer or acceptance of an offer to reserve capacity and does not bind the Authority to any obligation regarding the same. In no event should this correspondence be construed as a guarantee of capacity or an enforceable agreement to provide capacity.

No reservation of capacity will be guaranteed unless or until the appropriate tapping fees have been paid and a Developer's Agreement in a form prepared by the Authority's solicitor is executed with and approved by the Authority regarding the same.

Should you need further information, please contact this office.

Sincerely yours,



Josephine Hall,
Authority Manager

Attachments: Plan Submission and Email Correspondence

cc: Correspondence File & Project File
South Middleton Board of Supervisors
G. Bryan Salzmman, Esq., SMTMA Solicitor
Kurt Williams, Esq., SMT Land Use Counsel