

**THE BOROUGH OF CLARK'S SUMMIT
PLANNING COMMISSION
WEDNESDAY, OCTOBER 17, 2018**

AGENDA

The October Regular Meeting of the Planning Commission was conducted on Wednesday, October 17, 2018 at approximately 7:00 P.M. The Meeting was held in Borough Council Chambers, 2nd Floor, 304 South State Street, Borough of Clark's Summit, County of Lackawanna and Commonwealth of Pennsylvania. Chairman John Durdan called the meeting to order.

Members in attendance were Mr. John Durdan, Mr. John Recicar, Mr. Shannon Brown and Mr. Jim Burke, Mr. Ed Yasinskas, Solicitor Michael Cowley, Code Officer Ms. Jenn Basalyga, and Recording Secretary Ms. Virginia Kehoe. Solicitor Mike Cowley was absent.

APPROVAL OF THE AGENDA:

John Durdan suggested amending the agenda to put the sketch plan ahead of Cherry Hill Partners. Ed Yasinskas agreed and made the first motion to do so, seconded by John Recicar, vote was 5-0.

APPROVAL OF MINUTES:

- 9/19/2018

COMMUNICATIONS:

PUBLIC INPUT/COMMENT:

SITE PLANS AND RE-SUBDIVISIONS:

OLD BUSINESS:

- Cherry Hill Partners – KFC – Land Development: Richard Kresge with BCM Engineers was there on behalf of Cherry Hill partners. They are interested in building a KFC on the site where the old Pizza Hut was located. John Durdan stated that it was a Pizza Hut before they are putting another similar type of restaurant in. They are redeveloping the property and making it work, he does not see any issues. Mr. Durdan asked the other members their opinion. Ed Yasinskas stated that they did talk about turning left when they come out of the property to State Street. That is a big concern for him. They were able to change a few things so the parking situation is better; they brought the parking to 24 spots. They are planning on making a right out only exit. There was a concern about

putting a 53 foot truck in for deliveries. A 53 foot truck is not a possibility; the largest truck would be 30 feet. Matt Keisling stated that all the deliveries are made on off hours, usually late at night and early mornings. They are all box trucks. This can be part of the Conditional Use approval. The other question is about the easement and the access to that property. That is going with land development. Shannon Brown made the first motion to approve the Conditional Use application with the condition limiting the size of the trucks to 30 feet, no larger. Seconded by Ed Yasinskas, vote was 5-0. Ms. Kehoe will draft a letter for Council, send it to John Durdan for his approval. Council is meeting November 7th, they can have the Conditional Use hearing at the beginning of that meeting. The representatives for the new KFC might want to be at the meeting to answer any questions from Council.

Virginia Kehoe stated that the DPW was concerned with the access in the back of the building. Traditionally when you are going through a drive through there is something that says no vehicles higher than this, overhead signage or barriers that might prohibit a truck from making a turn up the hill. The DPW does ask that they keep that in mind. Ms. Kehoe stated that they are writing the easement and the Council Solicitor will approve it.

Land Development Review: We began with Clarks Summit Borough Engineer Bob Naegele's notes and commented where necessary.

1. They did submit the plans to Lackawanna County Planning Commission and the response was received. On the plans they included the cart way width on page 3 of the plans.
2. Plans should be submitted to Lackawanna County Conservation District review, they have not submitted them yet. Before he did that he wanted to make sure everybody was ok with the layout of the plan, the number of parking changes, along with grading and drainage. If the Planning Commission accepts their plan he can move forward with that.
3. There is a note on the plan concerning the existing sanitary manholes that may need to be adjusted.
4. Cherry Hill Partners is willing to execute an easement agreement with the Clarks Summit Borough for access to the existing sanitary sewer facilities. A surveyor is preparing a meets and bounds description to help with the easement agreement. The Clarks Summit Borough Solicitor will work with their solicitor.
5. A grease trap has been added to the site plan drawing.
6. Concerning the drainage pattern which was modified from the existing condition. Inlet 8A was put in; it's like a drop inlet and connects with inlet 9. Also the impervious surface area is less.
7. No additional comments.
8. Site grading has been revised to provide ADA compliant access from the ADA parking area to the KFC main entrance. The emergency exit located on the southerly side of the KFC building will have a 5" wide exit platform

matching the restaurant's finished floor elevation, with stairway access down to grade. Spot elevations are also now provided on the revised grading plan.

9. They do not need a variation for the parking. There are 24 parking spaces. They do not have to put landscaping in the parking area.

ZONING:

1. They just completed the Conditional Use hearing.
2. A site lighting and photometric plan has been prepared and is included with the revised preliminary land development. The lights are LED, John Durdan suggested they go with the lights that are 3,000 kelvin. Mr. Durdan stated that the plan shows 5,000 Kelvin, so that might need to be revised. He will discuss this with the developers. Shannon Brown discussed electrical interference from the lighting.
3. Already discussed parking spaces. There are 24 and two of the 24 are handicapped.
4. KFC has provided their delivery method and schedule, which calls for smaller sized deliveries and shipments outside of normal operating hours.
5. They are requesting to keep the existing impervious limit. They are requesting consideration for allowing them to maintain the existing impervious limits and relief from the ten foot buffer requirement. A similar approval was granted during the previously approved mixed-use commercial development.
6. Engineer Bob Naegele needs to look at the landscaping plan. They have a landscape architect on staff and he revised the plan.
7. The site plan has been revised to illustrate and 8 foot wide aisle width between the two ADA parking spaces.
8. They will take care of the signage with the zoning officer.
9. Building setback dimensions, complaint with HC zoning district requirements have been met. Except as noted under Zoning article 504.9 buffers have been provided as per the attached plan. They are asking for relief. Ms. Kehoe stated that she believes it is legally non-conforming since it is already impervious surface. The solicitor was not at the meeting. If it is a legal non-conformance, a variance is not needed. Ms. Kehoe will talk to Mike Cowley about this.
10. Landscape plan has been provided.
11. They will look at revising the photometric plan so no glare shall be visible at the property line.
12. The trash dumpster will be located at the northeast corner of the property and screened with a plastic picket fence enclosure pursuant to KFC standard dumpster enclosure details. John Durdan asked for them to define and give more detail on this area. Mr. Durdan stated that they can make that conditional.
13. The Environmental Impact Study was not needed. Shannon Brown asked about the entrance being 24 foot. He thought that had to be 30 feet. There is a range and they are in it.

Subdivision and Land Development:

1. Landscape plan has been provided on page 11.
2. Color elevation views of the planned KFC were provided at the last Planning Commission meeting.
3. The applicant will await the Planning Commissions and Council's decision when it comes to the proposed development agreement and performance guarantee.
4. The applicant will await the Borough Council and a land development improvement agreement with respect to this matter
5. The limits of the site disturbance at the northerly property line meet with ledge rock. Slopes at steeper than 3:1 can be accommodated due to this type of soil composition. Site disturbance at the northwesterly property line area have been revised to provide slope placement at 3:1 as illustrated in the revised grading plan. Bob Naegele will need to review this.
6. The site plan drawings have been revised to call out all new plain cement concrete curbs. The plan still showed bituminous curbing, but the note is one the plan. They will revise the plan to show that.
7. Utility service availability letters have been secured, see attached from UGI, and PPL. He will get the letter from the PAWC.
8. Shannon Brown suggested that they may want to consult with the Shade Tree Commission when it comes to the landscape plans. They may have good ideas for plantings that are native to the area.
9. Traffic flow for the project is now illustrated with directional arrows on the site plan drawings. Sheet 3, he eliminated the 3 parking spots and showed the flow. It's only one way through the drive through. There is two way on the access road. Shannon Brown is concerned about the narrow road going into the shopping area. The traffic is going to be much more intense with the drive through in that area. There are no restrictions on that access road. Ms. Kehoe suggested that Solicitor Mike Cowley look at the easement on the deed, if there is language to go by. They should be checked with their lawyer about this access road. Al Weinschenk should discuss this with Mike Cowley.
10. Driveways are now dimensioned on the site plan drawing.
11. Drive aisles and other pertinent dimensions are now dimensioned on the site plan drawing.
12. There is only one entrance into the building, located at the center front of the restaurant. An emergency only exit is also provided only the southerly side of the building. Both are called out on the site plan drawing.

John Durdan stated that the soil conservation district will be addressed. The easement for the borough and the grade at the easement are two items that have to be checked by the engineer and the solicitor. They prefer the lighting to be at 3,000 k. Mr. Durdan stated that they discussed the land being non-conforming; the question is if it is a non-conforming condition can it remain one. They will ask Solicitor Mike Cowley about that. They need more fence detail on the garbage/trash area. They need to look into the access road easement with 2 way traffic that will need time to resolve. They need to remove the one bituminous curb. They need a letter from PAWC. The commission would like

another month on this to have some of these issues worked out. Ms. Kehoe stated that the grease trap requires maintenance in compliance with the borough's ordinance. She would like grease cleaning reports. The Planning Commission will change the meeting from the day before Thanksgiving to Tuesday, November 20, 2018.

NEW BUSINESS:

- Cherry Hill Partners – KFC – Conditional Use
- Sketch Plan – Milnes Companies – 300 N State St.: Joe Reese with Milnes Engineering, representing the Paddock family, they own a salon on State Street. Looking to purchase the property at 300 North State Street. They are looking to do interior work mostly. They are also looking to add a parking lot in the back of the property for customers. They are looking for 4 parking spots with one being handicapped. They would also have to construct a handicapped ramp. Also one sign out front. They have done some field surveying and put pins in. Parking will be entered from Thurston Street. Ms. Kehoe stated that there are 3 or 4 homes and there are other commercial properties that enter from Thurston. Ms. Kehoe stated that she thinks there is an ordinance that you cannot back out on a public street. That could be a challenge. Mr. Paddock stated that the other engineer said that the property was deep enough where the parking was to come out and not have to back out onto the street. It is zoned CC. John Durdan stated that when it comes to stormwater issues they try to look at what the impact is going to be to the neighborhood. Suggested to have Linde meet with us to go over the plan for parking.
- Sketch Plan – Tim Aikman - Columbia Ave: Mr. Aikman is an architect was representing a potential developer. He presented plans for 4 contiguous lots on Columbia Avenue. 2 of which have frontage on Columbia and the others are landlocked. Consolidated it comes to about 67,000 square feet. They are proposing to do 6, 2 family dwellings. It is zoned R2. How far down does the property go from Ridge Street? It would be the next property up, approximately 100 feet. Ms. Kehoe stated that there is a paper alley that was never dedicated to the Borough. When the property was subdivided it was intended to be a road but it was never dedicated or opened. He would be also proposing a homeowners association for the homeowners. The street would be private. He would like to have 6, 2 family dwellings each on 10,000 square feet of land. John Durdan asked about the setbacks. They do have the setbacks for R2. They are meant to be rental properties. Are there any draining issues. They would have to have a stormwater plan. The footprint hasn't been designed yet. Shannon Brown stated that this is going to be tough sell the stormwater and sewer issues will be difficult due to the topography of this area. The intensity looks formidable. Virginia Kehoe mentioned that they would have to check with ARWA to see if they are able to add that many sewer accounts.

- Meeting between Council and Planning Commission
- Define calculations for impervious trades: John Durdan suggested following along with what the state is recommending.
- Stormwater bmp ordinance: John Durdan stated that if someone develops a new technology or a new technique and if it isn't defined in the ordinance then we would be limiting what people can do. The more specific guidance the easier it is to enforce by the Code Enforcement Officer. Maybe if the Planning Commission has the task of approving or not approving the swaps that may be a better solution. Ms. Kehoe stated that we are possibly moving towards stormwater fees out and tradeoffs, and the Planning Commission expertise gives them direction. Trade offs and swaps can benefit people.

ADJOURNMENT:

Ed Yasinkas made the first motion to adjourn, seconded by John Recicar, vote was 5-0.