

**MINUTES**  
**UNION TOWNSHIP PLANNING COMMISSION**  
**May 1, 2019**  
**Union Township Building**  
**Lickdale, PA**

David Yavoich called the meeting to order at 7:00 p.m.

**Attendance**

David Yavoich, Chairman  
Karl Hinkle, Vice Chairman  
Dave Matterness, Secretary  
Frank Via, Commission Member  
Glenn Rudy, Commission Member  
Liz Krause, Zoning Officer/Recording Secretary  
Steve Sherk, Township Engineer  
Three Supervisors-Dennis Firestone, Kerry McCrary, Gary Longenecker  
Matt Brubaker, Red Barn  
Eric Newswanger  
Damon W. Hall, Site Development Project Engineer, Rutter's Stores  
Tim Rutter, Rutter's Stores  
Dan Thornton, TRG

**Approve the Minutes**

Karl Hinkle made a motion seconded by Dave Matterness to approve the minutes from the April 2019 Planning Commission meeting. All approved.

Public Comments - None

**Old Business**

**Eric Newswanger Poultry Operation Preliminary/Final Land Development Plan**

Matt Brubaker of Red Barn provided a brief overview of the plan and explained that the 138.9-acre parcel is located at 107 Awol Road which is south of the 78/81 split on Awol Road. He added that the Newswangers are proposing to construct a new poultry operation which will consist six (6) 63' x 500' broiler barns which will be face-to face on the high point in the back of the property, one (1) 63' x 150' utility building and one (1) 63' x 150' manure storage, a gravel driveway and turnaround areas and stormwater management controls. He noted that they have discussed that the two existing Riparian Buffer areas are structural BMPs and they are waiting for feedback from DEP as it pertains to meeting volume and water quality control requirements. Steve Sherk added that since the Lebanon County Conservation District plans to discuss the project with DEP for guidance on the correct application of the Riparian Buffer BMP's, he will defer to their decision because ultimately, they are the ones that issue the NPDES permit which regulates construction site's stormwater runoff.

Mr. Brubaker said he contacted Rob Taylor, the fire chief, and because the nearest fire hydrant is too far away, tanker trucks would have to be used in the event of a fire on the

property. He added that the barns are 70 feet apart to help relieve fires from barn to barn. Glenn Rudy asked if trucks would be able to pass each other to get through in case of a fire and Dave Matterness said that if there would be a fire on the property, the firetrucks and tankers would have a difficult time getting to the barns when it's muddy because if a truck would need to be staged to pump water or dump water for a holding tank to get a water operation going, once the first trucks are there, no one would be able to get past them. Matt Brubaker commented that poultry barns are exempt from building code and fire codes. Steve Sherk, Township Engineer said it sounds like the fire chief didn't have any other suggestions.

Steve Sherk explained that they are siting the barns in the clearing of the two areas of trees and they are preserving the tree barriers which are part of the Riparian tree barriers. Mr. Brubaker said there is one area above the barns where they will be pushing the tree line back about five feet and tree loss will be very minimal in the grand scheme of how many trees are there now and noted that they will be building on very high ground. Steve Sherk said, stormwater issue aside, he doesn't see the plans changing very much.

Dennis Firestone asked what the swing room is to make the turn into the driveway, so the trucks are not going to be blocking Awol Road to make the turn into the property. Steve Sherk said templates show the wheel path of the trucks are not going to be crossing the center lane with any of the turning movements. Dennis Firestone also asked about the additional traffic on Awol Road. Matt Brubaker said the average will be one truck per day explaining that when the chickens are young, they bring feed that will last a week or more, but as they grow the feed trucks will come more frequently. At the end of the six-week period there will be more trucks, but the six barns will be staggered with the chickens, because it wouldn't be possible to fill six broiler houses all in one day and there will be a constant cycle of chicks arriving and finished birds leaving. Steve Sherk added that he asked them to improve the driveway entrance and pave the apron because of wear and tear on the edge of the road.

Kerry McCrary expressed his concern for the construction traffic traveling on Awol Road. Matt Brubaker said they won't be building all six chicken houses in one year and will phase in the number of barns. Kerry said he would recommend that the truck traffic coming into the site come in from State Route 72 to Awol Road, rather than coming in from Fisher Avenue to Awol Road. Dennis Firestone said he is concerned about the equipment tearing up the road and Karl Hinkle commented about all the cement trucks that will be used to pour the cement for the chicken houses. Kerry McCrary said if the trucks are directed to come in from State Route 72 to Awol Road, they will only have to travel about  $\frac{3}{4}$  of a mile on Awol Road, but if they come in from Fisher Avenue, they will have to travel at least a mile and a half on Awol Road. Matt Brubaker said they could be finding shale on site when they are tearing off the ridgeline and that could minimize the stone requirement.

Steve Sherk said he thinks the Township is limited to what is fronting the Newswanger's property and the Township couldn't restrict its use, but he will check with the Township Solicitor to determine if a maintenance bond can be extended beyond the property frontage, but it's probably limited to where Awol Road fronts the property. Steve said if this was a project in a neighboring municipality, they might still be tearing up the road and the Township would have no leverage. Kerry McCrary suggested as a courtesy, recommending the trucks access the Newswanger property from State Route 72 rather than from Fisher Avenue.

Matt Brubaker reviewed the requested waivers with the Planning Commission and Dave Yavoich asked if they would be holding them up if they don't act on the waivers. Matt Brubaker said he will be submitting revised plans, sometime in the middle of May for action in June. No action was taken on any of the waivers and the plan was tabled until the June Planning Commission meeting.

### **Jack Messenger Stormwater Management Plan – 90 Goldmine Road**

Steve Sherk, Township Engineer explained to the Planning Commission members that last month they approved the Jack Messenger Stormwater Plan, but they are requesting a waiver of the requirement to provide one (1) foot of freeboard from the 100-year water surface elevation to the top of the basin berm. He noted that he is in support of the waiver due to the small size of the proposed facility. Glenn Rudy made a motion seconded by Frank Via to approve the waiver as requested. All approved.

### **New Business**

#### **Rutter's Stores Traffic Signal Sketch Plan**

Damon Hall, Project Engineer with Rutters informed the Planning Commission members that he along with Tim Rutter, President of Rutters and Dan Thornton Traffic Engineer with TRG Group are in attendance of the meeting because they would like to request a letter from the Township to Penn Dot in support of a new traffic signal on State Route 72 that would provide access to the proposed Rutters and also to Supreme. He continued by explaining Rutters is based out of York, Pennsylvania and is approaching 100 convenience stores not only in Pennsylvania, but also in Maryland and recently in West Virginia. The proposed location of their new store would be on the Northwest side of the intersection of State Route 72 and Jonestown Road and across from Supreme. The site would have a 9,000 square foot convenience store, about 14 regular fuel positions, about five truck fueling lanes and parking for both. They'd also be proposing three access points on the site. The signal would give full access at that location, a right in for the trucks to go to the truck fueling area and also access on Jonestown Road.

He explained that they had a scoping meeting with Penn Dot and a follow up meeting with the Township Engineer and some of the Township staff and one of the concern of the Township was that at Turkey Hill, there is a pedestrian facility that is being hit by trucks fairly often, so they redesigned their site that they would not permit lefts out onto Jonestown Road and instead all the trucks would be routed over to the signal. The signal would remedy a unique situation on Route 72 which one of them would be the Supreme driveway which is highly angled and is full access. They would provide to modify their access drive to time the signal so both Rutter's and Supreme would have access to the signal and would be adding turn lanes to provide access to both Rutters and Supreme. The improvements would extend the second lane further north on Route 72 so people could get into either lane before they get to Supreme. Over all they feel the improvements will improve the safety along this stretch, but would like to get something in writing from the Township hopefully stating that the Township would support and not oppose a signal going in at the location and they could use that letter to further their conversation with Penn Dot.

Steve Sherk said they had the scoping meeting with Penn Dot and Penn Dot felt they only wanted a right in on 72, and at that point Rutters was talking a full access on Jonestown Road.

Steve said they when the previously talked about the proposed light, that hadn't talked about realigning the Supreme driveway. There will be two thru lanes going Southbound with a dedicated right turn lane and a dedicated left turn lane. Northbound there would be one thru lane, dedicated right and dedicated left, and then beyond the intersection, they would have a thru lane and a right lane. Mr. Rutter said he called Penn Dot after the scoping meeting regarding a traffic signal, and they said they weren't in favor of a light at that time unless the Township was in support of it, noting that that's why they are attending the meeting, because they don't want to move to far ahead if the Township would not be in support of the traffic signal.

He added that the facility would provide about 45 to 50 jobs in the area and that they wouldn't be pulling the trucks off Interstate 78/81 but would take care of the local guys in the area. They've found that if they give them a dedicated facility, they won't be pulling off the street somewhere but the only way to make everything work safely is to put a signal light at that location that gives access to them and also helps Supreme across the street. He said that if it doesn't get approved, they will have to look for an alternative site because there is only so much that can be done with the piece of land because it's so long and thin.

Dennis Firestone said he would be interested to know what Supreme says about the traffic signal proposal. Kerry McCrary commented that it won't take lone for the intersection south of Supreme to back up when Supreme lets out. Mr. Hall said the lights will be timed together as much as they can. Kerry McCrary also asked who is going to be responsible for the traffic signal once it's installed, and Mr. Hall said the Township would have to take ownership. David Yavoich asked what they thought the anticipated truck traffic would be, and Mr. Hall said that 85% of the customers would be generated by trucks that are already passing by their facility.

After a lengthy discussion regarding the traffic signal proposal, David Yavoich made a motion seconded by Frank via to recommend the Board of Supervisors support the request for the traffic signal. David Yavoich asked for a roll call vote. Karl Hinkle voted yes. David Yavoich voted yes. Dave Matterness voted yes, Frank Via voted yes. Glenn Rudy voted yes. Motion carried.

#### ADJOURNMENT

David Yavoich adjourned the meeting at 8:15p.m.

Respectfully submitted,

Liz Krause  
Recording Secretary