

HIGH SWARTZ LLP

By: David J. Brooman, Esquire (I.D. No. 36571)
Mark R. Fischer, Jr., Esquire (ID No. 94043)
Michael A. Luongo, Esquire (ID No. 311064)

40 East Airy Street
Norristown, PA 19404
(t) (610) 275-0700
(f) (610) 275-5290
dbrooman@highswartz.com
mfischer@highswartz.com
mluongo@highswartz.com

Solicitors for Appellants
Lowhill Township Board
of Supervisors & Lowhill
Township

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA

LOWHILL TOWNSHIP BOARD OF	:	
SUPERVISORS & LOWHILL TOWNSHIP	:	No. 2023-
Appellants	:	
	:	CIVIL ACTION – LAW
v.	:	
CORE5 AT ROUTE 100, LLC and	:	LAND USE APPEAL
CORE5 INDUSTRIAL PARTNERS, LLC	:	
Appellees	:	

NOTICE OF LAND USE APPEAL OF THE LOWHILL TOWNSHIP BOARD OF SUPERVISORS AND LOWHILL TOWNSHIP FROM THE ADVERTISED DEEMED APPROVAL OF CORE5 AT ROUTE 100, LLC AND CORE5 INDUSTRIAL PARTNERS, LLC

The Board of Supervisors of Lowhill Township and Lowhill Township, by and through their solicitor, High Swartz, LLP, file this Notice of Land Use Appeal, and in support thereof, avers as follows:

1. This Land Use Appeal is brought pursuant to Article X-A of the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 11001-A, et. seq. (the “MPC”).
2. This Notice of Appeal is filed from a January 5, 2023 “Advertised Deemed Land Development Approval” for Tax Parcel Nos. 54571401391-1 and 545713255797 (the “Advertised Approval”). A true and correct copy of the Advertised Approval is attached hereto as Exhibit “1.”

3. Appellant Lowhill Township Board of Supervisors (the “Board”) is the duly constituted governing body of Lowhill Township (the “Township”) with a business address of 7000 Herber Road, New Tripoli, Pennsylvania 18066.

4. Appellant Lowhill Township is a Second-Class Township organized and existing pursuant to the Second Class Township Code, 53 P.S. §§ 65101, et. seq., with a business address of 7000 Herber Road, New Tripoli, Pennsylvania 18066.

5. Appellee Core5 at Route 100, LLC is a limited liability company formed and existing pursuant to the laws of the State of Delaware with a business address at 1230 Peachtree Street NE, Suite 3560, Atlanta, GA 30309.

6. Appellee Core5 Industrial Partners, LLC is also identified as an applicant in the Advertised Approval.

7. Core5 at Route 100, LLC and Core5 Industrial Partners, LLC are collectively referred to herein as “Core5.”

8. Core5 is the equitable owner of property situated at 7503 Kernsville Road, consisting of approximately 21.6 acres in the Township’s RV- Rural Village Zoning District and further described as Tax Parcel No. 545714601391-1, and 7607 Kernsville Road, consisting of approximately 63 acres in the Township’s RV- Rural Village Zoning District and further described as Tax Parcel No. 545713255797 (collectively the “Property”).

9. On or about October 18, 2021, Core5 submitted an application to the Township seeking preliminary land development approval (the “Application”).

10. The Application proposed the consolidation of two adjacent lots and the construction of a +100,560 sq. ft. distribution building, as well as appurtenant improvements, including proposed office space, parking, and stormwater management facilities (the “Project”).

11. Core5 and the Township agreed to several extensions for review of the Application, pursuant to Section 508(3) of the MPC, 53 P.S. § 10508(3), with the final extension ending on November 30, 2022.

12. On October 6, 2022, at the Board's regular stated meeting, Supervisor Robb Werley resigned.

13. On November 9, 2022, the Township published notice in the Times News, LLC publication that the Vacancy Board would meet on November 10, 2022, for the purpose of appointing a supervisor to fill the vacancy left by Supervisor Werley's resignation.

14. On November 10, 2022, at the Vacancy Board Hearing, Chairman Hughes and Carol Betz, the Township's Vacancy Board Chairwoman, appointed Curtis Dietrich to fill the vacancy on the Board.

15. After the required public notice, the Board held a special meeting on November 28, 2022, to consider and take action on the Application.

16. On November 28, 2022, after a presentation by Core5's counsel, and the receipt of public comment, the Board voted to deny the Core5 Application.

17. By letter dated December 6, 2022, the Board's decision to deny the Application was communicated in writing to Core5. A true and correct copy of the December 6, 2022 letter communicating the denial is attached hereto as Exhibit "2," and incorporated herein by reference as if set forth in full.

18. The December 6, 2022, letter identified the defects in the Application with specificity as required by the MPC, including but not limited to the defects identified in the Township Engineer's September 23, 2022 letter to Core5, which letter was attached thereto and incorporated therein by reference as if set forth in full.

19. As such, the Board rendered a timely decision on the Application and communicated it in writing to Core5 within the time periods required by Section 508 of the MPC, 53 P.S. § 10508.

20. The deemed approval provision of Section 908(9) of the MPC, 53 P.S. § 10908(9), applies only to an untimely decision.

21. Despite the Board's timely decision, on January 5, 2023, Core5 published the Advertised Approval on the basis that:

- a. The Vacancy Board was not convened pursuant to the requirements of the Second-Class Township Code; and so,
- b. Supervisor Curtis Dietrich was not appropriately appointed; and so,
- c. There was no quorum at the November 28, 2022, meeting; and so,
- d. The Board's decision did not constitute official action to deny the Application by November 30, 2022.

22. Core5 cannot challenge the appointment of Supervisor Dietrich through a deemed approval of a land development application, nor does it have standing to challenge said appointment.

23. In *Spykerman v. Levy*, 491 Pa. 470, 484, 421 A.2d 641, 648 (1980), the Pennsylvania Supreme Court stated, “[h]istorically, Pennsylvania courts have held that the *quo warranto* action is the sole and exclusive method to try title or right to public office.”

24. Generally, a *quo warranto* action can only be instituted by the Attorney General or the District Attorney; a private citizen may have only standing if he “has a special right or interest, as distinguished from the interest of the public generally, or... has been specially damaged...” which the Pennsylvania Courts have explained to mean that a judgment of ouster

on the quo warranto action would place that private individual in the challenged office. *See Spykerman v. Levy*, 491 Pa. 470, 484-485, 421 A.2d 641, 648 and *Coghlan v. Borough of Darby*, 844 A.2d 624, 628 (Pa. Commw. Ct. 2004) (citing *Commonwealth ex rel. Schermer v. Franek*, 311 Pa. 341, 344, 166 A. 878, 879 (1933)).

25. Core5 has not brought a *quo warranto* action to challenge the appointment of Curtis Dietrich, nor does Core5 have standing to bring a *quo warranto* action.

26. As such, the aforementioned bases for Core5's Advertised Approval are legally defective.

27. Because the Board issued a timely decision of the Application, the Advertised Approval must be stricken.

WHEREFORE, Appellants, Lowhill Township Board of Supervisors and Lowhill Township, respectfully request this Honorable Court sustain its appeal and enter an Order finding that there was no deemed approval of the Application and the Advertised Approval is accordingly stricken.

Respectfully submitted,

HIGH SWARTZ LLP



By: _____
David J. Brooman, Esquire
Mark R. Fischer, Jr., Esquire
Michael A. Luongo, Esquire
Solicitors for Lowhill Township Board of
Supervisors and Lowhill Township

Date: February 3, 2023

FILED 2/3/2023 3:49 PM, Clerk of Judicial Records, Civil Division, Lehigh County, PA
2023-C-0376 /s/JW

EXHIBIT 1

Affidavit – Affidavit:

Publication: Affidavit

Section: Affidavit

AdSize: 1 Column

Lines: 0

Run Date(s): Thursday, January 5, 2023

Color: No

Preview:

**DEEMED LAND DEVELOPMENT
APPROVAL
FOR TAX PARCEL NOS.
545714601391-1 & 545713255797**

PLEASE TAKE NOTICE that the application of Core5 Industrial Partners and Core5 at Route 100, LLC, filed on or about October 18, 2021, for Preliminary Land Development Approval in accordance with the "Preliminary Land Development and Lot consolidation Plan for Core5 at Route 100" dated October 11, 2021, last revised September 12, 2022, is DEEMED APPROVED by operation of law pursuant to §508(3) of the Pennsylvania Municipalities Planning Code ("MPC") as follows:

1. Core5 is the equitable owner of property situate at 7503 Kernsville Road, consisting of approximately 21.6 acres and 7607 Kernsville Road, consisting of approximately .63 acres, in Lowhill Township's ("Township") RV- Rural Village Zoning District (the "Property").

2. On or about October 18, 2021, pursuant to the MPC Core5 Industrial Partners, LLC, through its subsidiary, Core5 at Route 100, LLC (collectively "Core5") submitted to the Township an application seeking Preliminary Land Development approval for a plan entitled "Preliminary Land Development and Lot consolidation Plan for Core5 at Route 100" dated October 11, 2021 and last revised September 12, 2022 (the application and the plan are referred to collectively as the "Plan").

3. The Plan proposes the consolidation of two adjacent lots and the construction of +100,560 sq. ft. distribution building as well as appurtenant improvements including parking and an office area (the "Project").

4. The Plan proposes development in the RV- Rural Village Zoning District, which is the only district which allows industrial uses in the Township.

5. Core5 and the Township agreed to several extensions for review of the Plan pursuant to 53 P.S. §10508(3) of the MPC, with the final extension terminating on November 30, 2022.

6. The Plan was reviewed by the Lowhill Township Planning Commission on August 29, 2022, and September 28, 2022, and numerous times previously; the Planning Commission recommended denial of the Plan.

7. On October 6, 2022, the Board of Supervisors of Lowhill Township held a regular business meeting with Chairman Richard Hughes, Vice Chairman George Wessner, Jr., and Supervisor Robb Werley in attendance.

8. Mr. Werley's resignation was not voted on and/or accepted by the Board of Supervisors on October

BOARD OF SUPERVISORS ON NOVEMBER
6, 2022.

9. On November 3, 2022, during a regular business meeting, Chairman Hughes and Vice Chairman Wessner accepted the resignation of Supervisor Werley.

10. Supervisor Werley's resignation was not effective until November 3, 2022.

11. On November 10, 2022, at a "Vacancy Board Hearing", advertised for 7:00 p.m., Chairman Hughes, as the sole supervisor, and Carol Betz, the Township's Vacancy Board Chairwoman, purported to take action to appoint Curtis Dietrich to fill the vacancy on the Board. Vice Chairman Wessner was not in attendance at this meeting.

12. The Vacancy Board was not convened pursuant to the requirements of the Second-Class Township Code (the "Code") because the Vacancy Board was convened only seven (7) days after the resignation of Supervisor Werley became effective.

13. The Vacancy Board was not convened pursuant to the Code because the Vacancy Board was not convened by the Vacancy Board Chair.

14. The Vacancy Board was not convened pursuant to the Code because the Chair did not advertise the meeting of the Vacancy Board.

15. The Vacancy Board was not convened pursuant to the Code because the Vacancy Board was convened without Supervisor Wessner.

16. The Vacancy Board was not convened pursuant to the Code because there was no quorum.

17. The appointment of Curtis Dietrich was not confirmed by the Board.

18. On November 28, 2022, at a special meeting advertised for 6:30 P.M., Chairman Hughes and alleged Supervisor Dietrich purportedly took action to deny the Plan.

19. Vice Chairman Wessner was not present at the November 28, 2022, special meeting.

20. By letter dated December 6, 2022, the Township confirmed the purported denial of the Plan.

21. Core5 believes and therefore avers that Curtis Dietrich was not appropriately appointed and that the purported special meeting of November 28, 2022, was unlawfully convened as no quorum was present.

22. Pursuant to the Code, without a quorum, it was impossible for the Board of Supervisors to conduct any official Township business, including taking action to deny the Plan.

23. The Board of Supervisors did not take official action to deny the Plan by November 30, 2022, which was the date of the expiration of the extension granted by Core5.

24. In consideration of the foregoing, the Plan is DEEMED APPROVED by operation of law pursuant to §508(3) of the MPC.

The properties which are the subject of this deemed approval are located at 7503 and 7607 Kernsville Road, Orefield, PA 18069, Lowhill Township, Lehigh County, bearing Tax Parcel No. 545714601391-1 and 545713255797, respectively. The property

FILED 2/3/2023 3:49 PM, Clerk of Judicial Records, Civil Division, Lehigh County, PA
2023-C-0376 /s/JW

situate at 7503 Kernsville Road is presently owned by John A. Johnson III, et. al., and is under agreement of sale with Core5. The property situate at 7607 Kernsville Road is presently owned by Toby G. Rosko and is under agreement of sale with Core5. The application is on file and may be viewed at the offices of Lowhill Township, located at 7000 Herber Rd., New Tripoli, PA 18066. Any aggrieved party may appeal the deemed approval within 30 days of this notice in accordance with the Pennsylvania Municipalities Code.

CORE 5 Industrial Partners
CORE 5 of Route 100, LLC

FILED 2/3/2023 3:49 PM, Clerk of Judicial Records, Civil Division, Lehigh County, PA
2023-C-0376 /s/JW

EXHIBIT 2



HIGH SWARTZ
ATTORNEYS AT LAW

EST. 1914

David J. Brooman
(610)275-0700
Email: dbrooman@highswartz.com
www.highswartz.com

December 6, 2022

FEDERAL EXPRESS

CORE5 Industrial Partners
c/o Brian Reisinger
1250 N. Mountain Road
Harrisburg, Pennsylvania 17112

**Re: Land Development Application for
Preliminary Plan Approval by CORE5 Industrial Partners
Decision by the Lowhill Township Board of Supervisors**

Dear Mr. Reisinger:

As you know, on November 28, 2022, the Board of Supervisors of Lowhill Township (the "Board") held a special meeting to consider and take action on an application for preliminary land development approval (the "Application") which was submitted by CORE5 Industrial Partners (the "Developer") on October 19, 2021. The Application proposes the construction and operation of a 100,569 square foot commercial warehouse/distribution center building on 21.6 acres, with associated parking, trailer storage spaces, and storm water management, at the property located at 7503 Kernsville Road. The proposed development is located on the northwest corner of the intersection of Kernsville Road and Orchard Road. Access to the site is proposed to be one full-access driveway to Kernsville Road. The property is located in the RV - Rural Village District pursuant to the Township's Zoning Ordinance.

At the November 28, 2022 meeting (the "Meeting"), the Board considered the Application, the review letters of Keystone Engineers and the response letters of BL Companies, the Applicant's design consultant, additional information provided by the Applicant as to the specific use proposed, and public comment from interested residents. No additional extensions of time from the deadlines contained in Section 508 of the Pennsylvania Planning Code (MPC) were offered by Developer. The Planning Commission at its meeting held September 26, 2022, recommended that the Application be denied. After review and consideration of the foregoing, the Board voted to DENY the Developer's Application, based on the following deficiencies identified by the Board and its consultants:

1. The Application and planned use of the Property for a 100,569 square foot commercial warehouse and distribution center is not a permitted use in the RV – Rural Village District pursuant to the Township Zoning Ordinance. Zoning Ordinance of Lowhill Township, Lehigh County, Ordinance #2018-1, adopted April 12, 2018 (the "Zoning Ordinance"), §§540, 541-543 and Subdivision and Land Development Ordinance, last revised October 7, 1998 (the "SALDO"), §4.203.

Norristown | High Swartz LLP | Doylestown

40 East Airy Street, Norristown, PA 19401 | P.O. Box 671 | P: 610-275-0700 | F: 610-275-5290 | highswartz.com

2. The Application and planned use of the Property for a 100,569 square foot commercial warehouse and distribution center is not consistent with the Multi-Municipal Comprehensive Plan for the Northern Region of Lehigh County, dated November 2004. SALDO, §4.203.
3. The Application remains incomplete and not in full compliance with the Township Subdivision and Land Development Ordinance (SALDO). The specific deficiencies are delineated in the Township Engineer's September 23, 2022 letter to the Applicant. A copy of KCE Keystone Consulting Engineers' September 23, 2022 Review Letter to the Lowhill Township Planning Commission is attached hereto, marked Exhibit "A," and is incorporated herein by reference as if set forth in full.
4. The Property, because of its unique location, is not suitable for the proposed use. SALDO, §4.201.
5. The area of the Township directly impacted by the proposed commercial warehouse and distribution center use does not currently have the infrastructure to support this type of industrial development. The roads are not designed to handle the impact of the additional vehicles generated by the proposed warehouse; specifically, the traffic study and recommended improvements do not make adequate provisions to address the "pinch point" near the Upper Macungie Park where the northbound lanes of Route 100 merge. The Application further does not make adequate provision for the additional truck traffic on the steep incline of northbound Route 100, and its attendant snow and ice hazards in inclement weather. Similarly, the impact of additional traffic at the "pinch point" where the two Route 100 southbound lanes merge into one, just before Windy Road, has not been adequately addressed in the traffic study or by the Applicant. Further, the intersection of Kernsville Road and Route 309 is not designed for additional truck traffic seeking to make a right turn onto Route 309. Likewise, the proposal for additional truck traffic using Claussville Road to access Route 78 is inadequate. Finally, the timing of green lights at the intersection of Route 100 and Kernsville Road has not been addressed with Lowhill Township.
6. The Applicant failed to perform a truck restriction study on Orchard Road and Pony Roads.
7. The Applicant failed to secure a determination by the Lehigh Valley Planning Commission that the proposed stormwater management plan is compliant with the Stormwater Management Act, Act 167 of 1978 and the applicable Act 167 Stormwater Management Plan (Stormwater Ordinance §302.A.).
8. The Application does not comply with SALDO §4.708 (Sidewalks) nor with SALDO §4.700 (Required Improvements and Construction Standards) (Orchard Road).
9. The Applicant failed to provide an Erosion and Sedimentation Control plan meeting Township requirements (Ordinance 2012-1 and Stormwater Ordinance §303.B.).

High Swartz LLP
Page 3

10. The Application does not comply with Article I, Section 27 of the Pennsylvania Constitution.

Sincerely,

David J. Brooman

DJB/pro

Cc/ Ryan Christman, Township Engineer
Richard Hughes, Chairman, Board of Supervisors
Jill Seymour
Joseph Fitzpatrick, Esquire
Frank N. D'Amore, Esquire

EXHIBIT A

**Keystone Consulting Engineers letter dated September 23, 2022
RE: 7503 Kernsville Road Warehouse Land Development – Revised**



CIVIL ENGINEERS & SURVEYORS

2870 Emrick Boulevard, Bethlehem, PA 18020 | 610-865-4555 | www.KCEinc.com
Bethlehem | Allentown | Kresgeville

LOW-21-010

September 23, 2022

Lowhill Township Planning Commission
2175 Seipstown Road
Fogelsville, Pa. 18051

RE: 7503 Kernsville Road Warehouse Land Development – Revised
Preliminary Plan Submission. (Addressing comments of our August 26,
2022 review letter)

LOCATION: 7503 Kernsville Road

ZONING: RV – Rural Village District

PROPOSED: Commercial Warehouse/Distribution Center.

SUBMISSION:

- Preliminary Plan, sheets 1 of 25 thru sheet 25 of 25 dated October 11, 2021, latest revision date of September 12, 2022, as prepared by BL Companies, Inc.
- Post Construction Stormwater Management Narrative dated October 2021, latest revision date of September 2022, as prepared by BL Companies, Inc.
- Subdivision Plan, sheet SD-1, 5 of 25, dated October 11, 2022, latest revision date of September 12, 2022, as prepared by BL Companies, Inc.

COMMENTS:

The plan proposes a 100,569 square foot commercial warehouse/distribution center building on 21.6 acres, with associated parking, trailer storage spaces, and storm water management. Erosion and Sedimentation Control Plans were not included in this submission.

We offer the following comments:

General

1. The plan set includes a subdivision plan (Sheet SD-1, 5 of 25) that consolidates the adjacent property at the southwest corner of the lot (lot 1). The plan proposes the removal of the lot line between the two properties. The additional property is 0.602 acres, which is being proposed as parking.
This plan shall be acted upon and approved separately, and recorded accordingly.

2. Review by the Fire Chief shall be received, including review of the relocated emergency access road.
3. The current PennDOT HOP plans shall be provided to the Township for review and comment. A PennDOT HOP shall be provided to the Township prior to plan recording.
4. Proof of service for the water supply to the site has been received from LCA. SALDO §3.303.j. Provide the fire suppression system design and verification that the public water system can support it.
5. Approval from the Lehigh County Soil Conservation District shall be received. Stormwater Ord. §303.B.
6. Review and approval by the Township Sewage Enforcement Officer will be required for the proposed on-lot septic system. SALDO §3.302.f.
7. A plat and description will be required, for review and recording, for the additional right of way dedication on Orchard Road.
8. Recreation fees in lieu of land dedication shall be paid per the Township Fee Schedule G.
9. Show the proposed sidewalk along Orchard and Kernsville roads.
10. The two waiver requests that were denied in April shall be shown on the plans.
SALDO §4.708 Sidewalks
SALDO §4.700 Required Improvements and Construction Standards. Orchard Road.
11. The engineer on Engineer's Certification on the cover sheet shall be changed to match the signing and sealing engineer.

Storm Sewer/Stormwater:

1. A determination by the Lehigh Valley Planning Commission that the proposed stormwater management plan is Act 167 compliant will be required, along with the NPDES permit. Stormwater Ordinance §302.A.
2. Provide all applicable permits to the Township upon approval. Copy this office on all permit related correspondence.
3. Verify infiltration of the Recharge Volume REv (Stormwater Ord. §304.J). The recharge volume is intended to provide groundwater to compensate for reductions in infiltration from development. Both using evapotranspiration rather than infiltration and taking credit for existing features for proposed improvements would be qualitatively different than the regulation's intent and would require a waiver. Testing shall meet the requirements of Stormwater Ord. §304.H., and Appendix G.
4. We offer the following comments on the calculations and assumptions used in the stormwater design (Stormwater Ord. §403.C.2).
 - a. Confirm that a common time of concentration is used in hydrograph analysis as the

- analysis shows different time of concentration for onsite and offsite areas.
- b. We note the following on the design of BMPs (Stormwater Ord. §304.0).
For the Extended Dry Detention Basin per PADEP BMP 6.6.3, include calculation showing 24-72 hour detention drain time of the water quality volume and propose deep rooted groundcover. The hatching implies that the lawn mix is to be used within the basin; clarify whether the seed mixtures currently provided on Sheet 23 are intended for use in lawn (i.e. not basin, meadow, or riparian) areas only.
Verify whether any permanent stabilization reinforcement is appropriate downstream of pipes discharging onto the property.
 - c. Provide stormwater management for any required frontage improvements. As the response letter refers to the Highway Occupancy Plan, we note that the stormwater improvements must be included in the overall PCSM design and would include Orchard Road improvements.
 - d. The hydraulic soil group D is used in the analysis; the mapping identifies the Berks (primarily, B) and Weikert (secondarily, D) soil complex. D soils are less conservative for estimating the impact of development. Use B soils in analysis or provide copies of the testing that supports poor drainage consistent with D soils. (Stormwater Ord. §304.L&M)
 - e. Verify orifice flow assumptions for outlet control structure grate, as it relates to required freeboard. (Stormwater Ord. §307.H) The Plan shows a Type M inlet top for the outlet structure. Verify the basin analysis considers the resistance of the grate orifices.
 - f. Update spillway calculations consistent with the proposed basin revisions.
5. We offer the following comments on the stormwater details (Stormwater Ord. §403.C.4).
 - a. Clarify contour 676 and drainage east of the eastern entrance.
 - b. Confirm responsibility for stormwater structures in the right-of-way.
 - c. Show the sanitary sewer crossings on the storm sewer profiles. Identify any required separations and manhole drops on the sanitary sewer profile on Sheet 14.
 - d. Confirm consistency in showing asterisks and identifying their significance on profiles for inlets to be larger than standard box size.
 6. Sheet 1 identifies a separate PCSM Plan to be recorded. Provide copies of the PCSM Plans. The information on Sheets 23 and 24 should be included on a Record Plan, and a record plan should reference the PCSM narrative that was prepared. (Stormwater Ord. §702 and §706)
 7. Provide a detail on the plans for the connection of MH-17 to the existing pipe under Kernsville Road.
 8. The Applicant shall enter into an operations and maintenance agreement with the

Township addressing all proposed privately-owned stormwater management facilities. Agreement language shall be subject to review and approval by the Township Solicitor. The Blanket Easement identified in Note 4 on Sheet 9 should include authorization but not obligation for Township maintenance and recompense for funds spent. The agreement, operations and maintenance plan, and easements shall be recorded in the Lehigh County Recorder of Deeds Office. (Stormwater Ord. §704, §705 §706, and Appendix E).

9. Provide a plan showing Erosion and Sedimentation controls (Ord. 2012-1 and Stormwater Ord. §303.B).
10. Confirm the offsite drainage areas tributary to pipes draining onto the property and verify adequacy for non-erosive conveyance. (Orchard Road).

The width of any watercourse drainage easement shall be adequate to provide for unobstructed flow of storm runoff based on calculations made in conformance with section 307 for the 100-year return period runoff and to provide a freeboard allowance of one-half (0.5) foot above the design water surface level. The applicant shall provide an appropriate easement for review. (Stormwater Ord. §301.E)

Traffic Study:

1. We reviewed the traffic study for the project and the trip generation estimates are acceptable. A summary of the estimated numbers of new trips:

<u>Weekday</u>	<u>AM Peak Hour</u>	<u>PM Peak Hour</u>
198	36 (28 in / 8 out)	39 (11 in / 28 out)

Of the 198 new daily trips, 60 are expected to be truck trips.

The study included trips from two other proposed warehouses in the immediate area.

2. A page of the 2023 PM Peak Hour Build analysis of the Kernsville/Route 100 intersection is missing from the report.
3. With signal timing adjustments, the overall average per-vehicle delays at the Route 100/Kernsville Road intersection under the 2023 with-development conditions are close to those estimated under the "existing" (2021) conditions. However, these proposed timing adjustments add green time to the eastbound/westbound Kernsville Road signal phase by taking it from the northbound/southbound Route 100 phases (five seconds in the morning peak hour and six seconds in the evening peak hour). With the revised signal timings, the estimated 95th-percentile 2023 Build queue lengths on the Route 100 through lanes are one to four vehicles longer than in the existing condition.
4. If PennDOT approves the proposed signal timing changes, proof of this acceptance and the updated signal timing plan should be submitted to the Township. In the event that PennDOT or the Township does not want the Route 100 green times reduced, analyses of the intersection with the existing timings and the 2023 Build traffic volumes should be provided.

ZONING

1. Developer will perform a truck restriction study on Orchard & Pony Roads as previously requested. The developer is proposing to construct a left turn lane and shoulder widening on Kernsville Road at the site's driveway. Improvements at the Kernsville/Route 100 intersection still need to be addressed including advance turn arrows, lengthening of the left turn lane, construction of a right turn lane from Route 100 North to Kernsville Road and widening of the existing turn lane onto Kernsville Road.
2. In order to minimize the impact on neighboring properties, the exterior colors of the building should be natural earth tones.
3. A rec fee of \$6,556.90 is due prior to recording of plan for 100,569 square foot building. (Resolution 22-1)

Due to the amount and magnitude of these comments, we reserve the right to make additional comments as revised plans, supporting documents, reports, and studies not submitted to date, are submitted for review.

If there are any questions, please feel free to contact the undersigned.

Sincerely,

KEYSTONE CONSULTING ENGINEERS, INC.

Lowhill Township Engineers



Ryan D. Christman, C.B.S.I., C.S.I.

Township Engineer Representative

cc: Brian Carl, Township Administrator
Jill Seymour, Township Secretary
Keith Strohl, Esq., Township Solicitor
BL Companies
CORE5 Industrial Partners, Brian Reisinger