

MINUTES

SOUTH MIDDLETON TOWNSHIP PLANNING COMMISSION 520 PARK DRIVE BOILING SPRINGS, PA 17007

October 18, 2005

PRESENT: DOUG WENDT, TROY TRUAX, TONY GONZALEZ, RICK REIGHARD, JESSE MOOSE & HOWARD ROSE – PLANNING COMMISSION; Richard Mislitsky – Solicitor; Brian O’Neill – Engineer; Tim Duerr – Zoning Officer; Diane Hollinger – Recording Secretary; Jim Baker; Bob Beers; Bill Zilch; John Melham; Craig Mellott; Gordon Halfinar; Edward Kessler; Tom Benjey; Ann Benjey; Dick Moore; Ron Lucas; Matthew Allen; Jim Smith; Martha Green; Bill Weisser; Tom Faley; Len Lobaugh; Sean Smyth – “The Sentinel”.

Vice Chairman Troy Truax called the meeting to order at 7:04 PM. Planning Commission and staff introduced themselves.

MINUTES

Howard made a motion to approve the minutes of 9/20/05, as amended. Jesse seconded, and the vote in favor was 5 to 0. (Doug was not present for the start of the meeting.)

PUBLIC INPUT

There was no public input.

#04-25 LAWRENCE E. SMARR – FINAL SUBDIVISION

As there was no one to present this plan, Brian explained that the planning module had been received. Deeds had been received, but did not contain the rural residential land restrictions, so revised deeds will have to be submitted.

There were no comments from either the Planning Commission or the public.

Modifications: Section 305 a. – Preliminary Plan; Section 1303 – As-built plans.

Howard made a motion to recommend approval of the modifications. Tony seconded, and the vote in favor was 5 to 0.

Jesse made a motion to recommend approval of #04-25, subject to the modifications and staff comments. Rick seconded, and the roll call vote in favor was 5 to 0.

#05-11 WHEATSTONE, PHASE 1 – FINAL SUBDIVISION

This plan was tabled.

#05-14 ROBERT L. & JANET M. SMITH – FINAL MINOR SUBDIVISION

This plan was tabled.

#05-17 NETHERBY PHASE 2 – FINAL SUBDIVISION

This plan was tabled.

#05-20 SPRING COURT – FINAL LAND DEVELOPMENT

This plan was tabled.

#05-22 BOILING SPRINGS HIGH SCHOOL – FINAL LAND DEVELOPMENT

Troy said that although outside agency approval has not been granted, the plan would be discussed tonight in order for it to proceed to the Board of Supervisors. Jesse asked whether the NPDES permit had been approved. Brian replied that PA DEP has received the application, and that approval may not be imminent.

Public Input:

Supervisor Jim Baker stated that he agreed with the Planning Commission's decision to act on this plan tonight.

Modifications: Section 708 f. – Island in parking lot every 10 spaces; Section 708 – Curbs and Gutters; Section 710 c. (4) (a) – Runoff Capture – requires infiltration; Section 710 c. (4) (c) (iv) – Requires 50% of existing paving be considered for stormwater management calculations; Section 711 b. (2) (i) – 40-foot screen buffer around parking areas abutting residential uses; Section 714 b. – Modified EIA report; Section 1108 (3) and (4) – Wellhead Protection requirements.

Rick made a motion to recommend approval of both the modifications and #05-22, subject to staff comments and the receipt of any required state approvals. Howard seconded, and the roll call vote in favor was 5 to 0.

#05-25 LLOYD E., JR. & PATRICIA W. PENNER – FINAL SUBDIVISION

This plan was tabled.

#05-26 OLD TOWN RUN MOUNTAIN LODGE LOT #6 – FINAL MINOR SUBDIVISION

This plan was tabled.

#05-27 THOMAS S. PEDERSEN – FINAL MINOR SUBDIVISION

This plan was tabled.

#05-28 EDWARD F. & RUTH C. KESSLER – FINAL MINOR SUBDIVISION

This plan was tabled.

#05-29 JEFFREY J. & KAREN L. SCHOOLCRAFT – FINAL MINOR SUBDIVISION

This plan was tabled.

#05-30 HAROLD S. & DEBRA S. SWARNER – FINAL MINOR SUBDIVISION

This plan was tabled.

#05-31 MICHAEL A. MARHEVKA, JR. – FINAL MINOR SUBDIVISION

This plan was tabled.

#05-32 MOUNTAIN VIEW TERRACE – FINAL MINOR SUBDIVISION

This plan was tabled.

#05-33 CARLISLE EVANGELICAL FREE CHURCH – FINAL MINOR LAND

This plan was tabled.

Doug arrived at this point.

#05-08C CARLISLE FORGE – CONDITIONAL USE

John Melham, Melham Associates, PC, Craig Mellott, Traffic Planning and Design, Inc. and developer Shah Mathias, presented this plan that proposes a mixed-use development located along the northern side of York Road to the east of the Fairview Street/York Road intersection. The development will consist of approximately 150 single-family homes, 200 townhouses, 200 apartments and a 240,000-square foot neighborhood retail center. Mr. Melham stated that a lighting plan and traffic study have been submitted.

Troy referred to the October 7, 2005 memo regarding Section 1630 of the Zoning Ordinance. He said that the plan shows more than one principal use on a single lot, with a mix of both commercial and residential development, including an area for recreational use. There is no indication in the application that the recreational portion will be subdivided from the other uses, and if the intent is to subdivide this from the remainder of the parcel, then the commercial section must meet the maximum impervious requirements. Mr. Melham replied that the applicant does not intend to subdivide the recreational area, and that this area is included in the 40% pervious area for the commercial section.

Mr. Mislitsky asked who would maintain the recreational area. Mr. Melham replied that he thought the users of the area would have that responsibility. Rick said that if the homeowners association has the responsibility for maintaining the area, then the association might want ownership of that area. Mr. Melham stated that the homeowners association would maintain and police the area. Brian said that if the homeowners association would not own the area, then perhaps an easement or agreement would be appropriate. Rick said that if some of the playing courts are paved, the impervious area would increase. Mr. Melham replied that this would be addressed at the land development stage, and that adjustments would be made at that point in order to comply with ordinance requirements.

Tim suggested that maintenance of the recreational area by the homeowners association be made a condition of approval.

Jesse asked about the status of an access agreement at the southeast portion of the property. Mr. Melham deferred to Mr. Mathias to answer. Mr. Mathias announced that he has an option to purchase the Otto property that the Keystone/ProLogis warehouse was proposed to be on. Jesse said that since Mr. Mathias now controls the surrounding parcels, there is a possibility of an easement for a road to connect York and Trindle Roads. Mr. Mathias said that this is definitely a possibility, with the exact configuration being dependent upon how the other land is developed. Mr. Mislitsky asked Mr. Mathias whether he ultimately intends to design a connector road from York Road to Trindle Road. Mr. Mathias replied yes.

Jesse asked about proposed traffic signals. Mr. Mellott replied that the main access to the development on York Road would be signalized, and that any new signal could be synchronized with the existing ones to the west on York Road. Mr. Mislitsky asked if the proposed connector road intersection at York Road could be designed now. Mr. Mathias replied that it would depend on what is proposed for the surrounding parcels. Tony asked about the location of the proposed building lots in the area of the proposed roadway, and whether they would make building a road impossible. Pointing to the drawing, Mr. Mathias indicated the eastern border of the property. Tony asked when this might occur. Mr. Mathias answered that he did not know when this might happen. Tony said that the possibility of an access road, that would align with Mayapple Drive, through the property should be discussed now during the conditional use process, and that the road should be shown on the plan now. Mr. Mathias replied that the residential area shown on the northeast section of the plan will be the last area to be developed, and that the configuration of a road could change by the time that development occurs.

Public Input:

Martha Green, president of Mayapple Homeowners Association, stated that the Association is not in favor of aligning a new road with Mayapple Drive because of the increased traffic that it would bring. At this point, Brian drew a sketch of the proposal.

Supervisor Jim Baker made some comments.

Supervisor Tom Faley asked Mr. Mathias what his intentions are for the Otto parcels, of which Mr. Mathias is now the equitable owner. Mr. Mathias replied that he envisions upscale shopping centers that would be attracted by upscale residents of Carlisle Forge.

Troy recommended reducing the front yard setbacks to create a village-type atmosphere. He also asked about what kind of housing is being proposed, and suggested smaller home might be more attractive to potential home buyers. Mr. Mathias replied that he has depicted varied housing types, as well as apartments that would provide lower cost housing.

Mr. Mislitsky asked how the Township can be guaranteed that what is shown on the drawing will be built. Mr. Mathias answered that he is bound by this drawing since it is part of the conditional use application.

Additional Public Input:

Ms. Green suggested that Township officials view some of Mr. Mathias' other developments.

Tom Benjey suggested an internal bypass road that would run from York Road to Fairview Street, accessing near Lisburn Road. Mr. Melham replied that the two access points shown on Fairview Street are intended for the residents of the development, and are not intended as a means of circumventing Fairview Street.

Troy made a motion to recommend #05-08C, subject to the following conditions: 1) An agreement would be drawn up concerning maintenance of the recreational area by the homeowners association; 2) Proof of option for the purchase of the adjacent properties be provided; and 3) The easement, extending to Trindle Road, along the eastern property line be shown on the plan. Doug seconded, and the roll call vote in favor was unanimous.

#05-15C STONEHEDGE CENTER, LLC C/O KIMCO REALTY – CONDITIONAL USE

Ron Lucas and Matthew Allen presented this plan that proposes the construction of a 548-square foot addition onto the existing Nell's Grocery Store as well as the construction of a new 2600-square foot building in the existing Stonehedge Shopping Center. The property is located at 950 Walnut Bottom Road, Carlisle. He stated that Zoning Hearing Board approval for reduction of the number of parking spaces required had been granted. Mr. Allen said that Nell's would be adding a new vestibule.

Rick asked whether there are plans to develop the new outparcel. Mr. Lucas replied that existing unused parking area would be used for the proposed new building. He added that at this point the tenant is unknown, but that it could possible be a fuel facility. He acknowledged that an additional conditional use would be required if a fuel facility were proposed for that location.

Brian said that additional parking to the rear has been proposed for trucks loading/unloading. Mr. Lucas said that the applicant has agreed to put in additional screening the abutting residential uses.

Public Input:

Bob Beers, representing Stonehedge Homeowners Association, questioned the spacing between the additional proposed parking in the rear, and the spaces used by PA DOT for their driver examination parking. He said that the Association was comfortable with the Zoning Hearing Board agreement.

Tim stated that a land development plan would be required in order to develop the out-parcel.

Tony made a motion to recommend approval of #05-15C, subject to staff comments and the finalization of the agreement with Stonehedge Homeowners Association. Jesse seconded, and the roll call vote in favor was unanimous.

#05-17C GLOBAL RENEWAL – CONDITIONAL USE

Tim explained that there had been a prior conditional use for this organization, and that they had also received Zoning Hearing Board approval for use of the existing building which has no onsite parking. A parking agreement had been reached with a nearby church. Len Lobaugh, representing Global Renewal, said that the non-legal agreement with the church had ended, and that the need for parking has to be addressed once again.

Troy asked whether parking requirements apply to this setting. Tim suggested that a conditional use approval would apply to this use and this applicant only, and that if either changes, another conditional use would be required.

Mr. Lobaugh stated that only 2 parking spaces are needed for 2 employees, and that additional parking is needed only when there is a board meeting. He also said that, in the future, the organization may expand to 5 employees, at which time parking could be provided by removing part of the existing building.

Troy made a motion to recommend approval of #05-17C, subject to staff comments and the condition that if additional employees are hired, Global Renewal would have to prove that there is sufficient parking for these employees. Tony seconded, and the roll call vote in favor was unanimous.

(BREAK)

#05-16C TURKEY HILL d/b/a TURKEY HILL MINI MARKETS – CONDITIONAL USE

John Melham, Melham Associates, PC, Craig Mellott, Traffic Planning and Design, Inc., and Bill Weisser, Turkey Hill, presented this plan that proposes the construction of a 326-square foot convenience store with gasoline sales with a maximum of four fuel islands and eight fueling positions. The property is located at the intersection of Westminster Drive and York Road. Mr. Melham stated that he concurs with the zoning comments, but questions the need for the 40-foot buffers along York Road since it's not known how long the homes across York Road will remain occupied. He added that this size buffer would reduce the usable area for the proposed use. He suggested that perhaps 20 feet of the buffer could be placed in the right-of-way.

Doug stated that after Carlisle Crossing was approved, the Planning Commission had decided that there would be no future access granted to Westminster Drive. Mr. Melham stated that he was not aware of this. Although the proposed plan shows access on Westminster Drive, Doug said that the Planning Commission cannot agree to this.

Tim said that waivers of access spacing requirements from the Board of Supervisors would be required for access to the four lots that are in this subdivision. Mr. Mellott then explained the reason for the placement of the access drives.

Troy stated that with the present submission, the Planning Commission would either have to deny the plan, or request a time extension during which time the applicant could work with Township staff to resolve the access issue. Troy made a motion to request a time extension. Doug seconded, and the roll call vote in favor was unanimous.

Mr. Weisser agreed to a time extension.

ADJOURNMENT:

There was a motion to adjourn at 9:32 PM.

WITNESS:

**SOUTH MIDDLETON TOWNSHIP
PLANNING COMMISSION CHAIRMAN:**
