

MINUTES

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

February 15, 2005

PRESENT: DOUG WENDT, TROY TRUAX, TONY GONZALEZ, RICK REIGHARD, JESSE MOOSE - ABSENT & TOM WHITCOMB - ABSENT – PLANNING COMMISSION; Richard Mislitsky – Solicitor; Brian O’Neill – Engineer; Tim Duerr – Zoning Officer; Diane Hollinger – Recording Secretary; Bob Beers; Joe Fay; Chris Dellinger; Jim Baker; Tom Benjey; Paul Wilson; Doug George; Carol & Joe Harvilla; Mike Hess; Mike Reynolds; Dan Deitchman; J. Brian Walters; Jim DeRosso; Bob Geist; Cindy Good; Paula Figgatt; Mike Knotwell; Martha Green; Margaret Hemler; Barb Wilson; Bryan Gembusia; Eric Harkreader – “The Sentinel”; Andrea Ciccocioppo – “The Evening News”.

Chairman Doug Wendt called the meeting to order at 7:00 PM. Planning Commission and staff introduced themselves.

MINUTES

Rick made a motion to approve the minutes of 1/18/05, as written. Troy seconded, and the vote in favor was 4 to 0.

PUBLIC INPUT

None.

#04-11 STONEHEDGE PRD, PHASE 2 – FINAL SUBDIVISION AND LAND DEVELOPMENT

This plan was tabled.

#04-25 LAWRENCE E. SMARR – FINAL SUBDIVISION

This plan was tabled.

#04-30 SABLE CHASE – PRELIMINARY SUBDIVISION & LAND DEVELOPMENT

This plan was tabled.

#04-31 STONEHEDGE DEVELOPMENT, LOT C2 – PRELIMINARY LAND DEVELOPMENT

Engineer Brian Walter presented this plan that proposes the construction of a 6,850 square foot, three-unit office building. The site is located between the Friendly’s restaurant at Walnut Bottom Road/Stonehedge Drive and the Rockland Village condominiums. Mr. Walter stated that, at this time, the future tenants are unknown, but that they may be professional offices or possibly retail space.

Mr. Mislitsky asked why PA DEP requires infiltration in a wellhead protection zone. Brian replied that PA DEP requires infiltration everywhere, but that he disagrees with it. Brian added that PA DEP may change its position on this.

Doug asked whether there would be a problem addressing the County's comments. Mr. Walter replied no. Doug also asked whether Mr. Walter was aware that a recreation fee is required. Mr. Walter replied yes.

Public Comment:

Bob Beers questioned the depth of the infiltration basin. Mr. Walter explained that the depth is adequate, and that all the stormwater would be infiltrated. Brian added that there is a trench drain across the entrance that also empties into the infiltration basin. Mr. Beers asked about screening and lighting. Mr. Walter indicated them on the plan. Mr. Beers stated that the Stonehedge Homeowners Association would object to any lighting that extends higher than the building itself. He added that he is concerned with light shining directly into the second floor of the two-story home of the adjoining property owner. Brian answered him by stating that zero foot-candles of light would leave the property. He added that the proposed screening complies with the ordinance, with the modification requested. Addressing Mr. Beers' concern with the stormwater, Mr. Walter explained that any stormwater in excess of the capacity of the infiltration basin will overflow into a storm outlet. Mr. Mislitsky asked Mr. Beers whether the homeowners association objects to the infiltration concept. Speaking for himself and not the homeowners association, Mr. Beers replied that he is still concerned with water backing up and freezing, causing spillage onto the roadway.

There was no other public comment.

Modifications:

Section 305 a. – Preliminary Plan; Sections 707 & 708 – Curbs & Sidewalks along Stonehedge Drive; Section 711 b. (2) (ii) (1) – 40-foot Landscape Buffer on side yard; Section 714 – Modified EIA Report; Section 1108 a. (3) & (4) – Wellhead Protection Map and Report; Section 1108 a. (11) – Infiltration in Wellhead Protection Area.

Tony made a motion to recommend approval of the modification. Troy seconded, and the vote in favor was 4 to 0.

Troy made a motion to recommend approval of #04-31, subject to box lighting being used, and subject to staff comments. Tony seconded, and the roll call vote in favor was 4 to 0.

#04-35 RED ROBIN RESTAURANT – FINAL LAND DEVELOPMENT

Chris Dellinger, HRG Engineering, presented this plan that proposed the construction of a 6,540 square foot restaurant within the parking lot of the Carlisle Crossing shopping center. Brian stated that the Township had received the County's comments.

The Planning Commission had no comments.

Public comment:

Tom Benjey asked why Mr. Dellinger referred to the restaurant as proposed. Mr. Dellinger replied that at this point, since it is not in existence, it is referred to as proposed, but that the intent is to build a Red Robin restaurant.

Troy made a motion to recommend approval of #04-35, subject to staff comments. Rick seconded, and the roll call vote in favor was 4 to 0.

#04-36 INDIAN HILLS, SECTION 4 – FINAL SUBDIVISION

This plan was tabled.

#05-01 CARLISLE MED II – FINAL LAND DEVELOPMENT

This plan was tabled.

#05-02 OTTO PROPERTY – FINAL MINOR SUBDIVISION

Chris Dellinger, HRG Engineering, presented this plan that proposes to subdivide the Otto property located at the “point” of the intersection of York and Forge Roads. The purpose of the subdivision is to create a Township road that would align with, and be a continuance of, Westminster Drive. Brian stated that an additional modification request was requested for this plan, Section 703 z.. This requires that driveways that meet the access requirements be shown when lots are subdivided. Otherwise, lots are created with driveways that do not meet the ordinance. Thus, if this request is granted, a modification of the access requirements will be needed when a land development plan for the two new lots is submitted. Mr. Mislitsky stated that he could be recommending restrictive notes on the plan and/or deeds.

There was no public comment.

Modifications:

Section 305 a. – Preliminary Plan; Section 502 g. – EIA Report; Section 502 h. – Traffic Impact Study; Section 502 m. – LeTort Regional Review; Section 602 b. – Sewage planning module exemption; Section 602 c – Stormwater Management Plan; Section 602 d. – E & S Plan; Section 602 f. – Grading Plan; Section 602 g. – Landscape Plan; Section 707 – Sidewalks; Section 708 – Curbs & Gutters; Section 703 z. – Subdivision Compliance with Road Access Requirements.

Tony made a motion to recommend approval of the modifications. Troy seconded, and the vote in favor was 4 to 0.

Tony made a motion to recommend approval of #05-02, subject to staff comments and adding that the property owner will be made aware that the waiver was not a waiver of the entire section. It was only a waiver of the need to file a plan at this time. Additional modification requests for access spacing will be required in the future which may limit where driveways can be placed. Troy stated that a curb construction note should be added to the plan. Mr. Dellinger agreed to do this. Rick seconded, and the roll call vote in favor was 4 to 0.

#05-01C DOUGLAS GEORGE – CONDITIONAL USE

Douglas George presented this plan that proposes the establishment of a regional commercial center containing 32,300 square feet of light industrial uses in an existing building to be leased and maintained by the owner. Mr. George stated that there is existing parking for the building. Tim added that there will be screening added where the site abuts residential uses. Mr. George said that the hours of operation have not been established at this point. Mr. Mislitsky suggested that the Planning Commission make a recommendation to the Board of Supervisors to attach a condition limiting the hours of operation. Doug suggested that any deliveries be made during daylight hours only, e.g., 7 AM to 7 PM. Tim said that there should be a time limit specified for the screening to be in place. Mr. Mislitsky emphasized that maintenance of the screening is important. Mr. George expressed no disagreement with the issues raised.

There was no public comment.

Troy recommended that the zoning ordinance be amended to include light industrial uses in the commercial centers. Tim agreed to this.

Troy made a motion to recommend approval of #05-01C, subject to the conditions listed on the Planning Department memo dated 2/11/05 as well as the hours of delivery and that the vegetative screening shown on the plan be installed by October. Tony seconded, and the roll call vote in favor was 4 to 0.

#05-02C DONALD E. DIEHL – CONDITIONAL USE

Paul Wilson, Dawood Engineering, presented this plan that proposes the construction of a commercial center containing 11,500 square feet of mixed use businesses. These permitted uses will be leased and maintained under unified management.

Tim stated that the two plan notes regarding parking requirements be added as conditions of approval.

Troy made a motion to recommend approval of #05-02C, subject to staff comments as listed on the Planning Department memo of 2/15/05. Rick seconded, and the roll call vote in favor was 4 to 0.

**#05-03C SHENANDOAH PERSONAL COMMUNICATIONS COMPANY –
CONDITIONAL USE**

This plan was tabled

(BREAK)

#05-01R COX DEVELOPMENT COMPANY – REZONING REQUEST

Doug stated that, although the fees have been received, more information is required from the applicant. The applicant has to present a case for rezoning, i.e., give industry trends, examples from other communities, market feasibility study, traffic impact and the applicant's interpretation

of the Township's Comprehensive Plan. Mr. Mislitsky asked whether he should send a letter to the applicant's attorney regarding this information that is needed. Brian replied yes.

Doug made a motion to authorize Mr. Mislitsky to send a letter to the applicant's attorney listing the requested information. Troy seconded, adding that the points shall be submitted in advance of the next Planning Commission meeting and the vote in favor was 4 to 0.

DISCUSSION – SHENTEL SETTLEMENT ORDINANCE

Mr. Mislitsky explained that the Township staff and Board of Supervisors had decided that the settlement should be done through the public hearing process and adoption of an ordinance, citing a similar case. He added that the ordinance incorporated the settlement agreement, referred to a lease and stated that it may involve a zoning change. The Township would then follow the procedure for a zoning change. Brian said that because the land for Spring Meadows Park was purchased through a DCNR grant, a land swap with the Leaman Farm land would be necessary to compensate for this land. The Planning Commission needs to make a recommendation on both the land use and the land swap.

Shentel representatives Mike Knotwell and Paula Figgatt displayed a sketch plan showing the proposed location of the tower. The 155-foot monopole tower would be located in the southeastern corner of the park within a 100 x 100 foot area that would be leased from the Township. Access to the site would be via a road that had been proposed and is shown on the recorded park plan. Ms. Figgatt said that the tower would be developed and owned by Shentel and leased to co-locators. She added that the height was agreed upon by the Township's consultant, Dick Comi, and Shentel's RF engineer.

Public Comment:

Mike Reynolds asked whether the Pennsylvania Historical and Museum Commission was involved in the settlement. Ms. Figgatt answered that all appropriate agencies had received the required documentation.

Supervisor Bryan Gembusia stated that the Township would receive a fee of \$5,000 initially for each co-locator, plus a \$600 monthly rental fee.

Tom Benjey asked upon what the coverage area map was based. Ms. Figgatt replied that studies had been conducted. He also asked whether there would be any height added to the tower in the future. Ms. Figgatt replied that 10 feet could be added, if needed, for a co-locator. Mr. Gembusia stated that any additional height proposed would require another conditional use hearing.

Joe Fay asked whether South Middleton Township Municipal Park had been considered as a site for this tower. Mr. Knotwell replied that it had been considered, but that it did not provide adequate coverage.

Brian said that trees in the area where the tower is proposed are 90 feet and more in height. Mr. Knotwell stated that on Friday, February 18 a balloon test will be conducted from 12 noon to 2 PM.

Cindy Good said that she is concerned with health issues from radiation emanating from the proposed tower.

Troy made a motion to recommend approval of the land use as recommended in the proposed ordinance. Tony seconded, and the roll call vote in favor was 4 to 0.

Tony made a motion to recommend approval of the land swap. Doug seconded, and the roll call vote in favor was 4 to 0.

It was agreed that Mr. Mislitsky would send a letter to DCNR informing them of the settlement.

ADJOURNMENT:

Troy made a motion to adjourn. Rick seconded, and the meeting was adjourned at 8:37 PM.

WITNESS:

**SOUTH MIDDLETON TOWNSHIP
PLANNING COMMISSION CHAIRMAN:**
