

## MINUTES

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

March 21, 2006

PRESENT: TROY TRUAX, JESSE MOOSE, TONY GONZALEZ, PHYLLIS GIVLER, TOM HOUF & HOWARD ROSE – ABSENT – PLANNING COMMISSION; Richard Mislitsky – Solicitor; Brian O’Neill – Engineer; Tim Duerr – Zoning Officer; Diane Hollinger – Recording Secretary; Bony Dawood; Bob Borden; Tiffany Cartwright; Jay States; Ryan Leppo; Pam Fisher; William Bashore; Jim Garling; David Getz; Natasha Haulman; Jeffrey Haulman; Mark Quinn; Robert Saidis; John Madden; Allan Galbraith; Doug Wendt; Deb Swarner; Ron Madison; Bob Geist; Randy Diehl; Alice, Sarah and Abby Wendt; Matt Madden; Dave Martin; John Anderson; Tom Faley; Brown Vincent; John Hilton – “The Sentinel”..

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

A plaque was presented to Doug Wendt in recognition of his service on the Planning Commission.

## MINUTES

Tom made a motion to approve the minutes of 2/21/06, as written. Phyllis seconded, and the vote in favor was 4 to 0. (Jesse was not at the February meeting.)

## PUBLIC INPUT

There was no public input.

### #05-37 EVANGELICAL LUTHERAN CHURCH – FINAL MINOR SUBDIVISION

This plan was tabled.

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

Pam Fisher, Dawood Associates, presented this plan the proposes the addition of 0.26 acre to an existing 1.12-acre lot along Smith Road. Ms. Fisher said that the applicant had been granted a special exception by the Zoning Hearing Board to expand a non-conforming lot. She added that there would be no problem revising the plan to address staff’s comments.

There was no public comment.

## Modifications:

Section 602 c. – Stormwater Management Plan; Section 602 d. – E & S Plan; Section 602 f. – Grading Plan; Section 602 g. – Landscape Plan.

Tony made a motion to recommend approval of the modifications. Jesse seconded, and the vote

in favor was 5 to 0.

Jesse made a motion to recommend approval of #05-14, subject to staff comments. Tony seconded, and the roll call vote in favor was 5 to 0.

**#05-17 NETHERBY PHASE 2 – FINAL SUBDIVISION**

This plan was tabled.

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

Engineer John Madden presented this plan that proposes a rural residential lane to subdivide a 39.02-acre parcel into 3 new parcels. Mr. Madden said that the applicant had been granted a setback variance by the Zoning Hearing Board.

There was no public comment.

**Modifications :**

Section 711 b. (2) – Landscape Plan; Section 1303 – As-built plans.

Troy 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 #05-27, subject to staff comments. Tom seconded, and the roll call vote in favor was 5 to 0.

**#05-40 THE VILLAS ESTATES, SECTION 2 – FINAL SUBDIVISION**

This plan was tabled.

**#05-41 BRET J. & PEGGY SUE WHITCOMB – FINAL MINOR SUBDIVISION\**

This plan was tabled.

**#05-42 DAWN COMMONS – FINAL LAND DEVELOPMENT**

Although this plan is being tabled, there was a discussion. The plan proposes the construction of a 10,500-square foot office/retail building along Walnut Bottom Road. Project engineer James Garling said that planning module approval had been received.

The Planning Commission recommended that all the modifications except for Section 1109 be approved. Troy stated concern over environmental impacts if the that section of the ordinance was waived for this project. Brian said that the plan must show certain geologic features, such as rock, outcrops, etc., and that, therefore, structures could not be placed where these features exist. Mr. Garling agreed to send a letter granting a time extension.

**#06-01 SABLE CHASE – FINAL SUBDIVISION & LAND DEVELOPMENT**

Engineer John Madden presented this plan that proposes the construction of 64 townhouses on 11.90 acres behind Rillo's, just north of I-81. Mr. Madden said that the required outside agency approvals had been received yesterday.

Brian stated that since the project will be done in phases, a temporary cul-de-sac is not acceptable, since it would exceed the length allowed by ordinance. He suggested instead making Pelham Court stone in Phase 1. Mr. Madden agreed to this. Two additional modification of requirements were also requested.

There was no public comment.

**Modifications:**

Section 601 b. – Final Plan exactly like Preliminary Plan; Sections 707 & 708 – Sidewalks and Curbs & Gutters along Pine Street.

Jesse made a motion to recommend approval of the additional modifications. Tom seconded, and the vote in favor was 5 to 0.

Tony made a motion to recommend approval of #06-01, subject to staff comments and that Pelham Court be made stone in Phase 1. Jesse seconded, and the roll call vote in favor was 5 to 0.

**#06-02 CARLISLE CROSSING LOT #5 – FINAL MINOR LAND DEVELOPMENT**

**#06-03 CARLISLE CROSSING LOT #6 – FINAL MINOR LAND DEVELOPMENT**

It was decided to discuss these two plans concurrently. Pam Fisher, Attorney Robert Saidis and others, presented the plans. The development of Lot# 5, which proposes the construction of a 7,230-square foot building, required and received, Zoning Hearing Board approval to allow a drive-through facility for a bank. The development of Lot #6 proposes the construction of a 9,600-square foot commercial building that will be used as office space, restaurant or retail sales.

There was no comment from either the Planning Commission or the public.

**#06-02 Modifications:**

Section 305 a. – Preliminary Plan; Section 602 g. (6) – Landscape Architect Certification on Landscape Plan; Section 706 d. – No parking within 10' of the building; Section 706 f. – Island every 10 spaces in parking lot; Section 711 b. (2) – Landscaping Plan – location of trees.

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

Jesse made a motion to recommend approval of #06-02, subject to staff comments. Tony seconded, and the roll call vote in favor was 5 to 0.

**#06-03 Modifications:**

Section 305 b. – Preliminary Plan; Section 602 g. (6) - Landscape Architect Certification on Landscape Plan; Section 706 f. – Island every 10 spaces in parking lot; Section 711 b. (2) - Landscaping Plan – location of trees.

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

Phyllis made a motion to recommend approval of #06-03, subject to staff comments. Jesse seconded, and the roll call vote in favor was 5 to 0.

**#06-04 CARLISLE FORGE – FINAL MINOR SUBDIVISION**

This plan was tabled.

**#06-05 FAITH R. EVANS – FINAL MINOR SUBDIVISION**

This plan was tabled.

**#06-09 HAROLD S. & DEBRA S. SWARNER – FINAL SUBDIVISION**

Debra Swarner presented this plan that proposes the subdivision of a 32-acre tract along Rockledge Drive into five lots, three of which will access a rural residential lane. Ms. Swarner said that her attorney is working on the required deeds.

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

Tony made a motion to recommend approval of #06-09, subject to staff comments. Phyllis seconded, and the roll call vote in favor was 5 to 0.

**#06-08C JEFFREY & NATASHA HAULMAN – CONDITIONAL USE**

Jeffrey and Natasha Haulman are requesting conditional use approval to establish a kennel operation with incidental retail sales in the building formerly occupied by Stamm's Restaurant. The property is located at 53 Heisers Lane, Carlisle. Ms. Haulman stated that there would be no demolition or additions proposed. She also said that there is an existing 32-space parking area. She added that there would be a small retail store for pet supplies. Ms. Haulman stated that a 6-foot high privacy fence would be erected on two sides of the property, but that the third side would be screened, if necessary. She said that there would be no problem complying with items 1 through 3 and 6, as listed on the Planning Department memo dated 3/16/06. Comments 4 and 5 refer to screening and the placement of the outdoor exercise pen. Although the Haulmans occupy the dwelling that is on the property, relief from the setback requirement is still needed.

Tom said that as long as the Haulmans live at the property, there would be no need to screen the third side, but if they move, then it should be screened.

There was no public comment.

Tom made a motion to recommend approval of #06-08C, subject to screening the third side being at the discretion of the property owner, and waiving Section 1639 (2) and (3). Phyllis seconded, and the roll call vote in favor was 5 to 0.

**#06-09C PARKVIEW AT BOILING SPRINGS – CONDITIONAL USE**

**#06-10C TRADITIONS OF AMERICA – CONDITIONAL USE**

**#06-11C GEORGETOWNE – CONDITIONAL USE**

Dawood Associates, which prepared these plans, was represented by Pam Fisher. #06-09C proposes the subdivision of 72.9 acres into 129 single-family detached lots. The property is located on West High Street and East Springville Road, Boiling Springs. #06-10C proposes the subdivision of 80.18 acres into 154 single family detached lots, 36 semi-detached dwellings and 60 single-family detached dwellings. The property is located at Ridge and Lindsey Roads. This property is a receiving area for one (1) Transferable Development Right (TDR). #06-11C proposes the subdivision of 155 acres into 214 single-family detached lots. The property is also a receiving area for three (3) TDRs which will result in the reduction of lot size, lot frontage and building setbacks. The property is located at South Ridge and East Springville Roads. All three of these plans are located in Zone 3 of the Wellhead Protection Overlay District, and are, therefore, required to seek conditional use approval. Troy stated that since there are stormwater and traffic issues common to all three plans, they would all be discussed concurrently.

Attorney David Getz, representing both Parkview and Georgetowne, said that there would be no homeowners' association for either development, and that wellhead education material would be provided to buyers of resold homes.

Mr. Mislitsky asked when the geological study was done. Ms. Fisher replied that the study was done in November, 2005, concluding in March, 2006. Brian stated that structures must be 50 feet away from certain geological features. Tiffany Cartwright, attorney for Traditions of America, said that her client will comply with wellhead protection requirements, if the conditional use is approved. Troy said that detailed geotechnical studies are needed. Mr. Getz said that the conditional use should be granted prior to submission of detailed studies because such studies are a costly undertaking, and that at the conditional use stage his clients have no assurance that the conditional use will be approved. Troy added that the studies should come first. Mr. Mislitsky said that the Township is sensitive to the expense of such studies, and therefore, it is important to know what work has already been done and what work needs to be done. Brian asked why the studies could not be done now. Ms. Cartwright replied that certain features, especially the clubhouse, determine the financial outcome of this age-restricted project, and that without it, the project may not be feasible. Tim said that a separate conditional use could be sought for the clubhouse.

Troy stated that these plans show a certain number of lots, without sufficient geological information to determine what can actually be built on the site. Mr. Mislitsky said that more clarification is needed about work was done. Bony Dawood, Dawood Associates, then explained

what is typically done. Troy said that Dawood Associates should provide to the Township a scope of work explaining what studies should be done. He also said that the Planning Commission needs to see, at the conditional use stage, exactly what is being proposed.

Tim reminded Ms. Cartwright that if the preliminary plan differs from what was approved for the conditional use, then another conditional use is required. Ms. Cartwright said that she realizes that.

Tony asked why wetlands have to be delineated. Ms. Fisher replied that they have to be avoided when developing a site. Tony then stated that the same reasoning applies to the reason for delineating subsurface features. The development must then be designed around them.

Ms. Cartwright stated that her client would agree to a 30-day time extension in which to hold the public hearing.

Regarding the traffic study, Traffic Engineer Jay States, Grove Miller Engineering, Inc., stated that if the number of lots is reduced, the study results would be conservative.

Ms. Cartwright suggested that the developers and their consultants should meet with Township staff prior to the next Planning Commission meeting in order to determine what additional data is required.

Brian stated that if the geological features are overlaid on the Parkview conditional use plan, it is obvious what areas have to be avoided, and, therefore, the lot layout will change.

Mr. Getz said that there was concern over the conditional use not addressing the TDRs. Mr. Mislitsky asked Mr. Getz why he felt that they would not receive an application for the TDRs. Brian stated that a Preliminary Plan needs to be submitted with the TDR conditional use.

**Public Comment:**

Jim Brantner asked why PA DOT had to be consulted about the Parkview plan. Mr. Mislitsky said that the intersection of Rt. 174 and West Springville Road has been a problem, and that the Parkview plan may provide an opportunity to improve that intersection.

Supervisor Tom Faley said that the traffic situation at the intersection of Rt. 174 and West Springville Road will worsen due to this development.

Mr. Mislitsky suggested that all three applicants communicate with Brian and himself via email, and that Brian would forward a summary to the Planning Commission

The plans were tabled, citing the need for additional information and meetings between staff and the applicants.

**(BREAK)**

**AGRICULTURAL SECURITY AREA APPLICATION –  
LAWRENCE E. & LORI A. SMARR, 234 BONNYBROOK ROAD, 83.8791 ACRES**

Jesse made a motion to recommend approval of this property to the Township’s Agricultural Security Area. Tony seconded, and the vote in favor was 5 to 0.

**ZONING ORDINANCE AMENDMENT – CLUSTERING**

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

**ADJOURNMENT:**

The meeting was adjourned at 9:03 PM.

**WITNESS:**

**SOUTH MIDDLETON TOWNSHIP  
PLANNING COMMISSION CHAIRMAN:**

\_\_\_\_\_

\_\_\_\_\_