

## MINUTES

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

July 18, 2006

PRESENT: TROY TRUAX, JESSE MOOSE, TONY GONZALEZ, TOM HOUF, HOWARD ROSE & PHYLLIS GIVLER – PLANNING COMMISSION; Richard Mislitsky – Solicitor; Brian O’Neill – Engineer; Tim Duerr – Zoning Officer; Diane Hollinger – Recording Secretary; Mark K. Quinn; Jim Baker; Tom Faley; John K. Bixler III; Jonathan Brice; Steve Hinton; Susan Whaley; Tiffany Cartwright; Steve Dell; Craig Mellott; Tom Imholte; Jake Villy, Jr.; Vickie Aycock; Bob Beers; Howard Phillips; Bob Geist; Pam Fisher; Carl Risch; Ray Wolfe, Jr.; Ronald Stephens; Rich Hewitt; John Hilton – “The Sentinel”; Andrea Ciccocioppo – “The Patriot-News.

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

#### MINUTES

Tom made a motion to approve the minutes of 6/20/06, as written. Phyllis seconded, and the vote in favor was unanimous.

#### PUBLIC INPUT

There was no public input.

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

John Bixler presented this plan that proposes the construction of Section 2 of the previously approved Villas Estates. This second section consists of 47 residential lots. Mr. Bixler stated that this development is approximately 75% complete. He said that he can address all comments from the Planning Department. He also said that he would supply a sample deed.

#### Public Comment:

Jim Baker asked whether Overfield Drive would be used as an access road. Tim replied that Overfield Drive is an access to this development. Brian said that the section of Overfield Drive that is in Section 1 is already a Township road.

Tony made a motion to recommend approval of #05-40, subject to staff comments. Howard seconded, and the roll call vote in favor was unanimous.

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

This plan was tabled.

**#06-10 CONSTANTINOS J. MALLIOS – FINAL MINOR SUBDIVISION**

This plan was tabled.

**#06-11 DOUGLAS C. KIEHL – FINAL LAND DEVELOPMENT**

This plan was tabled.

**#06-13 RW ASSOCIATES HOLDING LLC – FINAL MINOR LAND DEVELOPMENT**

Pam Fisher, Dawood Associates, presented this plan that proposes the construction of a 12,000-square foot medical office building on Lot 16 of the McCoy Business Center subdivision on Commerce Avenue.

Tim asked whether handicapped parking would be provided that is 9 feet wide. Ms. Fisher replied yes. Jesse asked whether a sidewalk note would be included. Ms. Fisher replied that there is a note on Sheet 1 of the plan. There were no further Planning Commission comments.

There was no public comment.

**Modifications:**

Section 305 b. – Preliminary Plan; Section 602 g. (6) – Landscape Architect Certification on Landscape Plan; Section 706 d. – Parking within 10 feet of a building; Section 706 f. – Island every 10 spaces in parking lot; Section 707 – Sidewalks; Section 708 Curbs & Gutters.

Tony made a motion to recommend approval of the modifications. Tom seconded, and the vote in favor was unanimous.

Jesse made a motion to recommend approval of #06-13, subject to staff comments. Tom seconded, and the roll call vote in favor was unanimous.

**#06-14 FORGEDALE CROSSING SECTION 7 – FINAL SUBDIVISION**

This plan was tabled.

**#06-15 TRADITIONS OF AMERICA (ANDERSON) – PRELIMINARY SUBDIVISION**

This plan was tabled.

**#06-16 RITE AID PHARMACY – FINAL MINOR SUBDIVISION/LAND DEVELOPMENT**

This plan was tabled.

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

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

These plans were tabled.

**#06-13C STEVE & KELLY HINTON – CONDITIONAL USE**

Steve and Kelly Hinton are requesting conditional use approval to establish a retail sales business

handling consignment items, used furniture, home accessories and nursery and garden stock, as well as any associated installation services. The property is located at 200 Mill Street, Mt. Holly Springs. The Hintons currently have a consignment shop at 1412 Trindle Road, Carlisle, from which they wish to relocate.

Mr. Hinton responded to the Planning Department's memo of 7/13/06:

Zoning Ordinance

1. Section 1801 (Table) – Mr. Hinton stated that he intends to divide the center parking area and have one-way traffic flow, and will clearly mark the area for one-way traffic.
2. Section 1612 (4) – Regarding signs, Mr. Hinton said that he will designate specific placement of any signs that are needed.
3. Section 1607 (1) and (2) – Mr. Hinton said that he has spoken with neighbors, and they don't want more screening. He added that he will add screening in the future if there is a request from one of his neighbors.
4. Section 1002 (1) (d) – Tim asked Mr. Hinton if he intends to use existing lighting. Mr. Hinton replied that he will use the existing porch lights on the property.

Subdivision and Land Development Ordinance

Section 201 b. (72) – Mr. Hinton is requesting a modification of requirements regarding submission of a land development plan for the project. The project will increase impervious coverage by 12.4% which exceeds what is allowed by ordinance. It was determined that the proposed improvements will have minimal impact on stormwater management. Mr. Hinton agreed that if the impervious area is expanded or the stone parking area is ever paved, he will submit a land development plan.

There was no public comment.

Tony made a motion to recommend approval of #06-13C, subject to holding Comments 3 and 4 for future use, and waiving the land development requirement for the project as submitted. Howard seconded, and the roll call vote in favor was unanimous.

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

Steve Dell, representing Traditions of America, stated that the consultant's recommendations concerning building in a sinkhole prone area were already planned to be done. He said that more than 200 test pits were taken and that he could provide this data to the Township.

Troy stated that the report by the consultant is not conclusive regarding the impact of this project on the Wellhead Protection Area (WHPA) of Well #2. Mr. Dell said that the report did not indicate that the project would impact the WHPA. Troy said that it was a matter of interpretation by the consultant, and that the extent of the lateral and vertical features was not clearly defined. He also said that it would be difficult at this point to impose conditions when it was not clear whether the project would or would not have an effect on the WHPA. He added that further

investigation is necessary to show other conditions that would have to be addressed.

Tom Imholte, Dawood Engineering, referring to the fracture traces, said that aerial photos had been taken, as well as a physical site examination and then EM 31 survey, which involves putting a signal in the ground. He also said that the study of the lateral extent of the four fracture traces did not extend outside the subject property, although fracture traces 1 and 3 probably do extend beyond the subject property. Mr. Mislitsky asked whether the traces extended away from the public well. Mr. Imholte replied that fracture traces 2 and 4 extended away from the well, and fracture traces 1 and 3 extended toward the well. Mr. Imholte stated that there would be no impact on the well from fracture traces 2 and 4, and that although fracture traces 1 and 3 extended toward the well, fracture trace 1 is not water-bearing. Mr. Mislitsky asked what further testing is being planned. Mr. Imholte replied that he would recommend that additional borings be done in conjunction with road placement and other site improvements. Mr. Mislitsky asked whether these would be test borings only. Mr. Imholte replied that there are additional test that could be done, but, in his opinion, the fracture traces would have no significant impact on the well.

Jesse asked about the amount of grading that would be done. Pam Fisher, Dawood Associates, replied that it would depend upon the amount of topsoil that would have to be removed. Jesse asked whether grading would affect the fracture traces. Mr. Imholte replied that the fracture traces are 20 to 25 feet below the surface, and did not know for sure how they might be affected.

Troy stated that he is hesitant, at this point, to recommend approval of this conditional use. Mr. Imholte said with the testing that has been done, there is a better depiction of this site than with other sites in the Township. Troy said that he is still concerned with the placement of structure, based on the test borings. Mr. Imholte stated that a prescribed number of borings are performed per building. Troy asked how conditions could be imposed if problems should arise on the individual building lots during the construction phase. Attorney Tiffany Cartwright said that the Board of Supervisors had requested either a detailed geotechnical study in lieu of the developer having to maintain a 50-foot distance from certain geologic features, and the developer had chosen to do the geotechnical study, which had been provided. Troy said that site constructability is still a concern. Ms. Cartwright added that the constructability issue is outside the scope of this study. Troy said that he also was uncertain as to what conditions should be imposed on this plan. Mr. Mislitsky asked how the developer would address the dilemma of where to build after the conditional use is approved.

Jesse said that there were three recommendations from Michael Nawrocki, the consultant who had examined the geotechnical study. Mr. Dell said that he agreed with the recommendations.

Troy said that if the fracture traces are overlaid on the lot layout, the plan may have to be changed. Brian stated that if the exhibits in a conditional use do not match those in the subsequent land development plan, a new conditional use is required.

Mr. Mislitsky said that the Planning Commission could recommend approval of the conditional use with the condition that problems be addressed at the preliminary plan stage.

Tony said that the test pit data should be submitted to Mr. Nawrocki, as well as any future data that might be generated.

Troy made a motion to recommend approval of #06-10C, subject to the following:

1) Language prepared by the Township Solicitor is acceptable to the applicant; 2) Applicant agrees to do further testing that Mr. Nawrocki deems reasonable; 3) Applicant agrees to the following three items - a. All stormwater drainage pipes should have watertight connections; b. At the location of the stormwater detention facility, all topsoil should be removed and reserved for future use. The stormwater detention ponds should be lined with an appropriate liner; c. An adequate sinkhole mitigation and remediation plan should be included as part of any final development plans submitted for the site in the event that sinkholes are encountered during construction activities. Tony seconded, and the roll call vote in favor was unanimous.

**(BREAK)**

#### **#06-01R JUMPER FARM – REZONING REQUEST**

Attorney Carl Risch, retained by the Jumpers, pointed out the property in question on the Zoning Map. He explained that there is disagreement among the heirs about the selling price for this property located at 1120 Rockledge Drive, Carlisle. Since the heirs could not agree, Judge Guido, Court of Common Pleas of Cumberland County, ordered them to present this rezoning request to the Township.

Realtor Ray Wolfe, Jr. stated that prospective buyers for this property have expressed an interest only if the property were rezoned. He said that this request had already been submitted to the Steering Committee that is reviewing the Township's Comprehensive Plan and ordinances. Mr. Wolfe's clients want the property rezoned to Neighborhood.

Mr. Risch explained that the farm is not scenic in its present condition, having not been farmed in the last ten years. Outbuildings are deteriorating, and abandoned vehicles have accumulated on the property. Tony asked whether there is any interest in selling the property as a farm. Both Mr. Risch and Mr. Wolfe replied no. Tony asked why this should be and whether the soil is not suitable. Mr. Risch replied that he is not an agri-scientist, but that there had been no interest in the property as a farm.

Tim said that with its present zoning designation, 20% of the land could be developed using moderate density requirements, yielding approximately 20 building lots using clustering, or 8 lots without clustering. If rezoned to Neighborhood, it could be developed using high density requirements, with townhouses and apartments. Mr. Wolfe said that Neighborhood designation also includes a commercial portion and would not be consistent with what is in that area. Brian stated that analysis of future populations trends and needs show that there is already sufficient

residentially-zoned land in the Township. Tom stated that this rezoning request had already been recommended for denial by the committee that is updating the Township's comprehensive plan and ordinances.

Tom made a motion to recommend denial of the rezoning request. Jesse seconded, and the roll call vote in favor was 5 to 0, with Howard casting the dissenting vote.

**#06-08S CHARLIE BROWN'S STEAKHOUSE & BANK – SKETCH**

Ron Stephens, CEDG Engineers, Craig Mellott, Traffic Planning and Design, Inc., and developer Rich Hewitt, presented this plan that proposes 2 uses on the site of the present Carlisle Farmers Market. The site is located along York Road near the I81 southbound entrance ramp. Mr. Stephens said that Township staff had recommended extending Pine Street through the site to York Road, and this is shown on the site plan. He stated that the restaurant may not be a Charlie Brown's Steakhouse. He added that several setback variances will be needed for this project.

Mr. Stephens said that the developer has already met with PennDOT about this proposed project. Mr. Mellott said a preliminary traffic study had been done, including traffic counts and the possible extension of Pine Street. If Pine Street were to be extended, then a traffic signal at York Road may be warranted. As a result of the meeting with PennDOT, if a traffic signal is installed at the Fairfield Street/Rt. 74 intersection, PennDOT's future development of the Exits 48 and 49 interchange may be limited.

Mr. Hewitt stated that the second use may not be a bank, but some other retail use. He said that he is concerned about the 200-foot and 75-foot setbacks which are Township requirements to allow for future interchange reconfiguration. He added that it might be possible to alter the plan so as to not encroach as much into the 75-foot setback.

Brian said that PennDOT's concern is that a traffic signal would interfere with the proposed \$82 million project for the Exits 48 and 49 interchange. Troy asked whether PennDOT could reject the highway occupancy permit if the traffic signal was installed. Brian replied that a highway occupancy permit is required.

**Public Comment:**

Tom Faley asked whether any variances were granted for Carlisle Crossing. Brian answered that there had been a variance granted for the retaining wall. Tom asked whether, with the number of variances needed, that perhaps the proposed bank could be omitted. Mr. Hewitt replied that two uses are needed for the project to succeed.

The Planning Commission discussed the setback issues. Tony suggested that the buildings be moved closer to the road, with parking in the rear, to preserve the 75-foot setback.

**ADJOURNMENT:**

The meeting was adjourned at 9:30 PM.

**WITNESS:**

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**SOUTH MIDDLETON TOWNSHIP  
PLANNING COMMISSION CHAIRMAN:**

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