

MINUTES

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

July 19, 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; Bob Geist; Dr. Patty Sanker; Debi Ealer; Rick LeBlanc; Tom Benjey; Phil Spare; Dave Madary; Bob Winters; Kathy Weigl; Herbert Weigl; Tom Whitcomb; Connie Lowe; Bruce Lowe; Jim Baker; Rob Frey; Bud Grove; John Madden; Craig Mellott; Bob Beers; Howard Phillips; Phyllis Givler; Eric Edstrom; Mike Danko; Fred Bohls; Matt Madden; Bryan Gembusia; Mark Allshouse; Paul Slifko; Eric Harkreader – “The Sentinel”.

Chairman Doug Wendt called the meeting to order at 7:00 PM. Planning Commission and staff introduced themselves. Doug introduced Howard Rose, who is filling the vacancy created by Tom Whitcomb’s resignation.

Tom Whitcomb, who has resigned from the Planning Commission was presented with a gift for his years of service to the Township. Doug Wendt and Supervisors Phyllis Givler, Jim Baker and Bryan Gembusia made the presentation, and each expressed their appreciation for the time that Tom has served the Township.

MINUTES

Troy made a motion to approve the minutes of 6/21/05, as written. Tony seconded, and the vote in favor was 5 to 0. (Howard is a newly appointed member of the Planning Commission)

PUBLIC INPUT

Tom Benjey, alluding to an article in the local newspaper that announced that 1300 new homes may be built in the Township, suggested that a traffic study be done for the areas that are most under pressure from development. Troy stated that this issue would most likely be addressed in the update of the Township’s Comprehensive Plan.

#04-25 LAWRENCE E. SMARR – FINAL SUBDIVISION

This plan was tabled.

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

Engineer John Madden said that the trailer had been moved to the rear of the tract where there had been a trailer since 1963. Tim stated that Mr. Rillo still needs zoning and building permits and must comply with the building code.

Doug asked whether Mr. Madden could address the other comments. Mr. Madden replied yes. Brian said that an existing fence is in the right-of-way, but that it is not an issue that needs to be

dealt with for the preliminary plan approval.

Doug stated that this plan will be tabled tonight, but was confident that all the issues could be addressed by the August Planning Commission meeting. Troy added that the Planning Commission is aware that the reason for no action being taken on the plan is due to Mr. Rillo and not Mr. Madden.

#05-08 LIMESTONE CREEK – PRELIMINARY SUBDIVISION AND LAND DEVELOPMENT

Engineer Bud Grove and owner Robert Frey presented this plan that proposes the construction of 181 lots on 100 acres along South Spring Garden Street. The 100 acres include approximately 13 acres along the LeTort Spring Run. There would be 56 semidetached duplex units and 125 detached single-family homes. Mr. Grove stated that this is an environmentally-sensitive area, and that a conditional use plan had earlier been submitted. He said that the development shown in present plan is less dense than in the previously submitted conditional use. He added that the zoning is R-M to the east of South Spring Garden Street and A-C to the west. Mr. Grove also said that there is the Scenic River Overlay District to be considered. He explained that the easements have been placed in the valleys, and the homes located on the hills. He further explained that the meadow will remain and will be used for stormwater management. He said that the existing riparian buffer would remain. Mr. Grove added that a recreational pavilion is proposed. Regarding sewerage capacity, he said that a letter from South Middleton Township Municipal Authority had been received stating that there is sufficient capacity for this project.

Mr. Frey stated that there will be disclosure, by means of a public notification statement, of noise that would be generated by both the nearby quarry and also the regional airport. He added that the purchasers must acknowledge receipt of such a statement. He also said that the possibility of sinkhole formation should also be disclosed. Mr. Frey said that any resale certificates for these homes should contain disclosures about both the noise and possible sinkhole formation. He does not recommend that such disclosures be placed in a deed.

Mr. Mislitsky mentioned the County Planning Commission's comments concerning the disclosure of noise, dust and adverse lighting that would be experienced by homeowners, due to the quarry and the airport. Doug asked whether this should be placed in the deeds. Mr. Mislitsky said that the Township has required that sinkhole and stormwater management notices been put in deeds. Mr. Allshouse said suggested that the disclosures be put in the homeowners' documents that on subsequent resale, these disclosures must be made to potential buyers.

Doug asked that, since there is no commonly-owned property, who would be responsible for damage that resulting from, for example, a tree falling from this area onto adjacent private property. He also asked who would be monitoring the home builders.

Mr. Grove said that natural infiltration, and check dams that would slow infiltration would be used, and that these areas must remain intact. Mr. Mislitsky asked how to stop the builders from cutting down the trees. Mr. Grove replied that the areas are to be preserved would be marked

with orange fence during construction. After site construction, the fence would be maintained to mark the area for individual builders and homeowners, and new homeowners would be provided with a copy of the stormwater protection maintenance manual. Mr. Frey replied that metes and bounds of the area would be specified. Mr. Mislitsky asked whether the homeowners association would own the stormwater areas. Mr. Grove replied that the homeowners association would be responsible for maintaining these areas. Mr. Mislitsky said that it should be put in the deeds that these stormwater management areas are not to be disturbed. Troy said that a fence may not be sufficient to keep the wooded area undisturbed, since it would not be as obvious a stormwater device as others that people are more accustomed to seeing. He suggested that educational signs be erected explaining the importance of wooded areas for stormwater control. Mr. Grove added that the infiltration basins will reduce both the pre-and post-construction discharge.

Rick asked how much impervious area the proposed parking area would be. Mr. Grove replied that it would be less than one-tenth of an acre. Troy said that this parking area may prove to be a liability for the homeowners association. Mr. Frey said that it is intended as passive enjoyment by the proposed development's residents. Troy added that there should be a marked pedestrian crossing to this area. Mr. Frey agreed that this is a good idea. Troy also said that there should be a reduced speed limit in that area.

Rick suggested that since there are no sidewalks proposed, walking paths within the development could be added. Mr. Frey said that this might be a possibility.

Troy asked about the need for the proposed number of cul-de-sacs. Brian replied that fewer cul-de-sacs would interfere with the stormwater area.

Rick asked what would happen if the existing trees in the stormwater areas should die. Mr. Frey replied that it would be the homeowners association's responsibility. Mr. Grove stated that he had compiled a maintenance manual for the proposed stormwater facilities. Doug said that even with this manual, homeowners may not know or care about the maintenance of these facilities. Mr. Frey said that the homeowners' association could assess for the maintenance and repair of these facilities. Troy asked at when the homeowners association is formed, and when it is actually in effect. Mr. Frey replied that the association is formed before the first home is sold, but that the developer has control until a specified percent of homes in the development are sold.

Public Comment:

Representing the Cumberland Valley chapter of Trout Unlimited, Eric Edstrom, Fred Bohls and Mike Danko offered their comments. Eric Edstrom stated that Trout Unlimited is concerned with the section of land that lies to the west of South Spring Garden Street, and would like that land to remain undisturbed.

Fred Bohls stated that he had been unsuccessful when he had approached both Ralph Otto, and subsequently, his estate about preserving the tract of land that is being proposed for development. Mr. Bohls said that Trout Unlimited's feeling is that with the proposed parking area to the west of South Spring Garden Street, there will be additional littering, noise, etc. Trout

Unlimited would, therefore, like to acquire this land. He also said that traffic is a concern where the present access area is located, and that Trout Unlimited would like to relocate this access further south. He added that Trout Unlimited is concerned with the preservation of a historic stream, the LeTort Spring Run. Mr. Edstrom also said that Trout Unlimited has a long-term commitment to this stream, and want to see it preserved.

Mike Danko stated that Trout Unlimited considers the LeTort an important public resource, that is known both nationally and internationally, that attracts tourists, and thereby, contributes to the local economy.

Herb Weigl, owner of Cold Spring Anglers, Carlisle, said that trails may be needed for access to the stream. He added that such trails would have to be maintained, since the vegetation grows quickly.

Mr. Mislitsky stated that the traffic that would result from this development would place a lot of financial responsibility on the Township, and that this has not been addressed. Mr. Grove replied that that is something Mr. Frey and Mr. Phillips have to decide.

Following are items that the Planning Commission would like to have addressed:

- Increased traffic at SR 34 and Bonnybrook Road
- The maintenance manual for the stormwater BMPs is not easy for the average person to understand, and it might be better for a third party or professional to do the inspections and maintenance; or document can be simplified
- More research needed regarding advantages and disadvantages of access versus preservation for the area west of South Spring Garden Street, and who should own that land
- Replacement of trees that may be lost due to die-off
- Affect of increased traffic at the intersection of Bonnybrook Road and South Spring Garden Street
- Education to maintain the stormwater areas should be stressed
- Hydrant placement should be subject to review by emergency services
- Draft document to the home builders is needed
- Concern about the longevity of the proposed homeowners association and what happens if/when it dissolves

Brian stated that sample deeds have to be submitted, as well as homeowners association covenants.

Doug said that this plan was being tabled.

(BREAK)

#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.

#05-18 ROY M. & MARYL L. LEAMAN – FINAL SUBDIVISION

This plan was tabled.

#05-19 P.F.S. CAPITAL INVESTMENTS, LLC – FINAL LAND DEVELOPMENT

This plan was tabled.

#05-20 SPRING COURT – FINAL LAND DEVELOPMENT

This plan was tabled.

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

Attorney Phil Spare stated that he wants conditional approval of this plan, conditioned upon outside agency approval. Tim said that the E & S plan has not been approved. Brian added that there can't be exception if this is not received. Engineer Dave Madary said that all comments have been addressed except for the E & S approval and minor stormwater basin modifications.

Regarding traffic, Engineer Craig Mellott said that the Township had requested traffic analysis at the accesses onto Forge and E. Springville Roads, and the intersection of Forge and E. Springville Roads. Recommendations include the use of a traffic control specialist at peak hours and moving the school zone on Forge Road to the north on the southbound side. He then responded to some of the comments made at last month's meeting. Mr. Mellott said that since there is no increase in enrollment resulting from the proposed project, a traffic analysis rather than a traffic impact study was performed. A twenty-year projection of school enrollment is only necessary only on federally-funded projects.

Tony stated that the counts were done only at the driveways, and do not show how this affects the traffic on the adjoining roads. He also said that there should have been a comparison done with days when school was not in session. Mr. Mellott said 7 to 9 AM and 2 to 4 PM are times when the traffic counts were done because those are the time periods that PA DOT recommends for school-related facilities. The assumption is that if the traffic is controlled during the peak periods, it will be controlled also for non-peak periods. Therefore, no studies were done when school was not in session. Rick asked Mr. Mellott whether he had any recommendations for improvements regarding traffic flow on the campus, e.g., one-way ingress or egress. Mr. Mellott replied no. Troy asked whether the crash data, which includes minor accidents, was submitted. Mr. Mellott replied no, but that he could request it. Jesse asked if any structural changes would be needed to have only one-way traffic on the campus. Mr. Mellott replied that bus movement would have to be examined. Tony asked Brian if it was his opinion that one-way traffic would be an improvement, and whether Brian had any recommendations for improvement. Brian said that

he was not familiar enough with the traffic pattern to make any specific recommendations, with consideration to costs.

Public Comment:

Tom Benjey asked why the traffic study was done at peak periods, using average rather than maximum attendance. Mr. Mellott answered that the design standards for analysis are the 30th busiest hour of the year and not the busiest hour. PA DOT requires the analysis of average conditions to be done on Tuesday, Wednesday or Thursday, and this is what was done.

Debi Ealer suggested that traffic counts be done on non-school days at those peak times, in order to have baseline data.

Responding to Ms. Ealer’s comments from the last month’s meeting, Mr. Madary stated that the lighting on the plan had been modified , and that additional screening had also been added.

Rick LeBlanc made a comment.

Tom Benjey asked about the excess capacity at the school. Dr. Sanker then gave the rated capacity and the current enrollment in each of the schools. Troy said that although there is apparently excess capacity on paper, the curriculum dictated by the PA Department of Education is what actually determines the capacity that is needed.

Tony said that the Planning Commission has no choice but to recommend approval if the proposed plan meets the ordinances.

Rick made a motion to recommend approval, conditioned upon E & S plan approval, a meeting of Township staff, the Township Solicitor, school board representatives and a Township Supervisor, and subject to administrative and post approval items. Howard seconded. Troy stated this plan should not move forward without E & S plan approval. The roll call vote was as follows:

Tony - No	Howard – Yes	Troy – No	Doug – No
Rick – Yes	Jesse – No		

The plan was tabled.

#05-23 EASTGATE PROFESSIONAL CENTER – FINAL LAND DEVELOPMENT

This plan was tabled.

#05-08C CARLISLE FORGE – CONDITIONAL USE

This plan was tabled.

#05-04S SKETCH - THOMAS S. PEDERSEN

John Madden presented this plan that proposes a 3-lot subdivision with a rural residential lane off West Old York Road. Mr. Madden acknowledged the comments from staff.

TOPICS OF DISCUSSION:

Comprehensive Plan Revision

There was a discussion about who would be doing the work, and how long it could take to do the revision. Doug made a motion to request that Township staff formulate a timeline for updating the Comprehensive Plan, recommend that the Board of Supervisors authorize the selection of an outside consultant to update the plan and that members of both the Board of Supervisors and the Planning Commission volunteer to serve on a committee that would meet with the consultant to update the Comprehensive Plan. Tim said that the recommendations of the Open Space Preservation Research Committee are needed first, and these recommendations are not expected to be completed until sometime in November. Tony said that this work should be integrated into staff's schedule. Troy suggested that perhaps an outside consultant might be needed. Tim summarized the process that had been undertaken for the previous revision to the Comprehensive Plan. Jess seconded, and the vote in favor was unanimous.

Traditional Neighborhood Development (TND)

This will be dealt with in the Comprehensive Plan update.

Age Restricted Communities

Doug said that he is not generally in favor of these, but that the Planning Commission would be examining a proposal from a developer. Tony thought that these kind of communities represent segregation by age.

ADJOURNMENT:

The meeting was adjourned at 10:25 PM.

WITNESS:

**SOUTH MIDDLETON TOWNSHIP
PLANNING COMMISSION CHAIRMAN:**
