

MINUTES
SOUTH MIDDLETON TOWNSHIP PLANNING COMMISSION
June 15, 2021

PRESENT: TROY TRUAX, TONY GONZALEZ, BARB WILSON, BRIAN ENGLE, TIM BERNDT – PLANNING COMMISSION, Bryan Salzman – Solicitor, Tim Duerr – Zoning Officer, Natalie Frye – Recording Secretary, Brian O’Neill – Engineer, Patrick DeNardo, Matt Madden, and Aaron Navarro.

NOTE: This meeting was simulcasted via Zoom. Those observing the meeting from the public remotely will not be included in the Minutes unless they made a comment during the meeting.

PLEDGE OF ALLEGIANCE:

Chairman Gonzalez led the audience in the pledge of allegiance.

MINUTES: 05/25/21

Tim Berndt made a motion to approve the minutes. Brian Engle seconded & the vote in favor was 5-0.

PUBLIC INPUT:

There was no public input.

#20170007 – WESTMOORELAND PHASE 1– Final Subdivision and Land Development Plan

The applicant is proposing to construct Phase 1, which consists of 37 townhomes and 1 single family lot of 103 attached dwelling (townhomes) and 2 single family homes project. The property is located within the RM (Residential Moderate) zoning district. Townhomes are allowed per special exception, which this application has received. The property is located within the Wellhead Protection District, which has received conditional use approval previously. The Preliminary Plan was submitted and approved concurrently with the conditional use application for the use of Transfer of Development Rights. The property is located on Walnut Bottom Road, Carlisle (RM District).

This plan was tabled.

#20190013 – KEYSTONE FIELDHOUSE – Final Land Development Plan

The applicant is proposing construction of a 30,000 square foot addition on to a recreational facility, currently used for indoor baseball training. The property is located at 1561 Holly Pike, Carlisle (C2 District).

This plan was tabled.

#20200020 – GEORGETOWNE – Conditional Use

The applicant is requesting a conditional use to construct a 206 lot Single Family Detached Dwelling Subdivision. The conditional use is for the development exceeding 25 total units/dwellings thus a large scale development and for the use of 3 transferable development

credits/rights from the AC district. The property is located on E. Springville Road & S. Ridge Road, Boiling Springs (RM District).

This plan was tabled.

#20200021 – GEORGETOWNE – Preliminary Subdivision & Land Development Plan

The applicant is proposing a 206 lot single family detached dwelling subdivision through the use of Transferable Development Rights. The property is located on E. Springville Road and S. Ridge Road, Boiling Springs (RM District).

This plan was tabled.

#20200026 – DAVID & CAROL ADAMS – Final Subdivision Plan

The applicant is proposing to subdivide one single family residential lot. The property is located at 41 Fairfield Street (RH District).

This plan was tabled.

#20210002 - SMITH FARM, LLC – Preliminary/Final Subdivision & Land Development

The applicant is proposing to subdivide the existing property into 8 lots (6 lots for future development and 2 open space lots) and construct the shared road network and utility mains for future connections to each. The property is located near South Spring Garden Street, Carlisle (SC District).

As part of the application, the following modifications of requirements were requested:

- Section 501 – Preliminary Plan
- Section 1010.D – Time of Concentration for Storm Sewers
- Section 1010.J – Minimum Channel & Pipe Velocities and Slopes
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This plan was tabled.

#20210003 – 28 WESTMINSTER DRIVE – Final Minor Land Development

The applicant is proposing to construct an office building, equipment storage/garage, and a salt storage building. The applicant has received a variance approval from the Zoning Hearing Board and conditional use approval. The property is located at 28 Westminster Drive, Carlisle (C2 District).

As part of the application, the following modifications of requirements were requested:

- Section 501 – Preliminary Plan
- Section 502 g. – EIA Report
- Section 1010 A. – Emergency Spillway
- Section 1010 B. – One foot of freeboard between 100-yr water surface elevation and emergency spillway

This plan was tabled.

#20210008 – KARNS BUILDING ADDITION – Preliminary/Final Land Development

The applicant is requesting approval for a subdivision and land development plan to construct a 15,000 square foot building expansion to the original store and create a new commercial building lot for the construction of a retail building. The property is located at 411-413 Forge Road, Boiling Springs (C1 District).

As part of the application, the following modifications of requirements were requested:

- Section 501 – Preliminary Plan
- Section 707 – Sidewalks
- Section 708 – Curbs and Gutters

This plan was tabled.

#20210010 – BANNER OF TRUTH STORAGE FACILITY – Preliminary/Final Subdivision & Land Development

The applicant is proposing to construct a 25,000 square foot building for use as an online retail/storage and accompanying office. Additional project improvements include parking areas, landscaped areas, lighting, stormwater management, sewer main extension and other utility connections. The property is located at 610 Alexander Spring Road, Carlisle (C1 District).

As part of the application, the following modifications of requirements were requested:

- Section 303a – Preliminary Plan (waiver)
- Section 711b(2)(g)(iii) – Street trees along existing street (modification)
- Section 711(2)(k)(iii) – Interior parking lot trees (modification)
- Section 716b(5)(c) – Access spacing for driveways along Rural Road (waiver)
- Section 1008 – Volume Control – Use managed release (modification)

Aaron Navarro, Snyder Secary & Associates, Inc., presented the plan via Zoom. He mentioned the applicant is proposing to construct a 25,000 square foot online retail store on Alexander Spring Road. Mr. Navarro stated the property is currently zoned for Industrial, but retail business and storage is permitted within the Zoning District. He mentioned public improvements to water and sewer are being proposed with this plan. Mr. Navarro added the applicant is proposing the relocation of the driveway to allow for trucks to turn into the property. He stated all third party approvals have been received.

Brian Engle asked about extinguishing the 20' drainage easement. Mr. Navarro stated that drainage easement was existing prior to the development of the property and is no longer needed. He added there will be a new stormwater management facility installed. Troy asked if the easement collected any water. Tim Duerr answered it does not look like the easement collected anything. Troy asked if the water drained throughout the site. Mr. Navarro responded the drainage is currently east to west but will be redirected. Brian Engle asked about the modification request for the stormwater release. Brian O'Neill explained that the Department of Environmental Protection requires infiltration and in some circumstances, like this one, infiltration may not be required. He mentioned a waiver of this requirement is usually requested in these cases.

Barb asked about the access spacing waiver request. Mr. Navarro explained the driveway is being relocated to align with the existing driveway across the street to allow for better truck movement into the facility. He mentioned the sight distance is still properly maintained. Brian O'Neill stated he did not see an issue with the waiver request.

Brian Engle was concerned about the discharge from stormwater bmp facility number 1. Brian Engle stated the plan needs to show a more defined channel to help convey the flow towards Alexander Spring Road. Brian O’Neill agreed extending the channel to the south would be better. Mr. Navarro stated the contour can be modified to lengthen the channel. Brian O’Neill stated the contour should be brought up passed the outlet structure to allow for flow into the swale. Brian Engle added that if it is not constructed properly, the water will discharge into the adjacent property. Mr. Navarro stated the contour will be modified to create a high point. Barb asked if there was an issue about the trees. Brian O’Neill & Tim Duerr had no issues.

Barb made a motion to recommend approval of the modifications of requirements. Brian Engle seconded & the vote in favor was 5-0.

Troy made a motion to recommend approval of Banner of Truth Storage Facility – Preliminary/Final Subdivision & Land Development Plan. Tony seconded & the vote in favor was 5-0.

#20210011 – ZENITH APARTMENTS – Preliminary/Final Subdivision & Land Development

The applicant is requesting land development plan approval to construct 21 apartment buildings containing 250 apartment units. The project is part of a master plan approved by Conditional Use Decision. The property is located off of South Spring Garden Street, Carlisle (SC District).

As part of the application, the following modifications of requirements were requested:

- Section 501 – Preliminary Plan
- Section 711b(2)(h) – Maintain/replace existing trees
- Section 1010 J – Minimum channel slope on pervious surface (1% instead of 2%)

The plan was tabled.

#20210015 – TIDAL WAVE AUTO SPA – Preliminary/Final Subdivision & Land Development

The applicant is proposing the construction of an automatic car wash. The property is located at the corner of West Trindle Road & Fairview Street (I1 District).

As part of the application, the following modifications of requirements were requested:

- Section 711 b. (2) (k) (iv) – 10-foot-wide landscaping perimeter around parking – 5 feet provided
- Section 711 b. (2) (c) – Access Spacing (Urban Collector) – 585 feet
- Section 711 b. (2) (c) – Site Distance (Urban Collector)

The applicant has received the following variances from the Zoning Hearing Board:

- Section 1637(4) – Requires a 100’ setback from washing apparatuses from street right-of-way line. Applicant is proposing 20’ on West Trindle Road and 50’ on Fairview Street.
- Section 1301(3)(a)(III) – Requires a 50’ minimum front yard building setback. Applicant proposes a 20’ setback off of West Trindle Road.
- Section 1301(3)(a)(iv)(1) – Requires a 15’ minimum side yard building setback. Applicant is proposing a 3’ setback from awning (accessory building).
- Section 1301(3)(a)(v)(1) – Requires a 10’ minimum accessory building setback. Applicant is proposing a 5’ setback from awning (accessory building).

- o Section 1301(4)(b) – Limits impervious coverage to 60%. Applicant is proposing 70.9% coverage.

This plan was tabled.

Patrick DeNardo, Pennoni Associates, was present to discuss a waiver request for the plan. Mr. DeNardo stated the applicant is requesting consideration to allow for a left turn in and right turn in and out. He mentioned the applicant has contacted the neighboring land owners for access to the site but was unsuccessful. Mr. DeNardo stated this was the same request as the pervious sketch plan. Troy still objected to the left turn in as it would queue up traffic. Brian Engle stated the comments on the sketch plan from the Planning Commission meeting have not changed. Troy asked if the left turn in is necessary for the operations to flow properly. Mr. DeNardo stated it would be beneficial for the operations. Brian Engle asked if a traffic impact study is required to which Mr. DeNardo replied no. Tim Berndt asked if the applicant could do a left turn in off of West Trindle Road. Mr. DeNardo answered that it would be problematic for traffic flow through the car wash. Barb was not in favor of the left turn in. Bryan Salzmann stated the Planning Commission’s comments were consistent with the sketch plan on this issue and did not change.

DISCUSSION – Village District Zoning Amendment

An Ordinance amending the South Middleton Township Zoning Ordinance to amend the requirements of the Village Zoning District to include provisions for outdoor seating/dining; outdoor sales and display; and shared parking; and to amend Article XVIII accordingly.

Tim Duerr explained the Zoning Amendment. He mentioned the amendment was modeled after the Town Center District requirements and is looking to apply that to the Village District. Troy was in favor of the amendment. Barb asked about Section 1006(1)(d) which requires outdoor seating and dining furniture and fixtures to be constructed of high-quality materials. Troy mentioned that is to encourage businesses to use durable furniture and fixtures. Brian O’Neill stated that allows the Township to enforce it if businesses are using sub-par material.

Brian Engle mentioned there is nothing in the Ordinance regarding the level of noise. He added the Village of Boiling Springs is mainly residential and residents will not be used to the amount of noise generated from outdoor seating and music. Brian Engle expressed concern for the lack of enforcement on noise and could see it being an issue among residents. He also expressed concern for the on street shared parking. Troy referred to Section 1006(3)(f)(1) in regards to a shared parking plan. He mentioned businesses cannot designate parking spots. Brian Engle stated it should be stated clearer in the Ordinance that there is sufficient parking for everyone. Brian O’Neill suggested adding “All parking spaces need to be off street parking” to the amendment. Planning Commission agreed. Bryan Salzmann asked if it would need to be changed in the Town Center District Ordinance. Brian Engle and Barb replied no, since there is more space in the Walnut Bottom Road Corridor versus the Village of Boiling Springs.

Troy stated Café 101 currently has outdoor dining and seating and asked how it would be possible to mitigate the noise. Brian Engle responded that Café 101 is not a bar and operating hours’ end at 9:00pm. He suggested limiting operating hours to a reasonable time frame. Tim Duerr added that the Ordinance does not differentiate between a bar and a restaurant. Troy suggested a physical barrier. Brian O’Neill asked if this was addressed with the bowling alley on Holly Pike. Tim Duerr answered the applicant went to the Zoning Hearing Board and restrictions were put with the application but it is essentially unenforceable.

Barb stated applicants looking to start a business in the Village will need to go through the approval process and hours of operation can be conditioned on the application. Troy expressed concern for implementing restrictions on existing businesses. Brian O’Neill stated that restaurants and taverns would need to get conditional use approval. He added that not every detail can be addressed in the Ordinance which is why the Ordinance allows for conditional use approval. Tim Duerr warned that existing businesses acquiring a liquor license would not need a conditional use. Brian O’Neill suggested making outdoor seating and dining a conditional use. Barb stated that residents can appeal to the Liquor Control Board if they feel a business has violated their liquor license.

There was more concern about the generation of noise from music and large congregations outside. Brian Engle suggested restricting the time frame allowed for music and entertainment outside. Tony mentioned an issue with installing a barrier is the sound is only being reflected somewhere else and not being absorbed. He asked about the parking space requirement and how that would be handled with outdoor seating. Tim Duerr stated they need to have the required amount of parking to accommodate the population, otherwise they won’t be able to do it.

Brian Engle asked about handicap parking. Tim Duerr stated that is part of the building permit phase and businesses must be ADA compliant. Brian Engle asked if there should be a base percentage of handicap spaces on the lot. Brian O’Neill mentioned the requirements are in the Uniform Construction Code and the handicap spaces should be centrally located. Troy referred to Section 4 of the Zoning Amendment which addresses required parking spaces. Brian Engle asked how the shared parking works with Section 1801. Tim Duerr replied that Section 1801 is amended to read “or noted elsewhere in the Ordinance” which allows for shared parking in the Village District.

Brian Engle referred to Section 1600(3)(d)(1). He was concerned businesses would not provide parking on the property since all shared spaces are 500 feet away. Tim Duerr stated this could be a problem in the Town Center District as well. Troy mentioned that the Town Center District is larger and should not be affected by that. Brian O’Neill agreed there should be a minimum percentage of parking spaces on the principal lot. Tim Duerr stated the Ordinance can be updated to reflect that. Brian Engle referred to Section 1006(3)(e) in regards to the shared parking agreement. He mentioned there is no indication that should be submitted to the Township or recorded and what would happen if the agreement expired. Tim Duerr will take that under advisement. Bryan Salzman suggested the shared parking agreement be acceptable to the Township Engineer, Solicitor, and Zoning Officer and shall be recorded. Tim Duerr mentioned a clause should be added that states if the agreement expires or is extinguished as does the use. Brian O’Neill suggested creating a restrictive covenant easement on the shared parking. Bryan Salzman added a condition of approval is that the agreement stays in full force and effect.

Bryan Salzman reviewed the concerns of the amendment. He mentioned outdoor entertainment should have restrictions on operations and agreed it may be difficult to enforce a certain level of noise. Brian Engle suggested a noise ordinance. However, Tim Duerr mentioned enforcement is an issue as the Township does not have local police. Bryan Salzman stated that in the event of an adjacent residential property, outdoor seating shall be constructed in areas to limit noise generation. Troy mentioned there are lighting mitigations and suggested each applicant demonstrate noise mitigation. Tony stated that lighting is consistent whereas noise levels vary. Troy suggested pushing the burden on the applicant, not on the Township. Barb mentioned the issue with the noise generation is that it’s subjective. Tim Berndt asked about Section 1006(2)(g) and asked if the sidewalk plans would interfere with this clause. Brian O’Neill replied no, there should still be enough space to allow for outdoor sales and displays.

ADJOURNMENT:

The meeting adjourned at 7:06 p.m.

SOUTH MIDDLETON TOWNSHIP

WITNESS:

PLANNING COMMISSION CHAIRMAN:
