

MINUTES
SOUTH MIDDLETON TOWNSHIP PLANNING COMMISSION
July 20, 2021

PRESENT: TROY TRUAX, TONY GONZALEZ, BARB WILSON, BRIAN ENGLE, TIM BERNDT – PLANNING COMMISSION, Bryan Salzmann – Solicitor, Tim Duerr – Zoning Officer, Natalie Frye – Recording Secretary, Brian O’Neill – Engineer, Eric Derr, and Dominic Picarelli.

PLEDGE OF ALLEGIANCE:

Chairman Gonzalez led the audience in the pledge of allegiance.

MINUTES: 06/15/21

Tim Berndt made a motion to approve the minutes. Tony 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.

#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.

#20210016 – MORGAN’S CROSSING PHASE III – Final Subdivision

The applicant is proposing the construction of 27 residential units, 1 residual lot, and associated infrastructure improvements as Phase III. The property is located on Petersburg Road, Carlisle (RH District).

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

- Section 601(b) – Final Plan
- Section 602.g(6) – Landscape Plan certified by Landscape Architect
- Section 1206.a(1) and Section 1206.a(2) – Location of Monuments

Eric Derr was present to answer any questions from the Planning Commission. Tim Duerr gave an overview of the plan and addressed the plan review memo from July 17, 2021. Brian O’Neill mentioned he had no issues with the county comments. He added the plan previously had conditional use approval and preliminary plan approval. Brian O’Neill stated that Phase I and Phase II of this development is almost completed. He stated the applicant is requesting three additional waivers than what was approved during the preliminary plan.

Tim Berndt and Brian Engle were concerned about the number of monuments in the development. Brian O’Neill replied there is one monument per intersection. However, in this phase there is only one intersection. He added the request is to waive the requirement to put a monument at all street right of ways. Barb asked if that was enough. Brian O’Neill replied yes, since there are more monuments at the right of ways in the rest of the development. Brian Engle asked if there would need to add any missing monuments to which Brian O’Neill replied no.

Barb was concerned about the impervious coverage and asked how that is being handled. Brian O’Neill replied it would be handled the same as the Westgate Development although the impervious coverage is higher in Morgan’s Crossing. He added that one condition on the preliminary plan was for the applicant to submit an as-built once the houses are completed. Brian Engle asked if there was a Homeowner’s Association (HOA) in this development. Brian Engle mentioned an HOA occasionally requires residents to submit paperwork to the association first. He suggested the HOA keep track of the impervious coverage and inform the residents whether they would be allowed to add any additional projects to their

property. Barb asked how the impervious coverage would affect the multiple family homes. Brian O’Neill stated the townhome lots total impervious coverage is 1,500 square feet. Tim Duerr added they won’t be able to do much. Barb mentioned informing the residents before purchasing the property. Brian O’Neill added that it is noted in the deed restrictions.

Tim Berndt added that note 20 on the plan indicates an HOA in the Morgan’s Crossing Development. Barb agreed with Brian Engle comments about the responsibility of impervious coverage on the HOA. She expressed concern for the impervious coverage and integrity of the stormwater management system. Tim Duerr briefly mentioned there was a court settlement in regards to the impervious coverage. Brian Engle added that note 11 on the plan states that deed restrictions should be submitted to the Township. Brian O’Neill reviewed the waiver requests. He mentioned the applicant is submitting a waiver from Section 601(b) due to the addition of the townhomes in Phase III. Tim Duerr added that the side setbacks were also changed. Bryan Salzman reviewed the conditions to add to the waiver request approvals. These conditions included the deeds to contain the maximum impervious coverages as deed restrictions, that the HOA documents reflect that the HOA will enforce the impervious coverage area, and the preliminary plan conditions of approval area also incorporated and noted as conditions on these plans. Bryan Salzman suggested confirming with the developer these conditions are acceptable before the plan is presented to the Board of Supervisors.

Tony made a motion to recommend approval of the waiver requests subject to discussion and the following conditions:

1. That the deeds include the maximum impervious coverages as a deed restriction and
2. That the HOA docs reflect that the HOA will enforce the impervious coverage areas and
3. That the preliminary plan conditions of approval are also incorporated and noted as conditions on these plans.

Barb seconded and the vote in favor was 5-0.

Tim Berndt made a motion to recommend approval of Morgan’s Crossing Phase III Final Subdivision subject to the conditions from the waiver request and discussion. Troy seconded and the vote in favor was 5-0.

#20210017 – MORGAN’S CROSSING PHASE IV – Final Subdivision

The applicant is proposing the construction of 16 residential units, 1 residual lot, and associated infrastructure improvements as Phase IV. The property is located on Petersburg Road, Carlisle (RH District).

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

- Section 601(b) – Final Plan
- Section 602.g(6) – Landscape Plan certified by Landscape Architect
- Section 1206.a(1) and Section 1206.a(2) – Location of Monuments

There was no additional discussion or concerns for Phase IV. Bryan Salzman reviewed the conditions to add to the waiver request approvals. These conditions included the deeds to contain the maximum impervious coverages as deed restrictions, that the HOA documents reflect that the HOA will enforce

the impervious coverage area, and the preliminary plan conditions of approval area also incorporated and noted as conditions on these plans.

Tim Berndt made a motion to recommend approval of the waiver requests subject to discussion and the following conditions:

1. That the deeds include the maximum impervious coverages as a deed restriction and
2. That the HOA docs reflect that the HOA will enforce the impervious coverage areas and
3. That the preliminary plan conditions of approval are also incorporated and noted as conditions on these plans.

Brian Engle seconded and the vote in favor was 5-0.

Tim Berndt made a motion to recommend approval of Morgan’s Crossing Phase III Final Subdivision subject to the conditions from the waiver request and discussion. Tony seconded and the vote in favor was 5-0.

Tim Berndt asked about the area stated on the plan “not patched for future phases” and asked what it is for. Brian O’Neill stated there will not be anything built in that area as the quarry owns that land.

#20210018 – JUSTIN JUNKINS – Final Minor Subdivision

The applicant is proposing to subdivide the existing parcel into two lots. Lot 1 to remain for crop production and Lot 2 will be utilized as a single family residential lot. Variance from Section 601(6)(d)(i) was approved by the Zoning Hearing Board to permit for larger residential lot. The property is located at 501 Oxford Road, Gardners (AC District).

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

- Section 305 (a) – Submission of Minor Preliminary Plan
- Section 502(g) – EIA Report
- Section 602 (c) – Stormwater Management Plan
- Section 602 (d) – Erosion and Sedimentation Plan
- Section 602 (f) – Grading Plan
- Section 602 (g) – Landscape Plan
- Section 716 (b)(5)(c) – Access Spacing

This plan was tabled. However, Dominic Picarelli, KPI Technology, was present to discuss the waiver requests. Mr. Picarelli discussed the waiver request from Section 716 (b)(5)(c) regarding access spacing. He mentioned the request is being proposed because the lot frontage is 165’ and there are existing residences with driveways on each side of the subdivided lot. Barb asked which road the frontage was on. Mr. Picarelli answered Oxford Road. Brian Engle pointed out the subdivided lot is not properly represented on the first page of the plan and should be updated. He added that all existing conditions need to be shown. Brian O’Neill mentioned that the applicant is creating a new lot which means the limited lot frontage is a created hardship. He offered an alternative for the placement of the driveway. Brian O’Neill stated there is an existing road for the electric company to access the power line. He added that the applicant could create a driveway that connects to the existing road instead. Tim Duerr asked if they would need to get an easement from the owners. Bryan Salzman informed the applicant

that the Board of Supervisors have been consistently denying drive access spacing. Brian O’Neill added that the access waiver requests only get approved under extenuating circumstances. Mr. Picarelli stated an access easement may work but he would need to check with the applicant. Tim Berndt asked if the access would be just for personal vehicle usage to which Mr. Picarelli responded yes. Brian Engle asked if the utility easement would allow for a driveway access to which Mr. Picarelli stated yes. Brian Engle asked for the applicant to provide a copy of that easement to the Township. Bryan Salzmann suggested that agreement be recorded and noted on the plan. Tim Duerr asked if the applicant would also need to get a waiver for the shared driveway. It was decided that the driveway is not being shared by two residences, therefore no waiver would be needed.

Mr. Picarelli asked the Planning Commission about four additional requests, which include waivers to provide plans for stormwater management, erosion and sedimentation control, grading, and landscape. He explained the lot will be covered in 15 acres of forested land and felt that should suffice. Mr. Picarelli added that the stormwater management, erosion and sedimentation control, and grading plan will be submitted by the applicant but is requesting to gain approval at the building permit stage. He added that the applicant is still deciding on the placement of the dwelling unit. Tim Duerr stated that should probably be decided at the subdivision phase. Brian Engle asked if the septic system was inground or sand mound. Mr. Picarelli stated sand mound. Brian Engle mentioned this is why a grading plan should be submitted at the subdivision phase. He added that all aspects of a plan should be decided before the Board of Supervisors approval to avoid future problems. Troy referred to an earlier plan that the Planning Commission did not make a recommendation for until a grading and stormwater management plan was submitted. Tim Duerr added that it is important that the grading plan needs to show steep slopes. Tim Berndt informed the applicant that the width of the driveway should be able to handle emergency apparatus.

Brian O’Neill stated the Ordinance requires that a percentage of trees removed should be retained or replaced. Mr. Picarelli stated there may not be enough room to replace the trees. Brian O’Neill responded the trees can be planted towards the front of the property. Tim Duerr stated it is important to see the disturbed acreage.

Mr. Picarelli addressed one more waiver request. He is requesting a waiver from Section 502(g) Environmental Impact Study. Mr. Picarelli stated that a study has already been conducted and found no impact on the environment. Tim Duerr suggested adding the reasoning for the waiver onto his request. Brian O’Neill stated he had no issues with that waiver request. Mr. Picarelli mentioned the sewage planning module has been submitted.

Brian Engle made a motion to table the plans based on staff and substantial comments. Barb seconded & the vote in favor was 5-0.

DISCUSSION:

Brian Engle acknowledged the amount of waivers for the landscape architect and asked if that requirement should be removed. Brian O’Neill agreed as the Ordinance is detailed enough that the need for a landscape architect isn’t necessary. He added that he will be working on updating the Subdivision and Land Development Ordinance once the Comprehensive Plan and Active Transportation Plan is completed. Brian Engle added that the landscaping requirement in parking lots seemed to be waived frequently but suggested it stay in the Ordinance. Brian O’Neill stated it should be clarified in the Ordinance better. He added that the intent is to provide interior landscaping trees in the parking lot to add more appeal. Tim Duerr mentioned it is also to help with the heat. Brian O’Neill stated that the Ordinance was updated a few years ago to require islands every ten spaces only on parking lots with 50

or more parking spaces. Barb mentioned there should be a requirement for having enough impervious coverage to support the life of the tree. Brian O’Neill agreed and stated that there should be drainage that flows into those areas to support the trees. Troy asked if there was a requirement for the curbing to be around those areas to which Brian O’Neill replied there is no requirement for interior curbing. He noted that more performance specifications will be added once the Subdivision and Land Development Ordinance is updated.

Brian Engle asked about the outdoor seating and dining amendment to the Village District. Tim Duerr added that he is working on making the appropriate changes. Brian Engle mentioned that he was informed that based on the property sale of a restaurant, the Pennsylvania Liquor Control Board (PLCB) states that licensees cannot use or permit loud speakers outside and the PLCB would enforce that. He added that this regulation is only required whenever the restaurant renews their liquor license. Brian O’Neill mentioned adding general language to the amendment to state that the restaurant cannot create a nuisance. Bryan Salzmann asked if the restrictions for the liquor license was incorporated into the Zoning Ordinance to give ability to the Township to enforce it. Tim Duerr was reluctant to enforce restrictions put in place by the PLCB.

ADJOURNMENT:

The meeting adjourned at 7:01 p.m.

SOUTH MIDDLETON TOWNSHIP

WITNESS:

PLANNING COMMISSION CHAIRMAN:
