

MINUTES

PLANNING COMMISSION

LOWER ALLEN TOWNSHIP

REGULAR MEETING

January 15, 2008

The following were in ATTENDANCE:

PLANNING COMMISSISON

Brett McCreary
Geir Magnusson
Richard Jones

TOWNSHIP PERSONNEL

Dan Flint, Community Development
John Eby, Township Planning and Zoning Coordinator
Peddrick M. Young, Sr., Liaison
Jim Bennett, Cumberland Co. Planning Commission
Trudy Metzel, Recording Secretary

Mr. Flint called to order the January 15, 2008 meeting of the Lower Allen Township Planning Commission.

Mr. Dentler and Dr. Dyszel were absent with excuse.

REORGANIZATION

Election of Chairman

Mr. Jones moved to nominate Brett McCreary as Chairman of the Planning Commission. Mr. Magnusson seconded the motion. Mr. Jones moved the nominations be closed. Mr. Magnusson seconded the motion.

Motion to elect Brett McCreary as Chairman of the Planning Commission carried 3-0.

Election of Vice-Chairman

Mr. Jones moved to nominate Geir Magnusson as Vice-Chairman of the Planning Commission. Mr. McCreary seconded the motion. Mr. Jones moved the nominations be closed. Mr. McCreary seconded the motion.

Motion to elect Geir Magnusson as Vice-Chairman of the Planning Commission carried 3-0.

Election of Secretary

Mr. Magnusson moved to nominate Richard Jones as Secretary of the Planning Commission. Mr. McCreary seconded the motion. Mr. Magnusson moved the nominations be closed. Mr. McCreary seconded the motion.

Motion to elect Richard Jones as Secretary of the Planning Commission carried 3-0.

OLD BUSINESS

SLD #2007-12 – Revised Preliminary/Final Land Development Plan for Linlo Properties

Jim Stroupe, Alpha Consulting Engineers identified himself to the Board.

Mr. Stroupe stated that this plan was before the Board last month. There were a number of comments and other matters that needed to be resolved. He advised the Board that everything is resolved with the exception four comments as well as signatures, agreements, etc.

Mr. Stroupe advised the Board that all stormwater comments are resolved and it has been determined how the remaining comments may be resolved. Mr. Stroupe requested the Board recommend approval to the Board of Commissioners.

Staff Comments

Mr. Flint advised the Board that most of the items have been addressed. Most of the remaining items are outside approvals, and items needed for recording. The only item that needs clarification is the square-footage of the building area. Mr. Flint has discussed this issue with the Engineer's Office and that information will be provided to the Township. There appeared to be a discrepancy between the architectural plans and the engineering site plans. Mr. Stroupe advised Mr. Flint that he has that information and is prepared to submit it for Staff review and further advised that the applicant has the required amount of parking.

County Comments

Cumberland County had no additional comments.

Board Comments

Mr. Jones inquired if Mr. Stroupe received a copy of Staff Comments. Mr. Stroupe advised that he did. Mr. Jones asked if there was any problem addressing those comment. Mr. Stroupe advised that there was not.

Mr. Jones inquired if the erosion and sediment data has been submitted to the County. Mr. Stroupe responded that the data has been submitted and they are awaiting a response.

Mr. Jones inquired if there was any problem with the Developer's Agreement. Mr. Stroupe advised that there was not.

Mr. Jones asked Mr. Flint for clarification that the stormwater situation is under control. Mr. Flint confirmed that it is.

Mr. Jones moved to recommend approval of SLD #2007-12 -- Revised Preliminary/Final Land Development Plan for Linlo Properties as submitted subject to modifications as result of Staff comments. Mr. Magnusson seconded the motion. Motion carried 3-0.

NEW BUSINESS

Sketch Plan for Stephenson's Site – 145 South Locust Street

Staff Comments

Mr. Flint advised the Board that procedural there are two different processes occurring. The first part is that the Applicant has made application to the Zoning Hearing Board for special exception to change to

existing non-conforming use to a different non-conforming use. Mr. Flint further advised the Board that he gave each member a copy of several pages from the Zoning Ordinance. Under Special Exception, the Zoning Hearing Board may refer the matter to the Planning Commission for a recommendation. The Zoning Hearing Board has not yet met. The Applicant requested that the submission be brought to the Planning Commission has 30-days to make a recommendation to the Zoning Hearing Board or it would be a "deemed recommended in the positive". A recommendation should be made at tonight's meeting.

Mr. Jones felt it was a Catch-22. The Planning Commission was being put in a bind and did not feel it is fair. Mr. Eby responded that if the Planning Commission was not comfortable with either a positive or a negative recommendation because more time or information is needed, the Planning Commission would either have to hold a special meeting within the 30-days and render either a positive or negative recommendation, or the Applicant would have to grant a waiver of the 30-day time limit so the Planning Commission would have until its February regular meeting to render its decision. Extensive discussion ensued. Mr. Jones stated that the Zoning Hearing Board should be making the decision whether this is an acceptable operation in that zoning district. Mr. Flint advised that the Zoning Hearing Board will make that decision; however, the Ordinance requires the opportunity for the Planning Commission to make a recommendation to the Zoning Hearing Board.

Mr. Flint further advised that the second part is the Sketch Plan itself. The application to the Zoning Hearing Board does not apply to any plan; it is just the special exception for the use. The Sketch Plan the Planning Commission would be reviewing is a separate matter and the Applicant wished to obtain feedback on a sketch plan basis as the site may be developed if the special exception were approved. As the ordinance currently stands, this type of plan would not be permitted.

Board Comments

Mr. Jones expressed his concern that the plan that before the Board has a large number of items that need to be considered, changed or corrected based on Staff comments. Mr. Jones did not feel that the plan meets the requirement of a proper sketch plan submission. From the standpoint of the plan itself, Mr. Jones stated that he did not feel comfortable with it and would rather wait until the Zoning Hearing Board responds as to what their reasons are if they have reason to refer it to the Planning Commission.

Steve Quigley from H. Edward Black and Associates identified himself to the Board. Mr. Jones inquired if Mr. Quigley was in receipt of Staff comments. Mr. Quigley stated that Staff comments have been received and further stated that several comments must be handled under land development. Mr. Quigley further stated that because this is a sketch plan, the stormwater management survey has not been completed. From a visual inspection of the site, the stormwater management has been located based on the topography. Mr. Quigley understands that a highway occupancy permit will be necessary to access Locust Street. Concerning the secondary access comment, they would like to work with Staff to determine if access to 41st Street would be possible. This access would also be for emergency vehicles if needed. If a secondary access (exit only) onto 41st Street is possible, one unit would be eliminated.

Mr. Jones commented that the idea behind the plan is somewhat satisfactory, but a one page plan with minimal information does not give the Planning Commission much to work with.

Mr. McCreary requested Mr. Quigley to give a brief description of the plan. Mr. Quigley advised the Board that a majority of the buildings were in disarray which Mr. Grace has already demolished. Over time, there were four other users besides the florist: a home repair person, a contractor, a painting contractor, and a person who repairs snowboards, skis, etc. Mr. Grace would like to build a development of fifteen (15) business storage units. Each unit would be approximately 5,000-square-feet. Some of Mr. Grace's current users are record storage, box storage, roofing contractor that stores extra supplies, and a sound production company. They are small businesses that need extra storage space.

Mr. Quigley explained that the site was designed so it would be completely internal. The road is internal to the buildings with the fronts facing inside. The intent was to use the buildings as screening from the residential area so the backs would face the residential area along with berming, which would go either on

the building or next to the building depending on the grade situation, landscaping, and some privacy fencing. The intent is to have a 200 square foot office in each unit, so a contractor would have a place to put paperwork with the rest for storage. The intent is for mostly materials, occasional piece of equipment and an occasional vehicle parked inside.

Mr. Quigley stated that the buildings would be moved back from the street and the streetscape for Locust Street would be recreated (where the store currently stands). A green look completely around the perimeter is the Applicant's goal.

Mr. Jones asked what would preclude retail action taking place in any one of the facilities. Mr. Flint responded that the request is for a special exception, it would depend on if it was approved by the Zoning Hearing Board and if it was approved, how the specific use would be approved by the Zoning Hearing Board. Mr. Flint advised that it is not a rezoning that would allow any other uses. Mr. Jones asked what question the Zoning Hearing Board would be addressing. Mr. Flint responded the Zoning Hearing Board would be addressing allowing this warehouse/storage units as the non-conforming use. Mr. Jones again asked what would preclude an individual contractor who has an office in that particular storage unit from conducting a retail operation. Mr. Flint advised that retail would not be permitted use in the zone and not be authorized by the special exception.

Commissioner YOUNG stated that he reviewed the trip summary sheet and multiple contractors were mentioned. He asked for clarification that there are no plans to staff those units on a permanent basis during normal business hours. Mr. Quigley responded that he didn't feel that would be the case. The present conditions at Mr. Grace's other two locations indicate that people arrive at various times during the day, pick-up materials and leave for the jobsite. Commissioner YOUNG expressed his concern regarding increased traffic during school hours. Mr. Quigley advised the Board that when they spoke with the traffic people, the indication was that peak hour traffic is actually less than the 15 units. These types of users tend to arrive earlier or later and not normally during peak hours

Mr. Quigley advised the Board that at the current time, it is not expected that additional parking would be required. However, he will work with Staff to ensure that there is appropriate parking.

William Grace identified himself to the Board and briefed the Board on the type of businesses that rent units at his two existing facilities. Mr. Grace advised the Board that this type of warehouse/storage units are neighborhood friends, low impact, requires very little parking and are businesses, not personal storage. They are low rent units but they serve a purpose.

Commissioner YOUNG inquired if any of Mr. Grace's existing customers staff their facility 8 hours a day. Mr. Grace responded that no one staffs their facility 8 hours a day. Most are small contractors who load tools/supplies and leave. Mr. Grace stated that he would not want retail businesses in his units.

Mr. McCreary inquired if Mr. Grace has a list of rules that tenants must sign and abide by. Mr. Grace advised the Board that he has a two-page lease and that he writes the following three things on the back of every lease:

1. No overnight parking.
2. No outside storage.
3. If in storage unit after 5:00 p.m. the doors are closed.

Mr. Grace advised that he has never had a problem.

Mr. Quigley advised the Board that they are using the Sketch Plan as a tool so the Planning Commission understands the intent for the site. What is being requested from the Planning Commission is its recommendation on the change of the non-conforming use, which is separate from the plan itself. Mr. Quigley stated that there would be no problem in giving an extension on the Sketch Plan itself.

County Comments

Mr. Bennett advised that the County Planning Commission does not review sketch plans.

Public Comment

James Reagan identified himself to the Board and advised that he is currently the Mayor of Shiremanstown Borough and also lives in close proximity to the proposed area.

Mr. Reagan's main concerns, as well as those of some of his neighbors, are:

1. Stormwater management.

The South Stoner Avenue, Chestnut and Walnut Street area has a history of flooding and there are a number of homes on South Stoner that are designated as Flood Zone A. There is a great deal concern as to how the stormwater study of this plan would be conducted and how flood waters and stormwaters would be managed in the future.

2. Additional traffic on Locust Street and side streets.

3. Noise.

Due to the close proximity of residences, single family dwellings on all sides.

4. Close proximity to the elementary school.

Traffic concerns regarding the school at peak times.

5. Is there a limit or definition of what materials can be stored in these warehouses.

The concern is with it being so close residences; would there a specific list of materials or materials that could not be stored be provided. Hazardous materials concerns.

6. What prevents retail activity at these locations if it is deemed approved.

Mr. Reagan stated that the main issue is the close proximity to single family dwellings. This is a change in use that would definitely impact the people living close by.

Mr. Eby advised that should the Zoning Hearing Board grant a special exception to change the use and should the land development plan be approved, under the Building Construction Review the contents that could be stored would be reviewed.

Mr. Quigley advised that all yard and site requirements for the R-1 district are being met, including setbacks, amount of impervious cover, open space, etc. The performance standards are also being met, which include noise, vibration, smoke, noxious odors, particulate matter, outdoor lighting, heat, radiation hazard, etc. With the design of the warehouses, all those issues should be addressed. Mr. Quigley stated that he would be happy to meet with Mr. Reagan to review each issue individually.

Bob Willis, 204 South Stoner Avenue, identified himself to the Board. Mr. Willis advised the Board that lighting is a concern to a number of the neighbors. Before this project proceeds, the neighborhoods around the site should be considered. It affects a lot of people and a lot of people are against this project. Homeowners are concerned about the reduction in property values.

Randy Brown, 3800 Lisburn Road, identified himself to the Board. While he does not live in the area, he is a resident of the Township and has concerns. Mr. Brown stated that when a non-conforming use is being considered, there are a number of issues to keep in mind and one was mentioned by the Mayor, which

was hazardous or other materials being stored that are not in the interest of a residential neighborhood. That is an operational concern not a planning concern. Mr. Brown's concern would not be that there is something in affect that says you're not going to make a recommendation if they say they are going to store something like this, but how does the Township control a non-conforming use and what is going to be stored in the warehouses in a residential neighborhood. Mr. Brown stated that it has been his experience that non-conforming uses in a neighborhood start to challenge the Codes in a number of areas. The Codes seem to have one meaning in a residential area but a different meaning if enforced in an industrial or commercial neighborhood and becomes a challenge as to how they are going to be enforced.

Mr. Brown further stated that when a non-conforming use in a residential area is being proposed, it needs to be considered if it will ultimately deteriorate the residential neighborhood. If it does, the residents of that neighborhood are being disserved. People moved to that area for the purpose of living in a residential neighborhood and have an expectation that it will be preserved.

Mr. Brown also commented on a buffer. If he was a resident of that neighborhood, he would want the plan to include something that required the developer to buffer it with a tree-line or something that would keep noise, light or visual impact from storage units in my back yard.

Mr. Brown inquired how the public ensures itself of being informed of something like this project, which is a non-conforming use in their neighborhood. Mr. Brown stated that as recently as 7:15 p.m. this evening, on the Township's website the agenda listed for the Planning Commission was referencing a meeting of December 18, 2007. The calendar events showed no events scheduled for the evening. A bigger concern of Mr. Brown's is how do residents become informed and active in this process. Mr. Brown stated he knows there are laws/rules that govern advertising of this type of meeting, and those laws have been adhered to in this instance. However, those laws do not tell people what is being discussed and the laws seem to be archaic in a day and age when everybody uses the internet for everything. Mr. Brown feels the Township needs to be more concerned about getting this information to the public in a more timely manner so they can be informed and take an active role resulting in better decisions for the Township.

Mr. Flint responded that he is certain there are some things on the website that are not up-to-the-minute. However, on the Community Development Department page, there is a page "What's New in Development" and there is a notice regarding tonight's meeting on the website. Mr. Brown inquired if that page gives an agenda. Mr. Flint advised that the notice is specific to this item and a description about it being on the agenda and on the Zoning Hearing Board agenda. Mr. Flint stated that the Township is going above and beyond what is required by law. In addition, letters were mailed to dozens of residents around the site.

Mr. Eby advised that for Thursday's Zoning Hearing Board meeting, the Township posted four locations around the property and letters were sent any property owner in Shiremanstown Borough and Lower Allen Township within 300-feet of the property. Mr. Eby further advised that he had e-mail communications with Borough officials.

Mr. Brown stated that in this day and age when everybody looks at the internet, the website says that all events and agendas will be listed and they are not there. It used to be right before the website was redone.

Mr. Grace stated that when he purchased the property, it had four non-conforming use tenants in the building. Mr. Grace wanted to be on record that it was never a residence; it has always been a non-conforming use in a residential zone with non-conforming tenants. All he is attempting to do is change the non-conforming use to a low impact, more desirable screened property.

Mr. Quigley stated that glare from light, heat, etc. are all standards that the Applicant must meet as part of the land development and will continue to work with Staff to be certain all are in compliance.

Mr. Jones also expressed his concerns that it is in a residential district and in proximity to a school. However, the Township Ordinance does permit an individual property owner to make a request for an exception to the use of his property. Whether it is approved or disapproved is another issue. From the Planning Commission standpoint, Mr. Jones does not feel comfortable saying it should be granted, but on the other hand the property owner has a right to make the request. From the standpoint of what is being proposed, Mr. Jones stated that it would certainly be an improvement as to what was previously there. Regarding the Sketch Plan, Mr. Jones felt it was a good idea that it was presented to the Planning Commission as it allows the Board to know what is proposed. Mr. Jones wasn't certain if the Planning Commission should be reacting to a sketch plan as much as a land development plan at a later stage.

Mr. Magnusson felt it should be brought to the Zoning Hearing Board without any influence from the Planning Commission and be deemed on its merit and then come to the Planning Commission if it is approved.

Mr. Jones moved to recommend that the Planning Commission notify the Zoning Hearing Board that it should consider a special exception without a specific recommendation that it be granted. Mr. Magnusson seconded the motion. Motion carried 3-0.

Mr. McCreary advised that if the Zoning Hearing Board gives approval, when the land development plan is brought to the Planning Commission it should not be expected to be done in one month as there will be numerous of issues. Shiremanstown's issues will also need to be addressed. Mr. McCreary suggested that Shiremanstown be contacted and shown plans ahead of time.

OTHER BUSINESS

Mr. Flint introduced Jim Bennett from Cumberland County Planning Commission who will be the permanent representative.

ADJOURN

The Regular Meeting of the Planning Commission adjourned at 8:45 p.m.