

MINUTES

PLANNING COMMISSION

LOWER ALLEN TOWNSHIP

REGULAR MEETING

February 20, 2007

The following were in ATTENDANCE:

PLANNING COMMISSION

Richard Jones
Geir Magnusson
Donald Dentler
Dr. Jean Dyszel

TOWNSHIP PERSONNEL

John Eby, Township Planning and Zoning
Coordinator
Peddrick Young, Liaison
Jennifer Nolan-Straub, Cumberland County
Planning Commission
Trudy Metzel, Recording Secretary

Mr. Jones called to order the February 20, 2007 meeting of the Lower Allen Township Planning Commission.

Mr. McCreary was absent with excuse.

REORGANIZATION OF PLANNING COMMISSION FOR 2007

Election of Chairman

Mr. Magnusson nominated Brett McCreary as Chairman. Dr. Dyszel seconded the nomination. Being no additional nominations, the nomination was closed. Motion carried 4-0.

Election of Vice-Chairman

Mr. Dentler nominated Geir Magnusson as Vice-Chairman. Mr. Jones seconded the nomination. Being no additional nominations, the nomination was closed. Motion carried 4-0.

Election of Secretary

Mr. Jones nominated Donald Dentler as Secretary. Mr. Magnusson seconded the nomination. Being no additional nominations, the nomination was closed. Motion carried 4-0.

APPROVAL OF MINUTES

Approval of November 21, 2006 Regular Meeting Minutes

Dr. Dyszel moved to approve the Minutes of the November 21, 2006 Regular Meeting as corrected. Mr. Dentler seconded the motion. Motion carried 4-0.

OLD BUSINESS

There was no old business before the Board.

NEW BUSINESS

SLD #2007-01 – Final Subdivision Plan for Eberly’s Mill Church of God

Mr. Mike D’Angelo, 725 Elkwood Drive, New Cumberland, identified himself to the Board.

Mr. D’Angelo advised the Board that the purpose of the plan is to consolidate lots. There is no new construction or any changes proposed other than lot line shifts.

Mr. D’Angelo has discussed the comments with the Township Engineer and Staff and has no problems addressing any of the comments. The Applicant will comply with Staff’s request to show the flood plain line on the plan and will stipulate that it is based on the FEMA map.

Mr. D’Angelo stated that the Applicant is asking for a waiver of the preliminary plan and the need to show existing topography and contours. Since there is no proposed development proposed, the Applicant has requested a waiver of curb, sidewalk, and fill-in paving. Mr. D’Angelo advised the Board that prior to the next Board of Commissioners meeting he would submit a letter to the Township specifically requesting these waivers.

The Applicant had no problems with the remaining housekeeping notations.

Staff Comments

Mr. Eby advised the Board that he met with the Township Engineer and with the Applicant’s agreement to show the floodplain on the plan, the Township Engineer had no problems with the additional waiver requests or the plan.

County Comments

Mrs. Nolan-Straub stated that the impervious coverage for Lot #2 should be shown to demonstrate compliance with the ordinance. Mr. D’Angelo stated that Lot #2 does not meet the requirement but the Applicant will address it specifically.

Board Comments

Mr. Magnusson asked how the property became split. Mr. D’Angelo stated that the concrete barrier was installed based on a court proceeding with the adjacent lot owner. That barrier was installed on what was the original Bear plan of lots. Mr. Turbin purchased the estate following the passing of Mr. Bare. There was a disagreement as to what rights went with that driveway. There is a notation on the Applicant’s plan referencing the Court of Common Pleas and the source of that driveway. The existing easement of the paved driveway is in favor of Lots #1, #2 and #3 on the original plan. There is also a Court of Common Pleas decision 023660 Civil Matter where the courts directed that the barrier be placed in order to keep the church traffic from traversing that portion of the driveway. The decision stated that the church was never party to the original use of that driveway. It was intended for the residential homes.

Mr. Jones moved to recommend a waiver of the requirement to submit a Preliminary Plan. Mr. Dentler seconded the motion. Motion carried 4-0.

Mr. Jones moved to recommend a waiver of the requirements to show existing and proposed contours. Dr. Dyszel seconded the motion. Motion carried 4-0.

Mr. Jones moved to recommend waivers of the requirements to install curb, sidewalk and fill-in paving as no development is proposed. Dr. Dyszel seconded the motion. Motion carried 4-0.

Mr. Jones moved to recommend approval of SLD #2007-01, Final Subdivision Plan for Eberly's Mill Church of God subject to Staff and Cumberland County comments. Mr. Dentler seconded the motion. Motion carried 4-0.

SLD #2007-02 -- Preliminary Land Development Plan for Starbucks

Brian Engle, Rettew Associates, identified himself to the Board.

Mr. Engle distributed an updated waiver request letter and advised the Board he would address the waivers at the appropriate time.

Mr. Engle advised the Board that the plan is to construct some additions to the building to provide storage, area of mechanical/electrical, a chiller, and some additional realignment of paving. Mr. Engle emphasized that there is no additional manufacturing space or office space proposed. The proposed minor building expansions would not change or alter the use of the buildings or parcels.

Mr. Engle acknowledged receipt of Staff and County comments.

Regarding access via Gettysburg Road and the fact that it lies in the floodplain, the Applicant is willing to participate in the planned project to relocate the road out of the floodplain. The Applicant's attorney will contact the Township's Solicitor to work out the agreement.

Regarding fire lanes, the Applicant proposes to widen the paving to provide the full 20-feet.

Mr. Engle stated that a waiver request had been previously submitted; however, that request needed to be amended with additional items. The following waivers were requested:

1. Section 1173.04. Preliminary Plan – the building expansions will not change or alter the use of the buildings or parcels.
2. Section 1177.02(k)(3)C. Access to Site – The existing site has receiving tanks for dairy products that are located on the southern side of the building and have direct access to the Audubon Road driveway. The Audubon Road entrance has been in use for dairy product delivery for years and the Dairy Farmers of America (DFA) proposed to overlay Audubon Road from their driveway to Gettysburg Road.
3. Section 1181.07. Curbing – There is no existing curbing. Curbing along the existing Audubon Road and Old Gettysburg Road would create storm-water issues with runoff. In addition, it is the intent of the Township to relocate Old Gettysburg Road in the future, which would require demolition of curbing if installed.

4. Section 1181.07. Fill-In Paving – There is no existing fill-in paving; same storm-water runoff issues and demolition issues as with curbing.
5. Section 1181.09. Sidewalks – There are no existing sidewalks. Sidewalks would serve no public interest, as there are no residential, recreational or commercial destinations within this area of the Township.

Mr. Engle advised the Board that the remainder of the comments could be easily addressed.

Staff Comments

Mr. Eby advised the Board that he reviewed this plan with the Township Engineer and had no additional comments.

County Comments

Mrs. Nolan-Straub had no additional comments.

Board Comments

Mr. Jones inquired if access from Old Gettysburg Road would still be used. Mr. Engle advised that Old Gettysburg Road would be used by employees and for deliveries other than milk trucks. Only milk truck deliveries use the Audubon Road access.

Mr. Jones asked how the Applicant would limit Audubon Road to only milk truck deliveries. Mr. Engle advised that it is DFA's current operations and they intend to continue the same operation. There is no advantage to other deliveries using Audubon Road.

Mr. Dentler asked about the sewage flow approval. Mr. Engle advised that capacity has been purchased and will be noted on the plan.

Dr. Dyszel moved to recommend the following waivers:

1. Requirement to install curb.
2. Requirement to install sidewalks.
3. Requirement to install fill-in paving.

Mr. Dentler seconded the motion. Motion carried 4-0.

Mr. Dentler moved to recommend a waiver of the requirement to submit a Preliminary Plan.

Mr. Jones seconded the motion. Motion carried 4-0.

Dr. Dyszel moved to recommend a waiver of Section 1177.02(k)(3)C which mandates access to the site from only the Gettysburg Road driveway. Mr. Jones seconded the motion. Motion carried 4-0.

Dr. Dyszel moved to recommend approval of SLD #2007-02, preliminary/Final Land Development Plan for Starbucks provided that Staff and County comments are addressed. Mr. Dentler seconded the motion. Motion carried 4-0.

OTHER BUSINESS

Bradley Thomas identified himself to the Board. Mr. Thomas is as student at Shippensburg University studying geography land use and attended the meeting as part of his required studies. Mr. Thomas requested a copy of the Minutes from this meeting.

Mr. Eby advised the Board that the April Planning Commission meeting could not be held at the Township building due to a federally mandated TMI drill. It was the agreement of the Board to hold the meeting at the Community Barn.

ADJOURN

The Regular Meeting of the Planning Commission adjourned at 8:20 p.m.