

MINUTES

PLANNING COMMISSION

LOWER ALLEN TOWNSHIP

REGULAR MEETING

August 21, 2007

The following were in ATTENDANCE:

PLANNING COMMISSION

TOWNSHIP PERSONNEL

Brett McCreary
Richard Jones
Geir Magnusson
Donald Dentler

Daniel Flint, Engineer/Community Development Dir.
Jeff Kelly, Cumberland County Planning Commission
Flora Dasher, Assistant Recording Secretary

Mr. McCreary called to order the September 18, 2007 meeting of the Lower Allen Township Planning Commission at 7:30 p.m.

APPROVAL OF MINUTES

Approval of July 17, 2007 Regular Meeting Minutes

MR. MAGNUSSON moved to approve Minutes of the July 17, 2007 Regular Meeting of the Planning Commission as corrected. **MR. DENTLER** seconded the motion. Motion carried 5-0.

OLD BUSINESS

SLD #2007-07 - Preliminary/Final Subdivision Plan for Anna V. Carey Estate at 1909 Sheepford Road

Mr. Gary Carey advised board that his mother passed away and he inherited this property.

Township Comments

Mr. Flint advised board that Mr. Carey submitted a revised plan and all the comments have been addressed and the only thing that needs finalized is granting of the waivers submitted.

County Comments

Mr. Kelly advised that it was reviewed about a month ago and there was only minor comments that he assures were addressed.

Board/Staff Comments

Mr. Jones questioned Mr. Carey as to why he does not want to provide additional dedicated right-of-way, to a distance of 25 feet from the road centerline. Mr. Carey's responded that he is confident that he has enough right-of-way elsewhere on his property and comments that the property can be accessed from the Ward section or from the Lewis' section next door. Mr. Carey added that he has fence along the creek and he pastures cows and this is the main reason for this waiver.

Mr. Jones questioned Mr. Flint about Sheepford being a public road and his answer was affirmative. Mr. Jones questioned why we would not want right-of-way and Mr. Flint said the right-of-way is required by the ordinance and the applicant has requested a waiver.

Mr. Magnusson questioned Mr. Flint about Mr. Carey's existing fences being in the right-of-way. Mr. Flint responded that if the right-of-way were expanded, it probably would be considered an existing non-conforming item. Mr. Magnusson stated that if this road is widened in the future the right-of-way will expand too. Mr. Carey stated that at that time, the township would have to buy that piece of land and someone would have to pay to move the fence back. Mr. Carey questioned that if he maintains that fence, or fixes it, or puts replacement fence in, does this mean his whole fence line would be moved back. Mr. Magnusson says the fence line would not have to be moved back if it is non-conforming but Mr. Flint agrees with Mr. Carey that this could be an issue to fix the fence. Mr. Flint added that it could be a requirement to have the fence moved out of the right-of-way if the fence needs replaced. Mr. McCreary added comment that if Mr. Carey ever develops this property that the township would have to have a bigger right-of-way. Mr. Carey does not plan to develop this property. Mr. Carey is confident that there will not be any more houses in this area and the property is at the end of township line.

Mr. Magnusson inquired about some of the land being Clean and Green. Mr. Carey states that the public is welcome to come to the farm and he has never kept anyone out. Mr. Magnusson asked how Clean and Green affects development and Mr. Carey states that if this piece of land was taken out of Clean and Green he would have to pay back the tax savings for the last 7 years. Mr. Carey is thinking of putting the property in some type of agricultural conservation preservation but has not decided which one to go with. Mr. Magnusson feels that the waiver should be granted.

Mr. Jones asked Mr. Flint what the right-of-way is right now and his response was either 33 or 40 feet depending on which document you look at. Mr. McCreary inquired about the other properties on Sheepford and if they have the right-of-way and Mr. Flint responded in saying that the properties have a 40 foot right-of-way from Thompson Lane back to Lisburn Road.

Mr. Jones inquired about the waiver for the 25 foot wide Stream Maintenance Easement along the Yellow Breeches Creek. Mr. Flint advised that the reason this is listed in the ordinance is to provide a way, if there is an obstruction in the creek, to access the creek to clear the obstruction. Mr. Jones is concerned that there is no access to the stream because of private property surrounding it. Mr. Magnusson added that since the property is Clean and Green the township would be permitted on the property. Mr. Carey advised that the pipeline company comes out and cuts brush back and cleans the pipes and tires are removed from the stream periodically by township.

MR. MAGNUSSON made a motion to approve a waiver of requirement to submit a preliminary plan. **MR. DENTLER** seconded the motion. Motion carried 3-0.

MR. DENTLER made a motion to approve a waiver of requirements to provide curb, sidewalk and fill-in paving. **MR. JONES** seconded the motion. Motion carried 3-0.

MR. DENTLER made a motion to approve a waiver to show existing and proposed contours on the plan. **MR. MAGNUSSON** seconded the motion. Motion carried 3-0.

MR. MAGNUSSON made a motion to approve a waiver of requirement to provide additional dedicated right-of-way, to a distance 25 feet from the road centerline. **MR. DENTLER** seconded the motion. **MR. JONES** sustained and motion did not carry.

MR. DENTLER made a motion to approve a waiver of requirement to provide a 25-foot wide Stream Maintenance Easement along the Yellow Breeches Creek. **MR. MAGNUSSON** seconded the motion. Motion carried 3-0.

MR. DENTLER made a motion to approve a waiver of requirement to provide a 20-foot wide Access Easement to the Stream Maintenance Easement. **MR. MAGNUSSON** seconded the motion. Motion carried 3-0.

MR. MAGNUSSON made a motion of recommendation to approve the preliminary plan as submitted. **MR. DENTLER** seconded the motion. Motion carried 3-0.

NEW BUSINESS

SLD #2007-09 - Preliminary/Final Land Development Plan for Oakwood Center

Judy Kenderdale from H. Edward Black and Associates represented the Oakwood Center. They have received the comments and they do not have a problem with any of the comments. They will be asking for a deferment for the sidewalks, there are no sidewalks in the development at this time, they would like permission to install sidewalks when room is made available. They plan to combine the two lots that are separated at this time and they will be adding a combining plan to the set of drawings. She would like the board to act on a waiver to submit the preliminary plan tonight and the title of the drawings can be changed to final plans.

Staff Comments

Mr. Flint had a few minor comments under the general zoning and sub-division land development. The most significant thing is regarding storm water management and there is concern about drainage areas. Recalculations regarding how the stormwater will be managed needs to be done because there are two different drainage areas and water leaves the site at two different directions. He is certain these issues will be addressed without a problem. He notes that currently there are two lots there and a property line through the building which needs to be a sub- division to take this property line out and this can be corrected with this plan.

County Comments

Mr. Kelly questioned the proposed lighting in regard to zoning compliance and Ms. Kenderdale stated they will show the photo metrics with resubmission.

Board Comments

Mr. Jones is concerned about stormwater management issues. He felt there are a number of things that need addressed before the board can make a recommendation to move forward with this plan. Mr. Jones asked if approval of ENS plan was submitted to the County yet and Ms. Kenderdale answered negatively. Mr. Jones asked if the sewage planning module was submitted and Ms. Kenderdale's response was affirmative and she noted that it was approved and she had the approval letter with her. Ms. Kenderdale added that they have done the infiltration testing and they have the report but did not submit it with the plan submission. Mr. Jones advised that this needs to be re-evaluated by the staff to

assure plan requirements. She would like to resubmit at the October meeting with geological information and lighting photo metrics.

MR. MAGNUSSON made a motion to approve a waiver to submit a preliminary plan. **MR. JONES** seconded the motion. Motion carried 3-0.

MR. JONES made a motion to table the plan until it is resubmitted for review. **MR. MAGNUSSON** seconded the motion. Motion carried 3-0.

SLD #2007-10 - Final Land Development Plan for Rolling Green Cemetery

Larry Justice, Architect, Matthews Bronze represented Rolling Green Cemetery. He has three waiver requests to present to the board. (1) Waiver of the preliminary plan, (2) waiver for the right-of-way, and (3) waiver for sidewalks. Hartman and Associates was retained to take care of most of the items on the list of plan review comments.

Township Comments

Mr. Flint advised the board the project is simple and straight forward and compliant with the ordinance. He added that this is just an addition to an existing building. The comments are notes and data that need to be added to the plan and are not comments on the proposed work. He also adds that since they did the plan review he received a letter asking for waivers from the preliminary plan requirement.

County Comments

Mr. Kelly agreed with Mr. Flint that the plan is basic and his comments are basic things that can be added to the plan easily. County addressed Mr. Justice in asking what cross-hatches at the southern boundary and around the tract, listed on the review report, is relating to. Mr. Justice responded in stating that the cemetery's master plan is provided by the owner and the cross hatch area is an undeveloped heavily wooded part of the property near the maintenance area that goes on the southern portion near Cedar Creek and Cedar Run and also around the entire outside of the tract.

Board Comments

Mr. Magnusson advised the board that he drove to the property and could not see the creek. Mr. Justice responded in stating that it is not accessible to the public because it is a maintenance area. The creek is down over the hill behind the service buildings, down the embankment and can not be seen from the road.

Mr. Justice asked for clarification on #15 of the review report asking to show stream and creek maintenance and access easements along Cedar Run. He asked if this means the township is requesting accessibility to the creek

Mr. Flint responded by saying that wherever there is creek frontage, the ordinance requires maintenance easement and access to it. Mr. Flint is not aware of an actual easement at this time and adds there is a sewer easement in place now. Mr. Flint adds that this creek is accessible from Lisburn Road, but not directly from the cemetery property.

Mr. Jones asked Mr. Flint if the ordinance specifies a distance for maintenance and access easement. Mr. Flint responded that from the top of the bank there is a 25 foot width. Mr. Magnusson asked if the stream is the boundary for the cemetery. Mr. Flint's answer was negative. The cemetery touches the creek on two locations and is a small area. Mr. Magnusson asked if there is continued easement after

that between these two points going through other properties and Mr. Flint answered negative. Mr. Magnusson feels that there is no need for an easement. Mr. Jones expressed that item #15 should not be listed as a requirement under the subdivision land development and a waiver needs requested for that requirement. Mr. Justice noted that he can show this easement on his plans even though it is not needed.

MR. MAGNUSSON made a motion to approve a waiver for construction of sidewalks, curb and fill-in paving. **MR. DENTLER** seconded the motion. Motion carried 3-0.

MR. JONES made a motion to approve a waiver of requirement to submit a preliminary plan. **MR. MAGNUSSON** seconded the motion. Motion carried 3-0.

MR. DENTLER made a motion to approve a waiver of requirement to provide additional dedicated right-of-way. **MR. MAGNUSSON** seconded the motion. Motion carried 3-0

MR. JONES made a motion of recommendation to approve the preliminary plan as submitted. **MR. MAGNUSSON** seconded the motion. Motion carried 3-0.

OTHER BUSINESS

There was no items on the agenda for discussion.

ADJOURN

The Regular Meeting of the Planning Commission adjourned at 8:15 p.m.