

North Middleton Township Planning Commission

Township Building
2051 Spring Road
Carlisle, PA 17013

Minutes of the Planning Commission Tuesday, September 2, 2008

The meeting was held at the North Middleton Township building on Spring Road, in Carlisle, PA.

Attendance

Board Members-**Harry Kelso** (Chairman), **Bradley Mitchell** (Vice-Chairman), **Ronald Anderson**, and **Clifford Wolaver**

Solicitor-**Mark W. Allshouse**

Codes Enforcement Officer-**Paul Fegley**

Brehm-Lebo Engineering-**Doug Brehm**

Cumberland County Planning Department-Jim Bennett

Visitors

Jennifer Garcia-Dawood Associates, Carlisle, PA
William S. Kauffman-1921 Spring Road, Carlisle, PA
Dennis Hurley-3230 Waggoners Gap Road, Carlisle, PA
Tony Dawood-Dawood Associates
Rick Hoover-1190 Newville Road, Carlisle, PA

Call to Order

Chairman Harry Kelso called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Public Input (non-agenda items)

Chairman Kelso asked for any public input. No member of the public came forward at this time.

Approval of the Minutes for Tuesday, August 5, 2008

Chairman Kelso asked for any changes, corrections, or additions to the minutes for the Tuesday, August 5, 2008 Planning Commission meeting. None were requested.

Ronald Anderson moved to approve the August 5, 2008 minutes as presented. Bradley Mitchell seconded. All votes were in favor, and the motion carried.

With Secretary McDowell absent this evening, Mr. Fegley asked Solicitor Allshouse if the acting Chairman is permitted to sign the approved minutes. Mr. Allshouse indicated that Chairman Kelso could sign the minutes.

Pending Applications

#08-06: Dennis Hurley, Preliminary/Final Subdivision, Zoned Agricultural & Conservation, Approximately 38 Acres, Expiration Date: December 1, 2008

From the agenda:

This project is located at the intersection of SR 0944 and SR 0074. Mr. Hurley proposes to subdivide two residual lots; Residual Lot 1-B and Residual Lot 1-C for an approximate total of 38 acres. The new lots are number 29, 30, and 31 as represented in hash marks located on Page 1 of the Subdivision Plan. Lots 30 and 31 are located in the Conservation Zone and Lot 29 is located in the Agricultural Zone. Lot 29 contains approximately 9.2 acres; Lot 30 contains approximately 10.7 acres; Lot 31 contains approximately 11.2 acres. The Township has received from Mr. Hurley a written waiver request for Section 180-16. He is also asking for a Non-Building Waiver Declaration for Lot 1-A.

Dennis Hurley came forward to represent this matter. Mr. Fegley described the documentation in the Commission members' binders.

Mr. Wolaver referred to Mr. Hurley's application and noted that the Application indicates 32.2387 acres and not 38 acres. Mr. Wolaver asked Mr. Fegley to respond to this. Mr. Fegley stated that the figure of 38 acres was obtained from a note on the Plan. Mr. Wolaver pointed out that this is Note 6 on Sheet 1.

Mr. Hurley spoke at this point. He stated that it is a little bit confusing the way it is spelled out and that Lot 1 is comprised of Lot 1-A and B, and that that's the residual leftover. He said he didn't know how the 38 acres was obtained. He further stated that the Plan only shows Lot 1-B as the remainder residual, and explained that it is attached to 1-A, which is across the road. Mr. Hurley again stated that Lot 1-A and Lot 1-B are actually one lot. Mr. Fegley noted that the total area of this plan is 38.8392 acres as defined by Mr. Hurley's engineer and as described on the Plan.

Mr. Kelso asked what is being proposed here. Mr. Hurley stated that only Lots 29, 30, and 31 are being talked about. Mr. Brehm stated that it is a four-lot subdivision with three building lots and one residual. He explained that this equals 38 acres, and that this is what the Plan says. Mr. Hurley said that that's not really what it is. He said that it is three lots plus 1-A and 1-B as one lot. Mr. Brehm asked Mr. Hurley if it was correct that he is creating a Lot 29 and 1-B. Mr. Mitchell asked from what this is being created. Mr. Brehm replied that it is from what was previously 1-B. He explained that Lot 1-B is being split off as Lot 29 and a remaining Lot 1-B, with two lots being created there. He noted that Lot 1-B is 6.8 acres, and that when this is added in, it is 38 acres. Mr. Mitchell asked if the three residual lots are from events that happened a long time ago. Mr. Hurley responded that the last one was in 2003. He stated that residual 1-A, 1-B, and 1-C are all one tax document. He said that all three of those parcels have one tax number. Mr. Fegley noted that they were the residuals from all the other subdivisions of the parent tract.

Mr. Kelso asked for some clarification. Mr. Hurley referred to the first sheet and explained that 1-A, 1-B, and 1-C used to be one 79-acre tax parcel. He further explained that 1-C is disappearing into two lots and that 1-B is half-disappearing into a 10-acre lot, with a partial left over. He further added that 1-A and 1-B left over, will stay together. Mr. Mitchell asked if the parcel that Mr. Hurley had described as one tax document will become four tax documents. Mr. Hurley responded that this was correct. Mr. Mitchell asked if it was correct that the four tax documents will be Lots 29, 30, and 31, and the combination of 1-B and 1-A. Mr. Hurley acknowledged that that was correct. Mr. Fegley explained that Waggoners Gap Road is not separating "A" from "B" as far as a parcel number. Mr. Hurley stated that Waggoners Gap Road is "non-existent" as far as the lot goes. At this point Mr. Brehm pointed out that there is a property line being shown along the road dividing the two. Mr. Hurley replied that this is a mistake that will have to be corrected.

Mr. Fegley asked if the reason those three areas are all one tax document is because at one time this whole area was one, and it has been whittled down over time. Mr. Hurley acknowledged that this was correct. Mr. Fegley asked if it was correct that even though they are separated by individual lots between them, as well as the highway, they are still part of what was the parent tract. Mr. Hurley responded, "Exactly." Mr. Fegley then asked if it was correct that the reason why the one residual parcel is called 1-C is because of a previous

subdivision that more or less separated it out from the rest. Again, Mr. Hurley acknowledged that this was correct. Mr. Fegley said that this could also be said for residual 1-B and the original 1-A. Mr. Hurley said that this plan has to be understood correctly, because another plan will be seen next month which will separate 1-A and 1-B further down.

Mr. Fegley asked Mr. Hurley why he is at this time asking for a Form-B Waiver for Lot 1-A. Mr. Hurley replied that he didn't know why a Form-B Waiver would be wanted for any of them. Mr. Fegley noted that he was looking at the Application. Mr. Hurley stated that he didn't understand Form-B Waivers and that he wasn't asking for that. He said that if Eric (Diffenbaugh) put that in there, he didn't understand it. Mr. Hurley said that his understanding of the Form-B is that it means no perpetual building, period. This was noted to be correct. Mr. Mitchell pointed out that that is the intention at this time. Mr. Hurley replied that there is no planning on it today, but there will be next month. Mr. Fegley asked Mr. Hurley if he was asking that the Township not proceed with the Form-B Waiver for Lot 1-A. Mr. Hurley answered, "I guess that's the way you do it." Mr. Fegley suggested that Mr. Hurley discuss this with Mr. Diffenbaugh to clear it up. Mr. Fegley commented on the trouble that can arise when a Form-B is signed-off on and then two months later the property is being asked as a buildable lot.

Mr. Kelso asked if this matter should be tabled to get these issues straightened out. He noted that the Application isn't right and that there is an incorrect property line. Mr. Fegley said that he didn't see why Mr. Brehm couldn't make his comments, but suggested that there should be "a plan that's a little more representative of the plan." Mr. Kelso stated that a decision won't be made tonight, and will have to wait until everything gets corrected. Mr. Fegley stated that now would be the time to hammer out any questions. Mr. Mitchell said that he wanted to know what is going on with the driveway.

Mr. Kelso asked Mr. Brehm to go through his comments. Mr. Brehm read through his memo of August 28, 2008. He stated that most of the comments are cleanup items.

The memo had three comments pertaining to Chapter 204-Zoning. Comment #2 states that a note shall be added to the plans indicating which lot or lots shall carry with it a right of further subdivision as well as the quota allocated to the parent tract pursuant to this section. Comment #3 states that the cartway contained on the pole of a flag lot shall be located at least six feet from any adjoining property line. The comment asks for verification that the driveway meets this requirement. Mr. Brehm pointed out that this is drafted very close to the property line. He asked that Mr. Diffenbaugh verify the dimension. Mr. Kelso asked if there is any issue with the 600-foot limitation. Mr. Brehm said he didn't think so. He explained that the pole on this lot is approximately 350 feet.

The memo had seventeen comments under Chapter 180-Subdivision and Land Development. Comment #1 notes that the Applicant has requested a waiver of the Preliminary Plan requirement. Mr. Brehm stated that the Plan has been reviewed as a Final Plan. Mr. Kelso pointed out that there have been four or five plans against this piece of ground. He asked Mr. Brehm when a Preliminary Plan would have to be put together. Mr. Brehm said that the Ordinance mentions that a Preliminary Plan is required when ten lots have been exceeded within the last five years. He stated, "We read the requirement and I'm not sure we understand exactly what that means." He again noted that the Plan has been reviewed as a Final. He suggested that this is something that Solicitor Allshouse may need to decide. Mr. Brehm said he thought that the number of lots Mr. Hurley has created has happened over a period longer than five years. He referred to the five-year limitation in the Ordinance and said, "I think it's ambiguous."

Comment #5 states that an existing gravel driveway is shown crossing Lot 31 and the lands of Railing, Rahal, and Adams, to other lands owned by Railing. The comment further states that if it is the intent to add another user to the driveway for Lot 31, the Township should consider notations and/or an easement be established for the driveway, and whether improvements should be made to the driveway as per Section 204-76.F of the Subdivision and Land Development Ordinance. Mr. Brehm explained that what is out there is an existing gravel access road that basically goes up through the woods and meanders off and on Mr. Hurley's property. He noted that it ends up on the Railing property to the east, and that Mr. Hurley could explain the history of it. Mr. Brehm said he didn't have any idea what the disposition of that is, or what the rights are, but stated that at a minimum, typically when something like that shows up when a subdivision

comes along, it should be pointed out on the subdivision so that lot buyers understand what is going on. He further noted that he didn't know what the intent is or if it will continue to be shared.

Mr. Brehm continued through his comments. Comment #6 states that the clear sight triangle at the driveway intersections should be provided. Comment #7 notes that the Township and S.E.O. should review and act on the D.E.P. Planning Waiver and the Non-Building Waiver.

Regarding the requested waiver, Mr. Brehm explained that a waiver is usually filed for any remaining land. He stated that it is "an administrative piece of paper" and that it's "no big deal" if it stays as part of the plan. Mr. Kelso noted that he may be back in next month with building lots on those. Mr. Brehm said that if Mr. Hurley wants this plan to proceed ahead of that plan, then the waivers should probably go with this plan. Mr. Kelso pointed out that there will be waivers going one month and the next month there will be another plan that will build on those lots. He noted that time will be required for the state and everybody else to process this stuff. He asked if that makes any sense. Mr. Brehm replied that that will be "up to them to decide." He stated, "I'm sure their paper's going to cross somewhere." Again pertaining to the waivers, Comment #8 mentions that the date of action by the Board of Supervisors has to be noted on the Plan.

Comment #9 points out that a Stormwater Management Plan is required for all subdivision plans and that a waiver of Section 180-25.D is required. Mr. Brehm stated that this waiver would be supported, if the request is made.

Comment #10 notes that an adequacy letter from the Cumberland County Conservation District is not required since earth disturbance activities associated with construction are anticipated to be less than 5.0 acres. The comment asks that a typical detail for erosion and sedimentation control be placed on the Plan. Comment #11 indicates that a grading plan is required for all subdivision plans, and that a waiver of Section 180-25.D is required. Comment #12 states that the Pennsylvania D.E.P. code number referencing the approval of the plan revision module should be noted on the plans.

Comment #13 states that a note shall be added to the plans indicating permitting requirements for wetlands or stream encroachment. Mr. Brehm explained that it appears that a wetlands study was done. He noted that this is primarily on Lots 1-B and 29. He pointed out that it is not known if there are wetlands on Lots 31 and 30. He said it doesn't appear that there would be. He explained that a note should be put on the plan stating that if wetlands are encountered, permits should be obtained for them. Mr. Brehm pointed out that Lots 30 and 31 are up in the mountain.

Comment #14 mentions that subdivisions proposing single-family detached dwelling units shall dedicate a minimum of 3,000 square feet per unit to recreational use or pay a fee in lieu of such dedication. Comment #16 states that easements should be provided along all water courses and drainageways. Mr. Brehm explained that this would primarily apply to Lot 1-B and Lot 29, which he said has a stream on it. He noted that wetlands are shown and that he didn't think there was a flood plain map there. He said that an easement is needed along that drainage "for sure."

Mr. Kelso asked if it was correct that there is no shared access and that all of these lots have access to the main road. Mr. Brehm answered that all of the lots have road frontage, but the question is what is going on with Lot 31, where it appears that an existing access is going to be shared. Mr. Kelso asked if anyone is using that now for a house back there. Mr. Hurley answered, "No." He stated that there are no recorded easements there and that it is just "an old mountain trail." He said that until Mr. Diffenbaugh did this plan, he wasn't sure that it crossed over the line where it does. He further stated that just as soon as this plan is approved, if it is, any part of that road that is on somebody else's property will be abandoned. Mr. Hurley also said that the road will be put back in "where it is supposed to be" and that "it will totally be on our property." Mr. Mitchell asked if an easement will be granted to the Railing property. Mr. Hurley replied that there will be no easement. Mr. Mitchell asked if the Railing parcel will then be landlocked. Mr. Hurley explained that this property is now accessed by way of around the Adams property. He referred to the drawings and provided some explanation. Mr. Kelso asked how the Bear and Garman properties will be accessed. Mr. Hurley replied that these properties have road frontage on the other end. Mr. Fegley asked if this access is off of Route 74 beyond the bar. Mr. Hurley acknowledged that this was correct. Mr. Hurley stated, "They don't

need to come in our way, but we have left them come in our way already.” He explained that this is just a matter of courtesy and is not an easement.

Mr. Mitchell asked, “Can we get a preview here of what the big picture here is?” Mr. Hurley asked what the “big picture” is. Mr. Mitchell referred to Mr. Hurley’s statement about another plan coming up shortly. Mr. Hurley stated that that plan really has nothing to do with this plan. He said that the primary concern for years has been sewage planning. He explained that as sewage planning of some sort is developed, then the lots are subdivided. He stated, “We’ve gone through an extensive sewage planning process.” Mr. Kelso referred to Lots 30, 31, and 29. He asked if these are on-lot septic or small flows. Mr. Hurley said that all of these sites have been spotted by soil scientists. Mr. Kelso asked if they have been approved for septic. Mr. Hurley replied, “Well, they will be.” Mr. Fegley noted that this is as opposed to a small flow treatment facility. Mr. Hurley acknowledged that this was correct. He added that there are two sites on every lot.

Mr. Kelso asked about any comments from Lester Brickner. Mr. Fegley said that Mr. Brickner’s only comment was that he had no comments. Mr. Kelso asked about any County comments. Mr. Bennett responded to this. He said that Mr. Brehm had covered all of the County concerns. Mr. Bennett said that the only remaining concern is the driveway. He stated that there should be some kind of marking to make sure that it is 6 feet, because if it is not, a non-conformity is going to be created. Mr. Bennett noted that when you get down by Waggoners Gap, it almost looks like it is abutting that property line. Mr. Hurley stated that when the driveway is reconstructed, it will be 20 feet over.

Mr. Kelso asked Mr. Hurley if he knows what he needs to do for next month. Mr. Hurley indicated that he did. Chairman Kelso suggested a motion to table.

Ronald Anderson moved to table this matter. Clifford Wolaver seconded. All votes were in favor, and the motion carried.

#08-07: Spring Road Family Practice, Preliminary Subdivision/Land Development, Zoned Highway-Commercial, 1.02 Acres, Expiration Date: December 1, 2008

From the agenda:

This project is located at 1921 Spring Road. This is a two-part plan:

- *Part I-Subdivision: The joining of two lots involving the elimination of a boundary line.*
- *Part II-Land Development: The Applicant is proposing to construct a 16-space parking area to be connected to an existing 17-space parking area.*

The Applicant is requesting three waivers:

- *Section 180-37-Construction of Sidewalks*
 - *Section 180-38-Construction of Curbs and Gutters*
 - *Section 180-82-Submission of E&S Plan to Cumberland County Conservation District*
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Mr. Fegley explained that this project is not a subdivision as much as it is a joining of two lots. He further explained that the second part of it is the land development plan which will involve the construction of a 16-space parking area to be connected to a 17-space parking area. He described the three waivers that have been requested in writing.

This matter was represented by Jennifer Garcia of Dawood Associates, and Dr. William Kauffman. Mr. Fegley described the documentation in the Commission members’ binders. He noted that Lester Brickner did not have any comments. Mr. Fegley pointed out that this project is located on a state highway and that no new driveway is being proposed. Regarding the comments from the Authority, Mr. Fegley noted that some concern is shown over the depth of the burial of the existing water and sewer service lines to 1921 Spring

Road. Mr. Fegley noted the two sets of comments from Brehm-Lebo, with one dated July 30, 2008 and the other dated August 28, 2008. Ms. Garcia requested a copy of the comments from Lee Koch.

Mr. Kelso asked Mr. Brehm about the two sets of comments. Mr. Brehm explained that an early sketch had been reviewed, and that the first memo is a recommendation on what to do with the plan. Mr. Fegley further explained that the July 30th memo represents comments after a sketch plan meeting, and that the August 28th memo is the review of the plan that is being looked at tonight.

Mr. Kelso asked Ms. Garcia if this is basically the joining of two lots. Ms. Garcia explained that the subdivision is just to take the two lots and join them into one lot. She explained that the one lot is where the existing Spring Road Family Practice is, while the other is a vacant lot where an old house was recently razed. She further explained that a consolidated deed had already been filed for those lots and it wasn't clear if it was one lot or not. She said that Mr. Brehm had recommended filing a subdivision to clean it up. She explained that the land development is just a 16-parking space addition to the existing parking area, which will go where the house had existed until a couple of months ago.

Mr. Kelso asked about the requested waiver for sidewalks. He asked if this is basically because there are no sidewalks along the road. Ms. Garcia commented:

There's no sidewalks along the road so we had asked for the waiver, and we included the note that you have in your ordinance that says that they would have to be constructed upon request within six months, and we have put that note on the plan also for the curbs and gutters. And then the waiver for the E&S; we've included an E&S plan, which is Sheets 5 and 6 of the plan set, and just because it's under an acre, generally the Conservation District doesn't require any permits for it so we're just asking for a waiver of having to send it to them. We have a plan, we just didn't see the need to take the extra step and send it to them when it's something they normally wouldn't need to review.

Mr. Kelso asked Mr. Fegley if the cut-off is one acre. Mr. Fegley suggested that Mr. Brehm answer this. Ms. Garcia said that it is one acre. Mr. Kelso asked if it was correct that this wouldn't need one. Mr. Brehm said that it would not, the way they have it drawn up here. He added that details should be put on the Plan for the contractor. He noted that they seem to have done this.

Mr. Mitchell asked how people get to the gravel area. Ms. Garcia explained that there is currently a shared driveway between the property and the frame dwelling to the north. She noted that it starts as macadam and then becomes gravel. She explained that it is currently used only by employees. Mr. Mitchell asked, "You're using their driveway to get access to your property?" Ms. Garcia replied that the property line is in the middle of that driveway so it is actually a shared driveway. She noted that it was the shared driveway for the house that existed on that lot. Mr. Fegley asked Ms. Garcia if there is an intention to abandon the parking area in the back. Ms. Garcia answered, "No." Mr. Fegley asked if the paved parking area is for patient parking only. Ms. Garcia stated that the 16 spaces in the front are for additional patient parking, while the employees will continue to use the gravel area. Mr. Fegley asked if this access will continue to be from the existing driveway that is being used. Ms. Garcia indicated that that was correct. She stated that there would be no access between the parking addition/existing parking lot and the gravel area. She added that the gravel area has a separate entrance and is not connected to the other parking area. Mr. Mitchell asked if there will actually be two exits within 60 feet of each other, with one being for employees and one for patients coming onto Route 34. Ms. Garcia referred to the property line and said that it is approximately 86 feet. Mr. Kelso asked for some clarification of where the unpaved lot is. Ms. Garcia pointed out a dashed line where the pavement switches to gravel.

Mr. Kelso asked Mr. Bennett for any County comments. Mr. Bennett read through a few County comments. He asked Ms. Garcia if a Highway Occupancy Permit is needed for this. Ms. Garcia stated that there are no improvements proposed within the right-of-way. She also said that the driveway for the family practice was permitted at the time of construction of the family practice. Mr. Bennett read through a few more comments.

Mr. Kelso again noted that Lester Brickner had no comments. Mr. Kelso then asked Mr. Brehm for his comments. Mr. Brehm referred to his memo of August 28, 2008 and said that he would just highlight a couple of things. Mr. Brehm said that his main question started with the gravel parking lot. He stated, "I guess I'll just

ask it, can someone tell us how that ended up being put there and when?" Ms. Garcia suggested that Dr. Kauffman respond to this. Dr. Kauffman came forward. He responded to Mr. Brehm's question:

We bought the property last fall from Mrs. Mentzer who owned that farm house that was torn down. Once we had the intentions of buying the property, we had been renting space behind the pizza shop from Mr. Kuhns, for a handsome some of money, so one of the reasons we wanted to purchase that property was just to have some expansion potential for parking and so forth. Mrs. Mentzer allowed us to take some of that dirt out and put some gravel in because we started parking over there with her permission before we ever owned the property, and a few rains and it got rather messy. So it was about a year ago that the gravel appeared, if that answers your question.

Mr. Brehm pointed out that he didn't know anything about it. He said that his only concern about that is that a parking lot has appeared there without any sort of review by the Township. He commented further:

Essentially now you've got a commercial use driveway shared with a residential driveway, although they were shared as two residential shares, and now it's commercial/residential. You probably ought to have that looked at by PennD.O.T. if in fact that driveway is going to continue to be used that way because there's...I don't know...I've looked in there. I've seen anywhere from 15-20 vehicles parked back in there, so there's some traffic.

Dr. Kauffman said that the maximum is about 15 cars. He noted that is "rather narrow at the end." He added that he didn't think they could get 20 cars in there. Mr. Brehm pointed out that there are a couple parked around the garage there. Dr. Kauffman acknowledged that that was true. Mr. Brehm commented further:

I had a lot of questions about that. We always get a little nervous when we see that sort of scenario happen with parking. And along those lines, it eventually may be improved even further, meaning being paved. There are requirements in the Ordinance for setbacks for paving and all sorts of things that haven't been looked at here at all; lighting, spaces being designated, landscaping, all sorts of issues that typically go with a parking lot and they're sort of enumerated in our comment list. We were interested in finding out if it had been permitted, and in that case then we have nothing to say about it, but it doesn't sound like it has been so the Township need to decide how they want to approach the parking. Obviously the gentleman has a need for it, which we can understand but these things eventually turn into paved parking lots or creep out a little further as they need a couple more spaces, and with that we have no stormwater that has been looked at for that; any grading. It's just kind of snaked back in between some residences. It's zoned properly, but we have concerns about where that's all headed. I'm not sure I have the answers to that.

Mr. Kelso asked if the road was originally put in there for residences. Mr. Brehm said he would assume that was the case. Mr. Kelso asked if what has happened is that they started using it but it is not known if anyone has looked at it in terms of a commercial use. He asked Mr. Brehm if that was what he was saying. Mr. Brehm stated, "I'm certain that no one has looked at it." Mr. Fegley stated, "I can tell you it wasn't." Mr. Kelso asked if it should be. Mr. Mitchell asked Dr. Kauffman if this had been a residential lot until the family practice had moved in and Mrs. Mentzer just decided to be a nice sport and let people park there. Dr. Kauffman replied, "Exactly." Mr. Mitchell said he believed Mr. Brehm's point was that the Township should weigh-in on that. Mr. Brehm pointed out that the driveway that was there before was classified as a minimum-use driveway for residences and now it's a low-volume driveway for a commercial use and would require a permit typically.

Mr. Fegley asked Ms. Garcia if it would be possible, if it were her wish, to propose maybe a service road back to that parking area other than what is there now, and possibly join it off the corner of the proposed driveway. Mr. Fegley asked if this would be acceptable to get back there to avoid all of that so it is not a question of commercial/residential. Ms. Garcia asked if the employees would be required to use this permitted driveway in front. Mr. Fegley suggested that the employees could come in the entrance that is being used now rather than the lane. Ms. Garcia said she believed a way could be found to get back there. Mr. Bennett suggested the possibility of eliminating two parking spots and putting in a connector that would connect to the gravel parking lot. Mr. Fegley said he believed that what the concern is is separating business from residential as far as the use of that lane. He asked Mr. Brehm if this was correct. Mr. Brehm responded to Mr. Fegley:

That's a part of it. The parking lot itself has issues. They can fit those cars in now, but if they comply with the setback which is 10 feet, they're losing most of that parking lot. So, I'm not making that call. We're pointing out that there is a zoning violation, so if they want to do that, that idea sounds good to keep the internal traffic internal, but if this thing is done by the book, they may need variances to actually have that parking lot exist there. They're sort of like one thing is leading to another.

Solicitor Allshouse also commented:

Given the problems that this Township has had in the last year on stormwater issues, if the stormwater and the grading haven't been looked at with the gravel that's there, I think now is the time to get them looked at, and you sort of say no harm no foul for what's been there, but...if the family practice ever left and sold the place...we'll give you guys the benefit of the doubt...in three or four years someone comes in and says hey it's been a parking lot for three or four years, it's already impervious. I just need a permit to pave it now. And then you've got a problem with four residences that are around the outside and the Township says we never had stormwater or grading done on that. And we've spent, as a Township, thousands of dollars on other properties around the Township trying to fix those problems because they weren't done or well planned when they went through the first time.

Mr. Wolaver noted that Part 1 can be done, but more information is needed for Part 2. Mr. Kelso said that the two lots can be put together. Mr. Brehm acknowledged that this is the easy part. He made a recommendation to Ms. Garcia:

I think maybe a meeting of the minds might be the way to go with Paul and us and your client to make sure everybody understands what it is the Township is looking for and what obstacles you may have to overcome so you can decide which direction you want to go there.

Mr. Brehm said he thought that the history of the site is that this is where the supermarket used to be. Ms. Garcia confirmed that the family practice is located where the supermarket used to be. Mr. Brehm noted that historically that part of the property was pretty much covered and paved. Dr. Kauffman stated that there is more grass there now than when the property was purchased. Ms. Garcia mentioned that her office has the stormwater report from the original family practice. She explained that the impervious area has actually decreased from when the supermarket was there. She added that there was no increase in stormwater so there were no stormwater measures needed. Mr. Allshouse said he felt that what is proposed is easily done, but more information is needed so there aren't problems down the road. He suggested that some more information and a couple more steps may be needed to accomplish this. He also said that the developer's meeting is a good way to get a game plan for everybody so that it can be done quickly.

Mr. Brehm said he didn't think that anything exotic is being looked for stormwater-wise. He pointed out that they may have to get a variance to have the parking the way it is. Mr. Brehm said his biggest concern is the water with respect to neighboring properties and which direction it is going to go. He added that he fully anticipates that the parking lot will be paved at some point. Mr. Wolaver asked if PennD.O.T. will have to be involved. Mr. Brehm noted that this is another issue. He suggested waiting to see what the Applicants wish to do with their driveway and their crossover access. He said that if they want to use the driveway that they have there, he would recommend that the Township have PennD.O.T. say that that's okay. Mr. Brehm referred to the safety issue. He noted that if there were to be an incident there, the first thing the lawyers would be looking for is the permits. He pointed out that Dr. Kauffman doesn't want anybody to get hurt there either.

Mr. Kelso asked for any other questions. None were offered. Mr. Kelso suggested that this matter be tabled until the meeting can be held.

Ronald Anderson moved to table this matter. Bradley Mitchell seconded. All votes were in favor, and the motion carried.

Handout: Cumberland County Agricultural Farm Tours

Mr. Fegley briefly described a handout that had been provided to the Commission members. The handout pertained to tours of several local farms.

Prior to adjournment, Mr. Kelso had some comments on the Comprehensive Plan:

Just one comment about the Comprehensive Plan. We met; we did some work on the future land use mapping the other day. We should get those maps back pretty soon. We're not going to meet this month. One of the things is, we'll probably meet in October then. This thing needs to be processed by the end of the year.

At this point Mr. Bennett explained that there is a County deadline for funding. Mr. Kelso continued:

So the way it looks like it's going to fall out, at the next meeting we have here, I should be able to give you, everybody, a draft of what it looks like. It's the same draft the Supervisors will get, and has the future land use. In November we're probably going to have to hold a public hearing on this. As part of our meeting, we have to review it, so you will have the document for a month, and then we'll basically make recommendations to the Board of Supervisors. After our meeting, and we make the recommendations, it's going to be a little bit awkward. The committee is going to probably hold one more public meeting with everybody else, so our recommendations will probably be made before that, and that's going to be the meeting where everybody is going to come in and say they would sooner have it this or that, and that type of thing. And then from that public meeting that the committee has, or the steering group, and then the Supervisors will probably act on it then in the beginning of December.

Mr. Bennett mentioned that this also has to go the County Planning Commission. He said this would be in October. Mr. Kelso again explained that the Commission members will get a draft of this, and have a month to look at it before making a recommendation to the Supervisors. Mr. Kelso continued:

Now the way we did the last one, is that at the last big meeting we had, when people come in and we basically listed the issues people had with it, and the last time members of the steering group actually went out and looked at each piece of ground and the steering group made a recommendation to the Supervisors pretty much for everybody that had an issue especially, because everybody is interested in the map; what the map is, not so much the wording of it or anything. So, probably the steering group, as well as the Planning Commission Recommendations, also County recommendations, any surrounding townships, so all of that stuff will be going up and reviewed at one time. So that's where we stand with that right now.

Adjournment

Chairman Kelso asked for any further business. None was offered.

With no further business before the Commission at this time, Ronald Anderson made a motion to adjourn. This was seconded by Bradley Mitchell, and the meeting adjourned at 7:58 p.m.

Respectfully Submitted,

Pat McDowell
Secretary
North Middleton Township
Planning Commission

Michael S. Medvid
Recording Secretary