

EAST PENNSBORO TOWNSHIP
PLANNING COMMISSION

Regular Meeting-----FEBRUARY 13, 2019

The monthly meeting of the East Pennsboro Township Planning Commission was held Thursday, FEBRUARY 13, 2020 in the Township Community and Municipal Building, 98 South Enola Drive, Enola, PA.

Those present were: William Case, Sam Pool, Corey Bray, Jeremy Smith and Tim Diehl, members of the Planning Commission, Dearan Quigley, Director Housing & Community Development, Erik Owen, Fire Chief,

Corey Bray chaired the meeting and called the meeting to order at 7:00 PM.

APPROVAL OF MINUTES: *MOTION to approve the minutes from the December 13, 2019 meeting 1st by: Bill Case 2nd by: Sam Pool.

The second item on the agenda Public Comment for Non-Agenda Items (Limit 3 minutes/person).

No comments

NEW BUSINESS

**The first item under new business was a Presentation by Advantage Engineering, on behalf of Trask Family properties. Preliminary/Final Land Development Plan—400 & 402 East Penn Drive
Proposed Land Use: Dental Office/Ambulance Center
Commercial-Limited (CL) Zoning District
4.56 Acres
Tax Parcel Number: 09-14-0835-004
Time Expires: March 30, 2020**

Dave Weihbrecht, Advantage Engineering Services presented the plan again and stated he met with Township staff and went thru each outstanding remaining comments/issues. He stated that he just needs to add a couple notes and he is ready for an approval this evening.

Tim Diehl asked if there was a letter from Township Staff that addresses the comments? Dearan Quigley stated yes, the current plan at this point has been reviewed by staff and there are a couple outstanding items. He stated that another plan was going to be drawn in case the Planning Commission had any other comments and all the items would be resolved before it goes to the

Board of Commissioners. The recommendation of Consultant Engineer, Jared Hockenberry, is that of a conditional approval.

Mr. Weihbrecht stated that the only item the Planning Commission board had asked him to do was to add a landscape berm to the residential home closest to the property. And he stated this is on the plan as asked.

Sam Pool asked Dearan Quigley what are the outstanding items? Dearan showed the Planning Commission the outstanding items (from Jared Hockenberry) on the overhead with a majority of them being addressed.

Tim Diehl asked if the stormwater comments have been addressed? Dearan stated it does appear to be. He also inquired if zoning determines that the landscaping along the frontage meets the buffering requirements?

Dearan stated that it looks like the screening shown on the plan will be effective. He stated that the major outstanding zoning issues is the lighting. There were two places that exceeded .5-foot candles of the property line and Mr. Weihbrecht stated he would address that on the new plan.

Jeremy Smith inquired about the dumpster area. He asked if it is concrete and if he has a detail that shows what that concrete needs to be? Mr. Weihbrecht stated no he does not but it is a standard detail. Jeremy asked if he could put something on the plan that covers that? Mr. Weihbrecht stated he would.

The fifth item on the agenda was MOTION to recommend approval of Preliminary/Final Land Development Plan for the Trask Family Properties.

MOTION: Tim Diehl made a motion to conditionally approve the plan, pending the applicator agreeing to address all outstanding Staff, County comments as applicable. 2nd by: Sam Pool

**The sixth item on the agenda was Presentation by Melham Associates, PC, on behalf of Frankie Rivera & Pamela J. Brown
Minor Subdivision- 1590 Holtz Road, Enola, PA 17025
Proposed Use: Residential
Residential-Conservation (R-C) Zoning District
7.32 Acres
Tax Parcel Number: 09-11-3010-011
Time Expires: March 30, 2020**

John Melham, from Melham Associates presented the plan to the Board. He stated the first lot of a subdivision that was presented before you a few years ago. Frankie Rivera and Pamela Brown own lot #1, and this lot straddles the line between East Pennsboro and Hampden Township. They

wish to convey 2/3 of an acre to another resident for the reason of expanding his home and rebuilding his septic system. Hampden Township has given their conditional approval. He stated that his staff has addressed the comments that Township Staff had.

Corey Bray asked to review the plan on the screen. He stated that the slope plan shows slopes greater than 25% below the 6-10 contour. He stated that on the plan it shows a bunch of grading below the 610 contour, which the ordinance specifically states that slopes in excess of 25% cannot be touched for any reason. He asked to pull the grades out of the over 25% slope.

Mr. Melham stated that if you are asking us to move the house, we are not going to do it.

Corey stated that I am bringing up the concern that the Ordinance does not allow grading in slopes greater than 25%. He stated that he pulled the Zoning Ordinance, and in § 27-6051.d states: that land with slopes with 25% or greater shall not be graded and shall remain in its natural state except that natural vegetation may only be supplemented....

Mr. Melham stated that he feels that we should let this up to the owners to discuss with you when they take out their building permit. He said they put their house exactly where they want it. They did request an exit from their basement, which causes the grading. He went on to say that if they need to build a retaining wall or forgo the basement that is beyond his pay grade and it between them and you.

Jeremy Smith asked Dearan when someone comes in for a Building Permit; do you also issue a Zoning Permit at that time? Dearan stated yes, we do and there is actually two parts to this. The section that Corey was talking about does require that the Planning Commission and the Board of Commissioners weigh in on all Building Plans in that specific area. That is the reason why the house has been added to this plan so that we did not have to go thru that process the second time. He went on to say that if there were not any other good way than to disturb those 25% slopes, it would become the determination of the Zoning Officer.

Corey Bray stated that another concern of his was that according to §27-605.1E, states that on lots between 3-10 acres, you are allowed to grade areas on that site up to your lot area divided by 30 plus ½ an acre. He said he did the math, and on lot 1 you are allowed to grade .718 acres. He said that the way he understands this, is that the total area of all grading and clearing on a lot for buildings, driveways, parking areas, yards, walls and accessory structures shall conform to these requirements. He asked the Township to look to see how close they are to the .72 acres on that lot. He stated he is concerned that this section of the Ordinance is cumulative number for the lot. The intention of the Ordinance is to conserve and preserve this mountain area.

He asked the Township (Dearan) does the Ordinance take into consideration what has already been graded or cleared before they built their house? Dearan stated that it appears that this requirement went into effect in 2007, he stated that it was intended to deal with construction subsequent to that.

Corey stated that he feels that the plan needs to be revised to eliminate grading in the 25% to conform to Zoning or they need a Zoning Variance.

Dearan stated that there would be potentially two motions on this plan. The first would be if whether or not the Subdivision should be permitted, and the second would be the approval of the plan in conformance with §27-605C.

John Melham stated that they only disturbance on this property is what we are doing and that is under that .71 acre. The old disturbance, Victory Lane, has been there for generations and we did not disturb it. The only disturbance we are creating has the County approval for the E & S Plan.

1st MOTION: was made by Sam Pool to recommend approval of the Subdivision Plan, 1590 Holtz Road, Enola, PA including the waiver of SALDO section 22-506.E (5) F CURBS as well as SALDO section 22-507 SIDEWALKS. **2nd By:** Tim Diehl.

2nd MOTION: was made by Jeremy Smith to recommend approval of the Site Development Plan, subject to staff, specifically the Zoning Officer, addressing §27-605.1(D) and §27-605.1(E) of the Zoning Ordinance, in compliance with §27-605.1(C) **2nd By:** Sam Pool.

Old Business:

Medical Marijuana Ordinance: **MOTION** was made by Tim Diehl to recommend approval of the Medical Marijuana Ordinance and pass it along to the Board of Commissioners. **2nd by:** Bill Case

Lastly, a **MOTION** was made by Tim Diehl to enact a requirement that when a revised plan is submitted the developer signs a statement or form that clearly state the initial plan has been withdrawn from consideration and the new plan supersedes the withdrawn plan and no new land development fees to be collected. **2nd By:** Sam Pool.

**Meeting was adjourned at 8:30 PM
Respectfully submitted,
Amy J. Graybill
Recording Secretary

The next meeting is scheduled for Thursday, March 12, 2020