

**MINUTES  
NORTH LEBANON TOWNSHIP  
PLANNING COMMISSION  
FEBRUARY 11, 2008**

The regularly scheduled Planning Commission meeting of North Lebanon Township was held at the North Lebanon Township Municipal Building, at 725 Kimmerlings Road, Lebanon PA, at 7:00 PM. The following Commission members were present:

Darlene Martin .....	Member
William Tice .....	Member
A. Bruce Sattazahn .....	Member
Charles Allwein .....	Member
Cheri F. Grumbine .....	Twp Manager

Also in attendance at this meeting were several members of the public.

**7:00 PM -- CALL TO ORDER / PLEDGE TO FLAG**

**MEETING MINUTES APPROVAL**

**MOTION** was made and seconded to approve the minutes of January 14, 2008. Unanimously carried.

**ACTIVE PLANS FOR REVIEW AND RECOMMENDATION TO BOARD**

**A.) Marlins Auto Diagnostic Final Land Dev Pl**

Location/Zoned: Suzy St/Ind

Submission Date: 10-15-07

Chad Smith, of Steckbeck Engineering, was present as well as Marlin Champ, developer. Chp Martin referred the Commission members to a copy of a letter from Lebanon County Planning and a Memo from Sheila Wartluft on behalf of the Municipal Authority. County has indicated they are satisfied with all the issues being completed and are recommending approval of the plan. The Municipal Authority will review the plan on Thursday night at their regular meeting. A developer's agreement, which is being prepared by Sol Wolf, will be required by the Authority. Payment of any outstanding invoices will also be required before forwarding to the Supervisors for approval.

The Commission members looked the plan over and discussed the water connection issue which had been taken before the Supervisors. Mgr Grumbine stated there is a note placed on the plan about the extension of the timeframe on the bonding for the street cut permit. It will be extended for the length of the moratorium for Suzy Street. Another requirement will be the use of flowable fill for restoration of the street instead of crushed stone. These notations are listed under standard details on the plan. Chp Martin asked Chad Smith if there might be anything he wanted to add to the discussion. Smith indicated that the Commission had covered all the details unless the Commission had any questions.

**MOTION** was made and seconded to recommend approval of the Marlins Auto Diagnostic Final Land Dev Plan. Unanimously carried.

Chp Martin stated the plan will go to the Board of Supervisors for approval after Thursday night's Municipal Authority meeting.

**PLANS ON HOLD WITH LCPD**

**A.) Brooke LP Subd Pl**

Location/ Zoned: Sandhill Rd/Beta Ave

Submission Date: 1-26-07

There are still fees unpaid for the Municipal Authority on this submission.

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**B.) Evelina/ Robert Krall Subd (5 lots)**

Location/Zoned: Narrows Drive/Ind

Submission Date: 2-26-07

There has been nothing new on the Krall plan.

**C.) Grosfillex Prelim Subd Pl**

Location/Zoned: Narrows Dr/Ind

Submission Date: 3-05-07

The Municipal Authority is requiring a strongwaste application and there is also an issue with the Conservation District that the Engineer is working on.

**D.) Craig/Carrie Machamer Min Subd (lot add)/ Land Dev**

Location/Zoned: Weavertown Rd/RR

Submission Date: 3-05-07

Revised plans were received on January 25, 2008. A copy of the General Purpose permit is needed for the files. A comment letter to LCPD dated 2-07-08 is provided for the Commission to review. Chp Martin stated the developer is working on resolving the comments listed.

Member Sattazahn asked about the water problems in this area. Last week when there had been heavy rains, he noticed about 1/3 of the lot had been under water. Mgr Grumbine replied she was aware of it and Ed Brensinger had taken a few pictures for the County Engineer. Chad Smith, of Steckbeck Engineering, said this is one of their projects. The stormwater is being directed to the creek area to the rear of the property. This is an issue they are still working on resolving as the front of the lot is lower than the creek they are directing the stormwater to.

**E.) Pierre/Eleanor Maeder Minor Subd Pl**

Location/Zoned: Tunnel Hill Rd/R-1

Submission Date: 3-06-07

There has been little change with this submission.

**F.) George W / Marian L. Heist Final Subd Pl (lot Add)**

Location/Zoned: Old Ebenezer &amp; Tunnel Hill Rd/C2A

Submission Date: 4-02-07

Mgr Grumbine explained the agreement had been completed and then some revisions to the plan had been made. As a result of the revisions the agreement must now also be revised. Sol Wolf is working on this agreement, as the original invoice for these fees were paid today by the developer.

**G.) Holiday Inn Express Final Subd/Land Dev Pl**

Location/Zoned: E Cumberland St

Submission Date: 7-20-07

There are outstanding fees and a developer's agreement needed for the Authority. A comment list of issues to be addressed has been provided for the Commission to review.

**H.) Herman/Patricia Dundore Minor Final Subd**Location/Zoned: N 4<sup>th</sup> Ave & E Canal St

Submission Date: 8-28-07

This plan has a list of issues to address before it is ready for a recommendation from the Planning Commission.

**I.) Crossings @ Sweet Briar Prelim Subd**

Location/Zoned: Kimmerlings &amp; Mt Zion Rd

Submission Date: 10-03-07

Scott Miller of Stackhouse Bensinger is present to discuss several issues pertaining to this age-restricted community being proposed. Also present were Cliff Weaver and Paul Zimmerman of Landmark Builders. Scott reminded the Commission they had asked several questions of him at the last meeting.

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**Crossings @ Sweet Briar Prelim Subd (con't)**

One of the issues was the proposed cul-de-sac area at the northwest end of the development. The Commission had asked Scott to try to eliminate the cul-de-sac and see what impact it would have on the development. Scott showed the Commission his concept drawing of the road being continuous, with no cul-de-sac. In order to achieve this, the leveling area requirements at the intersection would have to be waived. County regulations require a 4% grade and this particular design will require a 5.5 % grade. Scott Miller told the Commission this % is still within the safety range, in his opinion. The rear or backyards of the existing lots along Kimmerlings Rd was questioned. Miller stated a preliminary grading plan shows the grading to be at 6' while contouring to a slope. There will not be a retaining wall needed, stated Scott Miller. Chp Martin questioned if it would be a grassy slope. Miller replied it would probably be a landscaped slope. Matting and planting materials will probably be required as a stabilizer. Scott again said this design would be dependent on the Twp and County agreeing to the waiver of the leveling area at the intersection.

Audrey Zellers, who lives on Kimmerlings Rd, asked if the proposed rear yards would be higher than her existing yard. Scott told her the yards being proposed are lower than the existing yards of the properties that front Kimmerlings Road.

Scott told the Commission this would leave one cul-de-sac and a loop road. He referred to a question at the meeting last month about the length of the loop road. It measures approximately 490'. Scott stated they are required to provide a 100' radius, which can be provided.

Scott then told the Commission he has a revised list of waivers that will be requested for the overall project and provided a copy for the members. He told the Commission they are looking to them for a recommendation to the County and Supervisors for all the listed waivers.

The next item he wished to discuss is the Zoning Amendment request that is in regards to an age-restricted community and the text amendment to the North Lebanon Twp Zoning Ordinance. The age restriction would read at 55 and older. Scott explained the Ordinance would not change the zoning greatly. It would allow smaller lot designs to maximize the number of lots and still create open space areas. Scott repeated that he is asking for a recommendation on this Zoning Ordinance.

Member Sattazahn questioned item #6 on the list regarding private streets. He said it was his impression there was not a waiver needed for this. Scott Miller stated that the documents requiring ownership and maintenance issues are required by the Twp. At the time he was not sure if the homeowners' documentation would be compliant. However it appears this documentation will be in order. He felt he wanted to cover all his bases.

Another request forwarded to the County and the Twp planning staff was in regards to the traffic and impact study. They offered to conduct traffic studies on the 5 intersections adjacent to the development and traffic data counts on the remaining intersections. The phasing of the development has also been requested. Phase 2 will require permits from the Army Corps of Engineers and Dept of Wildlife. Scott told the Commission they would like to develop the project in phases that would eliminate this process first. Chp Martin asked about the length of time between the phases. Mgr Grumbine agreed with Scott that is kind of an unknown due to outside factors such as the economy.

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**Crossings @ Sweet Briar Prelim Subd (con't)**

Member Sattazahn mentioned that if the development is done in phases and the connecting street is only to be completed last, that means there is only one way for travel in and out of the development for awhile. He asked Darlene if she has a problem with this suggestion. She stated she did not. Chp Martin asked Scott about the commercial lots. He replied they have not really looked at them as of yet. One will be the community center and 2 other commercial lots.

Scott explained he would like to get Preliminary approval of the overall plan, which contains all the engineering plans for the development. Then come back for Final approval in phases and provide the financial issues in the phases. There was some discussion about the bonding of the road and the completion of connecting the through street.

Mgr Grumbine clarified for the Planning Commission members that the required bonding is not completed during the Preliminary process. It is done as the phases are submitted for Final approvals. Member Sattazahn said he has a concern about the connecting road not being completed in a timely fashion. Chp Martin said she does not think that the connecting road could be submitted first for Phase 1. Mgr Grumbine asked, why not. Darlene said he could not have all the permits he needs for that submission to happen. Scott Miller stated the permits will not be an issue. They will be provided when the approvals for Preliminary plan approval are requested. The economics of the crossings will be the issue. Member Sattazahn questioned if there could be a timeframe attached to the approval of the connecting street. He is concerned about granting an open ended approval.

Chp Martin explained the opening for the road cannot be cut without completing the improvements, such as stormwater, sewer and water. Chp Martin asked what is the guarantee that the rest of the development will be finished. Cliff Weaver of Landmark Builders explained that typically when phasing the development there are procedures to follow for the completion of the overall plan. Darlene said what happens if a phase is sold to a different developer. Cliff said they, a new owner, would have to work with the Twp to get that particular phase approved. He then said it is not their intent to sell any of the phases. Darlene mentioned the fact that once Landmark has money invested in the plan it is to their benefit to proceed until completion. Weaver said the Twp has the control of the plan no matter who is developing the phase.

Mgr Grumbine questioned if there was any way to complete enough developing of lots that it would be feasible to complete construction of the road within the first phase. She is in agreement with Member Sattazahn that the completion of the through street is important. There are many situations similar to this that she can think of and it was a long time until the road is actually connected. Weaver stated there are only 30 lots that will be affected by the road not being completed. Chp Martin questioned how many phases are being considered. Weaver said it would probably be 4 phases. Member Sattazahn said he feels the completion of the connecting road should definitely be a part of Phase 2. Weaver agreed it could be a part of that phase. Scott Miller showed the Commission, on the plan, the different areas they are looking at as being a phase.

Chp Martin mentioned consideration of completing the lots located along the road and the connecting road as a priority. Scott said it would be dependent upon the stormwater designs. Darlene then said that the completion of the road ties in with the developing of all the utilities and the stormwater, which is the major funding portion of developing. At this point Chp Martin asked her fellow members for their opinions.

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**Crossings @ Sweet Briar Prelim Subd (con't)**

Scott proposed posting financial guarantees for the completion of the connecting road without completing the construction of the road. That way the financial arrangements are being held by the Twp and should Landmark for some reason drop out of the picture the financial part remains with the Twp for completion of the project. The Commission members felt this might be a workable option. Chp Martin asked about an established timeframe for completion. Scott Miller stated it would be whatever timeframe the Twp determines it should be. Mgr Grumbine stated, for her, it raises more questions. Does the bonding cover the road, does it cover the utilities or does it cover the curbing and all that goes with the road? Scott replied a look at the required improvements would need to be done and see what makes logical sense. A review of what is absolutely necessary regarding improvements when submitting phase 1 and then post financial arrangements at that time. Phase 1 would be limited developing and temporary grading and swale work would be completed. Scott said that they would come back later and complete the road connection work when it is time to move on to the next phase.

Member Allwein said he is concerned about the road not being completed for connection. If there is going to be a limited number of homes constructed and financial arrangements are in place to complete the road within a determined amount of time, he feels that would be more acceptable. Chp Martin asked for a definite number of homes within Phase 1. Scott counted the lots and replied there are 60 homes in Phase 1.

RECOMMENDATION from the Planning Commission is that a 2-year period, from the recording date, be established for completion of the connecting road and documentation be included with Phase one.

Scott Miller asked the Commission about the waivers being requested. He asked if there were any questions he could answer and stressed how important it was to get answers so he can keep this project moving along. The other issue that is important is the zoning amendment on the age restricted community for the R-2 Zoning being requested. Chp Martin asked the Commission if anyone had questions or concerns about the zoning amendment pertaining to the age restricted community. Member Allwein said he was curious how the restriction of 55 years is controlled. Scott Miller replied that is a Federal law. Member Allwein repeated how is that controlled. Cliff Weaver explained the realtor is aware of the age restriction and the Homeowners Association has approval of the prospective home buyers. The Assoc is also responsible for handling of any other deed restrictions. Member Allwein said he is more concerned about a re-sale of the property and how it is controlled at that time. Weaver explained that between the management and the association, the age restriction is controlled.

Member Allwein questioned the proposed Ordinance that was provided to the Twp regarding Age Restricted Developments. His question is the intent of this Ordinance. Would the restrictions pertain to all the Twp, not just this one area being constructed by Landmark? Scott Miller agreed it would pertain to all the Twp. Allwein then questioned the mention of an Emergency drive NOT being designed to Twp street standards. Is this in reference to the width of the street? Miller said originally an Emergency access was shown on the plan due to the cul-de-sac. Now that it appears the cul-de-sac is being eliminated, the Emergency access will not be necessary. It is possible that section may be stricken from the Ordinance. Allwein next questioned the lot area sizes listed for cluster-design versus the non-cluster design. Miller explained that due to the footprint of the design, a smaller area for maintenance is desired.

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**Crossings @ Sweet Briar Prelim Subd (con't)**

Member Allwein stated he also has a major concern about the setbacks listed in the proposed Ordinance, particularly the side setback of 7.5 feet. Member Martin said she is not too concerned because this design is for older people who do not want a lot of maintenance. If these were homes for people who have small children, it might make a difference. Member Allwein stated he still has some concern about the 7.5 foot setback, especially if materials need to be delivered to a backyard. Chp Martin asked the Commission members for their opinion on the Ordinance for age-restricted communities. None of the other members had any questions or concerns.

RECOMMENDATION to approve the age-restricted community Ordinance was made by the Planning Commission.

Scott Miller asked Mgr Grumbine if she would relay the recommendations from the Planning Commission to the Supervisors and Lebanon County Planning. Mgr Grumbine indicated she would share the recommendations and discuss with both the Supervisors and County Planning. She also agreed to contact Landmark to inform them of the outcome from the discussions. Scott stated that once he knows about any decision he would then clean up the plan for submission.

Chp Martin asked the Commission if they have any concerns about the leveling grade at the intersection as opposed to the cul-de-sac design. Member Sattazahn asked how many feet are included in the cul-de-sac design. He was told approximately 490 feet. Chp Martin again asked for questions or concerns. It was decided to discuss each waiver request one at a time.

1. Cul-de-Sac Design (involves 28 units) - Mgr Grumbine stated she did not think the number of units on the cul-de-sac in Briar Lake was as high as 28. Scott stated he feels the loop road in the same area will be an advantage to the cul-de-sac and will add some safety to the design. Member Allwein questioned the distance from the intersection to the curved area. Scott replied it is about 200 feet. Scott mentioned the Twp regulations regarding a snow removal area in a cul-de-sac design. He indicated an area he felt would be appropriate for this purpose. Member Sattazahn questioned the restrictions on parking in the street for this cul-de-sac area. Scott Miller replied parking will be restricted from parking on both sides of the street.

RECOMMENDATION from Planning Commission to approve the cul-de-sac waiver.

2. Lot Depth to Width - Scott explained this waiver pertains to only certain lots that have an odd configuration and cannot meet the requirements. He pointed out to the members some of the lots in question.

3. Flag Lots - Member Sattazahn questioned if there are only 2 flag lots. Scott agreed and said these lots will actually have the best views. With the elimination of the original proposed cul-de-sac, it opens these areas for use and the grading dictates flag lots.

RECOMMENDATION for approval of the flag lot waiver was made by the Planning Commission.

4. Street Intersections being at right angles for at least 100' from point of cartway intersection- Scott told the Commission he does not have these intersections on the concept drawing.

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**Crossings @ Sweet Briar Prelim Subd (con't)**

However he guaranteed the Commission that there is adequate sight distance at these intersections. All the other roads are according to Twp design specifications stated Scott.

RECOMMENDATION from the Planning Commission was to approve this waiver as long as there is adequate sight distance.

5. Sidewalks – This development proposes a 5' wide walking trail through the development. Therefore the sidewalk requirements are being asked for a waiver. Scott said he has a preliminary layout of the walking path but has not completed the final until he receives a final approval of the grading issues. Member Sattazahn questioned whose responsibility it is to maintain the walking path when there is snow or ice. This is the main means of walking so it would need to be maintained also. Cliff Weaver replied the Association is responsible for all the open spaces within the development. Member Sattazahn expressed his desire to see the location of the walking path before he agrees to this waiver.

RECOMMEDATION from the Planning Commission was to see the location of the proposed walking path (in lieu of sidewalks) before making a decision on this waiver.

6. Private Streets - Scott informed the Planning Commission that Landmark has agreed to be the Homeowners Association until an Association is established for the development.

7. Leveling Area @ Street Intersections - In order to eliminate the cul-de-sac a leveling area of 5.5%, as opposed to the 4% requirement, at the intersections is needed. Member Sattazahn asked Mgr Grumbine if the 4% is a Twp requirement, as Scott had said the 5.5% is still a safe percentage. Scott and Cheri both agreed it is a County requirement. Scott stated he could provide documentation that a 5% grade is acceptable and safe.

RECOMMENDATION for a waiver from the leveling area at the street intersection was agreed to by the Planning Commission.

Scott Miller thanked the Commission for their time and cooperation this evening. Due to the amount of discussion held tonight he will be able to move forward with the revisions and get it back to the Twp for review. He also mentioned the Zoning Amendment request that will be heard at the Public Hearing on Monday evening.

Mgr Grumbine told Scott she will be in touch with County Planning. Some of these waivers are County regulations not Twp. The Board of Supervisors will only make a decision after they have a recommendation from both County Planning and the Planning Commission on these requested waivers.

**ITEMS FOR COMMENT & DISCUSSION****A.) T-Mobile and Kochenderfer Church**

The ZHB will be hearing the telecommunication application from T-Mobile and Kochenderfer's Church. The hearing is here at the Twp building on February 12 at 7:30PM.

**B.) Oath of Office – Darlene, Bill Smeltzer**

Darlene stated she still has her form to complete and will take care of it this week.

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**C.) 2007 Zoning Administration Report - LCPD**

This is a summary report from Lebanon County Planning in regards to the permits issued from them for the year of 2007. This is merely an informational report for the Commission's review.

**COMMENTS FROM MEMBERS****A.) Darlene Martin – Attendance at the Zidik Zoning Hearing**

Darlene reported she had attended the ZHB meeting regarding Zidik's request to waive the requirement for length of a driveway on the Mechanic St property. She told the Commission members that the Zoning Hearing Board approved the variance from 150' to 80'. She said she was told the Recommendation from the Planning Commission could not be a factor due to the fact the Commission did not have all the information needed to make a recommendation.

A State permit had been provided for entry onto this property. At the end of the year when Zidik tried to renew the permit, the State withdrew their permit approval. He had no driveway after investing all his money in these plans. Due to wetland areas in a portion of the property, the only option Zidik had was the one he presented to the ZHB. Based on that information the ZHB approved his variance request. Another fact that was explained was that the sight distance was able to be met. Darlene told the Commission members Bob Gearhart, of Matthew & Hockley Assoc, told her that he would like to be present from now on when they discuss a recommendation to the Zoning Hearing Board during their meeting. That way he is assured the Commission will have heard all the information on the requests being discussed.

A discussion was held about the Planning Commission's role in offering a recommendation to the Zoning Hearing Board. Darlene said even after hearing all the information she is still on the fence about whether it should have been approved or not. The fact that the State had reversed its' decision on a permit seemed to weigh more heavily than the financial investment part did. Mgr Grumbine asked Darlene if the permit from the State was brought to the meeting and how many units did it state. Darlene replied she did not see the permit but was told it was for 4 units. When asked why the driveway was not constructed while the permit from the State was valid, the reply was because the stormwater location and construction was not approved at that time. Darlene said the question of sight distance is part of her concerns about this issue. Mgr Grumbine stated her concern is that an official plan submission has not been made. Mr. Zidik now has 2 variance approvals and still no plan has been submitted for review. She would like to see a plan submission before any more approvals are given for variances.

Some additional discussion was held about the Crossings @ Sweet Briar and some of the requests that were made for waivers. Also discussed was the Spring Creek Development which is being marketed again.

As there was no more business to conduct motion was made and seconded to adjourn the meeting.

Respectfully Submitted,

Theresa L. George  
Recording Secretary