

**MINUTES
NORTH LEBANON TOWNSHIP
PLANNING COMMISSION MEETING
APRIL 12, 2004**

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

Darlene Martin Chairperson
William Smeltzer Vice Chairperson
William Tice Member
John Scheer Member
Mike Ulrich Member

Attending the meeting Brian Hockley of Brian Hockley Assoc, Scott Miller of Stackhouse Seitz & Bensinger. Also several other individuals were present.

The meeting was called to order at 7:00 PM. The pledge to the American flag was done. Chairperson Martin asked the public to be sure to sign the attendance sheet before leaving this evening.

COMMENTS FROM THE PUBLIC

There were no public comments tonight.

APPROVAL OF MEETING MINUTES

The March 8, 2004 minutes were presented for approval.

MOTION: Was made and seconded to approve the minutes from March 8, 2004. Unanimously carried.

PLANNING MODULES FOR REVIEW

There was no Planning Module information to be reviewed tonight.

ACTIVE PLANS FOR REVIEW, DISCUSSION & RECOMMENDATION TO BOARD

There are no plans ready for Recommendation to the Board this evening.

ACTIVE PLANS ON HOLD WITH LEBANON COUNTY PLANNING

A.) Countryside Mobile Home Park
Location/Zoning: Carol Ann Dr/ R-R

A.) Countryside Mobile Home Park (con't)

Chp Martin referred to some of the written information that has been provided for the Commission members to review. She reported that Countryside has until May 29, 2004 to submit new information or the proposed plans would be disapproved by Lebanon County Planning. Mr. Piazza's Attorney, John Feather indicated in a letter, dated 3-31-04 that his client would be working with NL Twp in regards to the new public water line. If this were not completed by 4-29-04 deadline, he would be willing to agree to another extension of time.

B.) Harold/Barbara Kreider Land Dev Plan

Location/Zoned: Tunnel Hill Rd; Ag

There has been no communications from the Kreiders on this proposed plan.

C.) Conestoga Log Cabin Leasing Preliminary/Final Subd Plan

Location/Zoned: Heffelfinger Rd/RR

Although there has been no new information on this plan work is continuing.

D.) Brohnwood Prelim Subd/ Land Dev Plan (Narrows Glen Dev)

Location/Zoned: Narrows Dr/R1

In a letter of request to the Township for addressing of the lots in this development, a new name has been assigned to the development. The development will be named Narrows Glen. The only proposed street will be named Mallard Lane.

E.) Living Waters Chapel Storm Water Design

Location/Zoned: Jay St

As of March 4, 2004 Leb Co Planning has received revised land development plans for Living Waters Chapel. Chp Martin reported there are still several comments that will need to be completed.

F.) MDS Custom Homes Minor Subd Plan

Location/Zoned: Joyce St/R-1

Chp Martin reported that an extension request has been received by Lebanon County Planning on 4-08-04.

G.) Briar Lake - Phase I

Location/Zoned: N 8th Ave & E Maple St/R-1

Scott Miller of SS&B reported he had been hoping to have the plan ready for Recommendation for the Board of Supervisors. However that did not happen.

Briar Lake - Phase I (con't)

They had just received a review from the County today with some items that will need to be addressed. Miller said he had submitted the water service issues to Lebanon City (30 days ago). There were some communication difficulties between their office and the Steckbeck office, which was to handle the issues.

Scott Miller then said he had been hoping to receive some sort of conditional approval for this evening. Chp Martin stated there is not a letter of recommendation from County Planning and the water situation has not been straightened out to date. Miller said the NLT Authority has no problems with the design. A revision that had been requested was the section of Maple St, which had not been included on the first print. Also the details the Authority had requested have been submitted to Steckbeck's office. Chp Martin told Miller he would have to wait until the Commission receives a letter from County with their recommendation. The members have no idea of what revisions he is referring to. She then asked her fellow members if they have any discussion or questions for Mr. Miller.

Member Smeltzer confirmed with Miller that a 30-day extension had been requested. He said he is in agreement with Chp Martin about waiting for a letter from County. The rest of the members were in agreement with suggestion.

RECEIVING OF NEW PLANS:**A.) Leon Zimmerman Subd Plan**

Location/Zoned: Maple & Oak Lanes/R-1

Mgr Grumbine explained this is the area that Zimmerman had used for a water tower, when he had first started the development. The tower had been removed when the City of Lebanon took over the water situation. He is now requesting to create 4 lots from this area. Member Scheer asked if the lots were ½ acre lots. Mgr Grumbine said they appear to be smaller than a half acre, more like a third to a quarter acre. These lots are actually larger in size than the existing lots.

MOTION: Was made and seconded to receive the Subdivision Plan for Leon Zimmerman for Maple & Oak Lanes. Unanimously carried.

ITEMS FOR DISCUSSION/ COMMENTS FROM COMMISSION MEMBERS**A.) Zoning Request from Jere/Joan Putt - 1505 Jay Street**

Engineer: Brian Hockley & Assoc

Zoning Request from Jere/Joan Putt (con't)

Chp Martin announced that a Public Hearing has been scheduled for May 17, 2004 @7:15 PM. Mgr Grumbine told the Commission Brian Hockley is here to answer any questions they might have. Brian Hockley introduced himself to the Comm members. He said he would like to present an overview of what is being requested. A member from the audience asked to speak.

Dave Simpson - Jay Street

Mr. Simpson's question to the Commission was if this meeting was to gain Planning Commission approval before the re-zoning? Chp Martin said no it is not. Mgr Grumbine tried to explain the process to Mr. Simpson. She said the Pl Comm must make a recommendation to the Board of Supervisors before the Public Hearing. The recommendation of both the Pl Comm and Lebanon County Planning would be announced at the Public Hearing. Chp Martin told Mr. Simpson the Commission was not voting on the proposed subdivision plan. The proposed subdivision plan would only be submitted to the Twp office if the re-zoning was approved by the Board of Supervisors.

Simpson then asked when would be the appropriate time to offer comments about the subd plan? Chp Martin told him the Public Hearing, May 17th, would be the time to offer his comments about the subd plan. Simpson then asked if the Pl Comm would be at the Public Hearing? Chp Martin responded, no the Pl Comm would only offer a recommendation in written form to the Board of Supervisors. She explained if the re-zoning would be approved, the Putt's would then have to come back to the Twp with a proper submission of a subdivision plan. Simpson said he is concerned about the people who might have remarks and are not aware of this proposal. Mgr Grumbine explained that letters have been mailed to surrounding property owners. Closer to the Public Hearing the Putt property will be posted with a large sign and the Public Hearing will be advertised in the newspaper.

Simpson responded, asking if the Pl Comm would make their recommendation to the Supervisors by that time? Chp Martin confirmed their opinion would be expressed, favorable or not, to the Supervisors BEFORE the Public Hearing. She told him the decision is for the Supervisors to make in regards to the re-zoning request. When Simpson began questioning the procedure that this has followed, Mgr Grumbine explained the required procedure that is outlined in the PA Municipality Planning Code. She explained the Municipalities Code requires the Planning Commission to make a recommendation BEFORE the hearing. The Board of Supervisors are the decision making Board for the Twp.

Zoning Request from Jere/Joan Putt (con't)

The Supervisors will make their decision after hearing comments from the public, recommendation from Planning Comm and Lebanon County Planning. After considering the input the Board has the authority to approve or deny the re-zoning request.

Brian Hockley described the location of the Putt farm. Deerfield North is located to the west of the property, Lake View dev to the west of the property and Homestead Acres (Phase 4) north of the property. He continued by saying currently there is a pig farm operation on the property. The area being discussed is 70 acres. Hockley mentioned the drawing he has is a PROPOSED layout for possible developing. Using the land to the fullest maximum approximately 138 lots could be created. He said of course he realizes this would not be the reality in the end. There would be several lots lost to storm water management and other considerations within the subdivision process.

Hockley used a zoning map to describe the area. He indicated the R-1 (low density residential) zoning, which basically surrounds the Putt property on 3 sides, north, east and west. It is Hockley's opinion that this property was intended, at some point in time, to be re-zoned to R-1. He indicated a road that had been "stubbed in" against the property line of another bordering 70-acre tract. He thinks this was visualized as "future developing". Another issue considered is 3 access points to this area. Two that can be used currently and a future connection point to Horizon Blvd. Hockley repeated the fact that there is a lot of R-1 existing in this area. He mentioned that NL Twp has 50% of the Twp zoned Ag. He feels it was intended to keep all Ag areas on the outer sections of the Twp lines, not on the inside where there is infrastructure. Hockley pointed out the public sewer and public water that already exists in a neighboring development.

Member Smeltzer questioned the "stubbed road". Is that a part of the Homestead Acres Phase 4? Hockley replied no it is not. Mr. Putt told the members that one access point is tied into Deerfield North. A "sketch" plan for the Cikovic property was presented to the Twp several years ago. One of the access points is connected to this property, which was re-zoned to R-1. Member Smeltzer said the Cikovic plan was tied in with the access to the new Ebenezer Elementary School. The entrance onto Horizon and then to Colonial Circle was done to keep the bus traffic off Jay Street. Hockley explained the projected connection point to the Cikovic property is the best choice due to the topographies of the area.

Chp Martin asked if the existing pig farm would be removed? Hockley agreed yes it would be gone. The existing house and pool would remain on the land however.

Zoning Request from Jere/Joan Putt (con't)

The existing barn and manure pit would be gone. Part of the reason for this request had to do with the complaints received about the pig farm. Mr. Putt has 2 options open to him. His options are either expand the operation or re-zone to R-1.

Member Scheer asked, why are the options between expanding the operation or re-zoning? Mr. Putt said his equipment is in need of repair. If the equipment is replaced or repaired, the costs associated would necessitate an expansion of at least another 100 feet to the barn area, which would house another 1000 pigs. Member Scheer asked how many pigs are there now? Putt replied 2000 pigs. When considering the need for repairs and the complaints received in the past, he thought he would pursue a re-zoning of the property first. If the request is denied he would continue farming and expand the operation.

Mr. Simpson asked if there is any type of estimate about the increase of traffic on Jay Street? Hockley said a traffic study has not been done. He continued onto quote PADot's formula, every dwelling estimated at 10 trips per day. Leaving the property and returning to the property would count as 2 trips. Hockley said that would be the reasoning behind having 3 access points to the proposed development. He said it had been mentioned that there might be an extension connecting to the school. This would assist in keeping more traffic off Jay Street. Mgr Grumbine agreed with this statement, saying it would be a requirement she would make as a part of the subdivision process. Simpson expressed a concern about school buses trying to negotiate a turn into the development and crossing over into the opposite lane of traffic to complete the turn. Hockley told him that is a valid concern. These issues would be resolved in the planning process during the subdivision submission. Chp Martin explained the Pl Comm could request to have traffic studies done. The studies would show several options to control any traffic concerns.

Someone questioned the public water and sewer. Would it be coming along Jay Street side? Brian Hockley replied no, it would not. It would be directed from the Deerfield North and Homestead Acres developments. He said the Authority has agreed either option would work. A letter from the Authority states the capacity is available from the Water Street pump station. Mrs. Simpson questioned if the Putt property were approved for re-zoning, would their property also be re-zoned? Hockley answered no, not unless you request to have it re-zoned. The Simpson property borders the Putt property. Member Smeltzer commented that the infrastructure for the Township does encompass this area. Hockley agreed this is true. The planning for this was established many years ago. The pump stations in these areas were designed with this residential growth in mind.

Residential Growth in the Twp

Member Scheer questioned if this would be similar to the Smith request. Chp Martin voiced her only concern being traffic studies. Member Smeltzer suggested the members take the opportunity to drive out to the area and have a look. The Public Hearing on May 17th is after the next Pl Comm meeting that is scheduled May 10th. Member Scheer started a conversation about the amount of growth in NL Twp. He feels there should be some way to gain control over what is happening in the Twp.

Member Smeltzer stated we should look at what was put into place, in the past, to allow for future growth. Member Scheer said there still needs to be a way to control the growth. When that future planning was done many years ago, the individuals could not foresee everything that would occur. Member Smeltzer agreed, saying that by being observant and paying attention to the existing infrastructure that control is in place. If this is not a consideration, the Twp could be "missing the boat". Some areas need to stay Agricultural without a doubt. Then there are other areas in the Twp that were definitely planned for residential communities. Scheer said he totally agrees but the question of limiting this growth still needs to be answered. Smeltzer said he feels the tools for control are already in place. The Twp Ordinances and the various requests that can be placed upon the developers are a type of control, according to Smeltzer. Scheer then said this should be done before approving the plan. Smeltzer then said we (Planning Comm) are not approving the plan. We are approving the re-zoning, which would allow for the concept of this type of plan.

Chp Martin asked if there are any wetlands or areas of animal habitat? Hockley replied no, he does not think so. The design of the storm water was done with that purpose in mind. The storm water area was suggested in an area that is naturally wet but Hockley said he does not think it is considered a wetland area. Chp Martin asked Jere Putt how many acres are actually farmed? Putt responded he farms about 15 acres. The west portion of the area, toward Deerfield North, is all wooded land.

Chp Martin said she would like some more time to think this over. Member Scheer said he is in favor of that suggestion also. Brian Hockley told the Commission members when they are thinking about this issue, they should also remember the infrastructure is already in place for this type of re-zoning. A conversation was started about the developers and how they should pay the price for this developing that is occurring. Mgr Grumbine explained the developers do pay to have the infrastructure placed in the areas that are being developed.

Residential Growth in the Twp (con't)

Mgr Grumbine explained that the residents are paying a set fee and the developers, such as Landmark Builders, pay almost double what the resident pays for the water project currently under construction. A question of the ability of the school district to handle all this growth was posed. Member Smeltzer suggested the Planning Comm, as a group, sit down prior to the next scheduled meeting and take a serious look at the Twp's zoning map. They could then decide what they feel is proper for the Twp. Chp Martin and Member Scheer were in total agreement with this idea. It was agreed that the Planning Commission would meet and review the Zoning map. A recommendation to the Board of Supervisors would then be given at their next meeting, May 10th .

B.) Sketch Plan for Spring Creek Development Co

Mgr Grumbine told the Comm members they have been provided with comments from the Twp and Leb Co Planning. The developer has been working with the County and the Township to get some of the issues resolved. An example she used was the first submission was "jammed" with Townhouse units. The revision has now come back and is 21 less units. Chp Martin said this is another area of traffic congestion concern. During a meeting Mgr Grumbine had attended with the developer, at Leb Co Planning, she expressed the Commission's concerns about the traffic situation. She said they agreed to take a look at N 8th Ave/Kimmerlings. Another study would be conducted at the intersection of Rte 343 & Kimmerlings Road. An issue of the road lining up with Josephine Ann Dr to create an intersection was discussed. It appears there are wetlands in this area and would prevent this from happening. It was agreed there would be a site distance allowance considered. With the proposed street cuts for utility laterals for lots being constructed along Kimmerlings Rd, the developer is being asked to agree to a an escrow amount being established to be used for the overlay of Kimmerlings Rd in the developed area.

Another issue of concern was the school bus traffic. This led to a request for a sidewalk system to allow the children a safe place to walk through the development to gain access to the bus stops. This would be dependant upon the school districts response to a query about the stops that could be scheduled.

The amounts of the townhouse units described do not fit the Twp regulation. They are showing 5.4 units per gross acre. The Twp requires 6 units per gross acre. Mgr Grumbine asked the developer to explain to her how the calculations were done where they show 54 units/acre. The open spaces were included in the calculations. The storm water basin is shown being stretched across 3 lots. This is not permitted. It must be contained on one lot. There was some discussion about a Homeowner's Association.

Sketch Plan for Spring Creek (con't)

Screen plantings had been discussed also. When the regulations for parking were reviewed a few years ago it was decided to require 3 parking spaces per unit. By constructing a 2-car garage with a driveway that requirement could be met. This would also create a wider townhouse unit.

Mgr Grumbine told the Commission there has been many phone calls and meetings in order to get the best possible design for the Twp since the land is already zoned residential. She told them any comments or suggestions would be appreciated. Mgr Grumbine recently found out Landmark Builders was awarded the Spring Creek development. They are also doing Briar Lake. This means there are 2 sizable communities that will be contributing to the traffic issues, which Landmark Builders is associated with.

Smith Re-zoning Request

A conversation ensued about the Henry Smith request being denied. Member Smeltzer said he feels we are on the wrong track here. The Twp, as long ago as 10 years, put into motion certain features to accommodate residential growth. Five years ago the regulations for residential areas were revised to allow for more pleasing communities. The time has come for one of these areas to utilize the regulations the Twp has put into place and guess what? Now we say "Sorry, we don't want you to build there". The whole Ag area within this section, Smith, Putt, and Artz was set up with future residential growth in mind. Member Smeltzer said he feels it is wrong, now, to tell these people we have changed our mind. As far as Henry Smith and what the value of his land is, Smeltzer said he thinks the man received a disservice from the Twp. Chp Martin said she feels the same way. Member Scheer said he felt bad for the Smiths. Member Smeltzer said the people to the north of this area would understandably not like the area re-zoned. But that area is not in the parameter that had been established. Their lands would not be re-zoned. With the Smith decision, the Twp backtracked on the parameter that had been established.

Member Scheer then asked, "but can we limit it to this area"? Smeltzer said certainly we could by making recommendations to the Supervisors. He told John that he is in agreement with him when he expresses the desire to try to control this growth. It seems that this one particular request was denied just because of the neighbors. The neighbors' feelings should be heard but should not be used to deny something that has been provided for many years ago. Chp Martin expressed her concern the Putt request would be denied if the neighbors speak out against it. The total picture must be considered not just the neighbors opinions.

Smith Re-zoning Request (con't)

Darlene said she cannot help but wonder what Henry Smith will think if Putt's request is approved. Darlene said she is thinking there would be a lot of neighbors here to object to the Putt request.

Member Ulrich reminded everyone that Putt had said his farm is productive. Darlene stated it is a lot more productive than Henry Smith's farm. Member Ulrich said another concern is the school district. How many more homes with children will be constructed before a new school has to be built. The developing of new homes does not offset the costs for the taxpayers at all.

Member Sheer asked if the possibility exists to look at the areas on the Zoning map that we think would be acceptable to make changes. Then make it be known that any other areas, other than that chosen area, would not even be considered UNLESS a real hardship or good case could be presented to convince the Planning Commission otherwise. To him this is having control over what is going on in our Township. Member Smeltzer agreed but pointed out function of the Planning Comm is to recommend to the Supervisors.

C.) Requested Traffic Information

Mgr Grumbine told the Commission John Scheer had e-mailed her about getting some traffic accident statistics. Chf Wolfe has provided a report of all reportable accidents at several intersections.

D.) Decision from Zoning Hearing Board

During a previous meeting the Commission members had discussed how the ZHB conducts a hearing. The decision of the MDS Custom Homes lots located on Joyce St has been provided for their information.

E.) Homestead Acres Phase - 4

Mgr Grumbine explained to the Commission members a request for Phase 4 of Homestead Acres for a 1-year time extension was received. The letter indicated October of 2004 was the deadline and they do not think this can be accomplished by that time. Once the Preliminary Plan is approved, the Phase was protected. Now with a time extension they will have to meet all current regulations. Some of the revisions would be the Park & Rec agreement, sewer specs, street specs, street lighting, and an inspection escrow. The lot sizes would not meet current regulations. The developer is asking for exception from the lot sizes as previously received.

Homestead Acres Phase - 4 (con't)

While looking at the plan Member Scheer mentioned Twigg Ave. Mgr Grumbine said Twigg Ave would not be connecting so the proposed road would have to be renamed. Member Smeltzer asked if Rolling Meadows Road is the same stub road that had been talked about earlier. Mgr Grumbine replied it would connect to the Artz property and then the Smith property. The Commission members were all in agreement that there was not a problem approving this request.

Schedule Meeting for Putt Property Visitation

Chp Martin asked what would be a good time for everyone to meet. Member Smeltzer asked if they should meet at the Putt property or meet here and travel to the property together.

Meeting for Putt Property Visitation (con't)

Chp Martin said they should all meet here and then drive out to the Putt property. Monday, April 26th @ 3:00 PM was decided to meet at the Twp building. Darlene told everybody the site visit is OFF if it is pouring down rain but we would still meet at the Twp building to review the Zoning map.

There being no more business to discuss, motion was made, seconded and unanimously carried to adjourn the meeting.

Respectfully submitted,

Theresa L. George
Recording Secretary