

**MINUTES  
NORTH LEBANON TOWNSHIP  
PLANNING COMMISSION  
JUNE 8, 2009**

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 .....	Chairperson
William Smeltzer .....	Vice Chairperson
William Tice .....	Member
A. Bruce Sattazahn .....	Member
Charles Allwein, Sr.....	Member
Cheri F. Grumbine .....	Twp Manager

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

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

**COMMENTS FROM THE PUBLIC**

A.) There were no comments at this time.

**MEETING MINUTES**

**MOTION** was made and seconded to approve May 11, 2009 minutes. Motion unanimously carried.

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

**A.) Leon (dec)/ Diane Gracely Minor Subdivision Plan** Date Submitted: 3-24-09

**Location/Zoned:** Kochenderfer Rd/ R1

Brent McFeaters, of Matthew & Hockley, was present to discuss this plan. This subdivision shows the creation of one new lot from the current parcel. A letter from Lebanon County Planning dated 6-08-09 is recommending approval of this plan. Mgr Grumbine explained the only issue that she had discussed with County was the shared driveway access. The Twp is requesting a signed maintenance agreement for this type of situation. Chp Martin questioned if this is something that can be completed before the Board of Supervisors meeting. Brent McFeaters stated that is something he would contact Sol Fred Wolf to accomplish. He explained the history with this lot owned by Mrs. Gracely. After going through a Zoning Hearing on this property and in preparing the subdivision plan it became apparent the best solution was to utilize the existing driveway for access to the existing and the proposed new dwelling. The driveways would actually be abutted, not shared accesses. Chp Martin stated the driveway maintenance agreement seems to be the only issue.

**MOTION** was made and seconded to recommend approval for the Leon/Diane Gracely Minor Subdivision Plan conditional upon the Twp receiving the signed driveway maintenance agreement. Motion unanimously carried.

**B.) James M. Morrissey Final Subdivision Plan**

Date Submitted: 4-08-09

**Location/Zoned:** Mt Zion Rd/ Ag

This plan shows a lot addition going from lands owned by James Morrissey to lands owned by the Seyfert Orchards. The Municipal Authority meets this Thursday and has this plan on the agenda for probable approval. The legal descriptions had been provided and were reviewed for accuracy. A letter from LCPD indicates their recommendation for approval.

**MOTION** was made and seconded to recommend approval for the James Morrissey Final Subdivision Plan conditional on the Municipal Authority approval. Motion unanimously carried.

**PLANS ON HOLD WITH LCPD**

The following plans are on hold with the Lebanon County Planning Department.

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

Date Submitted: 10-03-07

**Location/Zoned:** Kimmerlings Rd & Mt Zion Rd

A meeting with all involved parties had been held on 5-14-09. The developer is proceeding with any outstanding issues that need to be resolved in order to gain preliminary approval.

**B.) Clarence D. / Ethel M. Buchmoyer Final Minor Subd Pl**

Date Submitted: 8/13/08

**Location/Zoning:** Prescott Dr/RR

Chp Martin said she anticipates seeing this plan at next month's meeting under the recommendation for approval category.

**C.) Harold B. / Barbara Ann Kreider Land Dev Pl**

Date Submitted: 8-22-08

**Location/Zoned:** Tunnel Hill Rd/ AG

Mgr Grumbine told the Commission she had discussed this plan with County Planning. They indicated they are waiting for the County Engineer's comments which would be about 2 weeks yet. The trucks and the turning radius is still the majority of the outstanding issues. Mgr Grumbine explained the delay is taking the information from the video and documenting as a paper format. She reminded the members that yes we have the video but what about 5 or 10 years into the future when we can no longer use that form of electronic device to view the information. The Commission talked about the details of the traffic problems that had been discussed previously.

**D.) Gregory S. / Darlene G. Nolen Final Minor Subd Plan**

Date Submitted: 2-19-09

**Location/Zoned:** Heffelfinger Rd/ Ag

This plan is on hold until the Municipal Authority has reviewed and approved the sewer plans. A signed letter from the Twp SEO is needed due to an on-lot system.

**E.) HACM Inc. Subdivision Plan (Lot additions)**

Date Submitted: 5-07-09

**Location/Zoned:** Sandhill Rd/R-2

The legal descriptions are being reviewed. Member Smeltzer had asked Mr. French about his intentions for this additional land and was told there are no plans to build or expand anything. Mr. French merely would like to have the additional land.

**ITEMS FOR DISCUSSION / COMMENTS FROM COMMISSION MEMBERS****A.) Tenaska Meeting Held on 5-18-09**

Chp Martin asked if everyone was in attendance at the Supervisors meeting when Dan Culver had given a slide presentation.

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**Tenaska Meeting (con't)**

Three of the five members had been present. Members Smeltzer and Tice were offered the printed power point information that was shared during that meeting.

**Earl Roberts – Tenaska Issue**

Mr. Roberts started his conversation by remarking about the March 9, 2009 minutes where his name is mentioned. He stated Mrs. Grumbine thinks he has information on this issue that she does not have and he thought he would come and introduce himself to the Commission. Roberts told the Commission his intention is to have this whole subject of the proposed power plant brought out in to the open so everyone will be aware of it. He had attended 3 Supervisor meetings at Swatara and 3 for North Lebanon in an attempt to accomplish that very thing. He asked for attendance by Dan Culver to discuss this issue with the public. Initially Mr. Culver's response had been he could not attend a meeting until June or July. Once Mgr Grumbine started making some phone calls, she was able to schedule Culver's attendance for the May meeting. Roberts stated that Culver's reasons for not attending earlier were based on the purchase of properties. He did not wish to comment until the properties had been purchased, according to Mr. Roberts.

Member Smeltzer said he still is questioning the zoning of the area where this plant is being proposed. Is it the acceptable zoning? Mgr Grumbine replied no it is not. That is one of the issues Tenaska will have to deal with. The area is currently Intensive Ag. Chp Martin asked what type of Zoning procedure must be followed before a proposed power plant could be constructed in this area? Mgr Grumbine explained either a zoning amendment must be applied for or the Intensive Ag must be revised to include this type of use. Member Smeltzer said it is his understanding that none of our zoning categories mentions a power plant as a use. Mgr Grumbine agreed none of the Ordinances specifically spell it out, no. She will be attending a meeting at Lebanon County Planning tomorrow to discuss all the questions involved with this issue.

Chp Martin remembered the amount of 350 acres being mentioned. Mr. Roberts stated the purchase has already been completed and "money has changed hands". Mr. Roberts felt Culver was not very honest when he made remarks about not knowing an exact location for this proposed plant. During the March 09 Supervisors meeting a mention of the application regarding the State Emissions Reduction Credit was made. The application mentions a longitude and latitude for the plant. The Swatara Engineer was able to use that information to locate the area for this proposed plant. Roberts thinks it was not very honest of Mr. Culver to say that a location has not yet been determined. During conversations with Mr. John Hain and Mr. Roberts, Mr. Culver indicated the plant would be located on the current Weaver property behind the wooded ridgeline, which is the Twp boundary line. Once the Hain family decided to sell their properties, Tenaska then decided to locate the proposed plant on the Hain property, not the Weaver property. At first when the Hains did not wish to sell, the plant was to be located on the Weaver property but once the Hains decided to agree to the sale of their property, it was decided to locate the plant on the Hain property (located in North Lebanon Twp). Mr. Roberts repeated his opinion that Mr. Culver was not very honest about the proposed location of the actual plant. He shared his opinion that Tenaska and its representatives have been less than open and forthright about its intentions. It is Tenaska's desire to locate the plant in North Lebanon Twp.

Member Smeltzer asked about the portion of this site that is located in Swatara Twp. Is it also zoned Intensive Ag? Mr. Roberts stated it is zoned Ag.

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**Tenaska Meeting (con't)**

Member Smeltzer then questioned if any of Swatara's districts spells out this particular use. Mgr Grumbine replied she does not know that information. Roberts told the Commission his recollection of the numerous times that Mr. Culver refused to meet with the Swatara Twp Supervisors for a public meeting. Mgr Grumbine mentioned that she knows, for a fact, that 2 of the 3 Swatara Supervisors had meetings with Culver prior to the North Lebanon Twp public meeting. Roberts agreed this meeting did take place. However, Roberts stated, the Supervisors had announced in one of their public meetings that this was going to take place. The meeting was not a secret meeting, according to Mr. Roberts. He continued on to say the only reason the Swatara Supervisors met with Culver was to encourage him to attend a public meeting, which did not happen. Culver then proceeded to work out a time to attend the North Lebanon Twp public meeting said Roberts. Roberts repeated his opinion that Culver wants to locate this plant in North Lebanon Twp not Swatara Twp. When Smeltzer asks the reasoning for that, Roberts replied as a grown person we have to make our own assumptions as to the reasoning.

Chp Martin referred to the Emissions Application. Was the location of the plant stated as an exact location or an approximate location? What she is asking is once a location is listed in the application is there flexibility to locate within a radius of the stated longitude and latitude. Roberts agreed there is some flexibility for the location. Roberts said he had spoken to the agency just today and he had been told the current emissions application is now expired.

Member Smeltzer asked if he understands that only 40 acres of the 350 acres mentioned will be used for the plant itself. Roberts replied 40 acres will be used for the plant and 10 additional acres will be used for pavement and other accessories required for the plant. Member Allwein explained the remaining acres would be used as a buffer zone around the plant. Roberts said that the remaining areas of the Hain farm would be used as forestry lands. Mr. Roberts told the Commission members that the Hains family had been dealing with some personal issues that affected the decision to sell the property. He continued on to tell the Commission that he does not wish to be the single voice in the wilderness. If the community decides this is what they are in favor of and that it will benefit the community, he will have to adjust his thinking and do something else. First he must be convinced it is for the good of the community. He finished his remarks by saying people who visit the community and has private meetings with property owners, political persons, regulatory groups and then refuses to attend public meetings is not the right way to start a favorable relationship with the community.

Chp Martin and Member Smeltzer both agree the zoning issues are a major part of this whole subject. Member Smeltzer voiced his surprise at the purchasing of land without having made any inquiries into the zoning issues. Roberts said he is curious what has occurred in the last year and a half that gives this company so much confidence that they proceeded to purchase these properties. He said an amount close to 4 million dollars has already changed hands. Chp Martin questioned if a zoning amendment would be requested and approved, is the Twp be able to designate the location of the plant within the 350 acres? Mgr Grumbine stated that is a question for the Solicitor. There may be other state agencies involved, such as the wetlands and DEP. That is another reason for meeting with the planning department tomorrow. As this subject is over our heads, an environmental engineer will have to evaluate what would be beneficial to the Twp. When she says the Twp, she is speaking of the Twp as a whole. County Planning will be able to recommend to the Twp an engineering firm to conduct studies.

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**Tenaska Meeting (con't)**

Chp Martin said for her part she will be figuring out how this company might benefit the Twp or if it will not. Another question she will be asking herself if there is a demand for the electricity? She asked again if the 350 acres is all Intensive Agriculture. Member Smeltzer replied the portion that is located in North Lebanon Twp is Intensive Ag and the portion that is in Swatara is Agricultural. He then stated so that means Swatara is not involved with a decision. Mgr Grumbine disagreed saying a plan would have to be submitted showing the location of the plant and the studies that will need to be completed. It is possible Swatara Twp will be involved.

The conversation turned to the water sources. Member Allwein mentioned the comment about expanding the water reservoir. His question is, even with raising the dam will the amount of water still be there? A discussion about the use of gray water and drinking water was held. Chp Martin said there are obviously a lot of questions still unanswered. She is still trying to determine if there is a need for additional electricity plants in this part of the United States.

When the subject of the Bare property was brought up, Mgr Grumbine pointed out this was an issue that generated communications with the Twp office for about 2 years. However a plan was never submitted and now the whole proposed warehouse project has been cancelled. Another one was Always Bagels. Those original conversations never revealed the name Always Bagels until right before the approval process. The majority of these companies are now operating by hiring consultants to get information on sewer/water capacity and transportation necessities. Secrecy seems to be the method of operation until they reach a point when they feel it is to their advantage to go public with the information.

Mr. Roberts informed the Commission members that the Tenaska Company and Dan Culver will be doing a presentation to the Lebanon Valley Chamber of Commerce on the 25<sup>th</sup> of June.

**B.) Decision of Supervisors on Zoning Amendment (MR-1) at 5-18-09 Meeting**

This is just an announcement of the decision made by the Supervisors to adopt Ordinance 2-2009 which included amending the zoning of 2 parcels to MR-1. One is located north of Tunnel Hill Road and the other is located off N 25<sup>th</sup> Street behind the Hershey warehouse. Both parcels are contiguous with recreational areas owned by the County of Lebanon and the Historical Society of Lebanon County.

**C.) Reminder to Read Emails Prior to Meetings**

Mgr Grumbine asked for opinions from the Commission members about receiving their information prior to the meetings. All members were in agreement it was better to have the information prior to the meeting and have the time to review it.

**D.) Bruce Sattazahn; RE: Narrows Glen Development**

Member Sattazahn stated that his wife had the opportunity to meet the owner of the new home constructed behind their property on the northern boundary of the Narrows Glen development. During the conversation it was inferred that once the Twp takes ownership of the development's streets and the developer is out of the picture, the home owners can decide what to do with the screen plantings. Sattazahn's question is about any language mentioned about the screen plantings on the deeds. He is also concerned about the height of the trees planted as they are not planted to the regulations. He asked Mgr Grumbine to report on this subject.

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**Narrows Glen Development (con't)**

Mgr Grumbine reported on a meeting she had attended with the County Engineer and Bob Sentz of County Planning. The deeds do not contain the language however the plot plan does have the language pertaining to the screen plantings. She told the members she was very surprised to learn that even if the language is on the deed today, once the property changes ownership, should an attorney decide to remove the language it is legal to do so. Sattazahn stated as a neighboring property owner he finds this disturbing when you consider all the scenarios that new property owners could use to refute this language on the plot plans. A conversation ensued about the developers finding ways around the language printed in the plan process. Opinions were expressed about how to deal with some of these situations. Member Smeltzer requested that we research what type of language is contained on the Narrows Glen Plan. Mgr Grumbine agreed to research and update the Commission on her findings.

With no further business to conduct, the meeting was adjourned.

Respectfully Submitted,

Theresa L. George  
Recording Secretary