

**MINUTES
NORTH LEBANON TOWNSHIP
PLANNING COMMISSION
DECEMBER 14, 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 - Chair
William Tice	Member
A. Bruce Sattazahn	Member
Charles Allwein, Sr.....	Member
Cheri F. Grumbine	Twp Manager

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

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

COMMENTS FROM THE PUBLIC

A.) Donna Stahley – E Lehman Street

Ms Stahley asked about some problem properties located on E Lehman Street. She had been told, by Officer Wengert, that one of the issues had been referred to County Planning twice. Chp Martin stated she is not familiar with the address that was mentioned. Mgr Grumbine told Stahley that she needs to go to the Courthouse on 8th Street to the Lebanon County Planning Dept. The meeting tonight is North Lebanon Twp Planning Commission. She offered to give Ms Stahley the phone number for Julie Cheney. Ms Stahley stated she will contact LCPD.

MEETING MINUTES (October 12 & November 9 meetings cancelled)

MOTION was made and seconded to approve September 14, 2009 minutes. Motion unanimously carried.

ACTIVE PLANS FOR REVIEW & RECOMMENDATION TO BOARD

A.) Harold B. / Barbara Ann Kreider Land Dev Pl Date Submitted: 8-22-08

Location/Zoned: Tunnel Hill Rd/ AG

Bob Gerhart, of Matthew & Hockley Assoc, presented the Land Development Plan to the Commission stating that they have all seen this plan previously. The property is owned by Harold and Barbara Kreider on the north side of Tunnel Hill Road. The proposal is to construct 2 chicken houses on their existing property that already contains an existing structure with onlot well and septic system. A second well will be dedicated for the chicken houses. The original plan has been on the books since 2006 and was resubmitted in October of 2008. Extensive reviews have been conducted and Gerhart stated that the plan is finally ready for a recommendation for approval. Lebanon County Planning and the County Engineer have indicated they are satisfied with the plan.

The problem of the turning radius for the trucks was dealt with by conducting a video of a truck performing this task. Sol Wolf has drafted an agreement pertaining to the truck traffic entering and exiting the property and includes exhibits which depict the exact criteria for these delivery trucks.

Kreider Land Dev Pl (con't)

As part of the agreement flagger people will be required when truck traffic is entering or existing the Kreider property. Gerhart described the expected delivery truck traffic that could be expected for the chicken houses. House Bill 804 was enacted, which exempts operations, such as this one, from obtaining a mandatory Highway Occupancy Permit from PaDOT.

The Land Dev Plan shows the proposed chicken houses and the lane that leads to the property. A portion of a dirt lane that already exists will be improved to support the truck traffic on the Kreider property. Gerhart also discussed the stormwater proposal for the property. Rain gardens will be constructed on the north, south and east sides of the chicken houses to help contain any stormwater runoff. Perk testing was done to confirm the permeability of the soils.

At the bottom of the Hill where the driveway will be constructed is a BMP (water quality facility) and will capture and filter any sediment before being directed to the existing wetland area below. A package of information was provided to the Lebanon County Conservation District in regards to the NPDES Permit. This permit allows Soil Conservation Service to monitor the performance of the facility to ensure proper functioning. Mr. Gerhart stated he also has letters of approval from Lebanon County Planning and the NLT Municipal Authority.

Once the Commission and Board of Supervisors give their approval for the Plan, it will be forwarded to Lebanon County Planning Dept where a Letter of Credit will be obtained for financial security, the plan would then be recorded.

Chp Martin wanted to confirm that a portion of the lane is macadam and the proposed portion will be stone. Gerhart agreed with her remark saying it will be modified stone. Gerhart discussed an existing culvert. He said it was considered best to keep the culvert as is and not modify it at all. Rettew Assoc created a design for a structural slab to be placed on top of the culvert which will support the weight of any trucks traversing on it.

Joe Bonalle voiced his disagreement of the testing that was done with the trucks. He stated it was done during the daylight hours. The truck traffic will be coming in at night. His next remark was concerning the driveway which is a 17-ft wide lane, not owned by the Kreiders. Bonalle stated there are 4 families that use the driveway/lane.

Dan Kreider stated that the lane which services their property will be used whether it is for chicken deliveries or hay wagons or whatever equipment it will take to operate this farming property. Chp Martin questioned if there has been any agreement drafted as to who will maintain the asphalt part of the driveway. Will some type of agreement be drafted for all 4 families? Dan Kreider stated he did not need an agreement when they used the right-of-way to enter from Bomgardner property. He was told the Bomgardner own the driveway. Kreider's response was that they are not intending to damage the driveway and it is their intention to be good neighbors. By using the driveway, they do recognize that a portion of the financial responsibility is theirs.

Conversation took place about some of the concerns the existing neighbors have regarding damage done to their properties. Chp Martin reminded the public we are discussing the property and the driveway situation. She asked Rick Bolt, County Engineer and Kris Troup of Lebanon County Planning Dept to comment on the regulations regarding the driveway issue and responsibilities.

Kreider Land Dev Pl (con't)

Rick Bolt started his comments by saying this is a PADOT roadway. That means PADOT has the authority to say yah or nay to the driveway. PADOT has indicated this driveway as an acceptable use. The County looked at this issue from a safety standpoint. They were involved in the agreement being drafted and the flaggers being required. Another concern they were involved with was the truck being able to navigate within the 17-ft cartway unto Tunnel Hill Rd. Bolt said he has no knowledge of any type of written agreement about sharing the right-of-way, which is what the plan notes on the lane/driveway. This lane/driveway is the ONLY access to the Kreider property. Anyone having priority for use of the lane would be a legal issue. Chp Martin stated her opinion as all 4 families have legal use of the driveway as access to each of their properties.

Kris Troup said he thinks the agreement drafted by Sol Wolf will protect all people involved with specific criteria for the Kreiders to adhere to in this situation. If the agreement is violated and damage is done to neighboring property it will be the Kreiders responsibility to make amends, as a “good neighbor” gesture.

Member Smeltzer questioned if the zoning of the Kreider property has always been Agricultural. Mr. Troup said he cannot speak as to how long but he knows it has been for at least the last 10 years. The intensive Ag use of the property is grandfathered.

Dan Kreider commented that he understands the concerns of the neighbors. But if he is willing to bind himself to an agreement, which places the responsibility on him to honor the agreement, he is at a loss as to what else he can do to prove himself as a good neighbor. Chp Martin stated she feels there must be an agreement for shared financial responsibility of the access. Kreider said it is a given the neighbors will not sign the agreement. Does that mean I am refused access to my property?

Member Smeltzer said that is why he questioned the zoning for the property. He then asked how long the property has been owned by the Kreiders. Kreider informed him Harold Kreider purchased the property in 1980 or 1981. Member Smeltzer said he is concerned about the safety issues with the entrance to the driveway. His main concern is not the neighbors’ opinions but the actual safety issue itself. He said he has serious doubts as to the safety issue involved. A lengthy conversation followed about the safety issues involved with this plan.

Dan Kreider explained the process used to deliver the birds, feed deliveries and picking up the birds. The delivery and pickup process occurs every 9 weeks. Part of the agreement is the Kreiders must notify the Twp of the pickup schedule. The Twp has the right to periodically monitor the truck traffic process.

Member Allwein questioned who is responsible for providing the flagmen. Kreider said the responsibility is theirs. Notification to the Twp is also Kreiders responsibility. When asked how the Twp will react to the notification, Mgr Grumbine replied it is the Twp’s intention to have either a Police Officer or a Code Enforcement Officer present to monitor the process for compliance at least the first couple of times.

Joe Bonalle asked about the possibility of the trucks being overloaded. Will there be an Officer present to deal with the driver? Chp Martin told him that it is the responsibility of the trucking firm to guard against over loading the trucks.

Kreider Land Dev Pl (con't)

Bonalle brought up the idea of the axle adjustments and being overweight. Kreider said that if the axles are adjusted the weight placed on the truck must be considered by the truck driver.

Chp Martin asked if the neighbors have an objection to the chicken houses or if their objection is strictly the driveway issue? Bonalle stated that the zoning of the property allows the chicken houses as a use. So it is what it is. He feels the neighbors are against the use of the driveway.

Member Allwein said he agrees that he has a concern about the safety of the nighttime truck traffic. However, all the safety issues have been addressed by the contents of the agreement and the regulations for flaggers.

A question was asked about what would be done with the property if it is not farmed. Kreider said the family really does not want to think about that scenario. It is difficult to find good farmland. They might have to think about selling it to a developer or a farmer who wants to operate a different kind of operation.

Chp Martin asked Bob Gerhart what they would like the Commission to do here tonight. Gerhart said he is looking for a recommendation to the Board of Supervisors. Member Smeltzer stated he would like to abstain from the vote due to his acquaintances on both sides of this issue. He was happy that a healthy discussion occurred regarding this plan.

MOTION was made and seconded to recommend approval to the Board of Supervisors for the Kreider Land Dev Plan, conditional upon the agreements be signed and all safety requirements be met. Motion carried by a vote of 4 members in favor and Member Smeltzer abstaining.

B.) The Crossings @ Sweet Briar Prelim Subd

Date Submitted: 10-03-07

Location/Zoned: Kimmerlings Rd & Mt Zion Rd

Scott Miller, engineer for Stackhouse Bensinger, explained to the Commission as of late this afternoon a letter from the NLT Municipal Authority was received stating that all issues concerning sewer have been addressed for the Preliminary Plan. LCPD and the County Engineer have been satisfied with the plan and were waiting for the NLT Municipal Authority approval. Bob Sentz has not provided a recommendation letter as he was out of the office today. Miller said all the outstanding issues have now been addressed. He asked if there were any questions the Commission members have regarding The Crossings at Sweet Briar.

Chp Martin asked Kris Troup if there were any issues the County still needed addressed. Kris indicated, as of today, all issues have been addressed. Bob Sentz, who has been working with Landmark on this plan, was out of the office today. All of the County's issues have been addressed to best of their ability to do so, replied Troup. The Commission members agreed that although they were not in total agreement with some of the issues that have been addressed, all issues have been addressed with The Crossings @ Sweet Briar.

Mgr Grumbine stated that the Homeowners Association documents still need some revisions to satisfy Sol Wolf but he is satisfied with an approval recommendation conditional on all the HOA documents meeting his satisfaction before providing to the Board of Supervisors. Also there are some outstanding agreements owed to the Municipal Authority.

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

Member Allwein asked about the flag lots. What was the resolution of the issue? Miller stated the entrance of the lots was modified to a 50-ft front and an easement was provided for stormwater. The maintenance of the stormwater management facilities will be included in the Home Owners Association documents.

MOTION was made and seconded to recommend approval for The Crossings @ Sweet Briar Preliminary Subdivision Plan conditional on the Municipal Authority's agreement being signed and returned. Also the Supervisors agreement to the HOA documents, once the documents are provided. Motion was carried unanimously.

Member Sattazahn started a conversation with Mr. Weaver of Landmark Builders on meeting the required specs for screen plantings. The particular screen plantings he is referencing is the Narrow Glen Development located off Narrows Drive. Mr. Weaver ended the conversation by saying he would take a closer look at the area being discussed and would meet with Sattazahn to discuss the topic.

PLANNING MODULE FOR RECOMMENDATION

There are no Planning Modules for approval this evening.

PLANS ON HOLD WITH LCPD

The following plans are still being reviewed as necessary information is provided by the applicants/developers.

A.) Gregory S. / Darlene G. Nolen Final Minor Subd Plan Date Submitted: 2-19-09

Location/Zoned: Heffelfinger Rd/ Ag

A revised plan was submitted to the Twp office on 12-04-09. The Planning Module has not been submitted as it is still being worked on. The Commission reviewed the revised plan.

Chp Martin engaged Rick Bolt in conversation about the new idea of rain gardens and how do they get monitored for failure? Also who enforces the property owner to maintain the gardens correctly? Bolt explained some of the measures he has found helpful in his inspections of the rain gardens. If not properly installed the garden usually fails within the first 6 months. He recommended the Commission members visit the new hotel on Rte 422 to see how successful that installation of garden areas has worked out.

RECEIVING OF NEW PLANS**A.) Revised Narrows Glen Final Minor Subdivision Plan** Date Submitted: 12-11-09

Location/Zoned: Narrows Dr/ R1

This plan shows the re-grading of Lots 1 through 5 for the Narrows Glen development. Rick Bolt explained the plan shows the elimination of the existing easement and running the drainage to the rear of the existing homes. A discussion followed about some possible options.

MOTION was made and seconded to receive the Revised Narrows Glen Final Minor Plan. Motion was carried unanimously.

ITEMS FOR DISCUSSION / COMMENTS FROM COMMISSION MEMBERS**A.) 2009 Year End Summary**

The plans recommended tonight will be added to the list. The members are asked to look it over until the January meeting in 2010.

B.) Meeting Date Cards for 2009

The dates for the meetings for all boards/commissions have been provided to the Planning Commission members.

C.) CLSD Task Force

The last meeting had been held November 30. There has been a slight “snag” with the impartial Solicitor idea. As of the last meeting only 1 municipality had returned their suggestion. Mt Gretna has opted out of the group, leaving 5 municipalities, N Leb, S Leb, N Cornwall, W Cornwall and Cornwall Borough. All are in the Cornwall-Leb School Dist.

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

Respectfully Submitted,

Theresa L. George
Recording Secretary