

AGENDA

PLANNING COMMISSION
REGULAR MEETING

JULY 1, 2010
7:00 PM

THIS MEETING IS BEING RECORDED

As a courtesy to others in attendance, please turn off all cellular phones & pagers during the meeting.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC PARTICIPATION

APPROVAL OF MINUTES – June 3, 2010

OLD BUSINESS

Subdivision Plans

1. Mechanicsburg Terminals Corporation 2010-5F Revised (8/11/10)
[Industrial property on 122.53 acres of land on Texaco Road, directly east of the existing Mechanicsburg Terminal. The subdivision consolidates two of three existing parcels.]

NEW BUSINESS

Subdivision Plans

1. Charles F. & Freda F. Acri 2010-6F (08/31/10)
[To subdivide one lot with existing dwelling from existing 55-acre tract on North Locust Point Road.]
2. Jack L. & Cherie L. Miller & Margaret N. Gates 2010-7F (9/5/10)
[2 single-family dwellings on 7.210 acres of land on Sample Bridge Road and Conifer Lane, North of I-81.]

Conditional Use

1. Eichelberger's, Inc. CU2010-3
[On-site electric generation facilities, two wind turbines, at 107 Texaco Road.]

Planning Exemption

1. Westhafer Estates
[16-lot subdivision located along the south side of Texaco Road near Keener Dr.]

Zoning Changes

1. Ferris Land Development, LP Z2010-4
[Request to rezone approximately 150 acres of land at Hempt Road and the Carlisle Pike from Agricultural Zone (A) to Highway Commercial (C-3).]

OTHER PERTINENT BUSINESS

1. Comprehensive Plan Update
2. Consideration of Policy to Address Compliance with Ordinances Requirements

ADJOURNMENT

MINUTES

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The Silver Spring Township Planning Commission met in a regular session on Thursday, July 1, 2010 at the Township Building, 6475 Carlisle Pike, Mechanicsburg, Pennsylvania.

Chairman Ricci called the meeting to order at 7:00 pm and the Pledge of Allegiance to the Flag was given.

Commission members present: Chairman Joseph Ricci, Vice-Chairman Raymond Brown, Mr. William DeVore, Mr. Curt Helman, Mr. Art D'Agostino, and Ms. Georgianne Diener. Absent: Mr. Brian Brenneman.

Staff members present: Ms. Terri A. Martini, Acting Township Manager; Ms. Vicki Aycock, EIT, Dawood Associates, Inc.; Mr. Jeff Kelly, Cumberland County Planning Commission; and Ms. Kathy K. Kramer, Recording Secretary.

Others present:

Nate Spade	Nancy Griffie
Vince DiFilippo	J. L. Bruner
L. Spenard	Ron Ferris
Kevin Beer	Wayne Stevenson
James E. Greene	David Hinaman, Jr.
Jerry Rice	Mark Cummins
Bill Rothman	Ron Skubecz
Maryann Skubecz	David Lia
Dave Palmer	George Weimer
Robert Seader	Pam & Bob Long
Rick Olson	Maryann Demagall
Richard Bronakoski	Muriel Bronakoski
Curt & Lisa Trogner	Terry Moser
Claire Hoffman	Dave Lenker
Steve Carten	Eric Brinser

PUBLIC PARTICIPATION

None.

APPROVAL OF MINUTES JUNE 3, 2010

On a D'Agostino/DeVore motion, the Planning Commission approved the minutes of the meeting held June 3, 2010.

The motion carried.

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OLD BUSINESS

SUBDIVISION PLANS

MECHANICSBURG
TERMINALS
CORPORATION 2010-5F
REVISED

Mr. Eric Brinser, of Rettew Associates and Mr. Steve Carten, of Arnold Fuels, discussed the Mechanicsburg Terminals Corporation revised subdivision plan with the Planning Commission.

On a Brown/Helman motion, the Planning Commission forwarded the following waiver to the Board of Supervisors with a recommendation for approval:

1. [SLDO:602.18.4] – Access Drives
The applicant is requesting relief from the requirement that access drive lengths not exceed eight hundred (800') feet. The applicant's justification is stated as follows: The existing access drive into the Buckeye property is over 1,116 ft. long, which is an existing non-conformity. The alignment of the future access drive will be approximately 2,800 ft. long. Due to the location of the Buckeye parcel and facilities, it is not possible to provide an access drive to meet the maximum length of 800 ft. as required by the Ordinance.

The motion carried.

On a Brown/Helman motion, the Planning Commission forwarded the Mechanicsburg Terminals Corporation, final subdivision plan, 2010-5F Revised, to the Board of Supervisors with a recommendation of approval subject to the following comments:

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF
2009 (SLDO):

1. [SLDO:304.06] – All final plans as recorded shall be submitted in electronic format compatible with AutoCAD 2000®.

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2. [SLDO:402.03.4 & 403.03] – Provide existing features within two hundred (200') feet of the subject tracts. *Provide complete information for the Sun Pipe Line Co. 8-inch high-pressure pipeline for the portions of the pipeline, which lie within the tracts and/or within 200 feet.*
3. [SLDO:402.04.6, 403.04.3 & 607] – Provide complete easement information in accordance with the requirements of these Sections for the proposed 50-foot pipeline easement. *In addition, provide all easements with locational dimensions to provide easy on-site location. Easements which do not follow property lines shall be located by a centerline metes and bounds description.*
4. [SLDO:402.05.2, 403.06.3 & 613.01] – Sewer Facilities Planning module or exemption is required for adoption by Silver Spring Township and approval by the Department of Environmental Protection.
5. [SLDO:402.05.8 & 403.05] – Provide evidence of PHMC notification and response.
6. [SLDO:402.05.11, 403.05 & 617] – Provide a Carbonate Assessment Report.
7. [SLDO:402.06.1 & 403.06] – Provide a copy of the right-of-way agreement(s) or letter(s) from the owner(s) or lessee(s) of such right-of-way(s) stating any conditions on the use of the land and the minimum building setback and/or right-of-way line for all existing pipelines.
8. [SLDO:403.01] – Prior to recording, the plan must be reduced to 18" x 24" and be legible. Submission of a single proof set for a legibility review prior to recording is required.
9. [SLDO:403.06] – All original seals, signatures, and notarizations shall be provided on each copy of the final plan prior to being recorded. Copies of sealed, signed, and notarized plans will not be permitted for recording.
10. [SLDO:403.07] – All applicable fees shall be paid prior to plan recording.

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11. [SLDO:602.18] – The applicant indicates that no improvements are proposed with this application; however, it appears that construction of an access drive will be necessary to provide access to proposed Tract 2. Please clarify. The applicant shall verify that all requirements for an access drive at this location can be met. *Provide a clear-sight triangle for the future access drive in accordance with Section 602.17.3.*
12. [SLDO:602.18.4] – Access drives which form a cul-de-sac shall not exceed eight hundred (800') feet in length. It appears the future access drive location for Tract 2 will exceed the maximum length required. The applicant may want to consider submitting a Waiver Application for this Section of the SLDO. *The applicant is requesting a waiver of this requirement.*
13. [SLDO:610.02] – Provide evidence that a trained professional has conducted a wetland review for all affected Tracts.

ADDITIONAL COMMENTS

14. A front setback of 50' is not identified for Tract 2 (Zoning, Section 221.8).
15. The impact of the new access road on the adjacent R-1 zone should be determined.

The motion carried.

NEW BUSINESS

SUBDIVISION PLANS

CHARLES F. & FREDA F.
ACRI 2010-6F

On a D'Agostino/Diener motion, the Charles F. & Freda F. Acri subdivision plan, 2010-6F, was tabled per the applicant's request. The following waivers and comments must be addressed:

WAIVERS:

1. [SLDO:402.02.1] – Drafting Standards

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The applicant is requesting relief from the requirement to provide the plan at a scale of 1" = 100'. The applicant's justification is stated as follows: All improvements are existing, no further construction or improvements are proposed. Scale at 1" = 200' is adequate to accurately describe and delineate proposed subdivision of lot #2 from lot #1.

2. [SLDO:403.03] – Existing Features
The applicant is requesting relief from the requirement to show existing features within 200 feet of the subject tract. The applicant's justification is stated as follows: All improvements are existing, no further construction or improvements are proposed.
3. [SLDO:403.04.1] – Centerline Description
The applicant is requesting relief from the requirement to provide a complete description of the centerline and right-of-way line for existing streets. The applicant's justification is stated as follows: All improvements are existing, no further construction or improvements are proposed.
4. [SLDO:403.05] – Reports
The applicant is requesting relief from the requirement to provide the following reports: Archaeological Resources, Historical Features, Important Natural Habitats, and Carbonate Assessment Report. The applicant's justification is stated as follows: No disturbance or improvements are proposed.

ZONING ORDINANCE OF 2009 (ZO):

1. [ZO:204.5.1 & 2] – Permitted Density
For each parcel of contiguous land in single ownership, which is not served by both public sewer and public water, there may be five (5) lots sold or utilized for a permitted use single-family detached dwelling. Specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of permitted use single-family detached dwellings.

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2. [ZO:204.6] – Design Requirements
It appears the Zoning Data provided is in error. The Site Data indicates water and sewer as on-lot. Therefore, include the design requirements for lots without public utilities for proposed Lot 1. In addition, the setbacks provided for proposed Lot 2 appear to be in error since the property depends on a well for potable water. Please review and revise as appropriate to provide the applicable design requirements.
3. [ZO:345.1] – Tree Planting
If any new lot is proposed, street trees shall be planted along all lot lines that are adjacent to the street.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 2009 (SLDO):

4. [SLDO:304.06] – All final plans as recorded shall be submitted in electronic format compatible with AutoCAD 2000®.
5. [SLDO:403.01 & 402.01.1] – The Plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, or 100 feet to the inch. The applicant is requesting a waiver of this requirement.
6. [SLDO:403.01 & 402.01.2] – Provide complete boundary description for Lot 1 on Sheet 2.
7. [SLDO:403.01] – Prior to recording, the plan must be reduced to 18" x 24" and be legible. Submission of a single proof set for a legibility review prior to recording is required.
8. [SLDO:403.01 & 402.01.4] – Labeling on Sheets 2 and 3 is not legible. Please review and revise as appropriate to improve legibility.
9. [SLDO:403.03 & 402.03] – The Site Data table indicates that there are two (2) existing lots. Please review and revise as appropriate to reflect the correct number of existing lots (i.e., one).
10. [SLDO:403.03 & 402.03.3] – Provide the location and description of existing lot line markers and monuments.

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11. [SLDO:403.03, 402.03.4] – Provide existing features within two hundred (200') feet of the subject tract or (c) beyond two hundred (200') feet of the subject tract (e.g., floodplains, wetlands, rights-of-way, etc.). The applicant is requesting a waiver of this requirement.
12. [SLDO:403.03, 402.03.4 & 607] – Complete easement information shall be provided for the shared driveway, including but not limited to: ownership and maintenance responsibilities and all conditions and rights associated with the easement. Also, a complete description of the easement shall be provided in order to be able to easily locate the easement area.
13. [SLDO:403.03 & 402.03.6] – Provide the locations of existing wooded areas or tree lines.
14. [SLDO:403.04, 402.04.12 & 608] – Provide a plan note (within the general notes) regarding when the lot line markers and monuments will be set.
15. [SLDO:403.05, 402.05.2 & 613.01] – A Sewer Facilities Plan Revision (planning module or Exemption) is required for adoption by Silver Spring Township and approval by the Department of Environmental Protection. A non-building declaration may be submitted. The applicant is requesting a waiver of this requirement.
16. [SLDO:403.05 & 402.05.8] – Provide evidence of PHMC notification and response. The applicant is requesting a waiver of this requirement.
17. [SLDO: 403.05 & 402.05.10] – Provide evidence of PNDI notification and response. The applicant is requesting a waiver of this requirement.
18. [SLDO: 403.05, 402.05.11 & 617] – Provide a Carbonate Assessment Report. The applicant is requesting a waiver of this requirement. This requirement may not be waived. The applicant may submit an abbreviated report and provide a general plan note stating in effect that a detailed report will be provided at such time that Lot #1 is proposed for development.
19. [SLDO:403.04.1] – Provide a complete description of the centerline for North Locust Point Road, including all

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required curve information. The applicant is requesting a waiver of this requirement.

20. [SLDO:403.06] – All original seals, signatures, and notarizations shall be provided on each copy of the final plan prior to being recorded. Copies of sealed, signed, and notarized plans will not be permitted for recording.
21. [SLDO:403.07] – All applicable fees shall be paid prior to plan recording.
22. [SLDO:602.03.1] – Provide a sixty (60') foot right-of-way from the centerline along Lot 1.
23. [SLDO:610.01] – The applicant shall reference the most current FEMA/FIRM mapping.
24. [SLDO:610.02] – Provide evidence that a trained professional has conducted a wetland review for all affected tracts.
25. Proposed lot 2 and the adjacent lot appear to share a driveway. Any agreement between the property owners for access and maintenance should be noted.
26. Is lot 2 serviced by public water? If so, locations of the existing lines should be shown.

The motion carried.

JACK L. & CHERIE L.
MILLER & MARGARET N.
GATES 2010-7F

On a D'Agostino/Helman motion, the Planning Commission tabled the Jack L. & Cherie L. Miller and Margaret N. Gates final subdivision plan, 2010-7F, per the applicant's request. The following comments must be addressed:

ZONING ORDINANCE OF 2009 (ZO):

1. [ZO:202.5.1] – Maximum Number of Permitted Dwellings or Lots
Provide verification that the proposed lots do not exceed the maximum number of permitted lots in accordance with the requirements of this Section.

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2. [ZO:204.6] – Design Requirements – Lot Width
It appears that proposed Lot 3 does not meet the minimum lot width (i.e., 280 ft.) required.
3. [ZO:204.6] – Design Requirements – Side Yard Setbacks
It appears that proposed Lot 3 does not meet the minimum side yard setbacks required.
4. [ZO:311] – On-Lot Sewage Disposal
Provide proposed locations of on-lot sewage disposal systems and demonstrate that the proposed lot sizes have been approved by PA DEP through its sewer module review process. Both a primary and alternate site is required and the alternate disposal site shall be perpetually protected.
5. [ZO:345.1] – Tree Planting
If any new lot is proposed, street trees shall be planted along all lot lines that are adjacent to the street.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 2009 (SLDO):

6. [SLDO:304.06] – All final plans as recorded shall be submitted in electronic format compatible with AutoCAD 2000@.
7. [SLDO:403.01, 403.02 & 402.02.8] – The scale provided on Sheet 1 appears to be incorrect. In addition, please provide a written scale.
8. [SLDO:403.02 & 402.02.9] – Provide the total acreage of each of the existing lots.
9. [SLDO:403.03 & 402.03.4] – Provide existing features on or within two hundred (200') feet of the subject tracts (e.g. wetlands, floodplain, wells, etc).
10. [SLDO:403.03, 402.03.4 & 607] – Complete right-of-way information shall be provided for Conifer Lane, including but not limited to: ownership and maintenance responsibilities and all conditions and rights associated with the right-of-way. Also, a complete description of the easements shall be provided in order to be able to easily locate the easement area.

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11. [SLDO:403.03 & 402.03.5] – Provide the location and size of existing individual on-lot sanitary sewer disposal facilities and water supply facilities on or within 100 feet of the lots to be affected by the subdivision.
12. [SLDO:403.04.1] – Provide the centerline description for Sample Bridge Road.
13. [SLDO:403.04.3, 402.04.6 & 607] – Provide clarification on General Note #20 regarding the 25' access. In addition, please provide a description for the 50' private right-of-way and an easement agreement for the right-of-way.
14. [SLDO:403.06.3, 402.05.2 & 613.01] – Sewer Facilities Planning module or exemption is required for adoption by Silver Spring Township and approval by the Department of Environmental Protection.
15. [SLDO:403.05, 402.05.5 & 612] – Provide a Steep Slope Report.
16. [SLDO:403.05 & 402.05.8] – Provide evidence of PHMC notification and response.
17. [SLDO:403.05 & 402.05.10] – Provide evidence of PNDI notification and response.
18. [SLDO:403.05, 402.05.11 & 617] – Provide a Carbonate Assessment Report.
19. [SLDO:403.01] – Prior to recording, the plan must be reduced to 18" x 24" and be legible. Submission of a single proof set for a legibility review prior to recording is required.
20. [SLDO:403.06] – All original seals, signatures, and notarizations shall be provided on each copy of the final plan prior to being recorded. Copies of sealed, signed, and notarized plans will not be permitted for recording.
21. [SLDO:403.06.1] – Revise the Final Plan approval statement to be in accordance with Appendix No. 5 of the SLDO.

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22. [SLDO:403.06.2] – Provide the correct review statement for the Cumberland County Planning Department.
23. [SLDO:403.07] – All applicable fees shall be paid prior to plan recording.
24. [SLDO:602.03.1] – Sample Bridge Road (T-596) requires a sixty (60') foot right-of-way, measured thirty (30') feet from the existing street centerline.
25. [SLDO:602.17] – Add a general note that states in effect that the driveway must be constructed in conformance with the requirements of SLDO:602.17
26. [SLDO:602.17.4] – Provide sight distances for the proposed driveway.
27. [SLDO:602.17.5] – Provide grading for the proposed driveway to demonstrate that the driveway will not exceed a slope of eight percent (8%) within twenty (20') feet of the street right-of-way lines.
28. [SLDO:610.01] – The plan shall reference the most current FEMA/FIRM mapping.
29. [SLDO:610.02] – Provide evidence that a trained professional has conducted a wetland review for all affected tracts.
30. [SLDO:615.01] – A recreation fee of \$1,300.00 shall be provided for each proposed dwelling unit prior to plan recording.
31. The plan must be certified by the surveyor.
32. Note 19 on sheet 1 indicates the lot that carries the remaining building rights. The note should also clarify the unused quota of dwellings that remain with the lot.
33. Contours should be indicated at 2' intervals (Sub Ord, Section 402.03.1).
34. Note 20 on sheet 1 references a 25' access from lot 1 to lot 2, which does not appear to be shown on the plan.

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35. The perc tests shown on sheet 3, for the proposed house on lot 4, appear to be located in lot 2. Will the sewer system for lot 4 be located on lot 2? If so, an agreement should be established between the property owners.
36. The Cumberland County review block should be corrected to indicate Cumberland County Planning Department and have only one signature block for Director of Planning.

The motion carried.

CONDITIONAL USES

EICHELBERGER'S, INC.
CU2010-3

Mr. Mark Cummis and Mr. Terry Moser of Eichelbergers, Inc. discussed the Eichelbergers, Inc., conditional use application with the Planning Commission.

On a Brown/D'Agostino motion, the Planning Commission tabled the Eichelbergers, Inc., conditional use application, CU2010-3. The following comments must be addressed:

ZONING ORDINANCE OF 2009 (ZO):

1. [ZO:301.5 & 451] – Wind Energy Conversion System
As a condition of approval, the applicant shall comply with all wind energy conversion requirements as provided for in Sections 301.5 and 451 of the Township's Zoning Ordinance.
2. [ZO:451.2] – Braking System
Stall regulation shall not be considered a sufficient braking system for over-speed protection. Please provide clarification regarding the redundant braking system
3. [ZO:451.4] – Occupied Dwelling Set Back
Provide verification that the proposed wind turbines are located from the nearest occupied dwelling of not less than 5 times the hub height, as measured from the center of the wind turbine base to the nearest point on the foundation of the dwelling.

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ADDITIONAL COMMENTS:

4. Applicant to provide manufacturers' specifications and information on potential velocity and impact of the blades if they become disengaged during operations.

The motion carried.

PLANNING EXEMPTION

WESTHAFER ESTATES

On a Brown/Helman motion, the Planning Commission forwarded the Westhafer Estates planning exemption to the Board of Supervisors with a recommendation for approval.

The motion carried.

ZONING CHANGES

FERRIS LAND
DEVELOPMENT, LP
Z2010-4

Mr. Ron Ferris, of Ferris Land Development, discussed the Ferris Land Development zoning change request with the Planning Commission.

The motion by Mr. DeVore, recommending the Ferris Land Development, LP proposed zoning change, Z2010-4, be forwarded to the Board of Supervisors with a recommendation for approval failed due to lack of a second. On a Diener/Helman motion, the Planning Commission forwarded the Ferris Land Development, LP Zoning Change, Z2010-4, to the Silver Spring Township Board of Supervisors with a recommendation for denial.

The motion carried with Mr. DeVore casting a negative vote.

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OTHER PERTINENT
BUSINESS

COMPREHENSIVE PLAN
UPDATE

On a D'Agostino/Diener motion, the Planning Commission tabled action on the Comprehensive Plan update.

The motion carried.

CONSIDERATION OF
POLICY TO ADDRESS
COMPLIANCE WITH
ORDINANCES
REQUIREMENTS

On a D'Agostino/Brown motion, the Planning Commission tabled action on the consideration of a policy to address compliance with ordinances requirements.

The motion carried.

ADJOURNMENT

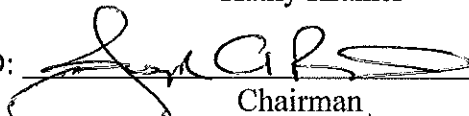
There being no further business or comments to come before the Planning Commission, the meeting was adjourned at 9:34 pm on a D'Agostino/Diener motion.

The motion carried.

Recorder:


Kathy Kramer

APPROVED:


Chairman


Secretary