

PLANNING COMMISSION MINUTES

On Monday, September 9, 2024 at 6:00 p.m., the meeting of the Newberry Township Planning Commission was called to order by Planning Commission Chairman, David Parsons.

Members Present: David Parsons
David Kirkpatrick
Dale Jackson
Toni Sharp
Tyler Yost

Members Absent: James Alexander, Jeffry Holland

On a Motion by David Parsons and seconded by David Kirkpatrick, the agenda was revised to discuss the Michael and Renee Zimmerman Minor Final Subdivision @ 225 Culhane Road first and to discuss the Multi Family Development, Church Road after. By a 5 -0 vote, the Motion was approved.

Approval of Minutes

On a Motion by Toni Sharp and seconded by Dale Jackson, the Minutes from the August 12, 2024 Planning Commission meeting were recommended for approval. By a 5 - 0 vote, the Motion to approve the Minutes passed.

New Business

Michael and Renee Zimmerman, 225 Culhane Road Minor / Final Subdivision Plan, dated 4/5/24, was presented by Layne B. Clark. LSIT, Gordon L. Brown & Associates. The purpose was to subdivide the parcel of land along the south side of Culhane Road into proposed Lot 7.

Before Subdivision, the parcel totaled 34 acres (Gross) and after Subdivision, Lot 1 21.43 acres (Gross) and Lot 7 12.56 acres (Gross).

The Non Build Waiver Note, on page 1, mentioned about the General Industrial use. This use is not allowed by the Ordinance since the property is in the Agriculture Zone. After discussion, the words “General Industrial” will be replaced by Agricultural”. No portion of the property / subdivision are approved by Newberry Township (Municipality) or the PA Department of Environmental Protection (DEP) for the installation of any sewage disposal facility.

344-20.E Site Context Map

344-37 Stormwater Management

344-42.B.3 Streams, Channels / Valleys, Springs and other Lowland Areas

On a Motion by David Kirkpatrick and seconded by Dale Jackson, the three Waivers were submitted together and approved by a 5 – 0 vote.

On a Motion by David Kirkpatrick and seconded by Dale Jackson, Final/Minor Subdivision Plan was approved by 5-0 vote.

Old Business

A Preliminary/ Final Plan Multi Family Development, Church Road Subdivision Plan, dated March 8, 2024 and revised September 4, 2024 was presented by Elliot Shibley, Project Manager, Partner for Integrated Consulting. Also present were Jason Wheeler, Traffic Planning & Design and John Andrews, Attorney, McNees, Wallace and Nurick.

Included were Traffic Study Plan dated September 6, 2024 by Traffic Planning & Design, Memorandum from Integrated Consulting dated September 3, 2024 and Denial Letter from PA Department of Environmental Protection, dated September 3, 2024. The Plan is not qualified for the use of and exemption from the requirement to revise the official plan. Elliot Shibley stated the denial will not be appealed the developer and a revised plan to the DEP will be submitted.

Elliot Shibley stated that they are proposing a 30 MPH speed limit for Church Road and Level 3 screening, including shrubs and fencing even where it was originally proposed for Level 1 screening in some areas.

Numerous residents asked about the installation of a Dead End Road behind the Paddletown Methodist Church, speed bumps, revising the ordinances, no residents in favor of the plan, additional traffic, removal of woodlands and additional Police, Fire and EMS services.

Elliot Shibley stated that overflow parking was not included because it is not in the ordinance. In case of fire, will the buildings' height cause a problem for the Fire Department? Elliot stated that all buildings will have sprinklers. Other local Fire Departments can provide assistance if needed.

Jason Wheeler discussed the speed limit on Church Road and the 85th Percentile. They are recommending a 30 MPH speed limit and Bill Rudy agreed to this.

Other residents asked about fencing and subsidized housing. Elliot stated that the apartments will not be subsidized by State or Federal grants.

John Andrews, Attorney talked about the need for the apartments as another diverse housing option.

Statements and questions from Planning Commission members:

Recognized the residents attending and providing input.

Developer did not attend any meetings and not required to do certain things, e.g. provide overflow parking.

PA DEP Denial Letter dated 9/3/24. Bill Rudy stated that the Developer has to submit a full fledge plan for sewage and must apply for a new permit. The system must be tied into a common Force Main from the extension from Rabbit Slide.

Easement Agreement for Sierra Glen and Mira Properties was recorded with York County and passes to the successor. Rudy will contact Solicitor about the easement.

Steep Slopes –If there were less buildings, the slopes would not be affected and a waiver would then be unnecessary. ADA ramps should be near Building 8. Elliot stated that ramps were not required , determined by the number of parking spaces.

Developer will pay the Parks and Recreation fee.

Is Waiver 344-20 Preliminary Plan for the entire Ordinance Section? Elliot stated that the plan meets all requirements.

Motion by Dale Jackson to request approval for Waiver 344-20 Preliminary Plan and seconded by David Kirkpatrick.

Yes - 3, No - 2 Motion approved. David Parsons and Tyler Yost voted No.

Motion by Dale Jackson to request approval for Waiver 344-42B(5)(B) Slopes and seconded by Tyler Yost. Yes - 2, No – 3. Motion denied. David Parsons, Tyler Yost and Toni Sharp voted No.

Motion by David Kirkpatrick to request approval for Waivers 344-31K Private Streets and 344-33D Lot Configuration and seconded by Dale Jackson. Yes - 2, No -3. Motion denied. David Parsons, Tyler Yost and Toni Sharp voted No.

Motion by Tyler Yost and seconded by Toni Sharp to not recommend approval of the plan. Reasons included residents' input, no one in favor of the plan, Engineer's comments, Sight Distance. Traffic Studies, Left hand turn restriction for Stephens Road, two waivers not approved, DEP denial, Easement review, not a good fit, speed limit, residents' safety, country road, density of number of buildings, infrastructure, steep slopes and woodlands. Yes - 4, No - 0. Motion approved

David Kirkpatrick abstained on the vote for the plan's approval because he will cast his vote as a Supervisor when it is submitted for approval.

Adjournment

On a Motion by Toni Sharp and seconded by David Kirkpatrick the meeting was adjourned at 8:35 p.m. by 5 - 0 vote.