

NEWBERRY TOWNSHIP

PLANNING COMMISSION MINUTES

On Monday, July 8, 2024 at 6:00 PM, the meeting of the Newberry Township Planning Committee was called to order by Planning Commission Chairman, David Parsons.

Members Present: James Alexander
 Jeffry Holland
 David Parsons
 David Kirkpatrick
 Toni Sharp
 Tyler Yost
 Dale Jackson

Members Absent: None

Approval of Minutes

On a Motion by David Kirkpatrick, seconded by Dale Jackson, the Minutes from the May 13, 2024 Planning Committee meeting were recommended for approval. By a 7-0 vote, the Motion to approve Minutes passed.

Reports

None

Old Business

None

New Business

None

Conditional Use

None

Subdivision Plan

AAA – Quality Builders, 1335 York Haven Road – A Preliminary/Final Minor Subdivision Plan dated March 7, 2024 with a revision date of June 6, 2024 was presented by Chris Hinkle, Burget & Associates. James Gibson with AAA Quality Builders was also present to answer questions. The Subdivision Plan proposes subdividing a 2.134 acre parcel into 3 additional building lots of approximately ½ acre each. Owner is requesting 5 waivers to the plan. A memorandum dated June 2, 2024 prepared by William Rudy, PE of Pennoni was reviewed by Commission members. Several members of the public spoke and expressed concerns over sidewalk safety and backing onto York Haven

Road. It was noted that the plan provides for a driveway turnaround for each lot indicated on the plan. It was suggested that Mr. Gibson and Township engineer meet to discuss comments further. Waiver Requests were voted on separately. Following are the 5 waivers.

Section 344-20, Preliminary Plan – Motion to approve, David Kirkpatrick, 2nd by Dale Jackson, approved 7-0.

Section 344-20.E, Provide Site Context Map – Motion to approve, David Kirkpatrick, 2nd by Dale Jackson, approved 7-0.

Section 344-20.I, Show Preliminary Improvement Plan – Motion to approve, James Alexander, 2nd by David Kirkpatrick, approved 7-0.

Section 344-37, Provide Stormwater Management Plan, Motion to approve, James Alexander, 2nd by Tyler Yost, approved 7-0.

Section 344-32, Provide Curb and Sidewalk. – No motion made to recommend. Waiver not approved.

A Motion was made by Dale Jackson to allow owner to defer curb and sidewalk with a second provided by Toni Sharp. Approved 6-1.

A motion to recommend approval of the Preliminary/Final Minor Subdivision Plan, in accordance with Township Engineer Memorandum and Commission comments was made by David Kirkpatrick with a second provided by Dale Jackson. The recommendation was approved by a 7-0 vote.

James and Lynn Yost, 425 Yocumtown Road – A Final Minor Subdivision Plan dated June 10, 2024 with a last revised date of June 24, 2024 was presented by Chris Hoover, Hoover Engineering Services. The Subdivision Plan proposes subdividing a 2.751 acre parcel from a larger 100 plus acre parcel owned by James and Lynn Yost. Owner is requesting 3 waivers to the plan. The waivers are 1) 344-37, Provide Stormwater Plan; 2) 344-20.J.10., Provide Woodland Evaluation and 3) 344-20.E, Provide Site Context Map. A memorandum dated July 1, 2024 prepared by William Rudy, PE of Pennoni was reviewed by Commission members. The 3 waivers were voted on as one. With a motion from David Kirkpatrick and a second provided by Dale Jackson, the Waivers were approved by a 6 – 0 vote. Tyler Yost abstained from the vote. A motion to recommend approval of the Final Minor Subdivision Plan, in accordance with Township Engineer Memorandum and Commission comments was made by Dale Jackson with a second provided by Jeffry Holland. The recommendation was approved by a 6-0 vote. Tyler Yost abstained from the vote.

Land Development

Zenith Construction Inc., Multi-Family Development, Church Road – A preliminary/final subdivision and land development plan dated March 8, 2024, last revised June 18, 2024 was presented by Elliot Shibley, Integrated Consulting. The plan proposes 120 apartment units located in 10 separate buildings on a 15.56 acre tract located along Church Road. There are three waivers being requested by the Owner. A memorandum dated July 2, 2024 was prepared by William J. Rudy, Pennoni and presented to Planning Commission members. Also representing Zenith at the July 8th meeting were James Strong, McNees, Wallace and Nurick and Jason Wheeler, Traffic Planning and Design.

Numerous residents were in attendance to voice their concerns over the proposed development of 120 apartment units. Residents provided a Newberrytown Neighborhoods Alliance Petition detailing concerns, an Analyses prepared by John A. Nawn titled Traffic Impact Review Multi Family Development – Zenith Construction, Inc. and a letter from Albert L. Kuhner, Jr. dated July 3, 2024 and read by Pastor Weitzel, Paddletown Church. John Elliott, an attorney representing Rob Lane was also present at the meeting. Following is the list of residents, not in any special order, who spoke during the meeting: Sandra Gonzales – 140 Oak Road, Joshua Grove – 385 Church Road (email provided), Sue Ostrander – 35 Rolling Hill, Maxine Kauffman – 540 Paddletown Road, Janice Zuro – 25 Harvest Drive, Pastor Ryan Weitzel – Paddletown Church Road, Denise Kohr - 40 Harvest Drive, Scott Wilt – Church Road, David Erney – 460 Paddletown Road, Rob Lane – 345 Church Road, Bruce Chambers – 101 Rose of Sharon, Jane Harmon – 205 Hemlock Road, Danny Greenberg – Paddletown Road, Joe Burk – 555 Paddletown Road, Ian Murphy – Paddletown Road, Donna Fink, Gloria Weaver – 3660 Old Trail, Rick Fink, 465 Miller Road, Lance Wolfers – 2095 Valley Green Road, Carolyn Fry .

Comments and concerns provided by residents were: 1) Traffic, by far, was the number one concern expressed by the residents listed above, including speed of vehicles; 2) Along with Traffic was the existing condition of Church and Paddletown Roads, including not wide enough, paving, line of sight and widening of road would reduce front yard and driveway space; 3) Number of units proposed was also a concern, leading to additional traffic, sewage capacity, crime and stress on Township resources; 4) Environmental issues such as wetlands, downstream habitat and possible endangered species were mentioned as a concern; 5) Building height and screening, 41' proposed height; 6) Overall Safety of children and adults living in the area.

A traffic study is being completed for the project, along with a speed survey to determine the average speed traveled on Church Road. Creation of a one way section at Church to Paddletown Roads may also help. Line of sight for entering and exiting the development is still a concern. Building height proposed at 41' height has been questioned versus language found in ordinance.

Near the end of the meeting, it was announced that a letter was provided to the Township by Developer extending the approval date for the project to October 31, 2024. Planning Commission members have requested additional details from the developer for review. Based on the need for these additional details, a motion was made by David Kirkpatrick, with a 2nd from Jeffry Holland t to table the plan. The plan was tabled by a 7 – 0 vote.

Adjournment

On a Motion by David Kirkpatrick, seconded by Jeffry Holland, the meeting was adjourned at 9:30 PM by a 7 - 0 vote.