NEWBERRY TOWNSHIP

PLANNING COMMISSION MINUTES

On Monday, May 13, 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

Toni Sharp

Tyler Yost

Dale Jackson

Members Absent: David Kirkpatrick

**Approval of Minutes**

On a Motion by Toni Sharp, seconded by Dale Jackson, the Minutes from the April 8, 2024 Planning Committee meeting were recommended for approval. By a 5-0 vote, Jeffrey Holland abstained, the Motion to approve Minutes passed.

**Reports**

None

**Old Business**

None

**New Business**

Wellspan Health, Final Land Development Plan - A final land development plan dated March 15, 2024, last revised May 3, 2024 was presented by Joseph Stein, Warehaus. The plan proposes the construction of a 19,398 square foot building on the site of the former Santander Bank along Robinhood Drive. The proposed use is a neighborhood hospital offering 24/7 emergency department care with approximately 10 emergency care rooms and 10 patient rooms for short term stay. Wellspan was represented at the meeting by Jeffrey Lobach, Barley-Snyder Attorney and Mr. Friis, Trammell Crow Development. There will be a land lease agreement for the project. Wellspan is requesting 12 Waivers for the project. The memorandum prepared by William Rudy of Pennoni and dated May 9th was reviewed by Commission members.

Several residents spoke in favor of the project, including Jane Harmon, 205 Hemlock Drive, Sandra Gonzales, 140 Oak Road and Maxine Kauffman, Paddletown Road. Resident Joshua Grove commented that Wellspan should consider adding a walkway in the shared parking area to connect their parcel with the adjoining Karn’s parcel.

The 12 waivers requested were voted on individually. Following is a summary of the waiver requested, motion made and final vote.

1. 344-15, Preliminary Plan Submission – Motion by James Alexander, 2nd by Dale Jackson

Approved by 6 – 0 vote.

2. 344-20.C.11, List of conditions – Motion by Jeffry Holland, 2nd by Dale Jackson

Approved by 6 – 0 vote.

3. 344-20-E, Provide a site context map – Motion by Dale Jackson, 2nd by James Alexander

Approved by 6 – 0 vote.

4. 344-20-F, Provide existing resource and site analysis plan – Motion by Dale Jackson, 2nd by Jeffry Holland, Approved by 6 – 0 vote.

5. 344-20.H, Preliminary Resource Impact and Conservation Plan – Motion by Dale Jackson, 2nd by Tyler Yost, Approved by 6 – 0 vote.

6. 344-21.C.2, Provide a statement acknowledging final approval – Motion by James Alexander, 2nd by Dale Jackson, Approved by 6 – 0 vote.

7. 344-21.C.3, Provide a statement acknowledging plan review by the Township Planning Commission – Motion by Toni Sharp, 2nd by Dale Jackson, Approved by 6 – 0 vote.

8. 344-31.R.3.C, Access Drives shall not connect within 100 feet from intersection – Motion by Toni Sharp, 2nd by Tyler Yost, Approved by 6 – 0 vote.

9. 344-31.R.3.D, Drives shall be aligned with access drive opposite side of street – Motion by James Alexander, 2nd by Dale Jackson, Approved by 6 – 0 vote.

10. 344-32.A, Sidewalks are required in the designated growth areas – No motion was made to approve. Waiver was denied by a 5 – 1 vote.

11. 344-33.D.5, Double Frontage Lots are prohibited – Motion by Tyler Yost, 2nd by Jeffry Holland, Approved by 6 – 0 vote.

12. 344-31.R.3.F, Minimum radius of 55 feet – Motion by Dale Jackson, 2nd by Tyler Yost, Approved by 6 – 0 vote.

A motion to recommend approval of the Final Land Development Plan, in accordance with Township Engineer Memorandum and Commission comments was made by Toni Sharp with a second provided by Jeffry Holland. The recommendation was approved by a 6-0 vote.

**Conditional Use**

None

**Subdivision Plan**

1000 Twin Lakes & Garriston Road – A Final Minor Subdivision Plan dated April 15, 2024 with a revised date of May 2, 2024 was presented by Chris Hoover, Hoover Engineering Services. The Subdivision Plan proposes subdividing a 36.6 acre parcel owned by Richard and Sandra Clemens and Jeffrey and Susan Shirey into two parcels of 18.3 acres each. Owner is requesting two waivers to the plan. The waivers include 1) 344-20.E, Provide Site Context Map and 2) 344-47, Submission of Stormwater Plan and Report. Summary of Waivers to be corrected on the Subdivision Plan. A memorandum dated May 8, 2024 prepared by William Rudy, PE of Pennoni was reviewed by Commission members. The two waivers were voted on separately. With a motion from Tyler Yost, and a second provided by Dale Jackson the Waiver for 344-20.E was approved by a 6 – 0 vote. With a motion from Dale Jackson, and a second provided by Jeffry Holland the Waiver for 344-47 was approved by a 6 – 0 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.

1285 York Haven Road – A Final Minor Subdivision Plan dated March 25, 2024 with a last revised date of May 9, 2024 was presented by Dale Jackson, Akens Engineering Associates. The Subdivision Plan proposes subdividing 3.06 acre parcel owned by Joseph and Susie Esch from a 4.62 acre parcel. Owner is requesting one waiver to the plan. The waiver is for 344-20.E, Provide Site Context Map. A memorandum dated May 8, 2024 prepared by William Rudy, PE of Pennoni was reviewed by Commission members. With a motion from Toni Sharp and a second provided by Tyler Yost, the Waiver for 344-20.E was approved by a 5 – 0 vote. Dale Jackson 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 James Alexander with a second provided by Jeffry Holland. The recommendation was approved by a 5-0 vote. Dale Jackson 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 April 25, 2024 was presented by Elliot Shibley, Integrated Consulting. The plan proposes 120 apartment units located in 10 separate buildings. This was an information only presentation and no approvals were requested from the Planning Commission. A time extension has been filed by the Owner, extending the approval time to July 31, 2024. There are two waivers being requested by the Owner, 344-10.C – Preliminary Plan Submission and 614.02.5.b – Grading in slopes 15-25%.

Numerous residents were in attendance to voice their concerns about the proposed development of 120 apartment units. 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, Sue Ostrander – 35 Rolling Hill, Maxine Kauffman – 540 Paddletown Road, Janice Zuro – 25 Harvest Drive, Pastor Ryan Whisel – Paddletown Church Road, Sheila Eisley – 2595 Old Trail Road, Scott Wilt – Church Road, David Erney – 460 Paddletown Road, Robin Lane – 345 Church Road, Cathy Rimmer – Winding Hill Road, Jane Harmon – 205 Hemlock Road, Danny Greenberg – Paddletown Road.

Comments and concerns provided by residents were as follows: 1) Traffic, by far, was the number one concern expressed by the residents listed above; 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 and stress on Township resources; 4) Wetlands and possible endangered species were also mentioned as a concern; 5) Building height and screening; 6) Overall Safety of children and adults living in the area.

The above comments were recorded by the Owner’s representative. A motion was made by Toni Sharp, with a 2nd from Tyler Yost to table the plan. The plan was tabled by a 6 – 0 vote.

**Adjournment**

On a Motion by Jeffry Holland, seconded by Tyler Yost, the meeting was adjourned at 9:20 PM by a 6 - 0 vote.