

**Minutes of the Regular Meeting of the
PALMYRA BOROUGH PLANNING COMMISSION**

Wednesday August 5, 2015

Jim Hartman called the meeting to order at 7:00 p.m. in the Council Chambers of the Palmyra Municipal Building, 325 S. Railroad Street, Palmyra, PA, 17078.

Attendance: Jim Hartman, Steve Ricker, Mark Smith, Joe Templin, and Gretchen Van Scyoc were present. Borough Manager Roger Powl and Max Shradley of Rettew Associates were also present.

Approval of Minutes:

A **Motion** was made by Mark Smith seconded by Steve Ricker, to approve the June 3, 2015 meeting minutes as written. **Motion Carried.**

A **Motion** was made by Gretchen Van Scyoc, seconded by Steve Ricker, to approve the July 1, 2015 meeting notes prepared for the meeting lacking a quorum of Commission members. **Motion Carried.**

Public Comment: None

Action & Discussion Items:

1. White Oak Display & Design, L.P. – Stormwater Management Ordinance Waiver Request:

Mr. Hartman explained that the White Oak Plan had been conditionally approved previously, and the developer is now returning to seek a waiver of Section 310-16.B.1 of the Palmyra Stormwater Management Ordinance so that a required emergency spillway will not need to be constructed. Todd Kurl of RGS Associates was present to represent the White Oak waiver request. Mr. Kurl explained that the original land development plan proposed a small detention basin discharging a 100-year storm event into a swale to be constructed on adjacent lands owned and developed by Jay Horst as the Grace Meadows Apartments. The Lebanon County Conservation District would not allow this proposed discharge into a swale that was not yet constructed, and, was not going to be constructed by Mr. Horst. As a result White Oak hired ARM Group to perform an extensive geophysical study of the property, which revealed that a large detention basin could be constructed to the rear of the property that would enable infiltration of stormwater and the capacity to hold two consecutive 100-year storm events, or 14-inches of rain in a 48-hour period, without overflowing. Mr. Kurl explained that since the perimeter elevations of the detention basin is much higher than the water level of a two consecutive 100-year storm event, the required emergency spillway required in Section 310-16.B.1 is not necessary. Max Shradley explained that Rettew's geotechnical engineers are satisfied that what is being proposed is reasonable to mitigate and direct run-off away from the existing sinkhole area in the northeastern portion of basin area, however, no guarantees can be made that additional sinkholes will not form in the basin area in the future. Mr. Shradley further explained that White Oak is going above and beyond what is required to repair and mitigate the existing depressions and sinkholes, and will supply significant overburden over those areas in the bottom of the basin. Mr. Shradley confirmed that the basin has been satisfactorily designed with the capacity to hold two consecutive 24-hour 100-year storm events with the engineering assumption that no water will be infiltrating from the basin, which in reality will not be the case, and he recommended that the waiver being requested can be approved. Mr. Kurl explained that he recently received a letter of approval of the design from the Lebanon County Conservation District as well.

A **Motion** was made by Mark Smith, seconded by Steve Ricker, to make a recommendation to Borough Council to approve the waiver of Section 310-16.B.1 of the Palmyra Stormwater Management Ordinance as requested. **Motion Carried.**

2. ShadowStone – Spruce Street Entrance Plan: Mark Johnson of RGS Associates and Dwight Wagner, owner of ShadowStone, were present to represent the ShadowStone plan. Mr. Johnson explained that ShadowStone recently purchased a dilapidated duplex unit that existed at the southwest corner of the intersection of North Railroad Street and West Spruce Street and demolished the structure. He explained that ShadowStone now intends to join the two duplex lots together into one lot and then join the new lot with the adjoining ShadowStone development property in order to establish a second “gateway entrance” into the ShadowStone development similar to the entrance at Cedar Street with a new stone wall type entrance sign. Mr. Johnson explained that a total of three new manufactured housing units, one duplex, unit and one stand-alone unit, are being proposed with a total of seven (7) parking spaces available. The duplex unit will be attached permanently together at the garages and the third unattached unit will serve as a model home/office for the ShadowStone community. Mr. Johnson explained that he is requesting a waiver from Section 318-4 of the Palmyra SALDO (the requirements of preparing, submitting, and obtaining approval of a land development plan) because he feels that land development is not warranted since only a ½-acre lot is involved, no new streets will be constructed, there is a negligible increase in impervious surface area, there is no phasing proposed, and there is only a net gain of one dwelling unit. Mr. Johnson explained that he is also requesting a waiver from Section 310-5 (Applicability) of the Palmyra Stormwater Management Ordinance to be exempt from preparing and submitting a stormwater management plan since, in his opinion, a plan is not needed due to the negligible change to the existing impervious surface area, and the fact that Mr. Wagner is working with the Borough on a major stormwater management improvement project into which any stormwater run-off from the proposed development of the new lot will be easily tied into the conveyance system and discharged into the existing ShadowStone detention basin that is proposed for an upgrade by the Borough project. Mr. Hartman agreed that working with the Borough on the stormwater management project will be an improvement over existing conditions but, he explained that the charge of the Planning Commission is to ensure that the requirements of the ordinances under their direction are applied evenly to everyone and not just to a select few. Mr. Hartman asked why a waiver of preparing a Lot Consolidation Plan is not being sought since the new lot will be combined with the existing ShadowStone property, and Mr. Johnson said they would prefer to consolidate the lots via preparing and recording a new deed. Mr. Hartman explained that he feels an extraordinary amount of relief is being sought in this case, and with the outcome of the requested zoning variances still unknown, he expressed an uneasiness to enable the Commission to take any action at this evening’s meeting. Mr. Johnson explained that they are hoping to be granted the waivers of the land development process so that if the zoning variances are granted, they can proceed immediately to the permit process for construction. Mr. Ricker asked what the change in the percentage of impervious surface is, and Mr. Johnson responded that 7,400 square feet of new impervious surface coverage is being proposed and that 70% impervious coverage is allowed and slightly under 50% is being proposed. Ms. Van Scyoc asked if the impervious surface numbers shown on the plan at last month’s meeting were revised to the net numbers as requested, and Mr. Johnson confirmed that the plans had been revised as requested. Ms. Van Scyoc also explained that there is a second detention basin on the ShadowStone property, located along the western edge of the alley immediately below the parking spaces for the existing ShadowStone Community Center that does not drain into the main detention basin mentioned previously but, instead, discharges into a swale along the adjacent property to the south. Mr. Hartman asked if the new single unit being proposed as a model home or office requires zoning relief, and Mr. Powl confirmed that ShadowStone’s Zoning Hearing Board application has a variance listed concerning this proposed use. Mr. Wagner explained that the existing office is 25 years old and will be replaced by the new office, and then the existing office will be rehabilitated or replaced and sold as a new residential dwelling unit. Mr. Hartman asked for confirmation on what is being considered a front, side, and rear yard for zoning setbacks and Mr. Johnson confirmed that there is a front-yard setback along both N. Railroad St and W. Spruce St, and a

Rear-yard setback along the north/south alley to the rear of the lot. Mr. Johnson further explained that a variance to the required 35-foot rear yard setback has also been requested. Ms. Van Scyoc questioned if the plan had been revised to show the radius of the proposed new curbs in the rear alley at the edge of the extent of the public right-of-way versus at the edge of existing pavement as was previously shown. After some discussion, Mr. Johnson agreed to show the curb radiuses at the edge of the extent of the public right-of-way and the edge of pavement would be widened or maintained in grass until the point that the Borough would request the alley to be widened. A lengthy discussion ensued on whether the Planning Commission was comfortable in making recommendations on the requested waivers in advance of the Zoning Hearing Board hearing, and not having the knowledge of the results of the Zoning Hearing Board's decision to help guide their recommendations. Mr. Wagner threatened to withdraw his offer of working with the Borough on the stormwater management project if no action was taken at this meeting, which met stiff resistance from the Planning Commission. Mr. Wagner then respectfully requested consideration of a conditional approval of the waivers, contingent upon the outcome of the granting of the necessary special exceptions and variances by the Zoning Hearing Board at their August 17th hearing date.

A **Motion** was made by Gretchen Van Scyoc to deny the waivers requested. The **Motion** died due to lack of a second.

A **Motion** was made by Steve Ricker, seconded by Joe Templin, to approve the waivers requested, contingent upon on the all necessary special exceptions and variances being approved by the Palmyra Zoning Hearing Board.

Discussion: Mr. Ricker asked when the Borough's new stormwater system would be installed and Mr. Shradley explained that the project should be designed, approved by PennDot & DEP and ready to bid in approximately one-year, and constructed within 6-months to one year after approval of bids. Mr. Ricker asked when the new units would be constructed and Mr. Wagner explained that he will install the new model home/office immediately but, the new duplex unit will wait approximately one-year before being constructed. Ms. Van Scyoc asked if Mr. Ricker would amend his Motion to include the requirement that the 18-foot public right-of-way be maintained so that any new curbing placed will be outside of or to the edge of the right-of-way, and Mr. Ricker agreed to amend his Motion and Mr. Templin reaffirmed his second of the amended Motion. Mr. Wagner agreed to that stipulation.

Motion carried on a 3-1-1 vote with Gretchen Van Scyoc voting in opposition, and Jim Hartman abstaining.

3. Stormwater Management Ordinance – Amendment:

Mr. Hartman reiterated that the Stormwater Management Ordinance does not contain language that specifies how, or who, has approval and signature authority for stormwater management plans submitted to the Borough for review and approval. Mr. Shradley explained that Rettew has been unable to locate the language change that is being sought so, new language would have to be created. Mr. Powl explained that he has sent that request to the Borough Solicitor but, as of this date, the Solicitor has a backlog and has yet to deliver the language revision. Mr. Shradley clarified that the language change would only affect small stormwater plans that are not associated with a subdivision or land development plan. The language change enables the Borough Engineer to review and sign off on small unassociated stormwater management plans, allows the Borough Manager to issue an approval of the plan after it is reviewed and approved by the Borough Engineer, and enables the Borough Manager to sign any documents on behalf of the Borough that may need to be recorded by the applicant at the County Courthouse. This new process would save considerable time for a resident looking to install a detached garage or storage shed

greater than 600 square feet in size without being held up by the Planning Commission and Borough Council monthly meeting schedules. Mr. Powl will provide any new language crafted by the Solicitor to the Planning Commission at the next meeting.

3. Wireless Communications Facilities Ordinance for “Distributed Antenna Systems”:

Mr. Templin explained that he brought the issue of smaller “Distributed Antenna System” issues in other municipalities to the Commission’s attention because he has seen these types of systems proliferate in other areas. Mr. Shradley explained that these towers are typically 4’-5 foot tall masts attached to existing utility poles, or, 25-45 foot tall stand-alone fiberglass poles installed where existing utility poles are unavailable. He explained that the purpose of these DAS antennas is to increase streaming data transfer capacity versus increasing cell phone coverage area that is tasked with the taller 100’ – 250’ traditional cell towers, particularly in the vicinity of schools, sports stadiums, etc. Mr. Shradley explained that the Cohen Law Group is currently working with the CAPCOG (Capital Area Council of Governments) in Dauphin & Cumberland Counties to write ordinances for those members of the CAPCOG that have expressed interest for the approximate cost of \$5,000 per municipality. Mr. Ricker asked if a wireless provider would have to seek permission from the municipality to install these antenna systems, and Mr. Shradley explained that the wireless providers would only have to seek permission if the municipality has an ordinance in place regulating these systems, which Palmyra does not at this time so, no permission would be needed at the present time. The Planning Commission agreed to have Rettew provide a model ordinance at the next meeting to enable discussion, and suggestions for tweaking of the model ordinance by the Borough Solicitor to suit the purposes of the Borough.

4. 303 South Lingle Ave – Colonial Craft Kitchens Expansion Project:

Mr. Powl explained that Light-Heigel provided him with a copy of an application for building permit today that they received from Derry Twp from H. R. Weaver Building Systems, who has been hired to construct a pole building addition onto the existing building housing the cabinet shop. He further explained that the property in question is a property taxable in the Borough with some of the existing building being located in Derry Twp. The proposed new building addition will be located in the Borough, however, H. R. Weaver is seeking permits from Derry Twp, which Mr. Powl believes permits should be obtained with the Borough and Derry Twp agreeing to allow the Borough to be the single reviewing and permitting agency since nothing in Derry Twp is being affected by the project. The Planning Commission agreed and asked Mr. Powl to follow-up with Chuck Emerick at Derry Twp on this subject to work this out on the permitting issues and stormwater management plan requirements.

Communications: None.

Other Business:

1. Mr. Ricker asked for a completion date estimate on the construction of the new Sheetz facility along Main Street.
2. Mr. Ricker asked for an update on the status of the deemed approval for the cell tower to be located on Borough owned property at the northeast corner of Main Street and Lingle Ave., and Mr. Powl explained that the Zoning Hearing Board Solicitor is filing the official record to the Court as requested by Derry Twp. Mr. Powl explained that a timetable for a decision by the Court is unknown at this time.

Adjournment:

A **Motion** was made by Gretchen Van Scyoc, seconded by Steve Ricker, to adjourn the meeting at 8:16 p.m.
Motion carried.

Respectfully Submitted,

Roger E. Powl
Borough Manager