

**MECHANICSBURG BOROUGH
PLANNING COMMISSION
MEETING MINUTES – MARCH 25, 2013**

ATTENDANCE:

Planning Commission Members: Daryl Ackerman, Harry Baker, Roger Ciecierski, Tim DeWire, Chris Knarr, Ed LeClear and Jennifer Magaro

Absent: None

Borough Council: Kyle Miller and Linda Humes

Borough Staff: Patrick Dennis - Borough Manager, Jason Foster - Codes and Zoning Officer, Trish Hammaker – Codes and Zoning Secretary and Greg Rogalski – Borough Engineer

Cumberland County Planning Department: None

Applicants: Tim Rutter, Neal Metzger – Engineer for the Applicant, Dan Thornton – Traffic Engineer for the Applicant and Gavin Markey – Attorney for the Applicant

Press: None

Others: Bill Gladstone, Karl Krouch, Donald Kerstetter, Eileen Wehler, Sara Martin, Phil Keefer, Robert Smeigh and Mary Krouch

Next Meeting: April 22, 2013 @ 6:30 p.m. - **CANCELLED**

Work Session: April 15, 2013 @ 6:30 p.m. - **CANCELLED**

1. CALL TO ORDER/ROLL CALL:

Chairman Knarr called the meeting to order at 6:30 p.m. Attendance was taken and a quorum was present.

2. PLEDGE OF ALLEGIANCE/MOMENT OF SILENT REFLECTION:

Chairman Knarr led those assembled in the Pledge of Allegiance followed by a moment of silent reflection.

3. PUBLIC COMMENT:

Chairman Knarr asked if there was any public comment for issues that are not on the agenda. No public comment was offered.

4. APPROVAL OF MINUTES: (ACTION)

A. February 25, 2013 – Regular Meeting.

- **Information/Discussion:** Ackerman referred to page three (3) and stated the word “no” should be added before report in item 6A3. Ackerman then referred to page four (4) and stated that the work “not” be change to “no”.
- **MBPC Action:** With no further discussion, Ackerman made a motion to approve the minutes with the changes. LeClear seconded the motion, which passed with all in favor.

5. CORRESPONDENCE/UPDATE: (INFORMATION)

A. Committees/Boards/Commission Updates.

1. **Cumberland County Planning Commission.** Chairman noted that there was nothing to report.
2. **Historic Architectural Review Board (HARB).** DeWire stated that there was not a meeting this month.
3. **Environmental Advisory Council (EAC)/Shade Tree Commission.** Baker advised that water has been installed at the community garden.

B. Program Guidelines – Cumberland County Land Partnership Grant Program. Chairman Knarr asked Manager Dennis if the Borough was applying for grant funding through DCNR for park improvements. Manager Dennis confirmed that the Borough was. Chairman Knarr advised that this is an opportunity for additional funding.

- C. **Pa State Planning Board – Local Permit Reform Study – Best Practice Research Issues and Questions.** Chairman Knarr advised that a copy was provided in the packet and that anyone having any comments should submit them to Kirk Stoner of the Cumberland County Planning Department.
- D. **Greater Harrisburg Realtors Institute – Smart Growth for the 21st Century – 04-10-13 – 8:30 a.m. to 4:30 p.m. – GHAR Office – 424 North Enola Drive, Suite 1, Enola, Pa 17025.** Chairman Knarr stated that this information was in this evening’s packet.
- E. **Cumberland County Planning Department – Third Annual Planning Commission University 3.0 – The Crash Course for Municipal Planning Commission Members.** Chairman Knarr stated that this was an add-on to the agenda and that copies were at the member’s seats this evening. He added that anyone interesting in registering should let Ms. Hammaker know.

6. **PLANS: (ACTION):**
There were no plans to be discussed.

7. **OLD BUSINESS (ACTION) :**

- A. **New Concession Building – MMFA/MLLA – Memorial Park – Waiver Request.** Tim DeWire stated that he would be abstaining from any discussion or vote on this matter as his firm represents the Applicant. A letter noting the same was submitted by DeWire and included in the packet.

Chairman Knarr advised that the MMFA and MLLA are proposing a new concession stand at Memorial Park, which will be approximately one thousand seven hundred square feet (1,700 ft.²). He noted that there is a waiver request before the Commission this evening adding that the Applicant was requesting a waiver of the Land Development process. At this time, Chairman Knarr turned the floor over to Engineer Rogalski.

Engineer Rogalski stated that he believed that any issues with the plan, including stormwater issues, could be hashed out during the permit process.

Ciecierski asked if the Applicant would need any utility easements. Engineer Rogalski stated that they would not since the Borough was the owner of the property on which the concession stand was proposed.

MBPC Action: With no further discussion, Ciecierski made a motion to recommend that Council approve the waiver request from J. Michael Brill and Associates, Inc. on behalf of the MMFA and MLLA from the Land Development process noting that the Applicant should work with Borough staff to make sure it meets the Stormwater Ordinance, Building Code and other relevant codes during the permitting process. Ackerman seconded the motion which passed with all in favor, DeWire abstaining.

8. **NEW BUSINESS (ACTION):**

- A. **Conditional Use Request of M & G Realty, Inc. – 714 West Main Street – Construction and Operation of a Fuel/Energy Recharge Station.** Chairman Knarr summarized the process for those present explaining that the Planning Commission was a recommending body and that Borough Council was the decision making body. He added that even if the Planning Commission would recommend approval of the Conditional Use, Council could still deny it. Chairman Knarr stated that the Applicant would present the application, staff and the Commission would be able to ask questions and make comments, and then the public would be able to comment. Chairman Knarr asked that comments not be duplicated in the interest of time. Chairman Knarr added that the Public Hearing would be held on Thursday, April 4th at 7:00 p.m. At this time, Chairman Knarr turned the floor over to Neal Metzger of LSC Design, the Applicant’s engineer.

Mr. Metzger stated that the plan was to redevelop the existing property located at 714 West Main Street in the borough. He stated that the site was a grocery store and that the Applicant is proposing a convenience store/fuel station with ten pumps and 63 parking spaces. He added that they propose a headlight glare screen, a three (3) foot fence with lattice and trees and shrubs along Church Road. Mr. Metzger advised that they submitted a conceptual stormwater plan that will produce approximately seven percent (7%) less stormwater than what is currently on the site. He added that the plan included underground piping with a water quality station prior to the water discharging into the detention area. Mr. Metzger addressed lighting of the facility stating that Rutter’s uses LED lighting, which is more directional. Mr. Metzger stated that they propose to use pole lights which are twenty-one feet (21’) in height to light the property as opposed to the forty-foot (40’) high poles currently on the

site. Mr. Metzger stated that the Applicant is proposing the facility to be open twenty-four (24) hours a day, seven (7) days a week, noting that they do not propose a carwash at this location. Mr. Metzger advised that a traffic study was provided to the Borough showing that there would be no significant impact on the intersection. He added that traffic patterns will need to be modified and the traffic signal timings may need to be adjusted once the facility opens if it were to be approved.

At this time, Mr. Metzger went over the responses to Question Nine (9) of the application with respect to section 27-731 of the Borough Zoning Ordinance:

- A. Mr. Metzger noted that there would be two (2) points of access for the site. The main access would be onto Point Street and the secondary access would be onto Church Road.
- B. Mr. Metzger noted that both access drives are more than forty feet (40') from an intersection.
- C. Mr. Metzger stated that the proposed hours of operation would be twenty-four (24) hours a day, seven (7) days a week, but that the Applicant is proposing minimum lighting and noise. Metzger noted that the property is surrounded by mostly commercial uses with the exception of the area south of Trindle Road, which is residential.
- D. Mr. Metzger advised that the proposed setbacks are consistent with the neighborhood.
- E. Mr. Metzger advised that buffering and screening was provided for.
- F. Mr. Metzger stated that the dumpster area would be enclosed by an eight-foot (8') wall.
- G. Mr. Metzger advised that this was addressed under item A.
- H. Mr. Metzger stated that this requirement will be met as they do not propose fuel pumps between the access points and the building façade.
- I. Mr. Metzger advised that he addressed this under item C.
- J. Mr. Metzger stated that a Traffic Impact Study was provided.

At this time, Mr. Metzger advised he would entertain questions. Chairman Knarr asked Engineer Rogalski to go over his comment letter dated 03-14-13.

Engineer Rogalski noted that he reviewed the submission and his comments were provided to the Commission in a memo dated 03-14-13. He added that he would go over the items that he felt were of issues.

A1: Engineer Rogalski stated that an Hours of Operation Plan was not included in the original submission, but was provided at a later time.

A12: Engineer Rogalski stated that the application had conflicting information on the height of the brick dumpster enclosure and asked if it would be six feet (6') high or eight feet (8') high. Mr. Metzger stated that it would be eight feet (8') high.

A13: Engineer Rogalski stated that the Applicant was contradictory with regard to signage compliance and asked the Applicant if they would be seeking any variances. Mr. Metzger stated that they would be requesting a variance for the fuel sign only. He added that this is so the gas prices could be changed via computer rather than manually.

Engineer Rogalski stated that there are some traffic issues at this location adding that traffic is currently detouring due to construction. He added that when the store opens, Rutter's would be responsible to do a traffic count so that the signals could be adjusted. In addition, Engineer Rogalski stated that the Applicant is proposing a contribution to the Borough for a new traffic study ten (10) years down the road for further adjustment of the traffic signals.

Engineer Rogalski advised that a conceptual stormwater plan was provided as part of the application. He added that he felt the Applicant was on the right track as they proposed a decrease of impervious cover. He acknowledged that there is a flooding issue at this intersection and stated that the system on the north side of Church Road and the south Side of Trindle Road are not connected.

Engineer Rogalski referred to the lighting plan and stated that he does not feel that the thirty-six- inch (36") high headlight screen is not high enough due to the different heights of vehicles these days.

With no further comments from Engineer Rogalski, Chairman Knarr asked Codes and Zoning Officer Foster if he had any comments. Mr. Foster stated that the stone that was proposed for the landscaped areas did not meet codes and that it should be either grass or tanbark. Tim Rutter advised that he would comply with the Ordinance.

Engineer Rogalski stated that the Applicant could place larger trees on the street side of the site to reduce glare. He added that glare shields are required. Engineer Rogalski added that the biggest issue he sees with the proposed lighting plan is that the lighting under the canopy area is proposed at fifty (50) foot-candles and that the Ordinance provided for twelve (12) foot-candles. He asked the Applicant why the proposed lighting was so bright. Mr. Metzger stated that the area needed to be adequately lit so that employees can monitor the area and so that customers can see to use the facility. He added that they could work on lowering it but felt that twelve (12) foot-candles were not adequate.

Tim Rutter stated that he was just shown a new fixture that can be adjusted. He added that his company continues to refine the lighting on their sites, but the lowest they currently use is twenty-five (25) foot-candle fixtures. He added that he will work with staff and Borough Council to resolve this issue in the best interest of all parties.

Baker asked if the proposed fifty (50) foot-candles were prior to dimming. Mr. Metzger stated that the fifty (50) foot-candles represented the maximum.

Manager Dennis stated that Fry Communications, which is next door to this site, is a twenty-four (24) hour operation. He asked the Applicant if they have spoken with Henry Fry regarding the use of the access road to the rear of the site. Mr. Metzger stated that they reached out to Mr. Fry, but he declined to meet with them and they cannot use this private drive.

LeClear asked if there was a store nearby that the Commission could look at with respect to the lighting under the fuel canopy. Tim Rutter stated that the closest would be the store in Red Lion.

With no further questions or comments from staff or the Commission, Chairman Knarr asked if there was any public comment. He added that anyone wishing to give comment should step to the podium and give their name and address for the record.

Don Kerstetter, owner of 808 West Trindle Road, stated that he had an issue with traffic and drainage on Church Road. He added that Church Road currently overflows and that he cannot see where this project will make things any better.

Karl Krouch, 711 West Trindle Road, distributed a floodplain map and noted that this area was in a floodplain as designated by FEMA. Mr. Krouch also expressed his concerns about this being a twenty-four (24) hour a day, seven (7) day a week operation and the noise and traffic that this would cause. He stated that he does not believe that this is "reasonable hours". At this time, Mr. Krouch provided the hours of operation for all other fuel dispensers in the borough, none of which were open later than 11:00 p.m. and none opened earlier than 5:30 a.m.

Robert Smeigh, owner of 712 West Main Street addressed the Commission stating that under current conditions, people cut through his lot to avoid the traffic signal. He added that he felt this would only increase if this use were to be permitted.

Manager Dennis stated that the stormwater issues could be addressed during the Land Development process. He added that he thought this was particularly complicated as two (2) different communities, the Borough and Monroe Township, abut this property.

Ciecierski advised that he abstains from commenting and voting on this application as Rutter's has a contract with his employer.

LeClear asked if the Applicant was given latitude on the size of the landscape area. Codes and Zoning Officer Foster advised that they were as they are making the site better than it currently is.

DeWire asked what prevents the Applicant from getting the impervious coverage down to the seventy-five percent (75%). Tim Rutter advised that he was willing to look into this.

LeClear asked what the site was proposed at for impervious cover. Tim Rutter advised that currently at eighty-six percent (86%).

LeClear asked if the Borough had the ability to address both stormwater systems. Engineer Rogalski stated that this was a complicated issue as it involves a state road and Monroe Township, even though it contributes to the stormwater issues in this area. He stated that this will be addressed during the Land Development process.

Ackerman noted that the utilities were not noted on the site plan. Mr. Metzger stated that this was because the utilities are existing.

LeClear asked Mr. Kerstetter about the existing curbing on his property at 808 West Trindle Road. Mr. Kerstetter approached Mr. LeClear's seat and showed him on a copy of the plan. Mr. LeClear asked if extending the curb would resolve this issue and Mr. Kerstetter advised that he needs to have the turning radius for his tow trucks.

LeClear asked about the definition of façade. Codes and Zoning Officer Foster advised that the Zoning Ordinance does not define façade, but he determined that Church Road was the front as that is where the main access point is located.

DeWire asked if the CAT bus stop on the Fry Communications access drive was active. Codes and Zoning Officer Foster advised that it was.

Baker asked what responsibility the Borough has to communicate with the neighboring municipalities on this issue. Manager Dennis advised that they had none from a legal prospective.

Baker asked if the yellow and red strip on the store was backlit. Mr. Metzger stated that it was not on the fuel canopy, but was on the building.

Baker stated that the Applicant needs to investigate the proper lighting levels after 11:00 p.m. Mr. Metzger advised that they would do so.

Chairman Knarr asked Codes and Zoning Officer Foster if another grocery store were to open at this location, would they need a Conditional Use approval. Foster advised that they would not as this is an existing non-conforming use. He then asked if it could be a twenty-four (24) hour a day, seven (7) day a week grocery store. Mr. Foster advised that it could be.

Chairman Knarr noted that most of the other uses in this area were commercial and industrial.

Chairman Knarr referred to Section 417.A of the Zoning Ordinance and stated that there is a fifty percent (50%) opening requirement for the fencing and the proposed fence conflicts with the intent of what the Borough is trying to accomplish. He suggested that the Applicant consider providing landscape screening instead.

Chairman Knarr summarized the public comments given, stating that there are lighting issues, stormwater issues, traffic concerns, floodplain issues, and noise issues that need to be overcome.

Engineer Rogalski asked if the project were to be approved, does the Applicant have a projected opening date. Mr. Rutter stated that it would be April of 2014.

Engineer Rogalski suggested a contribution of seven thousand five hundred dollar (\$7,500) for the future signalization/traffic study. Mr. Rutter stated the he preferred not to discuss the amount at this time.

Chairman Knarr stated that the Applicant provided an application, which is what the Planning Commission reviewed, and then provided amendments that the Planning Commission has not reviewed and asked what the Planning Commission would be acting on this evening. Engineer Rogalski recommended that the Commission act on the original application.

MBPC Action: With no further discussion, DeWire made a motion, seconded by LeClear to recommend that Council approve the Conditional Use Application with the following conditions:

1. The Applicant shall address the Borough Engineer's comments from his memo dated 03-04-13.
2. The Applicant shall conduct a traffic study within three (3) to six (6) months of opening so that traffic signalization changes can be made.

3. The Applicant shall agree to make a contribution in lieu of improvements for a ten (10) year traffic impact study and changes to traffic signalization.
4. The Applicant shall agree to reduce lighting to acceptable levels pursuant to discussion with staff and professional guidance.
5. The Applicant shall agree to comply with floodplain regulations.
6. The Applicant shall agree to work with Borough staff and residents to resolve “cut through” issues that neighboring property owners are experiencing.
7. The Applicant agrees to comply with section 417.A of the Zoning Ordinance and utilize screening with the fencing.
8. The Applicant shall agree to consider the evaluation of both stormwater systems in the area.
9. The Applicant shall agree to reduce the lot coverage and impervious coverage on the lot.

At this time, Chairman Knarr opened the floor for discussion.

Baker asked if the issue of hazardous substances had been addressed. Chairman Knarr stated that this would be addressed at the Land Development level. Engineer Rogalski stated that those regulations were for hazardous waste.

With no further discussion, Chairman Knarr called for a vote. The motion passed with six (6) in favor and Ciecierski abstaining.

Chairman Knarr went over the process with those assembled and noted that the Public Hearing would be held on April 4th at 7:00 p.m.

B. Component 4A – Municipal Planning Review – Hershner Manor Sewer Extension – Cedar Road.

Chairman Knarr stated that the Borough is proposing to extend the sanitary sewer on Cedar Road. He added that documentation provided by the Sewer Superintendent was included in this evening’s packet.

Ciecierski asked if Cedar Road was a private road. Manager Dennis advised that it was and that the Borough would have to obtain easements for the project. Ciecierski suggested that Superintendent Adams consider revisiting Item “J” for the Borough’s protection as the language may not be appropriate since Cedar Road is not a public street.

Ackerman stated that there was an inconsistency between Item “F” and Item “H” as “F” states four (4) homes and one (1) vacant lot and “H” states three (3) homes and two (2) vacant lots.

MBPC Action: With no further discussion, Ciecierski made a motion authorizing Chairman Knarr to complete Component 4A, the Municipal Planning Review for the Hershner Manor Sewer Extension, noting that Section “J” should be revised as Cedar Road is not a public street and that Sections “F” & “H” should be revised to be consistent with the number of homes and vacant lots. LeClear seconded the motion, which passed with all in favor.

C. Zoning Ordinance Review and Revisions.

1. **Consultant Appointed – Environmental Planning and Design (EPD).** Chairman Knarr advised that Borough Council appointed EPD as the consultant for the Zoning Ordinance Review and Revisions.
2. **Process.** Manager Dennis stated that A. J. Schwartz, the lead consultant at EPD, is currently out of town and that when he returns, a meeting will be set up.

9. COMMENTS FOR THE GOOD OF THE ORDER:

DeWire noted that people should yield to pedestrians in crosswalks.

LeClear asked Codes and Zoning Officer Foster if existing fuel dispensing facilities could go to twenty-four (24) hour a day, seven (7) days a week operations. Mr. Foster advised that he would have to look into that as the other facilities in the borough are in different Zoning Districts.

Chairman Knarr suggested that as part of the Zoning Ordinance review and revisions, the Commission could draft criteria for an Hours of Operation Plan.

Baker asked the status of the Shepherdstown Road Interceptor project. Engineer Rogalski stated that what is on the Hess farm is not connected. He added that the Borough's portion is complete and that the portion associated with the Hollinger project is about ninety percent (90%) complete.

10. ADJOURNMENT:

With no further business to be discussed, Ciecierski moved to adjourn the meeting at 8:48 p.m. DeWire seconded the motion, which passed with all in favor.