

MECHANICSBURG BOROUGH PLANNING COMMISSION MEETING MINUTES APRIL 25, 2016

ATTENDANCE:

Planning Commission Members: Vice Chairman Daryl Ackerman, Secretary Tim DeWire, Bruce Smith, Michael Phillips, Kyle Hollick and Harry Baker

Absent: Chairman Chris Knarr

Borough Council: Council Liaison Mark Stoner.

Borough Staff: Glenda Boyer – Interim Borough Manager, Roger Ciecierski – Codes and Zoning Officer, Sara Heenan – Administrative Assistant.

Cumberland County Planning Department: None.

Applicants: Jon Andrews - McNees, Wallace & Nurick; Jim Henke – Pioneer Management; Lee Bothel – Alpha Engineering; David Schreder – Landmark Homes; Jason Wheeler -

Press: None.

Others: Jim Van Kirk

Next Meeting: May 23, 2016 @ 6:30 p.m.

Work Session: May 16, 2016 @ 6:30 p.m.

A. CALL TO ORDER

Acting Chairman Ackerman called the meeting to order at 6:30 p.m.

B. PLEDGE OF ALLEGIANCE/MOMENT OF SILENT REFLECTION/ROLL CALL:

Acting Chairman Ackerman led those assembled in the Pledge of Allegiance followed by a moment of silent reflection. Attendance was taken and a quorum was present.

C. PUBLIC COMMENT:

Acting Chairman Ackerman asked if there was public comment for issues that were not on the agenda. None were offered.

D. APPROVAL OF MINUTES (ACTION):

1. February 29, 2016 – Regular Meeting.

- **Information/Discussion:** Acting Chairman Ackerman asked if there were any changes, questions or comments on the minutes.
- **MBPC Action:** Being none, Hollick made a motion to approve the minutes as presented. Smith seconded the motion and it passed with all in favor.

E. CORRESPONDENCE/UPDATES (INFORMATION):

1. Committees/Boards/Commissions Updates.

- a. Cumberland County Planning Commission.** No representative/no report.
- b. Historic Architectural Review Board.** DeWire stated that the meetings for April and May have been cancelled and the Board will be meeting in June.
- c. Environmental Advisory Council/Shade Tree Commission.** No report.

2. Municipal Notification.

- a. Official Map – Hampden Township.** The Commission had no comment on the notification. Codes Officer Ciecierski stated that he would draft a letter to be approved by the Commission and forwarded to Borough Council on the matter.

F. PLANS (ACTION):

1. Phase 1 - Final Submission – Landmark Homes – 1017 South Market Street.

Jon Andrews of McNees, Wallace and Nurick introduced the other applicants in attendance on behalf of Landmark Homes at Cedar Run; Lee Bothel – Alpha Consulting, Jim Henke – Pioneer Management, Dave Schreder – Landmark Homes, Jason Wheeler – Traffic Planning Design. Andrews gave a brief review of the plan up to this point, noting that the Phase 1 Final Submission Plan is consistent with the previously approved Preliminary Plan. He clarified that they are not seeking a recommendation this evening, but were looking to work through some items toward a positive recommendation. Andrews updated the Commission on what the applicant has been working on since receiving approval from Borough Council on the Preliminary Plan in November of 2015. Andrews stated that they worked out a developer's agreement with Upper Allen Township in order to get

approval and sign off on permits. The applicant came before Borough Council and got approval of the Sewage Planning Module Application, which is now pending before DEP. They are still in the works with the Diamond Group to grant an easement for the walking path north of Legacy Park. They are also in discussion with Allen Distribution on being granted an emergency access easement on their property. Both of which Andrews assured look promising he then turned over the helm of the discussion to Henke.

Henke handed out a drawing replica that shows the overall legacy park boundary and what of entire space Phase 1 will fill in, approximately 45 acres of 185 acres total. On these 45 acres Phase 1 proposes to build 27 single family, 82 carriage/town homes and the entire apartment complex which is anticipated to be 216 apartments. Henke clarified that the apartment complex is to be made up of 6 buildings that will be built one building at a time as the need/interest in them fills up.

Phillips noted that cover page didn't match the drawing schedule.

Hollick asked which apartment building would be built first. Henke stated that he did not know if anyone has looked that closely into it yet, but he would think that they would shoot for something visible from Market Street. Hollick asked if site work like parking lots would go in all at once with the first apartment building. Henke stated that he did not know for certain but, would think that they would put in enough to support that building but probably not everything at once.

DeWire questioned if there would be rough grading on site even though the buildings were not going up immediately. Henke confirmed. DeWire asked if some phases were expected to be built concurrently, i.e. Phase 8 (commercial) & Phase 3 (residential) at same time. Henke stated that the real estate market would drive that. Boyer asked if the undeveloped areas during the phasing process would be seeded and made to look attractive while building is going on. Henke stated that things would be seeded once the initial movement of dirt for the phase settles down. He assured that anything that is disturbed will be protected as required by the conservation district.

Hollick asked if the NPDES Permit and E&S Controls were applied for per phase or per site. Henke explained that NPDES is usually per project, but due to the scope of this project, it is broken down into phases.

Boyer asked if Landmark anticipated holding the dedication of all roads until the end of all phases are complete.

Henke asked about the Borough's standard practice, to which Boyer explained there is none in place due to the lack of developments that occur in the Borough. Bothel stated that it is Landmark's practice to complete the wearing course on the street as it is built out and then do the bond reduction and dedication at that time.

Baker asked if Landmark would be inclined to provide some kind of a project plan for Phase 1 with the Commission. Hollick clarified that he may mean something more along the lines of a construction schedule.

Henke stated that the erosion control plans would possibly be able to provide what Baker is looking for.

Ackerman asked the applicant if they saw the April 20, 2016 comments from Pennoni, which they confirmed they had. Ackerman asked if a lot of the Cedar Run open space will be included in Phase 1. Henke stated that per sheet 7 Cedar Run is considered part of Phase 1, he clarified that the table on the cover sheet showing dissimilar information was an error.

Ackerman asked what the timing for the permits would be. Andrews explained that the approval from Suez for the layout on the water lines for the development is the first piece needed as it will impact the sewer lines and other infrastructure and that they expect to hear back from them in the next 7-14 days. PennDot is next with applications in for HOP at Market and for the traffic signal. They anticipate receiving technical comments in the next two weeks. ENS & NPDES permits are both in at the conservation district, but they have not yet received technical comments back and want to warn the Commission that NPDES will get kicked up to DEP when the conservation district is done with it. (DEP reviewer has 100+ apps on his desk so can't say how long will take them to get back, potentially months.) Sewage planning module at DEP, finalizing plan to run sewage easement through Fry Communications, once get hammered down will get finalized and reviewed by DEP as well. Andrews stated that drafts of both the project's Developer's Agreement and the Sewer Extension Agreement were provided to the Borough in March and they are waiting to hear comments from the Borough. Then the applicant will sit down with Borough Staff and Borough Council to hammer out the Agreement and other planned community documents, i.e. the Home Owners Association documents.

DeWire asked if Andrews could describe the structure of the HOA. Andrews explained that at the outset Landmark would prepare the rules and Master Declaration for a Master Association for all of Legacy Park. Then sub-communities would be formed for portions of Legacy Park, which will have their own rules but must remain subservient to the Master Association's rules. There will be an executive board of the Legacy Park Master Association responsible for enforcing all the restrictions and covenants in the documents that get recorded and will be responsible for controlling the architectural review committee who enforces the architectural design guidelines for all of Legacy Park. Board members have a duty to all members of the community and are personally liable if they fail to uphold said duties. Furthermore if the HOA is ever not doing what supposed to the Borough has the right to step in and maintain the stormwater basin if not being maintained and then bill the costs to the HOA. In a worst case scenario the Borough could take over HOA entirely. Hollick asked how many board members there are and if those are appointed positions or somebody from Landmark. Andrews explained that Landmark will control the board up until a certain percentage of homes/units are sold then board membership will get turned over so that by end landmark is all out and the board is entirely HOA unit owners. Bothel clarified that the boards typically consist of 3-5 homeowners. Boyer asked if the HOA would address things like solar

panels, wind turbines, rain barrels and clothes lines. Bothel stated that typically clothes lines are not allowed, rain barrels tend to be permitted if they are a specific of type or based on how creative they get, she is not sure what the final recommendation was on them. Bothel stated that typically solar panels are not allowed on the front of homes. Phillips asked if the board will be financially responsible for anything. Andrews stated that the HOA is financially responsible for ownership & maintenance of all common facilities i.e. private streets, walking trails, tot lot equipment, and storm water management facilities all of which are paid for through HOA fees.

Rogalski asked if the HOA can they go bankrupt and if they are incorporated. Andrews stated that they are incorporated as a nonprofit entity and do carry insurance.

Andrews explained that they have received the comment letters and found them straightforward and did not have any issues they felt needed discussion in order to clarify, but would be willing to go over anything the Commission wishes to talk about. DeWire asked if Rogalski has any items from his comment letter he would like to address.

Rogalski touched on a few items from his letter in passing and noted that the most important item would be the NPDES permit. Noting that as Andrews mentioned that will be going to DEP.

DeWire asked Henke about a mention of getting ConTech involved with the bridge for Phase 1. Henke stated that Landmark chose ConTech as their bridge builder and confirmed that they did do a scour analysis.

Ackerman asked about traffic signals, Rogalski clarified that of the two traffic signals would be split between the Borough and Upper Allen, each municipality taking one to maintain.

Hollick asked about Rogalski's comments numbered 13 New Street Layout & 17 Connecting Sidewalk. Rogalski stated that the Commission will need to provide some guidance of what is desired for the transition areas street layout. DeWire noted that he felt the connecting sidewalk is important to have addressed in Phase 1. Andrews reiterated that they are optimistic to have said issue resolved soon.

Smith brought up the stop signs in the roundabouts, Andrews stated that they are having their traffic engineer looking into those and believe it will probably be changed to Yield signs.

Hollick asked Ciecierski about the comments from Cumberland County, Ciecierski stated that they were just received today with the notice that County Planner Stoner's formal comments will be received shortly.

Ackerman noted that the dirt pile currently on site lacks any erosion or sedimentation control measures. Andrews stated that they would look into that. Ackerman asked if the dirt and rocks are intended to be used as fill. Henke stated that yes it would and that no more would be brought in. Smith asked if it will be hydro seeded to allow something to grow on it. Schreder confirmed that they will take the next steps as per their permit.}

With no more to discuss DeWire motioned to table the Legacy Park Plan and Smith seconded the motion carried with all in favor.

G. OLD BUSINESS (ACTION):

Ciecierski noted that the only outstanding business he had were comments on the Zoning Ordinance, asking that any comments should be forwarded to him.

H. NEW BUSINESS (ACTION):

None.

I. COMMENTS FOR THE GOOD OF THE ORDER.

Secretary DeWire asked that motorists yield to pedestrians in crosswalks.

Codes Officer Ciecierski asked that televisions and computer monitors not go out for trash.

Stoner thanked staff and the Commission members for their attendance and participation in the Town Hall Meeting.

J. ADJOURNMENT:

With no further business to be discussed, Smith motioned and Phillips seconded to adjourn the meeting at 7:44 p.m.