

# North Middleton Township Planning Commission

Township Building  
2051 Spring Road  
Carlisle, PA 17013

## **Minutes of the Planning Commission Tuesday, February 3, 2015**

The meeting was held at the North Middleton Township building on Spring Road, in Carlisle, PA.

### **Attendance**

Board Members-**Harry Kelso** (Chairman), **Bradley Mitchell** (Vice-Chairman), **Ronald Anderson** (Secretary), **Dennis Hurley** and **Pamela Martin**

Codes Officer-**Rodney Borda**

Brehm-Lebo Engineering-**Doug Brehm**

Solicitor-**Mark W. Allshouse**

### **Visitors**

John Madden-977 W.B. Road

### **Call to Order**

Chairman Harry Kelso called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

### **Public Input (non-agenda items)**

No members of the public came forward and no non-agenda items were presented at this time.

### **Approval of the Minutes for Tuesday, November 4, 2014**

Mr. Kelso asked for any changes, corrections, or additions to the minutes from the Tuesday, November 4, 2014 Planning Commission meeting. None were requested. Mr. Kelso asked for a motion.

***Ronald Anderson moved to approve the November 4, 2014 minutes as presented. Pamela Martin seconded. All votes were in favor, and the minutes were approved as written.***

### **Planning Commission Reorganization for 2015**

With this evening's Planning Commission meeting being the first for 2015, reorganization was necessary. Mr. Mitchell took over at this point and asked for any nominations for the position of Chairman of the North Middleton Township Planning Commission.

***Dennis Hurley moved to nominate Harry Kelso for the position of Chairman of the Planning Commission. Pamela Martin seconded the motion. Mr. Mitchell asked if there were any additional nominations for Chairman. None were offered. Mr. Mitchell closed the nominations and asked for a vote. All votes were in favor of the nomination, and the motion carried.***

Mr. Kelso accepted the position of Chairman. He asked for any nominations for the position of Vice-Chairman of the Planning Commission.

***Dennis Hurley moved to nominate Bradley Mitchell for the position of Vice-Chairman. Mr. Mitchell indicated that he would accept. Ronald Anderson seconded. Mr. Kelso asked for a vote. All votes were in favor of the nomination, and the motion carried.***

Mr. Kelso asked for a nomination for Secretary of the Planning Commission.

***Bradley Mitchell moved to nominate Ronald Anderson for the position of Secretary of the Planning Commission. Mr. Anderson indicated that he would accept. Pamela Martin seconded. Mr. Kelso asked for a vote. All votes were in favor of the nomination, and the motion carried.***

The lineup for 2015 will be:

- Planning Commission Chairman-**Harry Kelso**
- Planning Commission Vice-Chairman-**Bradley Mitchell**
- Planning Commission Secretary-**Ronald Anderson**

## **Pending Applications**

### **#15-01 Noll Associates, Preliminary/Final Subdivision, R-2 Medium to High Density Residential, Total Acreage: 53.091, Expiration Date: April 2, 2015**

From the agenda:

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*This is a new plan to subdivide this property which is located on the north side of McClures Gap Road and 500 feet from the intersection with Newville Road into nine (9) building lots.*

*A previous plan was submitted for this property as Bennington Square Phase 1, which was approved with conditions by Planning on April 1, 2008 and was tabled by the Board of Supervisors on May 5, 2008.*

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John Madden came forward to represent this matter. He noted the lengthy review memo of January 5, 2015 from Brehm-Lebo Engineering. Mr. Madden stated that no attempt has been made to address the comments. He explained that a nine-lot subdivision on 53 acres is being proposed and that one of the comments notes that on-lot sewage and private wells are being proposed. Mr. Madden pointed out that one of the provisions of the Subdivision and Land Development Ordinance is that if the subdivision is within 1000 feet of public utilities, these utilities are to be connected to.

At this point Mr. Madden gave a history of the property. The following paragraph is a summary of Mr. Madden's comments:

*Mr. Noll purchased the property in 2004 in the "boom time." Two years later, Lexington Land Corporation got an option on the land and submitted preliminary plans for something in the area of 220-240 lots. It received preliminary approval. Between preliminary and final approvals, all outside agency permits must be obtained. Mr. Noll received an N.P.D.E.S. permit and Highway Occupancy Permits for the driveways. He did not get H.O.P.'s for the water and sewer extensions. Water is in the Newville Road, which is about 700 feet from the project. Sewer is at the corner of McClures Gap Road, at approximately 300 feet. There is also water at the second bend in McClures Gap at the far western corner of the property. Sewer is also available in the subdivision to the north. At around 2009, the economy tanked and Lexington Land Corporation walked. Mr. Noll got the project back. At this point, approximately 1.4 million had been spent on the project. Other fees were paid and the H.O.P.'s needed for the Final Plan had not been received. In 2012, Mr. Noll died. The property transferred to Susie Sherman, Mr. Noll's daughter, in the name of Noll Associates. In the last two years of his life, Mr. Noll did try to sell the project and wanted to move forward, but the numbers just didn't*

*work. Susie listed the property with Hooke, Hooke, and Eckman. It has been listed for over two years. Attempts were made to sell the property to farmers and the cemetery. About a year ago or more, I was in the Hooke, Hooke, and Eckman office and was asked what could be done with the property. I went over and looked at it. Mrs. Gleim has a large lot in the eastern third. There is another one-acre lot there utilizing wells and septic. The lay of the land just to the west of those lots would be really nice for four two-acre lots. Around the corner, it looks like the ideal setting for a church with some large recreation areas. I suggested going with the large lots and on-lot sewer and water.*

Mr. Madden stated that the current plan was submitted, and that Brehm-Lebo had pointed out the requirement to connect. He noted that the Plan had been sent to Lee Koch at the Authority, and that Mr. Koch had said that there should be some justification for the use of the on-lot sewer and private wells. He added that this matter was discussed with the Board of Supervisors at the workshop meeting and that the Board had asked for some input from the Planning Commission.

A somewhat lengthy discussion followed. Mr. Madden noted that the topography of the land and the direction that drainage would have to go to connect to sewer. He stated that water can't be looped for a nine-lot subdivision with 2000 feet of frontage and that it won't work for Ms. Sherman to put any more money into it to get a nine-lot subdivision. He explained that \$4,000,000 can't be put into the first phase of a project where lots are being sold for \$60,000 dollars. He stated that all of the lots would have to be sold in one year. Mr. Madden then commented about the amount of sewer capacity that had been acquired by the Township for large projects that never came to fruition.

At this point Mr. Mitchell asked if the original plan for the 220-240 lot development would have had sidewalks. Mr. Brehm responded that the development would have had internal sidewalks. Mr. Mitchell referred to discussion that had occurred during the 10-year review. He noted that there had been much discussion about the "rural nature of the Township" and how this was something that was shown in those meetings to be prized. Mr. Mitchell noted that times have changed since 2004 when things were good. He mentioned that things are bouncing back, but asked how long it will take for folks to get there. He said he felt that it is pertinent to think long-term and either focus on the rural nature of the Township or focus on developing this as another sidewalk community like those along Route 944 in Hampden Township. Mr. Kelso noted that this is a piece of property that is surrounded by a lot of development and with warehouses across the street. He added that it is not a piece of property sitting out in the middle of nowhere. Mr. Mitchell said he agreed and that he is not trying to make the specific case for this as a situation where "we should just cave" or not adhere to all the reasons that were put in play before.

Mr. Madden stated that he was here to discuss things and possibly work something out. He came forward and pointed out the location of the nearby sewer and water. He described the topography of the property and explained how the sewer had been proposed to drain in the previous plan. He also stated that the western corner of the property would be an ideal location for a church. Mr. Madden then mentioned the possibility of the use of grinder pumps. He had some comments about whether or not there could be further subdivision of the lots. Mr. Borda asked about the possibility of the use of conditions that the lots could not be further subdivided. He noted that the owner of the property can do that. Mr. Madden then noted the locations for septic systems. He commented about the soils there and the potential for wells.

Mr. Madden stated that he is not looking for any action tonight. He again pointed out that the Board of Supervisors is looking for guidance from the Planning Commission. Mr. Madden stated that this plan proposes driveways onto McClures Gap Road and not streets and sidewalks. Mr. Kelso noted that the state likes to minimize the amount of driveways onto a road. He pointed out that there are driveways going everywhere on the proposed plan. Mr. Madden commented about the expense involved in putting in streets. He stated that there is no money available for that. He further stated that what is being proposed does meet the Ordinance, other than the requirement to connect within 1000 feet. Mr. Madden pointed out that eight driveways are being proposed along McClures Gap Road. Mr. Borda noted that allowing the driveways is a state decision. He added that he has seen these being turned down because the state does not like the number of proposed driveways.

Mr. Madden responded to a question from Mr. Kelso about the perc tests. Mr. Madden stated that there are at least two on every lot. Mr. Madden said that the answer may be to talk to Lee Koch about the issues with

the sewer and the possibility of using grinder pumps. Mr. Kelso agreed that Mr. Madden needs to talk to Lee Koch. Mr. Mitchell said that Mr. Kelso had raised an excellent point that everything else in the area is developed and hooked up. Mr. Mitchell said it would be desirable to “get as close as possible to all that.”

At this point Mr. Kelso brought out his copy of the Plan, which he said he had drawn on. He asked Mr. Madden to come forward. Mr. Madden pointed out the locations of nearby water and sewer. He then initiated some discussion about the land being in the Clean and Green program. He explained what would trigger the rollback of the taxes. Mr. Brehm suggested the possibility of a condition that if anything other than a single-family home were to go on any of the lots, that use would not be allowed to go on a septic system. He pointed out that things other than single-family homes or a church could go on the property. He also suggested the possibility of a provision that if a utility were to appear near any of the lots, those lots would be required to hook up and abandon the septic systems. Mr. Borda pointed out the Authority’s requirement to connect if a utility is within 150 feet of a structure. Mr. Brehm responded that there could be a requirement that if it happens here, the property must connect no matter how far away it is.

Mr. Madden stated that he would talk to Mr. Koch. He suggested that the Commission ponder this for a while. Mr. Borda mentioned to Mr. Madden that an extension of the Plan will be needed. Mr. Kelso said it would be nice for these lots to have water and sewer like the surrounding areas, although he acknowledged that it would be expensive. He pointed out that it is a large piece of ground. Mr. Brehm referred to Mr. Mitchell’s earlier comments and pointed out that it also a matter of what the Township wants it to look like when it’s done. Mr. Brehm pointed out that this is pretty much the only property in this area that is left to be developed. He pointed out that the people to the north would be thrilled with this proposal.

Mr. Anderson asked Mr. Madden if it was correct that the “long and short of it” is that this property is within 1000 feet of the services. Mr. Madden acknowledged that Mr. Anderson was correct. At this point, Mr. Borda went into some detail about the difference between the Authority’s 150-foot rule about a structure being required to connect and the Subdivision and Land Development Ordinance’s 1000-foot requirement for a development to connect to public water or sewer.

Mr. Kelso referred to the Eastgate development near K-Mart and the apartments near Giant. He pointed out that those have been built and filled quickly. He asked why something like that can’t be done here. Mr. Madden said that for some reason there is a “stigma” on that end of town right now. He also commented about the expenses involved and getting the numbers to work. Mr. Brehm pointed out that the people who live near Giant can walk to many businesses and that the Eastgate development is near the hospital, doctors’ offices, places to shop and eat, etc. He referred to the Walnut Bottom Road area as a “hot spot,” and pointed out that there is nothing like that in this part of the Township.

Mr. Brehm referred to the rest of his comments. He noted that there are a lot of them and said he didn’t think that there were any issues that can’t be overcome or anything that Mr. Madden hasn’t agreed to do. He agreed that Mr. Madden should talk to Lee Koch to get things sorted out. Mr. Brehm summarized that he didn’t really have any project-altering comments to discuss. Mr. Madden acknowledged that there is no sense in addressing other issues until the water and sewer is worked out. Mr. Kelso suggested to Mr. Madden that he ask Lee Koch about the water being contaminated some years ago along Newville Road. Mr. Brehm said that this had to do with groundwater contamination, likely from the railroad, and that the Authority had to run a water line there

Mr. Kelso suggested a motion to table.

***Ronald Anderson moved to table this matter. Bradley Mitchell seconded. All votes were in favor, and the motion carried.***

Mr. Borda mentioned that a meeting will be held next month. Ms. Martin initiated some discussion about an invitation she had received to a meeting about the Sunoco Pipeline. She noted that the meeting is for landowners and local officials directly impacted by the project, and that the meeting is tomorrow in Mechanicsburg. She also asked if anybody from the Township had received the invitation. Mr. Kelso asked for a copy of the invitation.

Chairman Kelso asked for any further business. None was offered. With no further business before the Planning Commission at this time, the meeting adjourned at 7:45 p.m.

Respectfully Submitted,

**Ronald Anderson**  
Secretary,  
North Middleton Township Planning Commission

**Michael S. Medvid**  
Recording Secretary