

# North Middleton Township Planning Commission

Township Building  
2051 Spring Road  
Carlisle, PA 17013

## **Minutes of the Planning Commission Tuesday, July 7, 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), **Dennis Hurley**, and **Pamela Martin**

Codes Officer-**Rodney Borda**

Brehm-Lebo Engineering-**Doug Brehm**

Solicitor-**Mark W. Allshouse**

*Planning Commission member and Secretary Ronald Anderson was not present this evening.*

### **Visitors**

Nathan Wolf-10 West High Street, Carlisle, PA  
Tim Lebo-62 Chestnut Avenue, Carlisle, PA

### **Call to Order**

Chairman Harry Kelso called the meeting to order at 7:07 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, April 7, 2015**

Mr. Kelso asked for any changes, corrections, or additions to the minutes from the Tuesday, April 7, 2015 Planning Commission meeting. None were requested. Mr. Kelso asked for a motion.

***Bradley Mitchell moved to approve the April 7, 2015 minutes as presented. Dennis Hurley seconded. All votes were in favor, and the minutes were approved as written.***

### **Pending Applications**

#### **#15-001-Lebo's Plumbing, Heating, and A.C.**

From the agenda:

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*Conditional Use submitted by Lebo's Plumbing, Heating, and A.C. for the warehousing/storage of equipment related to the plumbing, heating, and air conditioning business at the property located at 815 Newville Road.*

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This evening the Planning Commission considered a recommendation on the Conditional Use Application submitted by Lebo's Plumbing, Heating, and A.C. Tim Lebo came forward. He was represented by his attorney, Nathan Wolf.

Mr. Borda introduced this matter. As explained by Mr. Borda, Mr. Lebo wishes to have a construction office at 815 Newville Road. The understanding is that there is to be no outside storage and that all storage will be interior. The existing building at 815 Newville Road is to be used. Mr. Borda noted that according to the Township Ordinance, any contractor's office needs to be a Conditional Use.

Mr. Kelso asked Solicitor Allshouse if it was correct that this matter had been opened at the Board of Supervisors meeting. Mr. Allshouse stated that a hearing had been opened at the Board of Supervisors meeting on June 4, 2015, but that there were no County comments available and the recommendation from the Planning Commission had not yet been received. He added that this application will be voted on by the Board of Supervisors on the first Thursday in August. Mr. Borda stated that there won't be any County comments as the County is not required to review Conditional Use Applications. Mr. Allshouse said he had received a call from the County asking if comments were wanted. Mr. Allshouse said he had asked them to provide comments if they had any. He pointed out that the County is not required by the M.P.C. to provide comments but that any comments received would be looked at.

Mr. Wolf introduced himself and Mr. Lebo. Mr. Wolf stated that Mr. Lebo has operated his business in Carlisle for 20+ years. Mr. Wolf also indicated that the purpose of the Application had been laid out in front of the Board of Supervisors. The following two paragraphs are a summary of Mr. Wolf's initial comments.

Mr. Lebo's business is installing and servicing heating, plumbing, and air conditioning units. He has been operating out of one building in a residential neighborhood that is located in the historic district. The opportunity presented itself with this building where the purposes could be split between the two sites. The building in the Borough would continue to do the service aspects of the business and take care of customers, while the Newville Road site would be used to stage and store materials for new installations for new systems and new builds, etc., and would also be used to house their larger box trucks which don't fit inside the Borough building. There will be no outdoor storage of materials or vehicles. The intent is to be completely contained within the existing building.

The existing building along Newville Road has been somewhat of an eyesore. Mr. Lebo has done a lot to his facility in the Borough to expand it. The business went through a Special Exception process in the Borough, since the facility is located in a historic district, and has been adjacent to residential uses for the entire time the business has been in operation. Mr. Lebo has never had an issue, but it was a significant concern of Mr. Lebo to improve the aesthetics of his current property. He brings that same concern to the property on Newville Road. This property is really a gateway to that end of North Middleton Township when leaving the Borough. Mr. Lebo wants to make sure that the property looks the part. He intends to do a pretty decent makeover of the exterior doors as far as the paint. The entire lack of landscaping would be replaced. One of the elements of the landscaping deals with the separation of the rather large existing apron along the road. This property and the property across the street are often used by trucks as an area to turn around. The revised plan shows an area along the road that is now a stone apron. This will become a grass strip with possibly some grade added to be a sort of mini-berm to prevent vehicles from "cheating" out onto the road. Since this area would be pervious and grassy, the intent would be for it to also allow stormwater infiltration. The parking will be located on the right side of the building where there is currently a construction trailer. A man-door will be added to that side. The façade will remain as it is, other than updating and replacing materials. The site will have some of the stone area taken out and replaced with grass. On the right side of the building, outside of where the residential buffer is, there will be a parking area.

At this point Mr. Wolf referred to the Brehm-Lebo memo dated June 24, 2015. The memo consisted of nine comments. Mr. Wolf responded to each of the comments.

Comment #1 states that all building code requirements will have to be met prior to occupancy. Mr. Wolf acknowledged that all building code requirements will have to be met.

Comment #2 asks that "normal" business hours be defined. Mr. Wolf stated that the business hours will be between 6:00 a.m. and 6:00 p.m. Mr. Wolf explained that the business has operated on a 24-hour basis in the Borough without complaint, but since this facility will be limited to new installations, there won't be a need for overnight service. He added that the normal service vans may stop here, but the intent is not to house them here.

Comment #3 asks that any dumpster with required security and screening be noted. Mr. Wolf indicated that at this point there is no plan to put a dumpster at this facility. He explained that any trash will probably be taken into the Borough and placed in the dumpster at the existing facility. Mr. Wolf further stated that if a dumpster is needed at the Newville Road facility in the future, the Zoning Officer would be contacted about it and all requirements would be met.

Comment #4 states that the occupancy of the site and structure should be conditioned on public water and sewer being available to serve the business. Mr. Wolf stated that the property is already on public sewer and that the only water onsite was probably cistern-fed. He further said that the site engineer has included the extension of public water as part of the H.O.P. approval, and that part of the sales agreement is to provide water to the building. He summarized that it will be addressed and certainly taken care of, and that Mr. Lebo is qualified to install a permanent bathroom. Mr. Lebo mentioned a sewer line mounted on the surface of the grade there on the gravel. He went into some detail about the existing facilities that are presently on the property. Mr. Wolf pointed out that this venture is a long-term investment for Lebo's and that Mr. Lebo wants this facility to operate properly from top to bottom.

Comment #5 asks that any outside storage be identified. Mr. Wolf stated that no outside storage is proposed, and that this is why it is not shown on the Plan.

Comment #6 states that the Zoning Officer should determine if existing site lighting is adequate for this use. Mr. Wolf described what he believed to be the existing lighting fixtures. Mr. Borda stated that he will need to see a plan from the Applicant's engineer showing where the lighting is and what the spread is going to be. He said that if nothing is going to be added, he needs to see what is there to make sure it complies with the Ordinance. Mr. Wolf pointed out that this is not something that affects the Conditional Use, but is something that will have to be resolved prior to a permit for occupancy being issued.

Comment #7 mentions that Level-1 screening is required in the residential buffer as per the approved subdivision plan. Mr. Wolf stated that as much of the existing screening as possible will be left and supplemented with additional screening to fill in the gaps.

Comment #8 pertains to the approved subdivision plan requiring a joint-use driveway. Mr. Wolf indicated that an adjustment is probably going to be made to make it easier for vehicles to maneuver onsite. He stated that no tractor-trailers are anticipated to be on the site, but that the box trucks may need some room to get in and out. Mr. Lebo stated that there will be no tractor-trailers on the site. Mr. Wolf mentioned that an application for a joint-use driveway permit has been submitted. He said that he wasn't sure of the status of the application.

In response to Comment #9 Mr. Wolf noted that some of the proposed changes to the property will reduce the amount of impervious coverage.

Mr. Wolf offered to answer any questions. Mr. Mitchell referred to the comments about putting in a raised grassy area along the road, without installing any curbing. He pointed out that even with the nice, grassy area, somebody will still try to drive a tractor-trailer over it. Mr. Lebo said he is hoping that the area will be raised enough that if somebody goes in, they will not be able to make it through. Mr. Wolf explained that there is also the possibility of using a series of short mounds with a chain fence between fence poles. He noted that this wouldn't be visually intrusive or block sight distance, but would be effective at keeping someone out. Mr. Borda mentioned that the Ordinance is somewhat prohibitive on fences in the front yard and that the maximum height of a fence would be something like 3 feet. Mr. Wolf replied that even something

like that would probably be enough and that it would likely only be put up if there were a repetitive problem that needed to be dealt with. He added that the original plan was to use the topography rather than built improvements and to also keep as much pervious coverage as possible. Mr. Mitchell asked Mr. Allshouse if there is a requirement to give an "out" to tractor-trailers even though signs telling them not to be in this area are posted. Mr. Allshouse answered, "No." He explained that it's the driver's problem to get out of where they shouldn't be. Mr. Wolf mentioned the possibility of having drivers citing for trespassing. Mr. Hurley said he believed there are adequate warning signs prior to getting into Carlisle telling drivers that they can't go there. Mr. Wolf referred to a previous matter where some video was provided showing trucks turning around in the Carlisle High School parking lot because they had nowhere else to go. He further stated that drivers just don't pay attention to the signs. Mr. Kelso mentioned that some of the drivers are using standard GPS units that don't warn truck drivers of a bridge that they can't pass under.

Mr. Kelso then mentioned the provided memo that deals with the Conditional Use Objectives. Mr. Wolf read through these. Regarding the requirements of what the Conditional Application must show, Mr. Wolf stated that the proposed use plans to use existing structures, and that there are no proposed structures with this application. He noted that a list of adjoining property owners has been provided. Regarding the requirement to provide a scale drawing (Site Plan), Mr. Wolf said he believed the provided drawing is in compliance with this requirement. At this point Mr. Kelso referred to the provided location map and questioned why the site appears to be shown along West Louthier Street, rather than on Newville Road. Mr. Wolf acknowledged that the location map is wrong. He said he would mention it to John Madden. Mr. Kelso suggested that this be revised. Regarding the requirement to provide a written description of the proposed use, Mr. Wolf referred to the provided text in the memo. He again pointed out that the facility will be used to stage equipment and the Applicant's larger installation vans. Mr. Wolf added that this will enhance employee safety since they will be able to do everything in the middle of winter inside a climate-controlled building, which their facility in the Borough just doesn't have the size to accommodate.

Mr. Wolf continued through the Conditional Use Objectives memo. Regarding the requirement that the proposed use be consistent with the purpose and intent of this chapter, Mr. Wolf stated that the property is zoned Neighborhood Commercial, and will constantly be used to provide small commercial services to local residents. He pointed out that the use also meets other requirements such as coverage and setbacks. Regarding the requirement that the use shall not detract from the use and enjoyment of adjoining or nearby properties, Mr. Wolf stated that the impact of this use will likely be significantly less than what was there in the past. He again stated that the intent is for the use to be largely self-contained. Regarding the requirement that the proposed use will not affect a change in the character of the subject property's neighborhood, he pointed out that the business has operated in a residential neighborhood in the Borough for years without complaint. Mr. Wolf then responded to the requirement that adequate facilities be available to serve the proposed use. He stated that access for emergency vehicles will be maintained along Newville Road. He also mentioned that the utilities are either in place or in progress. Regarding the requirements for Floodplain Management, Mr. Wolf noted that the property is not in the Floodplain Overlay Zone. Regarding the requirement that the proposed use comply with the criteria specifically listed in Article IV of the chapter, Mr. Wolf stated that the proposed use meets the parking and building requirements. He stated that there will be no further expansion of the building and that there will be no retail activities. Mr. Wolf further explained that the only traffic to the site will be employees or delivery of new materials to the site. He said that the deliveries will be made inside the structure as much as possible, especially in colder weather. Mr. Wolf then said that at the appropriate time, the Applicant will seek a building permit to add a doorway and to make the building ADA compliant. Regarding the requirement that the proposed use will not substantially impair the integrity of the Township's Comprehensive Plan, Mr. Wolf stated that the use is consistent with the other commercial uses along Newville Road and therefore consistent as well with the future land use of the Comprehensive Plan.

Again, Mr. Wolf offered to answer any questions. Mr. Hurley pointed out that there is not a handicap parking space. He said he wasn't sure if it is a requirement but suggested that it be added now rather than be required to put it in later. Mr. Brehm responded to this. He said he thinks it is size-based or employee-based and that this facility may be under that requirement. He said that he would look into it.

Mr. Brehm asked Mr. Lebo if he intends to put up a sign. Mr. Lebo said that if he does, it will be a small 4-foot square sign that will say "Lebo's Building 2," and that this will only be to alert delivery drivers that they are at

the correct building. He stated that this sign will go on the wall of the building. Mr. Wolf acknowledged that if a sign is desired later on, a sign permit will be obtained at that time.

Mr. Mitchell asked about the lighting plan. He noted that no changes are being proposed. He asked if not making any changes may violate Township requirements. Mr. Brehm responded that it is all based on how much light is coming out of the fixtures. He pointed out that this is not known. He explained that lighting is not something that is a "grandfathered-type thing." Mr. Brehm stated that the property must be lit for security and safety, and the light must stay on the property. Mr. Lebo briefly described the existing lighting. Mr. Brehm noted that John Madden will have to provide some sort of information on the lighting so that a determination can be made.

At this point Mr. Borda referred to the comment that there is no dumpster proposed. He asked Mr. Lebo what will happen with packing materials for equipment that is delivered. Mr. Lebo explained that equipment will be unpacked at the job site and the packing materials will be placed inside the box trucks. From there, he stated that it will be taken to the dumpster at the facility in the Borough. Mr. Lebo added that he is trying to keep everything simple and cleaned up.

In response to a question from Mr. Kelso, Mr. Brehm stated that he is okay with this application. He pointed out that the issues such as lighting can be dealt with later when permits are needed. Mr. Kelso suggested that this use is something that probably won't have much of an impact on the neighborhood and likely won't upset the neighbors. Mr. Kelso suggested a recommendation for approval of this Conditional Use.

***Bradley Mitchell moved to recommend approval of the Conditional Use Application for Lebo's Plumbing, Heating, and A.C., based upon compliance with all comments from Brehm-Lebo Engineering, as well as any comments that may be received from Cumberland County Planning. Dennis Hurley seconded. All votes were in favor, and the motion carried.***

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There was some brief discussion prior to adjournment. Mr. Mitchell asked Mr. Allshouse if there is any standing to ask the warehouses to put up a sign telling drivers not to turn left onto Newville Road to go toward the Borough. Mr. Allshouse replied that this would be "our responsibility" since it is "our road" going into Logistics Drive. Mr. Allshouse stated that the Board of Supervisors, if they wanted to, could put up a sign. Mr. Allshouse pointed out that as Mr. Wolf had explained, the drivers are not looking at signs. He noted that drivers are listening to their GPS devices. Mr. Mitchell pointed out that this is why he had asked about giving them an "out." Mr. Allshouse responded that the Township has nothing to give them. There was some brief discussion about a previous plan to use an available easement to straighten out McClures Gap Road. It was noted that this never happened and would be very expensive to do.

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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