

North Middleton Township Planning Commission

Township Building
2051 Spring Road
Carlisle, PA 17013

Minutes of the Planning Commission Tuesday, July 5, 2016

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), **Pamela Martin**, and **Dennis Hurley**

Codes Officer-**Rodney Borda**

Solicitor-**Mark W. Allshouse**

A representative from Brehm-Lebo Engineering was not present this evening.

Visitors

Grant Marshall-149 Kerrs Road, Carlisle, PA
Gerald Orris-1660 Spring Road, Carlisle, PA
Sue Ellen Dennison-42 Sandy Bottom Road, Carlisle, PA

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)

Two of the three items on the original agenda were tabled prior to the meeting and were not discussed this evening. Two members of the public arrived at the beginning of the meeting, expecting a discussion of the Brubacker Plan. This was one of the two items dropped from the agenda. Ms. Dennison had a few questions about this plan. Mr. Borda noted that this plan is currently tabled and is expected to be discussed at the August 2, 2016 Planning Commission meeting.

Approval of the Minutes for Tuesday, February 2, 2016

Mr. Kelso asked for any changes, corrections, or additions to the minutes from the Tuesday, February 2, 2016 Planning Commission meeting. None were requested. Mr. Kelso asked for a motion.

Ronald Anderson moved to approve the February 2, 2016 minutes as presented. Bradley Mitchell seconded. All votes were in favor, and the minutes were approved as written.

Pending Applications

Application for Conditional Use: Gerald Orris (Jerry's Towing), 1650 Spring Road, Zoned: Neighborhood Commercial

From the Agenda:

Mr. Orris wishes to remove existing home and replace with commercial building to be used for a towing business.

Grant Marshall and Gerald Orris came forward to represent this matter. Mr. Marshall gave an explanation of what Mr. Orris intends to do. The following paragraph is a summary of Mr. Marshall's initial comments.

Mr. Orris is the owner of Jerry's Towing at the corner near Kwik-Way. He has also purchased the adjoining property to the west, which is an existing and currently vacant dwelling. Mr. Orris is proposing to remove the existing dwelling on the western side and then put up a new building where the existing dwelling is located. The new building will have offices and a garage for some vehicles to be parked inside the building. The business will be the same, and will still be Jerry's Towing. Once this is completed, Mr. Orris would like to remove his current building and increase the fenced-in area to the eastern side of the building to park vehicles and keep those vehicles secure. He basically wants one building to replace two, and to kind of do this in phases. Mr. Orris does not wish to expand his business. The business will continue to be Jerry's Towing, which is what he does today.

Mr. Mitchell asked if there was some other operation in the current building, such as some sort of retail sales. Mr. Orris responded that he sells a few straw bales, but mainly operates a towing business with the usual services such as towing, lockouts, and vehicles running out of gas. He stated that the main portion of his business is emergency road service. He added that AAA calls are the main portion of his business, and that he handles all of Carlisle, Mount Holly, and Boiling Springs. Mr. Borda asked Mr. Orris if he intends to do anything else in the new building. Mr. Borda further asked Mr. Orris if it was correct that he has sold Christmas trees in the past. Mr. Orris replies that he does sell Christmas trees. He explained that he typically gets 100 trees and sells them until they are gone. He added that he only got 80 trees last year due to the slow economy, and did sell all of them.

Mr. Kelso asked Solicitor Allshouse if there is any issue with adding a second parcel of land that was not originally part of the use. Mr. Allshouse explained that this is why Mr. Orris had to come here this evening. He stated that if these properties had been one lot with the same use, this proposal would have fallen under "expanding." The following paragraph is a summary of the comments from Mr. Allshouse at this point.

Because he is taking a use that became nonconforming when the zoning was redone, and he wants to move it to the tract next door, now that use changes on that lot, and so that becomes a use not provided for under our regulations, which pushes it to a Conditional Use. Under the law, a Conditional Use is a permitted use for which the Board of Supervisors has the ability to recommend reasonable conditions. It is only if those conditions can't be met that they wouldn't be able to use the property.

Mr. Allshouse pointed out that the Commission members have all seen the property. He noted that there aren't a lot of large issues with swapping buildings. Mr. Allshouse stated that what the Commission should figure out is if there are any conditions they are concerned about when moving to the property next door. He suggested that one condition could be that the business must be the same type in the event that the business plan changes, and that if the business changes, the business owner must come back in. At this point Mr. Allshouse asked Mr. Marshall if the lots will be joined. Mr. Marshall indicated that they will be. Mr. Allshouse explained that there is a lot next door which is not zoned properly for the use, which is why this is a Conditional Use, and that the model is to join them and have a larger business. He stated that Mr. Orris is not expanding on one tract, and that he needs a Conditional Use to expand onto the second tract. He suggested to the Commission that they consider things that could be improved with the additional square footage and lot size, and also consider things that shouldn't be allowed to grow or get out of hand. Mr. Allshouse summarized that Mr. Orris is permitted to do this, and that he is just coming to the Commission for good planning.

Mr. Kelso asked Mr. Orris how he plans to go out onto Route 34. Mr. Orris noted that the access is fairly wide there at this time. He explained that the cage will be expanded 35 feet when the existing building is removed.

He noted that this will put it in line with a telephone pole that has been hit several times. He added that the telephone pole has not been hit by his employees, but rather other people. He pointed out that this will narrow the access by 35 feet. Mr. Orris then explained that when the new building is put in, this will also shorten the entrance to the lot. He noted that there will be grass in front of the new building. Mr. Kelso said he believed there had been an issue in there with cars being close and people trying to park in there. Mr. Orris stated that this is why he purchased the lot next door. He pointed out that the lot will be wider at the end where the existing dwelling is now, and that this will allow sufficient space to come in off the road. Mr. Borda asked Mr. Orris if it was correct that there will no parking in front of the new building. Mr. Orris acknowledged that this was correct. He stated that there will be grass in front of the new building. Mr. Mitchell asked about a requirement to show parking for the business. Mr. Borda responded that it is not necessary on this plan because only the use is being considered this evening. He added that the Applicant will be back with all of that.

There was some further discussion about possible conditions that may be placed on this use. Mr. Allshouse suggested that no parking in front of the new building could be a good condition and that this would be required of Mr. Orris and anybody else who owns the building. Mr. Hurley asked if there are any regulations that prohibit the parking of cars in the road right-of-way. He pointed out that cars parked at Karns along Route 34 are very close to the road. Mr. Allshouse stated that the setback from the road is 16 and 1/2 feet from the centerline. Mr. Hurley asked if there is a requirement to check with PennDOT prior to moving the entrance. Mr. Allshouse stated that the whole thing is an entrance, according to PennDOT, and that Mr. Orris is only narrowing it.

Mr. Kelso asked where the parking will be located. Mr. Orris explained that there will be some space between the new building and where the old building is now. He stated that he plans to move the fence down toward the new building and that he plans to use a slider gate rather than a swing gate. He also noted that the propane tanks will be relocated and that these will be surrounded by a chain-link fence. Mr. Orris then explained that he needs some parking for his employees. He stated that he has four people on day shift and four on the second shift. Mr. Kelso asked Mr. Orris if the parking area will also be used for the towing vehicles. Mr. Orris responded that when the tow trucks are not being used, they will be inside the garage. He stated that this is what the building is to be used for. He talked about the difficulties associated with having the towing vehicles outside in the winter and the need to shovel ice and snow out of the beds. He further explained that having trucks sitting in the hot sun causes the hydraulic hoses to dry out and break. Mr. Orris summarized that the trucks will be pretty much kept inside unless they are in use.

Mr. Kelso asked for any further questions. None were offered. Mr. Kelso stated that he had no problems with this at all. He suggested a motion to recommend approval. Mr. Anderson asked if it was correct that a different set of drawings will be seen later on. Mr. Marshall responded that a Land Development/Subdivision Plan will be submitted, and that this will show the combined lots and the parking areas. Mr. Anderson stated that he had no issues with this proposed plan. Mr. Mitchell asked if it would be desirable to add a condition that there be no parking allowed along Route 34. Mr. Borda asked if the Commission wished to specify a distance from Route 34 in which parking will not be allowed, as opposed to just saying that there be no parking along Route 34. Mr. Allshouse suggested the use of the PennDOT right-of-way plus an additional 4 feet, or 21 feet from the centerline of the road.

Mr. Kelso asked for a motion.

Bradley Mitchell moved to recommend to the Board of Supervisors that this Conditional Use be approved, with the condition that there be no parking within 21 feet of the centerline of Route 34. Dennis Hurley seconded. All votes were in favor, and the motion carried.

Prior to adjournment, Mr. Borda referred to something that had been discussed several months ago, regarding a request from the Board of Supervisors that the Commission consider a request from the Borough of Carlisle about the rezoning of a tract along North Hanover Street.

Recording Secretary's Note: The previous discussion of this matter can be found in the minutes from the January 5, 2016 Planning Commission meeting.

Mr. Kelso asked if anything else had been heard from the Borough of Carlisle on this. Mr. Borda stated that he was not aware of anything else. In response to an inquiry from Mr. Hurley, Mr. Borda explained that this was a request from the Borough for what the Borough of Carlisle wants the Township to do. Mr. Mitchell indicated that he didn't care for it. He stated that what the Borough is asking for is a change in the Township to mirror what the Borough is doing. Mr. Mitchell stated that theirs is not something he wants the Township to mirror. Mr. Kelso pointed out that it would be very expensive to create a new zone. Mr. Allshouse noted that there would also be expenses for a new map, new advertising, and new public hearings. Mr. Borda added that he had not heard anything as far as the Borough offering to help pay for the change since this would benefit Carlisle. Mr. Kelso asked if a motion should be made on this. Mr. Borda suggested that this would probably be a good idea.

Mr. Kelso asked for a motion.

Bradley Mitchell moved to recommend a rejection of the Carlisle-recommended zoning at the present time until the Township receives additional clarity regarding the Borough's intent and the nature of the changes that the Borough would like the Township to make. Ronald Anderson seconded. All votes were in favor, and the motion carried.

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 7:33 p.m.

Respectfully Submitted,

Ronald Anderson
Secretary,
North Middleton Township Planning Commission

Michael S. Medvid
Recording Secretary