

FAIRVIEW TOWNSHIP PLANNING COMMISSION

December 3, 2013

CALL TO ORDER

Chairman Michael A. Powers called the meeting to order at 7:02 PM.

ROLL CALL

Present: Michael A. Powers, Chairman
Michael E. Thompson, Vice-Chairman
Anne K. Anderson, Member
Kevin V. Gorman, Member

Absent: H. Adam Williams, Member
Stephen M. Waller, Fairview Township Codes Administration Director

APPROVAL OF MINUTES

Mrs. Anderson made a motion, seconded by Mr. Thompson, to recommend approval of the September 3, 2013, Planning Commission meeting. Vote on the motion. All yes. The motioned carried.

Mr. Powers deferred the approval of the August 6, 2013 minutes due to not enough members of the Planning Commission present at the September Planning Commission meeting that were present at the August 6, 2013, meeting.

DISCUSSION AND CORRESPONDENCE

1. Proposed Text Amendment – Changing Of Permitted Uses Chart in Section 502 and Table 5-2.B.2 to remove Warehousing, Distribution, and Wholesaling as a Conditional Use in the Commercial Business zoning district.

Mr. Powers opened the meeting of discussion from the audience.

Several residents who were in attendance voiced their opinions regarding the proposed change in the ordinance:

- Roger Wilkinson, 416 Hemlock Drive, New Cumberland, PA noted he supported the change and that the change will eliminate truck traffic.

- John Wesley, 14 Timber Lane, New Cumberland, PA, noted that he felt there was an error made by the Township to permit warehousing in the Commercial Business District; that there was not appropriate notice given to the residents of the pending changes; that the original proposal to allow this change was acted on without public comment; that he understands the need for responsible planning for development in the township; and he supports the proposed change.

- Paul Rogers, 19 Timber Lane, New Cumberland, PA, noted that he felt that the township was egregious with the process in changing the zoning to permit a warehouse use and that he supports the proposed change.

- Several other residents voiced concerns regarding the existing zoning and that the use should not be permitted in the Commercial Business district and that they also support the proposed amendment.

- Michael Kushner represents the interests of the New View Corporation, noted that he felt there was a lot of misinformation being passed around; that he had attended several of the planning commission meetings where the existing ordinance was discussed; and that there were multiple opportunities for public input on the ordinance.

- Dave Goetz, attorney for CCA Associates who owns the "83 acre tract" that was the subject of the conditional use application for a warehouse, noted that the sale of the property has expired and will not be renewed; that CCA is now looking at options for the property; that CCA has expressed concern for their need for flexibility with uses on the property due to the changing economy.

Comments from the Planning Commission:

- Mr. Thompson stated he believes with the property being bordered by two four lane roads and a state road, that the conditional use is a viable option for the tract of ground; that he believes the other permitted uses in the Commercial Business district would not have enough funding to develop the property like a standalone entity would; and that he still believes that the conditional use is appropriate to allow developers to present plans for that type of use for that zoning district.

- Mrs. Anderson stated the existing conditional use is not consistent with the Comprehensive Plan and she is opposed to the conditional use; that she encourages everyone to pay attention to changes as they are presented because there were many meetings and public hearings on the zoning ordinance that were publicized which would have offered opportunities for people to voice their opinions that were not well attended.

- Mr. Gorman stated the conditional use applications should be considered on a case by case basis; that the existing text was first brought up for discussion in June, 2012 and that the final public hearing, with no comment, was March 13, 2013.

- Mr. Powers stated he was initially in favor of the conditional use ordinance and application; after reconsideration, warehousing is too intense a use for the area.

Mr. Powers ended the discussion from the audience and will entertain a motion on the changing of permitted use in Section 502 and Table 5-2.B-2.

Action on the proposed text amendment:

Mr. Thompson made a motion to keep the conditional use of Warehousing, Distribution, and Wholesaling in the Permitted Uses Chart for the Commercial Business Zoning District. Mrs. Anderson seconded the motion. Mr. Powers stated Mrs. Andersons motion was contrary to

her previous statements. Mrs. Anderson stated she could not make the motion, but she can vote against the motion. Otherwise the motion will die.

Mr. Gorman questioned how many areas will this motion affect. Mr. Thompson advised the Commercial Business Zoning District affected are: The area north of the PA Turnpike to the Yellow Breeches Creek. West along Limekiln Road almost to Green Lane Drive. East along Limekiln Road past Lamont Street. South from the PA Turnpike to PA Route 114. South to Lincoln Drive east of Interstate 83. The area west of Interstate 83 north along Pleasant View Road to Interstate 83. East of Interstate 83, south from Laurel Road to the Old York Road and south to PA Route 177. South along the western side of Interstate 83 to Wyndamere Road and to the boundary with Newberry Township.

Mr. Gorman made a motion, seconded by Mrs. Anderson, to recommend the proposed text amendment to Change the permitted uses Chart in Section 502 and Table 5-2.B.2 to remove Warehousing, Distribution, and Wholesaling as a Conditional Use in the Commercial Business zoning district. Vote on the motion. Mr. Gorman, Yes; Mrs. Anderson, Yes; Mr. Powers, Yes; Mr. Thompson, No. The motion carried.

SKETCH PLANS

There being no Sketch Plans, Mr. Powers moved to Subdivisions

SUBDIVISIONS

There being no new Subdivisions, Mr. Powers moved to Site and Land Development Plans

SITE AND LAND DEVELOPMENT PLANS

There being no new Site and Land Development Plans, Mr. Powers moved to Old Business

OLD BUSINESS

1. Preliminary Subdivision Plan of Oak Hill – Oak Hill Road – 50 Lots

Mr. Thompson made a motion, seconded by Mrs. Anderson, to untable the plan. Vote on the motion. All yes. The motion carried.

The plan was represented by Robert J. Fisher, PE, for the developer.

Mrs. Anderson stated she did not know the plan was going to be on the agenda and did not have a chance to look at the plan.

Mr. Fisher indicate he does not have a problem if the plan is tabled until the next Planning Commission meeting.

Action on the plan.

Mr. Thompson made a motion, seconded by Mrs. Anderson, to table the plan. Vote on the motion. All yes. The motion carried.

NEW BUSINESS

There being no New Business, Mr. Powers moved to Zoning Hearing Board

ZONING HEARING BOARD

Case No. 2013-07: Dennis J. and Susan K. Shatto, 828 Limekiln Road, New Cumberland, PA 17070. The Applicants are requesting a special exception pursuant to the Fairview Township Zoning Ordinance, Sections 502 and 1008.J.5. The Applicants wish to use an accessory structure on the east side of the property as a home occupation, a law office. The property is owned by the Applicants and is in the Single Family Residential Zoning District (RS).

ADJOURNMENT

Mr. Thompson made a motion, seconded by Mrs. Anderson, to adjourn the meeting at 7:57 PM. Vote on the motion. All yes. The motion carried.