

LONDONDERRY TOWNSHIP BOARD OF SUPERVISORS
Work Session Meeting (PUBLIC HEARING)
November 16, 2021
7:00 P.M.

The Londonderry Township Board of Supervisors held their regularly scheduled work session meeting and an advertised public hearing on Tuesday, November 16, 2021 at the Londonderry Township Municipal Building, 783 S. Geyers Church Road, Middletown, Pennsylvania, beginning at 7:00 p.m.

A Public Hearing was held for consideration of a proposed ordinance amendment to the C-2 Commercial District Shopping Center and I-1 Industrial (Light) Zoning District.

Call to Order: The Board of Supervisors Work Session and Public Hearing was called to order by Board Chairman, Mr. Shellenhamer at 7:00 p.m.

Salute the Flag

PUBLIC HEARING – (A court stenographer was present to record the presentation of the request, questions from the Board of Supervisors, and comments and suggestions from the public.) Ms. Susan Yocum, of Eckert & Seaman, solicitor for the Township opened the public hearing by noting that the meeting of November 16, 2021 is the time and date set for a public hearing for the proposed zoning text amendment.

Public Hearing closed at 7:05 p.m.

BOS Work Session Meeting

Call to Order: Board Chair Mr. Shellenhamer convened the Work Session at 7:06

Present:
Bart Shellenhamer, Chair
Ron Kopp, Vice-Chair
Mel Hershey, Member
Mike Geyer, Member
Anna Dale, Member

Jeff Burkhart, Code/Zoning Office
Susan Yocum, Solicitor
Mike Wood, HRG

Attendees: See attached list for Residents/Guests in attendance

Absent: Steve Letavic, Township Manager

Citizens Input: None

Approval of Minutes - November 1, 2021 Board of Supervisors meeting minutes. Ms. Dale made a motion to approve the November 1, 2021 Board of Supervisors meeting minutes. Seconded by Mr. Kopp.

Call for Discussion: Mr. Geyer pointed out there is a correction required to change the reference from the sale of dump truck to box trailer.

Ms. Dale re-affirmed the motion to approve the November 1, 2021 Board of Supervisors regular meeting minutes with the correction as discussed. Seconded by Mr. Kopp.

Call for Vote: All in favor, unanimous. Motion carried. Minutes approved.

Manager's Report – none

Executive Session-

Ms. Yocum requested the Board to convene for an Executive Session at 7:07 p.m. Board re-convened Work Session meeting at 7:22 p.m.

Codes & Zoning Report– Jeff Burkhart

Mr. Burkhart asked the Board of Supervisors to consider approval or denial of Ordinance 2021-08 to Amend the Code of Ordinances of the Township Of Londonderry, Chapter 27, Zoning, Part 9 (C-2 Commercial District (Shopping Center)), to remove Business Parks, Logistics Facilities and Mini-warehouses/Storage Unit facilities as conditional uses in the C-2 Commercial District (Shopping Center) Zoning District; to amend Part 11 (I-1 Industrial District (Light) to add Business Parks, Logistics Facilities and Mini-warehouse/Storage Unit facilities as permitted uses in the District; providing for the severability of the provisions thereof; and, providing for the effective date thereof.

Mr. Kopp questioned if the proposed Ordinance 2021-08 reduces commercial development flexibility along the Route 230 corridor as amenities to growth such as mini-markets, restaurants, gas stations, medical facilities and the like.

Ms. Yocum provided additional context by explaining that the original conditional use language included in the C-2 Commercial District was intended to accommodate Business Parks, Logistics Facilities and Mini-warehouse/Storage Unit facilities and the proposed ordinance removes that original language without changing the permitted uses in the C-2 Commercial District.

Motion to approve or deny proposed Ordinance 2021-08

Ms. Dale made a motion to approve proposed Ordinance 2021-08.
Seconded by Mr. Geyer

Call for Discussion: None

Call for Vote: All in favor, unanimous. Motion carried.

Response to Conditional Use Hearing – Dennis Railing Property

Board Chair Mr. Shellenhamer asked for a motion to consider approval with the conditions that were made part of the record during the public hearing and agreed to by the applicant on the Dennis Railing property.

Ms. Yocum, Township solicitor, was asked to read the conditions for the record.

Condition #1

Dennis Railing, his successors and assigns, referred to collectively here as Railing must implement and comply with the anti-idling policies submitted with the conditional use application.

Condition #2

Railing must comply with all recommended or required road and lane improvements specified by PennDOT as condition for Railings Highway Occupancy permit to access State Route 230.

Condition #3

Railing shall connect the development to public sewer and public water facilities necessary to adequately serve and support its operation.

Condition #4

Railing is prohibited from using any loud speakers producing sounds that are audible on any adjoining residential use or zoned property unless approved by the Board of Supervisors.

Condition #5

Railing is prohibited from storing, utilizing or transporting materials or products which could decompose by deterioration, are flammable liquids highly combustible or explosive materials or hazardous chemicals unless approved by the Board of Supervisors.

Condition #6

Railing shall utilize indoor dumpsters and compactors for garbage storage unless the Board of Supervisors approves an alternative location during the final Land Development approval process.

Condition #7

Railing has agreed to contribute \$93,240 to Londonderry Township for public safety and mitigation of Community Impacts. The contribution will be paid in full prior to recording a Land Development Plan for the proposed development.

Condition #8

Railing shall install an access road off of Hertzler Road which shall be used for emergency responder access only. The road shall be gated at all times except during such emergency use.

Condition #9

Railing shall install fencing around all Stormwater Retention Ponds on its property.

Condition #10

Railing shall grant a fifty-foot easement to the Township along the stream located on the property.

In addition to further mitigate the harms associated with light, sound vibrations and emissions on neighboring properties the following additional conditions are imposed:

Condition #11

Railing shall install a 30-foot-wide buffer yard with an earthen berm of not less than 6 feet in height for a minimum distance of at least 450 feet measured from the route 230 centerline up to the fence around the retention pond. The earthen berm shall contain vegetative planting including new grass and staggered rows of evergreens and shall otherwise comply with the requirements in Chapter 27, Part 9, Section 912. 4.D. of the Township Ordinance.

Condition #12

No portion of a buffer yard on the eastern or western lot line may be paved.

Discussion of Conditions:

Mr. Hershey requested that Condition # 11 be made **clearer** that the earthen berm of not less than 6 feet in height **along the western lot line** shall extend for a **minimum** distance of 450 feet to the fence surrounding the **Church's** retention pond in order to enhance the protection of the Church's usable areas.

Mr. Kopp questioned and received assurance that the eastern and western berms were the same type structure.

Motion to approve the conditions

Mr. Hershey made a motion to approve the conditions that were made part of the record during the public hearing and agreed to by the applicant.
Seconded by Mr. Shellenhamer

Call for Discussion:

Mr. Geyer reiterated for the record the difficult challenges and decisions the Board has confronted while attempting to balance the needs of the community against the legality of the Ordinance culminating in a plan that represents the best outcome within the constraints of the code to resolve a difficult situation facing everyone.

Mr. Hershey expressed appreciation that the developer has exceeded the conditional use requirements by offering a number of good options to present a workable plan that complies with the legal requirements of the code.

Mr. Kopp raised the question about the land development process and was assured the Board will have ample opportunity to have input into that process since the land development plan will reflect all of these conditions.

Mr. Burkhart indicated there have been several time extensions for processing the land development plan to allow the developer time to make any modifications as necessary.

Ms. Yocum re-affirmed the land development time extension is to January 31, 2022.

Call for Vote: All in favor, unanimous. Motion carried.

Ms. Yocum stated for the record the Board will issue its written findings on the application within 45 days of the final public hearing as provided for by the Municipality Planning Code.

Motion to approve or deny an alternative design for the elevated rear earthen berm

Board Chair Mr. Shellenhamer asked for a motion to consider approval or denial of a request as presented, to permit an alternative design for the elevated earthen berm in yard areas that abut wetlands, streams and other natural barriers in accordance with Chapter 27 Section 912.4.D(2) of the Zoning Ordinance for the Dennis Railing property.

Mr. Geyer requested and received verification that this motion refers to the rear berm along the rear property line adjoining the wetlands. The alternative design has been incorporated on the plans.

Mr. Geyer made a motion to approve the alternative design for the elevated rear earthen berm in yard areas that abut wetlands, streams and other natural barriers in accordance with Chapter 27 Section 912.4.D(2) of the Zoning Ordinance for the Dennis Railing property. Seconded by Ms. Dale.

Call for Discussion: None

Call for Vote: All in favor, unanimous. Motion carried.

New Business None

Old Business None

Announcements None

Executive Session None

"THE BOARD OF SUPERVISORS RESERVES THE RIGHT PURSUANT TO ACT 84 OF 1986 AS AMENDED TO HOLD EXECUTIVE SESSIONS BETWEEN THE TIMES OF THE BOARD'S OPEN MEETING FOR ANY PURPOSE AUTHORIZED BY STATUTE"

Adjournment:

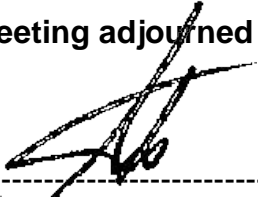
Ms. Dale made a motion to adjourn Seconded by Mr. Hershey

Call for Discussion: None

Londonderry Township Board of Supervisors
Public Hearing and Work Session
November 16, 2021
Page 7

Call for Vote: All in favor, unanimous. Motion carried.

Meeting adjourned at 7:42 p.m.

A handwritten signature in black ink, appearing to read 'Steve Letavic', is written over a horizontal dashed line.

Steve Letavic, Secretary/fr