



Dickinson Township  
219 Mountain View Road  
Mount Holly Springs, PA 17065  
Phone: (717) 486-7424 ♦ Fax: (717) 486-8412  
[www.dickinsontownship.org](http://www.dickinsontownship.org)

## PLANNING COMMISSION REGULAR MEETING SEPTEMBER 11, 2013

**PRESENT:** DENNY STRAUB, KEN GIFFHORN, LYNN HOOVER, TOM SMITH, DAN WYRICK (*late-6:08pm*) - MEMBERS; Larry Barrick, Assistant Manager/Zoning & Codes Enforcement Officer; Susan Smith, Solicitor; Denise Gembusia, Secretary/Treasurer.

**VISITORS:** Nathan Wolf, Bob Line, Michelle Line, David Liberator, A.C. Kuhn, Ron Secary, Charlie Courtney, Chuck Stehlik, Laura Portillo.

### CALL TO ORDER

Chairman Straub called the meeting to order at 6:00 pm and led the audience in the pledge of allegiance. A moment of silence was observed in memory of the September 11<sup>th</sup> attacks on the nation.

### CHAIRMAN'S COMMENTS

Chairman Straub reminded everyone to make sure their microphones were turned on before proceeding.

### PUBLIC COMMENT

There were no public comments.

### APPROVAL OF MINUTES

#### 1. August 14, 2013 Planning Commission Regular Meeting Minutes

Lynn Hoover motioned to approve the August 14, 2013 Planning Commission meeting minutes as presented. The motion was seconded by Ken Giffhorn and passed unanimously.

### REVIEW OF PLANS

No plans were scheduled to be reviewed.

### BUSINESS

#### 1. Goodman Bircher application to amend Zoning Map and Zoning Ordinance text (Section 205-69.4 and 205-69.8) – discussion and comment for BOS.

Attorney Charles Courtney from McNeese, Wallace & Nurick stated that a revised amendment had been provided to the Planning Commission members and he was ready to answer any questions or concerns that they may have.

Ken Giffhorn asked Attorney Courtney what precludes his client from abiding by the current zoning conditions and if they have thought about requesting a waiver instead of rewriting Dickinson Township's zoning ordinance. Attorney Courtney stated that the current planning will create strips of unusable lots. The intent of the zoning ordinance text amendment is to change the ordinance and impose better standards than what is currently in place. It is not a waiver issue; it is a variance issue. He noted that there are 5 elements that must be met in order to apply for a variance and that, legally, they do not meet those. Mr. Giffhorn expressed concern that by approving the applicant's requests, the Township would be setting a precedence

that would allow other developers to skirt the zoning requirements. Attorney Courtney stated that the zoning ordinance amendment request is site specific and is a legislative act, which does not create precedence.

Dan Wyrick referred to the current Zoning Ordinance, §205-69.8 (B) and (C), which states a minimum lot size of 5 acres, a maximum lot size of 25 acres and a minimum lot width requirement of 300 feet. He asked Attorney Courtney why the maximum lot size requirement was kept out of the proposed Zoning Ordinance text amendment. Attorney Courtney affirmed that he left the maximum lot size requirement out of the proposed amendment. Mr. Wyrick questioned if the Planning Commission wanted to permit the text amendment without the maximum lot size consideration. Attorney Courtney said that the maximum lot requirement is not typically a consideration in Industrial Zoning.

Tom Smith asked how the proposed increase in impervious coverage compares to other townships' maximum impervious coverage. Ron Secary stated that West Pennsboro's maximum impervious coverage is 70%, Carlisle's is 75% and South Middleton Township's is 60%. Tom Smith asked Attorney Courtney to define what a staging area would be, which Attorney Courtney did for him.

Dan Wyrick asked if acreage should be a determination in spot zoning since this amendment is asking to rezone a single parcel of land which is zoned Business-Recreation (B-R). Attorney Courtney felt that the site should be zoned Industrial because of its adjacent uses and didn't feel it would be considered spot zoning. Tom Smith thought the original intent of acreage limitation was to encourage more mixed commercial use. Attorney Courtney said that the maximum lot size was a requirement set for the B-R district, but not intended for industrial warehouses and distribution centers.

Ken Giffhorn questioned Attorney Courtney's summation that the area is characteristically industrial since there is a lot of commercial use with Sheetz and the County offices located in the area. Ron Secary talked about Mr. Loring's attempts to gain a commercial tenant in the area and how there is not enough residential development to support commercial uses. The site, he felt, was primed for industrial use. Mr. Giffhorn said he might be able to be convinced that the site is designed better for industrial use, but still felt the approach should be completed through a use variance request and not a text amendment to the zoning ordinance.

Dan Wyrick discussed how South Middleton Township has commercial properties in the area of Commerce Drive, which was the desired outcome in Dickinson Township. Mr. Wyrick also questioned what role the Planning Commission has in making a recommendation to the Board of Supervisors regarding this requested change to the text of the zoning ordinance.

Lynn Hoover asked what benefits and drawbacks, in relationship to finances and the people, would come as a result of building a warehouse on the site. Attorney Courtney mentioned that there would be an increase in the tax base of several thousands of dollars which would benefit the schools. There would be an increase in the number of local jobs. He noted also that there would be more impact on 1<sup>st</sup> responders and there would be an increase in truck traffic. Mr. Giffhorn asked if there have been any traffic projections for the truck traffic. Ron Secary stated that there isn't any formal traffic study at this time, but there would be about five times more truck traffic generated by a retail site instead of an industrial site. Attorney Courtney said there could be an increase of about 50 – 100 trucks per day.

Dan Wyrick said that the impact to the first responders would be minimal since the Township is serviced by the PA State Police and not a local force. He stated that there is not a substantial difference between commercial and industrial impact on jobs and taxes.

Ken Giffhorn asked Solicitor Smith if a variance would be appropriate. Solicitor Smith said that a variance would not necessarily be the right course of action because of the required criteria for grant of a use variance. She outlined the process of granting a text amendment and the procedures on how the Planning Commission and Board of Supervisors would proceed.

Nate Wolf, Attorney for Mr. Bob & Michelle Line, spoke on behalf of his clients and as a township resident. He suggested that the use is inconsistent within Dickinson Township, noting that an adjacent farm is agriculturally protected. He suggested that to imply that this plan is consistent with the intended land use is disingenuous. Attorney Wolf discussed the traffic impact and the exit 44 traffic study. He noted that the study viewed the property as being developed commercially; not industrially. The traffic study did not contemplate the change in use or discuss the air quality issues that might come from such a use change. The Line's farm is approximately 112 acres in the B-R district. The farm has been in their family for over 250 years. Attorney Wolf noted that the zoning laws were created to protect residential uses while simultaneously allowing for growth. He felt that the plan was inconsistent with 3 out of the 4 township's uses. Attorney Wolf felt that the proposed zoning amendment changes were self-serving and requested that the Planning Commission respect the uses that are already in place.

Chairman Straub and Dan Wyrick discussed the Rocky Meadows Plan by Mr. Loring and whether or not it included the Sheaffer farm. Mr. Wyrick thought Mr. Sheaffer did not want anything to do with Mr. Loring's proposed build-out.

Gary Graham, West Pennsboro Township resident, addressed the Planning Commission. If approved, his home will be 200 feet away from the distribution center/warehouse. He read a written statement that he had previously presented at a West Pennsboro Township meeting before discussing the light pollution problems created by industrial growth. Mr. Graham stated that there is no darkness surrounding his property anymore. He reiterated the increase in truck traffic that would be an impact of the plan and noted that trucks travel through the 465 intersection going over 55 miles per hour. Mr. Graham felt that the intersection was already dangerous due to drivers attempting to jockey for position to enter the highway interchange. Lastly, Mr. Graham wondered what types of materials would be stored in an industrial facility and if any hazardous materials would be passing through the area that would be of public concern.

Robert Line read the Dickinson Township vision statement, noting the intent to preserve the rural character. He questioned whether or not this was responsible growth as outlined in the statement.

Michelle Line expressed concern over water run-off and discussed how the family farm already has flooding problems. She worried that by increasing the impervious coverage and constructing a concrete facility, her farm would experience more flooding issues.

Attorney Courtney discussed the proposed standards and addressed the negative impacts discussed by residents. He noted that the industrially zoned areas will provide heightened zoning standards.

Chairman Straub recommended starting the entire process by determining if the zoning map will be changed. Attorney Wolf suggested getting the information disseminated to the public and allowing for input from residents. Chairman Straub said that he was not in support of the proposed mandatory 100 foot setback from a residential use that is not located within a residential district. He proposed giving the Planning Commission more time to review the proposed changes and bring the proposal back for discussion at the next Planning Commission meeting. The Planning Commission agreed to give the proposal further consideration at the next meeting.

#### **SOLICITOR'S REPORT**

No report was provided.

#### **ENGINEER'S REPORT**

The Engineer was not present.

#### **ZONING OFFICER'S REPORT**

Zoning Officer Barrick did not provide a report.

**PARK & RECREATION LIAISON REPORT**

No report was provided.

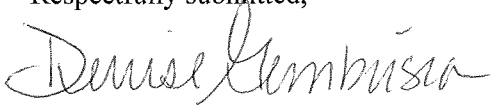
**SUPERVISOR LIAISON REPORT**

No report was provided.

**ADJOURNMENT**

Dan Wyrick motioned to adjourn at 8:00pm. The motion was seconded by Ken Giffhorn and passed unanimously.

Respectfully submitted,



Denise Gembusia  
Secretary/Treasurer

