

MINUTES  
ELIZABETHTOWN BOROUGH  
PLANNING COMMISSION

December 10, 2019

The Elizabethtown Borough Planning Commission held its monthly meeting on Tuesday, December 10, 2019, at 6:30 p.m. at the Elizabethtown Borough Office. The Commissioners present were Chair Kyle Kopko, Vice Chair Everald McDonald, Jenni Woodworth, Christine R. Seitz, and Tyler Hoover. Zoning Director, Pamela Roberts and Jennifer Prunoske with Hanover Engineering were also present.

**Public Comment:**

There was no comment from the public to be heard.

**Meeting Minutes:**

The minutes of the Planning Commission meeting held on November 12, 2019 were unanimously approved on a motion offered by McDonald, seconded by Woodworth.

**Mars Chocolate Preliminary/Final Land Development Plan:**

Eric Brinser, Rettew, was present at the meeting on behalf of the applicant, Mars Chocolate. Brinser was at the November Planning Commission to receive feedback on the conditional use application that was required to construct the addition to the existing plant. Brinser gave a brief explanation of the conditional use hearing on November 21<sup>st</sup> before Borough Council and stated that conditional use approval was granted.

Brinser briefly oriented the Planning Commission on the location of the two proposed additions. The Positive Release Building which contains chocolate storage structures and the Bean Receiving Building which will be constructed in a way to efficiently receive raw materials. Both projects are being constructed to increase efficiency at the plant but will not increase capacity at the plant.

Brinser pointed out the parking area that has been provided as part of the new project. Due to the size of the new additions, 32 new parking spaces are required to be provided by Mars Chocolate. The new parking area is proposed in a gravel lot at the rear of the property.

**Action:**

Moved by Kopko, seconded by Seitz to accept the Mar Chocolate Preliminary/Final Land Development Plan for review. Motion passed unanimously.

**Re-Zoning Petition at 105-107 Maytown Avenue:**

Brian Cooley, DC Gohn Associates, was present at the Planning Commission meeting to present the re-zoning petition for 105 Maytown Avenue and 107 Maytown Avenue. Terry Burkhart, the property owner of 105 Maytown Avenue, was also present to answer any questions from the Planning Commission.

Cooley began the presentation by explaining the existing conditions of the two properties. Currently they are zoned R-1 Low-Density Residential, which allows for single-family detached dwellings as a permitted use. The petition is proposing to change the two properties to be zoned R-3 High-Density Residential. The R-3 District allows a wider range of housing options, such as duplexes, townhouses, and apartments. The Conoy Crossing housing development is adjacent to this property and zoned R-3 High-Density Residential.

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Cooley displayed a site plan that depicted a number of apartment units throughout the two properties. The site plan is just a conceptual display of what could be constructed on the properties if re-zoned. Any development on the properties would need to go through the land development plan process and may look quite different than the conceptual plan. Both properties have access to public water and sewer as has access to Maytown Avenue. A second means of access could be provided to Maize Circle, which is part of Conoy Crossing Phase 4 & 5.

Chair Kopko asked if there was a timeline in relation to development should the re-zoning petition be approved. Burkhart stated that he is thinking of developing the property within three to five years.

Action:

Moved by Seitz, seconded by McDonald to recommend approval of re-zoning 105 Maytown Avenue and 107 Maytown Avenue to the R-3 zoning classification. Motion passed unanimously.

**Conoy Crossing Phase 4 & 5 Final Land Development Plan:**

Brian Cooley, DC Gohn Associates, was present at the hearing to discuss the current status of the land development plan. Since the land development plan was last before the Planning Commission in October, a number of revisions have been completed and compliance issues with the zoning ordinance have been resolved. On December 9, 2019, the Elizabethtown Borough Zoning Hearing Board granted four variances in relation to Conoy Crossing Phase 4 & 5. The variances were in relation to impervious coverage limits, the 100 foot clear sight triangle, driveways within 40 feet of an intersection, and acquiring permits within one year from the time of the Zoning Hearing Board decision.

Cooley went through in detail the waivers that are being requested as part of the Conoy Crossing Phase 4 & 5 Land Development Plan. The waivers requested are listed below.

- a) Chapter 17, Section 302.A(1) – Volume Control
- b) Chapter 17, Section 302.A(2)(c) – Loading Ratios
- c) Chapter 17, Section 302.D – Infiltration Dewatering Times
- d) Chapter 17, Section 303.C – Rate Control Dewatering Time
- e) Chapter 17, Section 307.4.B(3)(k) – Swale Side Slopes
- f) Chapter 22, Section 303 – Preliminary Plan
- g) Chapter 22, Section 606.1.C – Clear Sight Triangle
- h) Chapter 22, Section 607 – Curbs and Sidewalks
- i) Chapter 22, Section 612 – Traffic Controls and Access Requirements

Cooley stated that he believes with revisions to the plan, he will be able to eliminate or greatly reduce the request for the waivers in relation to loading ratios and swale side slopes.

Jack Smith, legal counsel for Conoy Crossing, was present at the hearing to discuss the waiver requests of Chapter 22, Sections 607 and 612. Smith explained that this phase of development includes two access drives on the property adjacent to Masonic Drive, the Espenshade farm. As part of an agreement between Conoy Crossing and the owners of the Espenshade property, it was agreed that Conoy Crossing would provide two access drives

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granting entrance to the property from Masonic Drive if the property is developed at a future date. This agreement was signed before the completion of the Conoy Crossing Preliminary Land Development Plan. Elizabethtown Borough was not a party in the agreement.

Smith stated that as part of previous phases of Conoy Crossing, a waiver of Section 607, which would have required sidewalks along the Espensshade property, had been granted. Because no construction on the Espensshade property is proposed at this time, Smith feels that the waiver approval should be continued until a future date when the property is developed. Section 612 requires traffic studies and additional information to be gathered to insure sufficient access is provided to any land development project. Smith stated that a traffic study cannot be conducted at this time because there is no actual plan in relation to the development of the Espensshade property.

If the waivers are granted, Smith said that a deferral agreement would be prepared between Conoy Crossing and Elizabethtown Borough. The agreement would specify that if the Espensshade property is developed, a traffic study would be completed and sidewalks would be installed.

Roberts informed the Planning Commission that a deferral of Chapter 22, Section 607, not a waiver, had been granted by Council. In granting the deferral, Borough Council postponed the requirement of installing sidewalk along the Espensshade property until the time it is developed. Roberts also stated that when Council approved the deferral of Section 607, no access drives had been proposed on the plan.

Planning Commission member Woodworth asked if the proposed accesses will be constructed as part of Conoy Crossing Phase 4 & 5 and Smith answered that the accesses are on the plan for planning purposes only. Woodworth stated her concern of having something depicted on the plan that is not intended to be constructed. Smith answered that there is a notation on the plan that states "Possible future connection shown for reference only" and with the deferral agreement, it should be clear that the accesses are for planning purposes only. Woodworth stated that she is concerned in the future, someone without firsthand knowledge of this project will assume the street accesses were approved. Woodworth stated it is her opinion that anything displayed visually on a recorded plan should be intended for construction.

Action:

1. Moved by Seitz, seconded by Kopko to recommend approval of a deferral of Section 607 Curbs and Sidewalk until the Espensshade property is developed under the condition that the land development plan continues to state "Possible future connection shown for reference only" and a deferral agreement is completed. Motion passed 3-2, Woodworth and McDonald opposing. Woodworth stated after the vote that she did not feel a visual representation of the accesses to the Espensshade farm should be depicted on the plan.
2. Moved by Seitz, seconded by Hoover to recommend approval of a deferral of Section 612 Traffic Control and Access Requirements until the Espensshade property is developed. Motion passed 3-2, Woodworth and McDonald opposing.
3. Moved by Kopko, seconded by Woodworth to recommend approval of the Conoy Crossing Phase 4 & 5 Final Land Development under the condition that all comments in Hanover Engineer's December 10, 2019 review letter be addressed. Motion passed unanimously.

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**Other Business:**

Roberts gave a status update on projects that had already received recommendations of approval from the Planning Commission and other projects that will likely be presented to the Commission soon.

**Adjournment:**

The Planning Commission adjourned at 7:43 p.m. unanimously approved on a motion offered by Kopko, seconded by Woodworth.

Respectfully Submitted,

Pamela Roberts  
Planning and Zoning Director