

**REGULAR MEETING MINUTES  
CAMP HILL BOROUGH  
VIRTUAL PLANNING COMMISSION MEETING  
JULY 21, 2020  
6 P.M.**

**Call to Order, Roll Call**

Michael Baturin  
Pat Dennis  
Abigail Foster  
Ron Gilius  
Nadia Hankin  
Brigid Landy Khuri  
Chris Miller  
Aaron Navarro  
Don Sechler  
Virginia Thornton  
Isaac Wakefied  
Stephanie Williams

Mr. Navarro called the meeting to order at 6:00 p.m.

**APPROVAL OF MAY 2020 MEETING MINUTES**

Ms. Foster made a motion to approve the May 2020 Planning Commission Meeting Minutes. Ms. Hankin seconded the motion. Mr. Navarro suggested adding that the meeting was held via Zoom at the top of the minutes. Ms. Khuri stated that she will add that to the top and recirculate the minutes. The motion to approve the minutes passed with all in favor.

**PUBLIC COMMENT**

Mr. Dennis stated that there was a desire to put the Sign Ordinance on the Planning Commission's agenda for review. He shared that the Sign Ordinance was reviewed by the new solicitors and at this time Council has decided to go back to the drawing board because of some constitutionality issues relative to that particular Ordinance. They are going to work with the downtown business group and work through that process again.

**ANNUAL ELECTION OF PLANNING COMMISSION OFFICERS**

- Chair – Ms. Foster nominated Mr. Navarro to continue as the Chair of the Committee. Ms. Hankin seconded the motion. The motion passed with all in favor.

- Vice Chair – Mr. Gilius made a motion to appoint Ms. Khuri to be the Vice Chair of the Committee. Ms. Foster seconded the motion. The motion passed with all in favor.
- Secretary – Mr. Gilius nominated Ms. Foster to be the Secretary of the Committee. The motion passed with all in favor.

### **CONSIDERATION OF DRAFT SALDO ORDINANCE**

Mr. Navarro stated that they last discussed the SALDO Ordinance in detail back in January 2020, of which they were trying to set up another public meeting to address the Planning Commission comments or any public comments that were received. With the COVID issue and the lack of items on the agenda, this was pushed to tonight. Mr. Navarro opened the floor for the Planning Commission members to discuss the SALDO.

Mr. Dennis stated that Virginia Thornton was present to share a presentation on the SALDO. Ms. Thornton stated that she had comments from Mr. Navarro and a member of the public.

Ms. Thornton stated that she anticipated that they would go through article by article and would discuss the substantial edits that have been made based on the comments that have already been received. She stated that they will not go into the more editorial edits throughout the document, as those are better in written form for Mr. Wakefield and herself.

### **ARTICLE 1 – GENERAL PROVISIONS 179-11**

Ms. Thornton first addressed Mr. Navarro’s comment that Section 179-11 in General Provisions is too broad.

**§ 179-11 . Interpretation.**

*In interpreting and applying the provisions of this Chapter, they shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare of the Borough and its residents. Where provisions of this Chapter impose greater restrictions than those of any statute, other ordinance, restriction, or regulation, the provisions of this Chapter shall control. In interpreting the language of this Chapter to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by Borough, in favor of the landowner and/or developer and against any implied extension of the restriction.*

Ms. Thornton stated that this section is fairly typical, while it is vague, it is a standard setup for how this document is to be interpreted and used in coordination with other ordinances and codes. Mr. Wakefield added that these principles that are written would govern even if it was not listed in the SALDO. He did not have any issues with the language and thinks it would be true regardless of whether it was in there or not.

### **PROPOSED SECTION**

Ms. Thornton read a proposed section from Mr. Navarro, regarding erroneous permits, “Any permit or authorization issued or approved, based on false, misleading, or erroneous information provided by the applicant or his/her representative is void without the necessity of any proceedings or revocation. Any work undertaken or use established pursuant to such

permit or authorization is unlawful. No action may be taken by a board, agency, or employee of the Borough of Camp Hill to validate such action.” Mr. Gilius asked where this would be inserted, which Ms. Thornton answered it would be under Article 1, Section 179-12.

Mr. Navarro added that he suggested this be added because there are times when developers tend to stretch the truth, or stretch explanations or plans to meet certain requirements. If there are any zoning issues because of that, then any requirements that were not true at the time of the application allows the Borough to either revoke or require the developer to make a new application based on the information that was originally provided.

Ms. Thornton asked Ms. Williams if she has seen any other communities in Cumberland County that have this type of language in their SALDO. Ms. Williams stated that she would have to do some digging to be able to determine that. Mr. Navarro stated that Lancaster and York do have similar language in their SALDOs. Ms. Thornton stated that they will mark that for review when it is submitted to the county. Mr. Wakefield shared that he has seen similar provisions. This section is consistent with what the rule would be in case law. Mr. Miller stated that he does not have any exception to adding that language in.

Ms. Thornton shared that she does have some comments from the public as well that will be addressed by herself, the solicitor and the Borough. Mr. Dennis shared that he can email the comments to the Committee after the meeting. Ms. Thornton added that they will also copy the Planning Commission with their responses.

### ***ARTICLES 2 & 3 – DEFINITIONS AND ADMINISTRATION***

Mr. Navarro asked about the definition of a bicycle lane and cycle track, which Ms. Thornton clarified that they will be combining them into one definition. She shared that a cycle track is exclusively for bicycles, whereas a bicycle lane is on a shared roadway.

Ms. Thornton stated that they did receive a question from the public about the definition of local streets and minor streets, which was resolved. The language will now read minor streets, not local streets.

Mr. Gilius asked about the subject of flood plains and flood permit areas. He stated there needs to be some consistency between state, county and local interpretations of what flood plains are and what criteria should be used when establishing flood plains. Mr. Dennis stated that they have not begun any sort of process or creating a flood plain movement, as it has not been a primary focus at this time but he is sure Council would not be opposed to being that process moving forward. Ms. Thornton took note that this will need to be reviewed against FEMA and statewide standards, understanding that a local Ordinance may be forthcoming. Mr. Gilius requested consistency among different levels of government.

### ***PREAPPLICATION SKETCH PLAN MEETING***

Ms. Thornton asked if the Committee was comfortable with the Pre-Application Sketch Plan setup. Mr. Gilius stated that when it is read independently of what is supposed to happen, it is

not clear who is holding these meetings or what the process is. He said that it seems like it is not being handled by the Planning Commission but instead it is being handled by Borough staff.

Ms. Thornton answered that the proposed document offers two types of Pre-application Sketch Plan Meetings. One is an informal in nature, non-binding meeting between Borough staff. It is a voluntary meeting that is meant to provide an opportunity to discuss concepts and ideas, as there are no approvals associated with this meeting. A summary of the Borough Staff Review is provided in writing to the Planning Commission and to Council. The Borough currently conducts this type of meeting to help the developer become aware of SALDO and what the requirements are. There is no discussion of specifics at this meeting, so things that discussed are very administrative in nature.

Ms. Thornton shared that another type of Pre-Application Sketch Plan Meeting that is offered is also informal in nature and non-binding. The developer can choose to present their sketch plan to the Planning Commission to elicit feedback from them. This is meant to be an opportunity to discuss concepts and ideas. There is no approval or review clocks associated with this meeting and it is voluntary and not mandated.

Mr. Gilius stated that he thinks that they are both good ideas, it is just understanding who is responsible for these. Ms. Thornton answered that they have two options, either the developer can have the meeting just with Borough staff or they can have the meeting with the Planning Commission. She added that the benefit of the Pre-Application Meeting is to ensure that all of the requirements are laid out to the developer before they submit their plan.

Mr. Gilius asked if the Borough staff specifically meant Mr. Miller. Mr. Miller stated that he will not meet with the developer without the engineer being present. He added that there may be an occasion where he will pull the Borough Manager or Public Works in. Mr. Gilius asked if that was coordinated through the Borough office and if Mr. Miller would be able to send an email to the Planning Commission to see if anyone from the Commission would like to be present at the meeting, referring to ones that will go to the Planning Commission for review and approval and then further on to Council for review and approval. Mr. Miller answered that he does not have a problem with doing that. Mr. Gilius stated that he would like to reread this section and its context to make sure it reads how it is supposed to.

## ***ARTICLE 5***

Ms. Thornton stated there are two types of plans that are new in Article 5. The first one is a minor plan option that requires a Pre-Application Sketch Plan Meeting with Borough staff. There is a 45 day time review and action period unless it is extended by the applicant. It still requires adherence to all zoning, stormwater and erosion control requirements. Plan review is handled by staff and county and not Borough Council. Staff will provide an update of all process to minor plans at every regularly scheduled Planning Commission Meeting. Ms. Thornton referred to 179-26, Section B for clarification of minor plans. She stated that the intent is to keep these very minor plans moving at the Borough staff level. Mr. Navarro added that these minor plans will not require any additional outside agencies as far as large permits.

### ***SECTION 179-27 WAIVER OF PRELIMINARY PLAN***

Ms. Thornton shared that one of the portions that was added to the SALDO is the Waiver of a Preliminary Plan that is granted by Borough staff. She stated that in order for a developer to receive this Preliminary Plan Waiver they are required to attend a Pre-Application Sketch Plan Meeting with Borough staff and they need to meet one of a few other requirements, which Ms. Thornton referred to Section 179-27 of the SALDO. She noted that number (1) under Section A, "Subdivisions containing ten or fewer lots" has been changed to "Subdivisions containing three or fewer lots." Number (2) under Section A will be removed, which stated, "Land developments containing ten or fewer nonresidential units of occupancy."

Ms. Thornton asked if the Planning Commission still supports the waiver of a Preliminary Plan Filing Requirement from Borough staff under these criteria. Mr. Navarro stated that he is not sure why this section is needed. He stated that he does not feel it needs to be left open to staff to have to make that decision. He thinks that the application should come before a public meeting where the applicant will request that waiver. Ms. Khuri asked if they removed this section if that would make it vaguer, which Ms. Thornton answered it would only allow Borough Council to grant a Preliminary Plan Filing Waiver. Mr. Navarro stated that he thinks a Preliminary Plan should be required and then Borough Council will decide if they get the waiver.

Ms. Hankin asked Mr. Miller's opinion since he sees the majority of these. Both Mr. Miller and Mr. Wakefield agreed that both points have merit. Ms. Williams stated that she does not think that she has seen a similar provision in another municipality, which does not make it right or wrong. She stated that they very infrequently see a plan go through the preliminary stage and then the final stage because they are basically the same thing and they expend time and money to do the same thing twice.

Ms. Thornton stated that the requirements are very strict and that there is not any additional administrative work for the waiver to be requested of the Planning Commission and ultimately Council, so they can remove it. Ms. Thornton asked Mr. Wakefield if they would need to remove section 179-27 to revert to the normal process, which he confirmed that is correct. Mr. Navarro stated that his only concern is that he doesn't want the developer to make his interpretation if he meets those standards. If the Planning Commission says no, then they have to go back and submit preliminary plans. Ms. Hankin, Ms. Foster, Mr. Gilius, and Mr. Sechler all agreed that they are in favor of removing that section as well. Ms. Thornton stated that she will have some edits to make sure the ripple effects throughout the document are cleaned up.

### ***PRELIMINARY PLAN & FINAL PLAN PROCEDURES***

Ms. Thornton stated that the biggest change in this part is Section 179-28, B1B, "Within 7 working days of when an application is received, the Borough staff will review and certify the preliminary application as substantially complete and accepted or incomplete and rejected." Mr. Dennis and Mr. Miller proposed that it say 10 business days, as the Borough is a small office. Ms. Thornton stated that the Preliminary Plans should be submitted at least 30 days prior to the next meeting. Mr. Dennis clarified that if something incidental is missing on the

form then they will certainly work with them, but he thinks the 10 days will give them an attainable time period.

### ***DESIGN STANDARDS***

Mr. Navarro suggested some changes regarding street width, including access drives being increased to 24 feet in width, identifying a 20-foot minimum width for an alley, an increase on the radius on cul-de-sacs for the turnaround of 120 feet for the right of way and 100 feet for pavement, which he noted was for school buses or other large vehicles. Ms. Thornton stated that they can make those changes.

### ***LIGHTING***

Ms. Thornton stated that they have heard feedback from the zoning officer that the lighting should be included in the SALDO and modified in zoning. Mr. Miller explained that with some recent developments that have gone in, he feels that it was important to have the height of the lighting, the shielding, the protrusion into surrounding neighboring, and things like that in the SALDO since they are working on the Zoning Ordinance to be able to address the nuisance complaints. He stated that it is important to have all of those things clearly defined so that it sets a standard for which they develop this terminology into the SALDO. Mr. Gilius asked if this section is a new section in the packet, which Ms. Thornton clarified that it is a new section under the Design Sections Article. She stated that she will take some time with the zoning officer and review some lighting requirements that are currently in the Zoning Ordinance as well as with other communities.

### ***FINAL SECTIONS***

Ms. Thornton shared that the next few sections she did not have any previous comments on. The next sections include "Traffic and Transportation," a new section called "Landscaping and Screening," and the new "Parks and Recreation" section. She noted that with Parks and Recreation, a Comprehensive Recreational Plan is required in order for this section to be enforceable. The next section is "Manufacturing," which is almost identical to this section from 1993, but a few suggestions were updated and added. The last section is "Violations and Penalties."

### ***COMMITTEE QUESTIONS***

Ms. Thornton then opened to the floor for any general questions.

Mr. Gilius asked a question regarding Article 9, "Landscaping and Screening," which he stated that the 20 pages of regulations struck him more as guidance instead of regulations. Ms. Thornton stated that she can look into areas to find references to remove some of the technical details from the section. Mr. Navarro stated that the PA Nursery and Landscaping Guide can be referenced for local trees and landscaping pertaining to the area. Ms. Thornton stated that the SALDO does reference it and that she will look into Mr. Gilius' comment to find more external references that will be updated more regularly than the SALDO.

Mr. Sechler asked about Air BNB's, which Mr. Dennis answered that Air BNB's are being discussed by Council relative to the Zoning Ordinance, through the AD HOC Steering Committee. Mr. Dennis stated that he will keep the Planning Commission aware of what is being discussed as far as that topic goes.

Mr. Gilius stated that in Article 7, "Design & Improvement Standards" they revert to green infrastructure in numerous places. He asked that since that is a pretty broad term if there is any way to narrow that down or if there a definition of that included. Mr. Wakefield answered that Article 2, Section 13 included a definition of green infrastructure.

Mr. Sechler asked about roundabouts, which Ms. Thornton answered that they did not set a standard for roundabouts, so that will fall under Penndot guidelines. She stated that it is also likely that anywhere a roundabout would be installed in a Borough would be on a state highway, which would fall under Penndot's jurisdiction.

Ms. Foster asked as far as the next steps, if Ms. Thornton and her team will incorporate some changes and then provide an updated draft. Mr. Dennis answered that editorial comments can be disbursed back to the public and they can provide the Committee with another draft of it. He shared that the goal from Council's perspective is to have this move to the Planning and Zoning Committee. Mr. Navarro asked if the SALDO moves forward can the revised version be re-advertised for public view prior to Planning and Zoning discussion, which Mr. Dennis stated that it could. Ms. Thornton stated that it will be re-advertised prior to the public hearing that Council would have and that the document would still undergo legal and engineering reviews to incorporate any edits from this evening or moving forward.

Ms. Foster made a motion for the draft to move forward to the Planning and Zoning Committee and to the public for review again. She stated that she would like to have access to the comments. Mr. Dennis provided some clarity that some of the comments that were made were in response to the legal framework of the hearing held on the Chick-fil-a argument. He stated that the SALDO was crafted from Ms. Thornton and Gannett Flemming from the ground up, so he does not necessarily think that the arguments that were made are valid.

Ms. Hankin seconded the motion. The motion passed with all in favor.

### **GENERAL DISCUSSION/ PUBLIC COMMENT**

No comments were made at this time.

### **ADJOURNMENT**

Ms. Hankin made motion to adjourn. Ms. Foster seconded the motion. The meeting adjourned at 7:28 p.m.