

LONDONDERRY TOWNSHIP

PLANNING COMMISSION

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REGULAR MEETING MINUTES

MEETING DATE: April 15th, 2024

The Londonderry Township Planning Commission held their regularly scheduled monthly meeting on Monday, February 20th, 2024 at the Londonderry Township Building, 783 S Geyers Church Rd, Middletown PA 17057.

Call to Order:

Vice-Chairperson Pistor called the meeting to order at 7:00pm

Roll Call/Members Present:

The following members were present for the meeting

- Bob Pistor (Vice Chair)
- Adam Kopp (Secretary)
- Deb Weaver (Member)
- Irv Turpin (Member)
- Ruth Jilka (Alternate)

The following members were absent for the meeting

- Patience Basehore (Chair)

Also present:

- Brett Flower, Esq (Township Solicitor, Eckert Seamans)
- Mike Wood (Township Engineer, HRG)
- Duane Brady Jr (Township Code Officer)
- David Blechertas (Township Manager)

Citizen Input:

Bob Pistor presented about his concerns regarding Lytle Farms regarding his property and potential flooding issues, he clarified that he has recused himself from reviewing and voting on the plan.

Approval of Minutes:

Minutes from March 2024 meeting were reviewed and motioned by Irv Turpin, second by Bob Pistor to accept the minutes

Old Business:

Duane Brady advised that Lytle Farms was still under an indefinite extension and that a second submission was expected soon and the applicant was planning to present the plan in June. Mr. Brady also advised that the Tolani plan was still on the agenda under old business as the plan was still under

active review and was being presented and possibly voted on by the Board of Supervisors on April 17th 2024.

New Business:

Duane Brady introduces Jill Nagy of Nagy Summers Law Offices, representing DTMA on their petition to rezone parcel 34-009-048 on RT230/E Harrisburg Pike near the intersection of Colebrook Rd and advised that the Board of Supervisors had, per the ordinance, forwarded the petition to the Planning Commission for review and comment.

Jill Nagy presented that DTMA and the Township had worked together to bring this presentation to both the Board and Planning Commission. DTMA desire was to rezone the parcel from R-2 Residential to C-2 Commercial for a variety of reasons including the potential development of the Lytle Farms project, future needs of the site that may not conform to the R-2 zoning requirements, and the re-construction of non-conforming billboards on the land as PennDOT required commercial zoning for their reconstruction.

Deb Weaver asked about further potential accessory uses of the site by DTMA and why a variance was not sought to allow the billboards

Ms. Nagy explained that PennDOT required commercial zoning and that the Township had previously declared the billboards as non-conforming and then not requiring the zoning variance. DTMA at this time did not have any plans for accessory or other uses for the site but wanted the flexibility of commercial zoning and to clearly mark the site as a commercial use separate from the potential residential use that Lytle Farms might present.

Bob Pistor asked how or why DTMA was involved.

Jill Nagy and Duane Brady explained that DTMA was the owner of the parcel in question and that this land had been previously subdivided and given to DTMA for the purpose of building the existing pumping station.

Deb Weaver asked if there were any potential downside to allowing the rezoning.

Duane Brady, Brett Flower, and Dave Blechertas explained that DTMA would be allowed to do anything permitted in the C-2 but that moving of the pumping station would be cost prohibitive and the size of the parcel would prohibit most other uses due to the size and shape of the lot.

Dave Blechertas asked about the sizing of the billboards as it relates to the non-conformity and re-construction of the signs. Jill Nagy explained that the previous zoning officer in issuing a non-conformity determination had been clear about the need to re-construct the billboards inline with the size and style as they had existed prior and that they would not be digital, but of a similar size and style as what existed previously but with a more modern appearance.

Kevin Little was recognized by Bob Pistor for a question regarding any potential impacts on the neighboring cemetery. Jill Nagy clarified that there were none anticipated.

Adam Kopp asked what had led the billboards to be removed.

Jill Nagy explained that the prior owner and the advertising firm had a dispute and the billboards were removed in an act of vandalism which was currently under litigation.

Dave Blechertas explained that this was how the non-conforming was determined to exist as the owner had not intended to abandon or stop the use. Jill Nagy advised that DTMA was not in favor of larger signage on the site.

Adam Kopp asked why DTMA was looking to reestablish the billboards. Jill Nagy explained that due to the donation of the land to DTMA that an easement was established to allow the reestablishment and preservation of the billboards. Dave Blechertas asked who donated the land to DTMA. Jill Nagy explained that as part of multiparty agreement that Core5 had donated the land to DTMA, this would have otherwise been part of Falcon Crest/Lytle Farms.

Deb Weaver asked about the ability to regulate content on the billboards and if the rezoning were denied by the Board of Supervisors would that prevent the billboards from be re-constructed. Duane Brady explained that as a First Amendment issue that was not possible for the Township to place that kind of restriction and that with the non-conforming protections provided to the billboards the rezoning would not have an effect on the re-construction of the signage. Jill Nagy reiterated that the DTMA apart from the billboards had other desires to see the zoning change and that the zoning change would help avoid potential litigation with PennDOT regarding the billboard approves from the agency.

Bob Pistor asked about his potential need for him to recuse himself on this vote. Bob decided to recuse himself due to the potential for conflict after discussion on the question.

Bob Pistor asked for the motion. Duane Brady explained the motion options that were presented in the narrative for approval, denial, or tabling. Bob Pistor asked for a motion to approve. Deb Weaver wanted to abstain from the vote due to concerns to about the content of the billboards. Brett Flower advised that an abstention could only be for personal conflict and that she should vote to deny instead. Irv Turpin made the motion, second by Adam Kopp. Vote was Member Turpin and Member Kopp in favor, Member Weaver and Member Jilka against, Vice-Chair Pistor abstained.

Any Other Matter:

Duane Brady Jr reminded the members of the scheduled training with TCRPC

Adjourn:

Motion to adjourn was made by Ruth Jilka (Alternate Member), seconded by Irv Turpin(Member), motion carried, meeting adjourned at 7:33pm