**M I N U T E S**

**LOWER SWATARA TOWNSHIP REGULAR MEETING**

**PLANNING COMMISSION MAY 26, 2022 7:00 P.M.**

Meeting was called to order by Chauncey Knopp at 7:00 P.M. with the following present:

Chauncey Knopp, Chairman Kaylee Justice, LST Planning/Zoning Coordinator

James Young, Vice Chairman Brett Woodburn, LST Solicitor

Dale Messick Shawn Fabian, HRG

Tonya Condran, Recording Secy. Alexa Korber, DCPC

Others present:

Ben Heisey, R.J. Fisher & Assoc. William & Charlotte Wink, residents

Joe Caughy, Kinsley Roy Michaelson, resident

Ron Secary, SSA Carolyn & Jordan Pulgar, residents

Ron Burkholder, The Colony Don Wagner, resident

Mark Romeo, Pulgar Land Dev. Bill Reigle, Keystone Custom Homes

Absent:

Kimber Latsha

Dennis Fausey

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF MINUTES:**

Mr. Knopp asked if there was a motion to approve the March 24, 2022, meeting minutes. Motion was made by Mr. Messick to approve the minutes and seconded by Mr. Young. All were in favor. Minutes were approved.

**OLD BUSINESS:**

1. **Preliminary/Final Land Development Plan for Jordan Pulgar Property –**

Planning Commission File #PC2021-05, 3.0995 acres in zoning district R-A (Residential Agriculture) at 610 Spring Garden Drive, Middletown, consisting of 3 separate tax parcels. Applicant is proposing a minor subdivision resulting in three (3) reconfigured total lots. Applicant is requesting a waiver for relief of the preliminary plan requirement 22-404.

Mark Romeo, engineer for Jordan Pulgar, said that he was in receipt of the latest round of comments from HRG and everything appears to be easily handled with notes. They will change the notes and labeling to read as the township engineer recommended. He said they were here tonight to seek conditional approval.

Mr. Fabian said he did have one small clarification on his letter. He said he forgot to update the revision date when he updated the plan, so everything he reviewed was off the April 26th plan set.

Mr. Romeo went on to say that they have a few administrative items outstanding that they will provide a response letter to. He will also give an estimate for a financial guarantee. He said they only have two small infiltration beds.

Mr. Romeo asked the Planning Commission if they had any questions.

Mr. Young stated that when they were last here, he believes there was an issue about installing a swale. Has that been done? And are there any ongoing issues with the adjoining property owner?

Mr. Romeo responded that there was a site visit not so long ago after a substantial rain and there is no evidence of any erosion onto the neighbor’s property. The swale is stabilized.

Mr. Romeo asked Mr. Pulgar if Don Fure went out to check the silt fence.

Mr. Pulgar said yes, Don Fure did check the silt fence.

Mr. Romeo continued that the township staff has been in there to check it and, if necessary, they also have pictures.

Mr. Knopp said he did notice them out there working the very next day.

Mr. Fabian added that one of HRG’s biggest outstanding technical comments from the last plan review was the calculations for the swale. HRG did review through these and they have no comments this time.

Mr. Knopp asked if that was all working now.

Mr. Fabian confirmed that it was.

Mr. Romeo said the only other outstanding matter is DEP and they are waiting to hear back from them.

Mr. Messick asked if the Right-of-Way was on the egress.

Mr. Fabian explained that Lot 1 is the main lot. He said he did ask for some clarification to provide labeling and identification of that. He said in one note, HRG calls out the easements for ingress and egress to the stormwater facility on Lot 1 and the swale easements on Lot 2.

Mr. Knopp asked Ms. Korber (DCPC) for any comments.

Ms. Korber said she had nothing additional to add. Last time she pointed out how the parcel wasn’t looking quite right.

Mr. Romeo responded that he added a schematic as to the lot configuration pre-enclosed development. He asked Ms. Korber if that was what she was referring to.

Ms. Korber said it was just a labeling issue. She said she would look at the notes and, if needed, she would follow up with him.

Mr. Knopp asked Ms. Justice for any comments.

Ms. Justice said there was a question about the proposed access easement that is now on the plan, which wasn’t on the previous plan set. She asked Mr. Romeo to expand on that.

Mr. Romeo explained that this easement will allow ingress/egress from proposed Lot [1] which is the lot that fronts onto Spring Garden Drive to access through proposed Lot 2 to Oberlin Road.

Ms. Justice asked if this easement goes through all three lots.

Mr. Romeo stated that no, it doesn’t touch Lot 3.

At this time, Mr. Romeo approached the Planning Commission to point out exactly where the easement would be on their copies of the plan.

Mr. Romeo did confirm with Ms. Justice that the easement needs to be labeled on the plan.

Mr. Knopp asked if Don Fure was aware of this.

Ms. Justice confirmed that Mr. Fure was aware, although she has no official comment from him.

Mr. Pulgar said that he spoke with Mr. Fure just recently.

Mr. Romeo clarified that he hadn’t discussed it with Mr. Fure, but it was added to the plan.

Mr. Knopp asked for clarification that the Township is aware of this.

Mr. Romeo said it was discussed with the Township last year, and then again in February when they talked to Mr. Fure. But it was not on the plan at that time. He went on to say that the other purpose of this easement was to allow access to the stormwater facilities.

Mr. Romeo went on to say that they would add a note that the proposed easement, which will be clearly labeled, serves two purposes: ingress/egress for proposed Lot 1; and also, to access the stormwater facilities. It will also give access through Lot 1 out to Spring Garden Drive. The other one is just a reservation for future use should they sell the lot that is facing Oberlin Road.

Mrs. Pulgar added that she believes the easement for AT&T that already goes through there, is not being used by AT&T currently. AT&T already access through the Pulgar’s property.

Mr. Fabian said the way it is currently drawn on the plan, it looks as if it crosses over onto Lot 3.

Mr. Romeo went over the plan drawing again and it was confirmed that it does not cross over onto Lot 3. It stays on Lot 2 the whole way through that area. He reaffirmed that he would put a note on the cover sheet clarifying the intent and use of that easement.

Mr. Messick asked if anything needs to be cleaned up before we proceed.

Mr. Knopp said that he would like to hear comments about this easement from the Township staff before we proceed.

Mr. Romeo assured that it is on the plan, and there is a note about it, but it just needs to be labeled. He asked if that could be made a condition of the approval.

Mr. Knopp asked the Planning Commission to address the waiver of the Preliminary Plan requirement.

* + Mr. Messick made the motion to approve.
  + Mr. Young seconded the motion.
  + All were in favor.

Mr. Knopp asked the Planning Commission to address the overall plan.

* + Mr. Young recommended approval subject to clarification of the easement on the plan itself and that any outstanding comments from the township engineer and township staff be resolved.
  + Mr. Messick seconded the motion.
  + All were in favor.

Plan was approved for recommendation to the Board of Commissioners.

1. **Final Land Development Plan for Kinsley Residential Development for**

**DHK Residential, LLC – Phase 1,** Planning Commission File #PC2021-02, 72.2 acres for single-family lots located in the Residential Urban District, located to the north of the Turnpike, to the west of Airport Connector Road, and to the east of Stoner Drive. Submitted by Snyder, Secary & Associates. Applicant is proposing a single-family residential subdivision resulting in 37 proposed units. Applicant is requesting 2 waivers: plan sheet size; and relief from the 22-502.6 horizontal curve requirements.

Ron Secary of Snyder, Secary & Associates, advised that the second waiver for horizontal curve requirements can be eliminated tonight because that would not be needed until Phase 3. Tonight’s presentation is strictly Phase 1 related.

Mr. Secary went on to explain Phase 1 of the plan. Of the 106 total lots in the overall subdivision plan, Phase 1 is 37 lots. Phase 1 is generally bounded by Stoner Drive with the main entrance into the development at the Stoner/Riverview loop and inclusive of the additional access that the Board had asked to be moved to the northside of the site rather than the more southern original access. Phase 1 is about 35% of the total area. Part of this was an improvement of Stoner Drive, the applicant has committed to a widening of Stoner Drive on their side of the road. Other than that, it is pretty much the same plan that was presented last year.

Mr. Young asked if that improvement on the applicant’s side of Stoner Drive goes all the way up to the stop sign at Route 441/Oberlin Road.

Mr. Secary stated that it goes to the end of their property which is up to the Airport Connector. So, it will be their entire frontage.

Mr. Young said the reason he asked is because several times a week he makes a left turn off Stoner onto 441, and the sight lines are bad the way it is now. He feels that we need to look at improving the sight line at that intersection. He acknowledged that it isn’t particularly relevant to their application tonight, but it is a concern, especially with the added traffic this development will be producing.

Mr. Secary said that they do share those concerns, and they are making the improvements that are required with their project.

Mr. Secary went on to give a refresher on the project. Nothing much has changed since the original presentation last year. He said they are in receipt of comments from HRG, most of the items are agency approvals or administrative items that needed to be completed afterwards, nothing that is substantial. He then welcomed any questions or comments.

Mr. Knopp asked Mr. Fabian if he agreed with that.

Mr. Fabian did agree that there were no comments that were substantial.

Mr. Knopp asked Ms. Justice for any comments.

Ms. Justice asked about a Tot Lot. She reminded that as part of the preliminary approval that they received on Dec. 11, 2021, a Tot Lot was discussed. She asked if this would be part of a future phase.

Mr. Secary stated that the Tot Lot is not situated in this Phase. They proposed a Fee-In-Lieu-Of at the time of the discussion in December and that comment is still on the table.

Mr. Knopp confirmed that he was the one who stated that there is nothing down in that area, and with 106 new homes, there will be young kids needing a place to play.

Mr. Secary said that they did discuss this, and the approach was to convert a lot in Phase 2 into a Tot Lot if that is what the Township decides to pursue.

Mr. Messick asked if there would be an HOA for this development.

Mr. Secary confirmed that there would be an HOA.

Mr. Messick added that it seems to be unclear on several of the last developments, who is taking care of the retention ponds.

Mr. Secary said that would be the HOA who would be responsible for the maintenance of the retention ponds.

Mr. Fabian added that one of the items with the operations and maintenance agreements that get solidified as we go to record the plans, does clarify those responsibilities of operations and maintenance. So, anything that’s been going through the development and recording phase over the past four years has been documented better than a lot of the things that were historically done.

Mr. Messick asked about curbing along Stoner Drive.

Mr. Secary responded that Stoner Drive is a rural collector road in the township. They use the PennDOT criteria that establishes it as a widened road with a swale next to it that collects stormwater. There is no curb at either end of Stoner Drive and the character of that road is not typical of curbing. So he said they had discussions with the Board of Commissioners and Engineer, and everyone agreed that no curbing would be the most appropriate for that road.

Mr. Knopp asked the Planning Commission to address the waiver of the sheet size requirement.

* Mr. Young stated that we had recommended approval back of March 25, 2021, so he didn’t see why they should make a different recommendation now.
* Mr. Secary said it was for the ease of presentation and review.
* Mr. Young recommended approval of the waiver.
* Mr. Messick seconded the motion.
* All were in favor.
* Waiver recommendation approved.

Mr. Knopp then asked the Planning Commission what they would like to do in respect to the land development plan for Phase 1.

* Mr. Young made a motion that we recommend approval subject to resolution of any and all outstanding comments.
* Mr. Messick seconded the motion.
* All were in favor.
* Phase 1 Plan was approved for recommendation to the Board of Commissioners with stipulations.

**NEW BUSINESS:**

1. **The Colony at Old Reliance -** Planning Commission File #PC2022-01,

58.32 acres in zoning district Residential Agriculture, 129 single family and semi-detached units. Master Plan submitted for review and comment.

Ben Heisey, with R.J. Fisher & Associates, gave a presentation on the proposed Colony at Old Reliance. He reminded that they had the Sketch Plan before this Planning Commission a few months ago. This master plan is kind of an advanced version of that sketch plan. There are 129 lots with 124 building units (82 single-family and 42 duplex or villa units) with 5 open space lots. Some of what would have changed from the sketch plan is a little more landscaping and walking paths. They have also provided a more detailed preliminary grading plan to show more accurately what the stormwater basins will look like. Other than that, not a lot has changed since the sketch plan was presented, this is just the next step in the process.

Mr. Heisey went on to say that they received a handful of comments from HRG, nothing of which they have any problems with providing as they move forward with the master plan.

Mr. Knopp asked what size the lots were for the single-family homes.

Mr. Heisey did not have that information at this time.

Mr. Knopp asked approximately how much space is between those homes.

Mr. Heisey said that it was 5 feet on each lot, so it would be a total of 10 feet between houses. He went on to inform that what they have on there is the maximum footprint to use for stormwater counts. The units that will be put in there will not be filling the whole lot, it just looks tight on the plan. He said that ten feet is tight, but it won’t be all rectangular lots boxed in there together.

Mr. Messick stated that he feels the road (Longview Drive) needs to be widened and needs to have access into the development. Longview Drive is going to pick up a lot more traffic with the UPS facility and the other warehouses that are going in there. He said he knows there is talk about enhancing the curve, but he feels there should be a deceleration lane there also.

Mr. Heisey said to widen Longview along their side of the road along the frontage of the development is their plan. They plan on widening to the Township standard.

Mr. Messick asked if it would be wide enough for a turning lane.

Mr. Heisey said he was not sure about that.

Mr. Fabian said there is a blue line on the plan through the whole frontage there showing the curb realignment on Longview and following the frontage to get the shoulder in there.

Mr. Knopp asked again if there would be enough room for a turning lane.

Mr. Messick reiterated that with the additional traffic that will be coming through there, he feels it warrants widening and a turning lane.

Mr. Heisey stated that as part of the master plan, they did have a traffic study performed, prepared, and submitted the letter to HRG and they did not find that this development would create any issues for Longview Drive.

Mr. Knopp asked Mr. Fabian for any comments on that.

Mr. Fabian said with the master plan, HRG did offer some comments and some of those were just directing other reviews to the Fire Chief and Emergency Services. Once they come in with the Preliminary Plan, with gradings, stormwater design, and that kind of matter, HRG will have more comments at that time. But as far as the Master Plan, HRG did not offer many comments.

Mr. Knopp told Mr. Heisey that LST and HRG are asking them to take a look at the possibility of a turning-lane into the development.

Mr. Heisey said that is something that they will review and when they come back before the Planning Commission, he can give more specific dimensions of what they are proposing and have another discussion with the Traffic Engineer to see if they recommend anything with this situation.

Charlotte Wink, a resident of Old Reliance, came to the microphone to ask questions. She says according to what she has seen, her backyard will now abut three properties. She stated that they have been in their house for less than 3 years and the realtor who sold them their house told her that they would never build behind her. Her husband does astrophotography and now they are going to lose their horizon, but she understands that’s “the name of the game.” Her one question is that right now there is an access road because of the powerline. Will that be taken out?

Mr. Heisey said they do have a swale proposed behind those said lots that he doesn’t feel will affect their property line, but the access road does run right on top of the property line.

Mrs. Wink said that is the service road for the powerline that runs down through there.

Mr. Fabian added that it looks like there is a 60’ setback along the property boundary.

Mrs. Wink said that they were told it was a 30’ setback.

Mr. Heisey explained that there is a 30’ rear yard setback along all of the perimeter, so it is 30’ on either side of the boundary lines which would total the 60’ he is referring to. So, the back of the homes would be a minimum of 60’ from each other.

Mrs. Wink asked for clarification. She asked if it were the homes, not the backyards, that would be 60’ apart.

Mr. Heisey said yes, but the backyards would still be approximately 30’.

Mrs. Wink said that one of her neighbors who could not come tonight wanted to know if it could be made more like 50’ instead of 30’ or if they are so constrained by the powerline that they cannot do that. She stated that they were concerned about privacy. The neighbors were also worried about the size of the houses; she feels they will make their property values go down. She apologized and said that these are just things she needs to ask.

Mr. Heisey said he understands that, but there is not really room for shifting of the layout. There is a lot going on as far as the powerline and streams; but they will look into buffer requirements within the Ordinance as far as screening and such. But 60’ from a property line is larger than what is typically seen.

Mrs. Wink asked if they would be building the houses or just selling the lots with the people building as they buy the lots.

Bill Reigle from Keystone Custom Homes came to the microphone. He explained that they were the contractor for this project. He explained that the homeowners would buy the lot with the house package. He added that the do not build spec homes, it is their business profile.

Mrs. Wink asked if they knew where they would be building first; if it depended on who bought what, when and where.

Mr. Reigle said that is a yes-and-no question. He explained that they are not that far along yet, this is kind of a high-level master plan. They still have to look into grading and sewage lines and such. So, when they get into the detailed engineering, they will have a better sense of what will be developed first. He said the single-family homes will be very comparable to the homes in the Old Reliance Development now, so he doesn’t feel it will adversely affect the value of her home.

Roy Michaelson, resident of Old Reliance, came to the microphone. He explained that he owns an acre right along the boundary of this new proposed development. He said the prospect of having ¼-acre lots will make these new homes substantially smaller than the ones there. He feels the homes may be nice, but it will be much more congested backyards than what they have right now. He was also requesting farther setbacks. He said with only 10 feet between these new homes, after adding shrubbery there will be no room for access between these homes. He feels this plan is a pretty big departure from what is there already.

Mr. Michaelson went on to discuss rain gardens. He said he was not sure what a rain garden was, but he wanted to know why it has to be right on his property line. He asked what a rain garden’s function is.

Mr. Michaelson continued that he saw on the plan there were going to be 129 lots, but he only counted 123 homes, so he was asking what happened to the other six.

Mr. Heisey corrected that it was 124 homes with 5 open space lots which makes up the 129 lots.

Mr. Michaelson then asked about the lane the farmer uses now. He asked if that will be a public access, or will it be closed off. He also asked about the stream that runs down from Strites through his property; he asked what his responsibilities are for maintaining the stream.

Mr. Heisey responded to Mr. Michaelson’s comments. The rain garden is a shallow detention facility. He said there are a number of basins towards the middle of the site that vary around six feet deep; rain gardens they try to keep a maximum of two feet deep because they are collecting a smaller area. The reason why it is located there is because there will be some amount of stormwater coming off the rear of those homes. There is a wetland area there but there is not really an opportunity to get this water from behind the homes to the wetland area, which is why they are proposing the rain garden there.

Mr. Heisey continued that as far as the powerline goes, they haven’t had any detailed discussion regarding that yet.

Mr. Heisey explained that the stream concerns will go through a review process with the Conservation District.

Mr. Michaelson said his concern about the size of the lots is that with Old Reliance, the minimum size of the lots is ½ acre with most of them being larger than that. And although the new houses in this proposed development may be very nice, it is a much denser type of community up against Old Reliance.

Mr. Reigle responded to the question about the powerline. He said ultimately we really won’t know what happens with that powerline until we get a new electrical design plan from the utility provider. He suspects the overhead powerlines will go away. But he really cannot answer until after we get to that point.

Mr. Young asked if it was the rationale to have smaller lots would be that they are more affordable for young families or individuals.

Mr. Reigle said that the whole concept here is a cluster-type option. There are also the open lots, stormwater basins, wetlands, streams, buffers and the requirements associated with that. He said they did try to limit the number of crossings, so there are multiple factors as to why this plan is laid out the way it is.

Bill Wink, resident of Old Reliance and husband of Charlotte Wink, asked to address light pollution. He says it is a big deal across the country. He does Astrophotography. He asked if there would be any streetlights in this development.

Mr. Reigle answered that he honestly does not know until we get into the Preliminary Plan process. Whatever the Lower Swatara Twp. Ordinance requirements are, they would have to be complied with. He said they will work with the Township Engineer when we get to that point.

Mrs. Wink asked if there was going to be an HOA.

Mr. Reigle confirmed that there will be an HOA. They will maintain all the open space and the stormwater management. There will be cluster-mailboxes because the Post Office doesn’t want individual mailboxes in new developments anymore.

Mrs. Wink asked if there was any idea on how soon they would be breaking ground.

Mr. Reigle said this is only a Master Plan, so high level maybe 2 years.

Mrs. Wink added that she was told something completely different about the distances between houses. She asked Ron Burkholder to explain what he told her.

Mr. Burkholder said that he thinks Mrs. Wink may have gotten a little confused because he said he was telling her what the setbacks were for Old Reliance, not the Colony.

Mr. Burkholder also addressed the easement going down from the road behind the properties to Glenn Evans’ property. That easement has been abandoned and the only thing going down through there is a telephone line.

Mr. Knopp asked if there were any more questions from the public.

There were no more at this time.

Mr. Knopp asked the Planning Commission, HRG, and DCPC for any questions or comments.

There were no more at this time.

**OTHER BUSINESS:**

The next Planning Commission Meeting will be scheduled for Thursday,

June 23, 2022, at 7:00 P.M.

**ADJOURN:**

A motion was made by Mr. Messick and seconded by Mr. Young to adjourn the meeting. All were in favor.

Meeting adjourned at 7:55 P.M.

Respectfully Submitted,

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Kaylee Justice, Planning & Zoning Coordinator