

MINUTES

LOWER SWATARA TOWNSHIP PLANNING COMMISSION

**REGULAR MEETING
NOVEMBER 16, 2023, 7:00 P.M.**

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

Chauncey Knopp, Chairman	Jim Diamond, LST Solicitor
James Young, Vice Chairman	Don Fure, Director of Codes, Planning & Zoning
Kimber Latsha	Richard Snyder, Planning & Zoning Coordinator
Dale Messick	Shawn Fabian, HRG
Howard Crawford	Alexa Korber, DCPC
Tonya Condran, Recording Secretary	

Others present:

Bill Meiser, MASD	Chelton Hunter, MASD
Jeff Shyk, K&W Engineers	Scott Cousin, Crabtree, Rohrbaugh & Associates
Adam Davis, Hyland Engineering	Joe Formica, resident
Dave & Patty White, residents	William & Kimberly Vajda, residents

ROLL CALL & PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

Mr. Knopp asked if there was a motion to approve the October 26, 2023, meeting minutes. The motion was made by Mr. Messick and seconded by Mr. Crawford. All were in favor. Minutes were approved.

REQUEST FOR SPECIAL EXCEPTION*:

Allied Properties LLC – Zoning Hearing Board File V#2023-11. The applicant, Allied Properties, Inc. requests an extension/enlargement of an existing Special Exception to §27-1004.3. Outdoor Storage of Material or Equipment.

(Mr. Fure informed the Planning Commission that the applicant was not present at the start of the meeting, so it would be brought up again later, if/when the applicant would show.)

*See last item of this meeting for continuation on this topic.

OLD BUSINESS: None

NEW BUSINESS:

Cramer Auto Land Development Plan – Planning Commission File PC#2023-06. The Preliminary/Final Subdivision & Land Development Plan proposes to consolidate four (4) existing parcels into one (1) new parcel, measuring 19.74 acres; and demolish seven (7) existing structures. Also, said Plan proposes to construct an expansion of the existing parking lot, a 9,000 square foot building, associated parking and access drives, associated utilities, and associated stormwater/PCSM facilities.

Adam Davis of Hyland Engineering gave a brief overview of the project. The purpose of the plan is to consolidate 3 existing residential lots into one lot and add them into the larger tract. He explained that it was about a 20-acre property when all consolidated. The primary purpose of this is to expand the existing parking that is on site now.

(Mr. Davis explained the overall site using the overhead projection at this time.)

Mr. Crawford asked if the building was staying that was just to the left of the parking lot.

Mr. Davis said yes. It is currently the MAACO building and would remain that.

Mr. Snyder added that the three buildings that are there currently, will remain: The MAACO building, the Cramer operations building, and car wash/conditioning shop.

Mr. Latsha asked if basically all they are doing right now is consolidating lots.

Mr. Davis said yes.

Mr. Messick asked if on White House Lane would there be any curbing installed.

Mr. Davis explained that the water there sheet-flows off the road and adding curbing would ultimately affect the storm-sewer. He added that especially with the gas-line being there, it may cause some issues.

Mr. Fabian stated that it was very flat in that area, so to put in a curb would definitely affect the sheet-flow of water off the street.

Mr. Messick asked if curbing does that on every street. He stated that on almost every street the water runs off to the edges because the roads crown.

Mr. Fabian stated that the whole site would have to be built up behind the curb, otherwise the curb would just sit there as a monolith. Right now, the water flows. There is curbing at the old Pizza Hut but there is no curb the rest of the way and it is pretty even on both sides of the road.

Mr. Snyder said that the difficulty here is the privacy fence for the Sunoco valve station. Coming out of the valve station are the gas-line markers for the two high pressure Sunoco lines. They are 6 feet off the edge of the pavement, which is actually within the right-of-way of White House Lane. So it is going to be difficult to do any type of improvement because this is a permanent easement for the Sunoco line, and we have to be cautious about that 16 or 17 inch main in there.

Mr. Messick asked if there was any improvement to be made to the alley.

Mr. Davis said no.

Mr. Diamond added that another issue we were looking at was trying to understand those “paper roads” and more importantly they do have existing sewer line in there.

Mr. Snyder said that Martin Alley (a paper road) actually goes down the whole way through these properties, but the sewer easement stops just past Sylvia Street. He said what they had asked them to do was to indicate the parties that have entered into the easement and also to provide a copy of the executed easement. If not, we will have to get a new one.

(Discussion ensued using the overhead projection of the plans.)

Mr. Young stated that somewhere in the plan they are proposing a 6 foot chain-link fence in a front yard setback when the ordinance says a maximum of 3 foot; so he

asked if they will be going in front of the Zoning Hearing Board for a Variance or will they be switching to a 3 foot fence.

Mr. Davis responded that he doesn't think they will be pursuing a Variance.

Mr. Knopp asked if there were any other comments from the Township Staff.

Mr. Snyder replied that one item they were talking about was in coordination with the Township Fire Department. The 2003 Plan references a fire hydrant installation at the corner of White House Lane and Route 230. With a new building going in up there, the closest fire protection is on Eshelman Street in Highspire; so, we will be asking them to consider putting a fire hydrant in on the old Pizza Hut property.

Mr. Knopp asked for any other comments from Mr. Snyder.

Mr. Snyder added that they have requested one (1) waiver which is the Preliminary Plan approval. Because there is frontage along White House Lane, we are requesting them to make an additional request for waiving curb and sidewalks along White House. So, we will just need a written request for that.

Mr. Davis said they would get that done.

Mr. Knopp asked Mr. Fabian if he was ok with the waiver of the curbing/sidewalks in that area.

Mr. Fabian said that he felt there was not a need for curbing/sidewalks in that area since there is really nothing back there that would force people to walk back off of Route 230.

Mr. Snyder added that there is no sidewalk along Route 230 in Lower Swatara Township for them to tie in to anyway.

Mr. Knopp asked Mr. Fabian for any other comments.

Mr. Fabian responded that Mr. Snyder covered most of his comments. There are a number of clean-up items; a lot of them are because the lots are being consolidated so the existing easements will make more sense to reestablish with the demolition of the three

properties. Some of the Zoning comments were just to provide Lighting Plans and exhibits. He would like them to provide some additional information to show adequate maneuvering space. For the stormwater comments, he says it does look like there is a lot in there, but a lot of it is clean-up items as you are trying to take an existing facility and create some new storm-sewer structure, so we know what is happening and the history of this parcel over the years, to make sure that some of the locations are going to work well with the infiltrations concepts that are here. This will all come to light when the infiltration tests are completed. He believes a lot of those comments will be rectified when that field investigation is completed, and he can update a lot of the design elements for that.

Mr. Davis added that a geo-technical report has been done and the testing was completed prior to their submission, but they didn't have the time to get the finalized reports.

Mr. Young asked if we were talking about a waiver or a deferral. He asked if this is a situation where it is not going to change at any point in the future, because we usually prefer a deferral vs. an outright waiver when it comes to sidewalks and curbing.

Mr. Fabian said that right now it is stable along the road without curbing, and he doesn't see anything that they have proposed changing that scenario with the fact of how flat it is through there. You would have to do some pretty serious grading, which then they would have to see where all that water ends up going. So, he said he doesn't see a value in it, but if it would make the Township feel better to push for a deferral instead of a waiver, he would back that recommendation.

Mr. Snyder said the other difficulty with that is the proximity of the gas line and their permanent easements.

(Discussion ensued using the overhead projector again.)

Mr. Fabian added that one question that came up in their discussions was the amount of cars that are parking throughout the area, he asked if they were doing some kind of water quality insert before it enters into some of the infiltration areas to try to protect from any potential pollution from the cars.

Mr. Knopp asked Ms. Korber for any comments.

Ms. Korber asked for clarification. She asked if the goal was to keep the new building separate from what is already existing. And eventually when the cars are all shined up, they will be going out into the lot via Harrisburg Pike.

Mr. Davis said either that or there is a gravel drive that runs east to west on the site that they could utilize. So, the cars don't necessarily have to go out on Harrisburg Pike.

Ms. Korber asked if the pond/wetland will remain pretty much undisturbed.

Mr. Davis said yes.

Mr. Knopp asked Mr. Diamond for any comments.

Mr. Diamond had none at this time.

Mr. Knopp asked the Planning Commission for any questions or comments.

They had none at this time.

Mr. Knopp asked for any questions or comments from the public.

Mrs. Kimberly Vajda, resident of Greenfield Drive, questioned sidewalks to nowhere. She asked about the sidewalk along Rosedale Avenue from D&H up to White House Lane. She asked what the purpose of that sidewalk was.

Mr. Fabian explained that there is an existing sidewalk fragment there in front of the Jednota South warehouse lot and right now there is a gap in it because a culvert has to be replaced. But that will then connect the whole way from White House Lane over to Sharp Shopper.

Mrs. Vajda exclaimed that there is no sidewalk coming up White House to get onto it.

Mr. Fabian said there is a sidewalk connecting Rosedale to the other side of White House.

Mr. Young explained that when D&H was in front of the Planning Commission, they had three different phases. From Stoner Drive up to White House Lane, a request to defer the sidewalk was offered until they actually developed it, which they had no intention of developing it, but our former PC Member Dennis Fausey felt it was important to take the sidewalk all the way from White House to the whole way down to over the Airport Connector.

Mr. Knopp asked what the Planning Commission would like to do with the plan presented tonight.

Mr. Young made a motion to table to resolve the outstanding issues that were discussed tonight.

Mr. Latsha seconded the motion.

All were in favor.

Plan was tabled.

MASD New K-3 Elementary – Planning Commission File PC#2023-01. The Preliminary/Final Land Development & Lot Consolidation Plan proposes to consolidate three (3) existing parcels into one (1) new parcel, measuring 125.99 acres. Also, said Plan proposes to construct a new K-3 Elementary School, District Administration Office, Operations Building, parking and access drives, associated utilities, and associated stormwater management/PCSM facilities.

Jeff Shyk from K&W Engineering explained the plan using the overhead projector. The plan is to construct a new building for kindergarten through 3rd Grade Elementary School on the southwest portion of the existing MASD campus. The MASD Administration Office will also be moving from in-town Middletown to a portion of this new school. It will be connected with separate entrances. They are also moving the MASD Operations Building from Industrial Drive (across the turnpike) to the campus.

(Mr. Shyk pointed out elements of the campus on the overhead projector.)

Mr. Shyk added that Blue Raider Lane will be gated at two places, so it is not for daily access but for the event of an emergency. He went on to say that they have already

obtained two variances: one for maximum coverage associated with the site, and one for maximum building height for the Operations Building.

Mr. Shyk continued with one of the main things they have been talking about with the School District and with PennDOT is where Blue Raider Lane connects with Greenfield Drive. What they are planning on doing is gating off the access onto Greenfield. So, there will be no car traffic from Greenfield coming to the site. This saves the School District a lot of money in terms of potential improvements needed at Greenfield and Oberlin. And it also helps the residents of Greenfield by reducing the bypass traffic.

Mr. Knopp asked for clarification that there would be no traffic coming through there anymore. No bus traffic, as well?

Mr. Shyk said no bus traffic either. He said there were some residents at the Zoning Hearing Board that expressed concern about that, so they are looking at different options to manage the traffic on site without that connection anymore. All traffic will be coming off Oberlin Road via Blue Raider Lane. There will be some improvements associated with that. One of the things they would like to do is proceed with that parallel path while obtaining approvals for the construction to begin to allow PennDOT work to go while construction is going as well.

Mr. Shyk said they have asked for several waiver requests, and they have received comment letters from the County, the Township, and HRG. He said they would address questions.

Mr. Knopp asked for any questions/comments from the Township Staff.

Mr. Snyder said several of his comments are just standard comments that are not anything too involved, i.e.: verification on the number of parking spaces, given uses, demonstrating off-street loading/unloading. The biggest comment is item #8, there are three large easements or rights-of-way that go through the property: The Sunoco Pipeline (same one that is down on White House Lane) and an unspecified gas company (which they believe to be Buckeye) and PPL. Some of the proposed improvements are going to be encroaching their easements and rights-of-way so they need to get written authorization. Our recommendation is to start getting those authorizations now because we have seen them take up to 6 months to get. Other than that, item #9 pertains to the

Developer's Agreement. We had a discussion with our Solicitor earlier today about putting together the Developer's Agreement and easement for the emergency corridor.

Mr. Diamond added that we also want to try to get an understanding on maintenance requirements, specifically snowplowing. The Township does not plow that in the winter, but if it is going to be a real emergency route, we would assume the School District would agree to plow that.

Bill Meiser confirmed that they (MASD) already planned on plowing. They would just open the gates and plow through there.

Mr. Shyk said the only question they had about Mr. Snyder's comments was in terms of the parking quantities. Their understanding was the District Administration Office and the Operations Building are accessory uses to the primary use of the school and that they would fall under one requirement for parking based on that school itself.

Mr. Snyder said according to the Zoning Ordinance, you are only required to have 72 or 73 parking spaces based upon the school and this plan shows 300+ spaces. Since it is on the cover page of the Plan, it is more semantics and showing correct calculations.

Mr. Knopp asked for any further comments from the Township Staff.

Mr. Fure said that now knowing that Greenfield is going to have a gate, should we look at putting a turnaround down in there now in case people drive down there the whole way? Or is there enough room to turn around? He asked Mr. Meiser what they were envisioning.

Mr. Meiser replied that the intent was to put a gate at the property line with a sign that says it is not open to the public. They actually have people that come in through Greenfield now, and they stack along Greenfield onto Blue Raider Lane to pick up their students, so they are looking at two options: 1.) a turnaround in the small area (pointed out on the overhead projection); or, 2.) to put a turnaround at the end of the baseball/softball field. So, there will be at least 20 feet in either case to turn around at the gate. But he recommends putting a sign on Greenfield, as well, stating it is not a thorough street.

(More discussion on turnaround possibilities ensued using the overhead projector.)

Mr. Meiser went on to explain that they decided to close off Greenfield from the school because improvements to Greenfield Drive would cost between one and two million dollars, and they felt it would be more important to put that money towards the kids.

Mr. Fure asked Mr. Meiser and Mr. Messick if there was any type of access agreement between the two parties for that private part of the roadway.

Mr. Messick stated that about half of the existing driveway (shown on the overhead projector) runs between the school district and his property. The far end is all pretty much on school property but the end closer to Greenfield is all pretty much his.

Mr. Fure stated that he is looking ahead, as this gets developed with this future subdivision, that we are going to have the same problem as Aberdeen, we will have more than 800 feet of road frontage when serving homes. (800 feet is the maximum allowed for having only one access point.) Mr. Fure added that Mr. Messick is looking at future subdivision to split some of the lots up.

Mr. Messick informed us that the only other agreements he has with the School District, the Township, and himself, are from when the Middle School was built and the Soccer Fields were built. This was for usage.

Mr. Fure asked the School District representatives if they knew where we were at as far as upgrades to Oberlin Road.

Mr. Shyk said no, they do not have anything on that yet.

Mr. Fure then asked Mr. Diamond if he would like to make them aware of the sewer upgrade going in.

Mr. Diamond said yes, this is one of the things we are trying to sort out. Normally, we would not allow somebody to move forward until everything is nailed down and the sewer is in place. We understand they are up against timelines but on the other hand there is a point where there is only so much we can do with an agreement that causes them to work "at risk". The Developer across the street is doing that now but we were pretty emphatic about them knowing that the work they were doing could come off-track and they could lose all their money. Putting in sewer lines at grade or lower coming in off the

street, we all expect everything to go down this path and be fine, but that is a risk they take. But we can create an agreement and make it a condition, but this is something that is going to have to be worked out, because we don't want them to build a school and then it can never be used because of a sewer issue. Right now there is not an approval in hand for the sewer, but we all expect to hear that it is going to go.

Mr. Meiser stated that there was a joint meeting with the Township, DEP, and the School District team about the sewer project with the understanding that it would parallel together.

(The plan was brought up on the overhead projector for Mr. Fure to show where they were talking about.)

Mr. Fure explained that what we were talking about was maybe running their sewer just downstream of the pump station. Where it crosses the Turnpike, we would have to upgrade that partway down into Penn State. So, we made DEP aware of our intent to upsize that line for the sanitary sewer in conjunction with applying for the planning module. He said the other Developer took theirs "at risk" and that project is now on hold and slated to start sometime in 2024.

Mr. Meiser said, on a side note, the Sewer Authority did ask them to create an easement so they could run the sewer all the way down Union Street so that sooner or later they could hook people up. So, the existing pump station would be there, and the sewer from over across the road and from Greenfield as well. Those would also be connected with that, not just the School District, but also the businesses on Industrial Lane all the way down to the Capital Logistics Center.

Mr. Diamond said his point is that we are not going to allow the Developers across the street to build that whole development until it can actually flow. So, we don't want to see the school get built and then the sewer upgrade never happens, so we will have to figure out how we can be sure that you are not really at risk.

Scott Cousin, the School District's architect, stated that it was their intention to run the approvals parallel, so they need to get DEP approval before putting it up for bid. He added that their construction timeline is going to be a lot longer than what will be for the sewer.

Mr. Meiser stated they are looking at the 2026/2027 school year.

Mr. Cousin said they anticipate it going out for bid in April 2024, unless things get delayed with either Land Development or NPDES or whatever. Construction should start in the summer of 2024 with a two-year construction process. The Operations Building will also be put out for bid at the same time but that should have an earlier completion date because of the size.

Mr. Shyk said the Operations Building will be a much lesser usage for sewer. That is something they will talk over with the Municipal Authority.

Mr. Meiser added that there is some square footage increase in the storage area, but there is no intent to add more people.

Mr. Cousin said that certainly the primary building (new school building) will be the driver in the need of the flow capacity versus the Operations Building.

Mr. Fure had one more question for Mr. Meiser. He stated they looked at several different scenarios with the Municipal Authority, one potential option was to obtain an additional easement north of the school if the pump station ever had to be upgraded in the future. He asked if anything was ever finalized with that or was it let go?

Mr. Meiser said he thinks that was let go because we have a pump station up top and one down below, and now we are landing right at the connector road and the intent was to pick up anything across Oberlin Road and flow parallel with the one on the backside in the woods. There was never any agreement, but he believes what was conceptually agreed upon was that if the township was flowing sewer to it, the School District doesn't own it anymore. He said they would work very closely with the Township; it is within their best interest to do that cost-wise.

Mr. Meiser continued with discussion on the entrance of Blue Raider Lane where it intersects across from Union Knoll; they are working with Triple Crown to try to do some things collectively. He stated that this is a little difficult for the School District because even if Triple Crown comes in and do some improvements, the School District would have to rip it out a year later to do their construction, taxpayers are going to ask why would the District waste that money. So, they want to work collectively to not waste money. What makes it difficult is the School District has to work with bids, and Triple

Crown does not. Because it is kind of an odd area, they have been working with Mr. Cousin and Mr. Shyk to try to figure out an easy way for everyone. On a side note, he said Veolia are bringing water down Greenfield Drive to service the school and the park. He said they could've come through the campus, but they thought it was best as well, because they have been asked multiple times for water to service the park. With their existing water line, water cannot be provided to the park because that would turn the School District into a water-providing service and there would be all kinds of problems with that. If the water line were brought down Greenfield Drive, the water vault would be right at the gate. There will be a T there so that in the future if the Township wanted to build restrooms there, it would be ready so they could do so.

Mr. Fabian added that Veolia is bringing that from Fulling Mill Road down N. Union Street.

Mr. Meiser said correct, and they would need that for Union Knoll as well.

Mr. Young stated that when Union Knoll was in front of the Planning Commission there was a lot of discussion about a crosswalk. He asked where that stood. He said from his recollection, the School District didn't want one there and PennDOT didn't think it was necessary.

Mr. Meiser stated that they were back and forth with that a few times. He feels personally that there will be kids in all those townhouses and there are fields right across the street from them, so it is foolish for them to think the kids won't be crossing the street there. So, the School District has been working with them on this subject. They have to discuss where the crosswalk would be placed in order for the School District not to have two crosswalks to worry about.

(More discussion on a crosswalk ensued using the overhead projector.)

Mr. Shyk said that a problem with the concept of putting in a crosswalk is that PennDOT is adamantly opposed to it. Their main concern is to keep traffic flowing, and with the speed on that road, those cars are not going to slow down, and then you have to watch for kids in the crosswalk. So as a collective group, they basically tabled that whole discussion, because if a crosswalk is put in there and a child gets hit, the liability falls on the School District. Union Knoll said they will do whatever the School District wants to do, but then when PennDOT comes back with their decision after the traffic study, that is

when the final word will come, but they said preliminarily they are not going to recommend a crosswalk in that intersection.

Mr. Young then asked about the status of the Traffic Study in that area and if they are doing it in conjunction with Union Knoll.

Mr. Meiser said they are doing it in conjunction with Union Knoll, they have the same group.

Mr. Knopp asked the Township Staff for any further questions/comments.

Mr. Fure answered that he had nothing further at this time.

Mr. Knopp asked Mr. Fabian for anything further from HRG.

Mr. Fabian asked about their waiver for monuments and markers. He asked for clarification on which ones they would like relief on.

Mr. Shyk responded that it is a very large tract, over 125 acres, they surveyed the entire boundary and the proximity of the new development, and it appears that most of them (markers & monuments) are there in the new development area. He said they are just looking for relief on the ones that are beyond the general scope or limits of disturbance of what they are doing.

Mr. Fabian was satisfied with their request for relief being beyond the scope of the new construction.

Mr. Shyk confirmed that and said they would definitely double check what is in the proximity of where they are (doing the new construction), and whatever is missing, they would have placed. He said he believes most of them are set.

Mr. Fabian then asked about their request for relief on curbing. He said it appears that is all internal with the parking lots and such.

Mr. Shyk said that is correct.

Mr. Fabian then discussed the sidewalks. He liked how they took a larger look at the connection of the walkways within the whole campus. So, he said he was good with that.

Mr. Fabian went on to discuss the Zoning comments. He advised that they need a lighting plan. He went on to say that some of the ADA spaces were a little short of what is in the Zoning Ordinance, so that is something that will need to be addressed.

Mr. Shyk said that is new to them. He said typically they follow the requirements for your typical parking spaces in the ordinance; but in terms of ADA spaces, their spaces are generally 8' wide with accessible aisles of either 60" wide or 120" wide.

Mr. Fabian also questioned the flow of traffic through the loop. He asked if there was parallel parking around the loop.

(Discussion ensued on parking using the overhead projector.)

Mr. Fabian suggested a centerline in the middle of Blue Raider Lane.

Mr. Shyk said they could certainly add the stripe.

(More discussion using the overhead projector.)

Mr. Shyk said their intention is to maximize the use of the macadam to get the people in line (picking up the students) to avoid the buses.

(Mr. Meiser showed how the flow of traffic would go using the projector.)

Mr. Messick asked about the "parents' loop" that comes in and goes all around the building and then comes back out and hits Blue Raider Lane again. So, anybody that has to come in at any time, to get there they have to loop the whole way around the building. He feels it may be advantageous to have a third lane to just come in and drop off instead of having to make the whole loop.

Mr. Meiser said that is something they could look at. He added that they did have some close altercations in front of Reid Elementary because people try to bump in front of others so even if we would say "don't come in here", somebody will come in...

Dr. Hunter agreed with Mr. Meiser, adding that they do not follow the directions. They have traffic control people out there, they have cones set up, but there are always some that just will not follow the directions.

Mr. Messick stated that he just thought that during the day, if a parent has to pick up a student to go to a doctor appointment, it seems like a long haul to have to go the whole way around the facility.

(Overhead projector discussion proceeded.)

Mr. Fabian said that in the pre-application meeting, they were given a number of things, and he wanted to thank them for incorporating the items into the final design. Because there are some tree preservation provisions, he feels a tremendous number of trees were preserved down in that location, so he just wanted to make mention of that. He was also very glad to hear of the gating that will be at the end of Greenfield Drive because a lot of the concerns we were hearing were about that.

Mr. Knopp asked Mr. Fabian if he was ok with the 5 waivers.

Mr. Fabian said yes.

Mr. Knopp asked Ms. Korber for any comments from the County.

Ms. Korber asked about a possible stream restoration in the area between the Middle School and the Elementary School.

Mr. Fabian said it is on the reduction plan and there are some easements on the plan that document that riparian buffer easement. That is something that will be pursued in the MS4 permitting process.

Mr. Knopp asked Mr. Diamond for any questions/comments.

Mr. Diamond asked about the timing. How do we stage out what gets done?

Mr. Fabian said he will be curious to see when the final submission is ready for PennDOT.

Mr. Diamond stated that the PennDOT submission is pretty standard stuff, he is more concerned about the sewer and the “at risk” concept. We don’t want to be in a situation where we’ve approved, then they build a giant school, and then for some reason that sewer doesn’t happen. Mr. Diamond said he hasn’t been to a DEP meeting, so he’d feel a lot better if our sewer was under construction with the improvements that are needed. Triple Crown has proceeded at risk, but they won’t have buildings sitting there idle, so he said he was just trying to sort through all this in a way to make sense for the School District primarily, so it shows up on the plan approval and Developer’s Agreement.

Mr. Young asked if that was more of a concern for when it goes to the Board of Commissioners for final approval than it is at the Planning Commission level.

Mr. Diamond replied that only in the sense of “kicking the can down the road”. He thinks that it should be hashed out here at this level and then put in front of the BOC as our recommendation.

Mr. Latsha asked what exactly the situation with the sewer expansion was.

Mr. Diamond explained that we do not have yet the approval for it.

Mr. Fure said that is correct. He thinks what they were aiming for was the end of the first quarter or beginning of the second quarter of 2024 to have the approval from DEP. They have put it out for bid and want to start construction in August of 2024. So hopefully the approval from DEP would be by the end of first or beginning of second quarter of 2024.

Mr. Cousin stated that it is also not the School District’s intent to accept bids without DEP’s approvals.

(More discussion on sewer proceeded.)

Mr. Meiser was under the impression that capacity was not the issue; it was more of an infiltration issue. The pipes are terracotta, and the water is infiltrated through them, so during a rainstorm water comes in.

Mr. Shyk added that the maximum capacity is 1100 people. He stated that the school is not going to have 1100 students. As part of their planning module, the flow can accommodate 1100 people.

Dr. Hunter added that the new school will add approximately 685 kids.

Mr. Shyk said they put together a chart of all the existing schools' actual usage and it comes very close to what other schools use, which is about 6 gallons per student per day in the elementary school setting. He said he believes the Municipal Authority believes the existing system could tolerate that. He added that they will physically be connecting into the existing sewer system, so there is a connection point to that end.

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

Mrs. Vajda wanted to thank the School District for offering the proposal to close off Greenfield Drive to through traffic to the schools. But she asked how we deal with the traffic for the next 3 years until this plan is finalized.

Mr. Diamond informed Mrs. Vajda that nothing can be done in this proceeding. It would have to be brought up in a Board of Commissioners Meeting.

Mr. Knopp explained to her that the Planning Commission is just a recommending body. She should go to as many of the BOC meetings as possible until their voice is heard.

Mrs. Vajda's next question was if the construction vehicles would be accessing the site through Greenfield Drive.

Mrs. Vajda also added that they do look forward to the campus. She feels it is going to be amazing and great for all the buildup that is happening in Lower Swatara Township. She thinks there is a whole lot of development going on all at once in the township, but she feels Union Knoll shouldn't be able to happen because it is going to cause so much congestion in that area.

Mrs. Vajda asked if there would be signage at the entrance of Greenfield Drive stating it was not a thoroughfare.

Mr. Diamond said that is a point for discussion. We normally ask the applicants to pay for any signage when closing off or making a dead-end street.

Mr. Knopp asked for any other comments from the public. There were none.

Mr. Knopp then asked for any questions/comments from the Planning Commission.

Mr. Young asked Mr. Fabian about the waiver on curbing.

Mr. Fabian explained that all the places they were looking to waive the curbing were in the interior parking where it flowed into the grassy areas. This would fit in with their overall Stormwater Management with the property.

Mr. Shyk, using the overhead projector, showed where the curbing would be. All this is basically to allow the sheet-flow to go into the grass, which helps environmentally with BMPs before it gets into the storm-sewer system.

Mr. Fabian added that it looks like all the high traffic areas and all the upslope areas are going to be curbed. Anywhere you are going to have stormwater flowing into the green spaces is where they are asking for the waiver of the curbing requirements.

Mr. Young asked if we have to set forth exactly where it is that we are waiving.

Mr. Fabian suggested we say, "as outlined in the plan".

Mr. Young asked Mr. Diamond if because there are a number of issues here which individually gives him pause with going through with this tonight, are we going to be in a better position to make a recommendation in April, or before, or after? Or is it that we cannot say for certain when we will be in a position to make a recommendation?

Mr. Diamond advised that it be tabled until we could get a more definitive answer on the sewer. Unless that be put on there as a condition until we hear back.

Mr. Young said that is what he was getting at, if Caleb (HRG's rep for LSTMA) could get back to us in a relatively finite amount of time.

Mr. Diamond said he thinks if he was here tonight, he probably could answer our questions. But he feels we need to know how many EDUs we have and if they have already been allocated across the street. But you will be trading EDUs for EDUs that were elsewhere.

Mr. Shyk said certainly for the Operations Building. He stated that they would have a follow up call with Caleb and Shawn to make sure everyone is on the same page and regroup, because the Commissioners signed the Resolution last night. He asked if that was something he could take with him tonight.

Mr. Snyder said no, but he will get it to him by the middle of next week. He explained to him that the Township Secretary is out until tomorrow, so she has to record everything in the Book of Resolutions and get them signed and then execute all that. But it was all approved last night at the BOC meeting.

Mr. Shyk said when they get that, they will be very close to getting their Planning Module submitted to DEP in the month of December. He understands that there needs to be some additional language added, with Caleb's help, describing what is happening with the Authority's project as it relates to theirs. They have already had discussions with Tim Wagner at DEP, and he was accepting of that. So at least that will get the process moving. The goal will be to get that approved before they go out to bid in April.

Mr. Shyk went on to say that one other thing that will be needed is PennDOT's approval. He said they wanted to see if that is something that could be run on a separate but parallel tract to allow them to record plans and start the building construction while they are going through the arduous process with PennDOT. As Mr. Cousin said, they are going to have a two (2) year construction window, so the idea would be that they would consent to a condition on the plan that the school couldn't open until the said HOP improvements are completed. Because as you know, the Traffic Study stuff takes a while. But once they get through this, they will go through a separate HOP process, which they are hoping to be in early next year. So these improvements can be done at the tail end of the process, right before getting ready to open the school.

Mr. Diamond stated that he will have to check the statutory requirements for that.

Mr. Shyk said his understanding was that the MPC does not require an HOP to be part of a condition of a plan's approval. He claims he has done this on numerous other

school projects where they get into rather large Highway Occupancy Permit items and different municipalities have different takes on it.

Mr. Snyder added that the PA MPC allows them the opportunity to submit a separate plan.

Mr. Diamond said yes, but he is not talking about the MPC, he is actually talking about the Highway Statute.

Mr. Snyder said that under the MPC, they could submit a separate Highway Occupancy Plan with the proposed improvements. We just ask that you have a plan note indicating that proposed improvements along Route 441/Oberlin Road will be submitted via a separate plan and plan approval.

Mr. Diamond says that part there is no question about. The other reality is that when building a large public infrastructure such as this, we are all envisioning this on the plan, but if something else would come up, you can't really unbuild the building.

Mr. Cousin said that through this preliminary scoping process and the initial analysis before the switch on Greenfield was, it's just a simple extension of a left turn lane.

Mr. Diamond said that we have to look at different scenarios that may arise. For instance, maybe you thought you could put one thing here but find out you have to put it there, and then you may have to move everything else around on the site. But since you are really at the preliminary scoping part, we will have to look at this and listen to PennDOT's feedback or concerns on it.

Mr. Cousin said that certainly their engineers have gone through the exercise of going ahead and looking at the counts and what would be required.

Mr. Diamond stated that it is pretty clear that the Township will want to accommodate them as much as possible, as quickly as possible.

Mr. Fabian stated that we have gone through two iterations of scoping review for traffic. A lot of the concerns were more on Greenfield Drive.

Mr. Cousin said another thing to keep in mind is that the start times of the schools are staggered. It's not like all the schools are going out or coming at one time.

Mr. Young asked Mr. Snyder if we were ok timewise, or would we need an extension agreement.

Mr. Snyder said it has been less than 30 days, so we are still good timewise.

Mr. Knopp asked for any further questions or comments. There were none.

Mr. Knopp asked the Planning Commission what they would like to do with this plan based on what they have heard tonight.

Mr. Latsha made a motion to table the plan.

Mr. Young seconded the motion.

All were in favor.

Plan was tabled.

***REQUEST FOR SPECIAL EXCEPTION:**

(*Applicant still had not shown up to the meeting, but it was decided to still discuss and vote on recommendation.)

Allied Properties LLC – Zoning Hearing Board File V#2023-11. The applicant, Allied Properties, Inc. requests an extension/enlargement of an existing Special Exception to §27-1004.3. Outdoor Storage of Material or Equipment.

Mr. Fure asked the Planning Commission what they would like to do tonight, being that the applicant was not here and couldn't be reached.

Mr. Diamond explained that the Ordinance says we have 30 days to approve a Special Exception. So, the applicant not being here to extend it, there is a possibility of running out of time. The Zoning Hearing Board must have its first meeting in a certain time frame, and since they have already advertised a date for it, it is already rolling, so he

doesn't feel it can be put off even though the applicant wasn't here. We have their plan, and it kind of speaks for itself; but we don't have the ability to ask them specific questions, so our recommendation to the Zoning Hearing Board (ZHB) should be to try to develop facts such as: will they be moving large pieces of steel around, will this be happening at night, will it be noisy, how high they are stacked, etc.

Mr. Latsha added that it is really the ZHB's call anyway, but he suggests noting that they did not appear tonight, so we didn't have the opportunity to ask any questions.

Mr. Diamond said the recommendation to the ZHB could be that we do or don't feel some of these elements are consistent with the Ordinance and the Comp Plan. The more relevant things would be the adequacy of the site area and other pertinent features: buildings, driveway, parking, loading and unloading areas. And you are now moving a very large setback down to a very small setback. So as part of your report or letter, state that since they were not present at this meeting, we couldn't get more information, but we feel these are pertinent pieces of information to ask them.

Mr. Latsha asked where they were located and which property they would be encroaching upon.

Mr. Snyder explained that the property, 2701 Commerce Drive, is zoned Industrial. They manufacture gas pipes.

Mr. Latsha asked if there were any significant environmental concerns.

Mr. Fabian responded that there is an exchange of existing impervious surfaces that they are looking to abandon as part of this plan. But there is an overall increase in impervious surfaces that they are proposing on the site which would push them above the lot coverage by a little over 1%. That is something that is part of their Variance request.

(Discussion ensued using the overhead projection. Mr. Fabian pointed out green spaces and truck paths they are proposing to abandon.)

Mr. Fabian also stated that they are requesting to enlarge their already existing storage area, and they will be doing the same work thereby not creating any new noise to their work site, so hopefully the concerns with noise and operations are non-problematic. But since the applicant is not here to give us more information, that is something we

should have the ZHB ask about. The expansion of their yard will still be in line with the existing warehouse which is 43 feet off the edge of the property, so it already is encroaching on the 50 foot buffer area but when you get down to the corner where the retaining wall is, it is only 8 foot. They are providing some drainage, so the stormwater is getting underneath that, which would be the main concern when pushing up against that area.

Mr. Fabian went on to say that additional concerns would be any kind of screening that may be needed. When Mr. Snyder and he were discussing the building that is directly east of this existing warehouse, it does have some windows on the front but until you get back across from where this additional outdoor storage yard is, there aren't many windows. So, if there are any kind of screening recommendations, that is something to take into consideration. Also, across Spring Garden Drive is somewhere else that needs to be considered, with that being residential properties. There already is some screening that exists there, so we should see if there needs to be any additional screening or if it is adequate.

Mr. Snyder explained what drove this whole thing. In 2014, Allied Properties approached the Township for a Special Exception. At that time, they were granted the Special Exception and the way the decision read from the Zoning Hearing was that it would occur on the premises in the area depicted on the proposed plan at that point in time. Mr. Snyder said that his interpretation was that they were granted a Special Exception for that and that alone. They now want to add just shy of 15,000 sf to that existing crane yard. They have a sky-crane coming across, so they will use the pillars to expand the length of the sky-crane to come out to that yard.

Mr. Fabian added that the sky-crane is pretty impressive because there is a significant anchorage structure for that crane on either side; so, that would be extended through.

(Mr. Snyder explained the site more using the overhead projection of the plan and further discussion ensued.)

Mr. Young stated that this meeting is for fact finding. They have to establish their entitlement to each element of the Variance. If we deny it, will the meeting still go forward on Tuesday?

Mr. Diamond explained that we (the Planning Commission) are literally giving a report to the Zoning Hearing Board. They would have to provide evidence, under oath. So tonight should be if the Planning Commission has any thoughts and interaction with the Applicant. The reality is the Zoning Hearing procedure is pretty much everything that happens being on the record with the court reporter, with everyone sworn in, so he always finds that these meetings (being started at the PC level) peculiar.

Mr. Latsha asked how we handle a request like this one.

Mr. Diamond said we should do a simple letter (report) to the ZHB stating that “we don’t have any concerns” or “here are the concerns we have” but they had no one here to answer any questions.

Mr. Young said he thought the letter could include the following wording: While we generally don’t perceive any issue, we were not afforded the opportunity to pursue any questions, so the Zoning Hearing Board will have to develop the full factual record. We really cannot provide them (the ZHB) with a meaningful recommendation.

Mr. Diamond said he thinks that’s fair.

Mr. Snyder added that, for the PC’s information, this is the one at Glenn Garry Brick where Miller Pipeline came in earlier this year asking for outdoor storage to be expanded to materials and equipment. He said this was an advisory report that he wrote after we had our time here and put into the record for Glenn Garry’s decision.

Mr. Diamond said this is more dimensional than dealing with equipment and materials because of being so much into the setback. But it is a lot less dicey when it is Industrial rather than any other district, unless there is a fire issue.

Mr. Young said his concern was where it said the hours of operation were 24 hours a day, five days a week. He would have liked to ask them if those were their existing hours of operation or if they are extending the hours to that. He also has a concern about the setback distances. It was 43 feet down from 50 feet, and now they are asking for it to be 8 feet. Regardless of the zoning district, he would have liked to ask questions, so he could’ve made a meaningful recommendation.

Mr. Snyder added that the way it reads in our Ordinance is that from our standpoint, we need to see if there are any inconsistencies or incompatibilities as it pertains to our Comprehensive Plan regarding traffic, utilities, and schools.

Mr. Diamond said there is actually another section that states no application for a permit shall be granted by the Zoning Hearing Board for any Special Exception until the board has received and considered the Advisory Report on the application from the Planning Commission with respect to location of such use, the need of the growth pattern of the Township, and where appropriate, site accuracy with the arrangement of buildings, driveways, parking areas, and on-street loading/unloading, and other pertinent features. So, we would look at those two parts. But on the other hand, it doesn't seem like there is a need for analysis because of where this site is located.

Mr. Young said that based upon the written submission, we didn't identify any issues, but we weren't afforded the opportunity to pursue the items in the Ordinance so that we could make a meaningful recommendation.

Mr. Diamond stated that one of the things that needs to be looked at is if there is a possibility of the stacked items falling over, and if they do fall, is there enough rolling space in their yard that it would not impact the neighboring property. And if there would be a need for a buffer.

Mr. Latsha added that we need to explore in greater detail whether the 8 foot is adequate for safety, because we don't know what they are stacking.

Mr. Knopp asked Mr. Diamond what we should do with this.

Mr. Diamond said that a motion will need to be made and Public Comment will be offered to be heard. A letter will be drafted by Mr. Snyder and forwarded to Mr. Knopp to look at.

Mr. Knopp asked for any Public Comment. There was none at this time.

Mr. Knopp asked the Planning Commission for their opinion on this.

Mr. Latsha made the motion to write the required letter indicating that we had one issue of concern regarding the limited setback of 8 feet, whether that creates any safety

concerns for the neighbor. But we did not find that this would change the character of the neighborhood. So from a Use perspective, it is not problematic; but from a dimensional size perspective, it could be a safety issue that should be explored. And, for the record, we should say they (the applicant) weren't here, so we didn't have the opportunity to ask them questions.

Mr. Messick seconded the motion.

All were in favor.

Mr. Snyder will draft the letter.

PUBLIC COMMENT:

There were no further comments/concerns at this time.

OTHER BUSINESS:

Mr. Messick wanted to discuss if two means of ingress/egress will be needed on the School District's site with the end of Greenfield Drive being gated. And who controls that gate.

Mr. Diamond said this is something that will need to be discussed at the next meeting with the School District.

Mr. Fabian stated that since this was all just presented tonight, HRG has not had time to look at it from an engineering perspective. There is a lot to be considered.

Mr. Diamond reiterated that we have procedural obligations that we must follow. So, when the School District is back in the room, we can discuss it further.

Mr. Young added that with the two recent talks on gating off roads, we are going to be hard-pressed to deny other neighborhoods and developments seeking gated public access based upon what happened last night (at the BOC meeting). He went on to say that we are just an advisory panel, and the Board of Commissioners are free to accept in whole or part, or reject in whole or part, our recommendations, but he thinks from a logical standpoint their legs have been undercut. How could we not recommend a gate

down the road when there is another community like that? When Political expediency trumps Policy, it is a slippery slope, and he feels we are on that slippery slope right now.

Mr. Diamond said that is basically every democratic municipality in the world. Sometimes you have to stay true to what you would recommend, but 99.9% of what we do recommend here goes through. There are those situations though where we won't see it eye to eye.

Mr. Crawford said really the gating in this case is not the Township making that decision. They are putting the gate on their own property.

Mr. Diamond added that we will need clarity on how the gate will be operated. We can't have it open one day, closed the next. We are assuming we will get plans with the next submission.

Mr. Crawford said it doesn't limit us from saying they cannot put a gate on Aberdeen or somewhere else that is a Township responsibility road. But we are not telling them they have to put the gate there, they (School District) are volunteering to put the gate on their own property.

Mr. Messick feels the whole issue is that the school traffic would use Blue Raider Lane and Greenfield Drive would be just what it was supposed to be, an access road for emergencies. But it became the main drag. So, if there was some way that the traffic could be controlled, if it is more or less forced onto Blue Raider Lane, that would be the way to go.

Mr. Diamond said that is what they are trying to do.

Mr. Fabian added that it is different that what their traffic impact assessment said. That said that they would have flow through Greenfield Drive. So, the last thing we saw from a traffic perspective did not take this into consideration, so there are a number of engineering issues from Zoning, SALDO, Stormwater, and Traffic that we need to look at with this, and we have no documentation besides what they just said that is on the record now.

December 21st Meeting - The next Planning Commission Meeting will be scheduled for Thursday, December 21, 2023, at 7:00 P.M.

GOOD & WELFARE

ADJOURN:

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

Meeting adjourned at 9:20 P.M.

Respectfully Submitted,

Donald A. Fure, Director of Codes/Planning & Zoning