

MINUTES

LOWER SWATARA TOWNSHIP PLANNING COMMISSION

**REGULAR MEETING
DECEMBER 15, 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	Don Fure, LST Director of Codes/Planning/Zoning
Dale Messick	Rich Snyder, LST Planning/Zoning Coordinator
Kimber Latsha	Tonya Condran, Recording Secy.
Jim Diamond, LST Solicitor	Shawn Fabian, HRG

Present via Zoom: Alexa Korber, DCPC (audio not working)

Excused: James Young, Vice Chairman; Dennis Fausey (resigned)

Others present:

Ron Burkholder, The Colony	Laurie Castagna, resident
Tim Clouser, resident	Ben Heisey, RJ Fisher & Assoc.
Patty & Bill Pronick, residents	Brett Garman, Centurion Const. Group LLC
Steven Pickel, resident	Westley Enterline, Chris Dawson Architect
Rachel Seik, resident	Bill Pompeii, K&W Engineers
Loretta S. Miller, resident	David C. Miller, resident
Marc Kerowski, K&W	Barry Hoffman
Karen Welsch	Barbara Florence
Chris DeHart, resident	Karen Breski

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES: Mr. Knopp asked if there was a motion to approve the September 22, 2022, meeting minutes. Motion was made by Mr. Messick and seconded by Mr. Latsha. All were in favor. Minutes were approved.

NEW BUSINESS:

a. The Pond on Fulling Mill – Planning Commission File #PC2021-06. There are currently five lots that will be combined to form one lot of 25.143 acres. There will be 67 townhouse units, 4 semi-detached units, and 131 apartment units in three buildings. A separate building will have two stories of commercial space.

There was no representation for the Pond; however, several neighbors from Twelve Oaks were in attendance for this presentation. PC Chairman Knopp advised the neighbors that they would have time to voice their comments/concerns at the end of the other presentations tonight, if they chose to stay, but we couldn't answer all questions because nobody from the Pond was here. ***

b. Illuminated Integration Office and Trade Shop – Planning Commission File #PC2022-08. The project is to construct a +/- 9,360 sf office/showroom and a +/- 15,430 sf trade shop with associated site improvements, grading, utility connections, stormwater management facilities and other site improvements. Special Exception was granted for the applicant to use the proposed building as a show room, storage space, and an office/design area for its audio, video, lighting, and rigging design and installation business.

William Pompeii from K&W Engineers came to the microphone and explained the plan. He also introduced Chris Dawson, the architect for this project, and Brett Garman from Centurion Construction Group.

Mr. Pompeii went on to explain and point out on his plan the proposed office building, trade shop, and a patio area, and the associated parking. He also showed where the loading dock and garage would be on the plan. He then pointed out where the stormwater pond location would be. He went on to say that the proposed access is coming off an existing access lane that will be shared with the existing Fire Hall. As part of the plan, they will be making some HOP (highway occupancy permit) improvements, and they already have received some comments back on that. He also stated that they have addressed comments from LST Fire Department, Township Staff and HRG but there was nothing major with those comments. So he said at this point they are looking for Conditional Approval of the plan.

Mr. Knopp asked Mr. Fabian for any questions or comments.

Mr. Fabian stated that HRG has completed their review and the bulk of their comments pertain to SALDO and Zoning and they were addressed. He said he has two remaining comments which are pretty minor: labeling on swales to know which is which and making sure there are easements around those swales.

Mr. Knopp asked Mr. Fure if there was anything from the Township.

Mr. Fure said that we do have a couple items, but some can be deferred at this time. In relation to accessibility, the building on the left has a 4-ft grade difference from the Trade Shop to the Office. As of right now, the only accessibility to the office is a walkway. They are going to have to go to Labor & Industry for an accessible variance to have the other entrance exempt. He said we can work through that one, but the one he doesn't think we can work through is the capacity request for sewage flow. He said that LST's Public Works Director took that to the Highspire Borough's public meeting tonight, and we will then send the module to DEP. This will connect to the Columbus Street interceptor which currently needs an upgrade. He said Township Staff's recommendation for now is to table it until this is approved by DEP.

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

Mr. Diamond commented that if we are going to table it, it will need an extension request in writing.

Mr. Pompeii said that they can do that.

Mr. Knopp asked the Planning Commission what they would like to do with this plan based on what was just presented.

Mr. Latsha made the motion to table it.

Mr. Messick seconded the motion.

All were in favor. Plan was tabled.

c. Capital Valley Business Park Lots 3&4 – Planning Commission File #PC2022-06. This project is 15.59 acres in the zoning district Industrial Park Limited (IP-L). The purpose of the plan is to relocate a property line within lot 3 and lot 4. Additionally, the purpose is to construct a 72,800 sf warehouse on lot 3 and a 44,161 sf warehouse on lot 4 with corresponding stormwater management facilities.

Chairman Knopp explained that this project/plan had been pulled from the agenda tonight and will be addressed at a later date.

d. Colony at Old Reliance – Planning Commission File #PC2022-01. The project is a residential development consisting of 77 single family lots, 42 duplex lots, 5 commercial single-family lots, and 5 open space lots. The development will include 6 local streets, public water and sewer connections and various stormwater BMPs.

Ben Heisey from RJ Fisher & Associates introduced himself as the engineer for the plan. He explained that this has been in front of this Planning Commission a number of months ago for the Master Plan as a preliminary overall view of what they were proposing. He explained that it is essentially the same plan, they haven't lots or streets or anything like that. They have gone through one round of comments from HRG and cleaned it up based upon Mr. Fabian's review. Mr. Heisey then turned the floor over for any comments or questions.

Mr. Fabian said the biggest comments/questions he had were for a little more explanation on the Live-Work Units and how they would function and how they would provide for some of the uses that were called out in the Special Exception for the commercial areas. He said he looked at a number of traffic items that were discussed previously, they addressed some of the sight-distance concerns they had with that; and the realignment of the curb was also one of the things they were looking for. Another thing was to make sure the infiltration basins and such were permissible in the area of the electric utilities.

Mr. Heisey responded that the Live-Work Units on the Master Plan was not labeled clearly, they had them labeled as Commercial rather than Live-Work Units. As far as specific use is concerned, that would be up to whoever purchases that lot. Within the Special Exception ruling, a Live-Work use was referenced as being part of that ruling and the use that was going to be utilized. But it did not call out a special use for those units. He said they feel the plan is consistent with the Special Exception ruling with everything they are proposing.

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

Mr. Fure asked about parking, access drives, and public uses for the residents.

Mr. Heisey stated that the idea with this plan was to hone down on the commercial use that was proposed with the original submission. Within the TND (Traditional

Neighborhood Development) Ordinance, it allows for the Live-Work Units to be used for the commercial lot requirement. They were originally proposing commercial units with the Special Exception, they just revised the plan to only propose Live-Work Units (nail salon, travel agency, home business, etc. rather than a store front with parking). They believe that the Live-Work Units, while not providing everything that was on the Special Exception, would still allow for some of the things that were projected as well as meeting the Ordinance requirements.

Mr. Messick asked if we all felt that lives up to the Ordinance with that Zoning District.

Mr. Diamond said he would look at the decision more closely to make sure. No matter what we do under the subdivision/land development ordinance, if there is a problem with the zoning, it cannot be done. He asked Mr. Heisey if these would have restrictive covenants, so they could not use the 1st or 2nd floor just for residential?

Mr. Heisey said he was not sure, but he would look into it. He doesn't think that was what was intended, he feels that it's ok if the owner wanted to use it exclusively as a single-family home. But he said he'd look into that.

Mr. Diamond asked if these were all single-family homes in the development.

Mr. Heisey said yes.

Mr. Knopp asked if there were any Live-Work Units in other developments.

Mr. Fure answered that we have something very similar with In-Home Occupations.

Mr. Diamond added that there is a set of restrictions with Home Occupations where it can be done in any home anywhere. The Live-Work concept in a TND really is live upstairs/shop downstairs. But he thinks it is not mandated that you could use it for all residential. He will look into this and also the Special Exception decision itself.

Mr. Messick asked if there was a condition in that a certain amount of the lots available are used for commercial purposes.

Mr. Diamond said there are for these Live-Work Units. There are all kinds of limitations on them as to whether they can be used for certain things.

Mr. Knopp asked if there are any further questions/comments from the Planning Commission.

Mr. Messick said that on the General Notes of the plan, #22 says all streets will be private. Is that correct?

Mr. Heisey responded that is not correct. The roads will be dedicated. That comment was from the first round, and it was just an oversight that it was left on the new plan. He repeated that the roads are intended to be dedicated.

Mr. Messick asked Mr. Fabian if the roads had all been reviewed and approved for dedication to the township.

Mr. Fabian said that when they review the roads, they review everything as if they may be dedicated. So, they hold them to the same standards for design no matter what.

Mr. Knopp asked if they were ok then with the roads.

Mr. Fabian said he didn't have any roadway comments when he was going through the plan aside from some placement of drainage infrastructure in relation to driveways of some of the duplex units.

Mr. Messick asked if stormwater ownership would be with the HOA.

Mr. Heisey said that was correct.

Mr. Messick then stated that he saw that the HOA agreement was to be reviewed by the Solicitor, so he asked Mr. Diamond if the township had any input to be sure that the HOA will have the abilities to pay for infrastructure repairs.

Mr. Diamond said that they have been getting very deep into that with the Municipal Authority right now. There's a new issue developing with MS4 and all the intents of stormwater now, and the concern about HOA's being responsible for that. They have been looking very carefully with HRG on tying acceptance of the public roads to

that infrastructure to drain the road with requiring easements instead of just the O&M Agreement. They are a lot more concerned when there are BMPs on private lots rather than an HOA common area. We have not yet amended any ordinances, but we are looking at all those issues about having security posted.

Mr. Heisey stated that they worked with Mr. Fabian on another project where he required an easement for the township for pipes extending into the basins from the street.

Mr. Diamond said that is the very reason. To some extent, we don't like having to own more infrastructure than necessary, but we need to control at least the initial path out from the street. So, if we are draining the street into an HOA detention pond, we want to make sure we'd have immediate access with an easement and a right to go in there which needs to be very clearly documented.

Mr. Fabian added that in the event that we have an outlet that is clogged and the whole street backs up, so that we wouldn't need to negotiate access to fix that, we need the easement documented.

Mr. Diamond said that is looking more at the street viability than it is at the issue of what if these HOAs would go belly-up. Even in other municipalities besides our township, they are looking into how to handle these situations where HOAs do not have the funds to take care of the issues. They would have to put liens on the property.

Mr. Fabian stated that we do have some permit responsibilities under the MS4 permit to make sure that private BMPs are functioning and if they aren't, to make sure they do become functional. There are some mechanisms that are built in there that give us the ability to go after the parties that should be operating and maintaining these facilities. There is discussion going on now on how much time they should be giving the party who isn't rectifying the problem before the municipality is expected to come in and handle the issue.

Mr. Diamond added that we are getting very concerned about major BMPs being pushed into single-family lots. So, where it's not on an HOA-owned property, a giant detention pond overlapping three single-family lots, in that situation we are relegated to having lien rights if there is a problem against the single-family homeowner. There could be major issues in chasing that all down.

Mr. Fabian stated this would not be the case with this because they are all privately owned.

Sara from Keystone Custom Homes came to the microphone. She stated that she handles the HOA documents and gave an overview of how it is structured. She said they try to be proactive because they have seen that this has become such an issue in every township that they work in. She went on to say that when they structure the HOA documents, they would give the township staff an opportunity to review and approve them. Then they also set up their HOAs with a Management Company immediately. She said they like having the initial contribution, to build up a reserve for that HOA with a lot of money to take care of these. The Management Company that they work with is very experienced in dealing with the basic maintenance, repairs, and things of that nature. She reiterated that they try to take that proactive stance, so the Township is not in that situation. She said they also structure it to get a lot of participation up front before they back out as the Developer and make sure the HOA is fully functioning.

Mr. Diamond said that this one doesn't have those kinds of critical concerns because it is larger. He said what we really have to look out for is the tiny ones; that's where you see it the most. On the engineering side of it, it looks perfect; but on the legal side is where the problems arise. If someone buys a single-family house, they may not realize what they are responsible for, even though it is documented they may not know what it is saying.

Mr. Messick said that on Sheet 4, there is a 30 ft. access easement off of Butter Churn Road. He said it is just labeled as "easement"; is that a walking path?

Mr. Heisey said he would have to double check that, but he believes it was an easement that was procured by Mr. Burkholder as part of the previous development. But if there is an easement at Butter Churn, he said they are not intending on using that one; there is another easement further south to Pheasant Run Road that they will be utilizing for both an extra access and emergency access.

Mr. Messick pointed out that there is no detail on the plan about this easement/access. He asked if it would be some type of hard surface, concrete, or stone.

Mr. Heisey said one of the outstanding comments is the separation of an Emergency Management Plan; so, they will be collecting more details and presenting that at a later date, since they haven't exactly hammered those details out yet.

Mr. Messick asked if there was a septic overflow line coming from the Byers Farm under the road to this property.

Mr. Heisey said he was something that he was not aware of, but they would double check it.

Ron Burkholder said that was washing machine gray water coming over across the street from the Byers Farm. Mr. Byers did not want it running into his septic tank, so he ran it out with a different line.

Mr. Messick asked about reworking the curve on Longview Drive. Is there any intent on curbing? He feels with the increased traffic on Longview, and with it becoming a much more travelled corridor with the possibility of even more development, that there should be curbing put along Longview and some kind of turning lane or widening of the road there to get in and out of this new development.

Mr. Heisey said that they are not proposing curbing along that turn.

Mr. Knopp asked if they were going to widen the road there or put in a separate turning lane.

Mr. Heisey replied that they were not proposing a separate turning lane either. But the road will be widened to the current standards. Right now, the road is rather narrow with a 1-foot shoulder; they will widen their side of the road by putting in a 4-foot shoulder.

Mr. Knopp felt that with the addition of 100+ new homes being put in there, there should be a turning lane.

Mr. Heisey doesn't agree. He said they had a traffic engineer prepare the report that was submitted to the Township and based on the study they performed and their report, turns lanes were not justified for this development.

Mr. Knopp asked Mr. Fabian for his input.

Mr. Fabian said that they reviewed the same and it did not meet the warrants for adding a turn lane. The biggest concern HRG had from a traffic perspective was more of the travel speed being a lot higher than the posted speed, so they requested that they take a look at additional sight-distance which they have done.

Mr. Knopp asked Mr. Fabian about his thoughts on curbing.

Mr. Fabian said that right now there is no curb along Longview Drive. He said in his opinion if there are not existing drainage issues that the curb would be trying to tackle, he is in favor of not putting curbing on every road. We have a substantial number of roadways in the Township that do not have curbing currently and it has not created any issues. From a limiting-of-impact design, there is a desire to keep things less channeled and conveyed within roadways and more to how nature drainage patterns are. So, unless there is a specific issue that we are trying to address with stability on the side of the road or if we have an existing issue with stormwater that is causing nuisance on lots, we tend to try not to force curbing in. But we would recommend a deferral instead of a waiver.

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

Mr. Fure did agree with what Mr. Fabian explained. He added that it has been discussed to potentially put in a curb on the southside of Longview because of accidents happening there where vehicles ended up hitting sheds of the residences on Powderhorn Road; so, we were discussing whether a curb would be beneficial to the people who live there or not.

Mr. Fabian said that was something that Public Works had a contractor come out and evaluate, whether it be a curb or a guardrail, to try to protect those residents along the curve. He said making the curve more gentle definitely helps, but he still feels there is potentially a concern there.

Mr. Messick asked about the question from the County on sidewalks along Longview Drive.

Mr. Fure stated that the Township is not in favor of sidewalks along Longview Drive.

Mr. Fabian added that if those accesses didn't exist to provide some mechanism to travel over into Old Reliance development, he would be pushing for one on the southside of Longview.

Mr. Messick stated that he doesn't have any issue with the sidewalk, but he personally feels that the curbing is an issue because if there is further development we will end up with no curbing.

Mr. Messick then asked about the old Swartz Cemetery Lane that ran from Fulling Mill Road out to Longview. It was an abandoned township road from many years ago. He said that was the road to access the farm that has since disappeared between Old Reliance and The Colony. He asked if there would be any kind of access to get into that cemetery.

Mr. Heisey said that the cemetery is on Kreider Farms property, so they would not be providing access with this development.

Mr. Fure made mention that the Developers are working with LSTMA to look into the possibility of obtaining gravity sewer, but right now that's not looking like it is going to happen, so they are now looking into putting in a pump station. This is on the Sewer Authority's agenda for this coming Monday's meeting. So, at this time, Mr. Fure doesn't feel like any type of approval should be given until something is worked out with this.

Mr. Messick asked if there was any question about recreation, like a Tot-Lot.

Mr. Fabian asked Mr. Heisey if they were looking at a "Fee-In-Lieu-Of" or some kind of recreational space.

Mr. Heisey said they hadn't looked into that yet.

Mr. Knopp said that the Planning Commission would prefer a Tot-Lot.

Mr. Heisey said ok and took note of that. He said that was also an outstanding comment from HRG that still needs to be worked out.

Mr. Knopp asked for any other questions or comments. There were no more at this time, so Mr. Knopp asked for a motion to be made.

Mr. Messick made a motion to table this plan.

Mr. Latsha seconded the motion.

All were in favor; plan was tabled.

Mr. Diamond asked Mr. Heisey for a written extension letter.

Mr. Heisey said yes.

e. 1725 Rosedale Avenue/Lot 1 Morgan Run – Planning Commission File #PC2022-09. Subdivision of an existing vacant residential lot at Lot 1 Morgan Run and consolidate portion with adjoining property at 1725 Rosedale Avenue.

Ben Heisey from RJ Fisher & Associates was here also representing this project tonight. He explained that this project was engineered by one of his coworkers who has been working with Mr. Fabian, but since Mr. Heisey was already going to be here, he offered to present tonight.

Mr. Heisey explained that it was pretty simple. There is an existing lot with a home on it and next to it is a smaller, thinner lot that has a barn built on it along with a smaller shed. They are looking to subdivide the lot with the accessory dwellings and combine that lot with the lot that fronts Rosedale. Then the remainder of the lot with the accessory buildings will become a building lot that fronts on Morgan Drive. So the general idea of this is there are two existing lots that will turn into two proposed lots, just with some shuffling of the area.

Mr. Knopp asked Mr. Fabian if he was ok with what they are proposing.

Mr. Fabian stated that he did receive responses from his comments, and they all made sense to him. His biggest question was concerning the sidewalk not being installed yet at lot 1B on Morgan Drive; but from their response, it looks like the improvements on that lot would cover the sidewalk under a separate agreement. But he has no problem with what they are proposing as far as the plan itself is concerned.

Mr. Knopp asked Mr. Fure for any comments.

Mr. Fure said all the comments that the township staff had were fairly minor, so they recommended approval.

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

Mr. Messick asked if there was an existing sewer connection for that.

Mr. Heisey said that for the proposed lot on Morgan Drive, he was not positive.

Mr. Fure said that the lateral was installed.

Mr. Snyder added that the plan had a note on it indicating that Sanitary Sewer, Storm Sewer and water would be accessed off of the lines going into Morgans Run.

Mr. Messick asked if the measurement of the lot has been verified that it will be 10,000 sf.

Mr. Snyder said that yes, that was verified.

Mr. Knopp asked if there were any other questions/comments from the Planning Commission.

Mr. Latsha asked if we wanted to approve this with the stipulation about the sidewalk.

Mr. Fabian said yes, he has the sidewalk as one of the outstanding comments and to work through the financial security.

Mr. Fure said a bond can be put up or cash posted for the sidewalk.

Mr. Knopp asked for a motion from the Planning Commission.

Mr. Latsha made a motion to approve the plan subject to the stipulations related to the sidewalk or bonding or whatever is satisfactory to the Township Staff.

Mr. Messick seconded the motion.

All were in favor. Plan was approved with stipulations.

*****PUBLIC COMMENTS regarding THE POND were heard at this time:**

- Laurie Castagna from Twelve Oaks expressed her concerns at this time. She said she was surprised when she saw that they are now proposing 3 buildings because last time they were here, it was 2 buildings. She is not in favor of this.
- Mr. Messick stated that he only sees 2 on the plan.
- Mr. Snyder said that we have a copy of the plan here for the public to view. There are 2 main apartment buildings on the proposed plan; the third building that is being referenced is a mixed use with a combination of 15 apartment units, 1 management leasing office, and a café.
- Ms. Castagna asked if that was for the front lot on Fulling Mill Road.
- Mr. Snyder responded that it was on the corner of Fulling Mill and Nissley.
- Ms. Castagna asked if that was the front lot that they were trying to buy separately. It was. She then asked if there were any variances given to this lot.
- Mr. Fure said not since the original approval in the early to mid 2000's.
- Mr. Fabian added that the original hearing was November 29, 2006.
- Ms. Castagna asked if that was to approve an over-55 community; nothing in regard to the height of the buildings.
- The Planning Commission and Staff are looking into this.
- Patricia Pronick from Twelve Oaks expressed her concerns at this time. She said they (the Twelve Oaks residents) have come before and they approved of the 85 townhomes or duplexes, she is not for approving anything else. She feels the land is not big enough. She expressed concern about the sewer capacity. She also expressed concern about the fire equipment being able to get in and maneuver around in there. She also claims that this builder has a history of building properties and then selling them to out-of-state buyers. Also, she asked who would be monitoring 55+ community.
- Mr. Knopp asked the solicitor how that does work. How does someone monitor that?
- Mr. Diamond responded that most likely the township would.
- Ms. Pronick asked if Lower Swatara Township really would do that. It is a big concern for the Twelve Oaks residents. How do you make sure that the 55+ community is actually occupied by 55+ residents? And how do you keep that from becoming a Section 8 community? She said she is all for helping people, but she does not want her property value to change because of poor management of this site.

- Mr. Knopp said that was a good question.
- Ms. Pronick then expressed concerns about a squatter staying in at least one of the three townhomes that were built by the previous owner. She asked if the police were monitoring that. She reported that she sees cars driving back into this property late at night. She is concerned that they may walk onto her property and steal something from her house.
- Mr. Fure asked her where she got the information that they flipped properties and then sold them to investors in New York. He asked her to give him the information and locations if she can, he would like to research that a little more.
- She said she would get that information and email it to Mr. Fure. She stated that she remembers the owner saying that he lives in Lancaster, and this is his pet project and that he would be the one monitoring it, but she doesn't believe that.
- Ms. Castagna informed that two of the other projects that he developed and sold to the investors in New York were Lancaster projects.
- Mr. Fure asked if these other projects were run-down or unkept that they were concerned about them being sold.
- Ms. Pronick said no, she was just concerned that they are being sold to out-of-state people because who is going to monitor the community.
- An unnamed male resident stated that the thing is, how can they be sure they are getting "good" people, 50+ people renting apartments? He feels that they are going to lose money and then they are going to sell it and then that's a bigger problem, because he said when they cross his property line, they'll have a problem.
- Mr. Diamond stated that when it is a 55+ community, there are deed restrictions and Federal regulations. With the over 55, if the owners don't keep it in compliance, they would be in violation of the Federal Fair Housing Act. One of the things the Fair Housing Act does is prohibit discrimination against families with children. So, these over 55 communities are a statutory exception to that; you're allowed to do it, but the owners have to carefully monitor that with deed restrictions. One of the things the Codes Department can tell you is that the enforcement of any code in Pennsylvania is very difficult, from the outside looking in. We don't have a right to enter anyone's property without consent. If a neighbor sees something and is willing to testify, something may be able to be done. But it is very difficult in Pennsylvania (especially Central PA) to get an administrative search warrant. So that big question of "How are you going to monitor things" is very difficult in every aspect.

- Mr. Latsha asked if, without any violations of the special exception, could we require a semi-annual report to the Township.
- Mr. Diamond said that generally we are bound by the Ordinance. Once someone files that application, they are constitutionally protected as long as they meet all the requirements. Unless it's a Special Exception approval or anything like that, we don't get to just make up procedural things generally.
- Mr. Messick said he was a little unclear on reviewing the plan as to whether the 67 units and 4 semi-detached units are going to be for sale or rentals.
- Mr. Diamond said that we would have to hear from the developers directly to get answers.
- Ms. Pronick asked if any Special Exceptions had been approved for this property.
- Mr. Fabian said there were none beyond the first one in 2006.
- Ms. Pronick said if they knew that these residents were going to be here to discuss the Pond, they should've been here.
- Barb Florence from Twelve Oaks said she had one question. What has changed? What is different? The developers are not here but the residents of Twelve Oaks keep waiting to hear things and it doesn't seem like anything has been done. She stated they had lots of questions before, what does the township have now that has changed since it was put on the agenda tonight?
- Mr. Fure stated that it was a surprise to us also that nobody was here tonight to represent the Pond. We received no correspondence, so we thought someone in the crowd tonight was from ELA Group. It is pretty rare for an applicant to not show up for a meeting. But he could explain to her that what changed was there are less commercial buildings, previously there were four commercial buildings along the front, now they are down to two. Now there is just green area where the other commercial buildings were originally set to be.
- Ms. Florence said her second concern was the traffic that would increase with all the new development. She feels it will be a tremendous increase even if it was just one occupant per unit.
- David Miller of Twelve Oaks stated that he lived in the development for 34/35 years so he has a vested interest in the township, community, and Twelve Oaks. He said that like everyone else, he is surprised that they asked to be on the agenda but then did not show. He asked if there was a remedy for their not showing up. He asked if LST could dismiss their application for the whole project.
- Mr. Knopp said no, we cannot dismiss it.
- Mr. Miller then said he'd like to talk about what has been done and what hasn't been done. He walks the whole area over there and he says it was nothing short of

a disaster this summer. He said he was sure the township notified him numerous times about cutting the grass over there, it could be measured in feet instead of inches. Then when they did cut it, you could not use the sidewalks from all of the debris. So when they came before the Planning Commission in August of 2021, they had all these plans of what they were going to do, but they have done nothing to instill any confidence in the neighborhood about how they are going to take care of something. He said he appreciates that it costs money to cut the grass on that property, but they do it with a tractor on a routine basis. But it wasn't done (on a regular basis), and when it was done, it was done shoddily. So, if we are starting out this way, where are we going to end up? He feels that every time they come to these meetings, they ask for more. This project started out, from the newspaper clippings of 2017, at 83 units, which he felt seemed reasonable. Now they are up over 200 units and he said it wouldn't surprise him if they came back again to try to get 250 or more. He believes they may have invested too much, and he appreciates that they want to get their investment back out of it, but it shouldn't be at the expense of the residents of Twelve Oaks or the Township.

- Mr. Miller went on to say that the conversation about who monitors things was very interesting. He doesn't feel the Township would want to take on more work. He feels that the developer is the one who should come to the Township to tell them how that all will be handled, not the Township trying to figure it out by themselves.
- Mr. Miller stated that this development is not supported by the neighborhood for valid reasons. So, he said if they want to come in again and talk about it, they (the Twelve Oaks neighbors) will be back.
- Mr. Knopp said that this project has been going on for a long time and it changes all the time, and he appreciates the input from the residents. It doesn't go unheard.
- Loretta Miller of Twelve Oaks said she is asking for one or two things that she feels would be a simple fix. It deals with what she calls "The Road to Nowhere" and that is when you are coming up Nissley Drive where all the signs are. It gives you the illusion that you can turn there, right in front of the Pond development. She asked if barriers could be put up there. She said they all drive by there numerous times a day, and at least once a week somebody is backing out onto the road, and it is very dangerous because it looks just like it is Nissley Drive. She's been told by visitors that their GPS had them turn in there but the road leads to nowhere.
- Mr. Fure said we could ask them to put up barriers.

- Mr. Snyder added that the improvements along Fulling Mill Road were done under a PennDOT HOP Permit. The PennDOT wants all HOP Permits for the development at one time, instead of putting in a driveway here and then 6 months later wanting another one there, and so on. Unlike other permits, an HOP is a 12 or 18 month permit and once the permit is issued, you have x-amount of time that you have to complete those improvements.
- Mr. Diamond clarified that an HOP is a Highway Occupancy Permit and they regulate to the end of their right-of-way. They make developers put in the stub road.
- Mr. Snyder added that anything like that that you are looking for, like barriers or signs at the edge of or in the right-of-way, would have to get approval from PennDOT before they can be installed. But we could ask the owner to put a barrier or sign up outside of the right-of-way.
- Ms. Miller said it would be very helpful if the Township could look into that. Ms. Miller went on to say that the Twelve Oaks residents do not want apartments put in there. She said, the Press & Journal had an article back in 2017 that talked about the 83 or 87 units and she remembers seeing a picture of these “California Units” and there was supposed to be a fountain; it looked like a nice place for 55+ people, some of her neighbors were even thinking about moving in there, but they don’t want apartments. She also said that the fact that these gentlemen did not show up today, says a lot.
- Steve Pickel of Twelve Oaks expressed his concern about the apartments. He works as a Law Enforcement Officer in York City and as is known the city has set records for homicides. Lower Swatara has a small police department and they do a really good job. He also knows that the department does a lot of overtime. He said he gets concerned when it comes to crime in the township. Twelve Oaks doesn’t have much crime; that’s why he likes it there. He sees the LST Police Officers a lot down at the Pond. He says they shine their lights in there, but he feels like they are wasting their time. He is concerned with apartments because transient populations bring crime; not only in the little community the apartments are in, but also the surrounding areas. He doesn’t want Twelve Oaks, or the commercial businesses around there, become a place that starts to have burglaries or thefts from vehicles or property crime. He feels bringing apartments in there will cause that.
- Karen Welsh of Twelve Oaks stated that she agrees with every comment that has been made from her neighbors. She is also concerned about adding in another 130-some apartments and the impact that will have on our school system. She asked if

that had been a consideration at all. Will the capacity of the nearest elementary school be able to absorb that many more students? Is there any kind of proposed rental fee for the apartment? Are they \$700/mo. apartments or are they \$1500/mo. apartments? (An unknown resident said they were told the apartments would be \$1700-\$2100/mo. apartment rental fees.)

- Mr. Fabian stated that one of his comments is a requirement from the school district that they need to provide in writing when a hundred or more dwelling units are proposed.
- Ms. Castagna asked to add one more thing. She said they were not here in opposition to that plot of land being developed, but they have looked at that “eyesore” now for a long time. They would like to see something reasonable go in there. Reasonable to her would be the 88 townhouses that were approved and that they saw the plans for. She said she had her lot and design picked out. There are a number of residents from Twelve Oaks that have since moved out of the township, who were originally going to buy in there and then all this started, so they decided they would just cut their losses. They weren’t going to risk ending up down there without knowing what was going on, so they moved out. She said unfortunately they sound like they are very negative, but they are not negative about the property being developed, they are negative about what they want to do there.
- Mr. Knopp thanked everybody. He asked for any other questions or comments.
- Mr. Messick asked if we wanted to review our comments since there was nobody here representing this project.
- Mr. Knopp said no, not without them here to answer questions.
- Mr. Diamond added that we also need to require them to give us an extension. Generally, if someone refuses to give an extension, we ask the Commissioners to deny it. But he would expect that they would give us an extension.
- Mr. Latsha clarified that if they do not give us an extension, we can reject it. So we should table it tonight subject to their giving us an extension.
- Mr. Messick asked in regards to the density that is allowed in this property, does it meet that?
- Mr. Fure answered that it does meet Ordinance requirements now that they combined the lots and got rid of the two buildings in the front.
- An unknown resident asked if they could actually get this passed since they bought that front lot.
- Mr. Diamond answered that he is not in a position to say that yet; we’d have to run the templates and see what’s in there. They’re either going to meet the requirements or they’re not.

- Mr. Fabian added that is why they don't need to ask for a variance. He also stated that he has 18 zoning comments that need addressed. (ie: more detail on the apartments, parking layout, minimum floor area, minimum building widths, additional information on the independent living units, setback lines, and a number of other zoning comments.) There still are a number of technical deficiencies that they have to work through for this submission.
- (Numerous questions and comments from the Twelve Oaks residents were not audible because they didn't come to the microphone.)
- Mr. Miller asked about the Special Exception. Does that go with the land?
- Mr. Diamond confirmed that yes, it does.
- Mr. Miller asked if the Special Exception could ever be withdrawn.
- Mr. Diamond said no, in the Zoning and Subdivision world, they are constitutionally protected rights that run permanently with the land. Same thing with a Variance. Mr. Diamond then explained the process of how to go about getting a Special Exception or Zoning Variance.
- Ms. Castagna asked for the number of the Ordinance that allows apartments in an over 55 community.
- Mr. Diamond said he did not have it in front of him at that moment.
- Ms. Florence asked how much time they have to ask for an extension.
- Mr. Diamond said in the world of complex developments, some of these things go on for years. When we talk about an extension, actually it is a protection in favor of the applicant, where if the township does not take action within 90 days of a certain starting point, they get automatically approved. So, we always have to be very careful about the deadline and make sure they are getting an extension. But if they won't budge and won't give a written request for an extension, we can push to deny it.
- Ms. Castagna said there are currently 5 lots and asked if that has to be approved to all go into 1 lot.
- Mr. Diamond said yes. That is part of this process.
- Ms. Castagna asked for confirmation that currently there are still 5 lots.
- Mr. Fabian confirmed that yes, there are 5 lots at the present time.
- Mr. Diamond and Mr. Fabian explained the Subdivision/Land Development (SALDO) process.
- An unknown resident asked if we could keep them from combining the 5 lots.
- Mr. Diamond said people have a right to merge lots together or divide them as long as they meet whatever the requirements are. We don't get to say "We don't

like it, go away” because they can then go to the County Court and they will be able to get whatever they are entitled to.

- Mr. Fabian added that if they are complying with everything that is in the Ordinances, we cannot disapprove what’s being submitted. So, whether we like it or don’t like it becomes irrelevant. So, our job is to go line by line and make sure it complies with our Ordinance.
- Mr. Knopp asked for any other questions or comments.
- Ms. Miller stated that with the increase in traffic, she feels something will need to be done about the intersection of Nissley and Route 441.
- Mr. Fure told her they would have to show that on their traffic study. Mr. Fure also had the Ordinance number that Ms. Castagna requested. It is §27-2002, #27 (Residential Retirement Facilities).
- Mr. Diamond also added that in the Ordinances, if there is ever an ambiguity, the law states that it has to be interpreted in favor of the land owner.
- Ms. Miller asked if they were just wasting their time.
- Mr. Knopp said not if they don’t meet all the stipulations.
- Mr. Diamond said that we haven’t even seen the presentation so there is no reason to think that. He also said that he never feels anybody wastes their time giving public comment. He has been on both sides, representing developers and municipalities, for decades and it is a big deal when people give public comment.
- Ms. Miller stated that in the 2017 Press & Journal article that she had mentioned earlier, it said that 90-day extensions had been granted 35 times since 2007. So, this seems like it is just going on and on and on. How long do they have to look at that ugly unit? She stated that she and her husband walk a lot and they didn’t know that there is a No Trespassing sign up at the other end of the property, so they came down Nissley and went through the property that way. They had heard there was a squatter living in one of the homes, so she said they opened up the door and the sliding door in the back. So, she knows somebody could be living in there.
- Mr. Snyder added that there are a lot more pieces of the puzzle that need to get done before anything can happen. (ie, Veolia Water Company, PPL, Verizon/Comcast lines, etc.) The township likes to see letters from these third parties stating that they will provide service. If not, then they may have another set of stipulations on them that they will have to change. So, there are a lot more pieces of the puzzle than what a lot of people are realizing.
- (More talking amongst the crowd that was not audible for recording.)
- Mr. Fabian reiterated that it is good to hear from the residents on their concerns. We appreciate the interest from the public.

- Mr. Miller said that he appreciated that the Planning Commission listens.

Mr. Knopp asked what the Planning Commission would like to do about this plan tonight.

Mr. Latsha made the motion to table it subject to that they timely request an extension. If they fail to do that, we reject the plan.

Mr. Messick seconded the motion.

All were in favor. Plan was tabled with stipulations.

OTHER BUSINESS:

Mr. Snyder informed the commission that we did receive an Act 14 Municipal notification from Veolia Water Co. applying for a PADEP Chapter 105 permit to extend an 8" water main along Conway Drive.

Mr. Snyder also informed the commission that he received notification from PADEP upon the issuance of an emergency permit at Bylers Quarry on N. Union Street to repair multiple sinkholes occurring within sensitive areas along and within a stream up there.

Mr. Fabian offered more information on Act 14. He said we are planning a drainage improvement project for Bryn Gweled, so we are working with Veolia to replace their water assets there because we have three unresolvable conflicts. Veolia is actually replacing their water line through the development. They have to cross the same stream culvert underneath Conway Drive that we have to cross, so it is good that they have submitted their permit. They do have some frontage along Lumber Street, as well, so they did have a meeting with our Public Works Director (Scott Washinger) and Mr. Fabian to review road cut permits for what they plan to replace along Lumber Street.

Mr. Fure announced that at the next Board of Commissioners Meeting, they will be recognizing a new member to the Planning Commission. The new member will be Mr. Howard Crawford, a resident of Old Reliance.

The next Planning Commission Meeting will be scheduled for Thursday,

January 26, 2023, at 7:00 P.M.

ADJOURN:

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

Meeting adjourned at 8:51 P.M.

Respectfully Submitted,

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