

MINUTES

LOWER SWATARA TOWNSHIP PLANNING COMMISSION

**REGULAR MEETING
SEPTEMBER 22, 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
James Young, Vice Chairman	Jim Diamond, LST Solicitor
Dennis Fausey	Tonya Condran, Recording Secy.
Dale Messick	Shawn Fabian, HRG
Kimber Latsha	Alexa Korber, DCPC

Others present:

Matt Fisher, RJ Fisher & Associates	Chris DiSanto, Triple Crown Corp.
Ron Paul, LST Commissioner	Nic DiSanto, Triple Crown Corp.

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

Mr. Knopp asked if there was a motion to approve the July 28, 2022, meeting minutes. Motion was made by Mr. Fausey and seconded by Mr. Messick. All were in favor. Minutes were approved.

NEW BUSINESS:

a. Union Knoll – Planning Commission File #PC2022-04, 22.78 acres, zoning district Commercial Neighborhood (C-N). Applicant is proposing 111 townhomes on an unimproved lot. Applicant is requesting 2 waivers: 1.) To not install curbing along Oberlin Road; 2.) To not propose stormwater easements around roof drains.

Matt Fisher, of RJ Fisher & Associates, came to the microphone to recap the project. He said the plans are substantially the same as what was presented last time; he said they got as many of the comments cleaned up as they could. There is an additional waiver on there now. Last time, the preliminary plan waiver was acted upon, and he believes the curbing waiver was acted upon at the last meeting as well.

Mr. Fabian said that the curbing waiver was presented for motion to defer at the last meeting.

Mr. Fisher went on to say that the main update they have from last time, was the second entrance and if PennDOT was or wasn't going to allow that. They check with their traffic engineer, but they are still pretty early on with the scoping phase of it. What they did say was they do not have anything in writing from PennDOT, but their opinion is that they do have the frontage and sight-distance, so they shouldn't be pushing back on that. Their traffic engineer does feel very strongly that PennDOT will be allowing the second access; so they will be getting something in writing to submit for those entrances, but the best they have at this time is just a verbal confirmation.

Mr. Fisher then asked if there were any questions or comments.

Mr. Fausey asked about Access B, which is the west access. He asked what is being done about the crossing there.

Mr. Fisher said right now there is no crossing being proposed. He said the school district is being silent on that at this time.

Nic DiSanto came to the microphone at this time. He explained that right now PennDOT does not want a crossing there, so they are proposing to bring a sidewalk down to the entrance and put a median there for future crossing. PennDOT prefers not to have a crossing network there, they want to keep using the bus system for the school. They feel putting in a crosswalk will encourage them to cross the street there, rather than use the bus. He went on to say that what they are proposing is a sidewalk on one side of both entrances. He said they did discuss that with HRG and came up with a trail concept so they could fit that between the top of the stormwater as well as the gas easement along there. The pedestrian access-way would be east to west across the property.

Mr. Fausey stressed that he was still very concerned about the kids crossing in that area.

Mr. DiSanto said that was the reason why they were showing it where it is on the plan. It is the flattest spot and widest clear sight triangle along that stretch of Oberlin Road. Any other spots have over-verticals, so they feel this makes the best sense. So if a child or parent would like to cross over, this would be the best place to do so. They are

planning on presenting the crosswalk plan to PennDOT with their traffic engineer and hope that they accept it.

Mr. Fabian added that it was brought up in the scoping meeting with PennDOT and they were not in favor of it at that time.

Mr. Knopp asked what their reason was for not being in favor.

Mr. Fabian said because it is not a public street serving the townhomes there, it is considered a driveway, so PennDOT's policy is to not have a crosswalk.

Mr. Young exclaimed that it is still 100+ units, so whether you call it a driveway, a public street or a super-highway, he feels the need is still there.

Mr. Fausey added that we have crosswalks all up and down Fulling Mill Road where there are no kids.

Mr. DiSanto explained that the School District is not planning to oppose the crosswalk to PennDOT, but they are also not willing to recommend or support because they want no liability with it. So, as it is now, they are just trying to get PennDOT to approve it.

Mr. Fisher added that PennDOT's main reason for not approving the crosswalk was that the two accesses were private roads and not public streets. If they were public streets, it would be allowed. It is a frustration on the developer's end because they feel it is common sense to put in the crosswalks, but PennDOT has a policy they need to follow. And PennDOT will have the final say as to whether the crosswalk can be placed across Oberlin Road.

Mr. Fausey expressed his disdain for that PennDOT policy.

Mr. Latsha agreed and said that he cannot think of any other communities where there is a school with residential housing close to the school yet no crosswalks or flashing signs. He pointed out that there is even one by Kunkel Elementary on Fulling Mill Road and there are no houses nearby. He said that it makes no sense to him; it seems like a recipe for disaster.

Mr. DiSanto stated that it is their intent to show that to PennDOT; they agree with everything being said tonight. He feels that with the support from HRG's comments and their engineer's comments, they may bend the policy. It is not on the drawings, but they are going to push for it.

Mr. Fabian added that they already had the scoping application with PennDOT, and it was brought up and they let PennDOT know that we strongly recommend it for the reasons brought up here tonight. He also added that there was a call with Fisher, Triple Crowne Corp., HRG, PennDOT to go over the scoping application, so the crosswalk and the second access were talked about. One of the letters was done for the second access, so if it is felt strong enough by the Township, we could write another letter for the crosswalk.

Mr. Knopp stated that he thought that should be done. The rest of the Planning Commission members all agreed on that.

Mr. DiSanto was also in favor of supporting that with another letter and they could submit the letter with the application. He thinks it makes sense and they would have a difficult time holding onto a policy that is so gray in nature. He feels they would not want the liability in the event that a child was hit because of no crosswalk in place.

Mr. Young added that the Planning Commission as a body can only recommend to the Board of Commissioners (BOC). They are the ones who set policy, but he said he has no problem recommending this to the BOC.

Mr. DiSanto asked if there were any other questions.

Mr. Young asked about recreation. He said he didn't see any recreational facilities on the plan.

Mr. Fisher informed that although it may not be shown because it hasn't been designed yet, there is going to be a Tot Lot along with a Club House near the pool.

Mr. Young then asked about parking. He stated that the County had raised a concern that there was more parking proposed than they are required to have; and asked if the parking has been revised downward at all.

Mr. Fisher replied that they are generally at the same numbers as before.

Ms. Korber stated that it is not a rule, but the County Planning Commission puts it on there for people who are MS4 who are dealing with issues like that, because it is a way to reduce impervious coverage.

Mr. Messick asked to address the curbing waiver. He stated that all of the major developments in the township are main corridors (Fulling Mill, Oberlin Road, N. Union St.) and they all have provided curbing, widening of the road, and turning lanes. He feels the township should be requesting that with this project to stabilize the shoulder of the road and give a place for turning. He feels with this size of development that widening the road and curbing should be put in. He thinks as a township, we need to request that to be done.

Mr. Fausey disagreed. He said there is no curbing there now and the landscape is going to look nice. He feels to put curbing in is just for aesthetics and a huge waste of money.

Mr. Fisher added that when you put curbing in, you need more stormwater facilities. And since it is a PennDOT road, they will not take responsibility for stormwater, so that would be on the Township then too. He went on to say that they are going to do a traffic study to show if they do or don't need any turning lanes.

Mr. Young pointed out that we had already voted back in July to defer curbing and everyone was in favor.

Mr. Knopp asked for any other questions or comments.

Mr. Fausey asked about the sidewalks. He asked why the sidewalk just ends at Buildings 2 & 3.

Mr. Young clarified that it was on the pool side.

Mr. DiSanto pointed out on the plan and explained the sidewalks bring the pedestrian traffic down to the pool, and there will be a walking trail down along the berm. The sidewalks are for east to west traffic.

Mr. Latsha asked if we will be seeing that on the Plan.

Mr. DiSanto said that came as a result of a comment letter that was just received this past week. Because of slope restraints, there won't be a sidewalk but a gravel walking trail.

Mr. Fabian added that the concern was that if sidewalks would be put down there further, people would be walking along Oberlin Road there.

Mr. Fisher, Mr. DiSanto, and the Planning Commission members looked at the plan together at this time. Discussion ensued.

Mr. Knopp asked how deep the stormwater basins were.

Mr. Fisher explained that from the bottom to the top of the berm, the basins were as follows (approximately):

Stormwater basin #1 = 4' deep

Stormwater basin #2 = 5' deep

Stormwater basin #3 = 3' deep

He said that there was spillway, so they won't always hold that much water.

Mr. Fausey said he was just concerned about the kids going in them. He pointed out that he also owns/maintains a stormwater basin and the kids are always wanting to play in it. He does not have a fence around there, so he says he keeps an eye on it. But he feels maybe there should be a fence around any basin that holds more than a couple feet of water.

Mr. Fisher said the basins will not be filled with water all the time. But for a period of time there will be a couple feet of water in them. But he asked if all the basins and streams in the township are fenced in. He said he grew up playing in the streams, creeks, and lakes, so when he hears about fencing a stormwater pond, he feels it is kind of excessive.

Mr. Fausey added that it would be hard to make it look nice, as well.

Mr. Fabian stated that in the Ordinance it is left up to the discretion of the engineer on that. He said he is only aware of fencing around wet ponds where there is always a

pool of water. The only basins he can think of that are fenced off are in the warehouse areas.

Mr. Fausey pointed out that on Sheet 17, line 5, it says “Susquehanna Township” instead of “Lower Swatara Township”. That will need to be fixed.

Mr. Fisher said they will most certainly change that.

Mr. Latsha asked if there will be a 15-mph speed limit sign placed since it is in a school zone.

It was brought up that there are already speed limit and school zone signs in place there.

Mr. Knopp asked if there were any other questions or comments from anyone.

Mr. Fabian stated that the major technical comments have been addressed. More information will be needed on the Tot Lot but he is comfortable with the remaining items that were discussed tonight.

Ms. Korber asked if there would be an HOA in place.

Mr. DiSanto said no, this is one single lot under one ownership.

Ms. Korber asked who would be maintaining the basins and swales.

Mr. DiSanto said the owner of the lot would maintain them.

Ms. Korber added that she herself as a planner, but not speaking on behalf of the County, feels a crosswalk would be a good idea.

Ms. Korber also said that since they already had the scoping meeting with PennDOT, she is sure it was brought up, but some of County’s data pinged Oberlin Road and N. Union Street as kind of crash heavy for an intersection. So she thought maybe adding more homes may make that worse.

Mr. Fisher said that is something the traffic engineer will certainly look at.

Mr. Diamond stated, as a follow up, that with the BMPs, ponds, and everything and being that there is no HOA, it will be the property owner's responsibility until a HOA may be formed in the future.

Mr. Fisher said that is correct. If it would ever transition into "for sale" lots, they would have to come back as a subdivision.

Mr. Knopp asked for any other questions or comments. There were no more at this time.

Mr. Knopp asked for the waivers to be addressed.

- Mr. Young asked that first, before voting on the waivers, the Planning Commission recommend to the Board of Commissioners that they communicate, either by letter or staff communication, that we feel it is important and a necessary improvement to have a crosswalk where Union Knoll West and Oberlin Road come together.
- Mr. Latsha seconded that motion. So when the plan on a whole is approved for recommendation, this can be added as a stipulation.
- All were in favor

Mr. DiSanto said that if someone does make the recommendation of conditional approval, they will put it in writing stating that they will submit for a crosswalk in the HOP, he feels that would hold them accountable.

Mr. Latsha stated that he plans to recommend approval, but it will be with the stipulation that Triple Crown will have to do that as part of the approval process.

Mr. DiSanto said they are also in full agreement and will make every good-faith effort to do that with Township Staff support, but he cannot guarantee that PennDOT will allow.

Mr. Latsha said he understands that, he just wanted to make sure they were supporting the idea and the concept and trying to obtain it.

Mr. Young added that we are aware that PennDOT has the ultimate approval on this, we just want you (developer) in good faith to do your best to get that approval.

Mr. Fure asked if we put the crosswalk in, would a curb cut need to be done on Middletown Area High School's property.

Mr. DiSanto said that it would have to be done on the PennDOT right-of-way. He doesn't feel the school district would allow them to connect to their walking trail, based on the conversations they had. But at least if somebody would be willing to do something in the future, it would be through the right-of-way and to that point, so the connection could occur.

Mr. Diamond added that PennDOT will not allow you to land that on the other side of the road without putting a ramp or something, it cannot just lead to nowhere.

Mr. Fure said we would have to work something out with the school district to connect it with a sidewalk.

Mr. Latsha asked for clarification that the school district is on record as not opposing, they just don't want to affirmatively support it. He asked if that was in writing somewhere.

Mr. Chris DiSanto said that they sent a letter to them (TCC) that basically said they were providing zero comment in either direction. Their reasoning was that if they claimed to be supportive of the crosswalk and something would happen there, they would be liable for putting in a crosswalk; and if they claimed to be opposed to it and something would happen, they would be liable for being opposed to it.

Mr. Knopp asked what the Planning Commission would like to do with the two waivers.

- 1st waiver – To not install curbing along Oberlin Road.
 - Mr. Fisher informed the PC that this one was actually acted upon in July.
- 2nd waiver – To not propose stormwater easements around roof drains.
 - The PC asked for clarification as to what this was about.
 - Mr. Fabian explained that we had asked that it was graphically shown since they were going to be around the building; since there might be slight movement as they are building to where they actually are, they asked if they could reference it with a note instead of graphically showing it on the plan. In the note, they have that it

would encompass the entire roof drain to the connection with the storm-sewer system. HRG is comfortable with how they are addressing that.

- Mr. Young said that based upon the professional advice of the Township Engineer and the Township Solicitor, he made the motion to recommend approval to the Board of Commissioners
- Mr. Fausey seconded the motion.
- All were in favor.

Mr. Knopp asked for any other questions or comments on this plan.

There were no further questions or comments at this time.

Mr. Knopp asked the Planning Commission what they would like to do with the overall plan.

- Mr. Latsha made the motion to recommend approval with the stipulation that they request a crosswalk from the point on the plan that was discussed tonight.
- Mr. Diamond asked for confirmation that they would show on the plan where the crosswalk is going to be proposed.
- Mr. Fisher confirmed that.
- Mr. Fausey seconded Mr. Latsha's motion to recommend approval with the stipulation.
- All were in favor.
- Mr. Knopp announced that the plan was approved with stipulations.

OTHER BUSINESS:

The next Planning Commission Meeting will be scheduled for Thursday, October 27, 2022, at 7:00 P.M.

ADJOURN:

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

Meeting adjourned at 7:33 P.M.

Respectfully Submitted,

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