**M I N U T E S**

**LOWER SWATARA TOWNSHIP \*REGULAR MEETING**

**PLANNING COMMISSION MARCH 25, 2021 7:00 P.M.**

\*Tonight’s meeting was held as both an in-house meeting and an electronic meeting via Zoom due to the ongoing COVID-19 restrictions.

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

Chauncey Knopp, Chairman Ann Hursh, LST Planning & Zoning

Kimber Latsha Dennis Fausey James Young Tonya Condran, Recording Secretary

Present via Zoom:

Eric Breon, Vice Chairman Peter Henninger, Solicitor

Shawn Fabian, HRG Alexa Korber, DCPC

Others present in person:

Betsy McBride, LST Manager Ron Paul, LST BOC

Judd Dayton, SSA Ron Secary, SSA

David Goode, Kinsley Properties Joe Caughy, Kinsley Properties

Dale Messick, resident Chris DiSanto, Triple Crown Corp.

Others present via Zoom:

Chris DeHart, LST BOC Bill Schnoor

Juan Bonilla Jeramy Bittinger

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES:**

Mr. Knopp asked if there was a motion to approve the January 28, 2021 meeting minutes. Motion was made by Mr. Fausey to approve the minutes and seconded by Mr. Young. All were in favor. Minutes were approved.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**a. Preliminary/Final Land Development Plan for RLIF Fulling Mill Holdings, LLC,** 131 Fulling Mill Road – Planning Commission File #PC2021-01, 50.3 acre site for additional parking/relocation of existing parking with the required modifications to utility and stormwater infrastructure. Property is located in the Industrial District, submitted by Navarro & Wright Consulting Engineers, Inc.

Bill Schnoor of Navarro & Wright Engineering explained what they were proposing. This is an existing facility and they are proposing minor improvements to increase the surface parking primarily for tractor-trailers. As a result of that, it displaces some of the employee parking so there is some surface parking for the employees that are being added in the lower area. There are no changes to the building footprint. There are only minor adjustments to the Stormwater Management Facilities. To provide extra space for the surface parking, the two retaining walls will need to be extended.

Mr. Schnoor went on to say that it is a very minor, very simple plan and asked if anyone had any questions.

Mrs. Hursh added that the variance they had gotten years ago was for parking back in the one corner. What they are doing on the plan does not encroach any further and would not affect that variance.

Mr. Schnoor added that they did receive the comments from the Township, they reviewed them and they are confident that they will be able to adequately address all the comments.

Mrs. Hursh addressed the Planning Commission stating that they are requesting a waiver of the Preliminary Plan. She said the rest of her comments are very minor: a building permit will be needed; add a note saying they will mow the right-of-ways; if the new parking will be illuminated; sewer easement; and that they are not adding any new employees.

Mr. Fabian from HRG said they had reviewed the waiver request and recommend approval of it. This is a very typical request. He said HRG’s comments are relatively minor, as well. There are some clerical items on the Stormwater Management Plan, but nothing that is going to shift anything around. And their usual administrative items and placeholders as we progress through this process, that they will need to complete.

Mr. Knopp asked if anyone had anything else.

Mr. Schnoor said it was requested that the applicant provide for a signatory sewer easement for planned sewer extension in the future. So the applicant, as part of the plan, will be dedicating the requested easement.

Mrs. Hursh added that up further, the Fiddlers Elbow Warehouse gave an easement through there so that we can have a gravity sewer line at some point in the future. So this is the remainder of that easement.

Mr. Fabian stated that the applicant was kind enough to consider this and they are processing that now as they are going through the land development process. This will leave just one additional parcel that we would have to secure the easement on for that gravity line coming from N. Union Street down to Fulling Mill Road.

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

There were none at this time.

Mr. Knopp asked Ms. Korber if Dauphin County PC had any comments.

Ms. Korber stated that Dauphin County’s comments were minor, as well. She was comfortable deferring to Mr. Fabian from HRG with his stormwater comments.

Mr. Knopp asked Mr. Henninger for any comments.

Mr. Henninger asked Mr. Fabian if the retaining walls issue has been resolved.

Mr. Fabian responded that Mr. Schnoor had provided some clarification on that and he said it seemed reasonable to him. He then asked Mrs. Hursh if she had time to review that.

Mrs. Hursh said she did. She explained that the question was if they continued the retaining wall, do they have to go back for the variance. But the way the retaining wall is looked at in one section of the Ordinance is like the side of a fence. This is a retaining wall that they need to reinforce the property to put the parking on, so it is fine for what they are wanting to do. It is just a continuation, not a new wall, and we are good with that.

Mr. Henninger concurred that if Mrs. Hursh and Mr. Fabian were good with that, he also was good with it.

Mr. Knopp brought up the one waiver for Preliminary Land Development Plan.

Mr. Latsha made the motion to approve this waiver. Mr. Young seconded the motion. All were in favor. Waiver was approved.

Mr. Knopp asked for a motion on the plan itself.

Mr. Latsha made the motion to approve the plan. Mr. Young seconded the motion. All were in favor. Plan was approved with stipulations.

**b. Preliminary Plan for Kinsley Residential Development for DHK Residential, LLC,** Planning Commission File #PC2021-02, 72.2 acres for 103 single family lots located in the Residential Urban District, submitted by Snyder, Secary & Associates. Project is located north of the turnpike and east of Stoner Drive.

Judd Dayton of Snyder, Secary & Associates explained that this parcel was part of a three parcel purchase. D&H is building on the main parcel where Jednota used to be, this subject parcel is on the north-side of the Turnpike off Stoner Drive, and the third one is an industrial property on the south-side of Rosedale Avenue. As far as the north lot goes, it is tucked in between the Turnpike to the south, the Airport Connector to the east, and Stoner Drive to the west. The frontage of this property actually is closest to Riverview Drive and this is where they are proposing the main access to the development.

Mr. Dayton went on to say that there are some challenges as most sites seem to have these days. One of these challenges are the pipelines going through the property. There is one pipeline that sort of bisects the site and then on the south-side along the Turnpike there are a whole bunch of pipelines (at least four, possibly five).

Mr. Knopp asked if they were all active pipelines.

Mr. Dayton said they believe almost all of the pipelines are active, but there may be two that are inactive. The one in the middle of the site is the one they are most concerned about.

Mr. Dayton then discussed the watercourses and drainage ways that cross down through the site. There is a watercourse that follows Stoner Drive down to Riverview Drive crosses over and continues south to the Turnpike. There is also a wetland where a watercourse leaves it and continues southwest where it meets up with that other watercourse and continues south where there is another wetland. And there is another watercourse in the southeast corner that they haven’t managed to get to because of all the pipelines.

Mr. Dayton said the development itself is 103 residential parcels, roughly 2/10ths of an acre each. They are looking at a single access off of Stoner Drive with Stormwater Management interspersed in around there.

Mr. Knopp asked what happened to the two accesses.

Mr. Dayton said they did start with a second access, one as far down the frontage on Stoner as they could. In trying to work out the details of that, there were a whole lot more woodlands they would need clear to have that. There were some wetlands just north of that they were trying not to impact. There were also some crossing watercourses. This all would have meant more wood clearing and another road crossing going over the Buckeye Pipeline. So with those environmental constraints in mind, they asked if the Ordinance required a second access into the development. They determined that it did not and proceeded with the design with a single access.

Mr. Fausey said there should be at the least a four-way stop sign there.

Mr. Dayton said ok. They had already planned for the one stop sign and there is one at Riverview. But they could look into that.

Mr. Knopp let in known that he was not in favor of a single access into the development.

Mr. Fausey concurred that 103 houses would generate a lot of traffic for a single road access.

Mr. Dayton said it is a chunk of traffic but it is not huge amount. He said they did look further north but there really isn’t a spot between Riverview and the Airport Connector that provides sight distance and safe access. There is also more woodlands and environmental issues that they would have to deal with. Also there is quite a bit of elevation to deal with up in the northern corner of the site. So he said they did evaluate a lot of the frontage for a second access and found that the Riverview access was the only suitable one.

Mrs. Hursh informed that we haven’t gotten comments from the Fire Department on this. But she does know from experience that the access into the development will be a comment because of emergencies. If something happened at that one access, you would have 103 households stuck in there.

Mr. Dayton stated that they have, in some instances with residential developments with a single access, they did a wider access to provide extra space for emergency vehicles. This would provide two means of two-way traffic with one cart-way. He asked if they put a median between the two roads and made the roads wide enough for two vehicles to pass each other, would that be sufficient.

Mr. Knopp said not for him; that would not be sufficient. He still would like to see two accesses. He then asked the other Planning Commission members what they thought.

Mr. Young asked Mr. Dayton what in the Ordinance lead them to believe that one access would be acceptable.

Mr. Dayton answered that they could not find any section of the Ordinance that required a second access.

Mr. Fabian said that the only thing that he saw in the Ordinance was in specific reference to a cul-de-sac layout. But since this an access with loop-drives in a development, it didn’t really apply.

Mr. Henninger added that he also looked this issue up and he didn’t find anything referring to it in the Ordinance either. He said clearly the safety issue is that if there is an accident right there at the intersection to the entrance into the development, what do you do? This will be a major concern with the Fire Department.

Mr. Knopp asked if anyone had any other comments.

Mr. Fausey felt that putting in a second access isn’t impossible.

Mr. Dayton agreed that it isn’t impossible but it is very difficult and environmentally unfriendly. He said they would also have the challenge of crossing the Buckeye Pipeline with the road. Also another challenge would be the watercourse crossing.

Mr. Henninger’s response to that was that they were already crossing the Buckeye Pipeline anyway and they have to do a stream crossing already as well.

Mrs. Hursh stated that they have two waiver requests; one for the plan size and one for horizontal curb requirements.

Mr. Knopp asked for Mr. Dayton to explain the horizontal curb.

Mr. Dayton said the Ordinance has an obscure requirement that directs you to a PennDOT reference that goes to another PennDOT reference that goes to a National Highway reference that specifies center line or lane geometry based on tilting the pavement for super elevations so that you have comfort of travelling vehicles at speed. The particular raise on the west end doesn’t quite meet that requirement but it does meet normal standards for residential development. So they were proposing to prepare a firetruck and a school bus template to make sure the geometry works as they intend it to.

Mr. Knopp asked Mrs. Hursh if the Fire Company would look at that also.

Mrs. Hursh said yes.

Mr. Knopp then asked for the Plan Size waiver to be discussed.

Mrs. Hursh explained that the plan size is supposed to be 24” by 36” but they want it bigger because of the way the property is shaped. On some projects if you try to shrink it down, it is too hard to do reviews.

Mrs. Hursh continued that these were the two waiver requests. She informed that she has the HRG comments which include some zoning review. She explained that she just did a very general zoning review since HRG would be handling the review on this.

There is a typo on the parcel number that is listed on the plan; the retaining walls will require a separate building permit; a note needs to be added that the right-of-ways will be mowed; and at some point they need to get with the Post Office to have the names of the streets confirmed and work with them on some numbering. Mrs. Hursh added that there was a concern with one of the proposed names of the streets: Churchill changes to something else in the middle. She said she wasn’t sure the Post Office would approve that, but they could work with the Post Office to see where they would want the street name to change.

Mrs. Hursh went on the talk about the recreation areas and the fee-in-lieu-of. She also asked if there was a Home Owners Association (HOA) proposed.

Mr. Dayton said there will be an HOA, there will be a lot of open space that will be common within the Development.

Mrs. Hursh added that the HOA would maintain the Stormwater and the open green spaces.

Mr. Fausey asked if the HOA would assume the responsibility of space for recreation.

Mrs. Hursh explained they would be responsible for the open areas.

Mr. Knopp asked Mr. Fabian for his comments.

Mr. Fabian said that Mrs. Hursh already reviewed some of the comments that HRG had. He said there isn’t a lot within the Ordinance to demand a second entrance but he did have concerns about that. The Township’s Fire Chief might also offer comment on that. They are also trying to work through some addition questions that Snyder, Secary & Associates had on sight distance on Stoner Drive. There are also some clerical items for showing easements; showing proposed water lines so that we have them graphically shown; discussing street names. Mr. Fabian said the biggest thing for him was solidification on some of the items for open space and how to handle recreation on site. As far as Stormwater Management, Mr. Fabian did have some concerns with protecting infiltration practices; they generally like to see additional Erosion & Sedimentation Controls on any infiltration practices just to make sure they are not damaged during construction to affect their placement. He also had other specific stormwater design comments. There are some topography challenges on the site, but he feels the proposed layout works out well with these challenges. Aside from the entrance and some clean-up work coming to agreements on stormwater items and sight distance, he feels there is nothing major that would affect the layout of the site overall.

Mr. Knopp asked Ms. Korber from Dauphin County Planning for comments.

Ms. Korber said that a lot of her comments were touched on already, but she wanted to reiterate the point about the entrance. The County noticed that but she can see both sides of it. She said she is the environmental person in the office so she loathes to tell people to tear down trees and pave over streams. She pointed out that Lower Swatara Township is an MS4 municipality with an MS4 Coordinator who handles the program; so if something does have to give here, she feels a sit-down discussion with this person in case we do have to add a second entrance, there would be an opportunity for some stormwater BMP mitigation type things in the future. Ms. Korber also discussed the pipelines and the fact that there is nothing that can be done about that, but she asked if that was something that must be disclosed to the home buyers, by law.

Mr. Dayton said he believes so. In this case, they’ve been careful to arrange lots around them so that there is no pipeline on anyone’s property.

Mr. Knopp asked Mr. Henninger for any more comments.

Mr. Henninger said no he did not at this point. There is quite a bit more work to be done and he would like to hear from the Fire Company first.

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

Mr. Fausey said that since we are not in agreement on some things, especially the second entrance, so he feels this needs to be tabled.

Mr. Knopp asked if we should do the waivers first.

Mrs. Hursh said she prefers if we do the waivers when we do the Plan.

Mr. Knopp asked for a motion on this plan.

Mr. Young made the motion to table the plan. Mr. Fausey seconded the motion. All were in favor.

Plans was tabled.

**c. Triple Crown Corporation – Petition to Amend Zoning Ordinance –** Review and discuss for recommendation the application for Zoning Text Amendment as submitted by Triple Crown Corporation to allow townhouses as a Special Exception in the Commercial Neighborhood District (C-N).

Mrs. Hursh explained the proposed Zoning Text Amendment. This is in regards to putting townhouses on the property across from the school complex that is zoned Commercial Neighborhood, which does not permit a rental townhouse community. So the Text Amendment wouldn’t change the zoning, it would just add another permitted use.

Chris DiSanto with Triple Crown Corporation explained that they had come before the Planning Commission in January and presented a rough concept plan, then went to the Board of Commissioners and talked to them about this. Then they came back in March with a proposed amendment and based off some comments they received, they made some additional contingencies to the Ordinance for this. He went on to explain what they had proposed. It is 22 acres across from the High School and it has been sitting there undeveloped as Commercial Neighborhood for a very long time. It has the same pipelines running through it as the previously discussed plan (for the DHK residential development) which really restricts some of the development. He said they believe this is a good way to get this piece developed. The current C-N Ordinance does allow for high density residential under the Special Exceptions, Student Housing and also Retirement Communities. So the only thing that is not permitted on the residential side is market-rate type housing community, they think what they are proposing fills the void while putting enough limitations. They feel the Township doesn’t have to be concerned about the entire C-N Zonings in the township being developed. He feels 15+ acre parcel size and 20% open space requirement would really limit the rest of the C-N Zoning Districts because they would not be able to fit those requirements for development of townhouses. So on the updated Ordinance that they sent out, they have the 15 acre continuous parcel, public sewer and water, density similar to Student Housing, number of bedrooms per dwelling unit, additional parking requirements to keep parking spots within walking distance to the units, restrictions that rental units must have a manager who is available 24/7 to the Township, the open space requirement, and then the multi-family requirements.

Mr. Knopp asked Mrs. Hursh for any comments.

Mrs. Hursh said that we are waiting for County’s review comments. (Ms. Korber said this is on the agenda for the April meeting.)

Mr. DiSanto asked when the April meeting for the County will be.

Ms. Korber said it will be held on April 5th.

Mr. Henninger added that the Board of Commissioners has scheduled this for a Public Hearing as required by the MPC (Municipalities Planning Code) for their second meeting in April (April 21st). As required by the MPC, they must provide 30 days’ notice for the Township Planning Commission and the County Planning Commission to review.

Ms. Korber said that the 15 acre requirement is due to having a specific area of the C-N Zoning District in mind, but it won’t necessarily fit in other areas with the same Zoning, so she is asking if that is really necessary.

Mr. Young asked if this is the last undeveloped C-N Zoning District.

Mrs. Hursh said it is, however, Fulling Mill Retirement Community (The Pond) is also zoned C-N, so that is why some of these things are added so it wouldn’t affect that piece.

Mr. DiSanto said from their review of the Township, he thinks there were 3 or 4 other small C-N Districts under 3 acres. The only one that would’ve come close is the Fulling Mill property but it already has a retirement community proposed for it. So if they took that plan off the table and brought in a new plan, it would not meet these new conditions based off the lot size. So that requirement is in there to control the rest of the undeveloped C-N Zoning Districts.

Mr. Henninger said the other option would be zoning this as allowing townhouses, but then we would be in spot-zoning and we definitely do not want that. This property has been zoning C-N for at least twenty years and there has been no action. There are pipelines and utilities crossing this property all over the place, which is probably why you haven’t seen any development there. One thing to think about is if it fits in with the neighborhood; he feels townhouses fit in better than a Rutter’s or a Sheetz or other C-N uses.

Mrs. Hursh reminded that this is just for the Ordinance. The Plan will have to come in as a Land Development Plan that will come in at a later time.

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

Mr. Latsha said he agreed with Mr. Henninger that a townhouse development would be more consistent with the character of what is developed on that road.

Mr. Knopp asked if there was a recommendation from the Planning Commission.

Mr. Young made the motion to recommend approval of the proposed text amendment to the Ordinance. Mr. Latsha seconded. All were in favor.

Proposed Text Amendment was approved.

**OTHER BUSINESS:**

1. Mrs. Hursh explained that tonight we have heard how our Ordinances may be outdated or something is not included, so last night was the Zoning Hearing Board and we had two variances for pole buildings or large garages and Zoning Hearing Board got a little concerned that this is now the second and third hearing for those type of buildings and another one will be coming within the next couple months. So the Zoning Hearing Board is a little concerned that if they do these variances for these garages on a regular basis, eventually there is going to be one in the middle of a subdivision that nobody wants but they have approved all the other variances. The problem is the height. In a residential zone, your accessory structure can only be 14 feet high. They are looking at a house being 25-35 feet high and a typical shed will be 14 feet or lower. She looked into it and the 14 feet height limit is what most municipalities have. So anything higher than 14 feet would need a Zoning Hearing variance. But if you are doing that all the time, then clearly something should be done with the Ordinance. So the Zoning Hearing Board has requested that they meet with the Planning Commission and the Board of Commissioners to talk about what they would like to see in the Ordinance. The things they mentioned were the building height, signs, fencing. So some of them are simple, but these are things we’ve been trying to do for years but never get to.

Mr. Young mentioned the Wilsbach and D&H restrictions on the 30 or 40 feet height waiver request because they couldn’t feasibly do their operations within that limit and we have routinely recommended the variances on those.

Mrs. Hursh said that most municipalities’ ordinances are out of date with that because they are putting the racking at 30 feet so they need the higher buildings. So yes, that would be another one. When we did the recodification, we knew there were a lot of changes we would like to make but we concentrated on typos and little things, so we didn’t want to throw in some of these common things in Ordinance because there is so much more. Mrs. Hursh reiterated that the Zoning Hearing Board would like to have a meeting with the Planning Commission and the Board of Commissioners, but they don’t know when yet.

Mr. Henninger feels this is a good idea to try to get as many as the three boards together to talk about it and have a consensus and then the direction can be given from the Planning Commission to work on some of these things.

Ms. McBride asked if this was a public conversation.

Mr. Henninger replied that it would definitely be a public conversation unless you want to just have two members from each board, but he said he wouldn’t know why you wouldn’t want this to be a public process. Because you may get public input that makes sense.

2. Mrs. Hursh announced to the Planning Commission tonight that she has handed in her resignation. Her last day will be June 11, 2021.

3. The next Planning Commission Meeting will be scheduled for Thursday, April 22, 2021 at 7:00 P.M.

**ADJOURN:**

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

Meeting adjourned at 7:56 P.M.

Respectfully Submitted,

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Ann Hursh, Planning and Zoning Coordinator