**M I N U T E S**

**LOWER SWATARA TOWNSHIP \*REGULAR MEETING**

**PLANNING COMMISSION NOVEMBER 19, 2020 7:00 P.M.**

\*Tonight’s meeting was held in the Board Room and also as an electronic meeting via Zoom for the solicitor and engineers due to the ongoing COVID-19 restrictions.

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

Chauncey Knopp, Chairman

James Young

Ann Hursh, LST Planning & Zoning Coordinator

Others Present via Zoom:

Eric Breon, Vice Chairman

Dennis Fausey

Peter Henninger, Solicitor

Mike Wood, HRG

Alexa Korber, DCPC

Tonya Condran, Recording Secretary

Absent:

Kimber Latsha

Others Present:

Dale Messick, resident

Adam Davis, BL Companies

Peter Wertz, McNees Wallace & Nurick

Josh Murray, Centurion Construction

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF MINUTES:**

Mr. Knopp asked if there was a motion to approve the July 23, 2020 meeting minutes. Motion was made by Mr. Young to approve the minutes and seconded by Mr. Fausey. All were in favor. Minutes were approved.

**NEW BUSINESS:**

* 1. **Preliminary/Final Land Development Plan for Fulling Mill Road** – Planning Commission File #PC2020-03. Located at 250 Fulling Mill Road, consisting of approximately 9.08 acres for an 82,500 sf warehouse, the property is located in the Industrial Park zone, owned by Mountaineer Properties LLC, submitted by BL Companies.

Adam Davis from BL Companies came to the microphone to explain the proposed project. He explained that there are no known tenants for the site right now, but it is planned for two tenants.

Mr. Davis continued to describe the proposed project. He displayed a plan and showed where the access would be provided through private drive. The owner does have permission to access the private drive. There will be loading docks located along the eastern side, parking will be located on the northern and southern sides of the building. Retaining walls will also be constructed.

Mr. Davis asked if there were any questions on site layout at this time.

Mr. Knopp asked if there was just one entrance and exit into and out of the warehouse.

Mr. Davis showed on his plans that there were two accesses.

Mrs. Hursh said that one of the comments she had was a request to give us truck turning templates because the parking seems a little tight. She also added that we did get Fire Dept. comments back. Also HRG has substantial comments about Stormwater.

Mr. Wood addressed HRG’s comments. They would like to see a lighting plan and a truck-turning plan for the site. He said they understand that there is going to be water service work done on Fulling Mill Road, so they would need that documentation whenever that comes through. They’d also like to see the fill design since it looks like there will be a lot of fill. They would also like to see the structural engineering design for the retaining walls. There were several other items that Mr. Wood listed that HRG would need from the applicant before approval.

Mr. Knopp asked Mr. Henninger for any comments.

Mr. Henninger had two comments. On page 2 of the plan (GM-1), under Definitions, it states that the Sanitary Utility Provider shall be Lower Swatara Township Public Works, but that should be changed to Lower Swatara Township Municipal Authority. The other comment was that at looking at the plans and deed, it appears that Sunrise Holdings still owns the private road. Although they deeded off the property to Mountaineer, they did not deed off the unnamed existing private road. They did mention on the plan an access easement agreement, but that access easement agreement is between Sunrise Holdings and themselves that predated the transfer of this property to Mountaineer. Mr. Henninger says there is nothing that he has found in looking at the recorded document that indicates any access easement to this property off of that private road. He also explained that when he looked at the deed to the FedEx property, that legal description does not include the private road nor does Mountaineer’s deed. So that issue needs to be resolved because for some reason it looks like Sunrise Holdings retained ownership of that private road. Mr. Henninger says he needs to see the agreement for use of that road.

Mr. Davis confirmed that Mr. Henninger was correct. The private road is not with the subject property.

Mr. Henninger interjected that nor is it with FedEx.

Mr. Davis said in speaking with their client, he does or he will have this agreement showing legal access to this site.

Mrs. Hursh will make that a comment on her revised Plan Review under Easement Agreements.

Mr. Knopp asked Ms. Korber if she had any comments from DCPC.

Ms. Korber asked if on the other side of the cul-de-sac drive, is there is a facility that is active.

The answer was yes, there is an active facility with trucks and cars coming in and out.

Ms. Korber said that was her concern. With trucks coming in and out of the neighboring facility and also with the proposed warehouse, there could be some back-up caused there. She wasn’t sure if it would affect people getting in and out.

Mr. Davis responded that although a full-fledged traffic study on that road will not be performed, they will perform a trip generation analysis. He doesn’t feel there will be constant trucks coming in and out, so he doesn’t see a traffic problem arising between the two warehouses.

Mr. Henninger asked to add one more thing. In regards to the sanitary sewer easement, he said he has not seen HRG’s review of the relocation of the existing sewer easement.

Mrs. Hursh explained that we will be getting that later, probably at the December meeting.

Mr. Knopp asked if anyone else had any questions or comments.

Mr. Fausey asked if this plan was ready for approval.

Mrs. Hursh and Mr. Knopp both said no, it would have to be tabled until all issues were resolved.

Mr. Davis said they knew coming in tonight that this would probably be tabled, but they just wanted to introduce everyone to the plan and get any questions so they could address them in the resubmission.

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

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

Mr. Young made the motion to table this item until the next meeting.

Mr. Fausey seconded that motion.

All were in favor. Item was tabled.

b. **Special Exception SE2020-06**

Applicant is AT Properties, LLC & Illuminated Integration, LLC, for property located on Fulling Mill Road, west of the LST Fire Station, Middletown. Applicant is requesting a Special Exception to §27-1402 to allow a use not specifically provided for with a 21,200 sf Audio Visual building that will include a showroom, storage space, an office and a design area.

Peter Wertz from McNees Wallace & Nurick introduced himself and Josh Murray of Centurion Construction. He explained they were requesting a Special Exception for a use not provided for to construct an audiovisual center on an approximately 3.4 acre tract north of Fulling Mill Road. AT Properties is the record owner of the tract; Illuminated Integration is its subsidiary. The tract is located in the Commercial Neighborhood Zoning District. It is an infill tract located in the core of the township; a planned growth area designated by the Comp Plan. The proposed use is an audiovisual center; Illuminated Integration provides start to finish design and installation of audio, video, lighting and rigging performance systems for larger institutional and business uses. Design professionals meet with clients and talk through their needs, providing recommendations for types of components that best suit their space. Once the design is set, the components are delivered to Illuminated Integration, modified if necessary, and then Illuminated Integration installs those performance systems on the premises of the client.

Mr. Wertz went on to describe the building. It will be 21,200 square feet, it consists of a display/showroom for components and parts, an office and design area, and a storage area for components awaiting installation. The site has access from Fulling Mill Road. There is currently a scoping application that has been submitted to PennDOT for the location of the driveway which will be at the southeast boundary of the property. There will be 30 automobile parking spaces, 27 are required per the Zoning Ordinance. There will also be 8 spaces for box trucks. Traffic will be minimal considering it is not a retail use, it is for institutional larger clients such as museums, schools, big corporations, etc. They anticipate 2 truck deliveries a day.

Mrs. Hursh reiterated that the reason we are here tonight is that this is in a Commercial Neighborhood Zoning District and this particular use isn’t a use that is listed in our Ordinance. However, our Ordinance is a little out of date and when it was done, nobody thought to add audiovisual to the list of permitted uses. Some of the uses that are permitted are liquor stores, pharmacies, eateries, etc., so all of those would have more regular traffic than what they are proposing. As far as the use goes, Mrs. Hursh does not see a problem with it. Her only concern what that they still haven’t worked out their access easement with the pipeline.

Mr. Wertz explained that they were working through the pipeline’s easement requirements and guidelines as far as what is needed. According to their guidelines, there is not to be any parking, so they changed the design. Mr. Wertz continued to say that they moved forward with some changes and got the Pipeline’s blessings at this time.

Mr. Knopp asked where the pipeline is on the property.

Mr. Murray said it runs across the driveway.

Mr. Wertz explained that currently there is a gas line that bisects the property. The intent is to have it rerouted around the boundary of the property and the gas company has given the ok to proceed. It is not an active line currently.

Mr. Knopp asked Mr. Henninger for his thoughts on this.

Mr. Henninger said in his opinion he feels it is a permitted use if comparing it to the other side of the street which is Commercial Highway. He feels, from a Variance standpoint, that there is no hardship because it is a straight Commercial Neighborhood District. But he feels it is clearly compatible with what else is in the district. There is a certain retail aspect to it with customers coming in and out, so from a legal standpoint Mr. Henninger does not see any problems with it.

Mrs. Hursh said the only comment she had was that in a Commercial Neighborhood Zone, you cannot have any outside storage. But they are not proposing any outside storage.

Mr. Wertz confirmed that they are not proposing any outside storage.

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

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

Mr. Young made the motion to recommend to the Zoning Hearing Board that they approve the Special Exception.

Mr. Fausey seconded the motion.

All were in favor.

**OLD BUSINESS:**

None

**OTHER BUSINESS:**

The next Planning Commission Meeting will be scheduled for Thursday, December 17, 2020 at 7:00 P.M.

**ADJOURN:**

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

Meeting adjourned at 7:39 P.M.

Respectfully Submitted,

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Ann Hursh, Planning and Zoning Coordinator