

## MINUTES

**LOWER SWATARA TOWNSHIP  
PLANNING COMMISSION**

**REGULAR MEETING  
JUNE 22, 2017 7:00 P.M.**

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

Chauncey Knopp, Chairman  
Eric Breon, Vice Chairman  
Paul Wagner  
Dennis Fausey  
Peter Henninger, Solicitor  
Erin Letavic, HRG  
Tom Edinger, DCPC  
Robert Greene, LST Planning & Zoning Coordinator  
Ann Hursh, LST Planning & Zoning Coordinator  
Tonya Condran, Recording Secretary

Others in attendance:

Cole Boyer, Phoenix Contact  
Rob Henning, Phoenix Contact  
Tom Potteiger, Phoenix Contact  
Ron Paul, Township resident  
Chris DeHart, Township resident

Absent:

Kimber Latsha

### APPROVAL OF MINUTES:

Mr. Knopp asked if there was a motion to approve May 25, 2017 meeting minutes. Motion was made by Mr. Fausey to approve the minutes and seconded by Mr. Breon. All were in favor. Minutes were approved.

### OLD BUSINESS:

None.

### NEW BUSINESS:

**PHOENIX CONTACT** – Review and discuss for recommendation the application for the Final Land Development Plan #2017-04 for the expansion of the existing distribution center

and construction of the associated parking facilities, access drives, and stormwater management facilities as submitted by Stahl Sheaffer Engineering for Phoenix Contact, Inc.

Cole Boyer from Stahl Sheaffer Engineering introduced himself and gave a brief overview of what has been happening at Phoenix Contact over the last few years. Back in July of 2012, there was a land development plan that was presented to this Planning Commission and the Board of Commissioners that got recorded. That created more manufacturing and research facilities to the point where the existing distribution center cannot handle the amount of product that they build and cannot ship it out. This is the reason that they now need to build the 69,000+ square foot building. To do that, they need to relocate the existing road as well as the existing utilities (gas, electric, water and sewer lateral) in that area.

Mr. Knopp asked HRG for comments.

Mrs. Letavic said there was a curious zoning situation that she would like to defer to Mr. Greene about.

Mr. Greene said that the biggest issue was the parking in the front landscaped buffer area. The plan illustrates that there is a 75 foot buffer yard. By the increase of their building area, the Ordinance now requires 125 foot setback from the right-of-way line. Since that is to be a buffered area, it prohibits parking in that area.

Mr. Henninger added that with this proposed addition it bumps up to over the 300,000 square foot threshold which changes the buffer from 75 feet to 125 feet. Whatever is already in the buffer is ok to remain there, but they are proposing to add additional parking in the buffer, which is not permitted by the Zoning Ordinance. So they would either need to move that or they need to amend their variance request to the Zoning Hearing Board.

Mr. Breon asked if we already had other spots in the buffer zone today.

Mr. Henninger said that since the buffer zone today is 75 feet, they are not in the buffer zone currently. But with what they are planning on adding, there will be parking in the buffer zone. However, that is a Zoning Hearing Board issue and not a Planning Commission issue.

Mr. Greene added that currently they are compliant. There is nothing in the current 75 foot buffer area nor would there be anything in the proposed 125 buffer area with the exception of additional parking.

Mr. Fausey asked if the proposed parking would be past the 75 feet.

Mr. Greene confirmed that it would be beyond that, yes.

Mr. Breon asked if they would have to deconstruct the parking spots or would new spots be constructed.

Mr. Boyer informed that when the new addition is built, it will put the existing parking spaces in the newly required 125 foot buffer zone. So the parking spots that are currently there would then be in violation.

Mr. Henninger added that they would go before the Zoning Hearing Board on some relief on total parking.

Mr. Boyer informed that they have a hearing scheduled for Tuesday, June 27, 2017, and they are asking for relief on providing the parking for the square footage of the building. The reason for this is because with the addition of the 70,000 square feet, it is not going to generate any additional traffic since the vast majority of it will be used for stacking boxes.

Mr. Greene then followed up with his other comments. With regards to comments #2 (show location of the Fire Department Connection) and #3 (location of additional Knox Box, if needed, shall be approved by Fire Chief), he spoke with the Fire Chief and those items can be checked off the list. Item #4 is just cleaning up data on the site plan to show the correct square footage of the building area.

Mrs. Letavic brought up #4 of her comments which asked for a status of the PennDOT review for Traffic Impact Assessment (TIA). Before this plan was submitted, we received traffic information from the Applicant basically demonstrating that there is very little anticipated increase with respect to traffic but they do have driveways on a PennDOT road. She asked Mr. Boyer to go over that with the Planning Commission.

Mr. Boyer stated that after they had submitted the plans, they received an email back from PennDOT saying they were in agreeance that there is no need to update the TIA. They are now checking to make sure they don't have to update the HOP (Highway Occupancy Permit).

Mrs. Letavic asked that they send the Township any documentation for the files so we could track it.

Mr. Boyer agreed.

Mr. Breon asked if the reason for the extra building was to increase distribution. (Mr. Boyer said that was correct). Mr. Breon then asked how they could increase distribution with a significantly sized building and not have any additional traffic.

Mr. Boyer responded that the traffic review they received from their Traffic Engineer today said there are certain numbers that you have to hit for the driveways to be considered to be in different thresholds. By PennDOT's standards, it is minimum use. Low volume is anything up to 750 trips a day coming in and out of the driveway; Medium is 750 to 1500 trips; and High volume is 1500+. When they did their permits, they were just in the threshold of the Medium volume. By adding the building on, using the standard formula for calculation, they will only increase the trips in and out by 230. So it will not be increased significantly enough to take them from the Medium volume to the High volume.

Mrs. Letavic added that with all the improvements that have been done in the past (the center line was created, the road was widened, curbing was put in), they basically did their traffic improvements already.

Mr. Fausey asked if they were thinking about future expansion.

Mr. Boyer informed that the plan that had been approved and recorded in 2012 actually has an administration tower to it. In about 5 years, they are looking to construct that building and the additional parking facilities that go with it. At that point in time, they would have to go back and revisit with PennDOT because that would create enough line of traffic coming in and out that it would probably kick it up to a High volume driveway. So at that time, they would probably have to start looking at the timing of the lights and all.

Mr. Fausey asked how many people work at this location of Phoenix Contact.

Mr. Potteiger responded that there were about 300 employees.

Mrs. Letavic advised that we would be needing a Lighting Photometric Submittal. Also, there is an Improvement Guarantee in place for the last phase of the project so as they are going through construction of this new project, to the extent that there are any unaddressed construction issues to the old Improvement Guarantee, it may make sense to clean that up or roll it over into this new project so we can start to reduce the amount of bonds that the Township is holding.

Mr. Boyer said he would make sure to discuss that with them. He then asked what the Township's preference would be...to roll it all into one or to get rid of the old.

Mrs. Letavic answered that whatever is easiest for their client is fine.

Mrs. Letavic went on to discuss #18 from the HRG Plan Review, stating that a Stormwater Management Plan is required. She asked that they label the utility/grading and profiles as part of the Stormwater Management Plan and that would take care of it without creating a whole other plan set.

Mrs. Letavic and Mr. Breon brought up the subject of lighting. Mr. Breon wanted them to be sure that they didn't light up the township any brighter than it already is in that part.

Mr. Potteiger said there will not be any other outside lights other than what is already there with the exception of maybe a wall-pack or two along the building.

Mr. Boyer added that there will only be enough lighting added to help with security.

Mr. Knopp asked Mr. Edinger if he had anything to discuss.

Mr. Edinger said they need to be sure to include the approval dates on the plan.

Mr. Knopp asked Mr. Henninger if there was anything he would like to add.

Mr. Henninger said that his concern was with the potential zoning violation. He wanted to make sure he and the board were clear on this. If they were granted the variance, those spots will disappear from the large buffer and be relocated, if needed.

Mr. Boyer said yes, they would disappear from the large buffer and would be relocated to the back if they are needed.

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

Mr. Wagner asked if with the added roof footage, the drainage from that will be absorbed on site or will it go into the storm-sewer.

Mr. Boyer said it will be a little of both. The Plan has been designed to manage the increase for that part of the building and all the other pertinents have been done for this plan and the previous recorded one on site. The rates leaving the site will also be managed by the two basins that are almost fully constructed and we are proposing a third one to be built alongside the new expansion.

Mr. Breon asked if the new basin was going to be put over by the road.

Mr. Boyer said yes. The plan shows where all the basins are and will be located.

With no other questions, Mr. Knopp asked for a motion on the waiver requesting the requirement to submit a separate Preliminary Plan and all requirements to be shown on the Final Plan.

Mr. Breon made the motion to approve this waiver. Mr. Wagner seconded that motion. All were in favor.

Waiver granted.

Mr. Knopp asked for a motion for a recommendation to send this Plan onto the Board of Commissioners for approval with stipulations and the condition that it is subject to the decision of the Zoning Hearing Board.

Mr. Fausey made the motion to approve with stipulations and conditions. Mr. Breon seconded the motion. All were in favor.

Plan was approved with stipulations and the condition that it is subject to the decision of the Zoning Hearing Board.

**WIRELESS FACILITIES ORDINANCE** – Review and discuss for recommendation the proposed Wireless Facilities Ordinance.

Mr. Henninger started off by giving a brief overview of this proposed ordinance. He said about 2 years ago, the Board of Commissioners contracted with the Cohen Law Firm which is a premier telecommunications law firm that represents municipalities in Pennsylvania. Through the COG (Council of Governments), multiple municipalities locally agreed to move forward which garnered everybody a reduced rate. The Ordinance has been ready from the Township's standpoint with staff review, comments, and suggestions made by Mr. Greene, Mr. Fure, and others in the Planning and Codes Departments, and also with Mr. Henninger's input. It has been sitting for about a year and a half because the big change in this ordinance has to do with what are called Distributed Antenna Systems (DAS) which we could call mini cell towers which is basically putting little antennas on telephone poles, etc., in public right-of-ways. The reason is has been sitting there is because your companies that do this aren't your large companies (i.e. Verizon, Comcast, AT&T, etc.) but they are other companies that provide these services for the telecommunication industry, and they were arguing that they were public utilities and thus they could place anything in a public right-of-way and the Township would have no control over what

they do. So they went to the PUC asking that they would be declared public utilities but the PUC denied their request. They took an appeal to the Commonwealth Court. The Commonwealth Court upheld the PUC's determination that they are not a public utility. So rather than going through the process of coming to the Planning Commission for review, we were waiting on the PUC's then Commonwealth Court's decisions. So now that the Commonwealth Court has acted, it is ready to move on through the process. It is really an update of our cell tower ordinance, but the big part of this is to give the Township the power to regulate the placement of these mini cell towers. This ordinance would provide as much protection as legally possible against eye-sores and intrusions in the public right-of-way and into our lives.

Mr. Breon asked if this only changes things for antennas in the public right-of-way.

Mr. Henninger said no, there are also some updates to some other things. There are some minor modifications to the other provisions of the cell tower ordinance. The Feds control this more than the States and the Local Governments do.

Mr. Breon asked where does this ordinance take effect...is it a certain height? Is it a certain location? Is it a certain type?

Mr. Fausey asked if a permit is needed to place the towers in backyards.

Mr. Greene replied that, as far as he knows, the only section that regulates those provisions are in the current Zoning Ordinance (§27-2016) which this will actually be replacing and repealing all that is in that current ordinance.

Mr. Breon was concerned if this ordinance would regulate private ham radio owners since it is only talking about wireless telecommunications.

Mr. Greene suggested we take a look at the definition of "Wireless Telecommunications" that is listed in the proposed new ordinance.

They all read the definition and decided that ham radios do indeed fall under that definition so they would be regulated by this ordinance.

\*\*\*Post-meeting note: Mrs. Hursh found in the proposed ordinance, on page 11, at the top of the page in section C (1) that the ordinance excludes any "tower that is less than seventy (70) feet in height and owned and operated by a federally licensed amateur radio status operator."

Mr. Henninger added that this new ordinance will be replacing our current one. It hasn't changed anything as far as your traditional cell tower. The biggest thing they will have to prove is that they need it where they want it placed. The Township's big push is that we don't want them to put one a half a mile from another one if they can co-locate and stay out of residential neighborhoods. However, if they can show that they need to put it in a residential zone, they will be able to because the Feds say so, but they will have to prove that. They cannot just come and place these towers in the right-of-ways just because there is an antenna up there. So we will regulate where the antennas will go and we will encourage co-location on an existing pole. Also, it will not affect existing facilities.

Mr. Knopp asked if there was a motion to approve this Ordinance.

Mr. Breon made the motion to approve. Mr. Fausey seconded the motion. All were in favor.

Motion approved.

#### **OTHER BUSINESS:**

Being that this could be Bob Greene's final LST Planning Commission Meeting, the board and staff took this time to commend Mr. Greene on a job well-done. Mr. Knopp said on behalf of the Planning Commission, they would like to thank him for all of his help over the past three years. He also stated that it has been fun and enjoyable working with Mr. Greene. All agreed Bob has done an extra exemplary job as LST's Planning & Zoning Coordinator and he will be missed.

#### **ADJOURN:**

A motion was made by Mr. Fausey and seconded by Mr. Wagner to adjourn the meeting. Motion unanimously approved.

Meeting adjourned at 7:43 P.M.

Respectfully Submitted,

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Robert S. Greene, Jr.  
Planning and Zoning Coordinator