

MINUTES

LOWER SWATARA TOWNSHIP PLANNING COMMISSION

**REGULAR MEETING
SEPTEMBER 24, 2015 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 A. Breon, Vice Chairman (*arrived after roll call)
Christopher DeHart
Paul Wagner
Peter Henninger, Solicitor
Erin Letavic, Herbert Rowland & Grubic, Inc.
Leah Eppinger, Dauphin County Planning Commission
Robert Greene, Planning & Zoning Coordinator
Tonya Bibb-Sakr, Recording Secretary

Absent:

Kimber Latsha

Others in Attendance:

Scott Snoke, SARAA for the UPS Plan
Jessica Silcox, SARAA for the UPS Plan
David Tshudy, Law firm of Pepper Hamilton, Rezoning
Rob Shaffer, Act One, Rezoning
Tom Luttrell, Luttrell Design Group, Rezoning
Lee Dickerson, Rezoning
Lee Dickerson III, Rezoning
Ashton Dickerson, Rezoning
Jason Korb, Rezoning
Ann Korb, Rezoning
Nancy Avolese, Rezoning
Diane Wagner, Rezoning
Adam Felty, Rezoning
Rachel Felty, Rezoning
Bruce Harty, Rezoning
Joanne Harty, Rezoning
Dan Magaro, Rezoning
Charles Schieffer, Rezoning
Fred Wahl, Rezoning
(Numerous other residents who didn't sign in)

MINUTES

A motion was made by Mr. DeHart and seconded by Mr. Wagner to approve the Minutes of the August 27, 2015 meeting.

Motion unanimously approved.

OLD BUSINESS:

None.

NEW BUSINESS

Mr. Greene reported that although there is no new business, we do have an issue that will be presented to the Planning Commission, but he would like to move forward with the issue before us first. The Planning Commission had made recommendation to approve the UPS/SARAA land development plan and with that the applicant was required to submit a Sewage Planning Module. In this case, we used a waiver form. We received notification that they rejected that method of planning and they've asked the applicant to submit a complete Component 3 Planning Module, which involves quite a bit more additional information. With that, the applicant has to attain both recommendation from the Planning Commission and resolution will have to be approved by the Board of Commissioners. So the applicant had submitted the Component 4 Planning Module to us today and they are asking that they be put on the agenda this evening to explain and try to expedite the process. With that, the Planning Commission is required within 60 days to review and give comment. Mr. Greene then passed out forms explaining that there is a list of items that the Planning Commission has to address either by accepting or providing an explanation if there are questions.

Mr. Scott Snoke, the Utility Program Manager, working on this project for SARAA, explained that what they learned is that since the sewage is going to their facility, they cannot take the Planning Exemption Module which includes Chapter 94 waste-load allocation. This simplifies the approval process. He said they do not have a Chapter 94 report because they are not required to since they are a private facility. They want to prove there are no overload concerns or conditions. And because of that, they went back to their original Act 537 from 2006 which the township approved for SARAA's treatment plant, which took care of the concerns of sewerage their facility for many years, with the replacement of the old plant with the new plant built in 2009. He went on to say that they have to address to satisfaction their waste-load concerns including nutrient concerns, and get approval again to take 2000 gallons of flow per day. Their plan is rated at 350,000 gallons per day, so there is no waste-load concern. So they will work with UPS with this additional information that they have (11 pages) to try to get the County and the Township to review.

Mr. DeHart asked what the capacity was again and what the current daily usage is.

Mr. Snoke said the capacity is 350,000 gallons per day. Their current usage is under 100,000 per day and they will only be adding an additional 2000 gallons with this project.

Mr. Henninger asked what action the Planning Commission needs to take.

Mr. Greene said that basically we just need to fill in the questionnaire.

Mr. Henninger suggested that he and Ms. Letavic go over the questionnaire together while the Planning Commission handles the scheduled item on the agenda. Mr. Henninger also stated that this will still have to go before the Sewer Authority and the Board.

Mr. Knopp then announced that they were going to go onto the agenda item #6 and would get back to Mr. Snoke and Ms. Silcox from SARAA.

PROPOSAL TO CHANGE ZONING MAP– REQUESTED BY F. LEE DICKERSON
REVIEW AND DISCUSSION TO CHANGE ZONING FROM RESIDENTIAL
SUBURBAN TO COMMERCIAL HIGHWAY
DICKERSON PROPERTY AT N. UNION STREET/RTE 283

Mr. Tshudy from the law firm of Pepper Hamilton started the discussion by stating that they were here last month to introduce the proposal and they were back this month to give a full presentation. He went on to say that there was some confusion as to how many properties were involved. There are a total of four: two owned by the Dickerson's, one owned by the Korb's, and another property owned by the Santoro's. There is also a portion of a fifth property which is owned by the Church Trust. These properties are developed with single family homes with on-lot septic systems or they are undeveloped. He also clarified that the parcel was not 30 acres as originally stated, but 18.92 acres all currently zoning in the Residential Suburban District. This request is to have it rezoned to the Commercial Highway district.

Mr. Tshudy shared with the Planning Commission a set of drawings as prepared by Act One Engineering and an aerial photo of the properties.

Mr. Breon asked why they had the "little dog leg" included (Korb's property).

Mr. Tshudy explained that the parcel just beside there was also included in their future plans for rezoning; however, they were unable to contact the owner so they do not have it shown on the map. (Thomas Steele's property). Mr. Tshudy went on to explain that rezoning is a legislative activity. If the Board of Commissioners deems it is appropriate to include that property in the rezoning, it may do so; but as far as Dickerson's application goes, since they were unable to make contact, the property cannot be included in this application.

Mr. Tshudy went on to explain the rezoning process and stated that tonight they are here to request a positive recommendation from the Planning Commission.

Mr. Tshudy would present four reasons why this rezoning should be supported by the Planning Commission:

1. First, the property is currently unusable and undevelopable in its current zoning district (Residential Suburban).

2. Second reason is that rezoning to the Commercial Highway District is consistent with the advancement of the goals and objectives of the township's 2004 Comprehensive Plan.
3. Third reason is that commercial development of the property will cause public water and public sewer to be extended to certain areas of the N. Union Street residential neighborhood. This is will be a great benefit to the township both a safety benefit as well as a financial benefit.
4. Finally, the commercial development of the property permitted by the rezoning will increase the tax revenue of the township and school district without a real increase in the cost of services provided by either of those taxing entities.

Mr. Tshudy said that before digging into these four reasons, he wanted to quickly talk about what they are NOT here about. This is not a request for approval of any specific subdivision or land development plan. There is only a conceptual layout of a commercial development that includes a restaurant, office space, and a hotel use. Also there will be some sewer numbers and some tax numbers that Mr. Tshudy will be providing and those will be based upon an even more conservative commercial development consisting of four uses being a casual restaurant/diner/fast food, a branch of a bank, and a hotel. These are the mix of uses that they foresee but he stated that any use permitted in the Commercial Highway District could be permitted here and they were just trying to base some numbers and thoughts on possible uses. But before any shovel could hit the ground, a land development plan would need to be approved by the Board of Commissioners after going through this Planning Commission. Secondly, this is a request for the rezoning of just the 18.92 acres; not for anything more. Rezoning is all the application is about. Thirdly, this is not a request to move any existing working farmland to a zoning district that allows industrial purposes. This is a movement of property that is in the Residential Suburban District not used for agricultural purposes to a district that does not include the warehousing and manufacturing that may have impacted this municipality in the past. Mr. Tshudy's final point was that Mr. Dickerson is a resident of the municipality, his family has lived in the township for generations, so this is not a situation where you have an out-of-town developer assume some property along a highway to make a quick buck. Mr. Dickerson does want to stay involved in this project and wants to be part of the development process.

Mr. Tshudy then went back to his four reasons why rezoning would be beneficial to Lower Swatara Township:

1. Property cannot be feasibly used or developed as currently zoned. The Residential Suburban district is regulation by Part 5 of the Zoning Ordinance and the uses permitted in Part 5 of the Zoning Ordinance are limited to single family homes, churches, schools, agriculture recreation. Unless there is public sewer available, there is a one-acre minimum lot size which is a pretty large lot size for any development. The proximity to the highway and the industrial uses on the north side of Rte. 283 make this particular property to be undesirable for any economically beneficial use when zoned as Residential Suburban.

Currently, this property along with the other properties along N. Union Street, are not served by public water and public sewer. Because of this, the minimum lot size for the current zoning district would be one acre. But the actual lot size may be increased from one acre due to the results of any soil testing or perc testing being done to the property. This would restrict any kind of reasonable development of property within its current zoning district. It would be cost prohibitive to run public sewer to this site for Residential Suburban development. The number of homes and the price that one could get for those homes, especially with the existence of the highway, would not justify the cost of the public sewer being run approximately 4000 to 5000 feet from Fulling Mill Road. As a result of this current situation, there are a number of vacant, dilapidated, uninhabitable residential buildings in close proximity to the property that underscores the lack of desire to use the property for residential purposes.

2. The rezoning of this property to Commercial Highway is consistent with and advances the goals and objectives of the township. There is a highway that runs through the township from west to east, but except for a little area along the Eisenhower Blvd. and Turnpike Interchange, none of the property bordering the highway is zoned Commercial Highway. The uses of the Commercial Highway zoning district are ones that are auto-oriented and therefore the places of these types of uses should be along the highway and in relation to the exits off of the highway. In 2004, Lower Swatara Township adopted a Comprehensive Plan and in that plan it identified five issues in priority order. The concerns are: truck traffic; high school taxes; concerns about future development of farmland and open spaces; lack of walkability and bike-ability; and lack of retail services, small offices and restaurants. The commercial development of the property would alleviate these concerns.
3. The commercial development of this site, if permitted, will cause public sanitary sewer and water to be provided to the N. Union Street residential area. As stated before, it would be cost prohibitive to run the water line and sewer line from their existing line on Fulling Mill Road down to this property for residential development. Running that line for a commercial development would more likely make economic sense. To develop this site, it would be required to run water to this site because every building will need a sprinkler system and the only way to do that is with a public water service. The cost of the public sewer to run that extension between 4000-5000 feet would be quarter of a million dollars at a minimum. (This was calculated by their engineer.) If pump stations are included, that number will go up. If this site gets developed, it would be the developer's cost to run that line; the township would not have to pay for it. However, since the township's Act 537 hasn't been updated since 1983, there is a chance that DEP will require public sewer to be available and it will then be the township's financial responsibility to extend the lines down from Fulling Mill Road. The immediate revenue from the tapping fees, based on their anticipated uses, would be \$190,000 and there would be a monthly user rates of \$3600 that would go

directly to the sewer authority. Public water being provided to N. Union. Street would assure safe potable water supply for the residents and that is a township goal which is reference in the 2004 Comp Plan. It would also provide fire hydrants for public safety.

4. The tax base reason that they provided earlier in this presentation is that currently the properties without the improvements have a total assessment of \$529,500. This is taking into account that the Church property is currently in the Clean and Green Program so it has a preferential tax assessment. Based on that assessment, the property currently only produces about \$2200 in annual township revenue and \$11, 728.42 in annual school tax revenue. If the property would be rezoned and developed commercially, the Church property would need to be unenrolled from the Clean and Green Program and that would be a one-time rollback tax which is basically a calculation of 7 years of the tax savings that's been received from the property, creating a one-time payment to the township of a little over \$2500 and to the school district of \$13,241. The entire 52 acre Church property would need to be paid in rollback. If the property is rezoned and commercially developed, the property will be assessed at \$5,122,400 with all of the improvements. This number is based upon actual uses that identical to the ones we've envisioned and taking their improvement's assessment and placing them onto a property assessment that currently exists for the property and then increasing the 12-acre piece from the Church property to its real assessment rather than its Clean and Green assessment. And with that increase in assessment, the taxes produced for this property, the township would receive nearly 10 times what it receives now at \$21,923.87 and the school district would receive also nearly 10 times what it receives now at \$113,461.16. And none of that school tax revenue will be offset by additional children into the system.

Mr. Tshudy finished his presentation by adding that any commercial project would still have to go through the Land Development process, so certainly neither this Planning Commission nor the Board of Commissioners will approve any land development that does not meet your ordinance with respect to traffic improvements that need to be made in order to support the development. The project will be under PennDOT's Highway Occupancy Permit Program and any traffic improvements that PennDOT requires will need to be made at the developer's expense. As for Stormwater, as the development happens, it would be part of the analysis that's done with the Land Development planning process.

Mr. Tshudy then said he was open for any questions as were anybody from their team there tonight.

Mr. Knopp asked the Planning Commission if they had any questions.

Mr. Breon asked how open they were to working with the township to potentially alleviate concerns beyond this property. He went on to say that there may be a chance that

extending that (water/sewer) up N. Union Street a little further might solve problems for other people.

Mr. Tshudy said he had two or three answers to that question. First of all, the ordinance that was adopted to rezone cannot compel that to happen. But with that said, certainly a cost estimate and an understanding of what the township would want to see and possibly some kind of reimbursement mechanism set up for new hookups that happen there. And finally, Mr. Tshudy said that he doesn't have the authority to spend his client's money right now. He went on to say that he didn't feel that the answer is "no" but it is certainly up to Mr. Dickerson and the ultimate developer of the property.

Mr. Breon went on to say that he would like Mr. Dickerson's team to at least consider some of that. Not saying it was a requirement.

Mr. Dickerson said it would cost him another \$200,000 to extend the sewer line another 1000 feet.

Mr. Henninger added that since he represents the Sewer Authority this area within is carved out of an agreement that it could be sewerred by Derry Twp. or by Middletown Borough which is the shorter run. So from a sewer standpoint, your concern is one that could be handled by virtue of that fact that if/when the sanitary sewer ever did come through that area, it's quite possible that it would be coming up from Middletown.

Mr. Breon suggested that meeting in the middle sounds like a good approach.

Mr. DeHart asked what the area across the street from the property assigned to, as far as sewer.

Mr. Henninger said it is not assigned to anyone. It can be either Derry or Middletown or Highspire at that point. It is not exclusive.

Mr. Tshudy pointed out that on one of the sheets he gave them, it shows a proposed way of bringing the water and sewer to the property and it was cheaper to run it from Fulling Mill Road than what it would be to run it from the Middletown area.

Mr. Luttrell added that if they bring it up from the Hershey side (Derry Twp.), they get to the top of the hill with the edge of this property so the next place that they're going would be downhill. So that means a pump station down there somewhere, so logistically it is a matter of how you do that. So although they will look at this, it is not really possible for them to go much further than the edge of the property. The people directly across the street could connect fairly easy, most likely though. But ultimately, it depends who the tenants are or how this property is sold.

Mr. Breon stated that he, as one member of the Planning Commission, is not in favor of waiting until you see who goes in there to see if they will be willing to do anything. He

went on to say that we need to know now what we do and don't have. He also brought up that we have heard a few references to the fact that the Comprehensive Plan is in works now and this is one thing that is a part of the plan. We also need to consider putting fire hydrants in at least part-way out there.

Mr. Tshudy said that if the property is developed commercially, public water and public sanitary sewer, without a doubt, will need to go to the property. However, any type of an agreement as such is not part of the ordinance to rezone, rather it will be part of the land development.

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

Mr. DeHart asked where the traffic would be exiting the property because of the steepness of the hill right there, people have a hard time stopping at the red light as it is during the wintertime.

Mr. Tshudy agreed that the access to N. Union Street will be a challenge and again those challenges will be dealt with through the land development process. The layout and design is not fully engineered yet. The challenges will be there whether it is a commercial development or a residential development. The proposal they have is only for the rezoning, these challenges will be fully vetted and review in the land development process and through the H.O.P. process before PennDOT.

Mr. Breon added that lighting is also going to be an issue in developing that property commercially.

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

Mr. Wagner said that he felt they gave a lot of clarity to the questions that were raised last month and he wanted to thank them for that. Mr. Wagner then brought up the item of a buffer zone between the site and the residents. He feels if that would be clarified, it would also be helpful.

Mr. Tshudy responded that this plan has not been engineered yet but when it is it will be subject to Lower Swatara Township's ordinances with respect to any buffer zones between commercial uses and residential uses.

Mr. DeHart asked if there were any restaurant firms that were interested in the property yet.

Mr. Tshudy said no, they did not.

Mr. Knopp then asked if Mrs. Eppinger had any questions.

Mrs. Eppinger informed that the only comments she would like to address is the comment regarding the connection back to the township Comprehensive Plan; which is Dauphin County Planning Commission's major document to use when reviewing these projects and while the statements made in the presentation were accurate to what the Comp Plan says, it also notes later in the economic action plan that the township does not really want to see additional commercial land until land that is already zoned Commercial is utilized. We also heard in this that the property just to the west was undeveloped and is currently zoned Commercial Highway so it should just be noted that there are multiple ways to look at the township Comprehensive Plan in relation to this application. Also with all zoning requests, the Dauphin County Planning Commission has started to remind all municipalities that the developer or the applicant isn't necessarily the developer or the applicant that will develop the plan.

Mrs. Eppinger then read the recommendation that the Dauphin County Planning Commission made for the record: The Commission recommends waiting until the current Comprehensive Plan update is complete before voting on this potential amendment. The current Comprehensive Plan indicates in multiple places that this site is not suitable for such development and therefore the Commission will NOT support the rezoning at this time.

Mr. Breon asked if that changes if the Lower Swatara Twp. Planning Commission and the Comp Plan Steering Commission have already recognized for the next version of the Comp Plan, that some of these things need to be done.

Mrs. Eppinger responded that the applicants are interested in being part of the planning process as they are here and she would recommend keeping them in the planning process but just based on the document the township has today, which is what we are going off of, it is not consistent to the degree that it could be. But also note that the township is doing an update and while it is not going to be adopted tomorrow, if during that update it is seen that the potential is here for this property, it will be recognized.

Mr. Knopp asked Mrs. Letavic if she had any questions or comments.

Mrs. Letavic said she did not have any significant comments but she will during the land development process. The only question she had is if they had a traffic study done yet. She feels this would help the Planning Commission on moving forward.

Mr. Tsudy said that at this point no traffic study was prepared mainly because of the flux of what uses would be there in relation to the cost of the traffic impact study. Certainly when a Land Development plan is submitted, a traffic study will be part of that process.

Mr. Knopp asked Mr. Henninger if he had any comments.

Mr. Henninger wanted to go back to the sewer issue a little. The Sewer Authority, obviously, would have to look at any proposal. Number One, they would propose to take the sewer line over from Fulling Mill and into Derry Township is in no means something the

Sewer Authority would have to agree with as far as how to handle the circumstances there. Number Two, there is absolutely nothing in the Commercial Highway Zoning where it requires public sewer or public water on the site. If it percs and probes, and you get wells, you can develop commercial uses with onlot septic and a well. The Rutter's on Vine Street is a well and septic. So just to be aware, there is no requirement to connect to public sewer and public water.

Mr. Breon asked if it was a fair assessment for the township to want any new development to connect to public sewer and public water if it was feasible to do so.

Mr. Henninger said that it is a fair assessment but there would be no legal requirement to do that if they can develop without doing it.

Mr. Henninger also went back to the traffic study comment. In the application it states that the site would reduce traffic on local roads, but he doesn't feel it would reduce traffic on N. Union Street. He feels it is a serious safety concern in the township. This is something that is brought up to the Board of Commissioners on a monthly basis; this last month it was brought up because of the location of the new bus stop on N. Union Street. And the constant issues of tractor-trailers going up N. Union Street [from the High School] when they are not supposed to, so traffic issues are also a big concern.

Mr. Knopp asked the public to make their comments and ask their questions at this time.

Mr. Robert Stile identified himself and stated that he lived right next to the subject property. He said that his property was being considered for Commercial a while back. They were talking about bringing water in from Highspire and that could've continued through there if with the planning they would've considered the whole part south eventually for Commercial.

Mr. Breon wanted to make clear that he was talking about the piece of land behind the old firehouse on Oberlin Road.

Mr. Stile went on to say that he feels they should take into consideration the whole area instead of just one little parcel here because he feels that if this is rezoned Commercial Highway and commercial properties are put in, somebody will be wanting to do it again.

Mr. Henninger clarified what Mr. Stiles was attempting to say. The proposal for the Lehman Shope Farm property was that it was going to be served with sanitary sewer going to Highspire and the water was going to come in that way also. So if it did come that way, what Mr. Stiles is saying, is this needs to be considered an overall plan, not just for that one area. That area there could be serviced by any of the plants that service Lower Swatara Township.

Mr. Frederick Wahl introduced himself and said he lived at 1325 N. Union Street at the intersection of Horseshoe Drive. He would like to suggest that if the Planning Commission decides to recommend this for approval, they include a strong recommendation to have an aggressive traffic control plan. He has had tractor-trailers miss the curve and drive through his yard. He has had accidents on his front lawn. This happens when drivers lose control at the corner. Mr. Stiles strongly recommends stop signs and other warning signs be placed there because what the township has now [for traffic control in that area] is not working.

Mr. Jason Korb introduced himself and said he lived on Condran Drive and he was part of Mr. Dickerson's rezoning proposal. He has been a resident there for 13 years. In the 13 years, the people who have lived adjacent to Condran Drive, which are the four vacant houses that haven't had anything done to them in several years, have collapsed septic systems and water running constantly. He said there are a total of five houses that are condemnable and completely uninhabitable and it is disturbing. This needs to be taken care of whether it is Mr. Dickerson's problem or whether it is the Township's problem, there are squatters in the houses, issues beyond that no one knows about. Mr. Korb invited the Commission to come sit in his yard for a day. It's not the traffic, it's the deplorable, unspeakable, conditions of these houses that his family has to deal with. This is why Mr. Korb says that he is a part of this rezoning application. He said he is looking for his out. If he is going to stay, something has to be done.

Ms. Nancy Avolese introduced herself and said she lived at 1451 N. Union Street. Ms. Avolese said she made about 16 pages of notes from their presentation that she wanted to go over, but she didn't want to take up any more time since the presentation was so long. She did say that she was pleased that the Dauphin County Planning Commission does not support this rezoning application. She said she was even confused about the application itself. She stated that she feels bad for Mr. Korb, but she doesn't even see him as part of the application, his name isn't listed, so that is confusing to her. She went on to say that she feels if the rezoning is approved, what the township is saying to the other residents of N. Union Street is that they don't really care about them. She feels what is going to happen is with Woodland Hills residents (the 510 home residential area being built) and then with all the other commercial proposals, she feels like they are going to be taking her neighbors out a couple at a time until it is not a residential neighborhood any longer. This is her biggest fear. She has lived there 13 years and her well and septic are great. In fact, she just had her septic tank cleaned this past Tuesday and she asked Walters Environmental about the septic and he told Ms. Avolese that the ones he has seen on N. Union Street are fine, that there are no problems. Ms. Avolese feels that this isn't a problem with rezoning, this is a problem with the township's Code Enforcement Officers. She stated that they need to look at this. She said that she is not sure what is happening in those vacant buildings, but why are they left to decay, don't we have Code Ordinances that they should be looked at? She went on to say that she knows Joe Hoover (Condran Drive) has contacted Code Enforcement many times and they come out and say they are not allowed to walk on the property which she finds strange because they have been on her property.

Mr. Bill Anfang introduced himself and said he owns the property at 64 Condran Drive so he is surrounded by the proposed rezoned property and although he understands the petitioners' problem with the noise level, he wondered if changing that property over to Commercial, if the trees would be leveled for it to be surveyed. Because if that happens, there will definitely be no filter from the noise. He is also considered if they pave the whole property, that the runoff will go into the creek.

Mr. Breon explained to him that they have certain pervious limits that they have to meet for that kind of development which they cannot exceed without a waiver which we are not usually inclined to approve. But you can count on it that some of those trees are going to be removed.

Mr. Anfang also added that his property value would deteriorate also if the surrounding land was rezoned as Commercial Highway.

Mr. Dan Magaro introduced himself and said he lived at 1315 Pheasant Run Road and was not really affected by this proposed rezoning but being part of the Comprehensive Plan [Steering Committee] 10-year program, and attending last month's meeting, Mr. Magaro feels that there was really only one question that was answered and that was 18 acres plus. There has really been nothing addressed with traffic, light pollution, noise pollution, and he said with an application such as this, that these things would have been addressed at least adequately answered tonight. He doesn't feel these things have been adequately addressed at this point.

Mr. Breon interjected that in fairness to the applicants, it is a little early for some of those things to need to be addressed. They don't even know what is going to happen yet.

Mr. Magaro agreed that is true, but the other thing is that when we get into a situation like this, when you rezone, and there is no particular business that's applied for this or made any offer to purchase it, so it would be built to suit. So there are too many un-assurances. He said he realizes it is early in the process and it may be a couple years before anything else it done, but he feels the residents of N. Union Street need to be assured that a lot of these things are going to be addressed.

Mr. Breon said he thinks it is fair to say that several of the Planning Commission Members are detail oriented when it comes to making sure that developers stick to the plan and stay within the parameters that are supposed to be. But it doesn't mean that they are not flexible.

Mr. Magaro had one more comment. Lower Swatara Township still has an awful lot of undeveloped land around here, especially on Route 230, and he feels this needs to be addressed first before the township even considers approving something like this.

Mr. Breon said there is really nothing we can say about that because property owners will do what they want with their property. Also, there may be more traffic along Rte. 283 than there is along Rte. 230 making it more desirable for Commercial development.

Mr. Lee Dickerson came to the mic to make a comment. He said that it is hard to put time into looking for a potential buyer when it isn't even zoned appropriately yet. The rezoning has to occur before any other planning. He doesn't want to waste their time, or his, or the Planning Commission's. He also stated that he appreciates the residents' concerns, but that comes in the Subdivision process, he just wants to get through the first part of it all. He then addressed the Dauphin County Planning Commission and said that a piece of this was approved in 2008 but since that deal fell through, it has not been actively marketed at all. So if someone would have to wait for that to take place, it could be ongoing. Mr. Dickerson said that his parcel is much smaller. He feels there would be more people with interest on smaller parcels than a large parcel. The particular owner of the other mentioned commercial-zoned parcel, only wants to sell it as a whole so it will have to be big buyers and a major operation to make that deal work. He went on to say that he is not a major conglomerate, he is a single individual and each step of these planning processes is a cost to him. So, he said where he is going with this is, he will provide, but he needs to know if he is getting past step one before he starts preparing for step two.

Mr. Dennis Felty introduced himself and said he lives at 35 Davis Drive. He has been a resident at Davis Drive for about 30 years. He feels the rationale behind the proposal is understandable, but when he first moved in the area it was a beautiful rural area and over the past 30 years he has seen a pervasive and incremental development of commercial properties (FedEx, warehouses, etc.) and the light pollution is just appalling and the traffic is increasing every year. He feels because of the rise of commercial development, it has been a huge problem for the people who have selected this community because of how attractive it is for a home in a residential area. The traffic in this area has been bad for years with no correction; he feels adding more commercial property would just compound it all. It seems hugely problematic to add more traffic to this area without a coherent plan or resolution of these issues. If the intent is to take the whole area and make it Commercial, then rezone the whole area and let all residents cash-out and go somewhere else. He feels the incremental process without a coherent plan is not a credible approach to these issues.

Mr. Knopp asked if there was anyone else who wanted to add comment or ask questions. No one else came forward.

Mr. Knopp then asked for staff comments.

Mr. Greene reiterated what he said at last meeting that the applicant was informed that the township was exercising in getting involved in the updating of the Comprehensive Plan prior to their submittal. Mr. Greene feels Mr. Dickerson and team should become actively involved with the Comp Plan Committee sessions that are going to be taking place over the next year. As far as zoning issues go, everyone understands that simply because you have a property zoned Commercial Highway, it will have to meet Zoning, Subdivision, Land

Development regulations as well as Stormwater Management, Sanitary Sewer, the whole works. This is basically something that is going to have to be fit into our future plan of what the township wants and guidance we need to give along with it.

Mr. Tshudy said that while they appreciate Mr. Greene's and the County's recommendation of going through with the Comprehensive Plan process, his experience is that the Comprehensive Planning process is a very long process and can be bogged down with issues that have nothing to do with this property for years. And then after the Comprehensive Planning process is done, a new zoning map and zoning ordinance, and sometimes a subdivision/land development ordinance is generated legislatively; and those processes can get bogged down even after the Comp Plan process is completed. This is a very small slice of the township. It is located next to a highway where Commercial Highway development is appropriate and therefore, they are going to urge the Planning Commission not to wait and make it part of the Comp Plan rather be informed by what your current Comp Plan discussions have revolved around with respect to properties along Rte. 283 in making a recommendation more sooner than later.

Mr. Knopp pointed out that the Planning Commission is only a recommending body. It goes to the Board of Commissioners from here.

Mr. Tshudy said he was very well aware of that.

Mr. Knopp and Mr. Breon strongly urged Mr. Dickerson and his staff to come to the next Comp Plan meeting and express their concerns.

Mr. Knopp asked what the Planning Commission what they would like to do on this recommendation.

Mr. DeHart said he would like to follow the recommendation of the Dauphin County Planning Commission and wait until the Comp Plan is further along until any action is taken.

Mr. Knopp asked if there was a second on that motion.

Motion died for lack of a second.

Mr. Wagner made another motion to move it along with recommendation to the Board of Commissioners. Mr. Wagner saw no purpose in having Mr. Dickerson coming in again.

Mr. Knopp asked if there was a second to Mr. Wagner's motion.

Motion died for lack of a second.

Mr. Knopp said he doesn't see a problem with giving recommendation as long as Mr. Dickerson works with the township and be a good neighbor and help out.

Mr. Dickerson stated that if this property moves forward, the economy would move forward. Any investors that they come up with, doing the sewer line is not a big deal. He feels this would open up Shope's property because now they can bring theirs right out to N. Union Street and that makes that more marketable. Right now they have \$12,000,000 in offsite projects to do to make that property marketable. So whoever buys it, has a lot of work to do.

Mr. Henninger said that what they had was a motion to wait until the current Comprehensive Plan update is further along and that died for lack of a second; they had a motion to recommend that the Board of Commissioners grant the rezoning and that also has died for lack of a second; they were looking for advice from the staff and were told they could look at reworking one or the other of those motions with additional language that might be palatable for three of the four Planning Commission members here tonight; they could send it up with no recommendation; they could sit on it for a month. These all are options that Mr. Henninger has seen done.

Mr. Knopp said they would not send it up with no recommendation. He said he would rather wait until the fifth member is here to vote on it again.

Mr. Henninger suggested that if they really wanted to have five people here and they couldn't make it work on the night of the scheduled meeting, just find a night that does work and have the meeting then.

Mr. Knopp asked if there was any motion on the table.

Mr. DeHart motioned that it be tabled until next month when they can have five people there.

Mr. Breon seconded.

All were in favor. Motion approved to table until next month.

**UPS (UNITED PARCEL SERVICE) – SARAA GATEWAY 42 CAR FEEDER –
298 AIRPORT DRIVE, FILE #2015-02
APPLICATION FOR PRELIMINARY/FINAL LAND DEVELOPMENT PLAN &
ALTERATION OF REQUIREMENTS**

Mr. Knopp then stated we would now go back to the new business from earlier.

Mr. Henninger said that he and Mrs. Letavic looked at the materials provided by Mr. Snoke and Mrs. Silcox of SARAA. The Planning Commission agency review on Component 4a is a 16 or 17 question piece that needs to be answered; Mrs. Letavic believes

they answered all but one with regards to consistency with the ordinance, with the zoning, all those things seems to all be in play that there are no endangered species or anything that are being affected by this. Mr. Henninger went on to say that the only one that they cannot tell the Planning Commission members that they are ok to sign off on tonight is “Is this plan consistent with the Municipal’s Act 537 Official Sewage Facilities Plant?” That is a Municipal Authority issue that can be addressed at their meeting next Tuesday. But they believe the Planning Commission could make the recommendation that they could sign off and approve this tonight subject to Municipal Authority acting next Tuesday evening to say that it is consistent with the townships Act 537 Plan.

Mr. Greene agreed. He went through the checklist as well. For the record, this would be comment #14 under Agency Review Section C of Component 4a.

Mr. Knopp asked if there was a motion to follow Mr. Henninger’s recommendation to approve with the one stipulation.

Mr. Breon made the motion to approve.

Mr. Wagner seconded the motion.

All were in favor. (Mr. DeHart abstained because of possible conflict of interest due to his employment with UPS.)

Motion approved.

OTHER PERTINENT BUSINESS

None.

ADJOURN

A motion was made by Mr. Breon and seconded by Mr. DeHart to adjourn the meeting.

Motion unanimously approved.

Meeting adjourned at 9:09 P.M.

Respectfully Submitted,

Robert S. Greene, Jr.
Planning and Zoning Coordinator