

MINUTES

LOWER SWATARA TOWNSHIP PLANNING COMMISSION

**REGULAR MEETING
SEPTEMBER 27, 2018 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
Kimber Latsha
Dennis Fausey
James Young
Peter Henninger, LST Solicitor
Alexa Korber, Dauphin County Planning Commission
Randy Watts, HRG
Ann Hursh, LST Planning & Zoning Coordinator
Tonya Condran, Recording Secretary

Others in attendance:

Chet Hartz, resident
Donald & Gladys Kreiser, residents
Ovidio Irizarry, UPS
Ron Secary, Snyder, Secary & Associates
Marjie Hartz, resident
Mary & Dave Popp, residents
Kane & Donna High, residents
Laura Hayes, Press & Journal
Jason Gutshall, Navarro & Wright
Lawrence A. Dimeler IV, New Thing UMC Community
(and a few others that did not sign in)

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

Mr. Knopp asked if there was a motion to approve August 23, 2018 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:

a. **File #PC2018-03, Preliminary/Final Subdivision/Land Development Plan for Star Barn Duplex Units**, with a timeline deadline of December 20, 2018. Located on Nissley Drive, south of i-283, one lot, 3.67 acres, 12 duplex units, zoned Residential Urban, owned by Star Barn Townhomes, LP, submitted by Navarro & Wright Consulting Engineers, Inc.

Jason Gutshall of Navarro & Wright Engineering came to the microphone to explain the plan. He said this would be the third round of comments they have received from the Staff and Engineering. He said the engineering comments are down to mostly approvals for erosion control and the permits. They are trying working with PennDOT trying to get information on the pipe coming from Route 283. He said they are improving that pipe, changing it a bit and trying to determine the flow; but they are having trouble getting PennDOT to give them plans. With the project PennDOT has going on there on 283, they thought they might have something current, but the feedback the got from PennDOT is that because it is not a bridge, they do not have a whole lot of information. It collects an inlet from the median (they believe) and their original design was to improve the pipe but keep the same capacity. They are not aware of any current flooding issues.

Mr. Breon asked for clarification on the “improvement” since he said the capacity would be the same.

Mr. Gutshall explained that they would be replacing it with a new pipe.

Mr. Gutshall went on to say that one of the comments from the staff was regarding flooding because of an open inlet in the right-of-way behind the property. Grading behind the wall will take any extra flow from the inlet surcharge, but they do not think that would happen but they are trying to confirm that with PennDOT.

Mr. Gutshall then said that there were some requests from the Township’s staff that the berm be repaired for the existing pond that was on the site. They are discussing the permitting process with DEP. The pond will not be used for any stormwater, it would just be a straight repair, so they are working with DEP to determine what permit would be required. He went on to say that the idea with repairing the pond was to use that for a passive recreation area to fulfill the recreation requirements of the Ordinance.

Mrs. Hursh explained that the pond that is there collects water from 283 and would hold that water back but with the outlet being damaged or gone, we are having issues with water downstream.

Mr. Gutshall stated that the pond has water coming to it from the east (Woodridge Development) and he is not sure how much of that is actually from 283. But the 283 pipe that he was just discussing, actually goes around the pond location in a swale.

Mr. Breon pointed out that the pond floods. Before Route 283 and before Woodridge was there, the pond would flood that road at times, so it is collecting water from a couple places not just from Woodridge or 283.

Mr. Gutshall said that the owner is interested in repairing the pond if it could be considered the recreation area. If they cannot consider that the recreation area and they would still have to pay the fee-in-lieu-of, then the owner did not see the benefit of fixing it.

Mrs. Hursh said that the pond could possibly be the recreation area because there is an easement around it, so they could make it some kind of trail.

Mr. Gutshall did agree that they were considering a trail that would go around the pond and down to the sidewalk and then go south.

Mrs. Hursh added that it would need to be something else other than just fixing the structure of the pond in order to consider it a recreation area. There would need to be a recreation plan for that area that would then have to be looked at and reviewed by the Township.

Mr. Gutshall said that eventually the owner may repair the pond but to do it up front would be a significant cost. He would probably have to wait until he sold some units before taking on the expense of repairing the pond.

Mr. Knopp asked if the pond was on their property.

Mr. Gutshall said yes but it is not much of a pond right now, it is more of a wetland. So DEP may tell them they cannot do anything to it because it is a wetland.

Mr. Henninger asked if the pond was an MS4 facility.

Mrs. Hursh said that it held back water before and now we are having a problem because of the structure of it.

Mr. Henninger said that if it is an MS4 facility it has to be fixed.

Mrs. Hursh added that it is causing problems downstream.

Mr. Gutshall responded that as soon as it was blown out, it should've been fixed.

Mr. Henninger asked if it was an outfall area.

Mrs. Hursh replied yes, there was a structured outfall.

Mr. Henninger said that just because an outfall gets blown out, doesn't make it not an outfall anymore. But no one knows if it was blown out before it was an MS4 facility.

Mr. Gutshall asked again if a recreation area with a nice trail around it would be acceptable for this pond renovation.

Mr. Henninger said that would probably be a question for our Recreation Board and the Board of Commissioners. The Planning Commission can only make a recommendation.

Mr. Gutshall asked if the easement around the pond could be both a stormwater easement and a recreational easement.

Mr. Henninger said it could be both if the Township is willing to accept it as the public recreation but he highly doubts that they would accept it as that. Ultimately, the Board of Commissioners would decide but they would accept input from the Rec Board.

Mr. Gutshall asked if the Township did not own it but it was a recreation area for the community, would that satisfy their recreation requirement.

Mr. Henninger said no. It must be turned over to the township in order to meet the requirements of the Ordinance. So it would have to be something that is acceptable to the Township. He added that as a Solicitor he would recommend against it.

Mr. Gutshall said that they don't need to pursue it then; they could just pay the fee-in-lieu-of instead.

Mr. Henninger said that is correct.

Mr. Breon said we are not saying there is not a need to correct it either.

Mr. Gutshall said that we would need to know what the MS4 requirements are then.

Mr. Henninger said we would have to defer to the stormwater experts within HRG to determine that.

Mrs. Hursh said that the other big issue that we have is the Fire Dept. and their ability to get fire trucks in there.

Mr. Gutshall said they received the comments from the Fire Chief and there was some misrepresentation on what was reviewed on the plan. The lines that go beyond the paved area are the overhang of the truck not the wheel paths. The wheel paths are on the pavement and there is a stabilized turn-around between the last two units that the truck can back in and pull out.

Mrs. Hursh said that it is very tight for the Fire Department.

Mr. Henninger said that is just one concern. The other concern is there is normally more than one piece of apparatus at a fire; there are multiple pieces of apparatus responding. The third comment was the one turn-around is also a snow plow area.

Mr. Gutshall responded that it was a snow plow truck shown pushing snow into the snow plow area on the plan and he said they showed there was space to turn around, but it does use part of the one driveway. If that is not permissible, the truck can just back out like it does now. He said they were told that they push the snow to the very end and then back out.

Mr. Henninger said another question he would have is that part of their plan involves the vacation of a portion of Nissley Drive which would allow them to build two more units, would they be asking the BOC to vacate that portion of Nissley Drive and give it to them. He is not sure that is going to be accepted. Basically, Mr. Henninger feels it is like they are asking for free land so they can build two more units and then profit off of it. He doesn't feel that is necessarily palatable.

Mr. Gutshall replied that it is deeded property that has a right-of-way on it so they aren't "taking it", they are asking for the right-of-way back.

Mr. Henninger also feels that another significant concern of the BOC will be that there is only one way in and there possibly could be some kind of emergency where that one entrance could be blocked and the fire apparatus could not get back there because there is no other way. How will they be able to get across the pond or wetlands? There are many safety concerns with multiple pieces of fire apparatus, ambulances, etc., as to how you get in and out of there. So the big concern is that there is no loop out. Mr. Henninger asked Mr. Gutshall if it is impossible to get a loop out.

Mr. Gutshall replied yes, it would be impossible to get a loop out.

Mr. Henninger restated that this was going to be a big concern.

Mr. Breon added that there was never a plan that was approved where the Fire Dept. was not satisfied with the mediation of what their concerns were.

Mrs. Hursh added that the template that was given to the Fire Dept. was assuming that no one was parked on the street, there is no snow piled on the street, etc. And this is a private road.

Mr. Gutshall said that they will be meeting with the Fire Dept. soon to discuss their options.

Mrs. Hursh asked what the reason was why they didn't include a cul-de-sac. That would help with the turn-around instead of backing out.

Mr. Gutshall said it was because the stormwater basin was right there.

Mr. Breon suggested to fix the pond and make that the stormwater device.

Mr. Gutshall said that may be what they need to look at doing.

Mr. Knopp asked if there were any further comments from the Township.

Mrs. Hursh said the fire department issues were the big concern. The standard NPDES permits and the O&M Agreement would need to be filed. Also, we need to know how the property would be addressed so that we can send it to the Post Office and County GIS to make sure they would approve it. But the pond and the fire access are the two critical things. The rest are standard.

Mr. Knopp asked if HRG had any comments.

Mr. Watts said that most of his comments have been covered as well. It was mainly the permits, the NPDES permit, and any Chapter 105 permits for the pond itself, would be the problem or issue; and also just the maneuverability of the snow equipment.

Mr. Knopp asked Dauphin County for any comments.

Ms. Korber just reiterated that the pond was the main concern. She said that looking at aerial shots of the area, she believes there is a little waterway coming out of there.

Mr. Gutshall said that is where the berm is washed out.

Ms. Korber said that from her first looks at it, she thought it may have been a little creek.

Mr. Gutshall said there is a little stream that has been piped into the pond and then there is an outfall on the other side which connects to the stream.

Ms. Korber said she guesses that eventually hooks up with Burd Run.

Mr. Breon said yes and that is down by Lumber Street.

Mr. Henninger said it comes down around the church property, down Spring Garden Drive, to Lumber Street.

Ms. Korber said that she just feels compelled to say that Burd Run is impaired.

Mr. Gutshall said they were aware of that and it is in their NPDES permit.

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

Mr. Henninger did not have any other comments. He just wanted to make clear that there would probably be issues at the Board level.

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

Mr. Fausey said he felt that this should be tabled until the fire department issues were resolved. He said he personally would like to see an outlet rather than just a pull in/back out design.

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

There were none.

Mr. Knopp asked if there was a motion on this item.

Mr. Fausey made the motion to table it until we see what Navarro & Wright can do with fire apparatus turn-around issue and the pond issue.

Mr. Young seconded the motion.

All were in favor to table.

NEW BUSINESS:

a. **File #PC2018-07, Final Subdivision Plan for SP Middletown Land Holdings, LP,** with a timeline deadline of December 26, 2018. Property is located east of N. Union Street at the northern Township boundary, zoned Mineral Recovery and Conservation. 270+/- acres, proposed to subdivide tax parcel 36-006-001 along N. Union Street (T-360) and add the tract on the east side of the road to tax parcel 36-003-009. Owned by SP Middletown Holdings LP, submitted by Snyder, Secary & Associates, LLC.

Ron Secary from Snyder, Secary & Associates came to the microphone and explained that they were the civil engineers for the project. This plan was a simple redistribution of lot lines and the intent is to create the development property for the UPS project. Essentially, what they have is one property with two tracts that is divided by N. Union Street. What the plan contemplates is to separate the two tracts so that there will be a residual 75 acre tract on the west side of N. Union Street. The 36 acre tract on the east side of N. Union Street will be joined with the 156 acre tract to make the 192 acres that was shown on the UPS development plan. It is a fairly simple plan, they are not creating any new lots, just redistributing lot lines.

Mr. Secary went on to say that they have received comments from Township staff, County, and HRG, which he feels were all very minor comments. He asked if anyone wanted to discuss any of those at this time.

Mr. Knopp asked for any questions/comments from HRG.

Mr. Watts said that most of their comments are minor in nature, so no other questions from HRG.

Mr. Knopp asked Mrs. Hursh for any questions/comments from the Township.

Mrs. Hursh said that the Township's comments were all minor, as well. She added that there is adequate right-of-way along N. Union Street and Longview Drive from a previous subdivision.

Mr. Knopp asked for any questions/comments from Dauphin County.

Ms. Korber had nothing further to add.

Mr. Knopp asked for questions/comments from Mr. Henninger.

Mr. Henninger said that Lower Swatara Township traditionally does not recognize roads as natural subdivisions, although some municipalities do. Because LST does not, this is what

they have to do. It is a minor distribution to clean it up so it would match up with the land development plan in order to make it work.

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

There were none.

Mr. Knopp asked for any questions/comments from the Public.

Mary Popp, resident of N. Union Street, came to the microphone. She stated that she is very worried about the road conditions that will be in front of their house. She was concerned that by making the road 17 feet wide it would be the street up to her well. She is also worried about crossing the street to get their mail with all the big trucks that will be going past.

Donald Kreiser, resident of N. Union Street and neighbor to Mrs. Popp, came to the microphone. He was also concerned about the width of the street. He feels a 17 foot road with a 5 foot shoulder would take down his trees and damage his well. He, too, was very concerned about crossing the street to get to their mailbox.

Mr. Henninger advised these two residents, that they would need to go to the Board of Commissioners meeting with regards to these issues. But as far as the road is concerned, one of the things that the Board has recently asked for is more detail is regards to the proposed reconstruction plan for N. Union Street and how it all looks. He told the residents that their concerns technically aren't related to what they are discussing tonight, but we all understand what they were saying about the concerns and he asked Mr. Secary if he could address that tonight or not.

Mr. Kreiser wanted to ask one more question. He questioned the proposed bike lanes on both sides of the road. He doesn't feel that is a good idea with the large number of trucks that will be travelling up and down there.

Mr. Henninger said he has already seen bike riders there now without the bike lanes.

Mr. Secary came back to the microphone to address their concerns as best as he could. He said they are proposing to totally reconstruct N. Union Street, so they feel it is going to be a much better road after they are finished than what is there now. The plan is for a 34 foot wide road, 17 feet from centerline to either side. So there will be 12 feet travel lanes with 5 foot shoulders/bike lanes on either side. So the distance from the center of the roadway to the curb-line will be 17 feet total, not plus another five.

Mr. Kreiser thanked him for the clarification.

Mr. Knopp asked for any further questions.

There were none at this time.

Mr. Knopp asked for the Planning Commission to address the waivers.

- §22-403.1.A (2) Plan Size - The plan is bigger than it is supposed to be. Mr. Secary said in order to show it on one sheet, it needed to be on 30" x 42" paper.
 - Motion to approve made by Mr. Young
 - Seconded by Mr. Fausey
 - All in favor
- §22-403.1.A (2)(e) Plan Scale - Mr. Secary said this was for the same reason.
 - Motion to approve made by Mr. Young
 - Seconded by Mr. Fausey
 - All in favor
- §22-404 Preliminary Plats; Specifications - Mr. Henninger said that they want to waive the preliminary plan submission because it's just a basic request. Mr. Breon added that we do this quite frequently.
 - Motion to approve made by Mr. Young
 - Seconded by Mr. Fausey
 - All in favor
- §22-602 Monuments and Markers - Mr. Secary added that it is not like they are not putting any but it is due to the fact with the land development plan some of the markers fall in streams and in the roadway.

Mr. Fausey asked why they would not want to put markers in.

Mr. Secary said that some of them are just inaccessible. He said they would put markers at every accessible corner and several of them will have concrete monuments but they are just not able to do all of them.

 - Motion to approve made by Mr. Young
 - Seconded by Mr. Fausey
 - All in favor
- §22-607 Sidewalks - Mr. Secary said this is another recommendation made with association of the land development plan. They are just asking for a deferral of that requirement.

Mr. Henninger pointed out that this was a deferral and not a waiver.

 - Motion to approve made by Mr. Young
 - Seconded by Mr. Fausey
 - All in favor

Mr. Knopp asked for a motion on the subdivision plan presented tonight.

- Mr. Young made the motion to recommend approval the plan.
- Mr. Fausey seconded the motion.
- All were in favor

Subdivision plan was approved for recommendation to the Board of Commissioners.

OTHER BUSINESS:

The next Planning Commission Meeting will be held on Thursday, October 25, 2018 at 7:00 P.M.

ADJOURN:

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

Meeting adjourned at 7:43 P.M.

Respectfully Submitted,

Ann M. Hursh
Planning and Zoning Coordinator