

## MINUTES

### **LOWER SWATARA TOWNSHIP PLANNING COMMISSION**

**REGULAR MEETING  
September 22, 2016 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  
Chris DeHart  
Paul Wagner  
Peter Henninger, Solicitor  
Erin Letavic, HRG  
Robert Greene, Planning & Zoning Coordinator  
Tonya Condran, Recording Secretary

Others in attendance:

Michelle Brummer, Gannett Fleming	Dan Wagner, resident
Eric Wise, Press & Journal	Nancy Avolese, resident
Kathy Gotshall, resident	Kimberly Vajda, resident
Tim & Sherry Santoro, residents	Ed Fox, resident
Norm Frye, resident	

Absent:

Kimber Latsha

## MINUTES

A motion was made by Mr. DeHart and seconded by Mr. Wagner to approve the Minutes of the August 25, 2016 meeting. Motion unanimously approved.

## OLD BUSINESS:

None

## NEW BUSINESS:

**New Ordinance – Review and discuss for recommendation an ordinance amending the Lower Swatara Township Code of Ordinances No. 448 as amended and supplemented, Chapter 27, Zoning, Part 27, Administration and Enforcement, Section 27-2712, Zoning Hearing Board. To amend the number of members of the Township Zoning Hearing Board from three members to five members.**

Mr. Henninger started off the discussion by stating that it is not the norm in our area to have only three members on a Zoning Hearing Board (ZHB). Most other municipalities have 5 members. He informed that the ZHB were the ones who suggested to the Board of

Commissioners (BOC) to add alternates to the board. The BOC then while looking at it, determined that they were in favor of getting two more members added to the ZHB. He went on to explain that part of the problem with a three-member board plus an alternate is that there could be times when an alternate may not have been needed/used for years; and then, all of a sudden, they need to serve on the board and they really have no experience. The other problem with a three-member board is if somebody doesn't show up and you are left with a two-member ZHB, the applicant will want a continuance because they don't want a possible one-one vote because a one-one vote results in the denial of the variance. So the BOC authorized Mr. Henninger to draft this ordinance; and because it is a Zoning Ordinance amendment, it has come to the Planning Commission for comment and recommendation, and will go to the County for comment. There was a little discussion about it after the last ZHB meeting with the ZHB members and they seemed in approval for adding two more members to the board. If the change would be approved by the BOC, it would go into effect on January 1, 2017.

Mr. Knopp asked if there were any questions or comments.

Mr. Wagner asked if the Commissioners would decide who filled those seats.

Mr. Henninger said yes they do. The ZHB is appointed by the BOC. Mr. Henninger also added that the extra two members would not increase the application fee.

Mr. Knopp asked what the Planning Commission would like to do regarding this proposed amendment to the Zoning Ordinance.

Mr. DeHart made the motion to approve for recommendation to the Board. Mr. Breon seconded it. All were in favor.

Motion approved.

## **OTHER PERTINENT BUSINESS**

### **COMPREHENSIVE PLAN DRAFT – Public meeting for review and discussion of the draft version of Lower Swatara Twp.'s Comprehensive Plan.**

Michelle Brummer of Gannett Fleming, Inc. gave a brief presentation pointing out some statements that are required by the State Planning Code that say we have included some thoughts about implementation, what resources will be needed, partners are available, funding sources, etc. We considered land-use compatibility based on the existing and proposed land uses in the township. At this point the draft plan includes only one change: it is internal to the Township, so there is not expected to be any impact on adjacent municipalities and compatibility is met. The consistency statement for the Dauphin County Comprehensive Plan is a little bit longer and a little trickier. The County Comprehensive Plan was updated in 2008 and because it was right in the middle of a recession, they were not looking at much development. It talks a little about the land use objectives and smart

growth. Their future land use map doesn't quite line up with the township zoning or the recommendation that is on the map now in terms of the Dickerson area; so, she said she did go thru and itemize some things that need to be addressed, but these things probably weren't foreseeable in 2008. She also went on to say that it is important for the Planning Commission to keep tabs on this plan after it has been adopted (are things being implemented? are new issues coming up in the Township? do we need to revise the Plan sooner/later? come 10 years from now, can it be readopted as an option?)

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

There were none at this time.

At this point, the floor was open for comments from the public. The following residents and business representatives had the following comments/concerns:

- **Nancy Avolese of 1451 N. Union St.** – She wanted to add this to the record: She would like the Dickerson property removed from possible rezoning because they did pull their application through zoning and they are now going the route of variances; so there is no application for rezoning now.
- **Dan Wagner of 644 Longview Dr.** – He is very disappointed that although there were staff meetings with Michelle Brummer (Gannett Fleming), he sees very little impact and input from those internal staff meetings. He feels that to those who have to deal with the final product, it is very disheartening and he doesn't think that is the way we ought to go. For example, we're talking about straightening roads, extending Lumber Street, Cockley Road, Route 441 between Longview Drive and Nissley Drive, Route 441 between Spring Garden Drive and the High School, North Union Street. He feels there are a lot of things out there that we need to look at that were not included. As far as infrastructure goes, he feels the Dickerson property is giving Lower Swatara Township the potential to lose a high maintenance pump station. If some type of development were to happen at the Dickerson property, it would give LST the opportunity to get rid of a maintenance headache and save the Township some serious money. He also stated that he had a discussion with PennDOT and they told him that if development were to come in any of these areas, they would be willing to sit with the Township and discuss what could be done to these roads to improve them.

Mr. DeHart added that long-term, if this would go through, it would alleviate some of the traffic headaches today because it would move traffic in a different direction to free up the neighborhood areas to have less truck traffic.

Mr. Wagner stated that this would have an impact on Emergency Services in a positive way to be able to get to these locations a lot faster.

Mr. Wagner also feels that as far as the farms go, we are probably in our last generation of family farms. Unfortunately, whether it is in the next 5 years or the next 20 – 30 years, this area will look different. He feels we “seriously need to look at the Big Picture” and that is the fact that we are in the center of a big hub, as far as interstates go. There is a lot of truck traffic on N. Union Street and he feels to make

it a better road, it will need a serious realignment, so things will have to change majorly. Another thing is the PSU Campus. It will continue to grow. North Union Street will be a main road for a long time.

Mr. DeHart said the only way we will be able to accomplish these road changes, is with growth.

Mrs. Letavic added that there is some language in the Comp Plan that briefly describes the fact that transportation impact fees and the development of that are an option for the Township. So, when it comes to future Commercial/Industrial or even Residential development, under the MPC (Municipalities Planning Code) you could develop a fee structure so that your concerns about traffic or the alignment of roads or things of that nature can start to get funded. There is a solution.

Mr. Henninger stated that the issue with the transportation impact fee (according to the way it reads right now in the MPC) is that you cannot force any developer to do any off-site improvements; so, in order to come up with a traffic impact fee, you are looking at well into a 6-figure expense to develop that because you must study the ENTIRE township in very great detail. And it is a very, very, very expensive process to even get to the point where you can implement such a fee.

Mr. Breon stated that implementation of a traffic impact fee across the board probably eliminates being able to work much with the developers past the fee. In other words, today, talking about the Dickerson property, Mr. Dickerson and all the folks involved in that have been more than willing to do much more than you would ever get out of their impact fee. We, the Township, would see up to 100's of thousands of dollars' worth of improvements in our township infrastructure whereas the potential traffic impact fee there was probably 10's of thousands. And if you extract that money out of them like a tax, they're going to say that they paid their tax.

Mr. Henninger responded that the public water and public sewer aspect of it is that they cannot develop the property they want to without it, so they would have to do that regardless if they had an impact fee or not.

Mr. Breon also commented on another tax is that in all the years he has been serving on the Planning Commission, we have cancelled maybe six meetings out of twelve years of monthly meetings until this past year. In this past year, we've cancelled this meeting probably four or five times. Anecdotally, what that means to him is that growth has slowed dramatically in the Township. For some people, they probably feel this is great because they got what they wanted; but, for others, it makes them concerned about the tax base because the way we've been able in the Township to offset tax increases is through measured growth. This is where the residents of the Township count on the Planning Commission to make sure what we get is what is best and fits in the Plan. But, again, cancelling this meeting as much as we have in the past year, scares him that somewhere down the road the bill is coming due and we as property owners of the Township will be paying it because there is no more development or not enough development and the tax increases will start piling up.

Mr. DeHart added that he did some research. In 1987, the Fire Tax was enacted. In 1987, the value of one mil of tax was approximately \$121,000. In 2016, the value of one mil of tax is \$618,524. That is all from slow and steady growth over the last 30 years. So, by slow growth, it is helping the tax base and making it better. In 1987, he

stated he didn't have the school tax rate, but if you take today's rate which is 20.99 mils, it would've generated \$2,539,000 in revenue for the school district just from Lower Swatara Township. In today's numbers, at 20.99 mils, \$12,982,818 is the amount of tax revenue from Lower Swatara Township. So, if you take the empty warehouse at 140 Fulling Mill Road, which is approximately 24 acres, assessment of the land is \$1.3 million and the building is \$8.6 million. The taxes paid to the County is \$69,138; and for the Township, just the basic tax, is 3.25 mils which is \$32,000. For the Middletown Area School District, the empty building sitting at the end of Fulling Mill Road contributed this year \$167,023 in taxes to the school district. He said he just wanted to bring into perspective how times have changed in 30 years from what 1 mil brought in then to what it brings in today. So if we didn't have growth in the Township, that money would have to come from the residents. Mr. DeHart also wanted to touch on the sewer issue. He agrees that it would save funds if Mr. Dickerson offered to bring the sewer, water, and gas up to N. Union Street. But, obviously, it will not help all of N. Union Street. He asked Mr. Greene to explain the Act 537.

Mr. Greene said that part of our updating of the 537 Plan will probably be mandated by DEP to do our on-lot management program, which means each and every on-lot sewage and private wells, will be evaluated. From that evaluation, it will be determined as to whether or not those areas will be targeted for public sewer.

Mr. Henninger added that the sampling is done as part of the 537 Plan but the on-lot management program is a mandate from DEP. Basically, what you end up with is mandatory inspections of your septic system to make sure it's properly functioning. But not every septic system or well will be tested. He said that a certain percentage of wells would be sampled and with those results, the Plan would be developed. And if you identify problems with those results, and have some "suspect" systems, they try to plan ahead when that will be addressed.

- **Sherry Santoro of 1890 N. Union St.** – Wanted to report that she has no problem with water or sewer. She also stated that the same people who are claiming a hardship with this are the same ones who are looking to move out and make a profit. She stated that she moved to Lower Swatara so she could live in a more country-like setting and now all of this could be taken away from her and she is not happy about that. She feels everything will be ruined if the Dickerson property is made into Commercial land. She also says that she understands why the Township needs Commercial development but she feels it should stay in the areas that are zoned Commercial already. She also feels that the people who are claiming hardships should be required to prove it. She says she sees them sitting out on their porch every night, talking on their cellphones and eating their meals; so she wants to know how they can claim a hardship. She welcomed anyone to come to her house to see that the air pollution, noise pollution and anything else is not a problem in that area.
- **Dan Wagner of 644 Longview Dr.** – Doesn't feel anyone has the right to tell a property owner what they can do with their land. But change always comes at someone else's expense. If we want to keep this as a farm community, there will be

costs. He would love to see that happen but he doesn't feel that it is realistic. Development is inevitable. The cost to the taxpayer would be overwhelming.

- **Nancy Avolese of 1451 N. Union St.** – Nothing is inevitable. It is not inevitable that we have to develop N. Union Street or anywhere else in the Township. Yes, there are costs, but they are costs that some of us are willing to pay. She pointed out that the Board members are the ones who will be making these decisions. She also stated that if it was “your” house at the end of a block that was being developed, you may feel the same.
- **Dan Wagner of 644 Longview Dr.** – Wanted to clarify what he was saying. When he said what he did about the last generation of farming, he said he would be on that farm now if he could. He said he doesn't know who has the availability to come into these large properties, or purchase them to make enough money to keep them going. That is why in the next 20 to 30 years, he doesn't think it will look the same way.
- **Kimberly Vajda of 5 Greenfield Dr** – Brought up the topic of “Agrihoods” which is a suburban neighborhood built around a community farm. She said there is a company called Corbelis (sp?) who purchase farmlands to develop into this type of neighborhood. Most of these communities are 55+ communities, so we are not adding any burden to the school district with more children. There are also possibilities for retail or educational centers. She asked if there is any way we can market the land in this way. Mr. Breon responded to Mrs. Vajda that the Township is trying its best to keep the Agricultural feel of the township. He explained to her that the State passed a Mandate that we must allow Medical Marijuana processing in our township. They are trying to come up with a Zoning Ordinance that allows the manufacturing/growing of Medical Marijuana in the Agricultural Districts so that the farmers have the chance to keep their land and not make it into warehouses or developments. Mr. Wagner also added that when the Kreider's purchased the land on Longview, they were one of the largest farms in the state, and we all thought that was great; thought the land would stay open. But now they are subdividing and selling it off. (She is also very concerned about the traffic on Greenfield Drive and Oberlin Road but was informed that the Board of Commissioners Meeting is where that will be discussed.)

Mr. Breon went on to say that he didn't want the residents of Lower Swatara Township to think they were ignoring their wants, the Planning Commission is doing what they can to try to extend the rural nature of our community as it exists today. But we cannot force “this” property owner to sell to “that” person. If somebody comes to us with a Plan for a piece of property that contains an approved use for that property as it exists, and it fits all the criteria, it is pretty much impossible for us to say no and not recommend it for approval because the Township just because we say we don't like it. If we denied the request just because we said “no, we don't like it,” it would result in a law suit against the Township.

Mr. Henninger affirmed that by adding that if someone comes in and meets all of the Township's ordinances and regulations, then basically you cannot say no.

- **Ed Fox of 760 Longview Drive** – Has been a resident of Lower Swatara Township for 27 years and he has been happy since the day he moved here. He feels that the

Township has done a great job on measured growth and good planning. He likes how LST offers such a rural feeling while it is so close to Harrisburg. He is against the Williams Farm being sold for certain uses such as a truck depot. He feels we already have certain areas in the township for truck depots and we should just keep them there. What he would be for is a low-density residential development. Mr. Fox asked the board if the Comp Plan could exclude certain things from being developed in certain areas (the truck depots from the Williams Farm).

Mr. Henninger responded that in the Comp Plan draft, as presented tonight for review and discussion, there is no proposed change to the Williams Farm.

Mr. Fox added that knowing that truck depots could come to the township, he hopes the fact is considered that the perception of the residents is that the township has all of the truck depots that is ought to have. He also stated that he realized the need for measured growth and that is why we already have truck depots (commercial and/or industrial) in place and why they were brought in; but now he feels the only growth he would like to see is residential. He feels another development, like Twelve Oaks, would be beneficial and would bring people in and add to our tax base.

Mr. DeHart advised that the property in front of Twelve Oaks, facing Fulling Mill Road, was sold several years ago and the plan for it is a 55+ community development; but there will be some commercial in the front of that development, such as a doctor's office or business offices. A truck terminal is like that of FedEx where the trucks come in and move all the packages/freight. A warehouse is different. Lower Swatara has a 700,000 sq. ft. warehouse in the township that most probably don't even know about (STG, Sears Tire Group), it's been there for almost 20 years now. So there are a lot of big warehouses around here but the buffering and the hiding of them are pretty good. Mr. DeHart also went on to say that Fulling Mill Road should actually be a three-lane road because of all the Industrial real estate located on it. He feels a turning-lane would make it a lot safer. The Board has received numerous complaints on the intersection of Longview and Fulling Mill which he feels, with development of that area, could be alleviated totally by either a round-about or a traffic light.

Mr. Knopp asked if there were any other questions or comments.

Mr. Greene stated that we need to bring this to a closure.

Mr. Knopp asked Michelle Brummer what was next in the process.

Ms. Brummer stated that the public review period is 45 days. This is also for the school districts and the County and adjacent municipalities to review the draft Plan. The Board of Commissioners is required to hold a public hearing that can happen during those 45 days or after those 45 days; but they cannot take action until those 45 days are over. If the Planning Commission now says "Yes, we approve this draft for public review," it would then be forwarded to the Board of Commissioners with any changes stipulated, it would then get posted and letters would be sent to the adjacent municipalities and the County saying that the Plan was available for their review.

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

Mr. DeHart said he would like to make a couple adjustments to the Plan. First, the Fulling Mill corridor by William's Farm: put back in the Plan that it may be recommended for Commercial use, but for Residential as well, sort of a 50-50 split.

- **Kathy Gotshall, 1824 Hearthstone Lane** – Does not feel it is necessary to split the Williams Farm into pieces. She feels like it is a waste of time because she is sure the Williams' want to sell the whole farm. She feels it should be left as is.

Mr. DeHart responded that the recommendation he is making is to continue a line thru Mrs. Gotshall's property (corner of Longview and Fulling Mill) to make it Commercial. He also is recommending extending Lumber Street to alleviate traffic on Nissley Drive. If the Williams' Family want to sell the whole farm, it would be the Developer's job to come in and convince him of what they want to do. So it is not on Mr. Williams, it is on whoever buys the property.

Mrs. Gotshall added that the Williams' have been giving to the Township for decades and they are not going to leave us with a problem.

Mr. Greene responded that he feels if the Williams' would want anything changed from their last recommendation, he thinks we would have received that in writing from them.

Mr. DeHart's first motion was now voted upon, to have the above added back in. Mr. Breon seconded that motion. Mr. Wagner abstained. The motion was approved with a 3 to 1 vote.

Mr. DeHart's second motion was to change the zoning district to Commercial from Lumber Street east to the group home (Fulling Mill Retirement Group Home) which runs to the current IP-L zoning district for future land use. This will be from Lumber Street, over to the IP-L district, down to Route 283.

Mrs. Letavic said there is one more clarification. On our Future Land Use, there are two Commercial Zoning Districts listed. There are a Commercial-Office & Retail and a Commercial-Neighborhood. Commercial-Neighborhood is what was previously talked about for the Williams' Farm.

Mr. Greene reminded everyone that all this is, is a recommendation as a future possible zoning change. It is not actually going to change the Zoning District because of this vote. That would all have to be voted upon and until that is done, nothing is affected. Just because it would be approved tonight, doesn't mean it will be rezoned.

Mr. Wagner seconded Mr. DeHart's motion. All were in favor.



Mr. Knopp asked what the consensus was on the following verbiage added to the Comprehensive Plan: Development is proposed along N. Union Street and other sub-standard roads in the Township that negotiations occur with the developer to look at right-of-way and straightening of streets.

Mr. Wagner made the motion to approve for recommendation the added verbiage inserted. Mr. Breon seconded it. All were in favor.

Ms. Brummer asked if the Planning Commission would like the extension of Spring Garden Drive to N. Union Street added to the Plan.

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

Mr. Knopp asked if there was a motion on the overall draft of the Comprehensive Plan.

Mr. DeHart made the motion to approve for recommendation to the Board of Commissioners subject to the amendments that have been made tonight. Mr. Breon seconded it. All were in favor.

Mr. Henninger added that procedurally, after the changes have been made, it will be posted on the Lower Swatara Township website, it will be sent out, and the 45 day period starts. It will be advised to the Board of Commissioners at their Workshop Meeting that they must schedule a public hearing. He will recommend that they wait until the 45 days are up to see what kind of comments they may get from the neighboring municipalities and the public who were not available for the Planning Commission meetings.

## **ADJOURN**

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

Meeting adjourned at 8:47 P.M.

Respectfully Submitted,

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Robert S. Greene, Jr.  
Planning and Zoning Coordinator