

## MINUTES

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

**REGULAR MEETING  
DECEMBER 17, 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  
Christopher DeHart (\*arrived after roll call)  
Kimber Latsha  
Paul Wagner  
Peter Henninger, Solicitor  
Erin Letavic, Herbert Rowland & Grubic, Inc.  
Leah Eppinger, Dauphin County Planning Commission  
Robert Greene, Planning & Zoning Coordinator  
Tonya Condran, Recording Secretary

Absent:

Eric A. Breon, Vice Chairman

Others in Attendance:

Tom Luttrell, Luttrell Design Group, Rezoning  
Lee Dickerson, Rezoning  
Nancy Avolese, resident  
Joseph Hoover, resident  
Tom & Tiz Williams, residents  
(Numerous other residents who didn't sign in)

## MINUTES

A motion was made by Mr. Wagner and seconded by Mr. Latsha to approve the Minutes of the September 24, 2015 meeting.

Motion unanimously approved.

## OLD BUSINESS:

None.

## NEW BUSINESS

None

**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. Greene explained that this is the amended application for the rezoning request by Mr. Dickerson which was received Oct. 14, 2015 and the Board of Commissioners took action at the Nov. 4, 2015 Workshop Meeting to accept the application and then to move it on to the Planning Commission and the Tri-County Planning Commission for their comments and recommendations. A recommendation was received by the Dauphin County Planning Commission and Mr. Greene asked Mrs. Eppinger to read that recommendation.

Mrs. Eppinger informed that the recommendation is fairly consistent with the last recommendation that was made by the Dauphin County Planning Commission and that is to wait until the current Comprehensive Plan Update is complete before voting on this amendment.

Mr. Knopp asked if essentially the only change to the amended application is that another land owner was added.

Mr. Dickerson said yes.

Mr. Luttrell gave each Planning Commission member a new packet of information.

Mr. Luttrell then took the floor and introduced himself as a Development Consultant. He gave reasons as to why this rezoning would be favorable for everyone. It is a good idea for the uses proposed because it is right along the highway; there are 43,000 vehicles going past every day; it is visible from the highway; it is easy on-and-off; the people going by on the highway would be likely to stop for a restaurant or whatever business goes in there; and there would be virtually no traffic impact on the N. Union Street residents below this area for the most part because the majority would most likely be coming from the highway or the industrial area on the north side of Rte. 283. He stated that this area is perfect for Highway Commercial and it is not suitable for Residential Zoning because of the noise from the traffic on 283 and the noise from the trucks from the Industrial Parks across the highway. Mr. Luttrell went on to say that because of 283 and the Industrial Parks on the north side of 283, Mr. Dickerson and his family have a hardship because it is undesirable for use as their residence anymore due to the noise, excessive trucks, and light pollution from the industries, and also because of the condemned properties surrounding his property (properties have septic systems and wells which are contaminated and failed.) He also stated that if this area is rezoned, it will bring water and sewer to the area. If the rezoning does not happen, it will take another half million dollars to bring water and sewer to this area. He explained that there is another issue: When Cooke's (Henry Dr. off N. Union St.) caught on fire, because there is no public water lines and only wells in this area, water had to be brought in on tanker trucks. And because the tankers only hold so much water, the building burnt to the ground. There would have been a much larger chance of saving the structure if the area had public water and fire hydrants. This is how it may be for every home along N. Union St., if the conditions are perfect, maybe they will get there in time but the same thing may happen that happened at Cooke's and the house may burn to the ground.

He went on to say that the sewer tap fees are expensive, but somebody in that area just replaced the septic system and it cost them \$25,000. So a sewer tap fee is far less expensive than having to replace a septic system. Also, a sewer system increases your home value.

Mr. Luttrell feels that this is a good opportunity for Lower Swatara to circumvent some issues that may arise in the future with all the failing septic systems. He said they are asking for the Planning Commission to make a motion to approve this re-zoning and send it on to the Commissioners.

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

Ms. Avolese from 1451 N. Union Street came to the microphone. She stated that she is less than a mile from where the area is that would be rezoned. One of the questions she raised was about the noise, lights and traffic. She understands that this is one of the reasons Mr. Dickerson wants to have it rezoned. She wants to know how the rest of the residents along N. Union Street will be protected against noise, lights and traffic when what would happen is that more of these things would be put in even closer to the residential neighborhood. She said that the application also states that the neighborhood is deteriorating because of water and sewer but she stated that she just had her septic system cleaned and she has no problem with her septic system or her well. Her concern is where is the Code Enforcement Officer if they have been having septic tanks that have been condemned? Why have they been let to just sit there and nothing be done? She also feels that the traffic is going to become a problem when you add hotels, restaurants, gas station, or whatever it is they will be adding to Commercial Highway. Ms. Avolese also felt there should have been a traffic study done; she felt the soil discussion in the application was very poor; and besides the noise, lights and traffic issues, she feels there will be a garbage issue. She went on to say that her "little tiny farm" means everything to her and she does not want rezoning to start coming down N. Union Street. Unless what the township wants to do is eradicate the residences on N. Union Street completely, she asks that they vote against the approval of this rezoning.

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

Mr. Hoover from 79-81 Condran Drive came to the microphone. He stated that his property is directly affected by the three petitioners (Dickerson, Santoro, and Church). He agrees with what they say about the problems with the increased noise, traffic and light pollution near their homes. He added that within 1000 feet of his home, as well as the Dickerson's, there are 6 abandoned homes which are a direct contributing factor to their property values devaluating by almost 50%. He also feels that the four properties along N. Union Street below Condran Drive are and have been an eyesore for about 25 years and after numerous complaints to the Township, they remain the same with only a few minor corrections. He went on to say that the petitioners (Dickersons) are only trying to get out of an unfavorable habitat which causes them stress and other issues like not being able to sell and move without losing almost all of their property value. He feels there is no home value to this land because nobody wants to build in this section. This is why he feels a

Commercial zoning should be allowed. He also brought up that the Shope property directly across the street was rezoned Commercial Highway and that has 413 acres of land which is all prime farm land. What these petitioners have is 62.5 acres and with Mr. Hoover's 13.5, it would make it 75 (76) acres of land available.

Mr. Dickerson then came to the microphone. He stated that he was born and raised on this property and it has been a five-generation farm. He went on to say that he was glad that Mr. Hoover spoke out about the horrendous problems in that neighborhood. He said that they pay taxes just like anyone else in the township and there have been no major changes since the 1950s other than cable. No water, no sewer, no sidewalks. What he is introducing is his willingness to bring sewer and water into the area even though it is not necessary to have water and sewer for the property to be rezoned to Commercial Highway. He pointed out that the Rutter's on the other side of the creek does not have sewer, they operate on a septic system. He wants to bring the water and sewer into the property. This will add value to any neighbor who decides to connect and it is an asset to the township. The school taxes they (the new businesses in the Commercial Highway rezoned district) would pay would be substantial and there would be no students added, so he feels it is a win-win situation. Mr. Dickerson also rebutted Ms. Avolese's argument about a traffic study not being done. He stated that it is too premature to do a traffic study today in this stage; that will all be taken care of with the final subdivision plan. He also pointed out that anyone living over the hill from his property does not see what he sees. There are 43,000 vehicles that drive past on Rte. 283 per day, so if they get off at this exit to do business at the proposed site, there really isn't any traffic that has been added to N. Union Street.

Mr. Knopp asked if there were any questions.

Ms. Avolese questioned whether it was legal for a Planning Commission member to discuss what his vote/opinion would be before the actual meeting. (She was referring to Mr. DeHart's conversation with Mr. Dickerson after the Cooke fire where Mr. DeHart said that he felt getting public water on N. Union Street would be very beneficial.)

Mr. Henninger informed Ms. Avolese that there is nothing wrong with a Planning Commission member from having any conversation outside of the meeting with any citizens with regards to circumstances. They are just a recommending body; their "vote" is just to recommend or not recommend.

Mr. Hoover came back to the microphone. He wanted to speak about the noise and light pollution at night. He informed that they don't see stars anymore because of the lights from all the industries across Rte. 283; their bedroom windows have to be drawn tight with curtains to keep out the light so they can sleep and they cannot have their windows open because of the loud noises from the forklifts and the dropping of loading grates.

Mr. Dickerson said that all his surrounding neighbors are in the same situation and feel the same as he does. He also stated that the water contamination along N. Union Street is a problem because the failed septic systems in the area are contaminating otherwise good

wells. He said he is on his third well and every one of them (that was contaminated) came from somebody else's (failed) septic system. He also went on to explain that the noise pollution and the light pollution aren't the only problems. He said you cannot even sit on his property without the smell of exhaust or diesel fuel. He then said that if he had created these problems, he would just have to accept them and live with it. But he did not create these problems, so he would like to sell but will not be able to if kept zoned the way it is.

Ms. Avolese came up to the microphone. She stressed that she feels for them but she asked where it would ever end. If you take the re-zoning to Condran Drive, what about the next group of people and then the next group of people, and so on. She feels you have to look at all of N. Union Street, especially with the Comprehensive Plan. She proclaimed the fact that Dauphin County Planning Commission was not for the rezoning at this time.

Mr. Luttrell says there comes a point where Highway Commercial can no longer be "Highway" Commercial; it just becomes Commercial the further you get away from the highway. What happens to N. Union Street is up to future boards. It can stop at a certain place, it happens everywhere. He went on to say that the one thing that is different here from any other meeting he has been to, are the 50 or so people who are against it sitting in the audience. He said he has had neighbors (of the proposed rezoning site) come up to him to say they are in favor of it. Here tonight, there is only one person in the crowd who is against it. Mr. Luttrell then went over the Economic Impact Study that he had prepared in the packets that he earlier handed out to the Commission Members. He pointed out that there would not be any addition of kids to the school system; the township would not get any more streets because it would be private property; so there will be no added expenses for the Township, so it will only bring added revenue (because of the water and sewer) of anywhere between \$200,000 to \$400,000 a year. It is great tax revenue because of not having to take care of roads. Two entrances/exits will have to be put in and buffer-yards are required to separate Commercial from Residential. So the idea is that there will not be a lot of noise.

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

There were no other comments from the public.

Mr. Knopp asked Ms. Letavic if she had anything to add.

Ms. Letavic commented on the entrances/exits to the property. The sketch that was received back in September clearly delineates one driveway, she would need to know if this is a driveway, a public road, a cul-de-sac and would it meet standards. She also feels a proper zoning analysis would be preferred for this entire neighborhood, so whatever residents are left to the south would have an appropriate buffer. She says she has concerns for the neighbors who would remain but she appreciates the fact that their properties would also be more marketable. She stated that she would have much more to say once we have an actual project on paper.

Mr. Henninger brought up a few things. First thing was that they had a sketch on how they envisioned development. If the property is rezoned, that sketch is only a sketch. It can be developed anyway within the Ordinance of Commercial Highway, they are not bound by the sketch or any other sketch. Next, as far as water and sewer were concerned, they are saying that they would bring in water and sewer, but the rezoning comes with absolutely no requirement that there would be public sewer in order to develop it. For example, the Rutter's in Londonderry Twp. (right across the creek from this property) does not have public water and sewer. The property could absolutely be developed with a septic system and on-lot well. You cannot have conditional rezoning.

Mr. Latsha asked how rezoning itself solve the major problem which is sewer and water.

Mr. Henninger replied that it doesn't have to solve that problem. If they can get sufficient water from on-lot wells and an on-lot septic system according to LST ordinance, they don't have to get in public water and sewer. It is not a requirement.

Mr. Latsha asked for a ball-park number of what the difference in costs would be between on-lot systems and the cost to bring in sewer and water.

Mr. Henninger said that to bring in sewer and water, the estimated cost would be around half a million dollars. But the residents would not have to foot that bill. They would only need to pay the tapping fee which is, at this time, about \$2600 to \$2850.

Mr. DeHart asked for clarification. If this would be approved for recommendation tonight for the rezoning of Mr. Dickerson's property to Commercial Highway, and then the Board of Commissioners approved it, they would then have to come back with a Land Development Plan.

Mr. Henninger confirmed that statement.

Mr. Dickerson then stated that without sewer and water, the property cannot be maximized. So he would not go through with it without bringing in public sewer and public water. He then brought up that today they do not have sewer and water and they never will if it is left as a residential zoning district. The only way to assure that public sewer and water will ever be brought into that area, is for the rezoning to Commercial. He said this is what he does for a living, so he would want the maximum out of it. This is only Step One of many steps he has to get through, that is why he doesn't have everything designed because he felt the information was sufficient enough to get to this point. So if this doesn't move forward, there is no reason to worry about sewer and water because it could not be affordable to him.

Mr. Knopp asked if there were any other comments from the staff.

Mr. Greene said one thing that was brought up was the Act 537 plan which is about 30-some years old, and he does know that it is in the process of being updated. The Township Authority is looking into taking some action to amend the Act 537 Plan.

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

Mr. DeHart said that his thoughts on this have somewhat changed since the fire at the Cooke's residences on N. Union Street (Henry Drive is the private road) in October. To fight that fire, they used 21,500 gallons of water; one tanker holds 2500 gallons of water so all the other water had to be trucked in. The structure was just a garage, if it was a house, it would have taken a lot more water. Getting the apparatus there to fight the fire would've been much harder if it had happened on a weekday because of the volunteer firefighters having other jobs. It wouldn't have been as easy to get as many tanker trucks there with water. It takes time for people to get there and you need that water fast. So, he feels now that his experience with that fire had changed his opinion about getting water in there. It would be beneficial for everyone's safety in that area to have a public water system for any future fire related emergencies such as this. So if rezoning the site to Commercial Highway would help bring water to the area, he would recommend approval.

Mr. Knopp asked the Planning Commission for their votes.

Mr. DeHart made the motion for recommendation of approval to the Board of Commissioners.

Mr. Wagner seconded the motion.

Mr. Latsha was not in favor. He felt it should wait until the Comprehensive Plan was completed and then see what the recommendation would be after a more comprehensive study. He said if he was sure it would fix the water and sewer problem, he would vote in favor of it.

Mr. Knopp stated that he was in favor of passing the recommendation of approval onto the Board.

So with a 3 to 1 vote, the recommendation for approval will now be sent to the Board of Commissioners.

### **OTHER PERTINENT BUSINESS**

None.

### **ADJOURN**

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

Motion unanimously approved.

Meeting adjourned at 8:12 P.M.

Respectfully Submitted,

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Robert S. Greene, Jr.  
Planning and Zoning Coordinator