

## MINUTES

LOWER SWATARA TOWNSHIP  
PLANNING COMMISSION

REGULAR MEETING  
AUGUST 23, 2012, 7:00 P.M.

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

Chauncey D. Knopp, Chairman  
Eric A. Breon, Vice Chairman  
Paul Wagner  
Kimber Latsha  
Christopher DeHart  
Charles Smith, Herbert, Rowland & Grubic, Inc., Township Engineer  
Leah Pearlman-Storch, Dauphin County Planning Commission  
Brenda Wick, Planning and Zoning Director  
Angela Yealy, Recording Secretary

Others in Attendance:

Mark Will, Fulling Rd. LLC.  
Doug Gamber, Penn State University  
Donald Holtzman, Penn State University  
Natalie Gentile, Penn State University  
Kyle Hollick, Penn State University  
Jennifer Hanslovan, Penn State University  
Marc Kurowski, K & W Engineers & Consultants  
Kris Raubenstine, K & W Engineers & Consultants  
Brian Soyka, Sheetz, Inc.  
Michael Yingling, Sheetz, Inc.  
Daniel Walmer, Press and Journal

## MINUTES

A motion was made by Mr. DeHart and seconded by Mr. Latsha to approve the Minutes of the July 26, 2012 meeting.

Motion unanimously approved.

## **FULLING MILL ROAD, LLC** **PROPOSED ZONING AMENDMENT**

The Planning Commission reviewed the proposed Zoning Amendment request of Fulling Road, LLC to change the text of the Residential-Retirement Facilities allowed by Special Exception in the Commercial-Neighborhood (C-N) District. The purpose of the request is to change Age-Restricted Housing to Age-Targeted Housing.

Ms. Wick stated that since the last Planning Commission meeting, Dauphin County Planning Commission submitted a letter dated August 6, and an e-mail addressed to Ms. Wick from the Solicitor was also received stating his opinion.

Mr. Breon gave his summary of the letter received from Dauphin County that the plan is constitutional and not discriminative; although, Dauphin County is against the change.

Ms. Wick stated that Dauphin County is saying the plan is not consistent with the Comprehensive Plan.

Mr. Latsha questioned what was specifically requested from the applicant at the last meeting regarding the financial concerns from the bank. The letter from Susquehanna bank does not give any specific details regarding financing, and questioned Mr. Will what came out of conversation with the bank.

Mr. Will stated that Susquehanna will not make a commitment at this point in time.

Mr. Knopp stated that there was a meeting in the past with discussions to put a multi-family units in with the single family homes, and it was decided amongst the Planning Commission that they would approve the plan based on the the fact that it was a 55 and older community. Now they are asking to change the age-related to age-targeted.

Mr. Will questioned if the piece of land on the other side of Nissley is zoned residential.

Ms. Wick replied that the zoning for that area is R-A (Residential Agriculture) with one acre per lot. Twelve Oaks is zoned R-S (Residential Suburban) with the density of the zoning requirement allowing up to two lots per acre.

Mr. Breon commented that right now the proposed plan is five lots per acre.

Mr. Will commented that in some other municipalities that they have worked in, they have seen a natural progression from commercial to more of a multi-family to more of a single family. If Twelve Oaks were proposed with a plan to go straight commercial, he is not sure how they would react to that, and he is not sure if this was ever proposed to them. Their goal is not to restrict a 55 and older community but to allow this community to be successful and open it up while still having the characteristics of a 55 and older community to attract this age group and not have the age restrictions. It may end up being occupied entirely by occupants 55 and over.

Mr. Breon stated that the community could also end up being occupied by occupants under 55.

Mr. Will believes the age-targeted community could be a benefit to the Township, because it fills a void as this is not cheap housing. Others could find similar housing that costs much less money in other locations that do not have the snow and mow feature, the recreational center and other amenities. A traditional townhouse development without these amenities would not have the monthly fees like this community.

Mr. Breon: Dauphin County, while they have other options, is against this change. The Township Solicitor said it is legal and nondiscriminatory, yet he has concerns about approving this. The Township Solicitor indicates there is a lot of consternation by the Board, the Commission and other residents.

Mr. Will stated that there was a strong reaction from Twelve Oaks. There will be a public hearing where we will present our case to the commissioners, Twelve Oak residents will have a chance to voice their opinions and he can react to those opinions. Ultimately, there will be 83 residential townhouses built and the question is will they be upset about the fact that there would be less than a 20% age-restriction than there is currently.

Mr. Breon: Staff comments are negative from Dauphin County Planning Commission and neutral to negative on the Solicitors end.

Mr. Wagner stated that there was a brief discussion about the Homeowners Association at the last meeting, and he has concerns about the Association as historically over time Homeowners Associations tend to deteriorate. Mr. Wagner questioned who would regulate the age qualification after the development is completed.

Mr. Will replied that under the current ordinance, the age-restriction rule has to be regulated by the Township. He is looking to lessen the age-restriction. Under this proposal, no one has to regulate a percentage of owners over or under 55 years of age. This community would be built to target to those 55 and over by the amenities that need to be bought into by the Association members. The Township ultimately could and probably would have the responsibility of controlling the percentages of the age-restricted neighborhood.

Mr. Latsha stated that out of concern for the project, the Planning Commission asked for confirmation from the bank that they would not finance your project, and the letter provided from the bank does not show this.

Mr. Will stated that he had multiple conversations with the bank, and they felt uncomfortable writing a letter saying that they would not finance an age-restricted development. If necessary, Mr. Will commented that he could have a bank representative come in to a meeting to show that they are apprehensive about financing an age-restricted community due to past track

records with this type of community. From a bank standpoint, they want to sell the 83 lots as quickly as possible.

Mr. DeHart felt the Planning Commission should stay with the current Comprehensive Plan which is coming up for review and that could change down the road.

Mr Breon asked for a recommendation from the Planning Commission.

A motion was made by Mr. Latsha and seconded by Mr. DeHart recommending the denial of the proposed Zoning Amendment request of Fulling Mill Road, LLC.

Motion unanimously approved.

**PENN STATE HARRISBURG**  
**EDUCATIONAL ACTIVITIES BUILDING**  
**FINAL LAND DEVELOPMENT PLAN**

The Planning Commission reviewed the Final Land Development Plan for the Educational Activities Building Addition and Alterations for Penn State Harrisburg, prepared by Raudenbush Engineering, Inc., and submitted by the Pennsylvania State University Capital Campus.

Mr. Gamber with Raudenbush Engineering, Inc. introduced the following on the Penn State Educational Activities Building (EAB) Team including: Natalie Gentile, Jennifer Hanslovan, Kyle Hollick, and Donald Holtzman, a representative with Penn State. Mr. Gamber approached the Planning Commission with a waiver request for a preliminary plan regarding a special exception for the building height. At a previous meeting most of the zoning relief was obtained, and received approval from the FAA.

Ms. Gentile, the project manager, stated that there is little to no changes in the site plan other than reducing some of the hardscape and paving. Ms. Gentile showed revisions to the architectural design. Previously the building plan concept had glass and metal panels, and now it is primarily brick with far less glass. The program is the same with civil structure engineering and three large 120 seat classrooms. The plan configuration is identical to what has been shown previously. Originally, they asked for an approximate five foot Special Exception for the 45 foot height of the penthouse. There are two important changes since then. The penthouse walls have been set back in all directions making it smaller, but they are now asking for the height to be 2 feet taller.

Mr. DeHart questioned where they are putting the fire department connection.

Mr. Gamber showed where the new connection would be across the street from the building. Since there is a current bus stop and a light pole that would need to be replaced, this new fire connection would be a better location for not only this building but any potential buildings that could be built up on the hill. Referring back to the height issue, Mr. Gamber asked the Planning Commission if they knew what was needed to do this.

Ms. Wick stated that another Special Exception would probably be needed for the extra two feet.

Mr. Gamber stated that they should have time to go back to the Zoning Hearing Board. Mr. Gamber commented that he will need to review the penthouse updates to ensure adequate setback distances. He answered questions from the Planning Commission regarding the FAA. Mr. Gamber confirmed that even with the additional height of two feet, they are okay with the FAA clearance.

Mr. DeHart questioned where the penthouse doorway from the roof access was located, the height of the penthouse, and setbacks of the penthouse. Mr. DeHart also suggested an escape ladder.

Ms. Gentile showed where the doors and staircases were located, and the penthouse height would be 17' instead of 15' as originally planned. She stated that there is an external ladder from the roof to the penthouse roof, and they can accommodate any size ladder that is recommended.

Mr. Gamber stated that as part of the resubmission, he can provide the graphic illustration that would show the relationship from the center of the road to the various roof heights. Also he stated that he needs to go back and look at the relationship of the penthouse to the building perimeter.

Ms. Wick stated that the building height is set at 45 feet except for mechanical equipment that is set back an equal distance as its height. Everything could be 17 feet high if that is the distance the mechanical equipment is set back from the edge of the building.

Mr. Gamber stated that he will check to see if they can come into compliance, but they will most likely need to do a Special Exception. Mr. Gamber questioned if the Planning Commission or the Board of Commissioners would act upon a plan contingent upon getting another Special Exception.

The Planning Commission did not believe that the Board of Commissioners would act on anything with an outstanding zoning issue as this has never been done before.

Mr. Gamber addressed a few of the comments submitted from the Planning Commission, HRG, the County, and the Authority's comments. Mr. Gamber responded to Ms. Wick's question of whether the use of a paving demonstration/testing area would prevent the loading area from being used. According to Mr. Gamber, that is not their intent. It is a requirement to have three loading spaces, and the area in question would be available as a loading space. Their general opinion, granted they comply with the three loading spaces, is that it is highly unlikely that all three would ever be used at one time. Things will be offloaded there with the intent to move it inside. Another question from the Planning Commission was whether they would be submitting a lighting plan, and Mr. Gamber stated that they would be submitting a lighting plan with their next submission, and the Planning Commission requested subtle lighting in the area. To address the dumpster screening, Mr. Gamber indicated that currently there is only an existing pine tree; however, tree plantings will probably be bulked up in the next submission. Addressing Mr. Smith, regarding HRG's concern of a potential Chapter 105 permit, their intent is not to acquire a Chapter 105 permit. Mr. Gamber indicated that they may have to pull the headwall back to prevent this, and this condition will be analyzed before resubmission. In reference to another comment from HRG, Mr. Gamber stated that they recognize that they need to get some additional infiltration testing done on the site which they will try to expedite in the next week or so. Mr. Gamber felt that there was nothing objectionable regarding the comments from the County. He also thought that the comments from the Authority were straightforward. Mr. Gamber stated that he thought they are on their way to a pretty thorough resubmission.

Ms. Wick informed Mr. Gamber that for the Special Exception, the Zoning Hearing Board which would be scheduled for next month will be the day before the next Planning Commission Meeting. Since it is a Special Exception they need a recommendation from the Planning Commission. The Special Exception must be submitted before September 5<sup>th</sup>. The Zoning Hearing Board will meet September 26, and the Planning Commission Meeting will be September 27.

Mr. Knopp asked if there were any recommendations on the waiver to eliminate the Preliminary Plan.

A motion was made by Mr. DeHart and seconded by Mr. Breon to waive the Preliminary Plan.

Motion unanimously approved.

A motion was made by Mr. DeHart and seconded by Mr. Wagner to table the Final Land Development Plan.

Motion unanimously approved.

**K&W ENGINEERS & CONSULTANTS**  
**SKETCH PLANS FOR SHEETZ, INC.**

The Planning Commission discussed the Sketch Plan for Sheetz, Inc., as prepared by K&W Engineers & Consultants.

Mr. Kurowski, K & W Engineers & Consultants, introduced plan and those in attendance representing Sheetz, Inc. Mr. Kurowski showed location of the site between Meade Avenue and Route 230, along with the site improvements. The total project area is about 2.9 acres. One improvement is a 6,500 square foot Sheetz building. As shown on the sketch there are a couple points of egress including a two-way driveway coming off of Meade Avenue directly across from the CVS driveway. There is one way in at the bottom of the site close to Route 230, an existing way in coming off of 230 which will most likely be a common access drive for the rest of the parcel as developed by SARAA. Also internally off of that access drive there are two points of vehicular access to the site. Some other features Mr. Kurowski showed on site were a vacuum and air machine, 7 stations with 14 gas pumps under a canopy, 62 parking spaces, car wash, drive-through outdoor ordering station, and an enclosed trash service area. Stormwater management is not shown and will be on the Land Development Plan. Mr. Kurowski stated that they are working with SARAA to cross Meade Ave to make the connection to the existing sewer stub. Coordinating again with SARAA, the water distribution would be coming down from Rosedale to serve the site.

Mr. Breon questioned if there was flooding in that area last September.

Ms. Wick stated that the substation in front of CVS flooded. Ms. Wick is not sure how much of the culvert under Meade Avenue had been installed or if the channel was open at that point. She clarified that she was referring to the larger box culvert that has been installed at the intersection near the sewer pump station in front of CVS.

Mr. DeHart suggested that there should be a fuel spill protection plan to handle on site. One example would be a valve that could be turned off and a retention basin to prevent runoff and contain the spill to one area. This prevention would save a lot of money down the road if a spill were to occur.

Mr. Breon questioned the approximate amount of fuel that would be stored on site.

Mr. Soyka replied that approximately 60,000 gallons of fuel including diesel fuel not used for large trucks. He stated that this is a typical installation for Sheetz with this number of pumps and tanks. The store itself is a newer prototype for Sheetz. It will have somewhat of the same appearance as the store on Derry Street, yet will now offer a drive-through with a rear entrance and parking all around the store. There will also be indoor & seasonal outdoor seating.

Mr. Breon questioned how many new Sheetz stores similar to this have been installed already.

Mr. Soyko stated that they have about 15 currently and none in this area.

Mr. Breon commented that the drive-through process looks confusing, and he has concerns that it could create problems having parking between the drive-through lane.

Mr. Soyko claims that this does work for Sheetz, and is not like a fast-food, quick drive through. Their food is made to order, geared to a customer with a carload of children who does not want to get out of their vehicle and come into the store with children. Drive-up has a touch screen to place the order, then you would pull around to the pick-up window that has room for 3 stacking to come into the pick-up window.

Mr. Breon asked about the lighting at the site.

Mr. Soyko discussed that Sheetz would use LED lighting which is a clean, nice light. These lights are under a canopy and are controlled. Since this site would be sitting back from the road and at about the same level of the road, the lighting should not be a problem compared to the Derry Street location which sits up on a hill closer to the street.

Mr. DeHart has concerns about fire protection and finding connections with such a busy site. He suggested that the applicant review other sites to come up ideas on how this could work. Sheetz may lose some parking spots due to apparatus placement.

Mr. Breon also mentioned the car wash area even though it is the smallest structure on the site, there will need to be accessibility to that area and the power shut offs as well.

Mr. Knopp questioned what the life expectancy of the fuel tanks is.

Mr. Soyko replied that he is not sure, but they typically upgrade after around 15 years. The new fuel tanks meet all of the new regulations and the most recent tanks have been lasting at least that long.

Mr. Breon asked if subsurface sampling would be done around the fuel tanks.

Mr. Soyko replied that they use monitoring wells required by DEP regulations.

A comment from HRG was discussed regarding concerns with the 105 foot wide opening to the site that would tend to allow unguided traffic movements. Mr. Soyko said that the wide opening leads to a private street that is proposed to remain a private street. Currently there is no traffic on this private street. Mr. Soyko stated that their intent for the existing entrance off of Route 230 and the cal-de-sac is to be kept open for emergency vehicles that may need access to the site. Mr. Smith also questioned the applicant if he anticipates blocking the entrance off of Route 230. Mr. Soyko replied that they want customers coming in that way. They prefer to keep the entrance that wide to provide trucks a place to turn around.

The Planning Commission voiced their questions and concerns regarding the traffic at the site. Mr. Breon questioned how much storage for diesel is projected to be on site. Mr. Soyko replied that there will be 12,000 of diesel, 8,000 kerosene, and 40,000 of gasoline. Mr. Breon asked if large trucks would be going on the site, and Mr. Soyko stated that some construction vehicles will always make their way to these sites even if there were not any diesel on site. Mr. Latsha asked if the cul-de-sac is essential for their fuel trucks to circulate through the site. Mr. Soyko replied that it would be helpful for their fuel trucks, and was not sure why there was a concern. Mr. Breon stated the concern with the traffic off of Route 230. Mr. Soyko stated there is only one lane going in from Route 230, and one lane going out off of Meade Avenue to Route 230. There is an opportunity to go out the back entrance which mostly larger vehicles would use to exit the property.

Mr. Smith suggested mountable curbs to channel vehicles through a smaller intersection. Mountable curbs would still give functionality for the trucks, but dissuades the cars and passenger vehicles from using all 105' of driveway width. This would allow the traffic pattern to be channeled better.

Mr. Latsha questioned how long build the building process takes.

Mr. Soyka replied that it should take approximately 15 - 20 weeks from the time they start digging the foundation.

## **ADJOURN**

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

Motion unanimously approved.

Meeting adjourned at 8:25 P.M.

Respectfully Submitted:

A handwritten signature in blue ink, appearing to read "Brenda Wick", is written over a horizontal line.

Brenda Wick

Planning and Zoning Director