

MINUTES

LOWER SWATARA TOWNSHIP PLANNING COMMISSION

**REGULAR MEETING
FEBRUARY 26, 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
Christopher DeHart
Kimber Latsha
Paul Wagner
Robert Greene, Planning & Zoning Coordinator
Peter Henninger, Solicitor
Erin Letavic, Herbert Rowland & Grubic, Inc., Township Engineer
Leah Storch-Pearlman, Dauphin County Planning Commission
Tonya Bibb-Sakr, Recording Secretary

Others in Attendance:

Scott Akens, Akens Engineering, Allied Properties
Bob Unger, Cumberland Design, Allied Properties
Denise Yost, Concerned Citizen of Lower Swatara (CCLS)
Kane High, CCLS
Donna High, CCLS

MINUTES

A motion was made by Mr. DeHart and seconded by Mr. Wagner to approve the Minutes of the January 22, 2015 meeting.

Motion unanimously approved.

OLD BUSINESS:

None.

PUBLIC COMMENT:

Mr. Knopp asked if there were any public comments from our audience. There were no comments.

**ALLIED PROPERTIES, INC. –
2751 SPRING GARDEN DRIVE
APPLICATION FOR ALTERATION OF REQUIREMENTS/FINAL LAND
DEVELOPMENT PLAN**

The Planning Commission reviewed the Application of Alteration of Requirements of the Final Land Development Plan for Allied Properties, Inc., 2751 Spring Garden Drive, as submitted by Akens Engineering Associates, Inc.

Mr. Akens of Akens Engineering Associates, Inc., representing Allied Properties Inc., stated that they were here in December for the Special Exceptions Hearing and now they were back for the Land Development portion of the approval process in which they want to add a building addition of approximately 5300 square feet that will connect the two existing buildings and add about a 25,000 square foot yard storage area.

Mr. Breon asked if this would be behind the buildings.

Mr. Akens confirmed that the storage yard would be behind the buildings. Mr. Akens went on to say that they have received comments from both LST's engineer and from township staff and over the last two days he has worked to revise the plan in its majority to come here this evening looking for a recommendation of approval of the plan and various waivers they are asking for along with it.

Ms. Letavic said the majority of HRG's comments are not really too much to be concerned about. She did not have the opportunity to read the comment response letter from Mr. Akens but a lot of the issues can be addressed without any feedback needed.

Mr. Akens agreed.

Ms. Letavic addressed Comment 9: Providing evidence of service from utility companies. Since the building has been vacant for some time, she wasn't sure if they had to update service agreements with respect to sewer and water.

Mr. Akens said that as far as he knew, everything (electric, sewer, water) is up and running and there should be no change in consumption. There are no new bathrooms and the employee count will be basically the same so there should not be any increase in sewer production.

Mr. Henninger added that he feels it does need to be reviewed by the LST Sewer Authority to make sure that there are not more EDU's than what was already permitted there. With the increase of 5300 square feet, he feels it must be presented to the Sewer Authority to see if additional tapping fees must be added.

Mr. Akens said he will certainly submit this to the Authority for review.

Mr. Henninger instructed Mr. Akens to contact Matt Cichy at HRG to see exactly how that calculation is done.

Ms. Letavic then addressed Comment 20: Impervious area loading rates. All they need is documentation in the report. We are not looking for DEP's sake to make sure they are meeting 3:1 or 5:1 or whatever. It is just a surface area question and there will not be a follow-up comment, she just asks that it be documents.

Mr. Akens said it would be documented.

Ms. Letavic then addressed Comment 24: Stormwater Pipe-2. The question with regards to this is that on the southern corner of the paved area there is a retaining wall that they will be filling some of it with fill, stone, and perforated pipe; Ms. Letavic went on to explain that the perforated pipe is a relatively small distance compared to the area of stones, so her concern is that the entire stone area would be able to receive the water without a couple more pipes to connect it. She asked if they would consider a revision to that.

Mr. Akens replied yes, that would not be a problem. He went on to say that they had done some changes to make sure that the entirety of the infiltration pit now goes around the pipe and that the pit was below the pipe to help satisfy that but they can also look at adding a manifold pipe to help spread it out a little more.

Ms. Letavic then addressed Comment 25: How proposed Stormwater Pipe-2 will be installed as well as a pipe perforation detail to be added to the Plan. She feels most of this was addressed with the discussion of Comment 24. The intent should be that the entire stone area should be used for volume. She also asked if it would be possible to add a cross section of that installation similar to the other infiltration pit just to make it sure where everything was and to identify them individually to make it clear for the inspectors.

Mr. Akens said that they could add a cross-section; it would not be a problem.

Mr. Akens then brought up Comment 1: The access point on the property. He said they did do some online Courthouse research to try to actually come up with a recorded easement agreement, but was unable to find anything. The only thing he was able to come across was the original Sub-Division Plan but all that really showed was the shapes of the properties, but he does know that the driveway has historically be used as the access of that lot.

Mr. DeHart asked if he found anything for the other entrance.

Mr. Akens replied that the other entrance is still going to be there but will not be used for truck traffic.

Mr. DeHart asked if they had found out anything about that entrance as far as an easement.

Mr. Akens said the other entrance is just on the frontage, it just goes to the right-of-way line. The right-of-way line was shown on the Plan but it looks like it kind of dies out on their property line on the western-side.

Mr. Breon asked for clarification as to which was the main entrance.

Mr. Akens said it is the entrance that is closest to the Turnpike and it is the only entrance for the truck traffic. The other entrance may be used by employees off of Spring Garden Drive.

Mr. DeHart stated that this is a change from the original Plan because before it was mentioned that they were going to get rid of that entrance totally but Mr. DeHart asked to reconsider for emergency vehicle access.

Mr. Akens said the original plan was to eliminate that second entranceway because they were going to originally have a larger back area paved out, and they didn't want to break the impervious coverage. But now they shrank that paved area so they were able to keep the second entrance. He also said that it is a good secondary access for emergency vehicles and employees.

Mr. Henninger stressed that the Plan needs to be cleaned up as far as an easement. He said he is sure the entrance has been there for more than 21 years, but there needs to be more of an effort to get the easement information.

Mr. Unger from Cumberland Design and Building Company stepped up to the microphone and introduced himself. He explained that the predecessor company to his was Cumberland Buildings Company and they were the one who built the original building in 1972. Around 1986, they (Cumberland Design) built what was called at the time the Ford-New Holland Building and that is when the road was put in. Nothing was ever stated about an access easement. In 1990, they built another 70 foot addition onto the back and at that time there was no mention of an access easement.

Mr. Henninger asked if they had to submit Land Development Plans with both of the Plans.

Mr. Unger said yes, they did.

Mr. Greene confirmed that there were two Land Development Plans previously for this property.

Mr. Henninger asked how they showed that entrance on the Plans.

Mr. Greene said he would have to look at the Plans.

Mr. Henninger asked who the neighbor was to this property.

Mr. Akens was not sure of the company's name other than it was a shipping company.

Mr. Unger reported that he spoke with Allied Properties' attorney Hubert Gilroy today and he said that he knew the entrance has been there for 21 years.

Mr. Breon interjected that it doesn't matter how long the entrance has been there, this easement matter has to be cleared up.

Mr. Henninger said he will talk to Mr. Gilroy about that. He then asked Mr. Greene to pull the Plans and he would come over and they could take a look at them to see if there is something in there to give us some indication.

Mr. Breon added that this matter does not mean that there will be a delay on the approval tonight, but it could mean the approval will be with stipulations.

Mr. Henninger said that since that entrance has been used for at least 21 years, they have a right to use it regardless of the neighboring property says at this point.

Ms. Letavic asked if there was a term for this.

Both Mr. Henninger and Mr. Latsha said the term was Adverse Possession and it has to be open, notorious, continuous, adverse and exclusive.

Mr. Unger reported that Mr. Gilroy was confident this all could be resolved in a reasonable amount of time.

Mr. Knopp asked Ms. Pearlman-Storch if she had any comments on behalf of the Dauphin County Planning Commission.

Ms. Pearlman-Storch answered that she feels all of her comments were covered HRG's letter and LST's letter so she has nothing else to add.

Mr. Knopp asked Mr. Greene if the township had any questions or comments.

Mr. Greene replied that he had a few comments. First, the O&M Agreement that is required was acted on by the Authority this past Monday evening. However, they do need to provide security for the cost estimate for the improvements. He also had a few comments with regards to the parking data on the Plan and Mr. Akens understands what he is looking for there and he will provide that information.

Mr. Breon asked what comment would that be.

Mr. Greene replied that it was Item #4 under Zoning: The Parking Ordinance references have been corrected and revised to reflect the 1998 plan approval.

Ms. Pearlman-Storch added that if there is additional lighting, there also should be a Lighting Plan included to show where that's going.

Mr. Akens stated that there is a Lighting Plan and it would be included in the Plan Set. He explained that there will be additional lighting on the back of the building that will be pointing out and down towards the yard so there will not be any excess glare.

Mr. Breon asked if that lighting would only be on when the crane was being operated or would it be on continuously?

Mr. Akens feels it would be on all the time for security reasons.

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

Mr. Henninger said the things that concerned him were the Zoning Variance and Special Exception needed to be noted on the Plans. The other concern he had was the easement situation. So he said he has touched on the concerns that he would have from the legal standpoint.

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

Mr. DeHart had a concern still about the noise from the crane. He asks that since they reduced the impervious area in the back, will that reduce that amount of steel that is kept outside.

Mr. Akens responded that the storage area will still be the same; it will be the truck circulation area that got reduced.

Mr. DeHart asked what the hours of operation will be for the crane.

Mr. Unger said it will be a 24/7 operation.

Mr. DeHart interjected that just for the record this is a change.

Mr. Breon agreed that is not what they told the Planning Commission before. So that is a change as to what they are stating about the crane operation hours.

Mr. Unger explained that is was the Planning Commission's recommendation to the Zoning Hearing Board of the concern with the noise, but at the Zoning Hearing Board meeting, they explained to them that due to the nature of their business it has to be a 24/7 operation. There would be some days where there is nothing going on and there would be

other days when there would be some activity outside at night. The majority of their product will be inside.

Mr. Breon again stressed that that was not what they told the Planning Commission at the last meeting.

Mr. Akens stated that is correct, he is aware that at the Planning Commission there was the concern about changing the hours and the recommendation was made to the Zoning Hearing Board. However, when they went to the Zoning Hearing Board and their owner was actually present to testify, he had made statements as to the operation of the crane engines and the noise levels and what to expect, and the Zoning Hearing Board then agreed to the Special Exception without the restriction of the 24/7 operation.

Mr. Knopp asked how much noise the crane is going to make at night.

Mr. Akens stated that the amount of noise that makes is very minimal when you compare to the amount of noise with regards to someone who has a pipe operation who is picking up pipe.

Mr. Breon asked if there was a pipe operation near this.

Mr. Akens said the next door neighbor was a pipe operation but when Mr. Breon asked if they operated on a second shift, Mr. Akens did not know that answer.

Mr. DeHart wanted it noted for the record, that at the Township Meeting where they approved the Special Exception, there were also nearby neighbors that came to that meeting and they were fine with it.

Mr. Henninger confirmed that statement. He said the Planning Commission did their job, so if the issue comes up in the future, the finger cannot be pointed at them.

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

There were no other questions or comments, so Mr. Knopp asked for the two waivers to be addressed. The first waiver was curbs; they would like to eliminate curbs.

Mr. DeHart said there is nothing there now.

Mr. Knopp asked for a motion on the curbs.

Mr. DeHart made the motion to waive the curbing and Mr. Wagner seconded it.

Motion unanimously approved.

Mr. Knopp addressed the second waiver, sidewalks.

Mr. DeHart made the motion to waive the sidewalks and Mr. Breon seconded it.

Mr. Henninger stated that he had a question. He thought the determination was going to a deferral on the curbs and sidewalks, or at least the sidewalks, rather than just waiving them outright.

Mr. DeHart and Mr. Breon both said there is no curbing or sidewalks at this site. There is none on Spring Garden Drive from that property the whole way up to Donald Ave.

Mr. Henninger says he understands that. He just feels that at some point if something happened on the other side of the road where the houses were bought for something else to be put in over there, and it is decided that now would be the time to put sidewalks in, you've got nothing to require as far as sidewalks if you just flat-out grant the waiver.

Mr. Akens asked if it is waived, isn't it just for the purposes of this specific Plan that any other time the Township could come back and require the installation of sidewalks regardless of the decision now.

Mr. Henninger clarified that we could do that if it is a deferral; so this is his recommendation.

Mr. DeHart then withdrew his motion for a waiver of the sidewalks at this time as did Mr. Breon.

Mr. Akens said he would have no problem with the waiver being changed to a deferral.

Mr. Latsha made a motion that we reconsider the first motion that granted a waiver on the curbing as well. Mr. Wagner seconded Mr. Latsha's motion to remove the waiver on the curbs.

Motion unanimously approved.

Mr. Knopp asked if there was a motion to put a deferral on the curbs.

Mr. Latsha made the motion and Mr. Breon seconded the approval of the deferral.

Motion approved with exception of Mr. DeHart. (4 yeas – 1 nay.)

Mr. Knopp then asked if there was a motion to defer the sidewalks.

Mr. Latsha made the motion and Mr. Wagner seconded the motion to approve the deferral of the sidewalks.

Motion unanimously approved.

Mr. Akens confirmed that as far as the Plan is concerned, they will withdraw their request for the waivers and just add notes to the Plan saying that the requests were deferred.

Mr. Knopp then asked for the review of the application for the requirements of the Final Land Development to be addressed. He asked for questions and comments.

Mr. Latsha stated that he would move to approve with Staff recommendation.

Ms. Letavic recommended a conditional approval upon satisfying all Staff comments and having the satisfaction of those comments before it goes to the Board of Commissioners.

Mr. Latsha said he would convert that into the form of a motion. Mr. Breon seconded that motion.

Motion unanimously approved.

SIGN ORDINANCE REVISION –
CODE OF ORDINANCE OF LST, NO. 448, CHAPTER 27 ZONING, PART 23,
SIGNS, SECTION 2303, INCIDENTAL SIGNS

Mr. Knopp asked for discussion on the revision of the Sign Ordinance No. 448, Chapter 27 Zoning, Part 23, Section 2303.

Mr. Henninger explained that what this has to do with is the fact that currently LST's sign ordinance prohibits the Recreation Committee or other organizations from selling advertising banners on the outfield fences which is quite common elsewhere. So in order to allow that to happen, we needed to change the ordinance into a language that Mr. Greene and Mr. Henninger have come up with. The County draft initial review says there is one other thing that would need to be added; there would be a conflict with regards to the fact that because this would be what is considered "Incidental Signs" right now, there is a provision in the Ordinance that states that no permits are required for these signs and banners, so there needs to be a permit requirement. So there would be another section added to modify Section 2306, 3a, which would be to eliminate the "no permit required" for recreational signs/banners/logos.

Mr. Breon asked for clarification as to if "we do" or "we don't" want a permit.

Mr. Henninger clarified that "we do." This will allow the signage to be done, but they will have to obtain a permit, with no fee, but they still have to go through the permit process.

Mr. Breon inquired about electronic signs.

Mr. Henninger responded that the electronic sign part is being worked on and we will see that at a later time.

Mr. Knopp stated that Mr. DiFrancesco (Commissioner) mentioned that we are taking a "broad brush" approach to this.

Mr. Henninger said yes, we would like to push this through so they can have it in time for the baseball season for the Recreation Committee. So the electronic signage ordinance will be addressed later this year.

Mr. Latsha added that the permit process would be in place not for fees but to know what you are getting, so to speak.

Mr. Henninger agreed.

Mr. Breon then asked if submitted for consideration tonight is the posting of this or what are we doing tonight.

Mr. Henninger replied that we need to make a recommendation to the Board of Commissioners who are planning on having a public hearing on this on March 18, 2015, and adopt it that night so that the Recreation Committee is ready to go and can start selling ad spots so the signs can be up for baseball season this year.

Mr. Knopp asked Ms. Pearlman-Storch if the County has any comments.

Ms. Pearlman-Storch said that the County Staff has reviewed it but it has not gotten to their Board yet but it will go to them on March 2, 2015, so County's Staff unofficial recommendation is that they recommend approval of the ordinance based on making sure there is no conflict with the rest of the ordinance. She also wanted to mention, on record, that there is a little bit of a codification error in the end of the Sign Ordinance; it jumps from "ABC" to "123" instead of staying consistent, but it will be amended.

Mr. Greene advised that they are meeting with the gentleman to consider reviewing our Code of Ordinances to get the codification updated.

Mr. Latsha asked Ms. Pearlman-Storch if this was typical of other townships to go through a permitting process to get signage on their recreational fields.

Ms. Pearlman-Storch responded that it depends on the municipality how comfortable they are with allowing advertising signage but it is not unusual.

Mr. Breon asked for confirmation that there would be no charge for the permit.

Mr. Henninger confirmed there would be no charge for this type of permit. The whole point of that is because it is basically it is helping the Recreation Committee and associations get money to upkeep the parks.

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

Mr. Wagner asked if there are regulations as to how the signs would be attached.

Mr. Greene answered yes; there is language in there that it will have to be attached in an acceptable manner that staff would review with the application.

Mr. Henninger added that they would be attached to the fences facing in not out so it wouldn't be distracting to the travelling public. So by requiring the permit process, we would have some control over all that.

Ms. Pearlman-Storch also added that the signs will be required to be inspected and approved.

With no other questions or comments, Mr. Knopp then asked if there is a recommendation from the Planning Commission.

Mr. DeHart motioned to approve and Mr. Latsha seconded the motion.

Motion unanimously approved.

OTHER PERTINENT BUSINESS

Mr. Knopp asked Mr. Greene if there was any other business that needed to be brought up.

Mr. Greene informed that we will be conducting a Public Hearing on the proposed sign ordinance revision before the Board of Commissioners take action on it.

Mr. Breon then asked Mr. Greene what the status was of the review of the Comprehensive Plan.

Mr. Greene responded that it is still on hold at this time for budgetary reasons but the Planning Commission will be kept up to date as to when the process will begin.

Mr. Knopp asked if there was anything other comments or concerns from anybody.

Mr. DeHart then asked Ms. Letavic if there were any answers yet on the traffic study at FedEx, N. Union Street and Fulling Mill Road, in regards to the left-turn lane.

Ms. Letavic stated that they did receive an email from a FedEx operator sometime in January or early February 2015 and they were also concerned because of some close calls at that light; however, it is not up to FedEx, it is up to the original developer.

Mr. DeHart asked if FedEx could donate money or pay for the study.

Mr. Breon stated they could do either of those things.

Ms. Letavic informed that Scannell's engineer (Scannell being the original developer) will have to do the work, HRG cannot do it, they can only review it.

Mr. Latsha asked what the condition of the approval is.

Ms. Letavic said the condition of the approval is upon six months of occupancy.

Mr. Breon asked how long it has been in operation now.

Mr. Greene feels it is close to six months but when they first opened it was only for internal operations, they weren't working at full-force or full-capacity.

Mr. Henninger said the condition is full-occupancy which they are at now; but he is not sure when that actually started.

Mr. DeHart reiterated that FedEx is complaining about it, CDC and Pratt Whitney are complaining about it, when will something be done about it.

Mr. Greene responded that as Ms. Letavic has indicated, there is really nothing we can do, it is not up to us to initiate. However, with the conditions that were placed on the approval of that Plan, yes we do need to pursue it but at the same time we cannot act on behalf of FedEx. It has to be something that they move forward with to start the permitting process.

Mr. DeHart asked if we cannot do anything because they sold the property already and the original person who developed the land is long gone.

Mr. Henninger advised Mr. DeHart that that condition runs with the Plan so now you are into the new owners' responsibility.

Ms. Letavic said that Staff did some research and from what she understands all the conditions of the Plan stayed with the original owner not with FedEx.

Mr. Latsha asked Mr. Henninger how that works. Does it have to be written on there?

Mr. Henninger said that he would have to see how it is worded on the Plan.

Ms. Letavic added that it is not as cut-and-dry as you would think it should be.

Mr. DeHart expressed that this traffic light problem is a big safety concern. He said he himself has almost t-boned people there about three times already from people tired of waiting for the left-turn light to come on so they cut in front of you.

Mr. Henninger also reported that he has had issues with that traffic light for years. He said many times he has sat there and the left-turn arrow never comes on.

Mr. DeHart brought up the \$20,000 upgrade that is to be coming from 140 Fulling Mill Road which was for the "loops" which is one of the problems and to put new cameras on instead which he presumes will be this spring because they are done with that warehouse.

Ms. Letavic asked Mr. Greene if they had an Occupancy Permit yet.

Mr. Greene answered no. They have a Completion Certificate but they have no tenant so whenever a tenant comes in there would be a Certificate of Occupancy issued for that specific tenant. But as of right now, the building is not occupied.

Mr. DeHart feels the cameras should be in place before the Certificate of Occupancy is issued.

Ms. Letavic explained that it depends how it was written.

Mr. Henninger said they will look at the Plans and report back next month what is specifically written. We will get it straightened out within the next month.

ADJOURN

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

Motion unanimously approved.

Meeting adjourned at 7:53 P.M.

Respectfully Submitted,



Robert S. Greene
Planning and Zoning Coordinator