M I N U T E S

LOWER SWATARA TOWNSHIP **REGULAR MEETING**
PLANNING COMMISSION **JANUARY 23, 2025, 7:00 P.M.**

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

Chauncey Knopp, Chairman
James Young, Vice Chairman
Dale Messick
Howard Crawford
Jospeh Formica
Tonya Condran, Recording Secretary
Don Fure, Director of Codes, Planning & Zoning
Richard Snyder, Planning & Zoning Coordinator
Jim Diamond, LST Solicitor

Others present:
Gary Rux, resident
Ron Paul, LST
Zachary Border, LST

PLEDGE OF ALLEGIANCE & ROLL CALL

REORGANIZATION:

Mr. Messick nominated Chauncey Knopp to continue as the Chairman of the Planning Commission. Mr. Crawford seconded the motion. All were in favor.

Mr. Messick nominated James Young to continue as the Vice Chairman of the Planning Commission. Mr. Crawford seconded the motion. All were in favor.

Mr. Crawford nominated Tonya Condran to continue as the Recording Secretary of the Planning Commission. Mr. Young seconded the motion. All were in favor.

APPROVAL OF MINUTES:

Mr. Knopp asked if there was a motion to approve the December 19, 2024, meeting minutes. The motion was made by Mr. Crawford and seconded by Mr. Messick. All were in favor. Minutes were approved.

OLD BUSINESS:

None.

NEW BUSINESS:

a. Union Knoll, Final LDP – Planning Commission File PC#2023-08. Review and approve Component 4A – Municipal Planning Agency Review of the Sewage Facilities Planning Module, dated December 9, 2024.

Mr. Snyder explained that Union Knoll is trying to get finished with their project for recording and construction. In order to do that, they need to file a full Sewage Facilities Module with PADEP. There are several components that have to be completed and the form (that was in front of each Planning Commission member) is Component 4A, which is the Municipal Planning Agency Review. This is one of the components that upon approval they will be able to move forward to get the recommendation for a Resolution also at the Board of Commissioners meeting. Both those components, as well as another one from the Municipal Authority, have to be added to the full Sewage Facilities Planning Module for submission to PADEP.

Mr. Knopp asked if there were any questions.

Mr. Crawford asked for confirmation that the Township Staff agree with this.

Mr. Fure said yes, it is pretty standard. We have done it before, recently with the Middletown High School, UPS, Wilsbach, and some of the other larger facilities.

Mr. Knopp stated that he has only ever signed one of these before. He asked who had signed them before.

Mr. Snyder informed Mr. Knopp that he signed the one for the school district.

Mr. Young said this is the first one he remembers as well.

Mr. Snyder said that DEP is very adamant about this. He feels though that when Covid hit, there has been a significant turnover in personnel at DEP, and they are making sure that everything is being taken care of and checking things more in depth. In preparation of this document, Mr. Snyder said he did review the answers in accordance with the full plan that they sent to us, and these answers are consistent with the additional supporting documents in that plan. So, we may see these more often as additional plans come into the Township.

Mr. Knopp asked if we need to make a motion.

Mr. Snyder said in this case, we will need two motions. 1st motion is to accept the answers that are on Component 4A and authorize the Chairman or Vice Chairman to sign accordingly. The 2nd motion would be that once this is approved, the Resolution gets pushed forward to the Board of Commissioners for recommended approval.

Mr. Young asked what the plan was that was submitted on January 7th.

Mr. Snyder said it was the Full Sewage Facilities Planning Module. It is a 70+ page document.

Mr. Crawford made the motion that we agree with the questions as answered and we agree that Chauncey should sign the documents. Mr. Messick seconded the motion. All were in favor.

Mr. Crawford made the motion to forward the signed document to the Board of Commissioners with our recommendation to approve. Mr. Young seconded the motion. All were in favor.

OTHER BUSINESS:

a. 552 Morgan Drive – Zoning Hearing Board File SE#2025-02. The applicants, Gary and Pamela Rux, request a Special Exception under §27-603.3 of Lower Swatara Township's Zoning Ordinance to allow the addition/construction of an Accessory Apartment Dwelling to an existing Single-Family Detached Dwelling. Said addition will measure approximately 24' 2.5" x 24' and be utilized for a blood relative's quarters. The subject property is identified as Parcel: 36-018-090, and located at 552 Morgan Drive, Middletown, PA.

Gary Rux, owner of 552 Morgan Drive, explained that the in-law quarters would be for his mother, who has some health problems and cannot do steps, and she needs round-the-clock care. He said that this would put him in the position to wake up in the morning, check on her, and still give her some feeling of independence. He feels this will be therapeutic for her to live on a single floor and get out of living by herself right now.

Mr. Knopp asked if there were any questions.

Mr. Diamond stated that the issue is that the Ordinance says for an Accessory Apartment there can be no substantial external modification, which is why we have to go through this Special Exception process. And from what it looks like, there is a significant addition being put on the house.

Mr. Rux said it is going to be a one-bedroom with a small kitchen addition.

[The next few moments were inaudible.]

Mr. Diamond said if you put an addition on [your house] it would be allowable and technically wouldn't need a Special Exception, but because it is being called an Accessory Apartment is the reason for the Special Exception process.

Mr. Young stated that we had this issue before in Twelve Oaks where they were seeking a Special Exception, but it did not meet the Ordinance.

Mr. Fure added that the instance Mr. Young was talking about was presented as a detached apartment and that is the big difference with what is being presented tonight. He said that Mr. Rux is attaching it to his home, and it is going to be open to the home. He feels the Ordinance is a little too strict with the accessory apartment definition, because he could just come into the Township Office and say he was building an addition with a bedroom and a bathroom and legally be able to do it. But because he said it was an apartment for his mother, that definition kicks in. We denied the Special Exception for the accessory apartment in Twelve Oaks because it was a detached dwelling, so the owners came back with an attached addition to the house, and it became legit, and it was passed.

Mr. Diamond asked if maybe the Zoning Hearing Board would have to look at it conditioned upon it being approved as an "addition" being put on the house, and that this addition is in accordance with all requirements you would have for a single-family home having an addition.

[More discussion ensued on Apartment vs. Addition definitions especially for use by a family member.]

Mr. Rux added that his mother is going to be his dependent because she cannot live on her own. So, he said, from his perspective, it is just like one of his kids living in

the same house with him. He said he was just trying to give her a private entrance so that EMS could get in there a lot quicker and easier, and she would have no steps, because every entrance into his house right now has steps.

[More discussion between the PC, the Solicitor, and Twp. Staff ensued.]

Mr. Crawford asked if he was putting a kitchenette in.

Mr. Rux said he planned to so that when the nurses came over to prepare her meals, they wouldn't have to leave her unattended to come into the main kitchen in the house. But he said, if need be, he wouldn't have to put in a full kitchen.

Mr. Fure said that he is not aware of anything other than calling it an apartment, but we have several definitions for the term "apartment". But as far as a definition not permitting one kitchen, we don't have that. So, if we just say this is an addition, we wouldn't be able to stop it. But because he said it was for his mom, the definition of the apartment kicks in.

Mr. Diamond thinks he could put the ZHB case on hold.

Mr. Formica asked if it would have a separate address.

Mr. Rux said no. There would not be a separate address, mailbox, or anything.

Mr. Fure said there is a 6-foot slider door in between the main house and the addition.

Mr. Rux confirmed that.

Mr. Diamond suggested an Executive Session at this time.

Mr. Knopp asked if there was a motion to break into Executive Session.

- Mr. Messick made a motion to go into the Executive Session.
- Mr. Crawford seconded the motion.
- All were in favor.

[7:20pm. Meeting was paused until Executive Session was done.]

[Meeting resumed at 7:42pm.]

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

Mr. Crawford told Mr. Rux that their suggestions for him are to withdraw from the application for Special Exception. He told Mr. Rux he would get refunded. Then he should just submit a building permit for the addition. This would allow him to house the blood relative. But if he wanted to use that addition for an apartment or anything else, he would have to come back and get a variance.

Mr. Rux understood and said that makes sense.

Mr. Diamond asked to just talk through a couple things. He said it strikes them that this is more of an addition, especially since the mother is going to be his IRS-dependent, so it seems to them that this is just an addition onto his house to make room for a member of his immediate family. This is not unlike the apartment concept, but there does have to be a connection between the addition and the house, not separate. So there does have to be an interior door concept.

Mr. Rux explained that there is a connecting interior door and apologized for not saying it before. He showed on the plan where there is a Bilco door that leads from inside the addition to his basement. There is also a door that leads from inside the garage to the bedroom.

[Mr. Rux pointed out where the doors would be on the printed-out maps that the PC had, and discussion proceeded.]

Mr. Diamond told Mr. Rux that this is their suggestion that he withdraw the Special Exception application. He said we have some flexibility cost-wise that he could always refile again if things don't work out with the permit; however, they think it should. We haven't advertised yet, so no money has been spent. We will still do a motion tonight in case you change your mind and don't withdraw it. The other alternative, if you would go forward with it, in addition to asking for the Special Exception, you would have to ask for a Variance if there were changes to the exterior, so we would probably have to take action to what we would recommend to the Zoning Hearing Board, if you decided to go forward with it.

Mr. Rux asked what the process was to withdraw the Special Exception.

Mr. Snyder told Mr. Rux to just send an email to him stating something as simple as "After suggestions that were rendered as part of last night's Planning Commission Meeting, I wish to withdraw the Special Exception request for further consideration." Mr. Snyder said he would then type up a refund letter and send that over to our Accounting Department to refund the filing fee.

Mr. Diamond asked that it be recorded in the Minutes that it is Mr. Rux's mother [to be living in this addition] and she is dependent. Also, there will be an interior connecting door. So really this is an addition, not an accessory apartment.

Mr. Rux thanked everyone for their help tonight.

Mr. Knopp asked for a motion.

- Mr. Young made a motion that in the event that the Applicant does not withdraw the request for a Special Exception, that we recommend it be denied for failure to meet the requirements and definitions of the Ordinance.
- Mr. Crawford seconded the motion.
- All were in favor.

b. Act 14 information. Mr. Snyder had two comments. He received two notifications recently: one which is a standard Act 14 notification. The notice of intent to remediate the former Bethlehem Steel Pig Iron field. That Pig Iron field is located in Steelton Borough, Lower Swatara Township, and Swatara Township. This is just a standard requirement for them to make notification that they are applying for that intent to remediate. The second one is also an Act 14 notification from AED Energy Services for a petroleum pipeline valve replacement. They are applying for a Chapter 105 general permit to demolish and relocate an existing pipeline valve along Swatara Creek. Mr. Snyder just wanted to put these on the record that we have received them, and we have seen them.

Mr. Crawford asked about the first one (Pig Iron field). He asked if that remediation area with that area that we approved previously with the three different municipalities.

Mr. Snyder said yes, it is in that general vicinity.

Mr. Diamond added that project is still waiting to be approved by Steelton.

Mr. Crawford recalled that we said they couldn't touch that area, as far as when we approved that. If they want to do anything on it, they will have to come back.

Mr. Snyder said that was correct in terms of development, because that would be a significant change to the Plan that was already approved. That area was not going to be developed, but it was an environmental cleanup act, so this is their application for the Notice of Intent to remediate that area.

c. Zoning Ordinance cleanup. Mr. Fure informed the PC that the Township has engaged with a firm outside of Pittsburgh who evaluated our Ordinance. This firm is concentrating on the Zoning Ordinance and looking at the legalities and definitions and then bringing us up to speed on some of the current items that they are seeing throughout Pennsylvania. [For instance: Airbnb's, Smoke Clubs, Data Centers, etc.] He said we have roughly 200-300 words that are referenced in our Zoning Ordinance do not have a definition. Or something that is defined as a definition but isn't a permitted use. We have some instances where we have storage units, but they are not permitted in that zoning district. He said we are hoping to bring the Planning Commission a rough copy in February. We are going to meet tomorrow to try to finalize it and get it up and running. There are going to be some zoning changes, uses not defined, definitions, etc. A couple years ago, the Zoning Hearing Board tasked us with four things: Building Height, Fences, Parking, and Signage. So, we will be looking for your input on that.

Mr. Crawford asked for clarification if Mr. Fure would have some recommended Ordinance changes and a bunch of definitions to add/delete and/or change.

Mr. Fure said yes. Besides the four big items mentioned, some other examples are Chickens [which are a big item right now], and Overflow Parking. That is basically the gist of it, but anything else anyone can think of, now is the time to bring it to the table.

Mr. Young asked if Mr. Fure would be looking for a recommendation from the Planning Commission at the February meeting or if this is an initial review.

Mr. Fure said this will be the initial review. As this moves on, it is going to have several steps. One step will be reviewing the definitions, then the parking and signage will be separately presented to you.

Mr. Diamond added that there are a lot of technical things that need to be looked at with all these things, particularly signage because of the 1st Amendment and such.

c. The next Planning Commission meeting will be held on Thursday, February 27, 2025, at 7:00 P.M.

PUBLIC COMMENT:

Mr. Knopp asked for any further Public Comment at this time; there were no further comments/questions from the public at this time.

GOOD & WELFARE

ADJOURN:

A motion was made by Mr. Messick and seconded by Mr. Crawford to adjourn the meeting. All were in favor.

Meeting adjourned at 8:02 P.M.

Respectfully Submitted,

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Donald A. Fure, Director of Codes/Planning & Zoning