

**PLANNING COMMISSION MEETING MINUTES
EAST HANOVER TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA
8848 JONESTOWN ROAD, GRANTVILLE, PA 17028**

November 27, 2007

Present: David Craig, Chairman;
Donna Lebo, Vice Chairman; Mike Webb, Member
Absent: Ed Twaddell, Member; Michael Kovach, Member

Also Present: Roger Phillips, Township Engineer
Dawn Eppinger, Administrative Assistant to the Planning Commission
Absent: David Smith, Township Zoning Officer
Matthew Jones, Dauphin County Planning Commission

This meeting was audio taped. The tapes are strictly for the use of the Administrative Assistant for clarification during preparation of the minutes.

Please Note: In the minutes where the word “**inaudible**” appears, the conversation could not be made out because the individual did not speak into the microphone

The meeting was called to order by Chairman Craig at 7:14 pm.

APPROVAL OF MINUTES

- **Mrs. Lebo made a recommendation for approval of the meeting minutes of October 23, 2007. Chairman Craig noted the recommendation will be forwarded on to the Board of Supervisors.**

UNFINISHED BUSINESS

1. Grantville Volunteer Fire Company – (12/23/07). This is a preliminary-final subdivision and land development plan for a proposed new fire station facility located at the southwest intersection of Route 22 and South Hill Drive. A representative from Grove Associates was Bill Grove and a representative from the Fire Company was Wayne Isett.
 - Mr. Grove reiterated the commission had asked for additional information to be provided at the last meeting that was attended by them; status of PennDOT permit – received final comments. They only have to widen the deceleration lane.
 - Mr. Grove noted they will have this issue addressed by the end of the week and should hear from PennDOT within a few weeks.
 - Mr. Grove added the other issue was the wetlands. The Army Corps of Engineers came to look at the site. It was indicated to Mr. Grove the areas in

the drainage ditch were not jurisdictional wetlands, but they were referred to DEP.

- Mr. Grove commented they received a call from DEP indicating they were not sure it was a wetland; however, that drainage ditch now shows up on the most recent USGS map as a water of the Commonwealth.
- Mr. Grove indicated they will be required to file for a GP-7. They will need to notify the township and the county they are applying for the permit.
- Mr. Grove commented the other issue was the pending height variance. The Zoning Hearing Board granted them a variance for the height structure.
- Mr. Phillips indicated they were the only items in his letter received on November 27, 2007 that needed to be addressed, that being DEP and two minor items on the plan.
- Mr. Grove indicated they currently do not have a copy of the letter from PennDOT; the letter will go directly to the designing engineer.
- Mr. Grove confirmed there will be on-site sewer and well
- Mr. Grove noted they may have the letter from PennDOT before the December 18, 2007, Board of Supervisors meeting. As far as the GP7 goes, they just need to file the paperwork.
- There was further discussion
- Mr. Phillips noted when issued a permit by PennDOT, you are bound by the conditions of the permit
- Mr. Grove noted they were informed they qualify for the general permit
- There was further discussion
- Mrs. Lebo asked about the outstanding items from Mr. Phillips letter
- Mr. Phillips noted it was Section 618.2, wooded areas to be protected to prevent destruction; a silt fence needs to be relocated within the L.O.D. and on page 1 a typographical error exists within the waiver section. The fourth waives is to be amended to read 609.1.3 in lieu of 6.1.3.
- Chairman Craig noted at the last meeting there was an outstanding issue from the Army Corps of Engineer
- Mr. Grove acknowledged this and noted it is not a jurisdictional wetland; however, the Army Corps no longer sends out letter indicating this. They were told to contact DEP, which they did. It was recommended to them to file for a GP7.
- Chairman Craig asked if it would be possible to have everything completed before the December 18th meeting.
- Mr. Phillips noted they would have to resubmit the plans and he would take another look at them.
- **Mrs. Lebo made a recommendation to approve the plan based on the following: approval of the PennDOT permit, approval and issuance of the GP7 and compliance with outstanding items as addressed in a letter from Roger Phillips regarding items 9, 10 and 12. Mr. Webb seconded the motion. Being no further discussion, the motion was approved 3 in favor, 0 opposed**

2. Steve Gingrich, Kimberly Gingrich and Robert & Stacey Jones (12/23/07). This is a preliminary-final one-lot addition. There were no representatives for the applicant.
 - Chairman Craig noted the plan is set to expire on December 23, 2007, and action needs to be taken by the Commission
 - Mr. Phillips noted there have been no resubmissions on the plan.
 - **Motion was made by Mrs. Lebo to reject the plan unless a grant of extension of time is received by the Board of Supervisors from the applicant. Mr. Webb seconded the motion. Being no further discussion, the motion was approved 3 in favor, 0 opposed.**

3. Grantville Holdings – (12/18/07). This is a preliminary land development plan. They are proposing to construct a 159 room Hilton Garden Inn at the intersection of Bow Creek, Station and Ridge Roads. Representatives from Rettew Associates were Eric Brinser and John Schick; Attorney Mark Bradshaw from Stevens & Lee and Paul Nachlas from Alliance Environmental Services.
 - Chairman Craig noted action will need to be taken by the Planning Commission because of the December 18, 2007 expiration date.
 - Mr. Brinser noted the following:
 - A revision was made since the last meeting a resubmission had been submitted, including the information discussed at the meeting such as a supplemental well study and the traffic counts omitted from the previous submission
 - They addressed all the plan comments and changes that needed to be made based on the engineer's letter; there was one minor issue that needs to be taken care of.
 - The issues from the Zoning Officer have been addressed with the exception of the sewer planning module, which is still outstanding based on the Township expanding the plant
 - He feels the majority of the comments have been addressed with some outstanding issues from the Conservation District approval and the planning module.
 - They are requesting a recommendation for a conditional preliminary plan approval. At this point, he asked Mr. Phillips for his input on the letter that was distributed today, November 27, 2007
 - Mr. Phillips noted he received a supplement to the water supply study that deals with the water budget evaluation, which had not been previously addressed. At this point, Mr. Phillips asked Mr. Brinser to explain.
 - Mr. Nachlas, who prepared the supplement, spoke about the discussion from last month's meeting on the regional effects of the property and development in question will have on ground water. Mr. Nachlas noted the following:
 - To address the concerns for the consumption or withdraw of this property from the basin, he looked at the area of recharge that exists physically above this property. He determined there are 1,600 acres that drain through the location of the property

- He noted when looking at the comprehensive plan of April 6, 1993, the plan provides some recharge values that have been applied to the 1,600 acres to determine the amount of ground water that is available from recharge into the basin above the property.
- He went through the highlights of his letter, talking about consumptive uses the largest of which is the golf course. According to SRBC the golf course is apt to withdraw 250,000 per day, seasonal use. If you remove the 250,000 gallons, under normal conditions, the property is apt to consume only 2% of the available recharge.
- Under drought conditions, the property would have a larger impact, as great as 7%.
- He noted they looked at potential consumption for this property to impact ground water availability within the basin to look at properties that would be down gradient to look at the potential impact on those.
- He noted the conclusion is the impact is relatively insignificant.
- Mr. Webb asked if they are assuming there are going to be no further uses of the 1,600 acres that would require no additional water, and the 1,600 acres will be providing them with water supply going forward.
- Mr. Nachlas answered he looked at the area of recharge that physically exists above this property and relative development of the property. The geologic survey maintains a groundwater inventory of wells. There are about 35 properties that would fall within the 1,600 acres. One of the things is the water they use, assuming it is residential, would be put back in, because it would come out of the well and go back into the septic system and is recycled to some extent
- Chairman Craig inquired as to if the properties were looked at to the north. Mr. Nachlas answered to the north and to the west.
- Chairman Craig noted it would exclude Penn National because it is to the north and the east. Mr. Nachlas answered Penn National is on the east side of Bow Creek, and he used Bow Creek as a physical divide for the drainage area he evaluated.
- Chairman Craig asked if Penn National drains into Bow Creek. Mr. Nachlas answered there is a different drainage basin that they would draw water from. The entire Bow Creek drainage area is 6,025 acres, and he only looked at the portion of the drainage basin that would flow past the Hilton property.
- Chairman Craig asked Mr. Phillips regarding his comment #5 regarding the water budget evaluation. Mr. Phillips answered the intent of the ordinance the water balance report and how it applies to the property itself and not the watershed. He added he would also like to see the actual acreage owned by Grantville Holdings and how that reflects recharges versus what is being drawn from the area; the ordinance states the subject property after development
- There was further discussion
- Mr. Phillips noted even though it is a small percentage, you are relying on other properties to provide you with the water and it is not the intent of the ordinance; he asked them to provide the numbers on how the property would

recharge itself. Mr. Nachlas answered the property is 70 acres and even under the worst case circumstances, there is sufficient water.

- Mr. Webb inquired as to the certification status the time the analysis was performed. Mr. Phillips referred to the report. Mr. Webb questioned the parameters of the drinking water testing. Mr. Nachlas noted they met with DEP sanitarian responsible for the property and talked about which analytes needed to be tested.
- There was further discussion
- Mr. Nachlas offered to provide quality control and quality assurance data for the run of samples
- Mrs. Lebo questioned the technical completeness of the report.
- There was further discussion
- It was determined an insufficient number of storm water reports were provided by the applicant.
- Mrs. Lebo reiterated the SALDO specifies the number of copies and the obligation of the applicant to provide the correct number of plans and reports
- There was further discussion
- Mrs. Lebo noted she did not have an opportunity to review the report and, found it to be incomplete
- Chairman Craig touched on the traffic study, the recollection of data; the data does not show any great variance from the other data regarding peak travel hours. In the report it says the impact is minimal on the operational quality of the intersection surrounding the project site, and there are several locations where side street delays are excessive due to lack of gaps in the traffic stream during peak period but in every case the future condition occurs with or without construction of the hotel
- Chairman Craig asked if there is anything that can be done to help ease the burden; i.e., putting in turning lanes from Ridge Road to turn right onto Bow Creek or adding a deceleration lane from Penn National. Are there improvements that can occur to alleviate the conditions
- Mr. John Schick noted PennDOT was the original author of the report. He noted there are conclusions where the intersections both pre and post development the levels of service will remain basically the same. The study does not take into account, when the study was done prior to the improvements of the I-81 ramps. With the insulation of signals and stopping traffic on Bow Creek, it is going to create gaps where before traffic was slowly flowing across I-81 and past Bridge and Station Road.
- He added the signals will allow some stops and breaks in traffic and from PennDOT's point of view; the volumes are not high enough to warrant a signal. When you have a single lane approach and if you do any type of widening; i.e., a separate right turn lane, what they are concerned about is if there is ever a possibility of being signalized there is competition for sight distance. He further added PennDOT's approach has been to keep it as a single lane so that the two cars that are side by side are not fighting over sight distance.

- He also added from an approval point of view, even if the volume was high enough that a majority of the turns are right-hand turns, PennDOT still will not want to issue a traffic signal permit to allow it to go in.
- The biggest issue of the level of service on the side streets is pulling out and what the gaps are and without putting a light and stopping traffic, a lot of those people come out and there's no way you can increase or decrease at the light without a signal. When an analysis is done, the program looks at a 7 second gap, the amount of space between cars that you need in order to make a left turn from a side street.
- Chairman Craig added they may not get a light at the location, given the proximity to the light at the interstate. He asked if the way that the terrain is at Ridge Road and the way it snakes around, would you not have the competition of inching up back and forth if you were to put a right-hand turn from Ridge Road on to Bow Creek.
- Mr. Schick answered the intersection does flare out somewhat on to Bow Creek and if someone does want to turn left, the other car will be able to snake around to the right and make a right-hand turn.
- Chairman Craig noted if there was a while line on side of the road, they would not go off the road and utilize the shoulder to turn.
- Mr. Schick answered from a level of service point of view, if you are looking to decrease the delay on that particular approach on Ridge Road, putting the right turn lane really would not do it because the gap that you need would only need to accept the gap for one stream of traffic. Right turn traffic is typically not the problem; it would be the traffic waiting to turn left. Even by separating the volume out of there, it's still a function of how much traffic is on Bow Creek and the amount of gaps there are for the people turning left.
- Chairman Craig is there is now a large volume of people turning left as opposed to turning right, you will get that stacking up and those people who want to turn right, can't turn right.
- Mr. Schick answered from a safety perspective, you would want to keep your cars in a single file so you don't have people pulling up onto the shoulder and with the terrain in that area, and it would work against you to have people come up on the right side.
- Chairman Craig commented he thought it would work for us. He added when they previously came through with the sketch plan to change the zoning there was a great concern about having Station and Ridge Roads that close in proximity, the number of cars and if during that you were saying they were eventually going to realign the road down to the side of the cemetery, now is it OK.
- Mr. Brinser commented Chairman Craig was specifically asking about putting turn lanes in at those intersections. Realigning and combing the two roads into one would create a better situation because you have two roads coming that those together.
- Chairman Craig noted that was the concern before as far as safety goes.
- Mr. Phillips added the previous sketch included additional uses for the remainder of the property that are currently not under consideration

- Chairman Craig asked if the level of service, because it is not developed further, is adequate or leaving the roads as is.
- Mr. Phillips answered the study addresses this concern. PennDOT has a signal warrant which is 500 peak hour trips
- Mr. Schick answered it is up over 100 for 8 hours and it has to be with about 500 cars on the main line for the same corresponding 8 hours
- Mr. Phillips added it is quite substantial to meet a signal warrant. Under these conditions, it does not meet a signal warrant. Under the previous submitted sketch, which is not part of this submission in any way, it included additional uses for the remainder of the property which raised the peak hour trips, which may or may not at that point trigger a signal warrant. If the road would ever be relocated and there would be additional uses on the remainder of the property, it would probably come closer to meeting a signal warrant.
- Chairman Craig asked if the answer was there was nothing to try and alleviate any of the congestion at the two intersections.
- Mr. Schick answered the improvements that have been put in place and the signals on the ramps will create some of the needed gaps to pull out for the steady stream of traffic
- Chairman Craig asked if the report does not take the signals into account
- Mr. Phillips answered that it does
- Chairman Craig also added that it still appears to be an "F".
- Mr. Phillips answered with the signals it will be an "F" on two of the turning movements. It is an "F" because of the number of cars on Bow Creek Road and the 2008 existing conditions diagram in that report include both Penn National and Preserve at Bow Creek.
- Chairman Craig asked if the entrance to Penn National is shown
- Mr. Phillips answered the entrance is not shown as a turning movement but the projected vehicles and the peak hour trips per day are included in the analysis. He inquired as to what figures Chairman Craig was looking at.
- Chairman Craig answered figures 20 and 23, which he was comparing
- Mr. Phillips answered when looking at figure 8 and noted if looking at Bow Creek Road heading north right at the Exxon station, the straight-through number is 900 (900 cars per hour) and the Saturday p.m. peak, which includes the casino traffic.
- Mrs. Lebo asked if it was assuming 3,000 slots or 5,000 slots
- Mr. Phillips answered 3,000 slots. It shows the 2008 base conditions include those proposed developments as approved and the supplement that was submitted the additional counts and your peak hours there are 200 and some for Bow Creek Road. Saturday p.m. peak is 278.
- Chairman Craig asked if they think any turns that will come of the proposed hotel and make a left on Ridge Road at all even though there is a way to get the golf course that is back there.
- Mr. Schick answered in figures 9, 10 and 11, it shows additional use of the traffic leaving the site, showing a percentage turning left on Ridge Road

- Chairman Craig clarified leaving the hotel and turning left on Ridge Road to go to the golf course. His figures show zero.
- Mr. Phillips and Mr. Schick confirmed this figure. Mr. Phillips noted that is a peak hour number and if your trip generation would be 10 a day making the left, the peak hour number rounds to zero
- Mr. Schick further noted peak hour of the hotel/motel typically on weekends is checkout time, which is 10:00 to 1:00 and the peaks for the golf course may differ. The peak for the golf course would be earlier
- Mrs. Lebo asked in regards to the traffic study if they would not agree that the 3,000 slots is a major component of the study.
- Mr. Phillips answered the 3,000 slots was actually the study for Penn National and is not their study
- Mrs. Lebo pointed out that they utilized the study
- Mr. Phillips answered it was a requirement of the ordinance
- Mrs. Lebo asked if they agreed if it was a major component of the study. Penn National is claiming they will expand to 5,000 slots. If that's considered a major component of the study, it will affect the end result if they increase the number of slots to 5,000, and it is materially different.
- Mr. Phillips answered the ordinance requires the applicant utilize existing approved studies
- Mrs. Lebo asked if it's an approved study, wouldn't it be an out of date study because in her opinion, it would be; if there will be potential increased impacts with respect to increased traffic, the 5,000 slots, would bring to the area, and it will affect the end result. Mrs. Lebo further added any material change in the input numbers needs to be addressed via a new study
- Mr. Schick commented any increase in traffic from Penn National will just decrease the impact at the proposed site; if there is an increase of almost 700 peak hour cars on Saturday from Penn National. He further added their traffic would be constant would Penn National's traffic would throw it back onto the roads.
- Mrs. Lebo noted in her opinion she disagreed with that statement.
- Mr. Bradshaw commented they feel the ordinances require them to address approved plans in the works and have they approved at the time of submission and request. Mr. Bradshaw's entire conversation was inaudible because he was not at the microphone and there was considerable background noise.
- Mr. Bradshaw – an applicant in our position to submit plans based on the ordinances and I don't think that's what the zoning ordinance requires; it specifically and explicitly requires that we address approved plans that are within the works and have them approved (inaudible) at time of submission and either request or require to be submit a contingency plan (inaudible) to bring the application forth.
- Mr. Schick asked if we as a township require them to evaluate the traffic situation from the increase from 3,000 to 5,000, what their impacts are.

- Mr. Craig answered he is not 100% versed with the agreement, but suggested Mr. Phillips may know more in that area. Mr. Phillips answered possibly, he did not have the agreement, but there is something in the Penn National agreement that requires them to take another look at the capacities out there once they are open, but he was not sure of the exact wording
- Chairman Craig added he was unsure as to what would trigger that, but there is some language in the agreement
- Mr. Bradshaw commented that he was keeping track and to ensure his notes were correct, the one specific thing that was suggested that they would need to supplement would be ground water recharge on the property itself and will certainly do that with Mr. Nachlas in response to the last meeting that they attended, submitted a revision so that will certainly would be a condition. These are performed calculation (inaudible).
- Mrs. Lebo added that since the current conversation was on traffic impact, she wanted to just point out that one of the factors that the ordinance once considered as part of this study are projected increases of volume on road systems and that an increase from 3,000 to 5,000 slots is going to mean increased traffic.
- Mr. Bradshaw answered that number one to the extent that Penn National is asking for approval to increase its own traffic is something that the Township can require them to address and what was addressed in Hilton's submission was the plan to increase the traffic taking into consideration the 3,000 machines which at the time was what was coming.
- Mr. Schick added the report does take into account those background developments as well as the background growth percentage so that there is an extra factor what the projection of the road will be. 2.4% per year growth has been applied in additional to what has already been approved yet undeveloped traffic out there so the existing volume for growth at 2.4% up the design year and the traffic from the approved Penn National and the Preserve at Bow Creek development were also included so that there was a background growth factor showing what traffic on a rural collective type roadway for the past 9 years, PennDOT has kept the average growth rates at 2.4% in Dauphin County (inaudible) existing volumes in addition to that the traffic volume Penn National as well as the Preserve.
- Chairman Craig asked for any further comments from the commission with regards to the two sections that have been covered under the traffic study and the ground water recharge. He added he will open those two areas open for comment if the Commission has no other questions in those two areas.
- Mr. Rish commented Mrs. Lebo thought the report was incomplete. He asked her when she thought the report was incomplete. Mrs. Lebo answered on the 21st. Mr. Rish asked if it was not sent to Mr. Phillips. Mrs. Lebo answered she apparently missed sending it to Mr. Phillips, adding it was sent to the rest of the Commission. Mr. Rish added that it seems like if the applicant would have been aware of it, they could have gotten the information or said it was already out there.

- Mrs. Lebo answered she was looking for comment from the other Commission members, that it was merely an e-mail stating what she found. Mr. Rish answered it sounded like she just did not have the whole thing.
- Chairman Craig commented that it was exactly the case, that there were not enough submission items that came in. Mr. Rish added that if they knew you were questioning the lack of that information, they might have said they did submit that. Mrs. Lebo answered she was waiting to hear back from the other Commission members. Mr. Bradshaw added they would have provided additional copies of maps; they are not here to impose on the administrative Staff.
- Mrs. Lebo went on to comment that our ordinances are very clear in terms of how many copies are needed when a new and resubmission. She feels it is incumbent upon the applicant to comply with the ordinances. Attorney Bradshaw answered he understands that; however, his point is they have no way to respond to the comments because they were unaware of what they were; they responded to the engineer's comments fully.
- Mrs. Lebo went on to add Mr. Phillips submitted a 3 page letter on behalf of the applicant was only received by the Commission tonight (Tuesday, November 27) and did not have a chance to review it and it does work both work. Mr. Phillips commented he does not submit letters on their behalf, he works for the Township. Mrs. Lebo answered sometimes information is exchanged; it does not get disseminated properly; that was the case this evening. Regardless, the ordinances are very clear in terms of how many copies should be submitted and perhaps this could have been mitigated if the correct number would have been submitted.
- Mr. Rish went on to comment he feels it would be unfair to make projections based on what might happen at Penn National in the future when we haven't seen what happened with (inaudible). Ms. Beaudet commented that Mr. Rish was on the Planning Commission and he is well aware that in the ordinances there are horizon year and still it is required.
- Mr. Kovarik commented he was here the last time during the discussion on ground water. Mr. Nachlas read aloud SALDO section 621.35(?). Mr. Brinser added he feels that the comment was already addressed as to what the engineer would like to see and he does not feel it is necessary. Mr. Kovarik answered he does because he is here a second time and it is very clearly stated and you are offending the residents and the Commission with trying their patience because they are taking their time to look at your application. This Township needs your development, but it needs to be done properly. There was further discussion on submit the paperwork properly.
- Mr. Kovarik went on to discuss the report on the aquifer and it was called a non-confined aquifer. Mr. Bradshaw interjected and noted the last meeting; they spent 45 minutes or so talking about aquifers. The bulk of the additional submission, they went above and beyond anything that was required and directly responsive to the concerns regarding the aquifer. There was further discussion from Mr. Bradshaw regarding the efforts of Rettew

Associates. There was further discussion from Mr. Kovarik regarding inadequate submission.

- Ms. Balaban asked when the letter from Alliance dated October 30 was received by the Township. Mrs. Eppinger answered November 9. She added the second question was regarding the Rettew report that was dated October 31st which is called the average daily traffic count. The ordinance requires that the final traffic impact report must have the seal of the supervising engineer and the original report would not be the final report that this supplements.
- Mr. Phillips answered that was correct and one of the comments in his letter that all submissions will be signed and sealed by a professional engineer in accordance with the ordinance. Ms. Balaban commented the dilemma is that we have incomplete information and it is not incumbent upon this commission to determine what is incomplete, that things be complete when initially submitted. Ms. Balaban added the incompleteness in and of itself is a basis for disapproval.
- Mr. Oellig commented on the water report from the hydro geologist. And asked if he understood correctly under a drought year the plan would use 10% of the water available in the watershed. Mr. Phillips noted it was 7%. Mr. Oellig noted he is south of it, the plan is 4 acres which can use 7% of the water of how many acres and that is his concern.
- There was further discussion by Chairman Craig and Mr. Oellig regarding water availability. Mr. Brinser noted that at the time if additional requirements would be necessary for water, bring into the site, it would be done.
- Chairman Craig asked for clarification of the location of the pumping station. Mr. Brinser pointed out to Chairman Craig where it would be located. Chairman Craig asked if this was assuming it would go public sewer to the township. He asked additionally if the facility need to be set back an additional 50 feet because it is in a residential zone.
- Mr. Phillips answered what was discussed before the meeting tonight is the wastewater plan is a whole conceptual plan and pending some issues moving forward with the township and an evaluation of the entire area as wastewater needs. Mr. Brinser answered as this being a preliminary plan, they would need to work through that detail and get additional information from the township as far as who else might be coming to that pump station because they are located at the low point in the road which is well away from proposed development right now, in anticipation of additional flows coming from other users. Until they know who they are, future development, they cannot size it adequately right now.
- Mr. Brinser also added as the township moves forward with increasing the plant and modifications to the plant, they will be working with the engineer to properly design it for future use. Mr. Craig asked if with the direction that it is looking to run, would it be possible that the problem that the township has with the Exxon's grinder pump, would that be able to be redirected to tie into that in a gravity situation. Mr. Phillips answered it is possible; it is part of the evaluation of the whole area.

- Mr. Webb asked if the proposed location is in a flood zone. Mr. Phillips answered no; they are not permitted to be installed in a flood zone. Mr. Webb also asked what provisions would be made for an emergency power. Mr. Brinser answered this is just a schematic of where it would be located.
- Mr. Phillips added DEP requires under their part 2 submission emergency power be provided for all pumping stations, which would most likely be an on-site generator.
- Mrs. Lebo noted in August DCCD submitted a response to your NPDES permit and to date has not received any additional correspondence from the county approved your NPDES permit with the respect to the post construction storm water permit. Mr. Brinser answered this item is outstanding and when they change it from underground storage to providing the above ground detention basin with infiltration, that basically their E&S design and post construction design.
- Mr. Brinser noted it was resubmitted, comments were received and it was resubmitted addressing the comments. Mrs. Lebo asked if their numbers reflect the two year twenty-four hour storm event. Mr. Brinser noted yes, that is what the storm water basin required. The test results gave the area just to the side of the access drive just off Ridge Road.
- Mr. Brinser commented it would account to the Township storm water ordinances as well as the conservation district for the difference in the two year storm event.
- Mrs. Lebo asked if they are talking about something different when they are talking about release, are these two different things. Mr. Brinser answered the Conservation District is more concerned with volumes and water quality and rate reduction as well as volume reduction needs to be addressed; the orifices on the storm water basin collect and release at a reduced rate of discharge. The infiltration piece deals with volume of a two year storm
- Mrs. Lebo further noted her understanding of the current Act 167 plan is that there needs to be pre-development storm controlled release with the 25 year storm event. Mr. Phillips noted the ordinance states this. The storm water report has all the calculations in there. Mr. Brinser noted the E&S control and the planning module for sewer are the two outside agencies approvals have not been obtained, they are asking for these for a conditional approval
- Chairman Craig asked about sidewalks in the area. Is this something we would like as a township or not. Sidewalks that would go up to an intersection, would it be bad for us. As traffic changes dramatically, will we be fostering a bad situation by doing so.
- Mr. Brinser noted there would nothing for high use for walkers; people who arrive at the hotel will do so by vehicle. Chairman Craig noted he was thinking more for the surrounding properties. Mr. Brinser answered this is a preliminary plan and will be coming before the Commission again as an entire new submission and if it would need to be reviewed by someone in the township for safety issues, they can have it done at that time.

- Mr. Kovarik noted the infiltration report, which seems to be the basis for the storm water report and some other submissions. There are 10 test pits, eight of them had zero. There are only two test pits for the entire area. Mr. Phillips noted the area of permeability for storm water, you look at the entire amount of increased impervious area and you have to reduce that leaving the site. It does not mean you have to spread it out over an entire area. They found an area conducive to infiltration based on the results of the test pits and they directed their storm water to that area to accommodate the requirements of the ordinance.
- Mr. Phillips added the permeability factor is not applied to all the acreage of the site; it is applied to one site in particular for ground water infiltration which is completely different with regard to ground water recharge when it applies to water supply.
- Mr. Kovarik commented he does not agree with the number that was obtained. The number for the calculation is incorrect. The study is different than what is expected to be or should be. Mr. Phillips asked if the number was calculated from data taken in the field during the perc test.
- Mr. Brinser noted the storm water testing was done in accordance with DEP standards with the new storm water ordinance; they were taken in the field, they do differ from data published based on the soil type but that is a general number. The data collected from the test pits where they are proposing infiltration were actual field conditions. A representative from the engineer's office was out and saw them preparing the tests and agreed with how they were prepared and how they were performed.
- Mr. Kovarik noted they differ from the type of the soil. Mr. Phillips asked if it would be beneficial to use empirical data or use standards that are published. Mr. Kovarik maintained it is not data from the field. Mr. Phillips maintained that it was.
- Mr. Kovarik noted it was obtained from the field quarry in the area, so it is not actual field material. Mr. Brinser noted the area where the field material was drawn from off to the right side of the driveway.
- Mr. Kovarik asked if the test pits were within the area where there was a former quarry. Mr. Brinser answered it was not a former quarry. Mr. Kovarik noted it was; he has seen from the information. Mr. Brinser noted his geologist knew the location that from doing previous work out here and noted the tests were performed in an appropriate location away from the area of the old landfill.
- Mrs. Lebo asked if that has to be shown on the plan. Mr. Phillips noted the test pits were shown. Mr. Brinser added it was not a quarry but a depressed area that had been previously filled in.
- Chairman Craig noted from talking to Mr. Boyer, he indicated from an institutional memory it was a quarry and could not remember which farmer filled it in. He continued that when he visited the site, he could see the grubbing hole from where the backhoe had been and it seems the hole is directly in front of where the depression is regarding of whether it was a quarry or a depressed area that was filled in with material.

- Mr. Brinser noted his geologist that did the perc testing was well aware of that and his recommendation was this area was conducive to storm water infiltration.
- Mrs. Lebo asked about soil group classifications and if they dictate where the probes are done for the infiltration. Mr. Brinser answered no; they are based on the potential to do storm water management.
- Mrs. Lebo further asked it was based around the site design and not is what is best for the site itself. Mr. Brinser answered the Commission had requested additional testing to find an area that was conducive. Mrs. Lebo noted the entire area was not looked at. Under the multi-creek water shed plan, it requires as far as infiltration, you use the entire grouping of soil classifications in a given site area and infiltrate there and that may mean that it expands out beyond what you are developing.
- Mr. Brinser answered they found an area that meets the requirements of DEP and the ordinance for infiltration. If there is additional development on the property, additional storm water infiltration would be required. They did look outside where they were originally proposing.
- Mrs. Lebo noted our ordinances are not compliant with the state's minimum requirements for phase II Act 167. Mr. Brinser noted they met it for DCCD and the NPDES permit. Mr. Webb noted he thought they had not done their NPDES permit. Mr. Brinser answered their design has been done to meet that criteria.
- Mrs. Lebo asks about the storm water report paragraph 6, page 5 states you did not provide volume calculations in the report, as that is part of the submission to the county. Is that what is being referred to. Why is it not being forwarded to the Township.
- Mr. Brinser answered the storm water report submitted meets the criteria of the storm water ordinance. Mrs. Lebo answered it is not compliant with the state's minimum requirements and they will apply in this case.
- There was further discussion regarding the township being notified of the current state minimum requirements.
- Mr. Brinser noted they are charged with meeting the current ordinances and because they do not meet current state standards that they have to go above the current ordinances. Mr. Bradshaw noted at this level, that information is correct. By the time you get to the final plan approved the Conservation District need to be enforced.
- Mrs. Lebo noted the county should be enforcing the state's minimum requirements of Act 167. Mr. Phillips noted ordinances 209.2 and 209.3 in effect deal with water quality and ground water recharge. Mrs. Lebo asked if they met the minimum requirements as set by the state for NPDES Phase II.
- Mr. Phillips noted NPDES and Act 167 are two different issues. Mrs. Lebo noted she was asking for clarification because there was information that was forwarded to the county that was not received by the Township.
- Mr. Brinser answered the Conservation District is charge with approving the plan and it is not typically something they would send the entire plan

submission for Mr. Phillip's review because the ordinance requires that they obtain Township approval. Mr. Phillips added it deals with construction.

- Mr. Brinser further noted the design, they feel, meets the criteria if for some reason the District has a comment they need to address, they will address it; but they will meet the criteria.
- Mr. Bradshaw added they have to meet it because a condition of the recommendation for approval would be to ultimately satisfy the Conservation District, so if they are unable to do that, they cannot move forward to the final plan. By definition they have to satisfy it.
- Mr. Phillips noted comment #6 in his letter addresses the issue and there was also a comment in his previous letter. He also added in his conversations with Mr. Brinser they made a resubmission and were awaiting comments or approval.
- Chairman Craig noted he has some confusion at this point on the issue. Mrs. Lebo added it is confusing because they are being expected to evaluate the plan with information that has been delivered to them piece meal, at the time of the meeting, information is missing, and questioned how they are expected to do a thorough review and move forward on the plan.
- Mrs. Lebo further noted she does not feel these are housekeeping issues in her opinion, they are major ones.
- Mr. Brinser answered he thinks by the Township Engineer's letter, he identified the outstanding issues that are remaining, that they have addressed the comments based on the October 19 letter. The remaining outstanding items are identified in his letter. He added they have to go on the merit of the Township Engineer's review of the plans.
- Mrs. Lebo asked Mr. Phillips if he has his hydro geologist review the storm water and infiltration report. Mr. Phillips answered he reviewed them. Mrs. Lebo asked if Mr. Phillips is qualified to review them. Mr. Phillips confirmed he reviewed them and asked Mrs. Lebo if she thought he was not qualified.
- Mrs. Lebo answered she was just asking; it was not meant to be an offensive question but added that is why they have different professions; we have hydro geologists, traffic engineers, civil engineers. Mrs. Lebo added that given all of the issues that have been raised by the gentleman in the back, would it not be prudent for the Township to have another independent review by a hydro geologist. She added she was not comfortable with what she was seeing.
- Mr. Phillips answered it would be a decision for the Board of Supervisors to make.
- Chairman Craig asked for any further discussion from the Commission or the public.
- Mr. Rish asked if the gentleman in the back represented a group or an individual; he added if the individual did not want to answer the question, he did not have to, adding he was trying to figure out their motivation.
- Mr. Kovarik answered for the benefit of everyone, he represents certain groups and certain people, but he also represents his interest. He believes that things should be right. (Inaudible) professionally managed properly and some people are trying to take advantage of (inaudible)

- Mr. Bradshaw commented if he is going to be here in a representative capacity, we are all entitled to know who you represent. He answered at this moment, he did not want to reveal his client. He added his is an attorney. Mr. Bradshaw added he did not believe he could appear in a public forum and take a position you have for an undisclosed client. He feels it is fundamentally inappropriate and based on that, he makes a motion to strike everything he has done and said. He further added he does not feel it is appropriate for a lawyer to stand up and say he has a client but he is not going to tell us who it is and then be given a platform to attack a professional who has already left the room and raise suggestions the work product that has been put in front of you is either misleading or inappropriate or unprofessionally conducted.
- Mr. Bradshaw added, "You said earlier that you were offended by how we've conducted ourselves, I have nothing further to say". Mr. Kovarik asked his client permission to review his identity. He represents Mr. Gary Sheth.
- Mrs. Lebo noted we are not attorneys, so his comment about striking what Jaromir Kovarik has stated previously will stay on the record.
- Mr. Bradshaw noted the late hour and went to say in conclusion they have the engineer's comment letter, they've been before the Township on a number of occasions and it bears repetition that all they are seeking is a recommendation for preliminary plan approval; the conditions that would be attached to that recommendation are fairly straightforward.
- Mr. Bradshaw added they would ultimately need to clarify the sewer module issue, satisfy the Conservation District and obtain the appropriate E&S permit. He further added the only other two things other than what is reflected in the engineer's letter, one of them, which is in the engineer's letter, is obtaining the signed and sealed traffic reports which is exactly a housekeeping item and is routinely made a condition.
- Mr. Bradshaw noted only other piece he has heard that has been missed is a site specific calculation for ground water recharge. The reason the submission was as wide-ranging as it was is because of the discussion last time which turned into a very wide-ranging discussion and in attempt to alleviate/address concerns, going well beyond the requirements of the ordinance, those types of things were taken into consideration, and they tried to be responsive.
- Mr. Bradshaw also noted it is a big plan, there is a lot of information and with all respect the Commission are not professionals in these areas, they have a Township engineer, by definition no different than any other planning commission, no different than any Board of Supervisors and have to rely to some extent on their own independent professionals review of the work that is put before them. He added Mr. Phillips has done that and putting to one side the question and comment that has gone on here, in all candor this is a very clean plan, and they are asking for nominal ordinary and typical conditions to be instituted on what is only a preliminary plan approval recommendation to the Supervisors. It is not final, and the Supervisors would have to sign off on it.

- Mr. Bradshaw further added they withdrew the waiver request that this be deemed a preliminary/final; specifically so if there were lingering questions or concerns, no one would have any trepidation they had snuck under the wire and the time for appropriate review had passed and they had somehow snuck the plan through. He added that is not the case, and they think they have been cooperative, responsive and have addressed all the concerns that have been raised.
- Mr. Bradshaw asked for a motion the plan is recommended for conditional approval with the conditions noted in the engineer's letter.
- Chairman Craig commented he thinks the reason for having a preliminary plan is so we can work through the issues, have a clean plan and once it hits the final, you are cleaning up all the comments; everybody is fine and it's a one-shot deal at that point, that you are finished. He asked what difference does not make it they take a little more time under the preliminary plan stage so that when we get the final, we are done.
- Mr. Bradshaw answered he will defer to Mr. Phillips, but the only things other than things that ordinarily would extend out for some time such as working with the Conservation District and getting the sewage module, which is a deal killer, and they acknowledge they knew that. He further noted they either do it appropriately and to the satisfaction of the regulatory agencies, or they are building nothing.
- He also noted the only other things that further delay would involve would be submitting to you the site specific ground water recharge, the engineer's seal on the traffic study; he noted, in his view, they are exceedingly minor technical loose end types of issues.
- Mrs. Lebo commented she believes they have more than just jumping through the hoops of DEP when you mentioned about the sewer approval module. She further noted we currently do not have approved module; she further added we do not have capacity.
- Chairman Craig added his question was not necessarily answered what difference would it make if we get it right at the preliminary so that when you do hit the final, you are done; what difference does it make whether we are taking the time under the preliminary or taking the time under the final.
- Mr. Bradshaw answered he was not sure he understood and thought he had responded and noted the two significant issues will have to be ironed out.
- Chairman Craig answered he was not asking about the issues, he is saying what difference does it make if we iron these issues out while it is in front of us as a preliminary plan versus ironing them out while it is a final plan.
- Mr. Phillips reiterated to Mr. Bradshaw, basically, why is it so important for your client to receive preliminary approval.
- Mr. Bradshaw answered as they indicated previously, they have concerns that have been raised by the franchise, owner and concerns raised by their lenders and have basically said it looks as though the plan is stalled and is not going anywhere; they want to see progress or they are not interested. He added what they said to them is they ought to be able to secure preliminary

plan approval with conditions and then obviously need to meet the conditions or they're still (inaudible); that's the reason they are here asking for it.

- Chairman Craig asked so moving to a final stage, the plan hasn't stalled even though you don't know you can meet whatever conditions, so that is going to make these entities happier
- Mr. Bradshaw answered they are looking for some sign of progress that this project is viable and they have not in fact hit a brick wall and this is not going to go (inaudible).
- Mrs. Lebo asked if it is not viable while it is in the preliminary stage. Mr. Bradshaw answered not after a point. Mrs. Lebo responded this is the third time we have met officially in a public forum.
- Chairman Craig added the plan sat at the Planning Commission or a previous submission sat for quite some time. He does not know the duration, but added it seems like now it was putting it off, putting it off and now it is a hurry-up thing. He added he feels as though this is their first blush at looking at large project and also feel that typically when we go through preliminary/final plans, they make sure they get to the housekeeping items such as paying the fees, stamping the plans, and not much more than those.
- Chairman Craig further noted that given a preliminary submission, if they do not keep that sort of line towed, where do they draw the line when they are talking about a portion that goes back to 4, 5, and 6 of Mr. Phillips, but he is not sure as minor as what they have gone through with other things.
- Mr. Bradshaw answered this is specifically why they withdrew the waiver request and this be a preliminary/final in the hopes that it gives the Commission greater comfort that if there were some loose ends they would still have the obligation to clean them up before going to a final plan. He added their hope it would make them more comfortable.
- Chairman Craig added without being able to have a workshop to discuss those types of issues, they are at a bit of a disadvantage and he apologized for not being able to do that and remarked he had sent a letter. He further commented maybe they would not have forgone the October workshop if they would have known they would not be discussing the issues.
- Mr. Kovarik noted he represents Gary Sheth as a hydro geologist, and is a professionally licensed hydro geologist in Pennsylvania. He added he wanted to say something towards what Mrs. Lebo was asking. If you are evaluating or giving an opinion on a matter of geology or hydrogeology, even if you have a professional engineer in the room and he is technically addressing those issues, he is violating the law. He pointed out it might be a good idea for the Township or the Township Engineer to have someone review it who is qualified to protect the Township and the Township Engineer.
- Chairman Craig noted public comment is closed and asked the Commission if they would like to entertain any motions.
- Mrs. Lebo commented, "Before I make my motion I would like to state clearly that my position here is to review the information that we have in front of us to ensure compliance with the ordinances. You have your best interest, we have ours and ours is the Township and what we have in front of us is an

incomplete application in my opinion and I cannot thoroughly review it based on its own merits.”

- **Motion was made by Mrs. Lebo to reject the plan based on the fact that she considers it to be technically incomplete. Mr. Webb seconded the motion. Being no further discussion, the motion was approved 3 in favor, 0 opposed.**
- Chairman Craig made a further comment that he is hoping we can get beyond this point so that with the four outstanding items and we get to there, that should get us through the hoop.

NEW BUSINESS

1. Sketch plan from George Warner – the applicant was not present to discuss the sketch plan so there was no discussion at this time. Chairman Craig noted the sketch plan will be tabled by consensus until the next meeting or further clarification comes in from Mr. Warner.

OTHER BUSINESS

1. December Planning Commission Meeting – Chairman Craig verified the December Planning Commission Meeting will be held on Tuesday, December 19 at 7:00 p.m.
2. Business from the Public
 - Richard Schock asked, “With the Board’s rejection of the Grantville Holdings plan, exactly what does that mean?”
 - Chairman Craig answered they will move forward to the Supervisors or at least appear because their plan is due to expire on December 18, 2007. He further added the Planning Commission is merely an advisory Board the Supervisors still could accept the plan and move it along as a final plan, that is ultimately their decision.
 - Mr. Phillips noted that is correct or they can accept an extension of time.

ADJOURNMENT

Mrs. Lebo made a motion to adjourn the meeting. Being no further business, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Transcribed by Dawn E. Eppinger

Cc: Board of Supervisors
Marie Beaudet
Keith Espenshade
Dave Marshall
George Rish
Tom Shutt
Roger Phillips, Township Engineer
David Smith, Township Zoning Officer
Deborah Casey, Secretary-Treasurer
Matthew Jones, Dauphin County Planning Commission
Zoning Hearing Board

Planning Commission
David Craig
Donna Lebo
Mike Kovach
Ed Twaddell
Mike Webb