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

March 27, 2007

Present: David Craig, Chairman; Donna Lebo, Vice Chairman;
Ed Twaddell, Member; Michael Kovach, Member
Absent: Chris O'Neil, Member

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

The meeting was called to order by the Chairman at 7:00 pm.

APPROVAL OF MINUTES

Mrs. Lebo made a motion to approve the minutes of the Planning Commission meeting of February 27, 2007. The motion was seconded by Mr. Twaddell. Being no further discussion, the motion was approved 4 in favor, 0 opposed.

UNFINISHED BUSINESS

1. Harouzadeah & Christianson – Plan expires May 20, 2007. The applicant was represented by Mr. Bill Delancey of Matthew & Hockley. Mr. Smith noted that all outstanding items were addressed. **Motion was made by Mrs. Lebo to recommend approval of the plan to the Board of Supervisors. The motion was seconded by Mr. Kovach. Being no further discussion, the motion was approved 4 in favor, 0 opposed.**
2. Grantville Volunteer Fire Company - Plan expires 06/26/2007. There were no representatives. Mr. Craig noted that no updates have been submitted by the applicant. Mr. Phillips noted that there was no action taken on the plan since last month.
3. Triple Diamond/Arvind Patel – Plan expires on 04/21/2007. The applicant was present and was also by represented by Mr. Bob Gearhart of Matthew & Hockley and the applicant's attorney, Mr. Stuart

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Magdole. Mr. Gearhart noted that the DCPC's comments were addressed and the zoning issues were addressed other than the issues that were before the Zoning Hearing Board, which was held on March 7, 2007. Mr. Gearhart noted that the Zoning Hearing Board granted two waivers, one with the parking in the front yard and the loading space facing the street because the property is front by three streets and that the other issue that was before them on the traffic study was not acted upon because they felt that it was not their jurisdiction and deferred back to the township supervisors for action. Mr. Gearhart also noted that he has not received written notification as of yet of the results from the meeting. Mr. Smith also concurred with Mr. Gearhart. Mr. Craig noted that the outstanding issue would then be the waiver request for Section 402.5.4 and 403.5. Mr. Phillips indicated that he received revised plans and noted that they addressed his comments with the exception of the outstanding traffic study and there is also an outstanding DEP permit that has been submitted for the pumping station. Mr. Gearhart noted that in his conversation with the supervisor that was present at the Zoning Hearing Board, that he noted that it appears that they would like to have a traffic study of some kind undertaken. Mr. Gearhart asked if the Planning Commission would pass that portion of it on to the Supervisors for any action that may be considered and that he was not looking for a waiver on the traffic study. Mr. Phillips commented that the only issues outstanding were the traffic study, the DEP permit and proof of an easement on the other side of Route 743 which is a construction issue. He also noted that the DEP permit and the easement were administrative items. Mr. Smith noted to include the written approval from the Zoning Hearing Board. Mr. Craig asked for recommendations from Mr. Phillips and Mr. Smith. Mr. Phillips noted that the outcome of the traffic study may be either a re-timing of the lights or possibly restricting left turns coming out of Kelly Court. Further discussion was held on the traffic study issue. **Motion was made by Mrs. Lebo for approval of the plan to the Board of Supervisors with the following contingencies: A traffic study be performed according to the requirements in a letter dated March 26, 2007 from Pickering & Corts; second contingency would be proof of easement and third contingency would be proof of DEP permit. Mr. Twaddell seconded the motion.** During further discussion, Mr. Kovach noted that he felt that the issue of a traffic study needed to be addressed. At this point, Mr. Smith also reminded the Commission that even though a verbal decision was made at the Zoning Hearing Board, no written decision has been handed down and suggested that it be included in the motion. Mr. Kovach noted that he would like to see the traffic study performed according to the SALDO before the plan is turned over to the Board of Supervisors. Further discussion continued regarding the traffic study. **Mrs. Lebo made a motion to**

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include her fourth contingency upon receipt of written notice by the Zoning Hearing Board regarding the waivers that were requested. Mr. Twaddell rescinded his second on the previous motion. **Being no second to the motion, the motion died.** Mr. Magdule, attorney for Mr. Desai, spoke at length regarding the traffic study and asked for a positive vote on the plan with the contingency to ask the Board of Supervisors to decide what level of study they would request to have done. Mr. Gearhart commented that the traffic study would take approximately three (3) weeks or so. Further discussion continued among the commission members, the Township Engineer, the Township Zoning officers and the representatives from Triple Diamond. Mr. Phillips noted that there would be no wholesale changes coming back once the traffic study is completed. Mr. Craig noted his concern about making a decision without all the information being provided to them first. Mr. Craig asked for a vote on a motion that the second motion was previously rescinded. **Motion was made by Mr. Kovach that Section 402.5.4 of the SALDO requiring the traffic study be required and not waived. Mrs. Lebo seconded the motion. Being no further discussion, the motion was approved 4 in favor, 0 opposed.** Mr. Phillips noted that the last item would be the sewage facilities planning module that needs to be forwarded to DEP which requires planning agency review for their permit to connect to the waste water system. Mr. Phillips recommended a motion be made to approve and signature of the module contingent upon satisfying Mr. Phillips requirements so that the applicant can get the paperwork into the DEP. **Motion was made by Mrs. Lebo to recommend approval of component 4A of the sewage planning module contingent upon addressing Mr. Phillips comments that are forthcoming. Mr. Kovach seconded the motion. Being no further discussion, the motion was approved 4 in favor, 0 opposed.**

Motion was made by Mrs. Lebo rejection of the plan unless a letter of extension is received and approved by the Board of Supervisors based upon Mr. Phillips comments in a letter dated March 26, 2007. Being no further discussion, the motion was approved 4 in favor, 0 opposed.

4. C. Douglas and Nada B. Rothgaber – (expires 05/27/2007). The applicant, Mr. Rothgaber, was present. Mr. Phillips noted that everything in his previous letter was addressed. Mr. Smith noted that all issues were addressed except for item #5 parking in lot #3 and he also noted that this is not a critical issue and it could be passed on as a conditional approval to the Board of Supervisors. **Motion was made by Mrs. Lebo to recommend approval to the Board of Supervisors contingent upon completion of parking as noted by the Zoning Officer. Mr. Twaddell seconded the motion. Being no further**

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discussion, the motion was approved 3 in favor, 0 opposed. Mr. Kovach abstained from voting because this plan affects his property.

NEW BUSINESS

1. Christopher/Katrina Souder and David Bimler – (expires 06/24/2007).
The applicant, Mr. Christopher Souder was present. This is a final minor re-subdivision plan located at 169 Campbell Court and 333 North Meadow Lane. Mr. Souder noted that they would like to extend their back yard to the natural wooded boundary, approximately 1/8 of an acre to add to their residence. Mr. Phillips noted that a letter was received by the applicant on March 13, 2007 and the applicant has resubmitted corrected plans and addressed his comments. Mr. Phillips noted that he also received two waiver requests that were listed on the plan but not on the forms. Mr. Smith also noted that he has comments under the original plan but noted he had not received the revised plan; note #1 was listed on the plan as residential agricultural and should be rural agricultural; minimum requirements for building setbacks, the front yard is correct the side yard is 15 feet and 50 total noting that if there is 15 feet on one side the other has to be 35, that there minimum total has to be 50 feet; the rear yard setback is not 30 feet, it is 25 and that these are all under the general notes because on the plan it is shown as 25; the minimum required lot width is not 125 feet at the building setback it is 100 (which is Comment #1 and 2); Comment #4, if Lot #8 and Lot #4 are combined to create a new lot under one specific deed reference, then there is no need for a form B waiver; Item #3 is just a for instance; this is a non-conforming structure but in talking to the resident, he will not do anything with this at this time. Mr. Smith went on to say that if in the future he does have any plans for an extension that he will have to approach the Zoning Hearing Board. Mr. Jones briefly reviewed his comments and suggestions. Mr. Souder noted that the piece of land they are currently referring to is currently inaccessible by the current owners because it is surrounded by trees and the Bimler's lot is a residential lot. Mr. Souder asked that the plan be approved contingent upon the agreed changes. **Motion was made by Mrs. Lebo to recommend approval to the Board of Supervisors for the waiver requests for Sections 402 and 403.3 of the SALDO. The motion was seconded by Mr. Kovach. Being no further discussion, the motion was approved 4 in favor, 0 opposed.**

Motion was made by Mrs. Lebo to recommend approval to the Board of Supervisors for approval of the plan contingent upon the correction of the general notes as noted on the plan, referencing a letter dated March 19, 2007 from Light-Heigel & Associates. Mr.

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Kovach seconded the motion. Being no further discussion, the motion was approved 4 in favor, 0 opposed.

2. Robert and Brenda Erwin - (expires on 06/24/2007) The applicant was represented by Mr. Bruce Yager from Melham Associates. This is a final minor subdivision plan. Mr. Yager noted that this is an 11 something acre farm and is a father to a child subdivision, a home was built on the property and in order to obtain a mortgage they are being required to subdivide the lot free and clear of the overall farm, the house is already built and had previously gone through all the necessary approvals. Mr. Phillips comments that there are six waivers and his latest review letter was issued on March 22, 2007. He went on that the plan as shown indicates only the dedication of roadway right-of-way in front of the one acre parcel and not the entire road and the SALDO requires that when a subdivision takes place on an existing township road that right-of-way be dedicated to the township; they are asking to waive the requirement because dedication of that roadway would leave the residual lot at under 10 acres and create a zoning violation because it would not meet the standards of an agricultural lot, so the applicant is asking for that waiver. Mr. Phillips asked the applicant for and noted that in the Second Class Township Code right-of-way for roads are dictated by the code if there is no right-of-way deeded in the existing deed of that property which reverts back to 33 feet of right of way. He went on that should a waiver be granted waiving the new right of way which is 60 feet required by the SALDO it would automatically revert back to the 33 foot right way which would still create a violation in the 10 acre lot. Mr. Yager noted that it depends if you are taking the right of way or just using it as a right of way and not legally getting it dedicated and just offering it for driveway having the owner maintain it. He also noted that the owner has been paying taxes on this for several years on the 11 years and then taking an acre away for dedication would create a hardship on the owner because their intent is to cut this lot off and obtain a mortgage. Mr. Smith commented that he reviewed the plan twice, originally had comments and was provided a revised plan and referred to his letter of March 22, 2007 and his comments are basically what Mr. Phillips has commented on, which is as long as it meets the requirements of the SALDO it is fine but if the dedication has to go forward, Lot #1 is then reduced, the residual lot would be less than 10 acres and then it becomes an issue with the agricultural use. He also noted that all his other comments have been addressed. Mr. Yager noted that they found no evidence of any recorded plans dating back to the 1970's where the right of way dedication was ever accepted by the township or municipality. Mr. Jones reviewed his comments that were made on the plan. Mr. Craig asked Mr. Phillips to give them clearer direction. Mr. Phillips noted it would be a legal interpretation of whether the

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requirements of the Second Class Township Code are actually a physical dedication and that property is taken from the residual lot or it remains as part of the acreage of the lot but the township just has the use of that road. Mr. Yager noted that there is Pennsylvania case law where the owner did not have to dedicate. Mr. Craig asked who would supply them with the information and who would provide the interpretation. Mr. Phillips commented that it would need to go to the Township Solicitor and that he spoke with several surveyors in his company and it was their finding that the property is not counted into the residual lot. Mr. Yager noted that they are being taxed on that land. Mr. Craig noted that there are several waiver requests for this plan. Mr. Phillips commented that he has no objections to any of the waiver requests including the additional right of way to be provided as it is unlikely that the road would be improved to the point where we would need a 60 foot right of way in that area and that there is no construction for this plan. Mr. Phillips also noted that the only issue he has is the outstanding issue of whether the 33 feet is dictated by the Second Class Township Code comes off the square footage area or not and if the 33 feet comes off, it creates a zoning violation in which case it would automatically move to the Zoning Board. There was further discussion on this issue. **Motion was made by Mr. Kovach to recommend approval of waiver requests for Sections 402.1.1 and 403.1 of the SALDO. The motion was seconded by Mr. Twaddell. Being no further discussion, the motion was approved 4 in favor, 0 opposed.**

Motion was made by Mrs. Lebo to recommend approval of waiver requests for Sections 402.3.1 and 403.3 of the SALDO. The motion was seconded by Mr. Twaddell. Being no further discussion, the motion was approved 4 in favor, 0 opposed.

Motion was made by Mr. Kovach to recommend approval of waiver request for Section 402.5.3 of the SALDO. The motion was seconded by Mr. Twaddell. Being no further discussion, the motion was approved 4 in favor, 0 opposed.

Before the motion was made, Mr. Craig asked for discussion. Mr. Phillips noted that this is for the additional right of way which would not be required because there are no improvements to the road that are being performed and this waiver does not address the issue of the right of way for the 33 feet. Mr. Kovach asked about the legal determination and Phillips noted that it would not be necessary in this case and would be able to be waived by the Supervisors. Mr. Smith commented that if the right of way has to be taken off the existing tract that it would not meet the current requirements and it would create a non-conforming lot. Further discussion over this issue continued. Mrs.

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Lebo asked about consulting with Mr. Waass. Mr. Smith noted that this is a Second Class Code issue and not a zoning issue. Mr. Phillips recommended that the Zoning Officer contact the Zoning Board solicitor to get his ruling on the issue. Discussion continued on the issue at hand. Mr. Phillips noted that the waiver for Section 602.3 is asking for additional future right of way and not taking into the existing 33 feet. He also noted that the plan could be approved sending it forward contingent upon a ruling from the Zoning Board Solicitor. Discussion continued. Mr. Phillips commented that the waiver is only asking about the future right of way. **Motion was made by Mrs. Lebo to recommend approval of waiver request for Section 602.3 of the SALDO the required 60 foot right of way along the existing roadways. The motion was seconded by Mr. Kovach. Being no further discussion, the motion was approved 3 in favor, Mrs. Lebo, Mr. Kovach, Mr. Twaddell; 1 opposed, Mr. Craig.**

Motion was made by Mrs. Lebo to recommend to the Board of Supervisors approval of the plan contingent upon hearing from the Zoning Hearing Board Solicitor regarding the residual 10 acres. The motion was seconded by Mr. Kovach. During further discussion, Mr. Smith commented that a comment was shown a comment in reference to the setbacks and some of the setbacks are incorrect, utilizing the setback for a single family residence on lot #1 and should be listed under agricultural setbacks. Mr. Craig asked about amending the motion at this time. Mrs. Lebo asked at this time to amend her motion to include comment #3 from Dauphin County's review regarding the setbacks. Mr. Kovach seconded her amended comments. Being no further discussion, 4 in favor, 0 opposed.

OTHER BUSINESS

1. Olde Towne Hanover - This is for a preliminary review of an upcoming plan that will have approximately 60 units; under 10 (4 ½ acres) of which will be situated in East Hanover Township and the remaining in West Hanover Township. The applicant was represented by engineer Mr. Craig Bachik and Mr. Drew Williams of Williams Holding. Mr. Bachik noted that the development will be fronted on Route 39; he spoke briefly about the current zoning of the area, there will be a mixture of retail with a creative streetscape with first floor retail, second floor offices and then a mixed use development residential behind that. He noted that they have already started to work with West Hanover Township and will not show any proposed developments until they do further research and they asked for feedback. He also noted that there will be private roads and will be no roads offered for dedication, a

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porous pavement and are trying to be environmentally sensitive; there will be a pedestrian trail, there will be townhouses sold in a condominium style. Mr. Williams noted that any initial presentation to the West Hanover Planning Commission would not include any work that will be done in East Hanover. They noted that the biggest issue in East Hanover will be the density. Mr. Phillips asked for the proposed text amendment for West Hanover Township. Mr. Craig noted that he would like to hear any concerns the residents of East Hanover would have. Mr. Craig indicated his interest in walking the site to get a feel for the project. Mrs. Lebo asked about more information on how the storm water would be handled. Mr. Phillips noted that being down stream that would be an issue to be looked at. Mrs. Lebo commented that this opens up the opportunity to work contiguously with our neighbors. Mr. Craig thanked Mr. Bachik and Mr. Williams for bringing the plan to the Planning Commission beforehand. Mr. Bachik commented that they will be continuing with West Hanover and will keep East Hanover Township apprised of their progress. Mr. David Marshall asked about the sewer. Mr. Bachik answered that it will be going to West Hanover. Mr. Phillips commented that he would like to have any information on storm water forwarded to him. Mr. Marshall also commented that he would like to have a copy of everything that transpires with West Hanover Township and he is interested in working with his neighbors to try and make something a logical transition.

2. Preserve at Bow Creek Phases II and III – This plan was briefly discussed by the Commission. Mr. Marshall explained that he personally does not like cul-de-sac and would like to look at changing zoning to only allow cul-de-sacs when there is no other alternative. He noted that he proposed to the Preserve that he would like to see 4 cul-de-sacs eliminated and that his main concern is in an emergency situation. Mr. Marshall also commented that they were not provided with the final storm water plan and that he had proposed a terraced effect. There was some discussion regarding run off of storm water into the wetland.
3. May Planning Commission Workshop – Mr. Craig noted that the next workshop is scheduled for Tuesday, May 29, 2007. He asked everyone to be prepared to talk about whether their schedules would permit this workshop at the April meeting.
4. April Planning Commission Meeting - Both Mr. Smith and Mr. Phillips noted that they will not be in attendance for the April Planning Commission meeting. Mr. Phillips will be attending the PSATS convention but offered to meet sometime beforehand for any issues that would need to be discussed.

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5. Text Amendment Change – Definition of a Front Yard - Mr. Phillips completed his diagram in conjunction with the verbiage recommendation. Mr. Smith noted that the same verbiage is used in other townships that he works with. Mrs. Lebo commented that the diagram has answered any questions she had regarding the flag lot. There was some discussion regarding the definitions and the diagram. The Board of Supervisors had previously asked the Commission to make a recommendation on the text amendment change. **Motion was made by Mrs. Lebo to recommend approval to the Board of Supervisors for the definition of yard descriptions as presented by Mr. Phillips. The motion was seconded by Mr. Twaddell. Being no further discussion, the motion was approved 4 in favor, 0 opposed.**

6. Curative Amendment– This amendment was brought before the Planning Commission and was asked to render an opinion. Mr. Marshall, an East Hanover Township Supervisor was invited by Mr. Craig to share the background for this amendment. Mr. Marshall explained to the Commission why a curative amendment for Ordinance 2005-10 was introduced by the Board of Supervisors. **Mr. Craig abstained from voting because his property is affected by this issue and turned the floor over to Mrs. Lebo, Vice Chairman. Motion was made by Mrs. Lebo to recommend approval by the Board of Supervisors. The motion was seconded by Mr. Kovach. Being no further discussion, the motion was approved 3 in favor, 0 opposed, 1 abstention, Mr. Craig.**

7. Submission of Plans and Land Development Plan Application – There was discussion regarding the initial submission of plans changing the amount of time from 14 days to 21 days, subsequent submissions being 14. **Motion was made by Mrs. Lebo to recommend approval to the Board of Supervisors that the SALDO ordinance be amended to allow for a 21 day deadline for a first submission of plans and for a 14 day deadline for resubmission of plans and that the ordinance be rewritten to include the subdivision and land development form as well as the text on the fact sheet. Mr. Kovach seconded the motion. Being no further discussion, the motion was approved 4 in favor, 0 opposed.**

8. Eckels – A Public Hearing was held on Tuesday, March 6, 2007 at 7:30 p.m. for Ordinance 2007-1, and the ordinance was unanimously approved by the Board of Supervisors.

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ADJOURNMENT

Mrs. Lebo made a motion to adjourn the meeting. Being no further business, the Planning Commission meeting was adjourned at 9:45 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
Chris O'Neil
Ed Twaddell