

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING  
8848 Jonestown Road, Grantville, PA 17028  
August 19, 2008**

The meeting of the East Hanover Township Board of Supervisors was called to order with the pledge to the Flag by Chairman Marie Beudet at 7:11 P.M. Present were Supervisors Keith Espenshade, Dave Marshall, Tom Shutt, and Larry Spittler.

Katherine Lovette, Solicitor; Norman Ulrich, Engineer; David Smith, Codes and Zoning; Charles Longreen, Director of Public Works; and Deborah Casey Secretary/Treasurer were also present.

This meeting was audio taped. The tapes are strictly for the use of the Secretary-Treasurer for clarification during preparation of the minutes.

**A Public Hearing will begin at 7:30 PM for Ordinance 2008-03, Amending, Modifying and Changing the Boundaries of the Zoning Map by Deleting a Portion of the Existing Rural Agricultural Zoning District and Increasing the Highway Commercial Zoning District.**

- Chairman Beudet noted a letter was provided to Mrs. Casey from Supervisor Espenshade disclosing a potential conflict of interest. He intends to recues himself from voting on the ordinance since his family has done business with RVG for 30 years. Espenshade Plumbing regularly supplies services to the applicant. If the ordinance passes and RVG develops the site, Espenshade Plumbing will not bid or contract for any of the construction. In the event of a tie vote, Mr. Espenshade will be permitted to vote.

**There was an Executive Session held before the meeting to discuss personnel and legal issues.**

**APPROVAL OF THE MEETING MINUTES FROM AUGUST 5, 2008**

**Mr. Shutt made a motion to approve the minutes as written. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**

Expenditures:

General Fund	\$ 53,421.36
Operations and Maintenance	\$ 3,382.25
State Fund	\$ 9,697.30
Park and Rec	<u>\$ 3,194.97</u>
Total	\$ 69,695.97

**Mr. Espenshade made a motion to pay the bills. Mr. Shutt seconded the motion. Mr. Spittler requested KTHL's bill in the amount of \$8,467.99 be held for review by the Board. Mr. Espenshade amended his motion to exclude KTHL's bill until the next meeting. Mr. Marshall seconded the amended motion. The motion was approved**

**4 in favor, Chairman Beaudet, Mr. Espenshade, Mr. Marshall and Mr. Spitler; 1 opposed, Mr. Shutt.**

#### Receipts

General Fund	\$ 203,924.05
Operations & Maintenance	\$ 16,056.00
Park and Rec	\$ 451.70

#### Available Funds

General Fund	\$1,010,398.64
Operations & Maintenance	\$ 225,268.04
Street Light	\$ 6,255.82
State Fund	\$ 455,574.50
Public Sewer Fund	\$ 3,957.17
Park and Rec Fund	\$ 159,955.24
<b>TOTAL</b>	<b>\$1,861,409.31</b>

### **SIGNIFICANT CORRESPONDENCE**

The Correspondence is available for review during normal office hours.

### **REPORTS**

#### **PLANNING COMMISSION – DAVID CRAIG**

Mr. Craig presented his report for the month of July. The report is available for review at the Municipal Building.

- Royer – Discussion was held on the waivers.
- Gingrich/Jones – Discussion was held on stormwater management. Notes will be made on the plan and resubmitted.
- Hilton Garden Inn – Discussion was held on sewage.
- Ordinance 2008-03, Zoning Change – Discussion was held. The Planning Commission recommended rejection of the ordinance until consideration of the change is incorporated into the review of the Comprehensive Plan, current Zoning, and consideration of infrastructure needs.
- A joint Workshop was held on July 29<sup>th</sup>.

#### **PUBLIC WORKS DEPARTMENT – CHARLES LONGREEN**

- Mr. Longreen noted he received a “budget” figure for a geothermal HVAC system for the building. The approximate cost would be \$125,000.00 to convert the entire building. To replace the existing unit that is failing would cost between \$20,000.00 and \$25,000.00.
- Discussion was held. It was noted if geothermal is used, everything would need to be replaced. The system that is not working is not repairable.
- Mr. Marshall noted the \$125,000.00 did not concern him and indicated geothermal is extremely efficient. He sees an immediate payback coming from installing the system. According to Mr. Epstein, there are some relatively low interest rate loans that could be used for this situation. He felt the Township

should aggressively look into it further since the other 2 systems in the building could also fail.

- Mr. Spitler asked if it would be prudent to replace the failing unit and then do the research on the geothermal system. He did not know if the building would be heated in areas if the unit was not replaced while the research was done on a geothermal system.
- Mr. Espenshade felt if the Township wanted to proceed with a geothermal system, it would not be wise to invest in replacing the failing system and then have to take it out when a geothermal system is put in.
- Mr. Espenshade will work with Mr. Longreen to provide more detailed information. Going with an entire new system, a RFP will have to be prepared and put out to bid.

#### **CODES AND ZONING – DAVID SMITH**

- The reports were provided at the August 5<sup>th</sup> meeting.

#### **TRAINING FOR SECRETARY/TREASURER – TEAM BUILDING, MENTORING AND COACHING SKILLS FOR MANAGERS AND SUPERVISORS**

- Chairman Beaudet noted she would like Mrs. Casey to take the course. It is on October 31<sup>st</sup> at the Holiday Inn in Harrisburg.
- Mr. Spitler noted he would also like to take the course. Mr. Marshall suggested Mr. Longreen take the course.
- **Mr. Espenshade made a motion to allow Mrs. Casey, Mr. Spitler, and Mr. Longreen to attend the course on October 31<sup>st</sup> at a cost of \$179.00 each. Mr. Marshall seconded the motion. The Chairman asked for comment from the public, there was none. The motion was approved 5 in favor, 0 opposed.**

#### **PUBLIC HEARING FOR ORDINANCE 2008-03 – 7:30 PM**

A court reporter was present. An entire transcript of the public hearing is available at the Municipal Building for review.

Solicitor Lovette opened the record for the public hearing on Ordinance 2008-03, a proposed amendment to the Zoning Map by deleting a portion of the existing Rural Agricultural Zoning District and increasing the Highway Commercial Zoning District. Solicitor Lovette reviewed the Township's guidelines for public comment. She asked that all individuals who wish to make comments approach the microphone, provide their name and address, and keep comments non-repetitive. The hearing is now open for public comment.

- Ron Lucas, attorney with the law firm of Stevens and Lee, 17<sup>th</sup> North 2<sup>nd</sup> Street, Harrisburg, represented the applicant RVG Land, LLC. Dennis Schmitz a principal of RVG and Robert Fisher of R.J. Fisher & Associates, Project Engineer were also present.
- Mr. Lucas gave an overview of the request. RVG is the equitable owner of 3 parcels in East Hanover Township. The zoning request is for the properties to be re-zoned from Rural Agricultural to Highway Commercial. There is a total of

40.89 acres of land along Rt. 22 bordering the Township line with West Hanover. Last night, West Hanover Township rezoned the parcels in its Township to Commercial Highway. Mr. Lucas's client is asking, consistent with the zoning on Rt. 22 in the area, the Board consider the expansion of Highway Commercial for a commercial use in that area. The Township has Highway Commercial along a good deal of Rt. 22, a lot of it is narrow. This rezoning request will be deeper than the existing Highway Commercial areas. The reason is so there is a sufficient tract of land that would enable the developer to provide retail uses that would be able to support the improvements at the intersection of Rt. 22 and Rt. 39. It would also support the ability to have access not only from Rt. 22 but also from Rt. 39. The Dauphin County Planning Commission felt there would be a benefit for both Townships to work together for the commercial development. DCPC did support the rezoning dependent upon what West Hanover did. Mr. Lucas noted West Hanover Township's Authority does have the ability and the capacity to extend the sewer and water to the development if East Hanover Township agrees. This would require an agreement to be entered into by both Townships and the West Hanover Authority. The rezoning is the first step in the process. If it is approved, the next step would be to start developing a site plan, developing traffic impact studies, and then approach PennDOT and the Townships to discuss the planning process. If approved, the project can provide jobs in East Hanover Township, help to improve the tax base and also provide services to the residents of both Townships. One of the existing issues is the intersection of Rt. 22 and Rt. 39 has to be improved even without the development. The developer would be improving the intersection if the development is approved.

- Chuck Mundy of 211 Tannenbaum Way, Palmyra was opposed to the change in zoning for the purpose of developing another shopping center. The Township adopted the LDARPG Comprehensive Plan in 2004. The plan does not show commercial for the tracts of land but Rural Agricultural. The other side of Rt. 22 is zoned General Industrial and Rural Agricultural. The residents of the Township want to preserve the Township as it is. To allow the change would be inconsistent with the Comprehensive Plan. Many residents are willing to travel for shopping to prevent a shopping complex being developed in the Township. The Township should now allow itself to be a commercial extension of neighboring Townships. The rural aspect of the Township should be preserved. There will also be traffic issues. This would be one of the largest shopping complexes in the area. The Township's ordinances require public sewer and water for a complex of this size. There is none in this area, and there is not agreement with West Hanover Township for those services.
- Gerry Miller of 306 Baumgardner Drive, West Hanover Township noted he represents the Doc. Fritchey Chapter of Trout Unlimited. He would like to make sure if the rezoning is approved, there is proper engineering to alleviate excess stormwater runoff and sedimentation. DCCD did a survey of Manada Creek and found wild reproduction of Brown Trout in the creek. He is concerned about the environmental impact of the development.

- Santa DeMichiel of 432 N. Meadow Lane, Harrisburg noted he opposes the rezoning of the land and agreed with Mr. Mundy. He is concerned with the traffic congestion that would be a result of the development.
- Larry McCarter of 189 N. Meadow Lane, Harrisburg asked what the shopping complex could sell the residents that they can't already get in the Township or within 5 miles driving distance. There are issues with the buffer zone. All the debris would come out of the northwest away from West Hanover and into East Hanover. He is concerned about stormwater management. Manada Creek will get the brunt of the runoff and it has flooded several times. Lighting is another concern. The residents of the Township are lucky to have a view of the night sky. If the project is not consciously and restrictively designed, it will eliminate the night sky viewing. The traffic lights are another issue. He is objected to the rezoning request.
- Barbara Leedy of 191 Bunny Lane, Palmyra spoke on behalf of her neighbors and the project. She has a list of 47 individuals who are in favor of the rezoning. It would increase employment and the tax base. West Hanover has already rezoned and she felt it would be a benefit to the Township to rezone the parcels.
- Sally Zaino of 1552 Sand Beach Rd. reinforced what Mr. Mundy said about the Comprehensive Plan. It is not a good idea to rezone for a specific request for a project. It sets a bad precedent and does not speak to best overall land use for the Township. The current Zoning Ordinance which is in line with the Comprehensive Plan, adequately addresses the Commercial needs for the Township. One of the goals of the most recent Zoning Ordinance was to try to limit the commercial zoning on Rt. 22 to try to retain some of the character of the Township and avoid the congestion that is caused by a long strip of a commercial zone. She is opposed to the zoning change.
- Bill Ostermayer of 7936 Appleby Rd. Harrisburg, noted he is on the Planning Commission in West Hanover Township and is voting for the plan since it is in a great location for residents of both Townships. He has looked over the plans addressing traffic and is happy with the way the traffic is being routed. It is in a commercial growth area and felt it is in the best interest of the Township to rezone the area. He does have concerns about Manada Creek and the stormwater runoff and asked the Board to do all it can to ensure that any runoff is clean.
- Lisa Lugovich of 227 N. Meadow Lane noted Rt. 39 has been developed and has been improved but is still a problem. She did not feel the development would improve the traffic on Rt. 22. Exit 77 of I 81 is currently a dangerous intersection and additional traffic won't improve it. She is opposed to the rezoning.
- James Pringle of 163 W. Caren Drive, Grantville is opposed to the rezoning because of the traffic. Currently if I 81 is shut down, all the traffic is rerouted to Rt. 22. He respects the neighboring Townships but the Board needs to do what is in favor of its citizens.
- Kevin O'Brien of 918 Sycamore Lane. He is opposed to the rezoning and is concerned it will set a precedent to rezone other areas on Rt. 22. He enjoys

the drive down Rt. 22 in East Hanover Township because of the view of the countryside.

- George Rish of 122 Sunset Drive, Grantville asked if the properties touched any adjoining commercial properties. It was noted they did not. He asked if it was spot zoning. Solicitor Lovette did not fee it was spot zoning. The request has gone through the proper procedures to this date. Mr. Rish asked if you have property that is zoned RA and there is no commercial around it, could it be rezoned Commercial. Solicitor Lovette noted she was not prepared to answer the question at this time, but will take it under advisement.
- Kylee Phoenix of 9042 Jonestown Rd. noted she is opposed to the rezoning. She asked if the rezoning goes through, when will the tenants who live at the property have to worry about finding another place to live. Solicitor Lovette could not provide an answer at this time.
- Becki Oller of 400 Trail Rd., Hummelstown is opposed to the rezoning. She felt Mr. Mundy did an excellent job in voicing his objections. She noted when people talk about the tax base, the taxes paid to East Hanover Township are minimal. The higher taxes are paid to the School District. The development will have a small effect on reducing the taxes of the Township.
- Amanda and Sam Mande of 1032 Ridge Rd., Grantville just recently moved back to the Township from South Hanover Township because of trying to find affordable farm land. They were lucky to find 3 ½ acres in East Hanover and they would hate to see more of the farm land go into commercial use when shopping centers are not that far away. Mr. Mande noted he grew up in South Hanover and watched it grow from a rural area into a developed area. He does not want to see that happen in East Hanover.
- Michael Webb of 9278 Jonestown Rd., Grantville requested the Board oppose the rezoning. It is not that the character of Rt. 22 won't change with time, but he opposes the process. He felt the Township will set a bad precedent to zone individual tracts without taking a look at the long term implications. Once the development is complete, the Township will be left with the problems that might arise. If rezoning is to be done along Rt. 22, the comprehensive plan needs to be looked at, receive Township residents input, and then decide at that point to do zoning changes in a unified fashion.
- Wayne Schug, 230 N. Mill Rd. noted when he first moved into the Township, it was around the time the Penn National Race Track was built and it was supposed to be the savoir for taxes. That did not happen. He has concerns about the stormwater from the project and the ultimate cost to the Township. Down the road there will be problems once the project is complete. He did not see the value of the project and was concerned about the traffic. He is opposed to the rezoning.
- Linda Mummert of 338 N. Mill Rd, Harrisburg. She agrees with all that have spoke against the rezoning. She is very concerned with the baggage that comes with building such a large shopping center. She is concerned about an increase in crime and noted the Township needs to protect itself and be proactive. She is also concerned about the vacant store fronts that are already in the area and whether a new center could keep tenants; and the traffic the

center would create. She is satisfied with doing her shopping at the centers that already exist.

- Robert Parmer of 333 Colt Drive, Grantville felt spot zoning is not good. Once it is done, more requests will be received.
- Sally and Floyd Rupp of 253 N. Meadow Lane, Harrisburg live along the Manada Creek. They are concerned about the stormwater runoff from the proposed parking lot. Every time it rains, they get water in their home. It is costly to them. They are opposed to the rezoning.
- Tim Spangler of 216 N. Meadow Lane noted he opposes the rezoning. He is concerned about the stormwater runoff and the flooding of Manada Creek. He discussed the issues of the 2004 flood. He is also concerned about the trash that will be blown off the property. He felt the areas to be rezoned should be left as a buffer and follow the Comprehensive Plan.
- Simon Dengel of 1062 Trail Rd. opposed the rezoning. He requested the Board stay with the plan that was adopted and maintain the rural agricultural and residential nature of the community. There are already more than enough stores and he suggested the Board not follow West Hanover Townships lead.
- Erna O'Brien, 918 Sycamore Lane, Hummelstown noted she grew up in the Township, moved away and then decided she wanted to raise her children in the Township. The traffic on Rt. 22 is bad now and she is concerned about the increase in traffic. Most of the residents live in the Township because they chose the rural environment. This would not bring high paying jobs to the area.
- Richard Schock of 8218 Jonestown Rd., Grantville noted he is not ready to tell people what they can do with their property. When we give up private property rights, then we are told what we can do with our property. There was an ordinance passed in March for Flood Reduction. He did not feel the ordinance will do the job. He is concerned about private property rights. It appears many people are willing to give up someone else's rights, but are they willing to give up their own.
- Rosemarie Devers of Sycamore Lane noted research has been done and the East Shore is totally saturated with regards to shopping centers. She would like to maintain the nature of the Township as it is.
- Pat Dengel 1062 Trail Road noted she is opposed to the rezoning. She would like to maintain the rural character of the Township.
- Ron Lucas noted his client believes the proposal is in line with the Comprehensive Plan and DCPC noted it is generally consistent with the Comprehensive Plan. You can still maintain the overall rural character of the Township by rezoning the properties. There were concerns about spot zoning. Spot zoning is when you treat a single tract of land differently than surrounding properties for no apparent reason. The property is zoned on 2 sides Rural Agricultural, across Rt. 22 it is zoned Industrial. You don't stop at the Township line, you look all around the property. To the west, it is zoned Commercial Highway. There were many concerns regarding stormwater management. This is part of the land development process. Most of the existing developments were done before the current regulations. The Township has also adopted new regulations. Traffic concerns were expressed. There are 3

traffic lights, 2 have already been planned in West Hanover. One is at Bretz Drive and funds are already being collected for that. The other is a light on Rt. 39 at the Capitol Bible Church and a townhouse development on the other side of the road. There is only one new signal that would go in and that is in East Hanover Township. The issue of timing was a concern. The project will take some time if the rezoning is approved. Tenants need to be found for the development before it would begin. As far as the tenants on the rental property, the owners of the property would have to deal with that when his client purchases the property. Regarding tax base questions, the majority of taxes in all municipalities go to the School District. The increase in the tax base is not just what goes to the Township but increases the tax base for the residents of the Township. If what is paid to the School District increases without having to educate children, this increases the school districts income. There are concerns about the impact on the Manada Creek with stormwater and concerns about setting a precedent. Rezoning is done on a case by case basis and it is a common practice. The legal owners of the property have decided they want to sell their property and do not want to keep it as rural agricultural. He felt the rezoning request is proper, the Township needs to look beyond the Township line and that this could be a development where the traffic can be handled, the utilities will be provided by another Township, if East Hanover agrees to it and the stormwater management will be dealt with by the Township's, DEP and PennDOT regulations.

- Chairman Beaudet asked whose stormwater ordinance applies for the project. Mr. Lucas noted the stormwater ordinance in each Township will apply for the properties located in the Townships.
- David Craig of 1429 Ridge Rd. noted he thought Mr. Lucas said the Planning Commission indicated it was consistent with the Township's Comprehensive Plan. Mr. Lucas noted it was DCPC that indicated it was consistent.
- There were no further public comments.
- Solicitor Lovette closed the record for public comments at 8:35 PM.
- Chairman Beaudet noted the meeting will be recessed for a break.

The meeting resumed at 8:50 PM.

- Chairman Beaudet read a letter that was received from Linda Smith. Ms. Smith felt there was enough commercial zoned land in the Township and is opposed to the zoning change.
- Mr. Spitler asked if a traffic impact study was done relating to the development. Mr. Lucas noted none was done at this time. If the rezoning is approved, his client would first determine what possible tenants are interested. Based on that, then a traffic study would be done. Mr. Spitler asked about the 2 additional traffic lights. Mr. Lucas noted there are 2 additional traffic lights in West Hanover Township that are already planned. There would only be one additional light which would be in East Hanover Township.
- Mr. Marshall commented he has heard rumors that there are already tenants. Mr. Lucas noted there are not tenants at this time since the zoning is not in place. No one will commit until that happens.

- Mr. Marshall noted there were comments made for and against the rezoning. He felt in all fairness to the developer and to the public, the Board should take at least 2 weeks to absorb the comments made and then make a decision.
- **Mr. Marshall made a motion to table action on the ordinance until the next meeting. Mr. Spitler seconded the motion.** Mr. Shutt asked if another hearing would have to be held. Chairman Beaudet noted another hearing would not have to be held, the decision will be made at the next meeting. **The motion was approved 5 in favor, 0 opposed.**

**Chairman Beaudet made a correction to the minutes regarding the motion to pay the bills. Mr. Espenshade made a motion to hold the KTHL bill back until further review. Chairman Beaudet noted she was against the motion.**

#### **ENGINEERS REPORT – NORMAN ULRICH**

- Royer minor subdivision plan – there has been a resubmission.
- Gingrich/Jones – there has been a resubmission.
- Hilton Garden Inn – there has been a resubmission.
- These plans will be discussed at the next Planning Commission meeting.
- Triple Diamond – LTL believes the debris has been removed to the satisfaction of the Township. This will be continue to be monitored.
- Mr. Marshall noted he, Mr. Spitler and Mr. Smith met at the Triple Diamonds site. Yesterday, the open ditch for the curbing did not have any protection. Mr. Ulrich noted he will follow up on the issue.

#### **EFMR – ANDY STEIN**

- Mr. Stein noted EFMR has been working in conjunction with other Township professionals to complete the grants on time.

#### **UNFINISHED BUSINESS**

##### **STORMWATER MANAGEMENT - THOMPSON**

This is with the Solicitor.

##### **VILLA ROSA/ NO LEFT TURN**

A letter was received from PennDOT. There is no further issue.

##### **VERIZON – CONSTRUCTION ISSUES**

These issues have been addressed.

##### **CLEAN STREET ORDINANCE**

- This is still being worked on.

##### **WINFINDALE PROPERTY**

This is with the Solicitor.

### **GIS INITIATIVE**

Work is continuing.

### **CHANGES TO SALDO – LTL CONSULTANTS**

Work is continuing

### **TAX RELIEF**

No report

### **2006 PROPERTY MAINTENANCE CODE**

This will be discussed at a future date.

### **JUNK YARD ORDINANCE**

Work is being done on the ordinance

### **GRANTVILLE FOOD PANTRY**

Chairman Beaudet noted a letter was received from the Food Pantry indicating that it is unable to provide the numbers for the Board and would like approval from the Board.

- Mr. Stein noted he was informed by Commissioner Haste that the Board could recommend it directly to the Dauphin County Gaming Advisory Board without it going against the monies in the MOU. He did advise the Board against recommending approval of the grant without seeing any numbers.
- Chairman Beaudet asked for something in writing from the County regarding the grant.

### **ZONING HEARING BOARD ALTERNATE**

This will be decided at a later meeting.

### **NEW BUSINESS**

#### **BUDGET WORKSHOP**

Mrs. Casey noted she would like to set up a short workshop meeting for the budget so the Board can discuss needs for 2009.

- **Mr. Espenshade made a motion to schedule a budget workshop on September 23<sup>rd</sup> at 7:00 PM and to advertise. Mr. Shutt seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**
- Chairman Beaudet asked Mrs. Casey to contact all entities of the Township that may be requesting funding.

#### **FALL NEWSLETTER**

Chairman Beaudet noted the newsletter will be proofed over the weekend.

- Mr. Marshall noted he had just picked up the newsletter and had not had a chance to read it but did glance through it. One thing he would like to see in is the advertisement for the Zoning Hearing Board alternate.

**HALBLEIB EXTENSION OF TIME**

- **Mr. Marshall made a motion to accept the grant of an extension of time for the Halbleib plan until October 22, 2008. Mr. Espenshade seconded the motion. The Chairman asked for public comment, there was none. The motion was approved 5 in favor, 0 opposed.**

**OTHER BUSINESS FROM THE BOARD**

There was no other business from the Board.

**BUSINESS FROM THE PUBLIC**

John Nelligan noted Mr. Longreen and he will be meeting with representatives of RCND on Thursday. It will be the final audit and collection of data for the dry hydrant program. The requirements of the grant have been met.

**Mr. Espenshade made a motion to adjourn the meeting. The meeting was adjourned at 9:12 PM.**

Respectfully submitted,

Deborah A. Casey

cc:	Marie Beaudet	Charles Longreen
	David Marshall	Planning Commission
	Keith Espenshade	Light-Heigel & Associates
	Larry Spitler	Posted
	Thomas Shutt	Zoning Hearing Board
	Hawke, McKeon & Sniscak	LTL Consultants
	Curt Cassel	