

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING
8848 Jonestown Road, Grantville, PA 17028
November 1, 2011**

The meeting of the East Hanover Township Board of Supervisors was called to order with the pledge to the Flag by Chairman Keith Espenshade at 7:02 P.M. Present were Supervisors John Nelligan, George Rish, and Tom Shutt. Supervisor Marie Beaudet was absent

Scott Wyland, Solicitor; Norm Ulrich, Engineer; Ron Reeder, Township Manager; Charles Longreen, Director of Public Works; Curtis Cassel, Wastewater Treatment Plant Operator; and Deborah Casey Secretary/Treasurer were also present.

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

There was an Executive Session held at 6:15 PM to discuss a personnel issue.

At 7:30 PM there will be a Public Hearing for the Comprehensive Plan.

APPROVAL OF THE MEETING MINUTES FROM OCTOBER 18, 2011

Chairman Espenshade noted there was not a quorum present from the last meeting to vote on the minutes. Approval is tabled until the next meeting.

TREASURER’S REPORT

Expenditures

General Fund	\$ 62,110.62
WWTP	\$ 42,048.73
Gaming	\$ 1,122.95
Street Light	\$ 436.58
Park & Recreation	<u>\$ 1,016.20</u>
Total	\$106,735.08

Mr. Nelligan made a motion to pay the bills as presented. Mr. Rish seconded the motion. The motion was approved 4 in favor, 0 opposed.

Receipts as of October 28, 2011

General Fund	\$ 42,599.10
WWTP	\$ 39,820.10
Gaming	\$ 205.00
Park and Rec	\$ 470.00

Available Funds

General	\$ 428,633.03
WWTP	\$ 315,251.36
Street Light	\$ 7,487.17
State Fund	\$ 527,955.64

Gaming Fund	\$ 502,930.29
Public Sewer Fund	\$ 139,083.48
H2O Fund	\$ 3,561.52
Park and Rec Fund	<u>\$ 97,570.49</u>
TOTAL	\$ 2,022,472.98

CORRESPONDENCE

The correspondence is listed as a handout and is available for review during regular office hours.

REPORTS

PUBLIC WORKS DEPARTMENT – CHARLES LONGREEN

Mr. Longreen presented his report for the month of October. It is available at the Municipal Building for review.

- Sewer project – we are waiting for Met-Ed and Verizon to complete their work. Met-Ed is in a storm mode and once everyone is restored, it will be back to finish the work.
- The road work on Allentown Blvd. (Rt. 22) was started on October 31st.
- Chuck Mundy of Tannenbaum Way asked how long the Township will give Met-Ed to lay the electric line to a property where the lines are currently lying on the ground and over trees.
- Solicitor Wyland commented if it is a safety issue, it can be raised with an informal or formal complaint with the PUC. An informal complaint could be as simple as a phone call, the formal complaint would require putting the complaint in writing and that results in a hearing officer assigned to the complaint and a hearing date scheduled. Chairman Espenshade asked if the procedure is available to a municipality. Solicitor Wyland noted it is limited to customers and felt it would relate to the property owner or neighboring properties.
- Mr. Longreen commented the issue has already been reported to Met-Ed and it is on the schedule. With the weather being what it has been, it will take time.
- Chairman Espenshade expressed his thanks to the Road Crew for its work removing the snow.

GRANTVILLE VOLUNTEER FIRE CO. – WAYNE ISETT

- The 39er will be mailed by next week.
- The Spaghetti Dinner is on November 11th.
- The Pork Rib and Chicken BBQ was cancelled because of the weather.
- The bids were opened for the building and came in high at \$3,669,823.00. A lot of it is due to the excavating that needs to be done outside.

PUBLIC SAFETY ADVISORY COUNCIL – JOHN NELLIGAN

- The next meeting is scheduled for March 2012.

EMERGENCY MANAGEMENT – JOHN NELLIGAN

- No report.

WWTP OPERATIONS AND MAINTENANCE – CURTIS CASSEL

Mr. Cassel presented his report for October. It is available at the Municipal building for review.

ENGINEERS REPORT – NORM ULRICH

- The overlay paving project for Chestnut, Sycamore, Red Fox and Hunter Ln. will begin on November 2nd and hopefully be completed by November 15th.
- At the last meeting the Board requested LTL to do the site visit for N. Hill and Jonestown Roads. The site visit was done and information gathered. A draft copy of the report has been prepared and it should be ready by the end of the week for the Board's review

ERIC EPSTEIN

- Mr. Epstein spoke on the redistricting of the area. He felt the plan would be adopted with little modification. What we are looking at is Rep. Sue Helm's district being moved east and west which will include East Hanover Township. Senator Fulmer may also have an effect on the Township. Senator Piccola's district would now be 5 counties. He asked for permission, after the redistricting is adopted and we have new political representation in place, to go out and meet with them. The Township currently has a pretty good relationship with Senator Fulmer since it worked with East Hanover Lebanon County to secure funding to repair Angle Rd. and supported Lebanon County's successful request to be funded from the Casino funds.
- The transportation bill appears to be dead but should not impact the Rt. 22 project that has been fully let or the repair of Rt. 743. The Governor has indicated he will not approve a transportation bill that had any fee increases. Mr. Epstein noted he will be at the next HATS meeting.
- An outline of a new MOU was sent and after the election Mr. Epstein would like to get Chairman Espenshade and Commissioner Haste together to work on a new MOU prior to the end of the calendar year.

ANDY STEIN

- Activities for October were focusing on hiring a manager. The manager has been hired and the bonding application is going forward.
- On November 14th there is a meeting with the IDA to go over the most recent grant requests. Mr. Stein requested Solicitor Wyland be present for the meeting.
- Mr. Stein checked with Fulton Bank and the CFA regarding how much funding was left for the sewer project. He is getting more comfortable the Township will be able to finish the project without relying on the immediate payment of tapping fees or using other funds.
- There are some reallocation issues from the first year's grants and the Township has until May 2012 to get the issues worked out.

UNFINISHED BUSINESS

HOOKUP TIME FOR SEWER

Chairman Espenshade commented Met-Ed has still not completed its work. He would like to see the deadline for hookup be looked at the end of May 2012.

- David Boyd of Englewood asked if Partridge Hills could be hooked up before the Englewood development since there is a resident that has to have her septic tank emptied constantly because of a septic tank issue.
- Chairman Espenshade commented the contractor does have a contract. The Township can ask for an earlier hookup, but it can't make the contractor do it. Mr. Longreen noted we are running into telephone issues with that pump station. We have electric but not phone service to the automatic dialer. There is a work order for phone service to Englewood but we are still working on Partridge Hills. The contractor does not want to have the pump company come in and test individual pumps. He wants to do both at one time. We can ask but there is no phone service to that station yet.
- Chairman Espenshade commented legally we can't make them do it, but we can ask. There would probably be an additional cost.
- Mr. Nelligan noted at the last meeting, Mr. Boyd provided the Board with a proposal on clarification on how to follow the process. The Township is actively pursuing his proposal.

NEW BUSINESS

MAZZUCA PAYMENT #7

- **Mr. Nelligan made a motion to authorize a payment to Mazzuca, No. 7, in the amount of \$144,189.38. Mr. Rish seconded the motion.** Chuck Mundy of 211 Tannenbaum Way asked if it was a final payment. It was noted it was not. **The motion was approved 4 in favor, 0 opposed.**

RESOLUTION 2011-16 – MANAGER'S SALARY

- Solicitor Wyland noted the 2nd Class Township code requires the Manager's salary be set by resolution. The resolution satisfies the requirement.
- **Mr. Rish made a motion to adopt Resolution 2011-16 which sets the Manager's salary at \$63,000.00 per year. Mr. Nelligan seconded the motion. The motion was approved 4 in favor, 0 opposed.**

7:30 PM PUBLIC HEARING FOR COMPREHENSIVE PLAN

Solicitor Wyland noted it was the time and place announced for a public hearing on the Comprehensive Plan. Solicitor Wyland asked that individuals wanting to speak on the plan come to the microphone and identify themselves. Some of the professionals who helped the Township develop the plan are present to answer any questions.

- Chuck Mundy of 211 Tannenbaum Way - Thee proposed change of the current zoning from agricultural residential to future use commercial or office park between Bow Creek just south of Shady Ln. along 743 all the way to Swatara Creek which is shown in appendix 4, is not compliant with the objective of the

Comp Plan which is to maintain the Township's rural characteristic. Since adoption of this Comprehensive Plan will provide rationale to amend the current land use zoning, I believe it's not in the Township's best interest to propose this spot zoning change in the Township's southern border. I say spot zoning because no zoning other than agricultural residential exists in more than a mile in any direction from this proposed change. Even Derry Township who East Hanover shares its southern border, has the sense to have its land use zoned agricultural conservation where it butts against East Hanover Township. Agricultural lands are supposed to receive appropriate protection, measures and this is not true in this final Comprehensive Plan draft. As evidenced by Table 2.1 of the population growth of the surrounding municipalities, to its credit, East Hanover Township showed a significant drop in its growth rate from 16.4% between 1990 and 2000 to a 7.4% growth rate from 2000 to 2010. The fact that virtually no commercial zoning exists on 743 south of 22 could be a contributing factor to maintaining East Hanover Township's rural character and growth rate. This proposed change is significant and it should be revised to keep the zoning in this area as it is currently zoned. I would urge the Board to revise the Comp Plan draft and restore the proposed future land use to agricultural residential.

- Robert Hess of 817 East Canal Rd. Hershey - I just became aware of this yesterday and am addressing the same issue Mr. Mundy addressed. Our farm is affected by that zoning area and he gave the solicitor a copy of a letter he typed today. I am not sure what the proposed zoning change really does and only became aware of it yesterday due to a flyer in the mail box, I don't know where it came from but I guess I'm glad I got it. I can read the letter I typed out loud. Dear Township Supervisors. It was only brought to my attention yesterday that the Future Land Use plan for East Hanover Township would, in the future, change the zoning of a farm that my family owns. I not only own this farm but reside there as well. My family has lived in East Hanover Township for over 200 years and runs our own business. However, this attack on our assets will force us to take legal actions none of us will like. I notice an amusing pattern in how the township has avoided the property of the Hershey Trust. Instead, the township has chosen to pick on four smaller property owners they feel they can boss around. The four property owners are not only farmers but conservationists. My family alone preserves nearly 300 acres of farmland in East Hanover Township. The proposed change could potentially cause us to pay higher taxes, prohibit us from selling lots to our children in the future or expanding my farming operation. This plan makes absolutely no sense and has not been thought out. This potential zoning district should be in an area that makes sense. It should be remotely close to areas that presently have commercial use, a population center, or sewer facilities. Thank you.
- Tom Lutz, 547 High Dr. Hershey, PA in East Township – Same issue if that is OK. Chairman Espenshade - the more the merrier. Mr. Lutz - Are there people who can answer questions. Chairman Espenshade - yes. Mr. Lutz – I read some of it and it is very long and had some questions. If it would be rezoned like this would our taxes go up, I don't mean the Township's taxes but mine individually since my acres would be affected. Chairman Espenshade - It is my

understanding that your taxes are based on value of property and I'm going to give you a layman's term or explanation, I don't know if Mr. Wyland would want to elaborate but it's based on an assessed value of your property. If someone would assume that the assessment of your property is more because it is a certain zoning district then I guess you could say it would go up or it could be devalued as Mr. Hess eluded to, maybe your taxes would go down, I can't answer that.

- Mr. Lutz – are the architects of this plan here. Chairman Espenshade – yes. Mr. Lutz - What's the past practice been when something has been rezoned from agriculture to a commercial or industrial use, do the taxes usually go up or down. Solicitor Wyland – It is a function of the County Tax Assessment Office and it's their judgment about what the market value of the property is. Any individual property owner has the right to challenge that assessment. Mr. Lutz – what has happened in past cases. Solicitor Wyland – I don't have that personal knowledge I'm not sure we could generalize and say, but if you have property let's say is adjacent to a highway that is zoned agriculture and it changes to commercial, I think it is a safe assumption that the fair market value could possibly go up as determined by the Tax Assessment Office. Remember agricultural property can be enrolled in Clean and Green and preferential assessment and that keeps the assessed value low so long as it's agricultural so it is a little complicated or loaded question that way.
- Mr. Lutz – How many acres were designated that were needed for this new zoning category. Solicitor Wyland – Is this the red crosshatched area of the map we are talking about. It was noted it was. Mr. Lutz – for a Township of our size and of our nature, how many acres are needed for that new area. Past practice, using your professional expertise. Nanci Sarcinello – I'm not sure I am following his question. Chairman Espenshade – I think what his question is if you are going to create a zone, how many acres to you need to create that zone. Is it 100 acres, is it 50 acres, is it 10 acres. Ms. Sarcinello – It can vary. It needs to be large enough to allow opportunity to have that use. You can't just select one property you have to make a large enough zone to allow that use to occur. Mr. Lutz – If that's the case, why didn't you pick Hershey that was contiguous with the others. Ms. Sarcinello – We did not look at ownership of the properties. We looked at location along Rt. 743 and proximity to Derry Township. Mr. Lutz – did you look at residences on those properties. Ms. Sarcinello – No we didn't.
- Mr. Lutz – If the zoning would be adopted, and the area would be developed into a business park does that mean I as a landowner get to develop it. Ms. Sarcinello – You would have that option. Mr. Lutz – So I would have the option to develop my business park or Rob and I could go together and go into a business venture. What happens if we decide we do not want a business park. Ms. Sarcinello – Then you do not need to build a business park. Mr. Lutz- So you are saying that if Rob and I and the other people whose land is designated and zoned that, if we decide we never want a business park that area will never be a business park. Eminent domain does not come into effect? Ms. Sarcinello – that is correct. You could continue the use that is there now, whether it is agricultural or residential for eternity. It does not require you to do this. Mr. Lutz

– I've been through this before in the State of Tennessee and our farm was taken from us by eminent domain even though it was a court battle. So lightning does strike twice even though it isn't supposed to it seems like it is. Down in Tennessee it happened, the land was taken out from underneath us, 400 some acres, we were left with 30. Chairman Espenshade – For what use. Mr. Lutz – Same thing business park, business industrial park. Chairman Espenshade – The State or the County? Mr. Lutz – The County. Chairman Espenshade – Their local government is County government in Tennessee. Solicitor Wyland – There was a Supreme Court case a few years ago that authorized the taking of private property and it was turned over for development as a public purpose and the Supreme Court said that was OK and a lot of States reacted by passing legislation that said you are not going to use that power of eminent domain to take private property just to turn over to development. Certainly the Township has never expressed any desire to do that, I'm not even sure it has the power to do that if it is not a public purpose.

- Mr. Lutz – I guess my thinking is why did you select our farms cause I can tell you I don't think any of us want our, we've been here for decades and decades we've been farming conservationists. I've done everything not develop my property and even have it in my will that it goes to a conservancy at my death, so why would you pick our farms to designate it for this knowing that we aren't going to do that. And since I'm not going to do it, I don't want higher taxes. Ms. Sarcinello – I understand that and I think we understand the fear of eminent domain and I don't think the Township ever intended to do that. Mr. Lutz – Then why did you pick that area without checking with us. You are designating it for a future that you say you might want that we are not going to let happen. You see what I'm saying? Don't you think you maybe want to talk to us first? Ms. Sarcinello – As I said we did not look at ownership of the property. That did not have any bearing on the selection of the parcels. Mr. Lutz – So you are saying if it gets rezoned we might have to fight with higher taxes and that sort of thing, but if we decide not to ever sell or develop our land it will always be protected the way we want it to be. It was noted that was correct. Ms. Sarcinello – If the land is protected for agricultural use, then as the Solicitor said, that would not impact the taxes, you would get tax benefits under Clean and Green, or if it is under a conservation easement. Mr. Lutz – We're zoned agricultural now but with the new map, we are not zoned agricultural anymore. Solicitor Wyland – Let me make something clear because all three comments so far had the same leaping ahead thinking. The purpose of the Comprehensive Plan is to make sure that we are looking ahead. It's a plan, not an ordinance. It says what areas of the Township might we make available for all the different uses, the Township as a whole, have to allow somewhere in the Township. It's not a zoning change. Mr. Mundy pointed out a Comprehensive Plan that calls for a zoning change in a particular area, the Comprehensive Plan can support a zoning change but it doesn't mandate a zoning change. So this is not a zoning change at this point and none is specifically proposed. The Comprehensive Plan says this is one area that is a pretty good area, potentially, for a number of land use planning reasons, to have an office park or that kind of use. The next step, if the

Township wants to follow through and go in that direction is to propose a zoning ordinance and have a hearing and people like you come in and say this is my land and I don't think this zoning ordinance is appropriate and that is when the battle ensues to should we or should we not change the zoning. The adoption of the Comprehensive Plan will not change the zoning, but your point is well taken. It's a step in that direction, but it is not the zoning change yet. Some people are actually happy when the zoning is changed and the value of their property suddenly increases greatly. It pleases some people and displeases others. It is certainly in your control as the land owner to say, I don't care if it's zoned industrial, commercial, or whatever I don't intend to sell my property for that purpose, I don't intend to develop it and I don't intend to use it that way and if you are savvy enough to put restrictions on your property, which apparently you are, then you are right, it will never be that way. I can't offer you guidance, but if you get an assessment, a change in the assessed value of your property if the zoning changes some point in the future, but you have a conservation easement or another restriction on your property, I think that is a pretty good basis to contend that the value shouldn't go up because it will not be used in that higher, more valuable use, it will always remain farm land. If someone wants to buy that property from you, they are not going to pay \$50,000.00 per acre when the only use that can ever be made of it is agricultural. That's within your control as a landowner; it doesn't matter if the zoning changes or not, that doesn't change your right to keep your property devalued in a market value sense by restricting what can be done on the property.

- Mr. Lutz – I know there is a reason or a law or something that this plan has to be adopted. Solicitor Wyland – The Municipalities Planning Code requires Municipalities to have a Comprehensive Plan. Mr. Lutz – Is there something after that you are required to do next then, to change the zoning to meet the plan? Solicitor Wyland – No, not directly. It says you are to take the plan into consideration when making future land use decisions. Mr. Lutz – So what is the Township's thought on the rezoning to meet the plan. Solicitor Wyland – That is the next step and it is not a necessary next step in my view, but the next natural step would be to say the Comprehensive Plan calls for us to look at, among other things, potential zoning changes. That's when you sit down and have the battle. Maybe you can speak to that process a little more (referring to Nanci Sarcinello of LTL)
- Nancy Sarcinello – Nanci Sarcinello of LTL Consultants. LTL Consultants is the consultant that assisted on development of the Comprehensive Plan. It was developed in conjunction with the Township Planning Commission and the process began in May of 2009. There was a period where the process was put on hold, but we had monthly meetings with the Planning Commission to develop the plan. The question is what the next step is. If the Township adopts this Comprehensive Plan, it is, as the Solicitor said, not a zoning ordinance and the future land use map is not a zoning map. Although it reflects the Township's vision for what they would like the land use to look like in the future, there is not a regulatory power behind this Comprehensive Plan. If the Township were to go forward, and after adopting this plan look at making or consider making

amendments to the Zoning Ordinance, the Comprehensive Plan would serve as the support or the framework for those changes. However, the Township is not obligated to implement all the recommendations that are in the Comprehensive Plan.

- Eric Epstein – Hypothetically if the plan is adopted, would the comments people made be part of it. Let's say down the road, you adopt it. Five, 10, 15, 25 years down the road people act upon it. The comments people made at the public hearing will be part of the public record that future elected officials could consult.
- Solicitor Wyland – It's fair to say the questions and responses are supposed to be part of the record, that is the process.
- Mr. Lutz – I would have some comments and recommendations then knowing the information you provided, and I appreciate that, I appreciate the information, since it seems, I would think the people this is going to effect the most probably aren't in favor of it so it probably, if you did want try to rezone, it would probably be a battle or not be an easy win. I don't know, or if you did designate this area, we probably, some of us would not be interested for using it for that purpose anyway and after reading the land use plan, it seems to me it would make a lot more sense – in the old land use plan, there was no area designated separately for this, so can't a business park be part of, in conjunction with another zoned area that is commercial/light industrial something like that, wouldn't it be better to categorize some of those all in one location. Why did the new category have to come up in a separate location, is that law?
- Ms. Sarcinello – It is not law. Mr. Lutz – So in other words, it could be part of another area, it could be another permitted use in another land use area or zoned area eventually. Ms. Sarcinello – I suppose it could be but I will give you the rationale. You are asking why it is here. As I said, in the process of developing this plan with the Planning Commission, the Committee that developed this plan, in conjunction with the consultants, identified the area along 743 in the southern portion of the township adjacent to Derry Township where the Hershey facilities are, large industrial uses, that region was identified as a potential site for office parks and that is why it is here.
- Mr. Lutz – I understand that rationale but if you read this land use plan in completeness, it is pretty contradictory for most of everything else that is stated in here. I am going to cite a few examples if I can. You talk about suburban sprawl and straining the Township resources. The new plan sprawls even more and that is why I was thinking why can't it be part of another zoned area or land use area. Why not keep commercial, business park, light industrial all those things in one area. It seems to me you are sprawling into a whole new area which it says is one thing the new land use plan is trying to defeat. Underneath that it says we need to preserve agricultural and natural, you have 4 farms that have been doing that for decades and want to continue to do so. You want to protect the resident's health, safety and welfare. Well when you go down here and talk about some of these things which the land use plan talks about, not only are you going to create more sprawl instead of keeping it with your direct light industrial development on the Rt. 22 corridor which you talk about in here which is something you are stressing, but we don't have any sewage down in our area.

So what you're going to do is, I live on 96 acres with 1 well, 1 person, you are going to put a business park in an area that draws one well out of 96 acres, you're going to take a lot of ground water out of that with one business park. And there is no sewage there. I have 1 septic system with 1 person, you are going to put a lot sewage into that water, into the ground and everything and also it doesn't make sense when you read the rest of the plan. There's a part here where it says your primary purpose – it talks about the decrease in agricultural and undeveloped land, which is a problem. Well that would add to that growth. It talks about areas with private wells and septic systems will lead to increase nitrate contamination, areas with private wells and sewer service will lead to a decrease in the quality of groundwater areas. It talks about the groundwater and by putting a business park there, you are going to take an area that is fairly unpopulated, not polluting very much and would do a lot more damage to the groundwater system and the pollution. It talks about all future development, residential and non-residential, regardless of size, the Aquifer Study recommends that development impacts on the aquifer be evaluated, particular attention should be given to the Bow Creek basin. We are right smack dab in the Bow Creek basin. Bow Creek runs right through the middle of my property. It is very contradictory as to what you are trying to establish with this land use plan. It says the Township's rural landscape marked by farmlands and open space is an integral part of its heritage, identity and character; its preservation is the primary goal of this plan. The way you did it seems to defeat the plan itself. I know you are more familiar with this plan than I am and I could keep going through paragraph after paragraph, but I can say if there is nothing illegal or against the law the way you are doing your planning, I would say you put it in an area more that is wanted with light industrial where you are not going to create more urban sprawl, more damage to the groundwater system, more pollution, harming the Bow Creek basin, all those things, preserving agricultural lands, open land and I would recommend taking a step to look at putting it someplace else. I was through this before and had a farm taken out from underneath us, even though there was a court battle and they should have not won, but they did. I know it is probably best to have it set out and if possible moved to another area where it would be more compatible with the land use plan.

- Mr. Epstein – One of the things I would suggest everyone look at is the potential growth band projections for our County. When you are doing a plan like this you're anticipating what the future would like. We are looking at one of the heavier growth bands, which is East Hanover. I was born and raised in the area. I remember when West Hanover didn't have water or sewage, then Skyline Drive got it and then you got development, and you may not like what it looked liked. I'll give you a better example, as to what happened in Lower Paxton if you know Park Sheesley. Part of what is happening is defensive zoning and to learn from history. I don't want East Hanover to look like Rt. 22. Sometimes when you do this what you are doing is investigating your future and giving yourself the tools to comply with what the Municipal Code asks us to do, but at the same time, give us the power to not look like Lower Paxton. We are almost compelled to find a part of the township that has it, doesn't mean you have to do it. But again, look

at what happened on the Rt. 22 corridor. I would prefer the area would never get developed and stays agricultural. Maybe Park Sheesley felt that way when he deeded it over to his kids. This gives us a tool to try to protect ourselves in the future.

- Solicitor Wyland - A couple of comments were along the lines of why would you put an office park in that area of the Township, and a resident mentioned Derry Township as to what was going adjacent. Is there anything you want to say about that to elaborate on what your thinking was as to why that spot.
- Ms. Sarcinello – This is certainly not my personal plan for the Township, or LTL Consultants personal plan for the Township. This plan, as I said before, was developed in conjunction with the Planning Commission in monthly meetings that were held over the course of approximately 2 years. So let me set the record straight there. In addition to the location being along 743 and adjacent Derry Township, one of the things that the committee was hoping to accomplish was to provide for employment opportunities, in looking at the demographic data, the population projections show, although the Township's population did decrease in recent decades, the Township is expected to grow over the next 10 – 20 years, the population projections show continued growth. One of the things the committee was concerned about was employment opportunities within the Township, so that was another reason for the location of that potential office park in the Township and then adjacent Derry Township to connect with the business development in that Township.
- Solicitor Wyland – I just want to throw in my 2 cents on water and sewer. I think those are great points brought up by the prior speaker about water and sewer and the effect on the environment, but I think there was something missing too, it was just a presumption there would never be public services there; and of course, Derry Township is adjacent and there is public water and public sewer there. The whole different issue about what does it takes to get public utilities extended into that geographical area, but I would assume with more extensive uses, there is a higher chance you would eventually have that kind of service in the area. I don't think we should assume that the way it is now with no public utility service would be the future.
- David Boyd – It may be a little nick picking on my part. I read over a bunch of this Comprehensive Plan and stumbled right on the introduction of the Comprehensive Plan. Page 1, Page 2. It was stated the work started in May of 2009. Bi-monthly meetings of East Hanover Township Planning Commission, etc. etc. It says that a public workshop was held on the 16th of September, 2009. Then it says a Planning Commission Public Meeting was held August 23, 2011 and a public hearing of the Board of Supervisors was held on October 18, 2011. Each of these meetings was designed to gather community input on the Comprehensive Plan; thus the policies and recommendations contained in this Comprehensive Plan are based in input gathered at those meetings. Those meetings never happened. October 18th of this year there was no public hearing of the Board of Supervisors on this subject and the August 23rd Planning Commission Meeting was never held, was cancelled. You could not have put in on input of something that didn't exist. That's all I'm going to say.

- Ms. Sarcinello – That is correct and I believe at the time this was written the August 23, 2011 Planning Commission meeting was scheduled but I believe was subsequently rescheduled so we would need to change the date. The Planning Commission did occur but not on the date that is written here. Secondly, the Public Hearing of the Board of Supervisors on October 18th; originally this was to have been completed, and there was to be a hearing on October 18th but that did not occur, so that is actually tonight's hearing. So those dates should be corrected. The Public Workshop on September 16, 2009 was held as were the monthly meetings throughout the 2 year process. Those corrections do need to be made.
- Chuck Mundy – I would just like to correct the statement that was made here where Derry Township is not zoned commercial on 743. It's zoned agricultural conservation. Our entire southern border that borders Derry Township, Derry Township's zoning is agricultural conservation from the border just about into Hershey Park Drive.
- Chairman Espenshade- Did I hear someone say that. There was discussion – Chairman Espenshade noted he did not hear an individual say that.
- Solicitor Wyland – I think what she said was they took into consideration the location of this area near Derry Township where there is – if you have an office park, it makes sense to put it near some commercial center. Derry Township is fairly developed and this land is near there.
- Chairman Espenshade – There was no statement made that Derry Township's zoning is commercial along that stretch. She said what is occurring adjacent to East Hanover in Hershey but she made no mention of zoning. If we are going to get down to brass tracts, let's make sure we're on the same page.
- Sally McKeever, 301 High Dr. – I'm one of the 4 farms effected by this. I don't want to repeat what everyone else said. I know you mentioned this is not a zoning change, but it is a precedent and our legal system is based on precedent and somewhere, maybe 10 years down the road someone will say well look, this was passed in 2011 so let's go ahead. Addressing the fact that we may decide we don't want to put our farm in this sort of business and maybe the other folks don't, Mr. Hess and Mr. Lutz, because we would like our kids to live on the farm, but if one person buys into this, you have light pollution, noise pollution, you no longer have the farm that we have with the views. I think you have 4 people down there who have – I can't tell you how many times a year I've gotten letters in my mailbox from developers from Philly, and New York. We've all resisted that because we love it there, we're not there for the money or we would have bailed out a long time ago. That's why we stayed. I'm not sure if this happens, if it happens on one of the farms, I'm not sure our kids are going to want to stay with 24 hour light pollution and associated things. I just also found about this yesterday with the note in the mailbox, and I kind of thought, what are they thinking when we have all that commercial zoning up along Rt. 22, why would you not bundle this into that, why would you take an area of the Township; particularly in an area where you cross the Swatara Creek and it's East Hanover Township and there's a sign. Do you want people to drive into East Hanover, see that sign and see farms or see a business park because that is your

impression of East Hanover Township when you cross the bridge from Derry Township. I'm also concerned about the Clean and Green. I realize you can stay in it, but the buyout for Clean and Green when you sell your farm is based on the taxes that have been saved so if the taxes go up, our tax savings will increase and who would want to buy a farm if they have to pay an exorbitant amount in the back Clean and Green taxes. So that is another thing I thought of. My main concern is this is a precedent and I feel like the 4 of us, Vern Miller couldn't come tonight he's 90 years old, but I am to express his feelings also and I think we feel like there are a lot better places in the Township to put this.

- Supervisor Shutt – To answer her question about Clean and Green and back taxes. The only way you have to pay back taxes on that is if it does not stay in agricultural. I'm in Clean and Green and I know something about that. Ms. McKeever – I know that but if you are selling the farm, whoever is buying it has to keep it in agricultural, but they know if they don't, they're going to have to pay all those back taxes. Supervisor Shutt – Whoever buys it has to pay the taxes but as far as yourself, you are protected by the Clean and Green.
- Ms. McKeever – So if an adjacent farm goes with a business park and we can't deal with the lights all night and we are going to sell, someone looking at buying our farm is going to say it's Clean and Green and look at all these exorbitant back taxes we have to pay.
- Supervisor Shutt – That's the thing about living in America yet. You are allowed to do with whatever you have yet.
- John Zilavy 411 High Drive – This used to be our family farm and I moved back when I retired. Just a few other things that were not brought up, that's just a short distance. Traffic as it stands now, with the Hershey area, when the flooding occurred, 743 was basically 81 with trucks trying to get down there, and that was just on the other side. If it goes through and you do add an industrial park or whatever, that is going to be even more traffic so it's not going to affect just this area but all the way back up to 743, 22 and the whole area. There are more things.
- Chairman Espenshade – It appears that zoning district is the one that seems to be out of place for the folks that are here. Do you have comment on the rest of the plan? I guess what I'm looking at is if that got moved, or changed, or went away is there any comment on the rest of that area. The rest of it looks goods? I guess what we are trying to do is find a place. I think Mr. Lutz asked about why create that zone. If you read that, we are looking at creating an office park, not so much an industrial park; I don't think that can go into the large scale commercial zoning district. But the office park maybe less intrusive than big warehouses and whatever you get so that's why that zone was created and I'm not saying that was the ideal spot for it, but I think that is why it was pulled out by the Planning Commission as to create that zone specifically. It can be incorporated into some other commercial area; but I guess what I'm looking at is if I'm going to move that and stick it somewhere up close to the other stuff is that acceptable to the folks that are here? It is easy to come in here to talk about your own property, but as a Board, we have to look at the whole thing. So if you come in and tell me that you don't want this on your property and we move it to

someone else's property, they may not like that, but is it more acceptable to shift that up there into the other quadrants. I guess what I'm asking if that was not there, would you be here tonight. Probably not.

- Ed Fetter – We own the last property in East Hanover Township contiguous with West Hanover Township and are equitable owners of 40 acres within East Hanover Township. We were before you 3 years ago for rezoning of that property which we achieved that rezoning for Highway Commercial. I read through the Comprehensive Plan and there is the new designation Small Commercial area vs. Large Commercial area. Thanks to Leo for spending some time with me on the phone today so I addressed the letter to the Board, some of it's inaccurate after my conversation with Leo. It sounds like the intent of the small commercial area is to match the current highway commercial zone; but when you read into the Comprehensive Plan how to bring this about, it talks about limiting the box size to 20 to 40 thousand square feet. We've got 80 acres there and we cannot feasibly develop that size of a property and all the offsite improvements required, the landscaping, the buffering, the stormwater, on small boxes. You need an anchor to bring the smaller retail tenants in. In this economy, small retail is dead at this point. Unfortunately, when that was rezoned, was right when the economy hit and that is why we are here today. I'm asking that, considering its location, it's on the edge of the Township and will have a very small impact on the Township from a nuisance standpoint. It's contiguous to commercial highway zoning in West, and the one parcel is split by the Township line. There would be an inconsistency in zoning where West Hanover permits that big box user, this zoning would not. In terms of transportation corridors, all the goals that are in the Comprehensive Plan, if there is a spot in the Township, this would be the spot, not only because of the transportation, it's local to public utilities, it's very easy to bring public water and public sewer, and actually public water is along our southern border now, we granted the water company an easement to connect the loop on 39 to 22. We could very easily extend the lateral through the West Hanover property into the East to supply sewage just for that property and not extend it further into the Township if that was not the desire of the Township. It's a large piece of ground and we got it rezoned from agricultural because it is not a very good piece of agricultural ground due to the topography, and I would ask that you would at least consider amending this to large commercial area so that when we do work through the rezoning process, we are not having to fight this battle again. There are a number of other reasons, but the Township needs tax basis that's non-residential. There have been studies done that show it's a much lesser cost to the Township when it's commercial, or office, or industrial vs. a residential use.
- Andy Stein – I just want to remind the board when considering RVG that there was an agreement with West Hanover Township that the entire site would meet the East Hanover Township Stormwater Ordinance, and because of that agreement, it did allow the East Hanover portion of that site to be developed at all, because if the whole site didn't meet the Stormwater Ordinance then the down flow towards us would have made East Hanover Township defacto on undevelopable so when that comes up as an option, you're kind of opening up a

lot of different things for renegotiations, and that's the way it was. So keep in mind when considering that there is a current agreement with West Hanover Township and the developer that the entire site would be developed according to our Stormwater Ordinance.

- Solicitor Wyland – Are there any other comments for the public hearing. Mr. Hess.
- Robert Hess, 817 E. Canal Rd. – Keith, I appreciate what you said about questioning what.
- Chairman Espenshade – I guess what I'm looking at is you know we have one spot, what does the rest of it look like. Does anyone have any comment on what the rest of it looks like?
- Mr. Hess – The comment I wanted to make was I think, what I got out of everyone's comments, is if the zoning was to ever change to that, I think that anybody who currently farms would be impacted by it because then you'd be restricted to how you could expand the farming operation because you wouldn't be in compliance with the zoning. So the way it would look to me, is if you are going to relocate it, locate it somewhere where you're not negatively impacting someone who's presently there. I don't know any of you guys well, but I know you a little bit, and I don't think any of you want to do something that's going to negatively impact somebody that's been a resident as long as my family. That's the only comment I would make. I think it would make more sense. There's lots of land that nobody is doing anything with right now, particularly up along 22 where in our case, that's not the situation.
- Ms. Sarcinello – Related to the RVG site. In the Comprehensive Plan what is referred to as the small scale commercial area is intended to be consistent with the Township's current Highway Commercial zoning district. So if any proposal from RVG to develop that site is consistent with the Township and in compliance with the Township's current Highway Commercial Zoning district, then that would remain to be the case in the future. The Comprehensive Plan does not intend to change what they, or any other land owner in that area would be able to do at this point.
- Ed Fetter – In the land use plan under Small Scale Commercial area recommendations and implementations strategies, the Township should reserve a small scale commercial area for retail services and uses that are limited in size. Some of the uses currently permitted in the HC zone district are inconsistent with small scale development, and would be better suited to the large scale commercial or industrial area. In order to implement these recommendations, the Township should amend the Highway Commercial provisions of the Zoning Ordinance to limit the sizes and review the uses provided for in the Highway Commercial Zoning district and eliminate any that are not considered small scale. So you're recommending that they not permit the same uses. A grocery store today is 60,000 sq. feet. The difference between small and large is between 20 and 40 thousand, so we couldn't even put a grocery store on site. So there aren't many uses in that 20 to 40 thousand range, the next use I can think of is a drug store which is 13,000 square feet. You can't develop a piece of property that size with that small of uses, so you're

actually recommending that they eliminate those uses in the small zone which would then impact us whenever we come in with our plan.

- Chairman Espenshade – All I'm saying is I want everybody that came here to speak to know that we're listening.
- Tom Lutz 547 High Dr. – That's what I want to comment about. I picked up on one thing and I'm not sure if this was the intent or not, because if it was, I commend the Planning Commission and the consultants, that sometimes you're forced to because of laws, and rules and regulations to stick something in even though you don't want to.
- Chairman Espenshade - Part of our problem is our current Comprehensive Plan does not include some of the things we need to include, and if we don't include them, somebody is going to stick them wherever they want to stick them.
- Mr. Lutz – I'm thinking if you stuck the business park, commercial business park, whatever, if you stuck it in our area knowing, hey there's 4 good conservation minded people that it's always going to remain that way and yet we technically met the conditions of what we needed to – I appreciate that, that's good thinking and I appreciate that type of thinking, but on the other hand I hate to complain and go against it because, like I say, I don't come to Township meetings anymore, I like the Supervisors and the Township and the people in charge so that's why I don't come anymore and get involved anymore, but on the other hand, who knows who is going to be in charge in the future and what's going to happen in the future, and like I said, it happened down in Tennessee to us and who would have ever thought that it could have, but it did. And then the other thing I'm thinking is well, on the other hand, if I have to fight higher taxes or if it ever did get rezoned and I'd have to deal with other things and everything, I'm just kind of looking out for the future. That's all, thank you.
- Solicitor Wyland – Are there any other comments as part of the public hearing? If not what I'll do is close the record. The record was closed at 8:26 PM.
- Solicitor Wyland - To the Supervisors, you have the option under the Municipalities Planning Code. Technically you can adopt part or all of the plan, but there is provision for making minor changes, or big changes based on tonight's hearing. It says you will hold at least 1 public hearing pursuant to public notice. If after the public hearing, the proposed plan is substantially revised, the governing body shall hold another public hearing pursuant to public notice, before proceeding to vote on the plan or amended plan. You can do nothing, adopt the plan as is or direct that it be revised in certain ways and you would have to have one more hearing before you could take a vote on it.
- Chairman Espenshade asked what the definition was of substantial change. Solicitor Wyland commented it could be anybody's guess. He felt moving the location of a fairly large future land use area is substantial enough to have another hearing; and if it's relocated to another area, the people in that area would not have a chance to say anything about the relocation.
- Mr. Shutt asked if we had a deadline for the plan. Chairman Espenshade noted there is no time table, but the sooner it is adopted, the sooner the revision of the Zoning can be started.

- Mr. Shutt had concerns about the changes on that portion of the land, maybe we can make a switch.
- Solicitor Wyland commented obviously there is the change of eliminating that future land use area from that location. The question for the professional planning consultants is are we better served as a Township and the Comprehensive Plan as a whole to relocate that in the Township, and if so do you need some time to look at that and make an alternate proposal.
- Chairman Espenshade felt the zone could be incorporated with other zones and that way if you eliminated it, you could mix it in with the commercial areas. Then you don't have to create that zone somewhere else and it will still encompass all the uses that are necessary. It could be put into the Small Scale Commercial.
- Solicitor Wyland noted you would be changing the permitted the uses in that designated area to include Office Park. The only other question is can you conclude is that enough area in the Township to encompass that potential use.
- Chairman Espenshade commented you could put it into either of the commercial zones and it would fit.
- Ms. Sarcinello agreed it would fit in those zones.
- Chairman Espenshade noted the only other recommendation he would have is to change the Small Scale portion that RVG has expressed a concern about to Large Scale Commercial since it is across from an Industrial Zone and West Hanover's zoning is the same. He commented he knows the farms and how the people take care of them and the more he thought about it, he can't change the current use of the area and the future use needs to be moved.
- Discussion continued.
- Mr. Nelligan noted there have been some additional changes along the Allentown Blvd. corridor for small scale commercial so we've opened up more area than had been in the past. Perhaps with that in mind, there would be enough room in those areas to dissolve this use into those areas. This would have to be looked at by the Planning Commission.
- Mr. Shutt felt the Township should look up north and maybe that is where some of the changes need to be made.
- Chairman Espenshade noted he liked the way the plan is laid out and has incorporated some areas and tied them together, and if you incorporate the office park area into the small scale and large scale commercial you established a zone for that use and I believe there is plenty of area. That way we are not fighting an uphill battle with trying to put it somewhere else. No one is here to speak against the other zones and their location.
- Mr. Rish felt it is clear we are not going to have the office park where it is. It was mentioned to put it into the small scale commercial, but if you didn't put it in the large scale commercial, there are enough areas around the interchange that would be appropriate. Discussion continued on the areas in the interchange area.
- Mr. Shutt suggested sitting down with the Planning Commission and go over the changes.
- Solicitor Wyland commented procedurally you could propose the change at this meeting and have one additional hearing as long as it is advertised properly. He

did not see where the Board would have to go back to the Planning Commission unless they wanted to. Discussion continued.

- Mr. Stein suggested the Board might want to review the aquifer overlay before putting the use in another area.
- Discussion continued on the relocation of the commercial park zone and the RVG property.
- Chairman Espenshade noted the dates would be changed on the plan to reflect the correct dates.
- By consensus of the Board, LTL has approval to change the relocation of the commercial park zone and incorporate it into the commercial and industrial zones and change the RVG zone from small scale commercial to large scale commercial and change the dates. Discussion was held on when the public hearing would be held.
- The public hearing will be held on December 6th.

APPROVAL OF THE WINTER NEWSLETTER

- **Mr. Nelligan made a motion to publish issue No. 59 of the East Hanover Township Newsletter. Mr. Rish seconded the motion was approved 4 in favor, 0 opposed.**

CLOSING OF THE OFFICES ON NOVEMBER 25TH

Mrs. Casey noted everyone will be using a vacation.

- **Mr. Rish made a motion to allow the closing of the offices on November 25th with the understanding the employees will be using vacation time. Mr. Shutt seconded the motion. The motion was approved 4 in favor, 0 opposed.**

OTHER BUSINESS FROM THE BOARD

Mr. Rish noted Mr. Shutt and he went to the Hummelstown Police and presented them with the donation the Township made to the DARE program in the amount of \$1,400.00, which came from the revenues the Township receives from the Liquor Licenses.

BUSINESS FROM THE PUBLIC

There was no business from the Public.

Mr. Nelligan made a motion to adjourn the meeting. The meeting was adjourned at 8:48 PM.

Respectfully submitted,

Deborah A. Casey

cc: Keith Espenshade
John Nelligan
Thomas Shutt
George Rish
Marie Beaudet
Saltzman, Hughs PC
Curt Cassel
Ronald Reeder

Charles Longreen
Planning Commission
Light-Heigel & Associates
Posted
Zoning Hearing Board
LTL Consultants
Eric Epstein