

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

**May 27, 2008**

Present: David Craig, Chairman;  
Donna Lebo, Vice Chairman; Michael Kovach, Member;  
Mike Webb, Member, Glenn Moyer, Member

Also Present: Scott Wyland, Township Solicitor for Jaromir Kovarik, Consulting  
Attorney to the Planning Commission  
Norm Ulrich, Township Engineer, LTL Consultants  
Dawn Eppinger, Administrative Assistant to the Planning Commission  
David Smith, Light-Heigel Associates, Township Zoning Officer  
Absent: Karen Green, Dauphin County Planning Commission

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

The meeting was called to order by Chairman Craig at 7:05 pm.

**APPROVAL OF MINUTES**

- **Mr. Kovach made a motion to recommend approval of the meeting minutes of April 23, 2008. The motion was seconded by Mr. Webb. Being no further discussion, the motion was approved 5 in favor, 0 opposed.**

**UNFINISHED BUSINESS**

1. Jody Royer – (expires 07/19/08). This is a preliminary-final two lot minor subdivision plan located at the corner of Stirrup and Red Fox Lanes in Grantville.
  - Representatives present were: John Madden of Madden Associates
  - Mr. Madden noted they met in the field with the Sewage Enforcement Officer, representative for the Township Engineer, Surveyor, Wetland Specialist. They looked at the wetland delineation and the line was not tweaked. The locations of the percs and probes were looked at because the field was mowed to better identify the location.
  - He further noted the plan has been revised, went through the Township Engineer and the Zoning Officer and has been through comments with each in addition to DCPC.
  - There are still some waiver requests that he will work on the language with the Township Engineer, but most of the comments were addressed.

- As far as the septic location, a replacement area is in Zone 3 in the riparian buffer and also the wetland buffer.
  - Mr. Ulrich noted he is still in the process of reviewing the revisions.
  - Mr. Smith received the exemption mailer and it appears to be in order. The applicant and Mr. Smith signed it. They will need Mrs. Casey's signature.
  - Mr. Ulrich noted his letter is in draft form and he was waiting to hear if any members of the Planning Commission had any comments or questions regarding the revisions.
  - Chairman Craig noted most of the issues seem to be addressed. He noted they are trying to create a procedure for resubmissions. He asked Mr. Madden to wait until next month so everyone has time to review Mr. Ulrich and Mr. Smith's comments and review the plan and be prepared to make a recommendation to the supervisors.
  - Mr. Madden noted if that is the policy and they are within the 90 days, he believes there may be an extension granted. Chairman Craig noted they have until next month to make a recommendation.
2. Steve Gingrich, Kimberly Gingrich and Robert & Stacey Jones (6/21/08). This is a preliminary-final one-lot addition. A revision has been submitted. The plan expires on 6/21/08 and action will be required in the form of a recommendation to the Board of Supervisors.
- Representatives present were: Brent McFeaters of Matthew and Hockley and Robert Jones, Owner.
  - Mr. McFeaters noted there was a zoning issue on one lot and combined lots 5, 6, and 7 on the eastern side of the tract and due to the nature of the sellers' issues, his clients would like to get started with this project. At this time, they are looking to combine all the tracts which would put it in to one lot along with the lot addition they are purchasing from the Gingrich's.
  - They are taking the original two lot subdivision and combining it into one lot. Lots 4, 5, 6, and 7 from the previously approved plan from 1960 and combining it with Lot addition B which is approximately a little over 6 ½ acres. The total acreage of all the lots combined would be just under 7 acres.
  - Mr. Smith noted there were comments provided with the original submission and review. He looked at the comments and addressed those to the current plan. He noted the clients should have a list of the previous comments, one of which is the zoning requirements which is listed as zoned RS, Residential Single, and should be listed as RA, Rural Agriculture. It has various information that belongs with that.
  - Mr. Smith noted one of the concerns was lot frontage. By the combination of these lots, it now has ample lot frontage for Lot Addition B, along with the proposed additions. They had asked for the riparian buffer to be shown and in this plan and in the previous plan it shows a 50-foot wide wetland buffer; however, they would be showing the riparian buffer as well. While there is a combination of lots, there does not seem to be either addressing of a planning module or non-building waiver.

- Mr. McFeaters noted, in regards to the waiver, he has DEP approval for the package, it's a small flow package treatment plans and he has the official letter from DEP. Mr. Smith indicated he did not see it. Mr. Smith and Mr. Ulrich asked for a copy.
- Chairman Craig asked to use Mrs. Eppinger as the point of contact to submit the appropriate number of copies. He asked if the Township gets notified when there is approval. Mr. Smith answered yes.
- Mr. McFeaters noted the letter from DEP is dated February 3, 2006. The original project was started in 2002 and has been through several boards and other issues. There was further discussion.
- Mr. Webb asked if what they planning to do combine A, 19.9 acres with B and the other 4. Mr. McFeaters explained the plan to Mr. Webb off the record.
- Mr. McFeaters verified with Mr. Webb that they are creating a single lot out of the five parcels.
- Mr. Lebo clarified for Mr. Webb that because the lots were non-conforming in terms of size. It was recommended to the applicant to annex the parcels to take away the variance that would be required.
- Mr. McFeaters added they were trying to create two lots and with the old Board they were almost to approvals and than a new Board of Supervisors came along and they had to start the process over. The main issue was access because they were trying to create two lots by adding Lot #4 and Lot addition B together and provide access through a 50-foot right-of-way. Unfortunately Lots 5, 6 and 7 that they were trying to create a lot with, they didn't have the lot width by the new zoning, so they were trying to accomplish two lots and in the interim the seller is going through a divorce and the one party involved in the divorce, there was money paid for lot B and there were some issues.
- The applicant has the OK from both parties and he is trying to eliminate the variance and create one lot with the plans to hopefully build or sell. Mr. McFeaters confirmed the original application was withdrawn and resubmitted under the new ordinances.
- Mr. Ulrich has if he would be able to have any past correspondence from Mr. McFeaters which would help him in the review process. Mr. McFeaters asked for conditional approval to move to the Board of Supervisors for the following items: revising the zoning, the riparian buffer and the DEP letter.
- Chairman Craig answered on a general note, the Commission waits until the plan is clean, get a full review and make recommendations at that time to the Supervisors. He understands they have been through the process for some time but as the Commission moves forward, they would like to like to keep things consistent. Because the plan is due to expire, a recommendation must be made to the Board of Supervisors.
- **Mrs. Lebo made a motion to reject the plan unless a request for an extension of time is received by the applicant and approved by the Board of Supervisors.** There was discussion on a complete review of the plan. Chairman Craig asked Mrs. Lebo to restate her motion for the record to ensure they know what they are looking at. **Mrs. Lebo made a motion to**

**reject the plan unless The Board of Supervisors receives a request for an extension from the applicant and is approved by the Board of Supervisors. Mr. Kovach seconded the motion.** Mr. Jones, the applicant, noted the recommendation has always been that if it was one contiguous lot because it would be in everybody's best interest to get rid of four lots and make it one lot that there wouldn't be any more issues. He noted Mrs. Casey and himself have had discussions regarding this. Chairman Craig answered there is outstanding comment from Light-Heigel regarding the riparian buffers. When the corrections are made, the Planning Commission will make their recommendation to the Board of Supervisors based upon the review, adhering to what is before them and according to the ordinances. Mr. Ulrich added the Planning Commission would agree generally it is good, but while there has been no formal review by LTL, the Planning Commission would not have anything to act upon to even say they can give a conditional approval based upon everyone's review letter. Mr. Jones thanked everyone for their time, and indicated they would make the changes and present the plan. Chairman Craig asked the Commission for their vote. **5 in Favor, 0 Opposed.**

3. Hilton Garden – (expires 7/21/08) This is a preliminary land development plan with proposed construction of a 159 room Hilton Garden Inn at the intersection of Station and Ridge Roads.
  - There were no representatives present at the meeting.
  - Chairman Craig noted the Planning Commission has seen some of the draft comments that are out there and asked if anyone had any questions for the professionals.
  - Mr. Webb noted at the last meeting the applicant present paperwork indicating they would be using a package plant and he saw a request for them to receive sewage capacity. He asked if we received formal notification from them as to what they are proposing to do on this plan.
  - Mr. Ulrich answered his understanding is the applicant is flexible as to how they would propose to sewer the project, but the recent information that has come to the Township in regards to the Derry Lane plant has caused the applicant to rethink their position. If it is available to use Derry Lane, they would consider that because his understanding was it would be a better alternative than the package treatment plant, but he believes they were will to go in any direction.
  - Mr. Webb asked if there was any explanation as to the number of EDU's they requested. Mr. Ulrich answered he could not comment on that. He received the letter and passed it on to Mrs. Chris Hannum to look at it from a wastewater standpoint and offer a response to their request for EDU's as far as reservation allocation of EDU's and the calculations of them as well.
  - Mrs. Lebo asked Mr. Ulrich in regards to the letter of transmittal for the sewer capacity request, she noticed there are several component that appear to not be complete with this request, specifically Section I, compliance with water quality standards. They have no. 4 check, tributaries to Chesapeake Bay;

however, the nitrogen and phosphorous limits are not noted. She is not familiar with these forms, but there appears to be information and documentation of compliance with respect to nutrient allocations which should be attached and are not. Mr. Ulrich answered at this time Mr. Hannum from LTL is reviewing it and if the information is required for it, he will bring that out in his review. If the request is not complete, Mr. Ulrich noted comments would be offered to the client.

- Chairman Craig asked on Page 6, Item #5, Section 402.4.11, the last portion of it says, "If additional sidewalk is required from Ridge Road, an additional crosswalk will be needed." He asked what Mr. Ulrich was referring to. Mr. Ulrich answered if you refer to the Section in the ordinance and the Township feels that area is an area that needs to be serviced for pedestrian use, then additional sidewalks will be required.
- Mrs. Lebo asked Mr. Ulrich if the applicant was aware the new stormwater ordinance would apply. Mr. Ulrich answered the applicant was made aware the plan was reviewed based upon the new stormwater ordinance.
- Chairman Craig referred to Mr. Ulrich's review letter of April 21, 2008 as follows:
  - Item #13, Section 601.3. Mr. Ulrich clarified that section speaks to an efficiency of design with respect to unneeded impervious cover. There was further discussion. He added, is there wasted impervious cover. Chairman Craig asked if in his review he was implying there was. Mr. Ulrich answered no, this is an area the PC can comment on. There was further discussion.
  - Item #18, Section 602.3. Chairman Craig asked if the traffic study report was forwarded on to McMahan & Associates. Mr. Ulrich confirmed the traffic was forwarded on to them and expects a report within the next week or two.
  - Item #25, Section 605.2. Chairman Craig noted he talks about future extension is utilized with regards to the road and asked for clarification. Mr. Ulrich answered the layout of the plan, they have a lot more land than they are taking up. If there were considerations for future development, the road should be laid out accordingly now as opposed to the redesign in the future and going back and changing it.
  - Item #32, Section 608.4. Chairman Craig asked if he sees a need for a speed bump. Mr. Ulrich answered this is an issue the applicant would discuss with the PC. If it is a concern based on the alignment, there is enough of an area where speed would be an issue, it can be addressed at this level.
- Mr. Ulrich addressed the PC and noted when they have the opportunity to sit down and look at the review letter, he asked for e-mails or calls if there needs clarification.
- Mr. Ulrich clarified the hydrology report from STEP is attached to the back of the review letter as an enclosure.
- Mr. Webb asked if there was any feedback from the applicant. Mr. Ulrich answered they met with the applicant today (5/27/08) and the applicant indicated they were going to take a look at the letter and issues that they saw

that were of importance to them or they felt they might have a different viewpoint on, they would respond to LTL's letter for clarification.

- Chairman Craig noted at last month's meeting, there were additional reports requested. He asked if the Township has received those. Mrs. Eppinger answered no.
- Chairman Craig asked for further discussion. There was none and he noted the item will be carried on the agenda until next month (June).

## **NEW BUSINESS**

1. RVG Management & Development Company aka Skyview Cross Roads – they are requesting rezoning from Rural Agriculture to Highway Commercial.
  - Representatives present were: Ron Lucas, Attorney for RVG Land, LLC; Bob Gothier and Dennis Schmidt, Principals; Edric Fetter of RVG and Bob Fisher of RG Fisher & Associates, Project Engineer.
  - Mr. Lucas gave an overview, noting there are concurrent requests happening in West Hanover and East Hanover Townships. They were at the WHT Planning Commission last Thursday night and they recommended approval for rezoning to the WHT Board of Supervisors. Their property is on 22 near the intersection with 39.
  - They explained the illustrations that were available at the meeting with the existing zoning for both townships. The overview included the township lines, Ollie's warehouse on the south side of 22 which is zoned industrial. The current zoning is RA in East Hanover Township. The area referred to in the discussions is currently the Essis Farm, the majority of which is situated in East Hanover Township. A small portion is also situated in West Hanover Township.
  - Mr. Lucas discussed the following:
    - He explained the request is to rezone in East Hanover from Rural Agriculture to Highway Commercial. The request in West Hanover is to rezone from Flexible Rural Agriculture and Neighborhood Commercial to Commercial Highway, the WHT Planning Commission recommended approval on last Thursday.
    - The applicant received a letter today (5/27/08) from West Hanover Township that the Board of Supervisors on June 2<sup>nd</sup> will schedule a public hearing for the request. The Essis farm is just under 60 acres total. The portion in EHT is 40.89 acres.
    - A sketch plan was submitted with the application and a drawing showing the boundaries and the amount of acreage and provided a legal description in each township for the area to be rezoned.
    - The sketch plan submitted was revised slightly from what was originally submitted and that revision originally showed the main access coming out at a proposed traffic signal in WHT and another access with a proposed traffic

- signal in EHT, opposite the Ollie's driveway and perhaps a right in-right out just in West Hanover.
- Mr. Fisher spoke about the Clover Hill development which is most of that is already occurred in WHT and there has been funds escrowed for that particular traffic signal for that development. They anticipate when the next lot gets developed in Clover Hill, that would trigger the installation of the light.
  - Mr. Lucas continued, the change from the sketch that was submitted is that their clients have obtained another property under agreement and they are proposing another access drive out to Route 39, approximate location of where the Capital Baptist Church driveway is located. He indicated the traffic engineer thinks it will eventually meet the warrants for a traffic signal there. There was an explanation utilizing the map as to how the traffic would enter from Routes 39 and 22.
  - He indicated there is a layout, but there are no actual tenants. The clients are commercial developers and there is interest but they haven't had anyone come in yet. They have to know how big of a project they have. This is a concept of what could be developed with the two townships working together for one development.
  - There was discussion as to the current zoning in the area. There is strict commercial along most of Route 22. This property at the northwest corner of the intersection is zoned Commercial Highway and is owned by the applicants, which is 11 acres. They have shown a sketch plan to WHT and are proposing a commercial development.
  - As part of that development, they have been working with their traffic engineer and a traffic study with PennDOT for access. The access proposed is a right in, right out on Route 39 and a full access on Route 22. There would be significant improvements to the intersection of Routes 39 and 22 with turning lanes added on Routes 22 and 39. This should be proceeding with the land development plan being filed within the next couple of months with WHT. That intersection will be improved with the development of the tract.
  - Mr. Fisher added with this type of development, they understand traffic is a big concern and a big issue. Routes 39 and 22 and the access for 39 going up to 81 would be addressed. Most of the improvements are in WHT. That is the direction they would expect most of the traffic.
  - Mr. Lucas also added one of the advantages because the client has owned the tract for some time and looked to develop it commercially have proceeded and have full traffic study reviewed by WHT and PennDOT. That project is moving forward.
  - Mr. Kovach asked if there is a plan for a left turn lane on westbound Route 39 and 22. Mr. Lucas answered there is one for the eastbound. Mr. Kovach answered it heads in a northerly direction but is actually westbound on 39. Mr. Fisher answered they are showing one. There are also some other improvements. Mr. Fisher answered there will be a turning lane, a through lane and a stacking lane for the left-hand turn. Mr. Kovach asked about the

- right turn. Mr. Fisher answered there is a through lane and the right-hand turn lane is a transition lane so you can still make the right-hand turn.
- Mr. Kovach added currently traffic backs up towards the south on Route 39 to the point where you can crest the blind hill at the top and there will be a line of cars. Mr. Fisher answered they recognize there is an existing problem there now, so WHT is anxious to get some of these improvements installed. Mr. Kovach also added he heard of PennDOT considering bridging 39 across 22 at that point. Mr. Fisher answered he is not aware of any plan.
  - Mr. Fisher added part of the impact that they have found right now that is not part of the signalized intersection is Clover Hill Development. If you use the access by the State Police, that is a right-in, right-out access. They are looking at it more globally with the proposed improvements. There was further discussion.
  - Chairman Craig asked, “how sketch is the sketch plan”. Mr. Fisher answered it is the very initial concept plan. At this stage, they are looking at main points of access for the property. They also look at wetlands, potential stormwater areas, potential building pads, parking items, but there is a lot of design work that has to go into it. As they go through the process and acquire a tenant who has their own requirements, they will modify the plan as they are identified and issues such as grading and traffic. The main key is to identify points of access.
  - Mr. Gothier added once they achieve the zoning, then they can go ahead with the leasing and start the actual plans for the development. Mr. Webb asked what the notation inside the “dotted area” was. Mr. Fisher answered “storm water basin”. There are some wetlands and a small stream and they are anticipating coming along the stream and preserving the wetlands and avoiding the environmental features on the site.
  - Chairman Craig referred to the talks with WHT and asked if they obtained approval for or a hint of how they handle their stormwater and wastewater. Mr. Lucas answered regarding the wastewater, in discussion with WHT Authority, and they are able to provide that. Mr. Fisher added all sewage will be going to WHT treatment plant, and the stormwater would be under the guidelines of the new stormwater ordinance. Their engineers would design that. WHT was a rezoning that they acquired there. With the land development plan, all the issues will have to be engineered. It is a double process, the rezoning is a legislative action and the land development and subdivision is more of an engineering process.
  - Mr. Gothier added they met with WHT’s township engineer and they have enough capacity upon request they felt they could receive the sewer from EHT, which would have to be requested. Chairman Craig asked how they could calculate the EDU’s if they don’t have any idea of what their tenant’s needs would be.
  - Mr. Gothier answered they can’t do it yet because they need to secure the zoning, to secure the tenants, to secure what they are going to do. Chairman Craig asked how they establish that they have enough if you’re not saying to them, “this is my proposed use and this is how many EDU’s I would be

- generating.” Mr. Gothier answered their engineer indicated they have plenty of capacity and they felt they would be able to. They didn’t commit to it. It is just in the start-up phases of this. They would have to go back and request it.
- Mr. Kovach asked the type of development they are looking to attract. Mr. Gothier answered they are hoping for a big box development.
  - Chairman Craig asked if he was referring to both sites. Mr. Gothier answered the are various things they could do once they have the zoning. There was further discussion.
  - Mr. Fisher added part of the question on the sewage issue, they have an approximate square footage and general estimates based on that, those types of stores don’t generate a huge amount of sewage so they can make an approximate estimation based on that. Obviously there is no point entering an inter-municipal agreement for sewage service until they know the zoning has been approved and it is a feasible project. Once that happens and that is part of the land development and subdivision process, it is then they would have to enter into the agreements and obtain the sewage capacity.
  - Mr. Webb asked for confirmation that the last time they were at the Township they had indicated they were planning on getting public water from West Hanover also. Mr. Gothier answered the public water will be coming from West Hanover. The lines will be extended from West Hanover into East Hanover.
  - Chairman Craig asked if the project would be able to move forward if the zoning does not occur here with a portion of the project. Mr. Gothier answered they are hoping to get the blessing from East Hanover, but they can always rethink if they have to. This is something that would be good for the community, it would be a good tax base for East Hanover and West Hanover, it would bring a lot of jobs to the community, and it repairs the failing intersection and road system that currently exists. It hopefully would be a win/win for both townships.
  - Mr. Fisher added the location has a substantial positive benefits for East Hanover Township with very minimal negative impact given that the main traffic would be more towards the West Hanover Township intersection. If you look at this and the township line comes up through here, it is a project that could happen on its on. The extent of traffic improvements they are looking at, there is the need for the additional roadwork and signalization along 22 and this completes the quadrant.
  - Mr. Webb asked on the two signalizations are they planning on including or adding additional turn lanes. Mr. Gothier answered yes with deceleration lanes and turning lanes. Mr. Fisher added these are PennDOT roads so that is subject to an extensive traffic impact study which is an extensive project. Mr. Gothier also added they have been working on the smaller project for probably 15 to 16 months with PennDOT.
  - Mr. Ulrich asked them to point out Bretz Drive on the map. This was done by Mr. Fisher. Mr. Ulrich noted one of the entrances is aligned with Bretz Drive asked about the separation distance between there and the other entrance. Mr. Fisher answered approximately 1,250 feet from one signal to the next.

Mr. Ulrich added one of the things that might help the township is if you could get some type of feedback from PennDOT from an impact to 22, do they see this as any type of an issue. There was further discussion.

- Mr. Ulrich inquired about the intersection of 39 and 22 and asked if any of it went back far enough to impact the East Hanover side that they got a feeling for.
- Mr. Lucas answered the traffic engineer looked at it and thought it should work. On the other side, it has been zoned Commercial Highway for some time and a full traffic impact study was done and it has been with PennDOT for 15 months and trying to resolve what access is possible and what improvements to the intersection are needed. The first step they are trying to accomplish is getting the rezoning approved and then proceed with the traffic impact study so they can talk to PennDOT.
- Mr. Ulrich noted there will be approximately ½ mile between intersections and there will only be one intersection actually in East Hanover. Mr. Fisher answered it is opposite the Ollie's. Mr. Ulrich continued from an alignment standpoint you can get that work and whether a turn lane or whatever, they will be able to accommodate. Mr. Fisher answered there is lots of right of way out there so there should be no problems.
- Mr. Gothier also noted the Bretz Drive intersection has been located in West Hanover and has been with PennDOT several years ago. Mr. Fisher added they have been collecting fees for each development that happens in the Cloverhill Business Park, they collect fees from those lots to fund that traffic signal that is going in and is being anticipated by the Township. The WHT Engineer indicated the next lot that is developed may trigger that and signal warrants for that.
- Mr. Ulrich brought up the traffic impact study that was prepared for another site and asked if anything has been done for they think the anticipated daily traffic will be along the 22 corridor that might affect EHT to get an idea as to which additional lanes may or may not be needed. Mr. Lucas answered nothing has yet been done for the site being discussed at the PC. There was further discussion.
- Mr. Webb noted they identified roughly the number of parking that is required, what does that translate into parking spaces. Mr. Fisher answered there could be a supplement to that, something that doesn't go to PennDOT because they will not look at it. It would be a rough guesstimate based on the concepts of how much official traffic would be there. The distribution analysis would cover this.
- Mr. Webb asked roughly how many parking spaces does that parking area translate to. Mr. Fisher answered he will have to go back to the other sketch and ask the traffic engineers to look at the square footage and come up with a distribution. Mr. Lucas added an area of parking was shown but not an exact number. There was further discussion. Mr. Fisher answered based on the square footage, there is a daily trip generation per that square footage and the traffic engineer would distribute that traffic coming down 39 and 22 and how much is coming in and out of those intersections.

- Mr. Ulrich added what they put together is a idea, from a layout standpoint, they want the parking to go here, we think we can handle stormwater, but the long and short of it would be if the parking area that was anticipated was so far off that you couldn't provide the proper number of parking spaces for the anticipated use, you may have to lose a box store. He added with the stormwater ordinance if they are willing to lose some parking spaces to increase a basin size or add an infiltration area, the plan needs to offer the flexibility to be able to accommodate the ordinances of EHT.
- There was further discussion regarding parking and stormwater. Mr. Fisher added this is a ballpark figure of what is needed to support the square footage. They still have to go through the ordinances and meet them.
- Chairman Craig asked if any of the surrounding neighbors been notified of the proposed change. Once it moves to the hearing stage, the property will be posted and the neighbors will be notified at that point. Mr. Gothier indicated they met with most of the property owners on 39 and they are aware of the plans, and they have the majority of them under contract. There are a couple they do not have at this point. Their zoning will not change. Chairman Craig about the individuals in EHT on 22.
- Mr. Ulrich spoke about the stream on 22 and asked if a wetland study was done to delineate those and determine what the impacts may be. Mr. Fisher pointed out the actual wetland delineations. Mr. Ulrich asking if assuming the zoning change would go through, does the layout represent the proper wetland buffers and setbacks necessary for EHT. Mr. Fisher answered he believes so, but would have to go through the ordinance and see. Most of what they have are the wetlands upfront which is protected in EHT. Part of their entrance, there is an existing culvert that goes over the wetlands, so they are hoping to use the same location.
- Mr. David Smith noted in the narrative on Page 2, there is a statement made in paragraph one, "the commercial retail uses proposed for the Property are all permitted by right in the HC Zone." He noted what they are presenting this evening seems very much like a shopping center which is a conditional use and/or if there is a home improvement or building supply store, that would be a special exception use. Individually, the uses might be permitted by right, but collectively they would either be a special exception or conditional use, what it seems like. They would have to closely look at the definition of what a shopping center states but there are then specific requirements or guidelines for that shopping center.
- Mr. Lucas answered the intent was they were all permitted uses. The term was used by right as opposed to conditional use or special exception but they are all permitted uses. If something like this is developed, which they won't know until they have the tenants, then they will be a shopping center.
- Mr. Smith asked if they evaluated the existing area within the township that is both in the Highway Commercial and the Interchange Commercial which allows these uses, have those areas been evaluated to see if there are sufficient areas available to put a facility such as that in the existing locations

- Mr. Lucas answered his clients, having the northwest tract at the intersection, knew that there was interest in this general area closer to the intersection. That is why they looked at land close to the intersection which provides access up to 39 and up to 81 from 39.
- Chairman Craig asked if there was more speculation on their end as an investment as opposed to.....Mr. Lucas answered his clients are experienced commercial developers and because they had the 11 acres and had been looking at what users might be interested in this intersection area. Mr. Gothier added is the location and the intersection between 81 and Hershey and how the residential population flows through here that makes this the ideal location for this type of center.
- Chairman Craig noted most intersections along the line, 743 may be the next intersection. He added before they came to the area, the zoning in East Hanover and West Hanover Townships were very consistent. At this time, WHT has seen fit that they want a little more dense population, but from EHT's plan, right now it says Rural Agriculture, this fall supposedly the zoning will be reviewed at that point in time. In his opinion, a more comprehensive view in looking at this in the township and moving it instead of piece-mealing it along the way, would better benefit the township and saying what they want to see it look like. He thinks at a global view when they at a time when EHT hits their rezoning may give them greater insight into how things have changed and are evolving. There will be more development coming this way.
- Mr. Gothier answered West Hanover felt this was the proper area to have something of this magnitude developed and also with the explosion of the growth in this area it is right for a change and it's not spot zoning. It goes along with the comprehensive plans that have been proposed and should be looked at with the growth for the area. There is a need for commercial development.
- Chairman Craig added that is why he said if they take a global look at it, things have changed and there has been some explosive growth out in this direction. He thinks from EHT's standpoint, they have to look at they are going to mainly rely on West Hanover for their infrastructure and for American Water for their source there. He added, "we have to look at our township and say, hey, they this what is best suited for us. David (Mr. Smith) brought up a good point. Have you looked at other areas that are already allocated for this type of development. Maybe in our long range plan when we were looking at it back in 2003 we thought that this was a good idea. Maybe with the changes that have happened since we've adopted that, we need to look at it and say, maybe development's moving in a different direction. Maybe we should rethink what we're doing. I don't know. But that's why I think that at this time, in my opinion, in looking at it from a larger view would be better than looking at from just a little section and knowing that supposedly this fall, we're going to be looking at our zoning that that might be a better opportunity for us to do something in this zone. But I don't know".

- Mr. Gothier noted that at this point the timing seems to be right for the development. It's up to this board to determine whether or not they're willing to go along with that, but they do need the zoning to continue the process.
- Chairman Craig added the PC is only a recommending body. The supervisors will make the determination and he is only voice of five.
- Mr. Fisher added part of what they looked at with coming up with this concept was the industrial zone immediately across in East Hanover. Ten years ago if you look at the intersection, what was there. The Clover Hill was interesting because it was the Bretz Family. It wasn't a development company. He was involved with the family, and they wanted to slow the development down and they would raise their price. There was further discussion on growth patterns. Today, they see the growth, see the demand and there is a multi-year history now of the growth pattern and that is why it is being requested at this point. He understands looking at it at an overall basis.
- Mr. Kovach added he agreed with Chairman Craig's comments in looking at this more globally. They discussed this at several PC workshops in trying to avoid rezoning that this fragmented conglomeration.
- Mr. Lucas added they wouldn't be in East Hanover if it wouldn't be for what is happening in West Hanover. They wouldn't come in and just ask for the rezoning of that tract from RA to HC in East Hanover unless they are proceeding with the rezoning in West Hanover. The real estate location identified is everything, and the location at this intersection and the draw for commercial use is primarily because of the residential growth in West Hanover and South Hanover Townships down 39. That's where the market and why there is interest in retailers to be in this area. The interest is here. It's not totally fragmented, it's one area of the township.
- Mr. Lucas also noted he would recommend the Board of Supervisors not vote on the rezoning until West Hanover has voted on it because they would understand the BOS may not want to vote until West Hanover has. He added if you look at it together and look across the line at the general intersection, that is where the commercial it seemed to make sense. The attraction was because of the proximity to the rooftops down 39 primarily is what is drawing some interest for retailers to be in this area. It is not just stopping at the boundary, it is looking at the intersection area. Now the market is people want to be out in this area in a couple of years. If you think this area by the intersection merits different consideration, you could make a recommendation based on what is there and looking at where both townships are there.
- Chairman Craig asked if there was a hearing date with WH at this time. Mr. Lucas responded they received a letter that on June 2<sup>nd</sup> a hearing date would be set. The earliest date would be in July. The letter said the BOS would consider setting a public hearing date.
- Mr. Fisher added part of what they don't want to do is fragment the traffic improvements. They would like to anticipate the total traffic impact in both East and West Hanover Townships so as they're doing improvements to the intersections they account for all the traffic. If they proceed with West Hanover Township and ignore East Hanover Township at this point, and if it

goes to the fall that if what they would have to do, that is going to put them in the position of doing traffic improvements that may have to be redone in the future if they would decide to rezone then. It is part of the overall concept of trying to address it.

- Mr. Gothier added to answer some of the comments about looking at some of the other areas that might be zoned, other than the 81 corridor, there is really not enough roof tops or population to support retail development and at is why they are looking at this intersection. Because the population is growing and is there along with the traffic that they can accommodate a good retail center with the proper traffic flows and traffic routes.
- Chairman Craig asked Mr. Wyland is they had to act on it tonight because of time limitations. Mr. Wyland answered the Planning Commission must make a recommendation within 45 days.
- Mr. Lucas answered they would like the PC to make a recommendation so they know where they are headed and then they can go to the supervisors and see what they want to do. If they make a recommendation, the supervisors would submit a legal description, the solicitor would prepare the ordinance which would then and that would technically come back to the PC for recommendation. If the supervisors decide to schedule a public hearing, the ordinance has to be sent officially to the PC and you would have the opportunity to consider it again. He added he wasn't sure because the ordinance hasn't been sent that there was a time limit but they would ask if they are feeling like they want to make a recommendation in favor to make it tonight. There was further discussion.
- Mr. Webb noted part of his concern is RVG indicated they don't have any clients at this point. He does not know what the economic impacts are of waiting a couple of months until the fall. He can see there are some real advantages to taking a look at zoning in a more comprehensive process as opposed to doing single tracts. From the flip side, he is looking at WH and there is an FRA sitting there bracketed by two commercial highways that butts up against your own property which is as big as the segment in East Hanover and is equally applicable for trying to develop.
- Mr. Lucas answered the FRA to the west has a conservation easement on it and cannot be developed.
- Mr. Kovach asked if they said they were hoping to attract a convenience store, Sheets, Turkey Hill to the northwest corner. Mr. Lucas clarified a convenience type center. Mr. Moyer asked if there was a reason why the person who owns the adjoining property was not notified. Chairman Craig answered if the hearing goes forward they will notify the adjoining owners and post the property. There was further discussion. He further added Mr. Lucas pointed out it will come back if a hearing date is set.
- Chairman Craig asked for feedback from the Commission members. Mrs. Lebo commented she believes there are advantages to what they are proposing. It makes sense to have this kind of development on the perimeter of our township and she thinks in terms of the traffic improvements they are proposing it obviously is in a much needed area. She is still with the rest of

the commission at wanting to look at the rezoning in a more comprehensive manner and she is reluctant at this point to be in favor of a zoning change without looking at the entire township. She personally has no problem with what they are proposing. She thinks as a township they need to take a step back from what they have been doing in the past which was piece-mealing things along the way.

- Upon questioning, Mr. Wyland answered the PC has the opportunity to make a recommendation to the Board of Supervisors. Because they have 45 days, this would be the only scheduled meeting within that time period. The MPC says if the PC fails to act within that time period, the governing body can proceed without their recommendation. He also noted the County review letter also expressed the same ambivalence. He referred to the letter during further discussion.
- Chairman Craig asked if there was any recommendation to the Board of Supervisors unless there was further discussion.
- **Mr. Webb made a motion for the Planning Commission to recommend to the Board of Supervisors action on the request be denied until such time as a comprehensive zoning review can be done for the township which is planned for this fall. The motion was seconded by Mrs. Lebo. Being no further discussion, the motion was approved, 5 in favor, 0 opposed.**
- Mr. Lucas inquired as to what the nature is that the township will be doing this fall. Chairman Craig answered his understanding is the Township is going to review their zoning ordinance.
- Mr. Lucas asked if that would be performed by the Planning Commission. Chairman Craig answered there is a subcommittee. Mr. Wyland further explained he didn't know that the Board of Supervisors had made the direction with any schedule to revisit the comprehensive plan and the zoning ordinance but he believes that is the general plan.

2. Mr. Tom Morrett – Sketch Plan Review - Mr. Morrett is representing the client, Tom Shutt

- Mr. Morrett noted he previously spoke to the Township Engineer as to how to proceed with the plan. There is no construction proposed, just a shifting around of properties.
- There was discussion out of the hearing of the sound system which was not picked up.
- Mr. Ulrich verified with Mr. Morrett that he is looking to annex Lot #2 from Lot #1. Mr. Smith clarified with Mr. Morrett that it would be a lot add on to Brian Shutt.
- Mr. Smith asked regarding the Brian Shutt parcel where they are going to attached Lot #2, is there any existing dwellings on the lot. Mr. Morrett answered there is a trailer. Mr. Smith asked if there is anything on the Brian Shutt parcel. Mr. Morrett answered there is a house from a previous subdivision.

- Mr. Smith clarified Lot #2 will be a separate lot and not adding to the Brian Shutt parcel and will be a separate lot and will become the owner of Mr. Shutt's son. Mr. Ulrich noted it will not be by deed. They will be deeded separately.
- Mr. Webb asked Mr. Smith if it is subdivided and it has an existing mobile home with a septic system will he have to find a second site. Mr. Smith answered in accordance with Section 316.1 of the Zoning Ordinance, which he read.
- There was discussion regarding Lot #2 being able to stand on its own. Mr. Smith pointed out that is would because it is 1.156 acres, assuming you can find a second perc and probe. Mr. Ulrich pointed out the hurdle will be the isolation distance from the well.
- Mr. Smith added Lot #1 would still be a horticultural/agricultural/forestry use because it is still over 10 acres, and you would need a minimum lot width of 200 feet at the building setback line.
- Mr. Morrett verified they currently are not separate tracts, but are all one big tract. Mr. Smith noted a combination of Lots #1 and #2, which is currently acreage owned by Mr. Shutt that he is looking to subdivide and he wants to subdivide Lot #2 off of Lot #1. Mr. Smith noted Mr. Shutt would need an alternate on Lot #1. There was discussion regarding soil testing on Lot #1 and an alternate site on Lot #2.
- Chairman Craig asked if there was any reason for delaying Lot #1 to Lot A on the plan, is that eventually the plan. Mr. Morrett was unsure as to the future of the land. It was verified Lot #1 is eventually going to Bruce and Deborah Shutt. It was discussed if Lot #1 were to go to them now, it would save them from putting in two perc sites because they have a house on Lot A.
- Mr. Ulrich confirmed if Lot #1 were combined now to the parcel owned by Bruce and Deborah Shutt, no perc and probe. Mr. Smith noted if a separate lot is created, it would need two percs and probes or ask for a variance, not a waiver because it is the zoning waiver based on the stipulation that would not build on it.
- Mr. Smith verified Chairman Craig's comment that by the time you do the variance and pay for it, it would be cheaper to do a perc and probe, which will need to be done on Lot #2. Mr. Smith noted the easiest way would be to attach Lot #1 to Bruce and Deborah now and we could forgo all that and just do the second perc and probe to Lot #2.
- Mr. Ulrich pointed out it appears the back lot line for Lot #2 would have to change; there is a 75 foot Texas Eastern right-of-way which chops a piece of the property off.
- Mr. Morrett indicated he will take the information back to his client and use the information given to him.

## **OTHER BUSINESS**

1. Grantville Ministerium – A public hearing was held on Tuesday, May 6, 2008. The Board of Supervisors voted on a conditional use to approve it with the following conditions: display of hours and side yards.
  - Mr. Wyland noted the display of hours was noted so there would be no conflicts with church hours and the side yards was noted to comply with the required setbacks.
  - Mr. Smith added all they needed to do was show the side yard setback. The width had been shown but not the distance. This was complied with, with the plan shown to the Board of Supervisors.
  
2. Component 3M Minor Act 537 Plan – A public meeting was held on Thursday, May 8, 2008 at 7:00 p.m. at the Township Building
  - Mr. Wyland noted it was a public meeting and there was quite a bit of discussion from the public. There were questions as to whether sewer would be needed for Englewood and Partridge. The issue is whether the Department will require it. One of the suggestions was to submit a plan that did not show public sewer for Englewood but would have a plan for increased inspection and pumping. Public comment period ended today (5/27).
  - The plan was required to be submitted to DEP by June 1, 2008, but an extension was obtained until June 4, 2008 to allow for the June 3, 2008 public meeting for the Board of Supervisors to approve the final plan to be submitted.
  - Mr. Webb asked Mr. Ulrich if there was an economic advantage to sewerage Englewood and Partridge Hills at the same time as opposed to doing them separately. Mr. Ulrich answered strictly from a cost standpoint and from a sewer plant point, it is always better to operate at full capacity at all times.
  - Mr. Webb asked if there was an economic advantage to adding Partridge Hills and Englewood at the same time as opposed to just doing Partridge Hills. Is there a cost benefit in terms of construction.
  - Mr. Ulrich answered any time you issue a bigger contract, you will get a better bang for your buck.
  - Mr. Wyland answered by doing Englewood right now, it will call for some sort of pressurized main to move some of the wastewater. If it is done with part of the Act 537 for the township, they would be able to locate a second plant to serve Englewood and other areas and use gravity which would be less costly.
  - There was discussion on the cost of the system.
  
3. Seiders Planning Module – This was voted on and approved at the Board of Supervisors May 6, 2008 meeting.
  - There was discussion regarding correspondence from the Dowhower family.
  - Mr. Smith added the request for a response to the Dowhowers was responded to by Anita Stabile and the letter and the response is part of the packet for DEP. Any comments must be addressed with responses and forwarded to DEP. The Dowhowers were informed it is only at a planning stage and their next step would be to voice their displeasure to DEP.
  - There was further discussion.

- Mr. Smith added this is just in the planning stage. After approval of this process, they have to submit for a NPDES permit which is another process.
- Mr. Webb added there could be stringent monitoring put in place. There was further discussion.

### **NEW BUSINESS FROM PLANNING COMMISSION**

1. Proposed Changes to Section 303.4
  - Mr. Webb noted he submitted to everyone on the Planning Commission suggested changes the Ordinance. He asked for feedback.
  - Chairman Craig noted Mr. Kovarik had responded with comments. He asked if everyone had the opportunity to look at it. He asked if another workshop could be held prior to the July meeting to “hash this out” to look at it and send a recommendation to the Supervisors. This does not address the resubmission issues which were addressed by Mr. Ulrich.
  - Mr. Webb answered he feels the resubmission should be “dovetailed” into the proposed changes to Section 303. He added in order to get better feedback from the public, it would be worthwhile to put together a special workshop to work on it.
  - There was further discussion on an additional workshop. The next workshop is scheduled for July 29<sup>th</sup>.
  - Mr. Webb added he would like to see this taken care of before the zoning is looked at in the fall.
  - Chairman Craig asked Mrs. Eppinger to coordinate the dates and times. Mr. Kovach noted he is not available June 15<sup>th</sup> through 20<sup>th</sup>. Mrs. Lebo will e-mail the dates.

### **ADJOURNMENT**

**Mr. Kovach made a motion to adjourn the meeting. Being no further business, the meeting was adjourned at 9:40 p.m.**

Respectfully submitted,

Transcribed by Dawn E. Eppinger

Cc:	Board of Supervisors	Planning Commission
	Marie Beaudet	David Craig
	Keith Espenshade	Donna Lebo
	Dave Marshall	Mike Kovach
	Larry Spitler	Ed Twaddell
	Tom Shutt	Mike Webb

Norman Ulrich, Township Engineer  
 David Smith, Township Zoning Officer  
 Deborah Casey, Secretary-Treasurer

Karen Green, Dauphin County Planning Commission  
Zoning Hearing Board