

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

**October 28, 2008**

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

Also Present: Scott Wyland, Township Solicitor  
David Smith, Light-Heigel Associates, Township Zoning Officer  
Norm Ulrich, Township Engineer, LTL Consultants  
Dawn Eppinger, Administrative Assistant to the Planning Commission  
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 7:02 pm.

**APPROVAL OF MINUTES**

- **Mr. Kovach made a motion to recommend approval of the meeting minutes of September 23 2008. The motion was seconded by Mr. Moyer. Being no further discussion, the motion was approved 3 in favor, 0 opposed, 1 abstention, Mr. Webb citing his absence at the September meeting.**

**UNFINISHED BUSINESS**

1. Hilton Garden (expires 11/18/08) - 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. Mr. Eric Brinser of Rettew Associates and Mr. Ron Lucas of Stevens and Lee were present for the applicant. A letter was received for a grant of extension of time.
  - Chairman Craig noted the letter granting an extension of time to the Board of Supervisors would grant an extension until December 16, 2008.
  - Mr. Brinser noted they met with Mr. Ulrich and the township consultant who reviewed the well study. They went through the items and received LTL's clarification to go through the comments as quickly as Rettew could so they know what the engineer is looking for. They made some headway in the stormwater, which is a major item. They are trying to keep their waivers down to the minimum of what they need for the site.

- Mr. Brinser also noted they tried to come up with things they could do differently and still meet the requirements of the ordinance. They feel they narrowed their waivers down to the minimum which is the setbacks, as previously mentioned, the distance from the property line and the right-of-way to the stormwater basin.
- Mr. Brinser continued that from the corner area by Station Road and Bow Creek Road, they have a stormwater pond in that area that they cannot meet the release rate for the two-year storm. It is a 40% and 50% release rate and is spelled out in the response letter, due to some of the bypass areas. They were able to meet the infiltration requirements as far as the amount of water they are getting back into the ground for recharge, but they are not able to split it up over multiple areas as the ordinance calls for, so that waiver will apply. This is based on additional testing they had done for infiltration purposes that found unsuitable areas as well.
- He noted they feel they have addressed all the outstanding comments, with the exception of a few comments they would like to defer until the final plan which they will go over in November. They will have more detail when they get a revised letter from Mr. Ulrich.
- The major items that they have are the sewer capacity letter from the township, the road improvements which are now showing on the land development plan and have been added. They need to do additional designs on the final plan and they've covered stormwater.
- Mr. Brinser commented there were a few items in the letter that were subjective that they wanted to discuss. The engineer is looking for Planning Commission input as to how the items are addressed. The items are:
- general design goal – it talks about in general does the site and design meet the township design goals for the amount of paving, noise, glare, odor, traffic, drainage, E&S, utilities, etc.
- Mr. Brinser noted in talking with Mr. Ulrich about it, Mr. Ulrich felt it was more up to the Planning Commission or Board of Supervisors to make that call as to if there would be something additional or any concerns that the Planning Commission has with regards to the items that the ordinance outlines. He asked if there is anything in particular. As per the ordinance, he added they believe they have met the criteria that it sets up for light, landscaping, screening, traffic, draining, etc. to the best of their ability based on site conditions. They are looking for additional items specifically that need to be addressed.
- Chairman Craig asked Mr. Ulrich if there were other areas he would like to touch on.
- Mr. Ulrich answered there may be one or two more items but Mr. Brinser talked about discussing them later. They were brought up during their meeting together that he asked Mr. Brinser to discuss with the Planning Commission.
- Mr. Ulrich continued the first one Mr. Brinser mentioned is Section 601.3 in LTL's letter. He read the section out loud for the Commission and participants of the meeting. He noted it covers a wide area with shadow,

glare, and lighting, is there anything that is going to be done with this project that would negatively impact neighbors or traffic circulation in the area; drainage is covered in the stormwater ordinance. Erosion is covered by the E&S approval; the odor is covered in the ordinance because the refuse removal in this case will be indoors and utilities on neighboring properties. He added he believes the reason for putting a section like this in the ordinance more specifically deals with items that may have been missed in an ordinance. It is more broad-based. It can be looked at and say it has been seen in another location where something like it has gone in and something unique happened and you wanted to be sure it was addressed in the plan.

- He continued he does not know if the Planning Commission would be comfortable addressing it at the moment, but he thinks moving forward as the PC has time to look at the plans and prepare for the November meeting, that is the type of things Section 601.3 is specifically addressing.
- Mr. Brinser added when Rettew met with Mr. Ulrich they were trying to get a better clarification of what it is that they want to see because the comment kept coming back. They felt they addressed it and the comment is still there and it is up to the Planning Commission and the Board of Supervisors and review it; that is the way the ordinance is read. He would ask before the next meeting if the Commission can look at it and give Rettew some kind of definitive items that the Commission has concerns with for Rettew to consider. At this point, it is an open-ended comment that is nothing there for Rettew to address at this time.
- Chairman Craig added that as a volunteer, this project was ever-evolving and now that Rettew feels they have “nailed it down to brass tacks”, a more in depth look into it on the Commission part is warranted so the PC can definitely say what they feel. He added he doesn't know how the rest of the Commission believes and that it is hard to hit a moving target.
- Mr. Brinser answered he is not asking for an answer tonight. He asked if they would look at the section as it pertains to the plan and if there are any other concerns for Rettew to consider and look at.
- Mr. Ulrich noted for the Commission that traffic circulation plans have been discussed. Curb radiuses were increased so they didn't have turning problems. It is more of an intangible thing, as the PC thinks about it and thinks of other issues. He also touched on the streetscape issue and what it looks like. He noted he suggested to Mr. Brinser that if there is a Hilton Garden Inn some place else that he can obtain pictures of to give the Commission some idea of what it would like or if there is something that Mr. Brinser can offer the Planning Commission more insight as to what Rettew anticipates it looking like, even from the 3-D standpoint.
- Mr. Kovach asked for Mr. Brinser to review the road improvements.
- Mr. Brinser answered there were issues with trucks and busses coming in and going over the curb and crossing the center line on the access drive as well as on Ridge Road. He explained on the map for the Commission where widening took place and explained they were minor adjustments, but they

were technical items. They are also showing traffic study improvements on Bow Creek Road as well.

- Mr. Kovach asked what they would be. Mr. Brinser answered there will be a single traffic signal on Ridge and Bow Creek Road along with a left turn lane heading northbound. There will also be two very short right and left turn lanes in the gaps between Station and Ridge Road to turn onto Ridge Road as well as coming southbound road to turn into the Exxon station. They are also reconstructing Ridge Road to improve site distances from the driveway as well as because of the existing road conditions which is years of tar and chip. They are reconstructing a portion of Station and Ridge Roads.
- Mr. Kovach asked about the banks on Ridge Road. Mr. Brinser answered they would be cut back as well.
- Mr. Ulrich also added the higher side of the access was widened to 15 feet. Originally it was 12 and 12, but to accommodate bus traffic, they widened the one side to 15 feet. Coming from the other direction, it was not an issue. Essentially there is a 27 foot-wide cart way. Throughout, there were also some curb radius widening to keep the trucks and deliveries vehicles on their side of the road.
- Mr. Brinser added when they approach it on Station Road, they will not have to swing wide to get in as well as when they leave; they will not have swing out into Ridge Road. They can stay in their travel lanes.
- Mr. Brinser also brought up about the provision in the ordinance for speed bumps going through the site. It leaves it up to the PC or the Board to decide if they are necessary or needed. In Rettew's opinion, they don't know if there is a lot of traffic going over from Station Road to Ridge Road. Most of the traffic is coming out on to Bow Creek and going elsewhere in the Township. He went on to discuss the lack of benefit of someone coming in, going through the canopy, around the water feature and coming through to where there would be speed bumps. There would be no benefit. It would be more of a hindrance during snow removal. He believes the way the ordinance is written, it leaves it up to the township to decide if they feel they are warranted to be installed. He also noted as to whether the PC would have an opinion now or think about it until the next meeting.
- Mr. Kovach asked about anticipation of pedestrian traffic on the back side of the building. Mr. Brinser answered they would just be traveling across the parking lot to get to the hotel. There are no designated areas from the parking lot to the sidewalks.
- Mr. Wyland asked if they are using a change of materials in the canopy area in the front to use as a traffic calming device. Mr. Brinser answered there is none because the way it is lined up, it is not a straight shot through there. The cars would have to physically go around the canopy.
- Mr. Ulrich added one of the previous comments of LTL had Rettew adding two or four stop signs. Mr. Brinser answered the number of stop signs and the locations were addressed; they would like to not put speed bumps in because they are more of a hindrance for the property owner for maintenance.

- Chairman Craig asked if the change in material was much of a problem as far as cobblestones. Mr. Wyland suggested changing from asphalt to concrete may be enough of a visual change to slow traffic.
- Mr. Ulrich also added, as noted previously by Mr. Brinser, it is not a straight shot through the parking lot. There was discussion regarding extending concrete out. Mr. Ulrich added that would be a possibility. There was discussion on pedestrian crossing and how they would have access to the front of the building. Mr. Ulrich suggested paint striping with pedestrian crossing, cobblestones or concrete mixed in.
- Mr. Brinser answered they would be easier alternatives than putting in speed humps. There was discussion regarding the path pedestrians would take in relation to where they would park. He added they could look into defining something around the entrance. He asked the Commission to think about it for the next meeting and give suggestions to Rettew.
- Chairman Craig added as the designer it could be left up to Rettew as to what they feel would be an appropriate calming effect. He noted speed humps tend to be hard on a vehicle as well even if one thinks they are going slow enough. He noted he would leave it up to Rettew Associates as to what they feel is appropriate for a calming effect for traffic.
- Mr. Brinser asked if the Planning Commission would be opposed to a stamped and painted bituminous painted. Mr. Ulrich noted the good thing from a construction standpoint is that it is still the same material throughout. It would still be poured the same way but visually it would be different and it can be painted. Mr. Brinser noted it would be less costly than concrete.
- Mr. Brinser noted that is all the comment until they receive the comment letter from LTL.
- Mr. Smith noted he had two comments that needed to be addressed and those same two comments are reflected in Mr. Ulrich's letter regarding lighting and the planning module.
- Mr. Webb asked if there would be any additional pump tests. Mr. Brinser answered they were not.
- Mr. Ulrich noted that was mentioned in a telephone message from Mr. Brinser to Mr. Ulrich regarding revised water studies. Mr. Brinser answered they are trying to finalize the study. After they met with the other consultant, they went over the parameters he was looking for. They now understand how he wants to see it. They anticipate having it completed by the end of week of November 3<sup>rd</sup>.
- Mr. Webb noted he doesn't think there is anything in the SALDO that requires it, but asked if any efforts were made to look at ways to capture runoff water. There was further discussion on this.
- Mr. Brinser noted he is not sure it was looked at. Mr. Ulrich answered there was nothing on the plans to his knowledge. There was discussion regarding the underground vaults for landscaping and reducing consumptive use.
- Mr. Brinser answered the roof will be used for infiltration for their recharge to meet the impervious coverage. There was further discussion regarding the floor basin.

- Mr. Webb answered if it is taken off the roof, there would be a cleaner water quality. There would be fewer issues with cleanup. He strongly suggested looking at water conservation measure as opposed to ways to stretching it out and discharging it down the creek.
  - Mr. Ulrich mentioned Rettew will be coming in for waivers. How the Planning Commission views it, it could be a good faith effort to try and curb the effects.
  - A member of the audience, who went unidentified, asked to look at the display sheets from Rettew Associates.
  - There was discussion that took place that was not picked up by the microphone system because it was not done in front of the microphone.
  - Chairman Craig noted if there are any questions to please bring them to the microphone so accurate records can be kept of the meeting.
2. Halbleib Subdivision (expires 12/17/08) – This is a subdivision plan located at 8685 Devonshire Heights Road. Mr. Sean Delaney of Pepper Hamilton, Mr. Craig Raynor of Pennoni Associates and Mr. Todd Pagarillo of Hershey Trust, and Mr. and Mrs. Halbleib were present for the applicant.
- Mr. Delaney noted a zoning letter was received by Mr. Smith. They also received official comments from Mr. Ulrich. There will be technical modifications that need to be done to the plan.
  - Mr. Delaney brought up Mr. Ulrich goes through very thoroughly, but the overlap that he sees is Mr. Smith sent the zoning letter. He noted they also get comments on the zoning from Mr. Ulrich, so he is not sure how to treat the two. The only difference of opinion is how treat the riparian buffer requirements under the plan. It doesn't seem from a zoning perspective the staff has a problem and the way it is proposed there doesn't seem to be any issue. This is a very simple subdivision.
  - Mr. Delaney added when they get to the land development portion for either of the property the buffer and riparian requirements would come under much closer scrutiny. It seems as though everything is OK from a zoning perspective.
  - Mr. Delaney noted on the SALDO, he really focused in on Mr. Ulrich's comments. Everything does seem technical in nature and he feels the engineer can work with Mr. Ulrich and update the plan accordingly. It seems the stormwater questions were just technical modifications.
  - He noted is not sure how the Planning Commission wants to handle the meeting. The one thing he will note regarding to Comment #5 under the SALDO, page 4 of LTL's comment letter regarding existing features to be shown within 200 feet of the property boundary. There are areas where they are only showing it to 100 and he indicated he may need to modify the waiver and ask for a modification of that provision to allow what is shown on the plan now to be adequate. In some areas it is over 100 feet and in others is as little 100 feet.
  - Mr. Delaney added the area is rural in nature. The important features are either on the property or on the boundary.

- Mr. Webb addressed the issue of receiving comments from two sources. He did not know how the Planning Commission felt about it, but he felt it is better to have two sets of eyes. He added since Mr. Smith gets a copy of Mr. Ulrich's comment, if he had a difference of opinion, he would be able to tell him.
- Mr. Ulrich added that Mr. Smith is the Township Zoning Officer. If there was a dispute, he apologizes on LTL's part. If there is an interpretation of the ordinance, he would call Mr. Smith to find out his interpretation. If there is a dispute it can be discussed with Mr. Smith and have light shed on the subject.
- Chairman Craig noted Mr. Delaney was talking about how much they were looking to show as far as the riparian buffer but not knowing any type of agreement with the property owner, he cannot say how much is supposed to be delineated.
- Mr. Delaney added it is not so much the delineation. It has been done. Part of the requirement is getting a certification that the existing vegetation creates an adequate buffer and if it doesn't that additional plantings be proposed and put in place. From their perspective, it is more of a land development thing because of going in and changing the profile of the ground, especially if the stormwater would be changed on site.
- Mr. Webb asked why the additional plantings would change the profiles. Mr. Delaney answered the profiles would be changed by the land development and require the need for additional planting.
- Mr. Ulrich reiterated for Mr. Delaney that the act of subdividing a property, he would like to defer that until a land development would could disturbance to the property which would necessitate if it is either OK or if not, planting additional plantings. It is not the actual subdivision.
- Upon a question from Chairman Craig, Mr. Ulrich answered there will be note on the plan that essentially proposed is the plan is for subdivision purposes only and would not preclude the owner from having to comply with other requirements upon such time a building permit or actual development will occur on the property and at such time would have to comply with the ordinances.
- Mr. Delaney added they have one large parcel that is being divided into two parcels. The part being retained by Mr. Halbleib will be subject to a future land development plan which the requirements will be met for that portion. If and when in the future, his client decides to develop their portion, they would have to comply with the ordinances for the southern portion.
- Mr. Ulrich added if LTL is agreeable to it that a clear note be put on the plan that states any issues defined in LTL's letter that upon such time as the applicant decides to develop this particular piece of property, the stormwater, buffer and flood plain requirements are adhered to at that time. At this point, if they subdivide, all they have done is physically separate the two pieces of ground. They do not have the opportunity at that point to build.
- Mr. Delaney added the building shown on the northern section is proposed future single detached family dwelling. It is not set in stone, nor is it an

approval for the building. Mr. Halbleib would not be able to come in and get a building permit.

- Mr. Ulrich added this is in line with two previous subdivisions.
- There was discussion regarding a waiver for the items previously discussed. Mr. Ulrich noted on the Royer subdivision, they did a walk-through on the property for the wetland portion to make sure everything was in place and nothing was missing.
- Mr. Webb added there is a clear set of guidelines in the SALDO in terms of when waivers should be requested and convenience is not one of them.
- Mr. Delaney apologized but this is the first time he heard about it when he got the letter and did not fine tooth comb the plan alongside the ordinance. He would asked for would be for the Planning Commission to accept his verbal request for a waiver to be followed up in writing and if the PC is inclined to recommend approval that the approval is subject to staff walk around and approval.
- Chairman Craig put before the Commission that they can take the request on face value and have Mr. Ulrich do it ahead of time and get the feedback for next month.
- Mr. Webb noted what is most important is that the Planning Commission and the Supervisors have relevant information to be able to make a decision as to whether or not there are things they should know should be on the plan. He added he has a real problem with a lot of waivers and soon becomes the standard operating portion; at which point if you are not going to do it, it should not be in the ordinance.
- Mr. Delaney answered he can see his point.
- Chairman Craig added he noticed that there was an e-mail indicating the Army Corps of Engineers walked the site.
- Mr. Webb pulled up the e-mail on his computer, noted it was from Mrs. Lebo and read, "Norm, David it is my understanding from Mr. Halbleib that the Corps of Engineers and DCCD contacted him to conduct a site visit. Do you have any details on this as I didn't see anything in writing from your agency documenting the purpose of the visit or their findings".
- There was discussion from Mr. Halbleib but because he was too far from the microphone, his conversation was not picked up.
- Mr. Delaney answered he had not heard any of the information before.
- Mr. Ulrich confirmed with Mr. Halbleib that someone came out because they thought he had filled in wetlands and they were out to check on it. It probably is not related to this. That was confirmed by Mr. Hableib, although the exact words were not captured on tape.
- Mr. Ulrich continued that when he spoke to Chairman Craig, it was noted the Conservation District was out and he didn't think it made any sense and he didn't understand.
- Mr. Halbleib noted they were out because he had to remove something. They verified everything was taken care of he was told he would get a letter. This is the conversation thought to be said on the tape, but because he was so far away, it could not be verified.

- Mr. Ulrich asked for a name and Mr. Halbleib responded he had a card. Mr. Ulrich noted he will look into it. He added based on what Mr. Halbleib said it does not seem related to this current subdivision.
- Mr. Webb noted it would be useful to get a contact to confirm. There was discussion from Mr. Ulrich to Mr. Halbleib to get the contact information.
- Mr. Pennoni asked about regarding the right of way which was brought up by Mr. Ulrich for providing an alternate right-of-way along Devonshire Heights Road of 60 foot total. It is defined as a local road so a 50 foot right-of-way would be required. They put in the 60 foot because the previous subdivision was done for the property at the right-of-way setback to accommodate the 60 right-of-way and they are asking the Planning Commission if they want additional right-of-way along Devonshire Heights Road.
- Chairman Craig answered more would be better than less. Mr. Webb added without knowing where you will go, the advantages of having it wider are if 20 to 30 years down the road, wider is needed, you won't run into any problems trying to acquire it.
- Chairman Craig added they have a better look into what the vision for what the future of the property would be at this point. If you believe we should have 60, we will take it.
- Mr. Delaney noted as Mr. Pennoni had said it does align more with what was done previously and since they have the opportunity for practice purposes, even though it is wider than the ordinance calls for. If there is a widening in the future, it would already be done.
- Mr. Delaney asked if the Planning Commission would be willing to release the plan to the Board of Supervisors based on tonight's discussion and comment letters from staff or do they need to come back next month and talk about the waiver of 100 feet versus 200 feet delineation.
- Chairman Craig noted there were some other waivers also. Mr. Webb added generally speaking it's been his opinion that it is better for both the applicant as well as the Township is what goes to the Supervisors is the clean cut; if something goes oops and it doesn't get one, then a conditional approval would do no good.
- Mr. Delaney answered he could appreciate that. There was discussion regarding a grant of extension. He asked Mr. Ulrich how quickly he would need the revised plans.
- Mr. Ulrich answered normal procedure would be to submit the plans 14 days prior to the PC meeting, accepted at November and reviewed for the December meeting. It is his understanding there are some time constraints with regards to the end of the year.
- He added if the Planning Commission were to be OK, he could make the changes, revise the plan and the Planning Commission has directed him to do a site visit to do a walk there. If the plans were turned around in a reasonable nature, he could do the review because it is a one-page plan. If the Planning Commission was OK, he could turn it around and have a another review letter ready for November assuming Mr. Raynor was able to turn the plans around quickly.

- Mr. Ulrich also added he would need to have the meeting the end of this week or the beginning of next and have the plans by the end of next week to make it happen. Mr. Pennoni agreed he could have it done.
- Mr. Webb noted it would give them the opportunity to put together the formal waivers. Mr. Ulrich noted they could sit down and map out exactly what has to happen for all the stuff to come into place.
- Mr. Delaney noted he appreciates their flexibility.
- It was the consensus of the Planning Commission for the meeting and submission to take place.
- Mr. Ulrich asked Mr. Raynor regarding the comments under the flood plain with the graphical 100 year flood plain line versus the line that is based on the elevation. He asked if that is something he is OK with getting on the plans and able to show on the plans.
- Mr. Pennoni answered they showed the 100 year flood plain along Manada creek based on the elevations given in the FEMA book. His concern is there are some fingers that come out at drainage swales where the Township is requesting that become part of the flood plain overlay zone. He has a concern the way it is written technically. The definition would include roadside swales. They look at it as the Manada Creek and not the swales.
- Mr. Webb added they are areas that will be flooded during a flood.
- Mr. Pennoni added there is enough topo and elevation change on the site where everything is going to flow down to the creek. It will not back up to the property.
- Mr. Delaney added the mapped flood plain/flood lay area based on actual observed condition versus the FEMA. There was further discussion. From FEMA's perspective, their map is right now which was. In the future if they wanted to, they could go and request to have it changed which is mentioned in Mr. Ulrich's letter.
- Mr. Ulrich noted if there is an issue then in the follow up letter it will be noted and the applicant can be directed to come back and discuss it before the Commission. A lot of flood plains are that way. What he could see coming back before the Commission is something that would require a decent amount of effort by the applicant to show on the plans and they feel because of the banks on the upper parcel the banks are so steep if they are off 6 inches or a foot and half on the flood plain, it may not make a big difference; however, southern parcel where it opens up and widens out, 18" can make a huge difference. The flood plain is fairly complicated. He will look through and if something is not clear cut, it will be thrown back to the PC with choices.
- There was additional discussion on flood plains and flood overlay.

## **NEW PLANS**

**There were no new plans up for discussion**

## OTHER BUSINESS

### 1. Comprehensive Plan

- Mr. Webb asked about the Township's position on the Comprehensive Plan.
- Chairman Craig noted we will be looking for move forward. They asked about the request for professional help. Because of Thanksgiving and Christmas, there may not be a lot done on it.
- He added for the Commission to work on the plan on their own and if professional services were needed to be notified beforehand.
- Mr. Wyland agreed with what Chairman Craig noted.
- Mr. Webb noted the verbiage in the first section could be worked on regarding goals and expectations.
- Upon a question from Mr. Webb, Mrs. Eppinger verified the next workshop is scheduled for Tuesday, December 30.
- Mr. Webb added the first section sets the goals and drives the rest of the plan.
- It was agreed upon for the Commission to continue to work on the plan independently. No e-mails put out regarding the plan will be copied to the professionals and kept to the core group.

### 2. Keith Oellig, Township Resident

- Right-of-way and the Hershey Trust – regarding the 60 foot right-of-way that was discussed, he asked if a fence could be put in the right-of-way. Mr. Smith asked the kind of fence referred to and Mr. Oellig replied livestock.
- He noted his concern is the more right-of-way taken and a fence is put up, who will maintain the right-of-way.
- Mr. Smith read the agricultural setback requirement from the Zoning Ordinance.
- Mr. Ulrich clarified a 60 foot right-of-way would be 30 feet from the center line.
- There was discussion regarding maintaining of the land in the right-of-way. Mr. Oellig was concerned about it becoming an eye-sore. He also noted requiring tree plantings on the property line. It prohibits a farmer to farm up to the road and there will be a huge area that needs to be maintained.
- Mr. Smith clarified that did refer to the non-farm parcel, accessory residential uses. He read the additional note that the setbacks shall not apply to agricultural fences that are used to contain agriculture livestock. And added the fence could be put right up to the right-of-way.
- There was discussion regarding regular right-of-way and ultimate right-of-way. There was discussion regarding the number of passes made for mowing.
- Mr. Ulrich noted the fence could be planted on the right-of-way line. Mr. Smith also noted he has a list of the roads and the right-of-ways, noting Devonshire is 33 feet existing.

- Mr. Ulrich noted they are offering 60 and the ordinance requires 50. There was discussion from Mr. Oellig from his seat that did not get on the record because he was not up at the microphone.

3. Steve Bachman, Township Resident

- Mr. Bachman introduced himself and noted he has a home in the Preserves at East Hanover. He noted Mr. Ulrich has been out to his house and has seen documentation on problems between Stoneford Lane and Preserve Lane along the side of Creekview Drive.
- He discussed the truckloads of dirt that were brought in which raised the ground level up over 6 feet higher than his property. He is getting run off which wipes out his lawn. He asked if the Township gave someone permission to do that.
- Mr. Ulrich answered the only approval the builder would have after an approved set of plans would be to grade the property as the approved grading plan permits. The area of concern from the back of his property and the quad unit that is behind his house. Fill can be brought in. They are required to grade the plan as per the approved plans. The Township has an approved set of plans that the developer needs to follow in order to get their construction escrow back.
- There was further discussion regarding problems even after using the approved plans for grading. LTL did not originally review the plans. Ultimately the grading will get fixed. Mr. Ulrich noted the situation is compounded by a slow market.
- Mr. Bachman asked when a swale is normally installed and asked if there was an ordinance on swales.
- Mr. Ulrich discussed the different types of swales and how they are used. He noted a swale is installed as needed.
- Mr. Bachman further discussed the downspouts from the townhouse coming on to his property. There was further discussion regarding grading from Mr. Ulrich.
- There was discussion on hydro seeding not being permanent. Mr. Bachman noted two of the four townhouses are occupied. There was further discussion on hydro seeding.
- Mr. Wyland noted the Township is only involved in one aspect of this which is the construction and conformance of the approved plans. Independent of him coming to the township and asking what the Township can do, Mr. Bachman has private rights of action that can be used as well that are independent of his involvement of the Township.
- He added the stormwater management ordinance is a homeowner's legal right to get a remedy against an adjoining landowner's drainage on to his property. There is often the common law of nuisance, which is often combined with the previous. He noted Mr. Bachman could meet with his own engineer and his own lawyer and decide whether or not he has a right of action to the adjoining property owners for the draining coming onto his land.

- He also noted in addition to coming to the Township to a certain degree, Mr. Bachman has an opportunity for self-help.
- Mr. Bachman noted he brought it up to the Township in July and in his research with the Recorder of Deeds, none of them have anything to do with the changing of the grade for the Phase I area.
- Mr. Wyland noted he can take that information to his engineer and attorney and decide if he wants to pursue further action.
- There was a question Mr. Bachman as to whether or not the Township would have the exact locations of the townhouses. Mr. Wyland answered he can request the information from the Township and they will give him what they have. There are procedures in place.
- Mr. Wyland also added, as discussed at the last Township meeting, what is on file at the court house, which is the definitive measure. He added he would need to request the information in written form. If there are copies requested, there may be a copying charge.
- Mr. Ulrich clarified for Mr. Bachman he is referring more to a layout plan, which will not necessarily call out the distance from curb face, center of road to the quad unit. The plans are approved and they are to scale. With scaled drawings, you can get within a foot.
- Mr. Bachman asked if the plans are on file in the Township. Mr. Ulrich answered they are. He asked if a written request would need to be made. Mrs. Eppinger explained a Document Request Form would need to be filled out.
- Mr. Bachman discussed grading on Stoneford Lane. He also discussed stormwater draining on to his property.

## **ADJOURNMENT**

**Mr. Kovach made a motion to adjourn the meeting. Being no further business, the meeting was adjourned at 8:40 p.m.**

Respectfully submitted,

Transcribed by Dawn E. Eppinger

Cc: Board of Supervisors  
 Marie Beaudet  
 Keith Espenshade  
 Dave Marshall  
 Larry Spitler  
 Tom Shutt

Planning Commission  
 David Craig  
 Donna Lebo  
 Mike Kovach  
 Glenn Moyer  
 Mike Webb

Norman Ulrich, Township Engineer  
 David Smith, Township Zoning Officer

Deborah Casey, Secretary-Treasurer  
Karen Green, Dauphin County Planning Commission  
Zoning Hearing Board