

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

**January 27, 2009**

Members Present: Donna Lebo, Member; Michael Webb, Member  
Michael Kovach, Member; Glenn Moyer, Member  
Absent: David Craig, Member

Katherine Lovette for Scott Wyland, Hawke, McKeon & Sniscak, Township Solicitor  
Norman Ulrich, Township Engineer; David Smith, Township Zoning Officer  
Dawn Eppinger, Administrative Assistant to the Planning Commission  
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 Temporary Vice Chairman Lebo at 7:00 pm.

**REORGANIZATION**

An election of officers took place.

- a. **Chairman – Mr. Webb made a motion to nominate Mr. Craig for Chairman. Mr. Kovach seconded the motion. Being no further discussion, the motion was approved 4 in favor, 0 opposed.**
- b. **Vice Chairman – Mr. Kovach nominated Mrs. Lebo for Vice Chairman. Mrs. Lebo thanked the Commission for their continued support and consideration, noting her pleasure to serve, but declined the nomination. Mr. Kovach made a motion to nominate Mr. Webb for Vice Chairman. Mr. Moyer seconded the motion. Being no further discussion, the motion was approved 3 in favor, 0 opposed, 1 abstention, Mr. Webb.**
  - As new Vice Chairman, in the absence of Chairman Crag, Mr. Webb took over to run the meeting.

**APPROVAL OF MINUTES**

- **Mr. Moyer made a motion to recommend approval of the meeting minutes of November 25, 2008. The motion was seconded by Mrs. Lebo. Being no further discussion, the motion was approved 3 in favor, 0 opposed, 1 abstention, Mr. Kovach, because he was not present at the November meeting.**

## **PLANS TO BE DISCUSSED**

1. Hilton Garden Inn (expires 02/17/2009). This is a preliminary land development plan. They are proposing to construct a 159 room Hilton Garden Inn at the intersection of Station and Ridge Roads. Mr. Eric Brinser of Rettew Associates and Mr. Ronald Lucas from Stevens and Lee were present for the applicant.
  - Mr. Ulrich asked if the Commission could move on to the next agenda item. Mr. Helbig is expected at the meeting for discussion and he has not arrived yet.
  - At the consensus of the Commission, they continued on with the meeting until Mr. Helbig arrived and then the Planning Commission will discuss the Hilton Garden Inn plan.

## **OTHER BUSINESS**

1. H2O PA Grant Program Application- The Board of Supervisors has asked for the Planning Commission to review and comment.
  - Mr. Chris Hannum of LTL, serving as the Township's wastewater engineer. He noted he attended the meeting on behalf of the Township supervisors and their pre-emptive seeking of grants for Englewood and Partridge Hills under the H2O Pa Grant application process. He noted the following:
    - There has been no commitment to date to sewer the areas; however, there is a deadline of February 13, 2009 to ask for the grants. The grants will cover a minimum of 50% to a maximum of 67 of the related cost to sewer these areas. The issue is if the Township does not meet the deadline of February 13, the monies may not be available or available to a lesser extent when they go to the second round.
    - The Board needs a letter from the Planning Commission that echoes what was stated in the 4A module that was attached to the Component 3M which was approved by the Planning Commission in April 2008, that the sewerage of Partridge Hills and Englewood is consistent with the regional comprehensive plan, local land use and the PC realizes the project's potential necessity and the PC supports the funding of the program.
    - There has been no decision at this time to sewer the areas previously mentioned. There is a lot of direct pressure coming from DEP, but the Supervisors have not made any decision at this time. Again, if it gets to the point that they have, it is better to have the grants in place to reduce the cost to the residents. This is simply preemptive.
    - There is a scheduled public meeting on February 4, 2009. Mr. Wyland, Township Solicitor and himself will also be present. It is open to the public and will answer any questions. They will also summarize where they are in the process.
    - He is present at the Planning Commission to answer any questions and to ask for the authorization and/or signature on the letter for the process.

- Mr. Webb asked if the Township has not made any decision for sewer but are pursuing a grant, what happens if they make the decision not to sewer but obtain the grant.
- Mr. Hannum answered the grant would be terminated and turned back to the state.
- Mr. Webb asked what are the long term implications for the state giving grants in the future. The granting agency may not be pleased handing someone a check and having them hand it back.
- Mr. Hannum answered the decision to go forward with the sewer will have before the grant is issued. The grants are to be issued sometime after May 14 and before June 26, 2009. DEP has given the Township a limited amount of time to make the decision. The February 4 meeting is close to the end of the timeframe to make the decision. He would expect to have a clear cut path shortly afterward.
- Mr. Kovach reiterated for clarification that the grant is approved, would the monies be held in escrow until the Township comes in with the bill.
- Mr. Hannum answered the grant is held and as the project is done, the Township would submit the bills. Depending on what size grant is received, the Township would be paid back that amount. The Township would be obligated for the remainder.
- Mr. Webb asked how long the Township would have to expend the grant monies once they are award.
- Mr. Hannum answered the guidelines says six years but he is unsure as to whether or not all costs have to be encumbered within six years or the project has to be started within six years and then can go past that point. That is a vague part of the guideline.
- Mr. Webb asked for additional questions for Mr. Hannum from the Commission and from the public.
- Mrs. Green added the application is on the list scheduled for the County Planning Commission to be considered at their next meeting on February 2<sup>nd</sup>. Assuming that all goes well, there will be a decision provided by February 3<sup>rd</sup>. There are other municipalities that submitting for the grants.
- Mr. Webb asked if Mrs. Green knew if the County was in the affirmative on the grant.
- Mrs. Green answered part of the requirements are that the applications are consistent with comprehensive plans at all levels. Other than unusual circumstances, most if not all of those applications fit those criteria.
- Mr. Webb asked for additional comments or questions.
- Mrs. Lebo noted at the workshop meeting, Mr. Craig e-mailed the Board with a set of questions that the Commission had that they felt needed answered before they could act upon it. One of the questions was identifying what areas were in failure in Partridge Hills and Englewood. She asked if Mr. Hannum had that information. She remembered it as being a total of five.
- Mr. Hannum answered as part of Component 3M that was looked at and they used the prior engineering study and sampling. The issue with DEP was not the number of failures, but the type of soil they were in. They were suspected as on

lot failures from the minute they go in. There is no replacement area in either development. The number of failures would be three for Partridge Hills and two for Englewood. It may be transposed.

- Mr. Kovach asked if any of the adjoining neighborhoods have the opportunity to hook in as well or are they already hooked in.
- Mr. Hannum answered DEP has told the Township to focus on DEP and Partridge Hills. He also noted the 537 is at a standstill, but is moving towards completion. As part of that planning exercise, other areas may be looked at that may need sewer or may benefit from sewer in the future.
- Mr. Webb asked as part of the planning process, is the existing capacity at the plant going to be reserved for existing homes that may need to be sewered.
- Mr. Hannum answered that would be his recommendation to the Board of Supervisors and to the Planning Commission. There is approximately 400 EDU's remaining. The township residents would have, depending on the timing of the project, would have first access to the capacity. They have not gotten to the point in the plan where they have looked alternatives and the Board of Supervisors has made the decision based on those alternatives. That is typically the way things are handled.
- Mr. Hannum added the outcome of the Component 3M needs to be resolved before the Township moves any further. DEP has given the Township two options. Sewer it now or incorporate Englewood and Partridge Hills into the 537 telling DEP that the Township will sewer the areas as part of the 537. The difference is between six and eight months, but the outcome is the same.
- Mr. Webb noted if he understood correctly Mr. Hannum was looking for the Planning Commission to provide a letter of support.
- Mr. Hannum answered it is a letter of support that he had with him. It is one of 13 exhibits that have to be included in the grant application. He offered to give the model letter to Mrs. Eppinger and if the Planning Commission so chooses, they can support the grant process.
- Mr. Webb asked for Mr. Hannum to read the language of the letter. Upon request, Mr. Hannum read the letter.
- Mr. Kovach asked if the language was appropriate because the Township is no longer part of the regional plan.
- Mr. Webb asked if the Township is still bound by LDARG. Mr. Webb added the Township withdrew from the comp plan and is in the process of developing a new one.
- Ms. Lovette answered if a new one has not been developed yet, the old one would still be in place.
- Ms. Green added that is also the County's understanding.
- Ms. Lovette confirmed the question was the Commission was asking if the language in the letter was appropriate. Mr. Hannum read the wording of the letter. He also added the wording in the letter form summarizes what the Planning Commission signed off on in form version at the April 24 meeting.
- Mrs. Lebo added since April there were numerous discussion held at the PC meetings regarding the comprehensive plan and as to whether or not the LDARG

plan was actually the one the Township was under. She did not recollect whether or not a clear answer was given.

- Mr. Webb added from his recollection that was something Mr. Wyland was going to provide a firm legal statement.
  - There was discussion regarding the date of the meeting. Ms. Lovette answered she will refer the question to Mr. Wyland.
  - Mr. Ulrich provided he remembered a discussion with Mr. Wyland noting Mr. Wyland was looking into it. Mr. Ulrich's recollection is one time the Township did withdraw from LDARG but Mr. Wyland was not so sure that the process was done correctly.
  - There was further discussion regarding the LDARG plan.
  - Mr. Smith noted at the end of the letter there is a statement referencing other County plans. Mr. Hannum verified the wording.
  - There was discussion regarding obtaining an answer from Scott, verifying the wording the letter and having it distributed for signature.
  - Mr. Kovach asked how the balance of the project not covered by the grant would be paid for. Mr. Hannum answered those being in tapping fees and user rates. Getting a 50% grant would aid the project greatly and keep all of the user rates commiserate to what they are now. He could not confirm they would be exactly what they are now. Without the grant, all sewer rates will increase.
  - Mr. Ulrich added with the grant opportunity, the pie is being taken and cut in half and someone else is paying it as opposed to the residents. The idea is while the timing could be better, the idea is this needs to get in by the 13<sup>th</sup>. It does not in any way obligate the Township to move forward with the 3M or sewerage Partridge Hills or Englewood. It just gives the Township the opportunity if that is the ultimately decision, it makes it a much more palatable price for the residents.
  - Ms. Green added another option would be assuming that the County letter goes through successfully, if there was a comfort level, the PC could make the reference to County plans.
  - After further discussion, Mr. Hannum noted with the authorization of the Commission he would send the letter to the Solicitor in electronic form, allow him to refine it and ask Chairman Craig to sign it.
  - Mr. Webb asked for a motion from the Commission.
  - **Mrs. Lebo made a motion to submit a letter in support of the H2O PA Grant Program Application. Mr. Kovach seconded the motion. Being no further discussion, the motion was approved, 4 in favor, 0 opposed.**
  - Mr. Hannum thanked the Commission and noted he will forward the letter on to Mr. Wyland to make the proper modifications and then on to Chairman Craig.
2. Mr. Jaromir Kovarik – Mr. Kovarik shared relevant information to East Hanover Township and LTL
- DCCD, Watershed Advisory Committee, Act 167 – He noted the Township already covered approximately three quarters of the area the County should have covered on Phase I of Act 167 and now they are trying to cover the rest of it. Based on the law, they need Township participation. So far, there have been two meetings.

- He noted after the first meeting, HRG, consultant to the Township, was already talking about methodology and what they are going to put into the document. After questions from the Township were sent to the County, there was a second meeting. As a result, there were problem areas identified and realized DEP is going to change regulations. Because of discussion with methodology, there should have been a draft of Phase II of Act 167.
- He noted what is important for the Township some problem areas selected within the County which will receive more strict scrutiny. HRG already evaluated some of the problem areas, which were given to Mr. Ulrich in the files. He read the areas and noted they are problem areas for stormwater which were selected by the County for special consideration. He added he assumes there may be grants or loans to find the funding. He tried to get East Hanover Township on the list, but the County noted they questionnaire was not completed.
- He also noted based on his conversation with HRG, they originally promised to come in and walk the Township and look at an area to get under closer scrutiny. The latest he heard from HRG, they are not interested in pursuing the activity.
- Stormwater – the County is now recognizing each of the Townships doing their own plan might not be very good. They realize the law is now allowing the County to impose any obligation on the Township, so they came up with the idea of creating a Stormwater Authority on the County level. It is at a stage where the County is willing to give some money into investigation. Part of the reason why is because DEP is considering very significant changes in regulations. The changes are going to be so significant the County is afraid on their own the Townships will not be able to comply. On the other hand, no one has seen the changes. His opinion is if there is an Authority, it will have a lot of power and the Township will need to sign off their regulatory power. It will be good if it has good people on board. The individuals who have been attending these meetings, are the core of the advisory board to start happening. He said, “I would strong advise, Norm, that you go and represent East Hanover Township’s interest there and keep your finger on the pulse”.
- SRBC – he attended quarterly meetings. At the last meeting, there was an announcement from their counsel that the lawsuit is being settled or close to settlement. He attempted to talk to the BOS to know that again for this year, SRBC together with DEP funding critical water planning area program which is based on the state water plan which is based on the law and regulations. If the Township would be designated as a water planning area, DEP and SRBC, because there is joint funding, would release a lot of money and did on their own very detailed money turning of the Township groundwater and ground supply situation. In talking to some of the DEP officers, Mr. Kovarik felt the Township had a good chance to get that because of the issue with the Township being on water wells, the casino needing the water. This would be a compliment program and executed through DEP on a state budget which would partially complement which was applied for under the grant for the casino monies or complement the work which was already done by the casino for water withdraw. DEP felt the chances were reasonable.

- Mrs. Lebo asked Mr. Ulrich if the Planning Commission will be kept up to date as far as the activities for Act 167 and the Watershed Planning Advisory Committee.
- Mr. Ulrich answered yes and that they would summarize it e-mail format and distribute it to everyone. He also noted if there are any documents that anyone would like a copy of, they could be scanned in and sent as well.
- Mrs. Lebo noted the Water Subcommittee had under its umbrella the Act 167 activities and were monitoring the activities very closely. One of the components was to identify the list of problem areas. While the was started, she does not believe the list was ever completed.
- Mrs. Lebo continued that until the list is completed, there is no way to come up with a plan to mitigate and resolve the problems that are happening within the Township and put a plan in place to implement a plan. Part of that would be seeking funding through appropriate grants, which the H2O PA which was previously discussed, Derry Township is applying for funding under that grant to help with stormwater issues in that Township.
- Mrs. Lebo also noted she believes East Hanover Township is missing out on opportunities to get some funding to offset some expenses for the Township. Her hope is that there is some oversight and due diligence to the activities as far as Act 167 is concerned.
- Mr. Ulrich answered one of the studies that are part of the grant that is being submitted would essentially inventory all the drain structures within the Township. It will come up with a physical assessment of the structure and also an assessment in regards to capacity. Some of it will be handled by the assessment.
- Mrs. Lebo added the other component that Mr. Ulrich is referring to is this Township is faced with a lot of flooding problems throughout the Township, and the residents have time and time again brought their concerns in front of the Board, this administration and previous administrations, and nothing has ever been done to help residents in this Township with regards to flooding. She believes there are opportunities here, there is money for it, Derry is seeking funding. Her hope is that East Hanover does not miss out on any of those opportunities.
- Mrs. Lebo continued that it sounds as though what Mr. Kovarik was eluding to earlier, is that the County is going to rely on the Township to give them the information and so far that information has not been given to the County.
- Mr. Kovarik confirmed a partial questionnaire was given and somehow because the Water Subcommittee was eliminated it ended up not being finalized. On the other hand, he is not sure what the next step would be, because there are those two processes where they wanted to finish Act 167, Second Phase. He could sense on the end of the County some insecurity because there were three meetings for the Water Authority and it is always back and forth because the Townships are asking what is in it for them. He discussed the Township's participation in the stormwater authority and the fact they will have regulations they will have to comply with.
- Mr. Kovarik continued the Township will not be able to do it on its own and from a practical point of view, doing the Stormwater and Flood Management just within

the Township is not very effective. The County is needed to do it right. He thinks the decision will be made after the regulations are made public, if they are made public and he thinks at that point the second phase of Act 167 will accelerate again. The solution might be to go back to the County and identify the problem areas for them and ask to be put on the list. Get authorization from the Board and jump on it.

- Mrs. Lebo thanked Mr. Kovarik for his time and energy that he expended on behalf of the Township and noted it was greatly appreciated.

## **PLANS TO BE DISCUSSED**

1. Hilton Garden Inn (expires 02/17/2009). This is a preliminary land development plan. They are proposing to construct a 159 room Hilton Garden Inn at the intersection of Station and Ridge Roads. Mr. Eric Brinser of Rettew Associates and Mr. Ronald Lucas from Stevens and Lee were present for the applicant.
  - Mr. Brinser stood up to discuss non-water issues until Mr. Helbig arrived.
  - Mr. Brinser noted they submitted revisions to the plan based on LTL's comment letter back in December. They have received a new revised letter as of the week of February 19<sup>th</sup>. He will go through a couple of the comments or as many as the PC would like. He feels they addressed the majority of the comments which were provided. The remaining comments are minor in nature, and they indicated they would like to talk about a couple of those.
  - Mr. Brinser added they still have outstanding, not listed in any order in the comment letter, but there are five waivers that are still on the table at this point. The first of which from the SALDO is Section 621.1 for groundwater recharge. They will get to that later when Mr. Helbig is here.
  - Mr. Brinser commented there are still four waivers from the stormwater management ordinance. They were as follows:
    - Section 304.J.7 – only allows a maximum of 50% of the infiltration in one basin. Based on the existing conditions alluded to in prior meeting and all their investigations in the immediate area of the proposed improvements, they are unable to meet that requirement. They are proposing all of their infiltration in one proposed major basin located along Ridge Road.
    - Section 305.A – reduction of the two-year storm. That requires the storm be reduced back to 40% of the pre-condition. As they talked about several times in the past, based on the amount of bypass areas surrounding the site, they are not able to meet the requirement.
    - Section 307.F – type of piping required by ordinance. The ordinance calls for concrete piping with all the stormwater control. They are proposing for a modification of that to allow in some areas of less traffic where it is not a major access drive or thoroughfare through the site that those areas and the outer lying areas be allowed to be installed as the SLCPP or HDPE piping, which is commonly accepted in other areas. With the understanding that difference in cost from the estimates provided for the improvement guarantee through the final plan, they would be offering that for other areas of the Township such as the water system to be expanded at a later date. They are not looking to offset a

cost to the project. They are looking to put it to a better use where they feel it may be more valuable.

- Section 308.A – 75 foot setback. Current basins located along Ridge Road, Bow Creek Road and Station Road right-of-ways are all within 75 feet of the street right-of-way and do not comply with the ordinance. They are as close as they can get them to be able to grade them in and catch up the grade at the road. Pushing them back would only increase the amount of by-pass from the site further making it more difficult to try and meet the two year storm requirement.
- Mr. Brinser noted from the comment letter from LTL dated January 21<sup>st</sup>, there are several comments which require some discussion from the Township. One of those is the streetscapes, item #9 (Section 602.1.7). In the past they had talked about what they are proposing as far as landscaping along the roadway and is it sufficient to provide an attractive streetscape. They believe they provided adequate landscaping in those areas. What was asked of them was to provide a perspective view of that roadway to show what it would look like with the building shown on there as well.
- He continued when they spoke with their clients about it, they were a little concerned. At this time, there is a preliminary building design. All the finishes and the final look of the building has not been fine-tuned. For them, it is not really possible for them to give the Township a really good look at what it is going to look like in the final condition at this time. Once a preliminary approval is obtained, they will move into the final design of the exterior, the finishes, etc. He doesn't believe it is appropriate to show the Township a view of what is not finished.
- Mr. Webb commented he felt what the Commission was requesting of Mr. Brinser was the opportunity to see how their landscaping would appear against the profile of the building without necessarily looking at finishes on the building, which is a lot easier to look at as opposed to seeing a squiggly line on a plan. He indicated Mr. Brinser didn't seem to feel that would be a very significant issue to produce it.
- Mr. Brinser answered that can be provided during the final plan once it is done. Their concern is are they providing an attractive streetscape. That is a very subjective requirement. If the Commission cannot see what they will be building there and it is only seen as a plain white box, it will affect the Commission's opinion of what it looks like. They would like to defer it. He doesn't feel it will have any major impacts to the plan only because if additional landscaping is required that the Township would like to see more, that is not a huge item to add additional landscaping during the final plan. It will come back through as a full review during final. They asked if that is still a request to have it deferred as a requirement of the final plan.
- Mr. Webb asked if there was anything on Mr. Ulrich's mind. Mr. Ulrich answered himself and Mr. Brinser discussed this item before the meeting and Mr. Ulrich noted he told Mr. Brinser it needed to be discussed with the Planning Commission. The one thing he would like to point out, that particular view heading up Ridge Road, that varies from a 15-foot cut to at grade at the intersection.

- Mr. Ulrich added from a streetscape standpoint, there will be a five-story building that is set back 135 feet. There is a whole bay with an aisle-way and two rows of parking. He looked at the stationing on the access road. It is set back quite a bit. The requirement of the ordinance is an attractive streetscape. While the PC could interpret that as, what does the corridor of Ridge Road look like when you drive on the road.
- Mr. Ulrich suggested the intent of the ordinance is how does the impact of the development and the look of the building impact the view of the street and you drive by. While he does think it is important, once again, there is a 15-foot to at grade cut situation and it is set back 135 feet. He understands the applicant's concern that they really do not know what the façade of the building is going to look like at this point. It can be addressed at final.
- Mr. Ulrich noted he told Mr. Brinser his concern was that if the Planning Commission did not like that view, how it could possibly impact the layout of the project. His feeling is there is enough of a setback that if it was enough of a concern to the PC, landscaping could be added to buffer the view shed. He doesn't believe with the Hilton Gardens that are available to look at on the internet, he doesn't feel it would be so much of a detraction that it would look like a warehouse or any negative impact. There are a number of other hotels in the area and he doesn't feel where the other hotels are located would be that much different than this particular building as well. Some are set back farther and some are set back closer. He doesn't believe it would be that much different that if it is a concern for the PC that it couldn't be addressed with additional buffering in the way of landscaping. He added a picture is worth a thousand words.
- Mr. Webb responded that is the point they were making was they were trying to get idea of what the trees and the landscaping was going to look like from a street-level view. He does not know what the opinion of the rest of the Commission is, but he still feels that would be a good thing personally for him.
- Mr. Kovach confirmed the back of the building would face Ridge Road. Obviously an attractive treescape is more important because most hotels and other business spend the most money making the front of their businesses more attractive. He is not saying that Hilton Garden will not do the same thing to the back of the building, but the PC feels the streetscape is very important for that reason.
- Mr. Brinser answered he understands and this is something as far as providing additional landscaping is something that can be addressed during the final plan. It will not affect the layout of the site. It would be once they have a final design, the PC would be able to appreciate more and they will get a better view of what it looks like instead of at this point saying that more is needed. If during final plan it is determined additional landscaping is required, it can be added at that time.
- Mr. Brinser noted they received the comments from STEP on the well study. Prior, they were addressed, and the newer letter provides a clean technical review. The letter dated November 14<sup>th</sup>, it references under Item #3 that Rettew requested the waiver for the recharge area for the site and that the requirements of the ordinance require that a recharge area is provided the size of the lot. Documentation has been provided to STEP nothing there is adequate recharge

area for the facility, although it exceeds the area of the 70-acre existing lot, so the waiver is still needed. In the letter, Mr. Helbig concurs that currently appears to be adequate groundwater recharge available to support the Hilton Garden well withdraw. When he arrives at the meeting, they can ask him more questions, but his technical items were cleaned up.

- Mr. Brinser noted the traffic engineer's report had been addressed comments in the past submission. The only items that are outstanding that have not been addressed, there is nothing back from McMahon Associates, the Township traffic consultant, is the revised traffic impact study would be submitted with the final plan showing the accident data. They were waiting on the information and they finally did receive it, but it was not received in a adequate time frame two months ago when they made the previous submission. In reviewing that data, they do not see any changes to their analysis or conclusions based on the information they received. The report will not be changing other than adding the information to it.
- Mr. Brinser pointed out as far as sewer goes, on Page 6 of LTL's letter, comment #1, Sections 402.4.2 and 620.1, relating to the sewage module. Although that has not been submitted, the approval of that is part of the final plan requirement as indicated in the comment letter. The escrow was provided to the Township to begin the study of the existing line and the pump station.
- Mr. Brinser noted the indication they received from LTL is the existing lines are adequate. There was a concern they went from a 10-inch line to an 8-inch line and back to a 10-inch line. LTL took an initial look and they all are 10-inch lines. Additional calculations will be run on the pump station to ensure there are no capacity levels at the pump station. They are still waiting on that analysis to be completed before they will issue a capacity letter. That is necessary to submit a full planning module.
- Mr. Webb asked for questions from the Commission and public. There were none.
- Mr. Ulrich commented just a couple of highlights of some things Mr. Brinser and himself were discussion. Just to keep the PC in the loop as far as what is going on, one of the items discussed was the idea of the pump station location. Before, the applicant had offered if there was a better location that might better suit the Township down the road. If it was moved, they were concerned about other ordinance implications it might have. It was brought in front of the Board, who indicated they would be interested in hearing other possibilities because of other sewerage problems along Bow Creek that they were having problems with. If this might in any way help that or improve that situation in any way, they would be interested in hearing about it.
- Mr. Ulrich continued because Mr. Hannum was here tonight, they looked at it real quickly and it looks like there might be a potential location that it would be a benefit for the Township. The idea would be the pump at the Exxon station. There are always problems with the grinder pump. The idea would be locate it and change it over to a gravity line to get it down to the pump station, it would save the Township because that is something that constantly needs to be maintained. It has always been a problem.

- Mr. Ulrich also noted there were a couple of intersection improvements that were discussed. He also mentioned to Mr. Brinser about a couple of basin issues, justification for some infiltration rates. That was more of a numbers thing. Some big steps were made in the report and Mr. Ulrich is just looking for some gaps and some information. He noted Mr. Brinser feels they can come up with that information and get that in place.
- Mr. Steffan Helbig, President of STEP, arrived at the meeting.
- Mr. Ulrich asked Mr. Brinser if there was anything else. Mr. Brinser answered for discussion purposes, he did not think there was. Some of the stormwater comments are providing justification. There are one or two minor technical cleanup issues.
- Mrs. Lebo noted on one hand when Mr. Brinser talks about recharge area in regards to the well study, he utilizes the 70-acre tract as a justification for the waiver request. But on the other hand, when Mr. Brinser talks about the waiver requests for the setbacks, for the stormwater basins, it appears Rettew is justifying the waivers based upon the size of the acres that the improvements will be located on, which is 11 ½ acres. It seems the other 55 acres are being excluded that this lot consists of.
- Mrs. Lebo continued she is having a hard time justifying the waivers for stormwater that are being requested. Mrs. Lebo commented, "in my view, you've taken a 70-acre tract, you've chosen to locate the building where you've chosen to locate it at, and disregarded the other 55 acres and yet we have repeatedly asked, what do you intent to do with those other 55 acres. You've haven't given us anything. In fact your response has been, there's no intention of building those acres."
- Mrs. Lebo asked what happens if going forward if the applicant submits a plan to develop those acres. She is having a hard time justifying the waivers they are requesting. To her, the applicant has not proven a hardship, particularly with respect to the property. Maybe the alternatives for plastic piping might be equal or better. She indicated she will look to Mr. Ulrich for that input. She indicated again that applicant is not showing to her that the applicant has proven a hardship.
- Mr. Lucas answered the legal standard is not a hardship. If the applicant can show as equal or better plan result, that is sufficient. It is not zoning variance, which you do have to prove a hardship. When you have something like a subdivision waiver or a stormwater management for a similar subdivision, it is not a hardship that has to be established. That is not the standard the applicant has to meet.
- Mrs. Lebo commented pursuant to the ordinance, one of the requirements to request a waiver, "the applicant must demonstrate 1) that compliance would cause undue hardship as it applies to a particular property; or 2) that an alternative proposal will allow for equal or better results".
- Mr. Lucas answered the problem is there is no statutory justification for requiring a hardship unless it is a zoning variance. Other than that, it is a modification to show there is a better use what can be done or net equally. He thinks that what they established in their initial waiver requests.

- Mrs. Lebo noted this was something that was spoken about during the development of the stormwater ordinance. She asked Mr. Ulrich what his feeling is because she noted she is really try to evaluate this fairly. She asked what the Planning Commission does going forward and are they setting a precedent here for any other developer that wants to come into the Township and it would be granted right here. The Planning Commission is giving a variance to Township regulations.
- Mr. Ulrich answered in reference to the hardship issue, he would refer to counsel. He went on that if you look at the second portion of that regardless of the validity of the first part whether it does or does not apply, the second portion of that does say that is there a layout that is available. He did not catch it word for word what was read. Is there a better alternative that would yield a better planning result? With regards to that, he does not know specifically which waiver Mrs. Lebo would want to pick out, but as far as the infiltration goes, the site was tested, not all over. But the site was tested in the area they plan on developing, and that was the only area that could be infiltrated.
- Mr. Ulrich continued that with regards to the waiver about all of the 50% of the infiltration occurring at that location or all of it occurring at the location, if the applicant has done their due diligence and they tested the entire site and cannot infiltrate throughout the whole site, as far as a better plan goes, if they cannot infiltrate elsewhere, he does not think they could. He added most importantly the Township is getting there is the fact that if they cannot infiltrate everywhere but at least from a volume standpoint there is infiltration the volume that is required, that sounds reasonable to him.
- Mr. Ulrich added to keep in mind the ordinance requirement says that if it is possible, you cannot infiltrate more than 50% in volume. The idea is to spread that out. If there was other testing throughout the site that showed there could be infiltration in other areas, then the first thing he would fall back on would be, "Hey, I realize this would cost you less just to infiltrate in the bottom of the basin, but if there was underground infiltration at the bottom of the one particular corner of the parking lot where there was favorable results, I realize it will cost you more, but you can still comply with the ordinance."
- Mr. Ulrich also added he picked one out he just remembered the applicant bringing up. In that particular case, his concern is, along as there are soils that are not going to be conducive to any type of sink hole formation, etc., there should be a geological certification that the soils are not conducive to sink-hole formation and there are measures on the plan if something like that were to happen during construction. Specifically regarding infiltration, he does not know what else can be done. He thinks the most important fact is the Township is getting the volume they desired. They were able to do the volume, just simply not be able to spread out throughout the entire site.
- Mr. Ulrich continued if there are other areas that allowed the applicant to spread it out and it just cost more, he would say that is fine. It would cost them more. But in this particular case, the site was tested. There were three additional tests at that corner because it was not adequately tested. He noted, "because it was not adequately tested, we basically said, Prove to us that you can't infiltrate in

other locations. Fine you got infiltration in an area that works for you, but prove to us that you can't infiltrate throughout the site." He noted they did the testing to basically say no, they cannot infiltrate.

- Mrs. Lebo pointed out on the 11 ½ acres that they are developing, they are having to prove it where the testing was done not out beyond the perimeters of that. Mr. Ulrich answered that is correct.
- Mr. Webb noted he thought what Mrs. Lebo was referring to was there is a logical disconnect between their utilization of the entire property for justification of the water withdraw and yet not looking at anything other than just the 11 ½ acres the applicant is planning on developing for dealing with stormwater issues. He thinks he raised this same issue at the November meeting which was perhaps the citing of the location may have been beneficial from an aesthetic point of view, but it may have been better to have cited it further up into the property to give them more areas to find infiltration that they could drain to on a gravity basis. They never looked out beyond and never made any significant creative efforts to make those requirements. They have simply come back and said there was not enough room where they were going to develop it. He said, "truthfully, you put yourself in that box because of where you decided to develop."
- Mr. Kovach asked how close the retention ponds will be to Ridge Road.
- Mr. Brinser noted he will pull the grading plan to look at it. Mr. Ulrich answered it is about 25-30 feet. He noted he believes the ordinance requirement is 75 feet.
- Mr. Kovach asked with the 55 acres, is there nowhere else further away from the road where they could put the retention pond.
- Mr. Brinser answered a lot of the site beyond what is seen on the plan is not zoned for this type of use so they are limited for this type of use for the front piece. They are also looking at the drainage areas that are a point of interest for the stormwater discharge to try and keep them in the same area without shifting it off somewhere to other areas. As water is shifted to another drainage area, it then increases the stormwater discharge at that point, it would need to be controlled as well. There are other reasons why they try and keep the areas within the area of the draining area itself.
- Mr. Kovach added this goes back to what they talked about when they were discussing the streetscape. It almost sounds like coming down Ridge Road, one will be able to see two large swampy drainage ponds not far off the road.
- Mr. Ulrich noted the grade of the slope for the berm starts basically right at the right-of-way line. If the top of the term is 25 feet or so from the right-of-way, it will not be seen.
- Mr. Kovach noted it does not leave a lot of room to put any landscaping between the drainage ponds and the road. Mr. Ulrich answered the berm will be landscaped to a certain degree but the ordinance prohibits that you do not want to place anything large in the berm because the roots might topple and pulling a chunk of the berm out.
- Mr. Webb asked for questions from the Commission and the public. At this time, he called for the water presentation from Mr. Bill Seaton of ARM Group, Inc.
- Mr. Brinser asked if he could first make a few comments. He noted he briefly touched on the new letter that was provided from Mr. Helbig based on the last

submission which addressed the technical comments. There was no additional comments on the waiver request. He did read a quick excerpt from the prior letter in back in November which indicated that Mr. Helbig concurred with their calculations showing there was adequate recharge area for the Hilton Garden Inn.

- Mr. Helbig clarified it was adequate recharge area but not on the property. Mr. Brinser noted he did specify that and that is why they are asking for the waiver. He noted they do not have any more comments on that.
- Mr. Webb asked for questions or comments.
- Mr. Ulrich noted as the Commission hears the presentation and starts talking about it, it might generate more questions afterwards as opposed to now.
- Mr. Webb asked for the concurrence of the Commission put Hilton Garden Inn on a quasi-hold to move onto Mr. Seaton have his presentation.

B. Mr. William Seaton of ARM Group, Inc.

- Mr. Seaton introduced himself. He is a hydro-geologist with ARM Group in Hershey. He is representing East Hanover Hotel Corporation T/A Comfort Suites and Mr. Girish Sheth who owns property and operates a business across from the applicant's site on Station Road.
- He has been practicing geology for about 30 years, in particular the last 14 or 15 years he has been studying the hydro-geology of the area like the Hershey area in Dauphin County. In particular, his Ph.D. research the very same kinds of aquifers that are at the Hilton Garden site.
- These are faulted and fractured terrains. It is a very complex bedrock geology and has very unique and strange characteristics. He noted he found this project very interesting. Evaluating the tests from the Hilton Garden Inn is also something he has been doing a lot.
- The methods and analysis used in his report, of which everyone received a copy. To evaluate the test well for the HGI, they were requested by Mr. Helbig at a meeting with the applicant's representative on October 2, 2008.
- The purpose of that was to determine the recharge or the amount of water available to the well the applicant drilled. He noted he will not go through a lot of detail but wanted to focus on some of the figures in his report because it is a technical document.
- He noted Mr. Helbig requested the applicant take the results from the test that was done in December 2005 and extrapolate those results to a 90-day period. The actual test was only a 12-hour test. It was conducted at 75 gallons a minute. At first look the test did not look good. It was tested at 75 gallons a minute, had almost 200 feet of draw down in only a 12 hour period. In addition, the data indicated as it was pumping the well hit a hydraulic barrier causing an additional amount of draw down.
- To a hydrologist, those are two major strikes against this well: 1) a very significant steep draw down where the water dropped very significantly in 12 hours and 2) there was a non-equilibrium situation in this 12 hour test. Those are very important points that impact the ability to understand this well's ability to sustain continued production for long periods of time.

- That is the big issue here. How much water can this well produce over long periods of time. Particularly during a drought condition. He will point out how the test was conducted during December in 2005. December is typically a time of year when there is a lot of recharge; there is a lot of water getting into the ground naturally.
- The problem is the well will be used a lot during the summer months where there is not a lot of recharge. When it is dry around here, just imagine a couple of conventions back to back, packing the hotel. Maybe some overflow capacity from the casino, where there is a booked-up hotel for many weeks in a row, maximum water demand during the worst possible time. That is the summertime when the recharge is the least.
- The figures that he has shows the requested analysis that Mr. Helbig asked for. He will not go into detail but a 90-day projection at 32 gallons per minute, which is the rate this well will be considered pumping at during the time the well will be used by the hotel. This rate is established by the Pennsylvania Department of Environmental Protection. He referenced Figures 1A and 1B of his report.
- He referenced Figure 2 of his report, which is an aerial photo map of the site. The recharge area he computed using the map that was asked by Mr. Helbig and using the test data is that the red-dashed line in the middle of the figure, which is called the recharge area, indicated on his report. That area figures to be 34 acres by his computation. The distance draw-down method was used, which is a very standard method of evaluating recharge and other aspects of the pumping test.
- Recharge area 34 acres. He referenced Page 2 of his report. There is a Table 1 that summarizes the results. A 34-acre recharge area for the test well will provide 11,424 gallons per day using a drought condition recharge rate. If a drought conditions are in the area, it has been calculated that the recharge rate will be 40% of a normal year, which will provide 11,424 gallons per day of water to the well.
- SALDO 621.1 requires 46, 619 gallons per day leaving a significant deficit. This analysis indicates the well will be able only able to produce about a quarter of the water that will be required during a drought condition. If the analysis is carried further, even during a normal year, it is unlikely based on this data this well will even be able to sustain the hotel.
- The problem with a well like this and the problem with a well like this and the problem with the hydrogeology of this area is a well can be drilled and get a high initial yield from the driller; however, the wells cannot sustain those yields for long periods of time because there is a small amount of storage. Picture a bathtub with little faucet pouring water. There can be a very pump in a bath tub and pump all the water out quickly, but you will run out of water soon if you pump too hard. He said, "This is essentially what we have here in these kinds of aquifers and it's essentially what this test is telling us. There is a problem with the storage in this well."
- He noted it was only a 12-hour test. His recommendation would be to have a full 72-hour test on this well at 32 gallons per minute and see what can it can actually do. He noted that is the kind of test DEP or the SRBC would likely recommend in

- He noted most of the figures are technical in nature for hydrogeology. He referenced Figure 5 is a bar graph in his report and noted it shows the estimate of mean monthly ground-water recharge in this area. The data is from the US Geological Survey, the federal agency that spends a lot of their time and resources evaluating water resources across the country and around the world. They took data from a nearby stream gauge, Manada Gap, and determined the average recharge over the course of the year in this area. The bottom axis is months of the year and the left axis is recharging inches.
- He noted the significant difference between recharge rates for June through November and the other months November through June. There is a lot more recharge during November through June than there is June through November. The pumping test in December 2005 at a time of high recharge. Referring to Figure 5 he said, "Drought conditions are down here. You have less than half in a typical year, the recharge. This underscores our contention that we think this well should be tested during the summer months, longer term tests at the 32 gallon-minute rate."
- The final graph would be Figure 6 on his report, which shows the significant natural changes in water table elevation in this area, a little over 10 feet in an observation well located on a few miles from the site. It indicates because of the change in precipitation, the water table fluctuates up and down more than 10 feet every year in a typical well.
- What also needs to be taken into account are homeowner wells that surround any pumping well in this area. You need to account for the seasonal fluctuation in water table in those homeowner wells in addition to the impact that any large scale or large volume water well will cause on those wells.
- He noted their basic contention is the well needs to be retested at a minimum. Because the data they have so far shows it does not have the capacity to support this facility. Retest it at a minimum and if it does not succeed, then there would need to be an additional water supply to meet all of the needs of the facility.
- Mr. Webb asked for questions or comments.
- Mr. Helbig noted he did not review the report in detail. He has looked at it and has not gone over every technical aspect but based on what Mr. Seaton said, it has not changed what he believes the applicant has accomplished. In general, he would always like a longer pump test. The longer the test, the more confident one is on the data. He thinks there is probably just one particular aspect of the ARM report that he would do a little bit differently.
- Mr. Helbig explained when ARM did their distance draw-down graph on Figure 1. He noted hydrogeology is an exact science numerically, but the expertise comes in based on the experience and judgment of the hydro-geologist as to what information they have. The information before them is not always exact, as Dr. Seaton, you can drill a well, pump a lot, and it may not yield long term, it is in fracture flow, so it is very heterogeneous and variable in the wells. They do have

that do deal with so they have to look at it as professionals with their expertise and experience and decide how comfortable they are with the information and data they have.

- He pointed out the one thing he may take exception to is in the distance draw-down graph, on the bottom of the graph, each block out is 10 feet out further in distance. What ARM used for TW-1, he believes and asked for correction if he is wrong, would be the pumping level in the well.
- Mr. Helbig noted one of the problems when a distance drawn down graph is performed, there is a thing call 'well inefficiency'. Right around the well, especially in a fracture flow like this, you get turbulent flow. There may be just one fracture connecting that water system to the well and it is squirting in and that is the restriction or choke point.
- He added that is not really reflecting the true hydraulic or piezometric water level in the aquifer just outside the well. That is an unknown quantity. Some wells, if they are a very properly designed well with a nice sand aquifer, it would be very close. Typically the level in the well is considerably lower than the water level just outside the well, and the actual point you would want for the distance draw down graph mathematically would be that point just outside the well, one foot away. He said, "We don't have that".
- He also added in reality this point is probably higher up and one does not know exactly how high it is. It is always, and the problem in hydrogeology, is how many wells do you put in, how many samples, how long of a test do you run. Ideally, he would like to have in one direction, three or four wells spaced at different distances from here and they draw a straight line. In this type of situation, they probably wouldn't anyway because of the fracture flow. It would depend on direction and where that particular well is.
- He continued, in this case, if the level in the aquifer was actually considerably higher or not that much higher, 20, 30 feet, then that same line would go out to the other wells and because that is a semi logarithmic plot then instead of being out 1,000 feet, it may be out at 10,000 feet which would give that area of influence.
- He noted he is not saying it is an inappropriate analysis. The ones he looked at, he was comfortable with what the applicant provided as far as how big the cone depression would be in 90 days. He noted they could argue in detail as hydrogeologists.
- Mr. Helbig said, "Based on that, I think there is probably more recharge area available than this would indicate". He also noted it will be hard to determine exactly having the well one foot away from the pumping well. He noted again, he hasn't looked at the rest of it in great detail and Mr. Seaton makes some good points. But overall from what Mr. Helbig has seen he feels fairly comfortable with what the applicant has done.
- Mr. Helbig noted it is not perfect and that is why he put in his letter he recommends the applicant commits if other wells are impact to check that later because not every well was evaluated and to let him know with the Texaco Station if there is any new data information. He added no one can guarantee 100% how the well is going to perform on a 12 hour test. It comes down to their

experience and judgment as to whether or not they feel comfortable with what was provided by the applicant. At this point, he feels fairly comfortable.

- Mr. Helbig added as a hydro-geologist, he would love to see a 72 hour test, but that is not his decision to make. It would certainly give him better data, but at this point, he feels fairly comfortable with what has been presented.
- Mr. Webb asked for questions and comments.
- Mr. Seaton commented he agrees with Mr. Helbig there is an unknown as far as where the friction head is; however, he used those points because that was what the applicant used in their graphs. He added they assumed the starting point was there, so he used it. He added, "You're right. We don't know. And given everything else about this test and this one unknown, that doesn't fill me with confidence." He noted that is why he thinks it would be better to judge on the conservative side and retest the well.
- Mr. Webb asked for questions and comments from the public and from the Commission.
- Mrs. Lebo noted with the data brought before the Commission, it appears to her that there is more testing that could be done. But as it stands, no one knows how this is going to impact the wells in that area if the Township goes with the information that is presented by the applicant and as evaluated by Mr. Seaton.
- Mr. Helbig answered it is a difficult thing. Particularly in fracture flow systems because there are discreet fractures and one can never know where each is and how they inter-connect. He cannot make an absolute, positive statement and guarantee everything. It is certainly possible the applicant can pump the well and there could be just one fracture and one residential well on the same fracture and it would go dry. Judgment has to be used. More data and more information give a higher level of confidence.
- Mr. Helbig added he is fairly confident and noted Dr. Seaton made some good points. He looked at those also with the drought difference and when he looked at the 32 gallons per minute projected pumping, it appears the applicant still had enough distance between their pumping level and the water-producing zones which would be a problem if they exceeded that in the drought period. There is a lot of significant storage in the aquifer which does help to even things out from year-to-year.
- Mr. Helbig noted he looked at the nearby surrounding wells and he looked ARM Group's air photo, which was helpful, and there does not seem to be a lot of buildings and homes that were left out of the PAGWIS data base, so most of the wells were probably looked at and evaluated the relative impact. There may be an additional 10-foot seasonal variation. There may be a few additional feet depending on which way a fracture goes. Most of the wells appear to have enough depth and saturated thickness that they would still be viable in that situation.
- Mr. Helbig added he cannot give the guarantee it is going to work; however, if there are some agreement that will evaluate in the future as it pumps. That would probably be an easier and better solution than going to update and prove it which could take years and millions of dollars and even then he could not say without a doubt what would happen. It is a level of when do you say, we have

enough to be pretty confident and fairly sure what is going to happen and have a commitment if something is found that is not known or not anticipated it will be remediated or addressed at that point. He thinks he is at that level, in his opinion, there is enough data and enough information he feels fairly confident there will not be a negative impact to other wells as things are now.

- Mr. Helbig added that is aside from comment #3 in his letter regarding the recharge areas available on the existing facility. In the future, other withdraws could have an impact and would be an issue. If the Township has several more like this, then they will be cumulative.
- Mrs. Lebo noted Mr. Helbig mentioned that if it becomes an issue that the Township looks at it at that time and remediate it. How would something like that be remediated?
- Mr. Helbig answered nothing is absolute, but it is typically fairly simple. Running a deeper well. One would not expect to see a well which is 200 or 300 feet deep in this area and the static water level is at 20 to 30 feet. You would not expect that one to have a problem. Even if there is 10 or 20 feet of impact from the new well during a drought. There would still be a few hundred feet of draw down available. Where you would expect to see a problem would be one of the older, shallow wells. The ones most typically affected are the very shallow, less than 50 feet or hand-dug wells. They do not have much storage or much available draw down, and 10 or 20 feet of additional drop in water level can impact those and make them go dry at least temporarily during a drought. Those would be the ones which it would only be a matter of just drilling a deeper well and installing a new pump.
- Mrs. Lebo asked who would bear the burden of that expense.
- Mrs. Helbig answered it was his recommendation the applicant agree, as they have agreed now, he believes, on the one or two wells that may have already shown possibly a 10% impact to monitor them and look for some remediation if necessary. He admits it would be somewhat difficult to discern and determine exactly how it was caused and who caused it. He believes that onus can be put on the applicant. If local wells do have a problem, they have to look at them, investigate it and either they can spend a lot of time and money to argue they didn't do it or spend a few thousand dollars and replace the well.
- Mrs. Lebo noted it would then become an issue of contention between two landowners. She said, "do you see where we're shifting the burden here, back on a landowner who probably....."
- Mr. Helbig answered he would defer to counsel on how to set that agreement up. He understands the issue and the difficulty.
- Mr. Moyer asked if there was any data on the Comfort Suites and the Holiday Inn on withdraw on this well.
- Mr. Helbig answered he does not have any information on that. "They performed their tests under existing conditions, and I can look at that." That is what he looked at. The assumption being, those in existence have already had an impact or will have and this is the additional impact they saw from this well. With future withdraws, it becomes an issue if you exceed the property bounds as far as recharge area.

- Mr. Helbig added in answer to the question, it could also be set up perhaps as an escrow account or something. That is not his area of expertise as to how it is set up. If it could be set up where the Township was not in the middle, it may be a little bit more amenable. Typically, you get to a point where it will cost the applicant more to perform additional tests and prove everything than it would be to set up an escrow account to protect one or two wells. He wouldn't expect all the wells going dry from this well. He does not see a huge impact. It would be an unusual situation where everything worked against this one particular homeowner; a shallow well, a wrong fracture in the wrong place, and you might have an impact.
- Mr. Helbig noted there may be one, possibly two wells, what he would consider the worst case, might have impact at a remediation cost of perhaps a few thousand dollars. Again, he is not speaking for the applicant. One solution would be to put up an escrow account that could cover that and then the Township can administer it if there is a problem.
- Mrs. Lebo asked how many wells were tested as part of this. She noted she believes there is one residential well. There was one well looked at in all of this.
- Mr. Nachlas, of Herbert, Rowland & Grubic, stood up and asked to answer the question on behalf of the applicant. They tested one well, which was pumped, the TW-1. They also monitored a well designated as TW-2, another well designated TW-3. They monitored a well at the Texaco property and a residential property to the west. He does not remember how that one is designated.
- Mrs. Lebo asked which of the wells showed a 10% reduction. Mr. Helbig answered he does not believe any of the wells did. Mrs. Lebo answered she thought that was one of the statements he made.
- Mr. Helbig answered the 10% reduction was a projection of 90 days of pumping under drought conditions, would any well be close enough to have a 10% reduction as water level. He said, "our calculations show that this particular well at this distance after 90 days, our well causes 10 feet of draw down and the well was only 100 feet deep, that would be 10% of the well depth so we considered that as a sort of a possibly it could be impact". The 10% was a projection after 90 days of pumping with no recharge.
- Mrs. Lebo asked just so she understands as it stands right now with the testing that was done and the well that were monitored, the Texaco and the residential well, neither of those wells showed an draw down impact during this testing?
- Mr. Nachlas answered not 10%. Mr. Helbig answered they had some draw down, and he would have to look back at the original report, but again that was a 12 hour test at a higher rate. He would not expect them to have that large of a draw down at that point.
- Mr. Webb asked Mr. Helbig is he was saying the 12 hour test was not the ideal or appropriate test to be able to adequately provide a high degree of confidence on what the impact of this well would be.
- Mr. Helbig answered the degree of confidence is not just a factor of the length of test. It is the factor of the situation; the setting, how far away the nearby wells are, lots of other factors, and how the test actually works out. If they only had 10

feet of draw down on their 12 hour test at 75 gallons a minute, there would be no arguments, and it would be a great well. There was significant draw down. So the question is, is it enough when projected out to a 90-day drought condition to impact nearby wells. It is always nice to have a longer test. They can be 4 8 or 12 hours. For public supply wells, the typical test is usually 48 to 72 hours. There is a 24 hour test. The longer you test, the more confidence there will be in the results and the most certainty there is. The entire geologic setting has to be taken, the amount of draw down and everything that is observed and then make the assessment of how much impact there will be.

- Mr. Seaton added the actual volume of water which was pumped out during the 12 hour test was less than two days of consumption. The well only tested less than two days.
- Mr. Nachlas added the testing was done according to the specifications of the ordinance. The ordinance calls for a 12 hour test. The test was also performed at 75 gallons a minute and the actual pumping of the well during production would be, he thought, about 32 gallons a minute. Wells will perform a lot differently at 32 gallons a minute than at 75 gallons a minute. He does not think there is a history of any of the other properties in the area, the Holiday Inn or Comfort Suites, as far as he knows, having water deficiencies at any time of the year.
- Mrs. Lebo commented it was her understanding that Penn National wells were on the same aquifer and they experienced a problem with their well this past summer. She is trying to recollect, and there was some tie-in with the Penn National and this property with regard to the aquifer and how it runs on those properties, is that correct?
- An individual answered Penn National is located north of this. They are in same regional aquifer but actually a different aquifer so those wells will not be impacting this area at all from what they understand; however they do give an idea of the character of the aquifer. (the individual could not be identified because they were not speaking directly into the microphone)
- Mr. Nachlas pointed out the south facing flank of Blue Mountain is a pretty significant area for recharge and he does not think that area will be extremely developed at any time. The recharge to that area does provide recharge to this property. He thinks it provides an important buffering capacity for the recharge area in the big picture as they talk about what this well might withdraw.
- Mrs. Lebo asked what would happen if the big picture changes.
- Mr. Lucas answered the applicant has to go on the facts they have today and cannot just speculate on what might happen and what couldn't happen. They should go on the facts they have at this time and not speculate on what might happen in 10, 20 years from now. That will have to be looked at, at that time.
- Mrs. Lebo answered she would say that would probably would apply to the applicant's plan, perhaps in front of the Planning Commission, but from a planning perspective, no. She that's what they're here to do.
- Mr. Lucas answered the Planning Commission is here to look at the plan under the ordinance. The Planning Commission cannot speculate on what might

happen 20 years or if Blue Mountain is going to be developed. It is not a reasonable expectation today.

- Mr. Webb for questions and comments.
- Mr. Webb noted he works much more comfortably with quantitative measures and giving kind of the loose comfort zone that Mr. Helbig provided that he indicated in his judgment that this was not going to be a problem or might not be a problem or if it was a problem, it could be remedied later. What percentage and maybe more importantly, he asked Mr. Helbig if he would be willing to back that by saying, "you'd pick up the cost if you were wrong? Just how much of a bet are you willing to make on this?"
- Mr. Helbig answered he cannot make guarantees because he cannot control every unknown, he cannot control everything that happens. He can look at it carefully and provide a percentage in his professional judgment and tell the Commission whether or not he would feel comfortable if he was in one of those homes, worried about his well or not. It would not at this point.
- Mr. Webb asked, "so, you're 90% confident, 80% confident?"
- Mr. Helbig answered he did not spend a lot of time thinking about it. He will give it a number now. He reiterated the question is, confident of what? Confident that there won't be a significant impact on many wells? Or there won't be several or many wells going dry?
- Mr. Webb clarified that there won't be any impact.
- Mr. Helbig answered there will certainly be some effect. That is the question. If it is only a few inches more draw down on a well of 100 feet, that is not significant. He is not worried about that. An impact as far as somebody's well going dry is what he would look at. If no well goes dry in the drought that wouldn't do dry anyway, and he suspects none has that he knows of. Assuming they haven't, he wouldn't consider it to be an impact. If someone's water is a little bit lower but they still have water all the time when they need it, it is not an impact other than perhaps a few cents a year in the extra electric cost to pump it, if even that.
- Mr. Helbig continued, so an impact such as, would a well go dry during a drought or go dry permanently, he would say he is at least 90% confident that he Township would not see a well go dry. The only caveat is not every well was checked. There may be some wells that are not on the PAGWIS database. That is why the applicant did agree, or he recommended they agree, with that the wells that didn't check that were only 50 feet deep and they're in a zone where there is 20 feet of draw down, that would be a well that could have a significant impact and should be remediated if necessary.
- Mr. Helbig noted as far as well that were on the database that they could find, he did not see any of those, other than one or two, that had close to which might have an impact with a long term pumping. In reality, he probably wouldn't even expect it. There are other things that counteract what they did see. Dr. Seaton made some good points. The aquifer does have some limitation. He thinks the original test indicated there was some removal from storage as may happen.
- Mr. Helbig continued that on the offsetting side, as the counter depression expands as you pump, it will probably intersect with Bow Creek or one of the streams and induce additional infiltration. There are things that typically have a

- Mr. Helbig noted that getting back to Mr. Webb's question, he is probably 90% sure there will not be well that actually goes dry and becomes unusable. He is probably 99% sure the Township will not have a bunch of wells going dry and have a major problem. That is probably as good as anyone can give.
- Mr. Webb asked if he understood Mr. Helbig to say this well is likely to have an impact on Bow Creek to change it from a gaining stream to a losing stream at a given location.
- Mr. Helbig answered no and clarified he said it may induce some infiltration from Bow Creek. Mr. Webb answered that would be making it a losing stream at that point.
- Mr. Helbig answered possibly, but he did not make that assertion. Maybe in the short stretch, you might a little bit, but if you look at the volume of Bow Creek versus the well volume you would have to induce, it is not a large amount. And it does happen to some extent. It may impact wetlands and things of that nature when there is a very large withdraws. He does not believe that was in the requirements.
- Mrs. Lebo asked if there was a reason why the wells at the Holiday Inn were not tested, because the withdraw on those wells have to be quite significant. It is outside of the 34 acre that was referred to, but she is just curious as to why the applicant tested west of the area on the residential well but bypassed the Holiday Inn wells. She is looking at it and thinking to herself that the draw downs from the Holiday Inn has to be quite significant and one would think would have an impact on the overall testing and evaluation.
- Mr. Nachlas answered he is not sure they will be able to quantify what that impact is. There are couple of reasons it was not monitored, but one of the important reasons is it is actually down gradient in the basin of the well that they are testing as the proposed water supply well. The wells that they did test are basically along the geologic strike or perpendicular to the geologic strike and that is really what the spatial arrangement of the wells that they got accomplish. That is so they can see the sort of three dimensional effect of TW-1.
- Mrs. Lebo answered it has been her understanding that the Holiday Inn wells have experienced problems in the past and had to actually have water brought in.
- Mr. Nachlas answered they did ask the owners of the hotel and they are not acquainted with that at all and did not indicate there were any problems in the past with water supply and have not had to bring water in on any occasion.
- Mrs. Lebo asked if Mr. Nachlas asked one of the Supervisors that question. Mr. Nachlas answered he asked the owner.

- Mr. Webb noted he is a little confused. If the Holiday Inn's wells are down gradient, why wouldn't they be impacted if the applicant is drawing water from up gradient. Generally speaking, if you are down gradient, and the flow is in that direction and you are removing the flow, he would expect the impact to occur more significantly downstream as opposed to looking laterally on either side of them. Mr. Helbig said, "I agree".
- Mr. Webb asked if the applicant could explain why they felt the wells were not suitable monitoring wells.
- Mr. Nachlas answered he is not convinced there is not adequate water for both withdraws, so the fact that is down gradient, he does not consider that to be problematic.
- Mr. Webb asked him if Mr. Webb decided that before he performed his test. He commented he is confused because Mr. Nachlas is saying they are down gradient wells and he decided that testing for monitoring them was not important during the test because he knew there was adequate water.
- Mr. Nachlas answered the test was designed based on the requirements that are in the ordinance. The ordinance, without having it front of him, requires that it be a 12 hour test, and the ordinance specifies that there be a couple of observation wells installed to monitor during the test, and he thinks it specifies two wells. That is why there was a total of three wells put in on the property. In terms of the requirements of the ordinance, they designed the test to meet the requirements of the ordinance. Once they had the data that were generated by the test, they did the evaluation of the suitability of water supply for the property. That is not the only well that happens to exist down gradient. They certainly gave consideration to all the wells in what they considered to be the area of concern for the sake of having wells positioned that would allow them to project beyond those wells to assess what was going on, on the property and beyond the property.
- Mr. Helbig noted he is not trying to defend the applicant, but typically you do not sample or monitor every well. You are trying to get the numbers on a short term test which will not have an impact usually that far out to see. Some of the residents' wells showed very little impact during the test. As long as there are enough wells close and spaced properly in the right direction, you will get the numbers to project out. Then the projection, you will look at down gradient. He does not agree with Mr. Nachlas' argument that is not a reason to look at it because it is down gradient. Often you do not get every well and an existing pumping well goes up and down so it is hard to see any impact anyway. As a practice standpoint, you will try to find well that are not moving too much, monitor observation wells that are not being pumped, and it also usually difficult to get owners to agree to let you monitor their well. That would have been his reasoning, not that it was down gradient.
- Mr. Nachlas added his colleague has also pointed out to him that the residential well that they monitored to the south of the test well is in a down gradient position as well. There is negligible draw down at that location. It is identified on the map as a residential well. It is actually at the fireworks store where there is a residence.

- Mr. Webb commented he thought Mr. Nachlas said the residential well was to the west. Mr. Nachlas answered that was his recall when he was thinking about it. It turns out it is actually at the south. Mr. Webb answered he was trying to find the residential well on the map, but the only one he saw was to the south.
- Mr. Webb asked for any other questions or comments for any of the presenters.
- Mr. Girish Sheth stood and identified himself as the owner of the Comfort Suites. He noted back in 2005, 2006, possibly 2007 in July, August, he had a request from the Holiday Inn to use his facilities because their wells were not giving enough water. When the Hilton Garden Inn is being built, they are all on the same aquifer. What will happen in drought conditions if it happened two years ago?
- Mr. Sheth requested the Planning Commission that a full blown test be done in the summer months so they know the actual facts. Because after the fact, who is going to pay for the damage on his business or any other business and there will be legal issues which no one wants. Before the place is being built and while it is at the Planning Commission stage, he would request the Planning Commission to ask for a full blown test in the summer months so then we will have the actual facts rather than going on what the data says or doesn't say. He noted this is a fact that he has experienced in 2005, 2006 and 2007. This is not any data, evaluation or logistical mathematical calculations.
- Mr. Webb asked for additional comments or questions. Since the plan expires on 2/17/09 and the Planning Commission will not have another meeting prior to that. The PC needs to at this point have a recommendation for the disposition of the plan.
- **Mrs. Lebo made a motion to recommend denial of the plan unless a letter of extension to received by the applicant. Mr. Kovach seconded the motion.** Mr. Webb asked for discussion by the Commission and the public. Mr. Lucas stood and noted he has been instructed to request the recommendation from the Planning Commission tonight. He is not authorized to provide a letter of extension. He would ask the Planning Commission to reconsider and make a recommendation for approval subject to the engineer's letter and make a recommendation on the waivers. He indicated the engineer's review letter, things that they can correct or things that can be done at or before the final plan approval. He thinks they feel they can address those comments and the plan can then be approved by the Board of Supervisors. His request is that the Planning Commission to vote against the motion and make a motion to recommend approval subject to the engineer's review letter and recommend approval of the waivers. Mr. Webb asked for any other comments or discussion amongst the Commission, professional staff or comments from the public. He noted there was a motion and a second. **The motion was approved 4 in favor, 0 opposed.**

**OTHER BUSINESS (continued)**

3. Planning Commission Workshop – A series of monthly workshops will be held by the Planning Commission on the third Wednesday of each of the coming months dealing with the work towards revising the Township’s Comprehensive Plan. They will be held in the Township building and begin at 7:00 p.m. The public is welcome and encouraged to attend.
  
4. Park and Recreation Master Plan – Mr. Ulrich, Township Engineer noted at the last Board of Supervisors meeting the Park and Recreation Board presented their master layout plan for what they would like to do on the other end of the Township property with regards to the ball fields, expanding the soccer fields, etc. At that point, the Board recognized and approved the layout of the plan and asked LTL present that to the Planning Commission for their review to look at. It is far enough along and represents what the Park and Rec feels will represent their needs. That being said, LTL will put some landscaping on the plan to comply with the Township ordinances and they will make copies and submit it along with a cover letter to the Planning Commission by February 17 so they can discuss it and take a look at it and see if you have any questions or comments. LTL will do an internal review to ensure the compliance with the ordinances. They are working on site testing for infiltration. The Park and Recreation to trying to move forward with this, recognizing all the funding is not in place, so it may be a phased project.

**ADJOURNMENT**

**Mr. Kovach made a motion to adjourn the meeting at 9:24 p.m. Mr. Moyer seconded the motion. Being no further business, the meeting was adjourned, 4 in favor, 0 opposed.**

Respectfully submitted,

Transcribed by Dawn E. Eppinger

<p>Cc: Board of Supervisors          Marie Beaudet          Keith Espenshade          Dave Marshall          Tom Shutt          John Nelligan          Norman Ulrich, Township Engineer          David Smith, Township Zoning Officer          Deborah Casey, Secretary-Treasurer          Karen Green, Dauphin County Planning Commission          Zoning Hearing Board</p>	<p>Planning Commission          David Craig          Donna Lebo          Mike Kovach          Mike Webb          Glenn Moyer</p>
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