

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

April 28, 2009

Members Present: David Craig, Chairman;
Michael Webb, Vice Chairman; Glenn Moyer, Member,
Absent: Michael Kovach, Member

Also Present:
Norman Ulrich, Township Engineer
David Smith, Township Zoning Officer
Karen Green, Dauphin County Planning Commission
Dawn Eppinger, Administrative Assistant to the Planning Commission
Absent: Scott Wyland, Hawke, McKeon & Sniscak, Township Solicitor

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

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

APPROVAL OF MINUTES

- **Mr. Moyer made a motion to recommend approval of the meeting minutes of March 31, 2009. The motion was seconded by Mr. Webb. Being no further discussion, the motion was approved 3 in favor, 0 opposed.**

PLANS TO BE DISCUSSED

1. Reichelderfer (expires 7/18/2009). This is a final subdivision plan at 665 Lauder Milch Road/644 Shady Lane for an annexation. A non-building waiver has been approved by the Township SEO and submitted for approval from the Planning Commission. Mr. Ed Kaylor of D.L. Reiber Associates and Mr. Chad Reichelderfer were present.
 - Chairman Craig acknowledged receipt of the revisions and asked if there were any items that the applicant or a representative would like to address.
 - Mr. Kaylor noted he has not had any response yet to his revision and noted there was one waiver request submitted.
 - Chairman Craig discussed the process of submitting the plans to the Planning Commission one month and having a formal review of the revisions by the professionals and the Commission at the following month's meeting.
 - Mr. Kaylor asked if there would be any comments for him tonight. During discussion Mr. Ulrich reviewed the submission process with Mr. Kaylor, noting

the engineering was welcome to comment on how something was interpreted or clarify any justifications. He noted a formal review letter will be prepared and distributed a week before the May Planning Commission meeting.

- Mr. Kaylor noted he believes all the comments have been addressed in Mr. Ulrich's letter of March 17, 2009. The one outstanding item, which is a request for a waiver and will provide rationale as instructed by the Township Engineer on his formal review.
- Mr. Kaylor noted the Township right-of-way for Shady Lane was a 60-foot wide road for a 30-foot dedication in the middle of the road. The existing right of way is 33 feet. He discussed the septic system shown and improvements to the area and asked for guidance to obtain a waiver for the additional 13 ½ feet to get relief.
- Mr. Ulrich asked for clarification on the waiver and if it was the intent of them to ask to not provide the additional right-of-way. Mr. Kaylor answered he was correct. Mr. Ulrich asked for an explanation of the waiver, asking if they were referring to a septic system.
- Mr. Kaylor noted the reasoning for the waiver request is because while the septic systems are close, the home facing Laudermilch Road is currently non-conforming and by creating a wider right-of-way, the non-conformity would be increased. He asked for the waiver request to be approved or for some guidance.
- There was discussion regarding the 60-foot right-of-way line not showing on the revised plans. Mr. Kaylor answered because it was a final plan submission; the applicant did not desire to have dedication in the notes because a waiver was requested from that section.
- Chairman Craig discussed with Mr. Ulrich about getting feedback regarding the right-of-way from Mr. Charlie Longreen, Director of Public Works.
- Mr. Ulrich asked about which lot was being referred to as becoming less conforming if the waiver is not granted, noting lot #2 would remain in conformance.
- Mr. Kaylor clarified that regarding the septic area, the house placement because there is encroachment now in the front yard.
- There was discussion from Mr. Smith noting a more non-conforming situation should not be created. The non-conformity should not be increased. He also noted the applicants are doing everything in their power right now to decrease the non-conformity situation.
- Mr. Webb asked what the impact would be further down the road if changes are made to the road. Mr. Ulrich answered this plan gives the PC the opportunity that triggers the section of the ordinance to have the applicant provide additional right-of-way.
- There was discussion regarding performing future road improvements by the Township on Shady Lane outside the right-of-way.
- Mr. Ulrich noted if the Township granted the waiver, and improvements were needed outside the right-of-way, the Township would have to condemn the property. There would be a legal process and additional costs to the Township.

- Mr. Webb asked if the right-of-way was granted and unless there are no improvements done to the road, there is no effective difference in what occurs to the property. Mr. Ulrich noted Mr. Webb was correct.
- There was discussion regarding the front setback being measured from the right-of-way line. It was noted the existing home is currently outside of the setback and is non-conforming and if the additional right-of-way of 13 ½ feet is taken, it will be even less conforming than it currently is.
- Mr. Smith added both septic systems would then be non-conforming; neither would be a minimum of 10 feet to the right-of-way; they currently meet the minimum requirements.
- There was discussion if the Township had to do improvements at a later date, they would be intentionally creating a less conforming situation, by taking additional right-of-way if needed.
- There was discussion it would cost the Township money to take the land by eminent domain.
- Mr. Ulrich pointed out 18 to 19 foot road width is reasonable, which is what is shown on the plan.
- Chairman Craig noted if the right-of-way is taken now, it would not affect the use of the property. It would only be down the road, if ever, it would save the Township money rather than having to go through an eminent domain process.
- There was discussion regarding the right-of-way and eminent domain. Mr. Smith noted that if the septic systems were disturbed as a result of eminent domain, that would be lawyer fees involved.
- There was further discussion regarding eminent domain and it being created with the plan.
- Mr. Webb pointed out if the right-of-way is left where it is at and the Township needs to go outside the existing right-of-way, it will end up having the Township to pay to make the improvements.
- Mr. Kaylor asked for the property owner to speak.
- Mr. Chad Reichelderfer stood and spoke and noted the plan is to make his and his mother's lot more conforming; they are not building or adding anything additional. Her lot at it sits down is essential unsellable. Their goal is to clean up the property lines.
- Mr. Reichelderfer noted if the issue is saving the Township money by taking it eminent domain now; it is going to cost the homeowner. He asked if the septic systems become non-conforming, will it cost them an additional \$10,000 to put in a new one because of road widening. He noted there is no dirt being moved to clean up the lots and make them conforming.
- Mr. Reichelderfer noted the 30 foot right of way, if taken, would make his mother's lot much less resalable than it already is. If the request for the waiver is not granted, they may not be able to go through with the subdivision because it would not be advantageous.
- There was discussion noting the Planning Commission is an advisory Board and even if the recommendation was for one way, the Supervisors may vote the other way. They acknowledged the Reichelderfer's position but added they are trying to look out for the best interests of the Township.

- There was further discussion regarding taking the property by eminent domain if road widening were to take place. Mr. Ulrich pointed out there would be no need to do that if the additional right-of-way was granted to the Township.
 - There was discussion regarding if the Township elected to require the right of way, and the existing septic area would be within 10 feet. It was noted the septic system would need to be moved if there was a failure.
 - There was discussion in regards to the verification of the septic system location. Mr. Kaylor noted they took their best guess possible. There was no earth moving equipment to uncover the piping for the fields.
 - Mr. Ulrich noted he did not see how it would affect the sale of the home if the waiver was not granted to the homeowner. Mr. Reichelderfer answered with the additional right-of-way granted, it would essentially move Shady Lane on to his mother's porch because she has a corner lot.
 - Mr. Ulrich explained they would be giving up an additional 13 ½ feet. Mr. Reichelderfer reiterated they are trying to make the property more conforming. He also added if the waiver was granted, it would be greatly appreciated.
 - Mr. Kaylor asked about the status of the non-building waiver. There was discussion regarding the waiver. Mr. Kaylor noted it needs to be forwarded to DEP.
 - There was discussion from the Planning Commission regarding the non-building waiver. By consensus of the Planning Commission, it was agreed to have Mrs. Eppinger sign the waiver and forward the paperwork on to DEP.
 - Mr. Kaylor thanked the Commission for the recommendation of the building waiver and their time.
 - Mr. Ulrich noted for the record that at the last Planning Commission meeting, Mrs. Lebo asked if recent development, particularly within the last three years, is there a certain time period that may trigger stormwater requirements regardless of whether or not it simply amounts to an annexation or a lot line change. That was discussed during the preparation of the stormwater ordinance but was not included so it is not a requirement.
2. Costabile (expires 8/2/09) – This is a final subdivision plan at 9377 and 9375 Mountain Road. A non-building waiver has been approved by the Township SEO. Mr. Randy Allen of Dauphin Engineering and Mr. and Mrs. Costabile were present.
- Chairman Craig asked Mr. Allen if there were any changes on the plan from last month to this month and if there was any discussion regarding any changes.
 - Mr. Allen noted a new packet of information was submitted addressing all the comments from three various agencies, and they feel they fulfilled all the criteria and the comments noted.
 - Mr. Allen noted he had a couple of questions and some comments. He noted there was a dedicated right-of-way for PennDOT. PennDOT gave them a verbal they were not interested in the dedication; however, the note will stay on the plan that it was offered.
 - There was discussion regarding sending an e-mail to PennDOT confirming the information. If they respond, it can be printed out.

- Mr. Allen noted there are two waiver requests they are asking for. From discussions, it appears the engineers are both in agreement with the waivers and asked for comments from the Planning Commission for those.
 - Mr. Allen commented they were for significant topographic features 401.3.1 and the other waiver was for existing features within a hundred feet of the subject property requirements, 401.3.3. It was confirmed they were submitted in proper format.
 - There was discussion from the Planning Commission regarding the non-building waiver. By consensus of the Planning Commission, it was agreed to have Mrs. Eppinger sign the waiver and forward the paperwork on to DEP.
 - Mr. Allen asked Mr. Ulrich what the process was for the improvement guarantee that was submitted.
 - Mr. Ulrich answered it can be made contingent upon the signing of it. It is not anything the Planning Commission would get involved with. It will be a trimmed down version of a construction escrow that might be prepared for a subdivision.
 - Mr. Allen added an engineer's estimate was submitted with the latest information.
3. Halbleib (expires 8/02/09) – This is a land development plan located at 8685 Devonshire Heights Road in Hummelstown. No representatives for the plan were present.
- Chairman Craig noted no revisions were submitted for the plan, and there were no comments from the professionals, the Commission or the public.

NEW PLANS

1. Shutt (expires 7/06/09) – this is a final two-lot subdivision plan on Manada Gap Road. A non-building waiver has been approved by the Township SEO and submitted for approval by the Planning Commission. Mr. Shutt was present to represent his plan.
- Mr. Shutt introduced himself and asked what the next step would be for the plan.
 - Mr. Ulrich noted once they have the initial submission which is deemed administratively complete, the first meeting after that the Planning Commission asks LTL to prepare a cursory review letter to look at zoning, SALDO and major stormwater issues. The letter is read to give the applicant an idea of what they would be looking at and at the following meeting they would receive a full review approximately one week before the meeting.
 - Mr. Ulrich read his findings from his cursory review memo.
 - There was discussion regarding providing an escrow to cover the costs for the cursory review which can be handled through Mrs. Eppinger.
 - Mr. Smith reviewed his comments from his letter dated April 28, 2009. He also noted there are two sheds shown on Lot #2, the zoning information should include the setback information for residential accessory structures.
 - Mr. Smith also noted if anyone ever intends put in another driveway, a PennDOT highway occupancy permit would be required. He also noted the plan should identify and quantify which lot retains the Transferable Developmental Rights as outlined in the ordinance.

- Mr. Smith explained with the Transferable Development Rights, coming out of the farm and taking a portion and creating into a lot for his son, he can retain them or transfer it to his son and or they would each maintain their own.
- Mr. Shutt noted that would be his intention which is to keep the 2+ acres for him and his wife and the agricultural portion would go to his son.
- Chairman Craig noted there was a non-building waiver approved by the Township SEO. By consensus of the Planning Commission, it was agreed to have Mrs. Eppinger sign the waiver and forward the paperwork on to DEP.

OTHER BUSINESS

1. Proposed Ordinance to the SALDO – Discuss the proposed changes to the SALDO and make a recommendation to the Board of Supervisors.
 - Chairman Craig asked Mr. Ulrich for any updates and/or changes he may have for the Planning Commission.
 - Mr. Ulrich passed out the most recent revisions to the Commission.
 - Mr. Ulrich referred to the draft of the proposed ordinance, 2009 - ?. He noted DCPC has reviewed it and any changes since the review were made in color. He noted what is in black is the version which was originally distributed. What is seen in blue and red
 - Mr. Ulrich went through the extra packets and explained each pack, which corresponded to the changes that were suggested. He noted if it is a typo or something that does not concern the Commission to cruise right through the information.
 - Mr. Ulrich also noted the project is called SALDO changes immediate, versus long term. The idea is they are trying to quickly get some changes in place that are glaring weaknesses in the SALDO.
 - There was discussion regarding the definition of land development, which was taken out of the MPC.
 - Mr. Ulrich noted he would like to discuss any comments at the May's Planning Commission meeting along with an understanding that they changes can be incorporated and given to the Board of Supervisors to keep the process moving along.
2. Comprehensive Plan
 - Chairman Craig noted he distributed a copy of an article from the Lancaster Heritage Outlook addressing comprehensive plans.
 - He also noted the Board of Supervisors has given LTL the go ahead to move ahead with the goals and objectives outlined by the Planning Commission.
 - Mr. Ulrich noted there will be a kickoff meeting in his home office on Thursday, April 30 to see if they will be prepared for the May Comprehensive Plan Workshop meeting and he will contact the Planning Commission.
3. Board of Supervisors/Planning Commission Joint Workshop

- Chairman Craig noted there is a joint workshop scheduled for Tuesday, May 12, at 7:00 p.m. He asked all members to inform Mrs. Eppinger whether or not they can attend.
4. Formatting Style of Planning Commission Minutes
- Chairman Craig noted there was discussion regarding the transcription of the meeting minutes and the format.
 - He noted they are currently a transcript rather than a synopsis
 - Chairman Craig indicated he spoke with Mr. Wyland's noted it depends on what the Commission wants but also believes a synopsis may be more beneficial because it is meant to be a reflection of what was discussed and not a transcription.
 - There was discussion amongst the members regarding the format of the minutes
 - Chairman Craig noted in his experience, meeting minutes are intended to be a synopsis and not a transcription, and is the opinion of Mr. Wyland.
 - There was discussion regarding the tape retention policy.
 - By consensus of the Commission it was decided to have the format of the Planning Commission minutes follow a synopsis format.

ADJOURNMENT

Mr. Webb made a motion to adjourn the meeting at 8:30 p.m.

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 Glenn Moyer Mike Kovach Mike Webb</p>
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