

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

September 22, 2009

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

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

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

The meeting was called to order by Chairman Craig at 7:06 p.m.

APPROVAL OF MINUTES

- **Mr. Kovach made a motion to recommend approval of the meeting minutes of August 25, 2009. The motion was seconded by Mr. Moyer. Being no further discussion, the motion was approved 4 in favor, 0 opposed.**

PLANS TO BE DISCUSSED

1. Reichelderfer (expires 10/16/2009). This is a final subdivision plan at 665 Laudermilch Road/644 Shady Lane for an annexation.
- Mr. Kaylor was present on behalf of the applicant as well as owners Mr. Chad Reichelderfer and Mrs. Darlene Reichelderfer.
 - Chairman Craig asked with the formal review that was done if there were any open items.
 - Mr. Ulrich read through his review letter of September 2009.
 - There was discussion regarding verification of the monuments for the property corners and the issue of street trees to get a clean recommendation at the upcoming Board meeting.
 - Mr. Ulrich noted an improvement guarantee would not be needed if LTL can verify the proper placement of the markers and verify the street trees that are approved by the Planning Commission.
 - There was discussion regarding street trees. Darlene Reichelderfer and Chad Reichelderfer made a presentation.

- Mrs. Reichelderfer noted they would have no problem planting three of the trees listed in the ordinance on Route 743 portion of her property. The problem for Mr. Reichelderfer with the property on Shady Lane is there is a septic mound, his driveway and a short area between his property and the neighbors. There are power lines and the septic system. A 40 to 50 foot tree cannot be planted in that small of an area.
- Mrs. Reichelderfer suggested either the Thundercloud, with a height of 25 feet tall or the Flowering Kwanzan.
- Mr. Reichelderfer noted on the list of suitable trees, there is not one on there that does not get over 40 feet.
- There was discussion regarding Mr. Reichelderfer's lot. He pointed out for the Commission the position of location of the street tree and a telephone pole.
- There was discussion regarding the Thunder Cloud tree. Mr. Reichelderfer noted he did not think it would be intrusive to the power lines and is not a messy tree.
- Mr. Reichelderfer noted the yard on 743 would not be an issue and will plant whatever they are asked to plant.
- Chairman Craig asked if that was the only area they are looking to deviate from. It was clarified there would only be two trees in Mr. Reichelderfer's front yard with his septic tank and the telephone pole.
- There was discussion regarding the longevity of the Thundercloud trees Mr. Webb noted from his research the Kwanzan flowering Cherry has a longer life expectancy than the Thundercloud.
- There was discussion regarding the maturity size of the Kwanzan Cherry. Mrs. Reichelderfer noted they want to comply and can on the 743 side of the property according to the specifications.
- There was discussion with the access of the driveway and the lower limbs on the Kwanzan Cherry tree. It was noted there is a five-foot bank on the right-hand side of the driveway.
- **Mr. Kovach noted that given they have agreed to plant the conforming trees along the main thoroughfare, and provided additional information regarding the flowering trees desired to plant on the side street portion of the lot, he made a motion to recommend approval of the waiver 602.3.1.2 for Street Trees and the applicant be allowed to plant their Kwanzan Cheery trees. Mr. Moyer seconded the motion. Being no further discussion, the motion was approved, 4 in favor, 0 opposed.**
- Mr. Kaylor asked if the plan could be moved forward to the Board of Supervisors.
- There was discussion regarding the removal of the macadam.
- Mr. Ulrich noted if the Planning Commission is fine with allowing LTL to check when the work has been done when they are in the area, they can do that.
- Mr. Ulrich noted the pins and street trees will need to be done.
- **Mr. Kovach made a motion to recommend approval of the Reichelderfer plan to the Board of Supervisors. Mr. Moyer seconded the motion. During further discussion, Chairman Craig asked if there should be any contingencies. Mr. Ulrich noted they were pointed out during discussion. He noted it would be verified for the Board of Supervisors before getting approval. Being no further discussion, the motion was approved, 4 in favor, 0 opposed.**

2. Halbleib (expires 10/31/09) – This is a land development plan located at 8685 Devonshire Heights Road in Hummelstown.
 - Chairman Craig commented because of the expiration date of the plan, a motion will need to be made.
 - He noted no revisions have been submitted and no representatives for the applicant were present.
 - **Mr. Webb made a motion to recommend rejection of the plan based on the failure to meet Section 307.E., Section 308.N., Section 403.6.1.0, Section 502.1 and Section 506 of the Township ordinances. Mr. Moyer seconded the motion. Being no further discussion, the motion was approved, 4 in favor, 0 opposed.**
 - There was discussion regarding a grant of extension from the applicant.
 - After discussion regarding the motion, Mr. Wyland noted the motion was acceptable because the plan does not meet the sections of the ordinance cited in the motion.
3. Shutt (expires 01/02/2010) – this is a final two-lot subdivision plan at 484 Manada Gap Road.
 - Chairman Craig noted no revisions were submitted for the plan and a grant of extension of time was accepted by the Board of Supervisors.
 - Mr. Ulrich noted he spoke with Mr. Shutt regarding his engineering and Mr. Shutt indicated he will contact his engineer.

OTHER BUSINESS

1. Hilton Garden Inn Sewage Planning Module – Component 4A
 - Chairman Craig noted no additional information has been received to date.
 - There was discussion regarding carrying the item until further information is received.
 - Mr. Ulrich noted there is a meeting scheduled with the applicant and their engineer on September 23rd to discuss more technical items because their next hurdle would be the planning module and the alternatives analysis. He noted the Township would like to see more effort to serve the site from a gravity standpoint.
 - He added they have some questions and there was discussion regarding the possibility of looking at a more regional sewer service in the area.
 - He noted the meeting is at 10:00 a.m.
2. Zoning Ordinance Immediate
 - Chairman Craig noted there was no new information submitted
 - Mr. Ulrich commented he is still working on the timeline and there will be new information before the October meeting.
 - Chairman Craig noted Mr. Smith will be tied into the changes.
3. SALDO Revisions, Long Term

- Chairman Craig noted there was no new information submitted.
- Mr. Ulrich commented he is still working on the timeline and there will be new information before the October meeting.

NEW BUSINESS

1. Jeff Rettig - Resident

- Mr. Rettig is a resident of the Township and commented he is looking to annex slightly under 2 acres of property. He distributed a sketch plan.
- He discussed his property which consists of two lots; Lot #39 is 10 acres and the other lots marked #40a and #40B combined consists of about 14 acres, located at 185 Early's Mill Road.
- He noted there are several lots marked out from an old plan that is not viable from an approximately 30 acre field that is planted in corn and grass
- He noted he would like to annex about 1 ¾ acres to the east of his current property and the current owner is amenable to the idea.
- His commented his intentions for the ground is to plant a half acre of sunflowers, a half acre of Christmas trees and enlarge a vegetable garden, adding he does not intend to improve it beyond that.
- There was discussion regarding the planting of street trees and what he currently has on his property.
- Mr. Webb discussed the opportunity for the Township to bring properties into compliance with the character that the Township would have to have according to the SALDO.
- Mr. Rettig talked about the potential hurdles with street trees and the improvements guarantee. He added it is a corn field now and will be turned into a sun flower field
- There was discussion regarding monumenting the corners of the property, street trees, certification of improvements
- Mr. Rettig noted his intention is not to improve the acreage but to create a buffer for his property, but he is concerned about engineering and review fees.
- Mr. Webb discussed noted the waiver process is designed to provide an equivalent in another way and not to eliminate consideration of the process.
- Mr. Smith asked if the lot the 100 additional feet would be part of lots 38, 35, 34 and 33. Mr. Rettig answered if they were approved lots it would be.
- There was discussion regarding Phase II of Sandbeach Enterprises. Mr. Smith asked if it was ever approved. Mr. Rettig answered his understanding is it was approved but he did not do anything and it has expired.
- Mr. Rettig answered if he was able to purchase the property, it would reduce the density to which the developer would be entitled to otherwise. He added he was before the Planning Commission for consultation and feedback.
- Mr. Kovach commented he did an annexation a few years ago with an adjoining property, with no improvements and no plans to improve it. He noted the

ordinances with the street trees would apply if Mr. Rettig would choose to develop the land. Mr. Rettig answered he has no plans to develop the land.

- There was discussion regarding if in the future the land is developed, then the ordinances would have to be followed.
- Mr. Smith noted his concern would be by taking the 100 feet, the substandard lots are even more substandard if those lots exist.
- Mr. Ulrich noted there would be an ownership acknowledgment that the owner of that property Mr. Rettig is buying it from would acknowledge what is happening. He added according to the zoning map, it does not appear to have been recorded.
- Mr. Ulrich asked if it would be Mr. Rettig's intention when buying the boundary strip to re-write the boundary description to include them all as one lot.
- Mr. Rettig answered he would do that. He has no intentions of subdividing the corner lot. It was purchased separately. He noted the larger lot is in clean and green and the smaller lot is not.
- Mr. Ulrich asked if it would be the intention to create another parcel when the strip is purchased. There was discussion and clarification the land would be annexed to his 10+ acres.
- There was discussion regarding surveying for markers. Mr. Webb noted the area at the corner is heavily wooded. Mr. Webb noted existing trees would count for the street trees.
- There was discussion regarding a boundary survey, noting in a previous situation the Planning Commission indicated they would like to see it completed.
- Mr. Ulrich recommended for a boundary survey of the 10.24 acres in addition to the 100 foot strip that would be annexed.
- There was additional discussion regarding street trees.
- After discussion regarding the improvement guarantee, Mr. Ulrich noted if the lot is pinned when the boundary survey is completed before final plan approval, the improvement guarantee would not be required.
- Mr. Ed Kaylor asked to speak on behalf of Mr. Rettig and asked if the acreage would have to be certified from the lot that the 100 feet is coming from and also percs and probes would be required as a backup on the remaining site and on the home.
- There was discussion regarding the submission of a Form B Waiver. Mr. Smith noted the Form B Waiver defers planning and in the event there would be development, Mr. Rettig would have to submit a planning module.
- Mr. Wyland commented Mr. Rettig would be consolidating two of the lots and this would not be a new buildable lot. He added the concern may be with the remainder of the lot he is taking it from.
- There was discussion regarding the viability of the remaining lot.
- Mr. Kovach noted the subdivision from years ago would not be approved as it is now. There was additional discussion regarding finding percs and probes on the remaining land.
- Mr. Webb asked Mr. Smith if the applicant would be required to find a alternate site on his property if he does not currently have one. Mr. Smith answered the

concern would be where the property is coming from. He is adding property on to his with an existing house.

- Mr. Kaylor discussed the topography, percs and probes on the remaining area and additional dedication road dedication.
- There was discussion from Mr. Ulrich noting on a prior case there were two homes involved and the additional right-of-way was waived. Because this is an agriculture use, he noted it would seem appropriate. There was a large expanse area.
- The Planning Commission indicated it may be important to do the boundary survey but the topo outside of the lot that was going to be annexed off was not required. There was discussion regarding a waiver of the topo on the additional site, but requiring it for the portion to be annexed.
- There was additional discussion regarding percs and probes for the remaining land.
- It was pointed out with the Costabile plan and Mr. Kovach's annexation, a perc and probe was not required because a Form B waiver was submitted to DEP.
- Mr. Keith Oellig noted from his recollection of attending meetings over the years, the property in question was approved for a community sand mound.

Broadway Classics appears first on the Planning Commission agenda; however, the Planning Commission agreed to discuss the Ketterline Subdivision before the Broadway Classics because there was a representative present.

2. Ketterline Subdivision

- Mr. Dave Bitner of Robert Gabriel & Associates was present to represent the applicant and gave a brief presentation.
- He noted his clients are looking to subdivide a one-acre lot and put a dwelling on the lot and that Mr. Ulrich and Mr. Rob Gabriel met on the site to go over some the issues.
- He commented a speed study was discussed with the Board of Supervisors.
- He discussed the floodplain, noting a stream runs along the bottom edge of the tract and one that comes through the middle, adding a FEMA study has it indicated as a Zone A which means it was mapped but not studied.
- The ordinance requires any streams are required to have a study. He noted they are a distance away from the proposed lot. The applicant proposed to do a couple of cross run sections and run an abbreviated study to ensure there is no encroachment.
- Upon further discussion, Mr. Ulrich noted the approach they are using will be more than enough for verification.
- There was discussion noting small pine trees are on the proposed Lot #1.
- Mr. Webb asked if there are steep slopes in the immediate area with the change in elevation. Mr. Ulrich answered he visited the area and stood at the edge of the lot on the driveway of the other property which did not significantly drop off.
- It was noted percs and probes have been done so they would know the slope across the bed.

- Mr. Ritter asked if a waiver would be required for Zoning Section 230.3.3. Mr. Ulrich answered it would not be a waiver but more a matter of complying with the intent of the ordinance.
- He asked regarding the survey. They proposed to get a boundary survey of the entire tract. He indicated on a map the area they were proposing to get a topo survey.
- There was discussion regarding showing well isolation distances and septic verification.
- Mr. Ulrich suggested to show enough topo in the event there is any kind of surface runoff coming on to Lot #1 and negatively affecting it then they would have an idea from a drainage pattern standpoint what is going on.
- There was discussion regarding a row of trees being an issue for sight distance. Mr. Ulrich noted Mr. Ketterline and Mr. Gabriel indicated the trees would be removed and the bank would be laid back for better site distance.
- Mr. Ulrich indicated on the map where the survey information will come from. There will be a boundary survey, topo of Lot #1.
- Mr. Ritter noted for infiltration, he would like to be able to use the information from the percs and probes to design a rain garden for stormwater purposes and asked if those can be used because the rates are approximately 3 inches per hour on average.
- There was discussion regarding the stormwater infiltration not being in the same location as the perc and probe. Mr. Ritter answered it is not the same location but infiltration was done on several sites. All numbers were good on all sites.
- Mr. Webb answered he was making the assumption the values he got at Part A would be the values he got at Part B that have not been tested. Mr. Ritter added they would use the low end of the range.
- There was further discussion regarding using the results for stormwater.
- Mr. Wyland asked if there were soil maps showing the soil area is homogenous.
- Mr. Ritter answered there are soil maps, but he does not have them with him.
- There was further discussion regarding the soils and topography and Chairman Craig added having more information is better than making an assumption.
- Mr. Ulrich discussed the limiting zone and roof runoff. There was further discussion regarding rain gardens.
- Mr. Ulrich noted in looking at the intent of the ordinance, LTL had no issues with allowing the minor land disturbance and allowing the use of the test results which were favorable.
- Mr. Webb voiced his concerns regarding doing a subdivision by degrees and stormwater. There was further discussion regarding rain gardens and infiltration with the stormwater ordinance.
- Mr. Ritter asked if they needed to get the additional testing. Mr. Webb answered his concern is ensuring minimizing amount of water discharged from the site.
- There was further discussion regarding the rain garden and stormwater. Chairman Craig pointed out the stormwater ordinance has the bmp's for the rainwater garden. There was discussion regarding stormwater and the parent tract and the calculations for the rain garden.

- Mr. Ulrich noted this is currently a minor land disturbance, which would not require additional testing as long as the criteria is followed. After discussion, it was noted the criteria to be followed can be found in Appendix B.
- Mr. Ritter mentioned Section 623.3.2, open space and submitting a few in lieu of the dedication of open space.
- Mr. Ritter noted riparian buffers required around perennial or intermittent streams that pass through the site., adding there is a stream but nothing will be done near the stream. He added Mr. Ulrich provided a letter advising him if anything were developed on the remaining tract, the riparian buffer would have to be addressed.
- There was discussion noting the balance of the tract appears to be Christmas trees. Mr. Ulrich pointed out the part that is being subdivided off is nowhere near the riparian buffer.
- There was discussion regarding Section 327.2 of the ordinance. Mr. Smith read the ordinance for the Commission and Mr. Ritter. After discussion, Mr. Smith noted the stream would need to be shown on the plan.
- There was discussion regarding the open space fee. It was recommended to contact Mrs. Casey for the calculation of the fee.

3. Broadway Classics

- Mr. Smith noted the Commission should have a copy of the application and a response dated March 18, 2009, to Mr. Harrison Bink, architect, from his correspondence of March 4, 2009.
- He added Section 5 of the application is Mr. Bink's request and also provided a copy of the ordinance from the Industrial Zone and a cover letter to give an indication of what his response was and what his response is to the front page of the application.
- Mr. Wyland discussed the procedure for a Conditional Use Application, noting it was filed on September 9th and within 60 days, the Board of Supervisors must conduct a public hearing and has to rule on it.
- He also commented the ordinance also requires the application to come before the Planning Commission. The timing of the hearing will be allowed to take place in the first meeting of November, so it gives the Planning Commission September and October to review and provide a recommendation to the Board.
- He discussed the use of "dinner theatre" not being provided for in the ordinance, and the applicant having the option of initially pursuing it with the Zoning Officer to have it included in one of the existing definitions.
- The Zoning Officer told them it does not fit within any definition of any existing use within our ordinance. It was different enough that it did not fall under any ordinance and noted it is a use otherwise not provided for in the ordinance.
- Mr. Wyland discussed some of the options of the applicant.
- He noted what it should be asking for is for the Board of Supervisors to grant a Conditional Use for a Dinner Theatre based on whatever conditions the Board and Planning Commission recommend be applied to it within the Industrial Zone.
- It may be decided there may be no set of conditions that are appropriate.

- He noted the application quotes Section 220. It seems to be asking for a Conditional Use determination by arguing that it is really implicitly the set of convenience uses that are permitted inside an Industrial Zone. Mr. Wyland noted he agrees with Mr. Smith's analysis because he is trying to apply some review criteria.
- He discussed Sections 704 and 107, adding the Planning Commission would have to make a recommendation on what was presented
- Mr. Webb noted the application is incomplete. They were proposing a 350 seat theatre with approximately 150 seat dining area. What they appear to be doing is creating a theatre that provides eating. It would be more of a theatre that provides food which is not included in a Highway Industrial. They are included in the Highway Commercial. He noted the infrastructure is not designed to accommodate busloads of people.
- A question from an audience member was inaudible because the resident did not come to the microphone. In answer to the question, Mr. Smith noted there is a variance request before the Zoning Hearing Board regarding the driveway but has not yet been addressed.
- There was discussion regarding a house currently occupying tract #2 which is not shown in the features.
- It was noted the Zoning Hearing and the Conditional Use were applied for concurrently.
- There was discussion regarding the driveway. It was noted there is a work-around for the driveway but there is no work-around for the conditional use.
- There was discussion regarding contacting the applicant to inform him his application is incomplete and they ought to be asking for a conditional use, if that is what they want. If they want to reconsider, they should resubmit.
- There was further discussion regarding the applicant resubmitting the application.
- There was discussion regarding contacting the applicant. During discussion, it was pointed out Mr. Smith would need to contact the applicant.
- There was discussion regarding "Use Not Provided For", noting it would not fall under this guideline.
- There was discussion regarding the definition of Night Club and Dinner Theatre.
- Mr. Smith noted he did not believe a Dinner Theatre and a Night Club are the same.
- There was discussion regarding an Accessory Use to an Industrial Zone.
- There was discussion regarding a Use Not Provided For.
- There was discussion regarding the impact on the road and the traffic for the location.
- It was noted the Planning Commission has an additional month to discuss the application.
- After discussion, it was noted Mr. Smith will pen a document for Mr. Wyland's review and approval before it is sent to the applicant.

4. Comprehensive Plan

- There was a general consensus of the Commission to cancel the workshop scheduled for September 30th because there was no new material to discuss.
 - Mrs. Eppinger will post the cancellation on the door and contact individuals at LTL.
 - Chairman Craig noted he received Mr. Longreen's homework assignment for the comprehensive plan on the local roads. It was decided Mr. Webb will scan the document and distribute to the members and LTL consultants.
5. PennDOT Letter
- Mr. Wyland read a letter provided by Mr. Longreen informing the Township they will be building a storage shed in the southbound rest area.
 - There was discussion regarding plans which can be requested. Mr. Smith answered he will request a copy of the plans.
6. Broadway Classics Conditional Use Application
- Mr. Ulrich asked about the typical procedure for review as far as review and timed submission. He noted because of the short time-frame, he did an abbreviated review and has not been finalized.
 - Mr. Wyland reviewed the Township procedure and there was discussion regarding review time.
 - There was discussion regarding Mr. Ulrich starting the review as soon as he obtains the information.

ADJOURNMENT

Mr. Kovach made a motion to adjourn the meeting at 9:43 p.m.

Respectfully submitted,

Transcribed by Dawn E. Eppinger

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