

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

**November 24, 2009**

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

Also Present: Norman Ulrich, Township Engineer;  
David Smith, Township Zoning Officer  
Scott Wyland, Hawke, McKeon & Sniscak, Township Solicitor  
Dawn Eppinger, Administrative Assistant to the Planning Commission  
Absent: Leah Rowand, 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 7:04 p.m. .

**APPROVAL OF MINUTES**

- **Mr. Moyer made a motion to recommend approval of the meeting minutes of October 27, 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. Halbleib (expires 01/29/10) – This is a land development plan located at 8685 Devonshire Heights Road in Hummelstown.
  - Mr. Craig Raynor was present as a representative for the plan.
  - Chairman Craig noted the revisions were received and a copy of Mr. Ulrich's notes were received by Mr. Raynor.
  - Mr. Raynor answered he responded and addressed the comments and sent them back. He understands Mr. Ulrich did not have the opportunity to review the responses.
  - Mr. Raynor noted in the initial review letter, most of the responses were no action items or housekeeping items. There were some items with regard to the storm water management. He believes they were technical in nature.
  - He noted the storm water management plan was updated as part of the resubmission. The plan has not changed.
  - Mr. Raynor noted they went to the Board of Supervisors and sorted out the waiver requests. They used the waivers that were and were not granted and revised the plan.

- He noted the big change was relocating the detention basin out of the driveway area, put in some of the ag land so that it was going to be constructed new to have the clay core. Anti-seep collars and pipe sizes were designed per the ordinance since they are starting out new. He noted they are going to replace the 8" pipe under the driveway embankment with a 15".
- He noted they received an updated approval from the Dauphin County Conservation District
- He noted they received the Zoning Officer's letter which was clean.
- Mr. Smith they are going to remove the stones that are down by the bottom. He noted he showed the area that needs to be moved out of the way to Mr. Halbleib and asked if it was done yet.
- Mr. Raynor answered Mr. Halbleib is waiting until he gets the approvals. There is an area shown on the plan where he is going to pick up the boulders and put it back to the way it was.
- Mr. Raynor noted they would like to request for the Commission to consider giving a conditional recommended approval so and then when Mr. Ulrich review their revisions, they can take any comments from him and go in front of the Board of Supervisors with a clean letter.
- Chairman Craig answered, in speaking for himself, is the reason why it was approached differently to get the comments back to Mr. Raynor earlier was not necessarily so the normal procedure would be circumvented. They were trying to adequately help them get the information in advance to get it back to the Planning Commission.
- He explained normal procedure would be the changes accepted at the current meeting. He noted Mr. Ulrich indicated he did not have a full review of the response to Mr. Raynor's comments, and moving in that direction is not really a sharp thing for the Planning Commission to do.
- He added they have been doing everything they can to aid the plan to move along. He noted he would like Mr. Ulrich to get his final review and sign off on it and get everything cleaned up and get a clean set in front of them so the Planning Commission can sign off on it at that point.
- He added that is his personal view but he will look toward the other members for their opinion.
- Mr. Webb answered on a personal level he is much happier if the Commission sends a clean submission without a lot of conditions to the Supervisors, adding theoretically zoning issues should be addressed before a final plan approval. There is time to do that and time for Mr. Smith to go out and verify it has been accomplished instead of getting it in front of the Board and getting a conditional approval. It would be cleaner and faster to get the loose ends cleaned up.
- There was discussion regarding addressing the zoning issues. Mr. Smith noted he will accept the Solicitor's opinion, but feels it could be done prior to the issuance of a zoning permit, but he does not feel it is something that should hold up the subdivision and land development process.
- Mr. Wyland agreed and noted it would need to be satisfied before the zoning permit is issued. The most important factor for the land development plan is that the engineer has completed his final of the plan that is submitted.

- Mr. Ulrich noted it is the resubmission because the original review is completed. He added what is unique to this project is the way the driveway was installed and discussion about stopping work on driveway, which Mr. Halbleib has done.
- He added the plan is unique because typically there are guidelines for after the plan is approved; however, now to get the zoning compliance, there are issues that need to be addressed before it is issued.
- Mr. Ulrich noted if it is OK with the Solicitor and Zoning Officer, it would make sense to correct the issue as far as moving of the rocks before the plan compliance.
- Mr. Smith confirmed it would need to be completed before the zoning permit is issued.
- Mr. Raynor noted the land development plan notes the work has to be performed
- Mr. Smith added it has been addressed in his statement, adding a mechanism is in place to have the issue addressed before any permits are issued.
- Chairman Craig asked Mr. Moyer if he had any comments.
- Mr. Moyer noted he agreed with Chairman Craig and Mr. Webb.
- Chairman Craig noted to Mr. Raynor that Mr. Moyer is agreeing with the fact that Mr. Ulrich has not completely review the response and it should be cleaned up in advance so Mr. Ulrich can get his comments completed and if it is immediately returned it can be addressed at the December meeting.
- Mr. Raynor noted the one comment that was remaining were the recreation fees.
- Mr. Ulrich answered the recreation fee would be handled through Mrs. Casey, the Township Secretary/Treasurer.
- Mr. Raynor commented the issue may be if the fee is required. He added the issue was discussed before the applicant is moving across the street. He noted the comment reads, "this section requires dedication of open park and/or open space when one or more new dwelling units is created. Open space shall be as per the Township's recreation plan which specifies 0.052 acres per dwelling unit.
- He added since there is only one new dwelling unit, .052 acres would be required. The site is not close to any future parks identified in the recreation plan. Section 623.3 lists alternatives to dedication which the applicant and Township should discuss.
- Chairman Craig answered with other subdivision plans that came before the Commission, there has been a fee in lieu of as well and they normally stick with the recommendation. He asked for other ideas but noted he is in favor of continuing it. He noted this can be asked as a waiver from the Board of Supervisors.
- Mr. Raynor answered he does not know if it is a waiver as much as it is a discussion of the ordinance.
- Mr. Webb read the alternatives to the fee from Ordinance 623.3
- Mr. Raynor asked about dedicating the open space or just solely for the use of the development itself.
- Mr. Webb re-read Ordinance 623.3 and added if the space design requirements are read, a more economical approach is providing for a fee in lieu of.

- Mr. Raynor asked if the Township would consider a waiver if they submitted one for the fee.
  - After discussion and re-reading through the ordinance section, Chairman Craig noted it says the word “must” in the ordinance so there would not be an option.
  - After discussion, Mr. Ulrich offered since he already has the submission if the applicant is interested, they can look at the submission and if there are any outstanding comments the Planning Commission might be uncomfortable with giving approval on, they can meet with the applicant’s engineer, modify the plans, submit them and have a clean set of plans at the December meeting.
  - The Planning Commission and Mr. Raynor noted they would be in favor of the idea.
2. Shutt (expires 01/02/2010) – this is a final two-lot subdivision plan at 484 Manada Gap Road.
- Chairman Craig noted in order not to miss the motion for the expiration date, he suggested a motion be made unless the plan has the opportunity to move on
  - Mr. Ulrich answered he does not see anything holding up the plan He noted this is a “dotting an I and cross a T thing”.
  - Mr. Morrett introduced himself as a representative for the applicant. He noted he received the review letters.
  - There was discussion regarding the engineer’s general comments.
  - Mr. Webb asked what the applicant would need to be as far as the guarantee
  - Mr. Ulrich answered it would be handled very similar to the Reichelderfer plan. If it is the applicant’s desire not to provide an escrow, they put the monuments and street trees in prior to the Board granting final approval which can happen between now and when the Board meets.
  - Mr. Ulrich noted the Board will accept the plan at the first meeting. When the monuments and street trees are installed, LTL will verify installation and asked for a surveyor certification and the comment would be addressed.
  - During discussion, it was noted that a survey certification would be sufficient.
  - Mr. Morrett noted the pins are currently in.
  - Mr. Ulrich answered the construction escrow would be the Township’s guarantee. During discussion it was noted the developer’s agreement and construction escrow would not be needed if the monuments and street trees were placed.
  - Mr. Ulrich noted he did not have any issues with a conditional approval, conditioned upon the certification letter. There are only a couple of items.
  - Chairman Craig asked if the Planning Commission would like to make a recommendation.
  - **Mr. Webb made a motion to recommend that the Shutt plan be sent to the Board of Supervisors for conditional approval pending the completion of dealing with the notes in LTL Consultant’s letter dated November 20, 2009, including three primary comments and one general comment. Mr. Moyer seconded the motion. There was further discussion.**
  - Mr. Morrett asked if the revisions and notes should be incorporated into the plan before it goes to the Board.

- Chairman Craig answered it would be expedient to do that.
- Mr. Ulrich noted it he chose to do that, that would be fine. He noted if it was not done and the applicant approached the Board, a conditional final approval may be offered. If they are taken care of beforehand, there would be no need for a conditional final approval.
- Chairman Craig asked Mrs. Eppinger to make the Supervisors aware of the expiration date of the plan, noting the plan would generally be accepted at the first meeting and acted upon at the second. If it does not go through at the second meeting, they need to be aware of the expiration date.
- **Being no further discussion, the motion was approved, 3 in favor, 0 opposed.**

## OTHER BUSINESS

1. Hilton Garden Inn Sewage Planning Module – Component 4A
  - Chairman Craig noted no revisions have been received to date.
2. Zoning Ordinance Immediate
  - Chairman Craig noted Mr. Ulrich had information to be distributed to the Planning Commission.
  - Mr. Ulrich noted the information he distributed to them was also sent to them via e-mail. He also noted Mr. Smith has a copy for review and comment.
  - He noted he will distribute a copy of the timeline to Mr. Smith
  - He noted the intention to give a draft to discuss the items in the scope of work for them to review and forward preliminary comments around the middle of January.
  - There was discussion regarding long term changes.
  - Mr. Ulrich noted it will not be addressed until the comprehensive plan is close to completion.
3. SALDO Revisions, Long Term
  - Mr. Ulrich distributed a copy of the timeline to the Planning Commission and noted the timeline is for how LTL anticipates the changes to happen.
  - He noted it is currently scheduled to be completed March of 2011. To try to keep the pieces to a manageable size for the Planning Commission, they will break the SALDO down.
  - He commented the SALDO is currently not the intellectual property of the Township. They have put the SALDO in word format. It will be available to the Township.
  - He noted will take each article they feel is a manageable size, submit it to the PC, give them a month to review. When the Planning Commission is offering comments on one section, LTL will be working on the next section.
  - He noted the dates correspond to the monthly meetings. He added more information will come by the middle of December.
4. Flow Chart – Condition Use Application

- Chairman Craig noted the flow chart was received from Mr. Wetzel at LTL.
- Chairman Craig asked if the flow chart should be rolled into the SALDO revisions. Mr. Webb agreed with the idea.
- Mr. Ulrich noted the main understanding reflects what is currently in the SALDO with regard to sketch, preliminary and final plan requirements. He noted if they needed clarification and changes, they could be rolled into the SALDO, long term changes.

## **NEW BUSINESS**

Chairman Craig received agreement from Penn National to allow Mr. Lowell to make his presentation first.

1. Don Lowell – Representing resident Eric Turns
  - Mr. Lowell introduced himself as the representative for resident Mr. Turns, noting he owns property at the corner of North Hill and Old Jonestown Road, 2.12 acres.
  - He noted there is an existing residence close to the intersection. A swimming pool and garage are improvements in the back of the property, along with undeveloped property.
  - He noted Mr. Turns is looking to split the property, leaving the garage and home on one lot and a buildable lot of over an acre to the rear of North Hill Drive.
  - He noted he does not feel there are any major issues or hurdles that there may be some interpretation questions.
  - There was discussion regarding storm water management and grading plans. He asked if it would be able to be deferred until the building permit is issued as it is done in other municipalities. There is over an acre where a home will be built and storm water management is very proprietary to where the building will be put; the amount of impervious surface.
  - Mr. Ulrich noted he does not have an issue with that. He added what he would be looking for would be site restrictions; i.e., wetlands, setbacks. He recommended showing a box and a driveway even to show from a grading standpoint that a home can physically be put on the property.
  - Mr. Lowell noted there are no wetlands on the property, per say, and no other limiting factors such as steep slopes.
  - Mr. Ulrich spoke about driveway slopes and site distance. He noted he would defer to the Planning Commission but just showing a box and a driveway to show there is good site distance, no problems with driveway slope and after completed, the house could be moved to where they chose inside the setback.
  - He added the minor land disturbance permit will not be a problem because before anyone can obtain a building permit, a storm water permit is required.
  - Mr. Webb noted it would be important to show other structures on the boundary and slope lines.
  - Mr. Lowell added they would show the contours. There are no other improvements or structures.

- There was discussion regarding placing structures, steep slopes, wells, on the drawing which would prohibit the builder from placing a structure.
- Mr. Webb added well heads may need to be shown.
- Mr. Lowell noted sewer is available. He pointed out the existing well.
- Chairman Craig suggested for him to see the neighbors as well, being relatively close.
- There was discussion from Mr. Smith regarding Mr. Turns' address, which is on Jonestown Road. He noted he asked the question because it has a bearing on the setbacks, what the street address would be to be considered the front yard. He has two front yards. What would be to the south, the new line he is creating would be the rear yard as opposed to the side yard.
- After discussion, Mr. Lowell noted he could make a note on the plan to defer the storm water requirements until the time of building permit issuance, noting he asked some minor grading in regard to the driveway and getting site distances, etc., cleared.
- Chairman Craig added he will need to ensure the lot would be a conforming lot.
- Mr. Lowell confirmed for Mr. Webb the total lot size is 2.12 acres.
- Mr. Webb asked if he would be reducing the primary lot to less than an acre. Mr. Lowell confirmed it would be approximately one half acre.
- Mr. Smith confirmed they are allowed 15,000 square feet with sewer.
- Mr. Lowell noted after reduction, the lot will be in excess of 20,000 square feet.
- Mr. Smith noted it is an existing non-conforming structure.
- There was further discussion regarding setbacks.
- There was discussion regarding the widening of North Hill Drive and it encroaching upon the structure.
- There was discussion regarding eminent domain.
- Mr. Smith added their intent is not to reduce it to a non-conforming lot. It is a non-conforming structure, not a non-conforming lot.
- After further discussion regarding eminent domain, Mr. Smith noted Mr. Lowell will still have to show the setbacks on the lot.
- There was further discussion regarding if North Hill Road was widened. Mr. Ulrich noted if anyone was going to do any work to the intersection, the first thing would be to make the intersection 90 degrees.
- Mr. Webb suggested showing what is within 200 feet of the property lines.
- Mr. Lowell thanked them for their input.

## 2. Penn National Gaming Sketch Plan

- Mr. Charlie Courtney introduced himself as a representative for Penn National. He also introduced Jack Rauen of Penn National, John Pyne with Traffic Planning and Design, Frank Quigley, General Manager of Penn National and Jim McCarthy, the Project Engineer with McCarthy Engineering.
- He noted Penn National is proposing an approximately 45,000 square foot expansion/addition to the casino. The purpose is to house principally additional slot machines and if and when the legislature permits table games, those as well and touched on the following:

- The expansion will largely occur over existing paved areas, mostly parking. From an additional impervious standpoint, impact will be very minimal.
- They are in the process of preparing a land development plan, but do not anticipate submitting the plan until after the new year and wanted to use the time to get feedback upfront as opposed to later in the year
- They are looking at two scenarios. The first would be putting table games within the existing facility, if they are approved and completing the renovations by Memorial Day.
- They feel the scope of the renovations will require a building permit; they will be submitting the plans within the next couple of months for the interior renovations.
- The second aspect is the addition. Their goal is to have an approved and recorded land development plan for the expansion by Memorial Day so that construction can begin on June 1<sup>st</sup> and the expansion can be opened by the end of the year
- They came before the Commission to get input up front for a smooth process and to consider the input and incorporate it into the plans.
- Mr. Courtney noted they have been meeting with Township engineer and the traffic engineer in an effort to get as much input as possible so the plans received by the Planning Commission are closer to being cleaner plans the first submission, no later than the second.
- They spoke of getting feedback and discuss waivers but will not be asking for any recommendations, which will be done in a separate written request to possibly make the formal request in December.
- There was discussion regarding submission of the waiver before the plan submission
- Mr. Wyland commented normally they are in tandem with the plan because they are part of the plan process. He also noted in the past procedurally, the Township has had a plan pending.
- There was further discussion regarding the waivers. Mr. Courtney pointed out there are some waivers on plans that are fundamental to the design and it may not make sense engineering a plan when they are not sure if the waiver is going to be supported and the design would not be supported. He added it is legally permissible for waivers to precede the submission of a plan.
- Mr. Jim McCarthy introduced himself as the project engineer and made the following comments:
  - He pointed out on the plan Mountain Road to the North, Bow Creek to the West, Fox Run to the South and Firehouse bisects the site where the barns and stables are. He also pointed out their wastewater treatment plant.
  - He pointed out on a map the area of proposed expansion to the existing casino facility, which is over the existing valet area.
  - There was discussion regarding the delivery trucks and it was noted it would not be in the same area the trucks come in. It was pointed out where the trucks make the deliveries.
  - He noted the new facility would be configured that the valet service would continue to drive under it. It would be elevated.

- He commented the ramp that accesses the valet would be relocated around the addition to get the vehicles down into the valet lot.
- He pointed out on the plan where the loading docks are located for deliveries which will be unaffected.
- There is a small addition to the utility yard and there will be other air handlers. The fence enclosure will need to be moved out for the utility yard.
- He pointed out the paved area and noted there is a few thousand square feet of existing grass that will be covered by the building, being changed from pervious to impervious.
- He noted they had some discussion with Mr. Ulrich on how to handle the design. The soil testing was done earlier in the week for the BMP's.
- He noted with sewer and water, they are projecting using DEP's numbers that the addition would have an increase of 12,000 gallons per day which is well within the limits of what was previously approved from a planning standpoint.
- When the facility was originally constructed, DEP allowed 43,500 gallons per day to the facility which would well cover the anticipated expansion.
- As a result of tearing down the older inefficient facility, getting rid of 10 gallon flush toilets, going to .9 urinals and 1.8 gallon flush toilets, they are using less water and generating less wastewater today than the facility did prior to the expansion.
- The wastewater treatment plant was seeing an average of 138,000 gallons a day in 2003; currently it is 114,000 gallons per day. At the time planning was allocated, it was pushed up to a planning number of 210. All the supporting documentation will be submitted through the process to the Township.
- He noted there is no need to go through sewer planning because they are well under their approved planning numbers for the facility.
- Chairman Craig asked if the previous sewage plant was a replacement plant.
- Mr. McCarthy answered it was an upgrade. It was a replacement of the plant, which was demolished.
- He noted DEP has allocated 210,000 gallons a day for planning purposes to the plant. They are not using anything near that because of water savings features in the new building.
- They are utilizing a re-using system where they use the treated affluent for flushing water in toilets and urinals in the facility. They currently use about 32,000 gallons a day of reuse water, including the cooling towers.
- The current consumptive use numbers average around 150,000 gallons a day; whereas the SRBC allowed 425,000 gallons a day.
- They will be relocating some landscaping, parking lot lighting and reconfiguring some parking lot spaces with the addition and valet area parking spaces. The totality of the project is a two-acre area immediately north of the existing casino.
- Mr. McCarthy asked for questions.
- There was discussion regarding parking spaces. Mr. McCarthy noted they are required to have 2,805. With the losses, they are netting out with the reconfiguration, they will have 3,966. They are 1,100 over the requirements, which includes the addition.

- Chairman Craig asked Mr. Ulrich, after having met with them, if he saw any large hurdles and what are the key components
- Mr. Ulrich answered the major concerns of Mr. McCarthy and his company were discussed regarding storm water. There is a net gain of approximately 6,000 square feet impervious. With the way the ordinance is written, it does not require the entire site to conform because it is an addition.
- He added from a storm water standpoint, the realized increase runoff that is generated by the additional impervious surface is subject to the ordinance. The hurdles they are working with are how to control the additional 6,000 square feet and working it in with what they have.
- Chairman Craig asked if they see the property size as a problem. Mr. McCarthy answered they do not. Two separate areas have been identified and testing was done with a representative from LTL.
- Mr. Ulrich noted the area by the entrance was found to be unsuitable. There was some construction activity that had spilled over into the area.
- Chairman Craig asked if it was close to the existing detention basin. Mr. McCarthy answered yes and noted the existing basin is right inside of the easement. He pointed it out on the plan.
- Mr. McCarthy added the first concept they tested for was to put in a BMP four-bay ahead of that, pick up runoff from the loop road to equate the 6,000 square feet and do the water qualities BMP in that location (he pointed to a location on the plan). He pointed to another location and noted they are moving it to that area.
- Chairman Craig asked if there are other key issues.
- Mr. Ulrich noted with regards to the 6,000 square feet of extra impervious, as long as sub basins are not being changed in regards to watersheds, that is fine. It can be looked at as an overall net effect.
- He added the issue there is going to be work that can affect some pipe runs and inlets. The way the ordinance is written is more stringent than the way the pipe system was designed on the site beforehand. Right now the system is required to handle a hundred year flow without surcharging the inlets. The pipe system was designed for either a 10 or 25 year storm with a full flow pipe.
- It will not surcharge the inlets so once he re-runs that, we will find out whether or not it can handle that or if it cannot what they may be forced to look at is detaining some of the runoff and metering it so the overall effect is a net zero (he pointed to an area on the plan). He has not spoken to the gentleman at McCarthy Engineering about it but that is some of the discussions going on.
- Mr. McCarthy noted the under the old ordinance, it was designed to meet the standards for a 10-year storm and 25-year storm with no more than a foot of ponding above the inlets to pass it under pressure. It is an integral system that covers the whole facility. There is a very extensive storm water system in place.
- There was further discussion regarding the storm water ordinance.
- Mr. McCarthy noted with the previous plan, Penn National went above and beyond the ordinance
- Mr. Ulrich asked if the one basin is still set up as an E&S basin and has not been converted over yet.

- Mr. McCarthy answered he was correct. He pointed to a location on the plan and noted that area is already covered under the NPDES permit, adding the Township was informed last year they renewed and extended the permit for an additional five years. The addition is a minor modification of the existing permit. It was planned the basins would remain as sediment basins until all future improvements were done.
- There was discussion regarding the expiration date of the NPDES permit.
- Mr. McCarthy distributed a copy of intended waivers and noted they are not formally submitting them at this time.
- Mr. McCarthy read through the list of intended waivers and explained each one. Those sections were:
  - Section 303, Preliminary Plan - There was discussion regarding the preliminary/final plan. Mr. Courtney noted a building has already been constructed and they are putting an addition on.
  - He understands the request they are making may be unusual to East Hanover Township, what they are asking is that the request be considered with their circumstances in mind. A preliminary then a final plan process will take more time. He added they have a Memorial Day deadline that is essential to the competitiveness of the casino.
  - Section 602.3.4, Upgrade or modification of existing streets that front on or bisect the subject tract
  - Mr. McCarthy noted last time significant changes were made to the Bow Creek Road entrance, with the right-turn deceleration lane, re-aligned the entrance to 90 degrees, cut the slope back, installed storm sewer improvements and lighting, landscaping and other improvements.
  - Chairman Craig asked about the short falls. Mr. McCarthy answered they are not aware of any shortfalls on Bow Creek Road, being the main access road.
  - Mr. McCarthy noted the ordinance is written subjectively so he is not sure he could go out and say if it meets the ordinance or not.
  - There was further discussion regarding how the ordinance is written; getting feedback from the Board and Planning Commission.
  - There was discussion regarding Section 602.3.4; it was clarified the way the ordinance is written it would be any street that abuts the tract or bisects the tract.
  - Sections 609.1 and 610.1 – these are similar. Mr. McCarthy noted as far as the curbs and sidewalks goes, this would be a monumental task and he is not sure anyone would benefit because the streets from the facility are three quarters of a mile away.
  - Mr. McCarthy noted the parking lots are curbed, and all of the patron parking in the front of the facility is curbed. The valet itself is not curbed by definition, but it is not patron's driving. They are professional valets.
  - There was additional discussion regarding parking areas at the barn and stables, wastewater treatment plant that and various places not having curbing, but they are not used by patrons, only employees.
  - Mr. Ulrich noted there are areas that are hatched off where the support structures are for the building. He suggested using painted curb blocks for better protection to support structure of building.

- Sections 618.1.5 and 618.1.6 – these are similar. Mr. McCarthy noted it calls for all 6” caliber trees to be located on the plan and labeling tree masses and 20” caliber trees. He noted they have 600 acres, most of which is wooded, which they are not proposing any development in.
- He noted the original survey was an aerial survey which locates the tree lines but not the trees. No trees are being impacted in this plan, other than 1 ½” trees which were planted along the building façade. They are not impacting any woodland areas as part of the project. They will be looking for a waiver.
- There was discussion regarding whether or not a waiver from this was given on their previous land development plan. Mr. McCarthy answered they were granted a waiver regarding any feature outside of the work area, survey, wetlands, contours, trees, slopes. It was limited to the 88 acres of disturbance shown on the plan.
- Mr. Ulrich added when the original plan was in here it was under the ordinance that preceded the 2003 ordinance so there was a lot less detail in the ordinance.
- Mr. McCarthy noted they did a lot of things that were not in the old ordinance but were in the newer one.
- Chairman Craig noted he would like to get some feedback from the engineer.
- Mr. McCarthy added there were no individual trees shown, just tree lines adjacent to the work area.
- Mr. Ulrich answered he does not have any issues with Sections 618.1.5 and 618.1.6. The work is in an area that is already developed. Those sections are intended to protect existing substantial trees in the case of the 6” and the specimen trees in the case of the 20”.
- Section 618.7 – street trees. Mr. McCarthy noted they have miles of street and have significant woodlands on site and significant landscaping. The islands are landscaped and tree-lined on both sides. Specimens trees are located along the Bow Creek entrance for preservation as part of the previous project.
- He added it does not seem beneficial to put trees along Mountain, Firehouse, Fox Run and Bow Creek Road. He noted it would tie into the next waiver.
- Section 618.8 – planting buffer along exterior property lines – Mr. McCarthy noted he understands for screening purposes. He would not see any benefits from putting in street trees and planting buffers along roads when the facility is located so far away from the roadways themselves.
- Mr. Webb answered there are always some environmental advantages to planting trees. He mentioned the aesthetics from trees.
- Mr. McCarthy acknowledge there is a place for it in the ordinance and especially where there is a new housing development. When there is a physical separation from an impervious roadway to their developed area of which most of it is grass, wooded, stream corridor, some areas that are farmed off of Fox Run; they are not really dealing with the same situation.
- Chairman Craig noted what Mr. Webb was essentially saying is the general population still benefits from having the street trees to go along with the overall look.
- Mr. Webb added part of the waiver process is they should either be proposing is if you do not want to do specifically what is required, part of what he would be

looking for is coming up with an alternative that meets the same end goal and meets the spirit of the intent.

- Mr. McCarthy answered he feels they already did that previously with putting all the trees in the parking area that were not required by the ordinance at the time.
- There was further discussion regarding the planting of trees.
- Mr. Webb asked if their firm would possibly consider putting some of the trees under a conservation easement in order to maintain the woodland in the future.
- Mr. McCarthy answered his firm cannot agree to that.
- Mr. Webb corrected himself with Penn National. He noted that is an alternative to planting street trees all the way back.
- Mr. Webb discussed further the conservation easement.
- Mr. Courtney answered there are two parts they are focusing on. The benefit of having trees and the benefit that whether it is an aesthetic benefit or an environmental benefit.
- Mr. Courtney discussed whether they would want street trees all the way down Firehouse Road on both sides or all the way down Bow Creek, Mountain Road and all the way on Fox Run the entire front of the property. He is not sure that is what they want or if it makes sense.
- He added what he is hearing is that they would like to see some street trees and come up with some type of proposal and try and meet the spirit of what was intended.
- There was further discussion regarding the street trees.
- Section 618.10 – parking lot landscaping – Mr. McCarthy noted they were looking for clarification. Does this apply to all new parking lots and areas of parking lots that they modify.
- Mr. Courtney noted where you are impacting a parking area or proposing a parking area, an additional parking area, the intent would be whatever would be new would be what you have to do. It is not a retroactive application.
- Mr. Wyland answered he understands the issue but does not have an answer on how big the project has to be before certain parts of it are essentially pre-existing non-conforming structures that do not have to be changed through the development of only a portion of the track. He noted he will look into it.
- Section 618.12 – Mr. McCarthy noted it was along the same lines but requires landscaping within detention basins. This is an interpretation. For the existing basins that are already designed and constructed would they not have to comply with the ordinance. They asked for direction on it.
- Mr. Wyland noted he would look into the issue.
- Storm Water Ordinance – Mr. McCarthy asked the question of whether new storm segments must be able to handle the hundred year storm. Existing storm sewer that is being extended may be allowed to follow the previous ordinances.
- Mr. Webb noted his technical concern would be if there would be a new storm sewer that is built to the hundred year storm criteria but connected it into part of the older system at this point, effectively defeating the purpose which is to reduce the amount of localized flooding or for better retention.

- Mr. McCarthy noted that this why they are asking for some interpretation and clarification.
- Chairman Craig noted Mr. Ulrich brought up a scenario about putting some sort of basin closer to the facility that would regulate.
- Mr. Ulrich answered it would be undesirable for the applicant because there would be a certain cost associated with it. If it were above ground, it could be routed or mottled, reviewed and built. From a cost standpoint, it would not be very favorable.
- He added he spoke with Jason at McCarthy Engineering about re-running it using a 10 year storm and the portion upstream from it, they would have to re-run the system for the hundred year storm and see what was going on.
- Mr. Ulrich noted it was previously designed for a 10-year storm and asked if there was a requirement at the time or was it designed if under the hundred year storm all flow would at least get to the basin.
- Mr. McCarthy answered there was no hundred year storm requirement in the hundred year storm water ordinance. There was 10-year, full flow analysis of the storm sewers and inlets and then to show that you could pass the 25-year storm to the storm water detention basins or control facilities if you did not use basins with no more than a foot surcharge at the inlets.
- He noted it would not pass the hundred year storm; however, with the rains they have had in the last two years, there have been no problems on site.
- Mr. Ulrich asked when it was mottled for the 25 if the flow made it to the basin or was it just run.
- There was discussion regarding the previous storm water ordinance. Mr. Ulrich noted the difference would be with the pipes that are underground if they are adequate to convey a 10-year storm and to get that same system to convey a hundred year storm, they would need larger pipes.
- He also noted if the overall effect is if the inlets are surcharged under a heavier storm event that they do make it to the basin or provisions can be made for that, it would still get there but what would happen is the area would flood. Instead of the underground system able to handle a hundred year storm it would be able to handle a 10-year storm. So there would be localized flooding more often.
- Mr. McCarthy noted from a practical standpoint, it all makes it to the basin.
- Mr. Ulrich asked where the existing basin is routed at.
- Mr. McCarthy answered he believes the basins were routed for the 25 but spillway designed for the hundred. Previously, they did not have to do storm water either. They reduced impervious coverage on the site by 18 ½ acres. They put the storm water management in to help the properties downstream.
- Mr. Ulrich noted there is no easy answer, but there is a way of doing it.
- Mr. McCarthy noted if a partial waiver was entertained, what they could probably do was to design a pipe that takes the water from the addition to the pond itself and design that pipe for the hundred year storm.
- Mr. McCarthy added there is no water they would be able to put any type of storm water detention facility in that area. That could preclude any types of future expansions down the road that are not even contemplated.

- Mr. Ulrich noted what Mr. McCarthy suggested might be a little unorthodox, but it would satisfy the intent of the ordinance.
- Mr. Ulrich added the other thing that would be interesting is if the Planning Commission would entertain a decision, he would like to see the existing system routing and the routing of the same exact system with the additional impervious and how it affects the hydraulic grade line.
- Mr. McCarthy showed the plans with a conceptual elevation to show the building and the height, not the finish. He pointed out in height, it will pretty much have the same roof line as the lower portion of the existing casino to the left (pointing on the drawing). He pointed out the drive under valet and how the new valet vehicle ramp would come around the side of the building.
- Height of the building was discussed. It was decided it would be approximately 45 feet. It was noted the entrance would be through the main entrance.
- There was discussion regarding surveys. It was noted a survey was currently underway and would be done of the property.
- Mr. Courtney noted all the reports may not be done by the time the plan is submitted. This would not be waiver because the information would catch up, but he did not want it to be an acceptance-type issue.
- Mr. McCarthy added they have an aerial survey of the entire property, pre-expansion. He pointed out on the map the area that has already been surveyed,, the main access road was surveyed. They are completing the area adjacent to the parking garage. They've delineated all the wetlands in the stream corridor and they have been located. The other wetlands have been delineated and they will finish locating them. Then they will move to the back of the facility to do the remaining balance of the wetlands.
- He noted they started in the area where they are doing the renovation and worked their way out so the design could be done and submitted to the Township with the survey being submitted at a later date.
- It was noted the survey would not be ready when the plan is submitted.
- Chairman Craig commented that portion can catch up. If there is any information that is pertinent between some recommendation versus some outstanding information, that could be put back.
- Mr. Wyland added what Penn National wants to guard against is that the Township receives the plan without those elements and that it is not sent back and deemed incomplete. With the explanation that it is underway and coming is reasonable.
- Mr. Courtney noted it will be substantially complete. Mr. McCarthy answered it will be complete with respect to any area where they are doing improvements.
- Chairman Craig answered their threshold is substantially complete.
- Mr. Ulrich suggested they do not submit anything that is partial, even with the application and also suggested in a letter acknowledge the requirement of the ordinance, noting when it is completed the applicant plans to comply and it is in the process.
- There was additional discussion completing the survey and submitting it in whole.
- Mr. Webb suggested taking the time to get everything completed so they reduce the amount of reviews they will end up having.

- Mr. McCarthy noted the overall things are more of a “box checking” off that they have. The boundary survey will not impact anything; the wetlands have been surveyed within hundreds of feet of where they are working.
- He added he does not see anything in regards to the overall studies for the whole track impacting any design element or review element
- There was discussion regarding if there is another expansion, there would be a totality of the site.
- Mr. Ulrich noted there was discussion noting because it makes sense to do a boundary survey at some point, they chose to do it now; also with the wetland and steep slope
- Mr. Ulrich added if the Planning Commission is okay with it coming in later, he does not see it impacting what they are doing because what they are doing is completely surrounded by existing area
- Chairman Craig asked if there was a location of some sort of grounds
- Mr. McCarthy answered the maintenance facility land development was approved (he pointed it out on the plan) which is partially constructed and partially put on hold. The areas they have to survey and locate are the maintenance facility and the manure facility.
- Chairman Craig (pointed to an area on the plan) and noted at their last comprehensive plan review there was some discussion about making that particular area conservation with alongside the area that runs along the mountain, turning that corner. He asked for feedback.
- Mr. McCarthy answered that was the first he had heard about anything.
- Chairman Craig pointed out the areas he was referring to on the plan during the discussion. He informed representatives from Penn National of when the meetings are held.
- Mr. Smith asked if they were referring to north of Mountain Road for conservation.
- Chairman Craig answered currently north of Mountain Road is conservation.
- There was further discussion as to the zoning of Mountain Road and the conservation plan.
- Mr. Webb added part of the discussion is the potential of trying to set up receiving and sending zones for TDR’s so that it would provide some value for the landowners in those areas, but at the same time help preserve the character of the Township.
- There was further discussion regarding the area being look at for conservation north of Mountain Road.
- There was discussion regarding the height of the building and the zoning ordinance with vertical height and setbacks.
- There was discussion regarding traffic. Mr. Courtney noted the traffic engineer was present in the event there were any questions.
- Mr. Webb commented he expects they are expecting a significant increase in traffic.
- Mr. Courtney commented there has been a meeting with the Township’s traffic engineer and a study is being performed.

- Mr. Wyland noted for the Planning Commission there was a meeting and procedurally, Penn National will come up with some type of proposal about what the assumptions are for the additional numbers are which will have to be run by McMahon Associates.
- There was discussion regarding as to whether Penn National had looked into public transportation to the facility through CAT.
- Chairman Craig thanked them for coming forward with the sketch plan and encouraged Penn National to continue to work with the Township professionals.
- Mr. Smith made a comment noting the building height question is found in Section 449.4.8L, page 187. He read the section from the ordinance.

## **ADJOURNMENT**

**Mr. Moyer made a motion to adjourn the meeting at 9:15 p.m. Mr. Moyer seconded the motion.**

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	Deb Casey, Secretary-Treasurer
	Scott Wyland, Township Solicitor	David Smith, Township Zoning Officer
	Norman Ulrich, Township Engineer	Zoning Hearing Board
	Leah Rowand, Dauphin County Planning Commission	