

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

December 22, 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
Absent: Dawn Eppinger, Administrative Assistant to the Planning Commission
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 7:07 p.m. .

APPROVAL OF MINUTES

- **Mr. Moyer made a motion to recommend approval of the meeting minutes of November 24, 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.
 - Chairman Craig noted Mr. Raynor was present as a representative for the applicant.
 - He also noted Mr. Ulrich submitted a letter which was received
 - Mr. Ulrich noted the applicant revised the plans and there were a couple of interim submissions before the final submission was made.
 - He noted with the revisions, they are down to the final items.
 - During discussion, he noted the pending items which were in his letter. He noted the following:
 - Section 403.6.13 (Developer's Agreement) – he noted it is pending and that Mr. Wyland is working on the agreement
 - Section 502.1 (financial security for improvements) – he noted LTL finalized it, attached it to a memo and forwarded it to Mr. Wyland for his review
 - Section 623.2 (open space dedication of fee in lieu of) – he noted this item is still outstanding

- Chairman Craig asked for questions. Mr. Webb asked the owner's intent for Section 623.2
- Mr. Raynor answered they will ask for a reprieve from it.
- During discussion it was noted a formal waiver request has not been submitted.
- Mr. Ulrich noted because it is the applicant's intention to ask for a waiver from Section 623.2, he suggested the Commission make a recommendation
- **Mr. Webb made a motion to recommend conditional approval of the plan provided there is compliance with the three outstanding sections of LTL's letter dated December 15, 2009, specifically compliance with Section 304.7, Section 403.6.13, Section 502.1 and Section 623.2. Mr. Moyer seconded the motion. 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.
 - Mr. Ulrich noted it is his understanding that the Rettew is gather sewer main data.

There was a consensus from the Commission to discuss the Penn National sketch plan waiver requests before the remaining agenda items

2. Penn National
 - Mr. Charlie Courtney introduced himself as the representative for Penn National, along with Mr. Jim McCarthy.
 - He noted they will be presenting waiver application.
 - He noted from a timing standpoint, their goal is to have the plans approved and recorded by Memorial Day and their goal is to complete construction by the end of the year
 - Mr. Courtney noted Mr. Ulrich has worked closely with Mr. McCarthy to establish an escrow agreement for all pre-submission review fees
 - They intend to submit the land development plans on either January 4th or January 5th.
 - It was noted they wanted to request waivers in advance of the submission of the land development plan to get the Planning Commission's recommendation and to advance the waivers to the Board of Supervisors for action.
 - He noted in regard to filing for waivers before the land development plan, while it is legal, it is not often done
 - Mr. Courtney discussed the waivers as follows:
 - Section 602.3.4 – he read the section from the SALDO and pointed out on the existing streets that run along the perimeter of the overall site.
 - He noted they believe the width and conditions of the roadways in that area are proper and adequate.

- Mr. McCarthy noted previous improvements were a dedicated right turn lane was added on Bow Creek Road and the alignment was changed to 90 degrees, channelized left turn movements in and out, embankment regarding for improved site distance
- Mr. Courtney noted they are not aware of any improper width, grade, surface conditions and if it is determined there is nothing improper, they are asking for a waiver of modification
- Chairman Craig asked if Mr. Ulrich felt he was provided with adequate information to review and comment on the waiver.
- Mr. Ulrich answered he would like to get some direction from the Planning Commission or the Township to perform a site visit and drive around to be able to offer opinions.
- He noted they did not receive plans that spelled out cart way widths or site distances throughout the perimeter but added they could gather the needed information with a site visit
- During discussion, Mr. Webb noted if they believe they meet the existing criteria requirements that are currently in the ordinance then he does not want to see a waiver added to a situation where it is not needed.
- He added it would make sense to determine if there is a need for a waiver and then they can address where the specific need was and then could get a recommendation of the impact was of not making a correction to that particular location.
- Mr. McCarthy noted the SALDO section does not present objective guidelines and identify a section. It is objective in nature, and that is why they wanted to raise it early on in the process.
- Mr. Courtney asked Mr. Ulrich from his perspective whose direction he is seeking.
- Mr. Ulrich answered he would ultimately for direction from the Supervisors, but a recommendation from the Planning Commission before the Board is approached.
- There was further discussion regarding direction from the Board of Supervisors.
- Chairman Craig noted the Planning Commission recommend a site visit from LTL to review the request for 602.3.4 by unanimous consent to the Board of Supervisors
- Section 609.1 – Mr. Courtney read the section from the SALDO and noted the site was designed with sidewalks throughout the parking areas, noting they believe internally there is more than adequate pedestrian circulation.
- He noted to a large extent this modification relates to external-type issues and named all the streets it would affect. This is a site that is not intended to be accessed through pedestrian traffic externally. The distance between the main entrance and Bow Creek is approximately 2,300 feet.
- There was further discussion regarding requesting a waiver from the external sidewalks. He asked Mr. McCarthy to describe the current internal sidewalks.
- Mr. McCarthy noted there will be minor modifications to the existing sidewalk network that relate to the revision to the access for the entrance to the valet

garage, which he pointed out the location, noting it is tied in to the sidewalks that exist along the front entrance.

- He noted through the entire project there are sidewalks going down along the main loop and down into each of the parking fields and down the islands in the parking fields. He noted it on the plan.
- He noted there is sidewalk in the valet area and into the back service areas. He noted there are sidewalks for any areas that access parking, adding it would exclude the barn and stable area.
- Mr. Courtney added with the area they are disturbing, they are providing the requisite sidewalks and they connect with the existing sidewalk system. Internally, they believe they are in compliance.
- Chairman Craig noted Section 305, and asked how they specifically addressed the four criteria listed in that section.
- Mr. Courtney noted this is not a variance under undue hardship but a much different undue hardship. The hardship is putting potential sidewalks on all the perimeter streets. It would be 3 ½ miles of sidewalks including the perimeter; this is not a pedestrian area. He added the site is so large and the building is centrally located so that they think it would be a bad idea to encourage pedestrian activity from the perimeter into the site.
- Chairman Craig asked why they thought it was a bad idea
- Mr. Courtney noted it is not a town centre where pedestrian activity is encouraged into the site.
- Mr. Webb noted there is a mobile home park, a proposed hotel and a couple of other hotels that are approximately a mile away
- There was further discussion regarding providing sidewalks. It was noted by Mr. Courtney people will not walk there because it is too far.
- Section 305.2.2 – in addressing this, Mr. Courtney noted there are no pedestrians coming into the area and no sidewalks leaving the area. It is actually better not to encourage pedestrian activity coming into the site and the waiver is consistent with the intent of the ordinance. He does not think the ordinance intended to place sidewalks in all locations regardless of the roadway network, of the activities along the roadway and non-existence of sidewalks in the area
- He also noted the area was never designed for pedestrian activity
- Mr. Courtney noted it is consistent with Section 102, assuming that is just a general purpose provision
- Chairman Craig read from number three of Section 102 and noted he was looking more towards that specifically
- During discussion, Mr. Courtney noted they are proposing to go through the land development process but with respect to the waiver that they are seeking modification of is the sidewalks.
- Mr. Courtney noted what they are proposing is a safer condition than if they propose sidewalks and if they do put sidewalks along all of the streets, nobody would use them which would serve no purpose and not be consistent with the intent of the SALDO

- Chairman Craig asked if Mr. Courtney was saying that Section 305.2.4 is superfluous because they are going through the land development process
- Mr. Courtney answered all of the things that they are doing, including the Section 102, subsection 3, which was read, is what they are doing, adding that is the purpose provision of the entire subdivision and land development
- Mr. McCarthy added he believes it would be bad planning to put in pavements and expect the patrons of the facility to use the sidewalks around the perimeter and have them walk half a mile from the nearest street to the facility.
- There was further discussion regarding providing sidewalks
- Mr. Webb noted his concern is giving a waiver for this would be like giving a waiver for forever
- Mr. McCarthy answered the next time they go back for a land development plan, they would have to request it again, if they were so inclined to request it; a waiver is not forever
- Mr. Webb suggested in lieu of asking for a waiver, they could ask for a deferral until such time as either the possibility for pedestrian traffic increases to point sidewalks would be justified, assuming there is further development along the Bow Creek corridor. At that point, there may be a need looking at putting in sidewalks.
- Mr. Courtney noted the Township has the ability to require sidewalks even outside the land development content at the expense of the land owner. He noted there are no sidewalks for miles and it makes no sense to put in sidewalks on the site now.
- Mr. Ulrich noted he would prefer approval or disapproval of a waiver because a deferral is much harder to track.
- Mr. Ulrich noted when he does the site visit, he would like to review the parking area to look at the internal circulation sidewalks to see if there is anything that maybe was not anticipated the last time they came in
- Chairman Craig asked the members of the Commission if they felt they received sufficient information with regards to the request on Section 609.1 to make a recommendation strictly upon the perimeter sidewalk, nothing that deals with the internal sidewalk until an internal site review is performed by Mr. Ulrich
- Mr. Webb suggested for Mr. Ulrich to report on the amount of pedestrian traffic he might see going along the street behind the barns from a safety point of view to put sidewalks in that area.
- During discussion it was determined Mr. Webb would like Mr. Ulrich to perform a site visit and make a recommendation back to the Planning Commission before making a recommendation on the waiver.
- Chairman Craig noted he wanted to poll the Commission members as for an inclination to have Mr. Ulrich do a site visit and asked if Mr. Courtney was comfortable with that.
- Mr. Courtney answered what he was hoping for on the sidewalks was a recommendation of a waiver subject to proclamation by Mr. Ulrich based on the site inspection there will be insufficient activity on Firehouse Road to justify a

sidewalk

- Chairman Craig, Mr. Moyer and Mr. Webb were fine with the site visit and conditional recommendation, assuming nothing is found in an area that would appear to be addressed. He asked for a formal recommendation.
- Mr. Ulrich noted it is his understanding for LTL to take a look at the site from a curbing and sidewalk standpoint for them to be clumped together, internally to the parking areas that are affected by this particular application and then they will look at Firehouse Road for any apparent pedestrian circulation that might warrant any possible sidewalk.
- Chairman Craig asked for the waiver requests to be separated because they are being looked at one at a time.
- Mr. Webb also asked for the road that leads back to the mobile home park to be included in the visit.
- There was further discussion regarding the exterior sidewalks.
- Mr. Courtney added with respect to the interior parking lots, they can address them with Mr. Ulrich and the Planning Commission at a later time.
- There was discussion noting the way the waiver is worded it does not strictly define that it is strictly attempting to review and following the section for internal streets.
- **Mr. Webb made a motion to recommend conditional approval for waiver Section 609.1 as it applies to perimeter streets to the property conditioned upon a report from Mr. Ulrich indicating there are no pedestrian requirements for sidewalks based on a site visit. Mr. Moyer seconded the motion. Being no further discussion, the motion was approved 3 in favor, 0 opposed.**
- Mr. Ulrich clarified they will be checking out internal for parking areas as well. There was further discussion noting the waiver does not address internal sidewalks at this point.
- Section 610.1 – Mr. Courtney read the section requirement out loud. Mr. McCarthy confirmed there is no curbing along the perimeter of the site as well as the entrance drives off of Mountain, Fox Run and Bow Creek. Bow Creek is curbed in certain areas but not in others for storm water purposes.
- There was discussion regarding looking at the sloping and terracing for confirmation.
- There was discussion regarding looking at it for water and concerns not leaving existing roads.
- There was discussion regarding Mr. Ulrich performing a site visit with respect to external and access drives with the understanding that Mr. Ulrich will look at the internal parking lots and the curbing within it. If there is additional curbing requested, that can be discussed about putting it in.
- There was discussion regarding the area of the visit from LTL, which was Fox Run, Mountain Road and half of the Bow Creek Road accesses which are currently not curbed.
- There was discussion regarding the curbing being for designated parking lots.

- Mr. Courtney clarified internally for it to be limited to the casino building, parking lot and the service drives.
- There was discussion regarding the guard shed and curbing.
- There was discussion noting the water from that area runs to a creek, which was pointed out on the map. Mr. McCarthy noted there is a pipe under Mountain Road that comes off the property in a corner and goes under Firehouse Road and goes into a stream. He added the way everything is graded in the area, everything naturally flows downward.
- There was further discussion regarding curbing.
- Mr. Courtney noted with respect to requiring curbing, it would be more contrary to the public interest and they feel the waiver is in the public interest. They also believe it is consistent with the intent of the ordinance, including the purpose of the SALDO.
- Chairman Craig asked if they believe that what they suggesting is equal to or better because of the way the storm water is being treated. Mr. Courtney and Mr. McCarthy both noted it is better.
- Chairman Craig asked Mr. Ulrich for suggestions. Mr. Ulrich noted his only concern with regards to the internal curbing which was already established.
- Chairman Craig asked when LTL performs their roadway survey will their entrances be covered in the survey. Mr. Ulrich answered they will look at it.
- **Mr. Webb made a motion to recommend approval of the waiver Section 610.1 as it applies to the perimeter roads and the existing access ways but not to any internal parking or internal driveways. Mr. Moyer seconded the motion. Being no further discussion, the motion was approved 3 in favor, 0 opposed.**
- Section 618.1.5 and 618.1.6 - Mr. Courtney read the section from the SALDO. Mr. McCarthy noted the only trees that would be disturbed during construction would be the 3" trees which were planted two years ago.
- Mr. Courtney noted the purpose of the provision would be if they were to develop an undeveloped area where there were trees the purpose of the provision would be to identify the trees and ultimately the governing body would know what trees were going to be disturbed. Here there are no trees being disturbed and surveying the bounds of the site does not serve the purpose.
- He noted they think it would be inconsistent with the intent of the SALDO and not doing the survey is an equal result and would be undue hardship to have to survey potentially 600 acres.
- Mr. Webb commented it was his thought at the previous Planning Commission meeting Mr. Courtney indicated the survey was being done.
- Mr. McCarthy indicated they were doing the boundary survey, wetlands delineation, steep slope delineation and topographic survey of any area that was constructed since 2003 when the aerial flight of the entire property.
- He noted it is 99 and a half percent wooded and basically the only thing on it is the well and the gravel drive to the well house. With never being the intention of never doing anything over there, to have to go through and locate individual trees in those woods and similar to the wooded corridors on the site are around stream

valleys which have some substantial wetlands because they have finished their wetland delineation and all of that has been flagged and located. Those are the areas where the trees exist.

- Mr. Courtney added if they came in and proposed an additional casino in that area, that would be the purpose of the provision. They committed to do the other survey.
- Mr. McCarthy also added and as far as individual trees on the site that are not in the wooded areas, they are located, such as the main drive on Bow Creek entrance.
- Mr. Webb asked if they would be willing to amend their waiver to provide a firm condition indicating they are committing not to removing any trees from the property during the development.
- Mr. McCarthy answered yes because they are not near any trees, other than the ones that are being relocated.
- There was additional discussion regarding tree identification.
- Mr. Courtney noted in connection with this land development plan, they are agreeing to not remove any of the trees.
- There was discussion regarding the location of the job trailers.
- Chairman Craig asked for any motions.
- Mr. Webb noted if the Planning Commission receives a modified proposal, he would.
- After further discussion, Mr. Courtney noted rather than have them modify the original request, he asked if they could recommend approval subject to making a note on the plan saying in connection with development of the site with this plan, no trees other than the trees planted in the disturbance area shall be removed.
- Mr. Wyland noted the footprint of the building has been changed.
- Mr. McCarthy answered the architect updated it with a little more footprint with more building detail, with the drives. It was noted the size is still pretty much the same. It is 45,000 square feet.
- **Mr. Webb made a motion to recommend approval of the waiver for Section 618.1.5 and 618.1.6 with the condition that no trees shall be removed unless an equal or larger tree is replaced. Mr. Moyer seconded the motion. Being no further discussion, the motion was approved 3 on favor, 0 opposed.**
- Section 618.7 - Mr. Courtney said the section from the SALDO.
- Mr. Webb noted this is the section he thought they were going to identify not necessarily specific trees or at least areas where they had well treed areas along the roadways. That would be a way to provide evidence they were meeting the intent of the ordinance without necessarily needing to receive a waiver.
- Mr. Courtney noted they also talked about requesting a waiver and proposing additional trees in more suitable area.
- Mr. McCarthy handed out information to the Commission. He pointed to the map and noted they tried to get trees in without affecting the front view of the building as you come up the driveway. He indicated on the plan where they would do additional plantings. He also noted to add more landscaping to the left side of

the entrance. They proposed to add additional landscaping while still preserving the view and adding it around the existing detention basin #3.

- Mr. Courtney noted there is a waiver for modification and read from Section 618.7.3. He noted if the determination was made with respect to putting in street trees on the perimeter of the site, and along Firehouse Road, a modification would not be needed.
- He also noted putting trees along the perimeter is not consistent with the character of the surrounding area. They would like to put more street trees and landscaping internally. There is a transition from farm fields to a substantial use and more vegetation internally would make more sense as opposed to externally.
- Chairman Craig asked if there was any consideration to Firehouse Road where the barns are located.
- Mr. McCarthy answered there is really nowhere they can plant on Firehouse Road because the right-of-way line is the fence line. Essentially the trees would be in the road right-of-way.
- There was further discussion regarding street trees on Firehouse Road.
- Mr. Webb commented the intent is the right-of-way would be the new right-of-way widths and he is not sure they have the full widths the current ordinance requires. At this point there are existing non-conforming structures.
- There was further discussion as to the physical limitations of adding the trees.
- Mr. Webb commented on the advantages for adding trees and thanked them for making small steps in that direction.
- Mr. Courtney asked if they are looking towards putting additional landscaping and plantings internally or still thinking externally.
- Mr. Webb noted he does not believe in planting trees that are in current agricultural production. There may be other areas where they butt up against residential areas that could benefit from street tree plantings. He noted he is trying to improve the general environment for residents that live in that area.
- Mr. McCarthy noted the large bulk of their frontage is agricultural.
- There was additional discussion regarding the trees.
- Mr. Smith asked what the view-scape of the north storage facility and the wastewater treatment facility is, which is sitting out plain as day. He noted these are facilities that are wide open and may be a compromise.
- Mr. Courtney noted the Township knows what their objective is, which is to get the plan approved, and added they are willing to work with the Township. He wants to make sure the discussions are advanced because they want to get the waivers to the Board because they will be submitting a plan on January 5th.
- He added if a site visit is needed he would like to have it done sooner rather than later so they can get the input and get the plan in position to move and noted when a land development plan is submitted the overall feeling may be it is the opportunity to make improvements to the site; however, there has to be a relationship between what is proposed and the requirements.
- Mr. Webb noted they are trying to improve the public view of the property as people drive through the area. The internal views are important to Penn National. He noted the waste water treatment plant, the barns and the manure

storage and added there is an opportunity for both sides to identify areas to make improvements that will help the community.

- There was additional discussion regarding the site visit and having more than one person going out at a time for a dialogue.
- Mr. Webb noted there is a workshop scheduled for December 29th.
- There was discussion regarding coordinating a visit and communication.
- Mr. Ulrich suggested Mr. McCarthy provide an overall site map.
- There was additional discussion. It was noted they would moving more towards a modification than a delay.
- Mr. Courtney noted he does not want to piece-meal it for the Board and suggested coming back in January with a recommendation on the bounds of modifications of the waivers.
- Mr. Wyland clarified with Mr. Courtney that it would be on to the Board of Supervisors for the first meeting in February.
- During discussion between Mr. Wyland and Mr. Courtney, Mr. Wyland asked if they wanted to keep all the waiver requests in a bundle for the Board of Supervisors. Mr. Courtney indicated that is what they would like to do.
- Mr. Ulrich noted if the plan submission is in January, they are looking at a formal review letter in February so that will be worked out by the time they get to the meeting.
- Mr. Webb noted Section 618.8 falls into the same discussion as 618.7 in terms of buffers. Buffers and street trees to a large extent parallel each other.
- After further discussion, it was noted they would make a visit together on Thursday (12/24) morning and Mr. McCarthy will get a plan to Mr. Ulrich.
- There was discussion regarding discussing the waivers at the workshop on December 29th.
- Section 618.12 - the section was read by Mr. Courtney from the SALDO.
- Mr. McCarthy noted the area where they are performing their water quality basin to handle the increase in runoff due to the 6,000 square feet of impervious that is being added as part of the project, that basin will be landscaped in accordance with the requirements as if it was a detention basin. It is more like an interpretation.
- Mr. Courtney also noted the other basin where the modifications are being made to deal with the hundred year flood, the spillway will be enlarged. With respect to that, their position is, they do not need a modification because it is an existing basin, they are not expanding it, they are modifying the spillway. They pointed out on the plan which basin is being modified.
- Mr. Courtney asked if the Commission would like to have trees around the basin.
- Mr. Ulrich commented with regards to storm water (Sections 618.12 and 307A.1) and the contention by the applicant they shouldn't have to modify all the basins meaning the other two that are on the site, he agrees with that. The activity is not happening outside of Basin #3's watershed. He concurs it is outside the work area with existing Pond #3 as well as the BMP or smaller basin. He suggested it be designed and constructed in accordance with the storm water ordinance.
- He pointed to an area on the plan and noted that basin is receiving water that is

flowing from the general water shed. He pointed out the other two basins and suggested to the Planning Commission they are not exposed to the storm water ordinance because they are not modifying anything inside that watershed area; however, he suggested for the one that is inside the shed to be modified to comply with the requirements of the ordinance with regards to reduction, landscaping, geometry, etc.

- Mr. Ulrich noted it is a 25 year storm with a spillway that would pass a hundred. Essentially the modification to the spillway would get it to comply with the hundred year storm. He suggested because it is being modified with the shed, that basin be subject to the ordinance.
- Mr. Wyland asked if there is some way they can refer to the two ambiguous basins that are south of the entranceway.
- Mr. McCarthy noted according to the previous plan, the basin is Basin #3 and the previous ones are #1 and #2.
- Mr. Courtney commented of the three existing basins, the modification waiver would apply to the two existing basins they are not proposing to modify in connection with this plan. Compliance would be required for the new infiltration area and the existing basin they are proposing to modify.
- Mr. McCarthy added it is north of the Bow Creek entrance.
- Mr. Ulrich noted there was some infiltration testing that was done approximately around in an area he pointed to on the plan. When McCarthy Engineering was out there doing the digging, they found a lot of construction debris and it was not suitable for infiltration. They went with the area they found that was suitable for infiltration.
- Chairman Craig asked if a waiver would be required for the other two basins.
- Mr. Wyland answered there is some uncertainty as to whether or not it would apply. As a precautionary measure, Penn National is asking to the extent that it applies, they are seeking a waiver for Basins 1 and 2. If agreed upon, Mr. Wyland noted the Township would be at that point to make a motion.
- Chairman Craig asked how difficult it would be to landscape 1 and 2 and if there would be any benefit.
- Mr. McCarthy answered it is not a matter of landscaping, but a matter of it is totally outside the area and they are not being analyzed.
- Mr. McCarthy noted the problem was the previous ordinance that existed, they spent approximately \$7 million doing improvements to the site. The new ordinance basically made those non-compliant by its passing. This is not a 30 year old system. The system was really only built for the last two years that were approved.
- Mr. Wyland asked Mr. Courtney what the best expression of the legal argument why there is no modification of those basins 1 and 2 required.
- Mr. Courtney answered because he does not think when there is an existing site that has conditions that are non-compliant, what needs to be looked at is, with what is being built, what is being impacted. Those things that are being impacted are the things that you look at. He doesn't feel an ordinance can be applied just because a land development plan is being submitted and there are non-

conformities that the ordinance can be applied to fix everything regardless of whether it is impacted in any way by what is being proposed.

- There was further discussion regarding landscaping.
- Mr. Courtney noted if there is a discussion on trees, he would rather put them in where they matter.
- There was discussion from Chairman Craig regarding the basins being an attractive nuisance.
- Mr. McCarthy noted the one that was suggested is immediately adjacent to the access road and by its topography and elevation when you drive by you look at it. With the other ones, if you are looking at them, you have driven into the creek.
- Mr. McCarthy pointed out the basins on the plan for the benefit of the Commission members and noted there is substantial landscaping above the requirements of any ordinance.
- Chairman Craig noted he does not have any problems with the waiver excluding basins #1 and #2.
- Mr. Webb noted the current waiver submission covers all the basins.
- Mr. Courtney noted they are going to be resolving the street trees and the rest of everything else.
- Mr. Webb noted it gives them the opportunity to get it in a proper and cleaner format to indicate what Penn National is planning on doing and discussion where everyone is at. He feels there should be a good discussion on the 29th.
- Mr. Courtney noted they have the ability in connection with the street trees, it is really superfluous on the storm water modification. It sounds all three are thinking the same things if the recommendation was made. If they came back and wanted to put trees on the basin, the hook would be the street trees.
- Chairman Craig noted he thinks Mr. Courtney is looking for a recommendation conditioned that they do the modifications to the new BMP as well as Basin #3; however Basins #1 and #2 would be excluded from the requirement.
- **Mr. Webb made a motion to recommend to the Board of Supervisors that Section 618.12 be waived with regards to the two basins to the south of the Bow Creek Entrance Road, Basins #1 and #2. Mr. Moyer seconded the motion. Being no further discussion, the motion was approved 3 in favor, 0 opposed.**
- Section 307.A.1 - Mr. McCarthy noted this was discussed last month where the new ordinance stipulates the requirement for the hundred year storm versus the previous ordinance requiring the pipe and collection system be designed for the 10, and the basins 25, which is what they had done. He explained the procedure as he showed what they proposed on the plan, which was installing an inlet on the loop road, piping it out to the BMP infiltration basin and then in another area there would be the improvement to the emergency spillway so it could pass the hundred year storm. He showed the other improvement by adding an additional pipe into the basin so the hundred year storm can be into the basin.
- He also noted the new roof end collection line from the building out to the storm sewer, that is designed for the hundred year storm. The combination of the new

- and existing pipe is a hundred year storm.
- Chairman Craig asked where the rain leader conductor comes from the building. Mr. McCarthy showed him the area on the plan.
 - Mr. McCarthy noted it is new coming from the building to where the storm sewer already exists (he pointed to the area on the plan).
 - Mr. Webb asked if the storm sewer will have enough capacity or will they use the road as a conveyance.
 - Mr. McCarthy answered for the hundred year storm, they would use the road for the conveyance, although they have never had water on the road. He also noted it is not typical anywhere to design a storm sewer collection system for a hundred year storm. There are modifications they would like to get a partial waiver for.
 - Mr. Ulrich asked if they ran the storm system where they could tell him what typical 1, 2, 5, 10, 25, 50, 100. At what year storm it surcharges the inlet grates.
 - Mr. McCarthy answered 25.
 - Mr. Ulrich noted this is an existing storm system so they are really designed from the inlet (pointed out on the plan) to the BMP. He pointed on the plan and noted it would pass the hundred year storm from there.
 - Mr. McCarthy confirm that was correct.
 - Mr. Webb asked if they are running pipes from a hundred year, into a 25 where will the water go when there is a hundred.
 - Mr. McCarthy answered it will go over land.
 - There was further discussion regarding where the water goes. Mr. McCarthy confirmed it runs over the parking lot to that point. They are not going to take a concentrated roof load and dump it on the parking lot and let it run over. They are going to pipe it. The same amount of water goes in the system before the development than after barring 3,200 square feet increase of impervious.
 - Mr. Ulrich noted Mr. McCarthy is saying the storm system that is run will not surcharge inlet grates. There should not get overflow of inlet grates for up to and including the 25 year storm. In excess of the 25 year storm, you cannot, without hydraulic analysis, determine necessarily where the inlets are going to overflow.
 - He added if there is a 25 year storm, as the intensity increases, there is going to be various points where it could surcharge out of the inlet. After discussion, he modified it to say it can handle the 10 year storm. Somewhere between the 10 and 25, it would start to surcharge the inlets.
 - Mr. Ulrich noted one of the things they would comment on would be what happens to the overland flow, what happens to that overland flow when it does surcharge the inlets. How are we assured that it gets to the basin.
 - Mr. McCarthy answered he believes it does not and believes it would continue in the same manner it does today. Mr. Ulrich asked where it goes. Mr. McCarthy answered if it is surcharged it would run down to the stream corridor where the basin discharge goes down. That is the natural drainage point of the watershed. He pointed out the low point in the road.
 - There was discussion showing the flow of the water.
 - Mr. Webb answered that is the reason why we had the change in the ordinance was to change the amount of water that was making it to the stream so they you

might maintain higher flows but you wouldn't have the type of peak flashing that you get if you had a hundred year, or in this case the 25.

- Mr. McCarthy answered he understands the idea. If it was a brand new thing and nothing was done and if it wasn't two years old and it could be implemented, it would. They are trying to make round pegs fit in square holes. He noted they reduced 18 acres of impervious cover all through this plan from what existed before they give this.
- Chairman Craig answered they negotiated that plan in good faith at that point in time. At this juncture, they are concerned with this plan. It sounds to him as though there needs to be a little more dialogue with Mr. Ulrich in regards to how this gets done and treated. There are still some outstanding questions. He would like to see a greater comfort level and Mr. Ulrich immersed in what their plan is and what is going on before a decision is made.
- Mr. Ulrich answered there can be additional discussion and additional information can be obtained, but ultimately they are going to be back standing and asking for the same thing. To get their storm system to comply, it would require replacing the bulk of those pipes.
- Mr. Webb asked if there is any way to divert the surcharged water so it does not directly go into the creek but to another basin.
- There was discussion regarding what is not making it into the basin.
- Mr. Ulrich suggested considering either another inlet or two and increasing the run or if that is too much of a concern, they can get it to a point and get it to discharge (these areas were pointed out on the plan).
- Mr. McCarthy pointed out there is a wetland buffer requirement.
- Chairman Craig noted during discussion regarding having further discussions with Mr. Ulrich and attempt to meet the intent of the ordinance and get closer to what they are currently doing.
- Mr. Ulrich would like to hear from the Commission what direction they want him to take. He noted from a hydraulic standpoint, his concern is to make sure it is getting to the basin. Short of that, typically an ordinance would say if it is blocked or clogged the overland flow still need to get there. He noted there is no need to design for a hundred year storm if it is not going to get to the basin. During a heavy runoff event, wherever they lose the water, they make provisions to capture it.
- Mr. Wyland noted it would seem reasonable to have a conversation with Mr. Ulrich in the nature of brainstorming, are there some other solutions that get the better result Mr. Webb was talking about but represents not a great departure, or does he think we've been down that road already and we are just spinning wheels.
- Mr. McCarthy answered yes. There was further discussion by Mr. McCarthy noting everything was previously done in accordance with the ordinance and now he has to go back and tell his client it needs to be ripped out, adding the escrow hasn't been released yet but it still needs to be ripped out.
- Mr. Wyland noted the addition will generate some additional flow that will be going to a portion of the property within the work area.

- Mr. McCarthy feels that was achieved by the BMP and adding the pipe and inlets to take the runoff created by the additional impervious.
- Mr. Wyland asked if there is an incremental step that can be taken or a different approach that gets you a better net result in the end to address the Township's concern.
- There was additional discussion.
- Mr. McCarthy asked how the Planning Commission feels about them impinging on the wetland buffer which he showed on the plan.
- There was discussion regarding the wetland buffer in the ordinance.
- Mr. Ulrich noted if the Planning Commission would entertain it, he would suggest going through the buffer, digging a trench and installing a storm pipe, and restoring the ground cover.
- Mr. Webb noted if there is a temporary intrusion into a buffer area with corresponding restoration afterwards, that would be OK with him personally.
- There was discussion regarding placing fill and building a swale to take the water in the pond for that event that it would surcharge and design it to carry the difference, to intercept the water. There was discussion regarding taking the swale to the edge of the depression and the surcharge point.
- Mr. Ulrich comment if it is kept above ground, it is lower maintenance and will be a relatively flat swale that will be good and cheap. He asked if that is the only area with surcharge issues.
- He noted during discussion the low point or inlet that will be captured into a basin. He also noted if the Planning Commission is OK with it, they are still talking about a waiver.
- There was discussion regarding the wetland delineations not being shown on the sketch plan that was submitted because they were not completed.
- Chairman Craig noted the storm water ordinance tries to facilitate thinking outside the box.
- Mr. Courtney brought up SALDO Section 303, Preliminary Plan. He noted they are along impacting an area of existing development. There is limited impact on storm water management and circulation. He added this is one example where there is no benefit to go preliminary then final for the applicant or the Township. This is the only way for them to meet the May 31st deadline.
- Chairman Craig commented if there is preliminary/final that no construction, occurs until the plan is recorded.
- Mr. Courtney noted those are the rules and they understand that.
- Mr. Wyland commented it puts the pressure on the applicant to have a good plan.
- Mr. Webb agreed with Chairman Craig.
- **Chairman Craig made a motion for a recommendation to the Supervisors that Section 303 be waived with the condition that no construction mobilization, etc., occur until the final plan is recorded. Mr. Webb seconded the motion. Being no further discussion, the motion was approved 3 in favor, 0 opposed.**
- Mr. Courtney asked for clarification and noted if the plan is submitted on January

5, at the January Planning Commission they will be doing cleanup of the waivers, it gets accepted. He asked when it is reviewed.

- There was discussion regarding the review process for the engineer. Mr. Ulrich noted at this point, a draft set of plans have been submitted by McCarthy and they are being reviewed and will be sent out shortly so when the plans are submitted in January they are as close to approval as you can get.
- Mr. Courtney noted this process is a little different. He noted they appreciate having had access Mr. Ulrich and his staff. Hopefully when submitted they will be a lot further along than usual. He added what they would appreciate when the plan is accepted at the January meeting, if they could have some kind of discussion on the plan to make that one more productive.
- Mr. Webb answered personally considering the size of the plan, he is reluctant to put that kind of pressure on LTL to get a full review done and have something missed.
- Mr. Courtney answered if Mr. Ulrich has looked at something or they identified something that they identified something and they can have a discussion on the items.
- Mr. Wyland noted an escrow has been put up, they've engaged with Mr. Ulrich and he has already seen the draft plans, so this case is a little different.
- There was additional discussion regarding the review process and getting a plan back as clean as possible. There was discussion regarding looking at the waivers in January.
- Chairman Craig suggested keeping open dialogue with Mr. Ulrich.
- There was discussion regarding resubmissions.
- There was additional discussion regarding the submission and review process.
- Mr. Courtney asked if they re-submit before the February submission deadline, what they would like to do is have the next PC meeting to have a substantive discussion just like in January to have one if Mr. Ulrich has gotten through the review.
- There was further discussion regarding the review process.
- Mr. Ulrich noted a review letter will be tough but he is not saying it is impossible. There might actually be an average to holding off until the February meeting for a cursory review. They should get a final direction from the Planning Commission at the January meeting. And that information could be incorporated in with the first review.
- Mr. McCarthy noted he has to submit the plan on January 5th. Mr. Ulrich noted if a letter was done for the January meeting, there will be verbiage indicating they are still waiting to hear from the Planning Commission's recommendation for the waiver requests on the table. He should have Planning Commission and Board direction at the subsequent meeting.
- He sees the bulk of the last changes happening between the end of February and the submission deadline for March. LTL can also come up with a review letter prior to waiting for the acceptance.
- There was additional discussion regarding the review process.
- Chairman Craig asked for clarification that the only waiver Penn National is

pressing forward with to the Supervisors for next month (January 2010) is the Preliminary/Final at this point, is that correct?

- Both Mr. Courtney and Mr. McCarthy answered they believed so.
- Chairman Craig noted because their report to the Board of Supervisors is contingent on this getting done and he wants to make sure the facts and the notations with regards to the preliminary/final.
- Mr. McCarthy asked because the escrow is available, can they just ask Mr. Ulrich to do the site visit.
- Mr. Wyland answered Mr. Ulrich already has direction to cooperate with Mr. McCarthy and the escrow is in place to do these types of things.
- Mr. Ulrich answered Board approval would be necessary if there was an expense of money and the escrow is in place.
- Mr. Courtney confirmed for Chairman Craig the only waiver to be moved onto the Supervisors would be the Preliminary/Final.

At this time, the Bow Creek Mall Conditional Use Application issue was discussed by a representative for the applicant, Mr. Charlie Courtney.

NEW BUSINESS

1. Bow Creek Mall - Conditional Use Application
 - Mr. Courtney spoke on behalf of the Bow Creek Mall Conditional Use Application. The applicant is not here tonight because of their incomplete application
 - He noted he worked it out with Mr. Wyland that a letter will be sent extending the applicable deadline for holding a hearing on the Conditional Use application. There is a zoning issue he would like to discuss with Mr. Smith

OTHER BUSINESS (continued)

3. Zoning Ordinance Immediate
 - Chairman Craig asked if everyone had the opportunity to review and comment on the document from LTL.
 - Mr. Smith asked who determined the immediate needs for the zoning ordinance
 - Mr. Ulrich answered LTL. He noted they determined it to be glaring deficiencies for the zoning ordinances based on plan reviews up until the time the grant was submitted. Things when they had done a plan review were major issues and that could be fixed quickly.
 - Chairman Craig asked Mr. Smith if there were other items he would like to add.
 - Mr. Smith with his experience as the Zoning Officer, was not part of the process in identifying the immediate needs for changes.
 - He noted this was a concern of his that he was not able to take a look at all of it, but he noticed in the back about a tree removal permit which upon reading it he does not know where, how or when that would be considered immediate needs situation. He is not aware of anyone having any concerns about permits issued for tree removal.

- Mr. Smith added he is aware of concerns for mobile home park signage, parking and things of that nature, none of which are addressed in the Zoning Ordinance, Immediate Needs.
- Chairman Craig answered LTL took their direction from the Board of Supervisors. At this point, his comments will be rolled in with any that the Planning Commission has, along with Mr. Wyland.
- Mr. Smith commented there are immediate needs and he believes that somewhere along the line they are going to revamp the entire ordinance. He asked Mr. Espenshade, Chairman of the Board of Supervisors, who was present at the meeting, to confirm the ordinance will be looked at as a whole. Mr. Espenshade confirmed that.
- Mr. Espenshade noted they did give LTL the direction to look at some of the things the Board thought was immediate and he apologized for not soliciting Mr. Smith's concerns. He welcomed Mr. Smith's opinion and noted this is a work in progress. He added Mr. Smith's comments are a necessity.
- Mr. Smith looked at the tree removal permit and questioned the reactions he will receive from individuals when they have to receive permission to cut down a single tree in their yard that meets the requirements of the ordinance.
- Mr. Ulrich answered the reason for the tree removal permit is part of Section 327, which is definitely a concern of the Township. That is the main reason for having Mr. Smith included. If there are issues that Mr. Smith sees, Mr. Ulrich asked for him to bring them up for them to talk about.
- He added the thought process with the Zoning Ordinance Immediate as opposed to Long Term was to not only identify lacking areas of the Zoning Ordinance that can be quickly addressed, but also things that were almost components of the ordinance. That once they are done taking a look at them and they do the ordinance long term, they do not have to take a look at them that closely again.
- He added there are items that Mr. Smith is bombarded with all the time and it is important for him to look through the changes because he might see something that is going to affect something else that will cause a problem for Mr. Smith
- Chairman Craig asked if everyone had the chance to review it. He noted he only got back to the woodlands section. Mr. Smith answered he also did not get all the way through it.
- Chairman Craig asked what the best way would be to review the document.
- Mr. Ulrich answered all that was intended is if everyone had the opportunity to review it and there were any concerns, they can be voiced now. This is not a deadline for the Planning Commission or Zoning Officer. He noted any concerns can be put in the form of an e-mail. He asked for any notations to be sent to him by the January 19th so they can put it together and then it will be up for discussion at the meeting.
- There was discussion regarding maps not being included

4. SALDO Revisions, Long Term

- Mr. Ulrich commented a copy was sent out to the Commission members.
- There was discussion having Mr. Smith to review the changes because he does not just deal with zoning everywhere.
- Mr. Espenshade commented it would be fine for Mr. Smith to review the documents.
- Chairman Craig noted it would give the Township a better document in the end.
- Mr. Smith discussed comparing any section of the SALDO that would coordinate with the Zoning Ordinance.
- Mr. Ulrich distributed the SALDO Revisions, Long Term
- He noted he is looking for comments by January 19, one week before the meeting regarding Articles 1 and 2.
- He noted the color-coded changes were sent to give an overall to give an idea as they move forward, for each article the level of change which is anticipated.

5. Question regarding Administratively Complete

- Mr. Ulrich noted they are submitting for administratively complete. They are asking for a waiver from a traffic impact study. If an applicant is making a submission and they are to determine whether the submission is administrative complete or incomplete, but they do have a waiver request filled out for an item, and the it is properly filled out, then it could be say it is said administratively complete.
- Mr. Webb noted his personal opinion is even if the Township would not grant it, they at least attempted to deal with the particular segment by addressing it, even though it may not have been addressed appropriately.
- Chairman Craig answered he is assuming it is something that they do want and they can act upon it that night and say either yes or no on the request and recommend denial of the plan based upon that because effectively it has been accepted.
- After discussion regarding submissions, Mr. Wyland noted the safer practice is to deem it administratively incomplete as long as there is an explanation.
- Mr. Ulrich reiterated, if something were submitted and it were a particular study and there is no waiver request made, it would be administratively incomplete. If there is no study, but there is a proper waiver completed, it would be administratively completed
- Mr. Wyland acknowledged that would be correct.

ADJOURNMENT

Chairman Craig moved to adjourn the meeting at 10:55 p.m.

Respectfully submitted,

Transcribed by Dawn E. Eppinger

Cc: Board of Supervisors
Marie Beaudet
Keith Espenshade
Dave Marshall
Tom Shutt
John Nelligan
Scott Wyland, Township Solicitor
Norman Ulrich, Township Engineer
Leah Rowand, Dauphin County Planning Commission

Planning Commission
David Craig
Glenn Moyer
Mike Kovach
Mike Webb
Deb Casey, Secretary-Treasurer
David Smith, Township Zoning Officer
Zoning Hearing Board