

# WEST HANOVER TOWNSHIP PLANNING COMMISSION

7171 Allentown Blvd., Harrisburg, PA 17112

(717) 652-4841

THURSDAY, July 27, 2023

## MINUTES

Richard Mula  
Elizabeth Bezsylo  
Jeff Shade  
Kyle Miller  
Alan Williamson

### **Staff Present**

Janet Hardman, Zoning & Planning Administrator  
Sharmaine Harman – Admin Assistant.

### **Others in Attendance**

Lee Stinnett - Township Solicitor  
Troy Truax

- I. **CALL TO ORDER:** Mr. Mula
- II. **ROLL CALL:** All Members present.
- III. **APPROVAL OF MINUTES:** Approval of Minutes July 27, 2023 – Mr. Williamson made motion, Ms. Bezsylo 2<sup>nd</sup> the motion. Motion passed unanimously.

#### IV. **PUBLIC COMMENT –**

Mr. Enck – 7112 Hillside – Is JoJo's coming up for a vote tonight?

Mr. Mula – No they asked to be tabled.

Mr. Enck - At the intersection of Rt. 22 and Manor Drive for the last 4 years or more there has been a dump truck parked there. When you come up to the light a Rt22 west you lose your sight distance from oncoming traffic.

Jessica Berman – 770 Piketown Road – The Planning Commission and the Board of Supervisors need to consider some of the proposed Ordinances that will affect West Hanover Township, current and future residents. We are told DEP would take care of the environment that is not true. A DEP employee told me that DEP has no obligation to do township work. It was recommended to use Lehigh Valley steep slope ordinance. DEP would like to see 150-foot set back not 25 feet. It has been proven that commercial development has an impact on property values. Planning Commission and Supervisors need to listen to the residents on what they want not to listen to developers.

Patti Shade - 672 Fairville Ave - You said steep slopes would be incorporated in the riparian buffer. If a steep slope is not near a sensitive area but still be able to produce sedimentation effect our water ways. I contacted DEP they said there are several conditions. One was the type of soil. Looking at Engineers report on township slope H there are 23 types of soil. All are considered highly erodible . That is more reason to have steep slope ordinance. With the Supreme Court decision did every township have to delete the steep slope ordinance for not being enforceable?

Mr. Stinnett - That decision doesn't really impact the steep slope question. That was about wetlands. Steep slopes are not necessarily associated with wetlands.

Patti Shade – You are saying you can't enforce the steep slope ordinance?

Mr. Stinnett - Its not because of that case but was a Dauphin County and Commonwealth Court case from 2016. Two different cases and two different issues. The committee looked at the reasons for the steep slope ordinance and why from a policy standard why they wanted to regulate steep slopes. The recommendation was to regulate steep slopes in a way to best protect the waterways. The committee hears from engineers and other professionals and decided to put steep slopes in riparian buffer.

Patti Shade -The soil in our township is highly erodible.

Mr. Stinnett – When you regulate steep slopes you are regulating the development of steep slopes. Its not just a slope you are regulating in a field that's being regulated. It's been regulated as part of the Land Development.

Mr. Truax – That's where DEP comes in the process. Chapter 102 and 105 and then the Conservation District comes back in under the Clean Stream Law that DEP enforces.

Mr. Stinnett – If a steep slope is just sitting in a field and there is no development then there is no way to regulate. But if there development then there is regulation under Land Development then DEP gets involved, a NPDES permit is now needed and there are regulations to follow.

Patti Shade – Will other townships in Pa steep slopes hold up in court?

Mr. Stinnett - There are over 3000 communities in PA and maybe 20 steep slope ordinances. Its not a common regulation reason for that there is no actual department in DEP that is required to regulate steep slopes. We require that they comply with all DEP Chapters 1 and 2. The purpose is to protect the waterways from run off. To do that we have E&S controls that are required with any development by the Department Environmental Protection and Conservation District. So, if a steep slope is touched and it produces run off that contain sediment that would be governed by the NPDES Permit. They will have to prove to the Conservation District that the sediment from the

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development will be dealt with. If you can't do that the building won't be built. My recommendation is to tell the Supervisors that you would like to see more done with the steep slopes.

Mr. Truax – We have given the township a policy option by including steep slopes in the riparian buffer. West Hanover has been sued and it cost taxpayers why continue down the same path?

Patti Shade - Why can't the ordinance that wasn't enforceable be legally corrected?

Mr. Stinnett - We looked at the regulations for steep slopes and all the other protections we have in place. If a development is going to come through zoning we are going to protect steep slopes from impacting our waterways. Our ordinance requires that the developers meet the state requirements the next highest agency in PA is Department of Environmental Protection through the Conservation District.. If they don't meet those requirements then there will be hefty fines.

Mr. Truax – Your township has had 7 variances. We looked at the stormwater ordinance it currently recommends a 35 ft buffer or if condition warrants we can make it 150 feet. We have a process where we can avoid the variances.

Jessica Berman – I don't think 7 variances is a big deal.

Mr. Stinnett It is if you're the one paying \$1000.00 to go to the Zoning Hearing Board.

Jessica Berman – that the purpose of the ZHB.

Mr. Stinnett Why should they have to pay \$1000.00 for a hearing for a \$2000.00 deck.

Jessica Berman – Then lower the fee.

Mr. Stinnett – You can't there's is a lot involved getting a zoning hearing together. Now you're asking the taxpayers to pay the \$1000.00 fee. That's a hardship for the resident to have to pay the \$1000.00 fee because they can't use the property that is rightfully theirs.

Erik Bair – 7629 Moyer Road – I read a case from 2017 it was Susquehanna Township and DiSanto where the developer lost and went to Commonwealth Court upheld their decision.

Mr. Stinnett – Yes ordinances can be challenged we could win, or we could lose, and we lost ours.

Carol Hoover – 757 Piketown Road – Can you describe the process that has taken place in the past month.

Mr. Truax - Since last months meeting with have meant with the staff and based upon your comments on the web site we went through and edited to draft changes which you will see are redlined in the draft. We sent Dauphin County Planning Commission our changes for their meeting on August 7<sup>th</sup> and the next PC meeting on August 24 the PC members will have to make a recommendation to the Board of Supervisors. The Supervisors will set up a hearing maybe in September.

Carol Hoover – I expected the public comments that the PC was going to recommend would be incorporated into the draft.

Mr. Truax The PC had the comments that were on website, and they are to give us feedback.

Carol Hoover Accessory buildings where houses are allowed I see they increased from 15 foot high to 20 foot high. So, what you are saying its 20-foot max that's hardly any difference.

Mr. Truax The reason we didn't go 25 feet you open the door to residential units being added to say garages.

Carol Hoover – I was disappointed in all the different zoning areas that the height of buildings was increased.

Mr. Mula asked if any more public comments and went on to New Business.

### V. NEW BUSINESS-

**23.003 JoJo's** The Applicant, Francesco Randazzo, is the owner of real property located at 7800 Allentown Boulevard. The applicant proposes to demolish 3 existing office buildings (a 2 story, 2,800 square foot) office building in the front, a 2-story office building (3,100 square foot) in the rear, a one storage detached garage (975 square feet) in the rear and construct a 940 square foot addition to the restaurant, construct a 2 story, 10,024 square foot office, storage and restaurant building and add 16 parking spaces in the rear. The engineer for the land development plan is RJ Fisher & Associates Inc.

#### **A. Deferral of SALDO 173-26 & 27 – Installation of Curb and Sidewalk**

Deferral of this section as the opposite side of Holstein Road does not have any curb or sidewalk. Since there is a net decrease in impervious coverage, no stormwater will be completed at this time. Adding sidewalks and curb would affect the drainage of the overall site and would therefore require additional stormwater plan. **Tabled**

**Mr. Mula moved on to Old Business**

### VI. OLD BUSINESS

#### **A. Discussion on Zoning Ordinance Modernization**

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**VII. PUBLIC COMMENTS:**

Mr. Shade What benefits are the builders giving the township?

Mr. Truax They are improving the situation.

Mr. Shade Residents are thinking the worse. They believe that the builders are advocating for this, and it won't be good for the residents. I read an article that an environmental engineer will stay with the project from the beginning to the end to regulate everything.

Mr. Stinnett The Conservation District will do inspections and you have a tight line to correct any issues they find. The NPDES permit for a development both the excavator and the developer are the permittees. So, if the excavator can't fix the problem they are financial responsible so they developer or the excavator would have to pay the fines. The developer has a single purpose LLC's if things get too bad the developer will bail and owe nothing.

Carol Hoover Ask about warehouses couldn't make out what she was asked couldn't hear.

Mr. Stinnett You can't say no to warehouses, but you also can't say you can have a warehouse as long as it's not 10 feet tall. We would be sued. You can't draft an ordinance that precludes uses.

Someone asked if there would be another public comment that they can write in.

Mr. Truax Yes the comment section will be put back up on the website.

Mr. Stinnett There is no end to public comments. When we have the public hearing the public again will have their chance to say in front of the Board of Supervisors. We are not required to do written comments that is just the way we choose to do it.

**VIII. ANY OTHER BUSINESS THAT MAY COME BEFORE THE COMMISSION – None**

**IX. ADJOURNMENT : Mr. Miller made the motion. Mr. Shade seconded the motion. Motion passed unanimously.**