

WEST HANOVER TOWNSHIP PLANNING COMMISSION

7171 Allentown Blvd., Harrisburg, PA 17112

(717) 652-4841

THURSDAY, August 24, 2023

MINUTES

Richard Mula
Elizabeth Bezsylko - Absent
Jeff Shade
Kyle Miller – Absent
Alan Williamson

Staff Present

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

Others in Attendance

Lee Stinnett - Township Solicitor
Troy Truax
Mike Gossert – Twp. Manager

- I. **CALL TO ORDER:** Mr. Mula
- II. **ROLL CALL:** Mr. Miller and Ms. Bezsylko were absent.
- III. **APPROVAL OF MINUTES:** Approval of Minutes July 27, 2023 – Mr. Williamson made the motion. Mr. Shade 2nd motion. **Motion passed unanimously.**
- IV. **PUBLIC COMMENT –**

Jessica Berman – 770 Piketown Rd – Why did light industrial commercial from 35 ft to 55 ft? According to the Pa. Planning Code, the Planning Commission is responsible for the policy making process.

Carol Hoover – 757 Piketown Road – Light industrial commercial went from 3 stories to 5 stories. The discussion is about the size of Prologis Warehouse about the right to build in a new section the light industrial commercial at one million square foot warehouse.

Mr. Stinnett - The ordinance standard size of the warehouse is one million square feet. Light industrial is less than one million square feet. Heavy industrial is one million square feet. That seems to be the standard size. Under Pa law you must provide for every use in the municipality. The building across the street is a million square foot only differences its 3 or 4 building not one building.

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. **Applicant withdrew plans as of August 11, 2023**

23.01 Luke Lingle – owner and applicant: Requesting a conditional use approval permitted by Section 195-17A in accordance with Section 195-172 to construct a single-family dwelling in the Conservation Zoning District located at 1133 N. Fairville Ave, tax parcel 68-014-026, Harrisburg, PA 17112 Mr. Williamson made the first motion to recommend to the Board of Supervisors and Mr. Shade seconded the motion. **Motion passed unanimously.**

VI. **OLD BUSINESS**

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A. Discussion on Zoning Ordinance Modernization

The recommendation or denial of the Zoning Ordinance will go to a public hearing September 21, 2023.

Dauphin County recommended the ordinance and the revised zoning map.

Mr. Stinnett – Conditional uses and special exemptions that the applicator must meet technically is still a permitted use. The board will have condition that has to be meant. We can not deny it because it's a conditional use or a special exception essentially it's a permitted use with conditions. Remember the Planning Commission is a recommending body only.

Discussion on what is the goal of the regulation.

Response has been environmental protection. If that's the case this ordinance meets that goal. If your talking view shed that has not been the policy direction. Its typically not the policy direction in Central PA. If the goal is something else other than environmental protection then another ordinance might be required. The conservation District and DEP are more than adequate for environmental concerns. We have Township zoning, Saldo, township stormwater, township engineers, Conservation District and DEP.

Land Development and Subdivisions have preconstruction meeting notes on the front page its in our ordinance. Before the start of construction, they must meet with township engineers, Dauphin County Conservation the Developer and others on site and go over detail of the plan. There is improvement guarantee that the developer must post, and township engineer will inspect before any money is given back to the developer. You have the maintenance bond, and the plan must be recorded at Dauphin County Court House.

Mr. Shade - Does the environmental engineer stay with the construction job?

Ms. Hardman – Our township engineer is there.

Jessica Berman – The supervisors approved the warehouse and a day later DEP comes out with ten pages of comments. That the warehouse didn't meet. Why can't we add view shed? Why can't we have something?

Mr. Williamson – That statement is incorrect. There is so much talk out there by others that are incorrect. The supervisors denied the plan. We went to court, and we lost.

Mr. Stinnett – We are not policy makers. Township has always regulated steep slopes with an thought of environmental concern. If you want view sheds to be considered we must do and send it to Planning Commission and then the County before we set the public hearing. If you have policy changes you would like the ordinance to consider view sheds. That is something you should raise with the Supervisors if they decide that is something they would like to see. There is a specific provision of the MPC that if the planning agency doesn't craft the ordinance it has to go to them. They did not craft the ordinance. The township setup a committee which is permitted which we did. Now we crafted the ordinance through the committee it comes to them 30 days before the public hearing. Now we advertise the public hearing. If you would like policy changes the Board of Supervisors is the correct body to raise them.

If the Planning Commission does not act on this ordinance tonight the Board of Supervisors can just act on it. We only must give the Planning agency an opportunity to submit recommendations.

Mr. Truax – Now we know what you're asking for and that is view sheds. We have been talking about environmental. We have been asking that question right up front no one said anything about view sheds. It's always been about environmental.

Discussion on steep slopes:

Mr. Gossert – Many homes back on the mountain would have never been built if this steep slope ordinance was in place that you want us to enforce. The residents are the ones who are going to be hurt by this steep slope ordinance. If someone has a small slope of their property and the want to put a shed on it they couldn't because to the steep slopes ordinance you want. You can put anything you want in an ordinance but if it gets challenged then you have a problem.

Mr. Stinnett – Builders just can't come in and flatten the slope and let the water run into a stream.

Mr. Truax – Post construction runoff can't not be greater that pre-construction.

Erik Bair – We are concerned about the future. We have a growth area, and it will probably be filled long before 30 years. Where is development going to go then? Is it going north or south? So, we end up changing the zoning to leave room for new development again.

Planning Commission Comments

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Mr. Mula – We have an addition for the ordinance which is a view shed for steep slopes. I think its pretty clear its not in our role to do. So based on what we have written tonight we must consider our decision. For any further changes in the policy, it would be at the hearing on September 21, 2023.

Mr. Shade - I hope with the layers on protection hold true. That we haven't missed anything.

Mr. Williamson – I believe that the protections for the township are good.

Mr. Williamson – I recommend that the new zoning ordinance goes to the Supervisors for approval.

Pause:

Mr. Stinnett – Chair may vote.

Mr. Mula – 2nd the motion to approve to go to the Supervisors for approval.

Vote was: 2 yes and there was not a vote by the 3rd board member

Motion passed unanimously to recommend the Zoning Ordinance to the Board of Supervisors on September 21, 2023

VII. PUBLIC COMMENTS: See above comments

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

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