

DAUPHIN COUNTY PLANNING COMMISSION

Minutes of the Meeting

June 5, 2023

The regular monthly meeting of the Dauphin County Planning Commission was held on Monday, June 5, 2023. The meeting was held in person in the Conference Room at the Tri-County Regional Planning Commission (TCRPC) offices at 112 Market Street, Harrisburg with additional member participation via Zoom telecommuting software. The meeting was called to order by Chairwoman Mary Gaiski at 4:01 p.m.

ROLL CALL

Those members present were Mr. Jonathan Bowser, Mr. Nick DiFrancesco, Mr. Josh First, Ms. Mary Gaiski, Mr. Fred Lighty, Ms. Taryn Morgan, Mr. Robert Spandler and Mr. Carter Wyckoff. Also present were Mr. Steve Deck and Mr. Jerry Duke of the staff. Guests were Brian Engle of Rettew Engineering, Michael Gossert, West Hanover Township Manager. Also from West Hanover Township were Jessica Berman, Louise Champagne, Bill Rehkop, Jeff Shade, and Erich Bair.

MINUTES APPROVAL

On a motion made by Mr. First, seconded by Mr. Spandler, the Commission approved 8-0 the minutes from the May 1, 2023 meeting.

TREASURER'S REPORT

On a motion by Mr. Spandler, seconded by Ms. Morgan, the Commission approved 8-0 to transfer to TCRPC the Subdivision and Sewage Module review fees in the amount of \$12,893.17 plus the monthly interest for May, 2023. The Treasurer's Report in the form of Financial Statements for the month ending May 31, 2023 was accepted for filing and audit.

REPORTS

- a. Report of Officers: No reports.

BREAK IN THE REGULAR ORDER OF THE MEETING

At this point, Ms. Gaiski suspended the regular agenda in order to discuss the matters for which guests were in attendance. First the South Hanover Act 537 plan would be discussed, followed by the West Hanover Zoning Amendment.

NEW BUSINESS:

Item d. Act 537 Plans

1. South Hanover Township – Act 537 Special Study Swatara Creek Force Main Replacement

Brian Engle said he was present to answer any questions on the project report or study. The project is the replacement of an existing force main due to deteriorating

conditions of the aging infrastructure. Mr. Duke stated this Act 537 plan was well done and consistent with the Dauphin County Comprehensive Plan. County staff only had one minor comment about the reference to the date of the South Hanover Township Comprehensive plan. Staff recommended that the special plan be adopted.

Mr. Engle said there is also a plan to similarly upsize the existing sewer force main to the Derry Township Municipal Authority system.

On a motion by Mr. Spandler, seconded by Mr. Bowser, the Commission voted 8-0 to recommend approval of the South Hanover Plan with the Staff recommendations.

Item b. Zoning Amendments

1. West Hanover Township – Zoning Ordinance Update

Mr. Mike Gossert, West Hanover Township Manager, described the township's process of updating the zoning ordinance, last changed in 1995. He said over the past year the update was done to reflect court rulings against the township's steep slope Ordinance. The update was also done to prepare for the township's anticipated future growth. He gave a summary of the changes associated with the modification to the overlay protection areas, such as riparian buffer zones.

In response, Mr. Duke gave a brief overview of the Planning Commission's official responsibilities here under the Municipalities Planning Code (MPC). The Planning Commission's sole role is to determine if a proposed ordinance is in conformance with the Dauphin County Comprehensive Plan, the municipality's Comprehensive Plan (if one is present), and with general best planning practices.

It was noted that a related e-mail comment was received from Ms. Champagne and was forwarded to Commission members prior to this meeting.

Ms. Gaiski then opened the meeting to resident comments.

Jessica Berman: Past Zoning Hearing Board decisions demonstrate the proposed ordinance is not ready, because it is in conflict with the attitudes of the Township residents. The ordinance is also not ready for the Dauphin County Planning Commission's review as there are too many holes in it, including her opinion that it is not consistent with either the County Comprehensive Plan or the Township Comprehensive Plan. She believes an ordinance that says it exists to protect the environment should in fact protect the environment, not sacrifice environmental protection for all out development. She also highlighted concerns with the proposed Conservation District Zone because it does not reflect conservation uses such as small farm agriculture, or even existing agricultural uses on existing agricultural land.

Bill Rehkop: Opposes the timing of the ordinance's submission to the County for review. He believes the Township has not adequately received input from the residents, has not adequately sought input from the residents, and that the county

review will be used as a whitewash approval for a flawed process at the municipal level.

Jeff Shade: Did not comment.

Louise Champagne: She repeated her submitted written comments, including that the township supervisors behind this proposed zoning lost their seats due to the plan's lack of popularity with the citizenry, and that it is now being rushed to end-run around the citizens. She said that she does not believe that the ordinance is consistent with West Hanover's Comprehensive Plan or the Dauphin County Comprehensive Plan. Because she believes West Hanover Township's process has been flawed, including public engagement, the resulting zoning is flawed. She objected to the County providing perceived support or approval of the ordinance when it has far to go before being fully vetted.

Erich Bair: His comments were related to the changes to the Environmental Overlay District. He is a member of the Township Zoning Hearing Board and has issued variances on encroachment into the wetland buffer requirements. He said that was the job of the Zoning Hearing Board to issue variances on the individual decision level – not to reduce environmental zoning to suit developers. He is not in favor of the new zoning ordinance reducing the steep slope provisions and changing a project's environmental buffer area.

Michael Gossert: Several public meetings have been held where West Hanover residents could comment on the ordinance development and approval process. It has been a long process and no corners were cut.

Ms. Gaiski asked if Commission members had any further questions for those guests who commented, as she believed all people wishing to speak have spoken.

Mr. First commented that he has served on the commission for 10 years and only a limited number of times has there been this amount and intensity of public involvement in one of the commission's meetings. From comments received, it appears the required municipal process has not fully played out. Therefore, it could be a mistake for the Planning Commission to be viewed as a rubber stamp for a process that the citizens at the municipal level do not believe has been completed. He does not believe that ordinance is completely done.

Mr. First made a motion that the Dauphin County Planning Commission table the application for a period (perhaps three months). This would allow the citizens to catch up with the process and allow them time to contribute to the further review of the ordinance.

Ms. Gaiski asked for a second to the motion. No second was made, and Ms. Gaiski noted the motion failed for lack of a second.

Mr. Lighty asked what the statutory deadline for the Planning Commission to provide their comments. Mr. Duke noted the application was received on April 27th

and there was a 45-day response window. The comment period ends on June 11, 2023. Therefore, due to the time restrictions, the Commission does not have the allowance to make a three-month extension to provide their review.

Mr. First further discussed his concern with the review as completed at this time.

Mr. Gossert and Ms. Berman had a discussion on the various provisions of the proposed sections of the ordinance, including the conservation protection.

Mr. Gossert provided information about the public input measures taken to date and the future scheduled public input opportunities.

Mr. Duke discussed the role of the Dauphin County Planning Commission and their regional planning focus and review responsibility. If there are a lot of changes to the ordinance during the public review period, the Commission may be given an opportunity to again review the revised ordinance as it would be examined as a totally new ordinance submission by the Municipality for review.

There was further discussion on the compliance with the municipal and County Comprehensive Plans, as well as the uses associated with the conservation district.

Mr. Lighty indicated that the County is undertaking a *pro forma* review, which should not be construed as either approval or support. In this review, the County is only examining the ordinance for consistency with the County Comprehensive Plan and the Tri-County Regional Growth Management Plan. The Commission can offer advice on best practices if the Commission chooses to do so, and can point out what we believe would be illegal actions. Technically, it is not the responsibility of the County to decide local policy making decisions—like the proposed size of the riparian buffer. The Commission is required to act within 45 days of receiving the proposed ordinance. The staff has completed the review and provided their review in a letter format. There is the opportunity to edit the letter in some manner. The letter could be modified to not take a position, but to present the County comments. West Hanover has additional public comments to undertake.

A discussion was held on the past practice of providing comments as opposed to providing a recommendation on applications. Mr. Duke also gave information on how the proposed Conservation District requirements relate to other communities' requirements.

Mr. Deck suggested amending the draft letter by changing the current sentence indicating the Commission supports the ordinance adoption. It would be replaced with language stating that the Commission is only providing comments. That would clearly state we are only completing the *pro-forma* review. If additional changes result from the subsequent process within the municipality, then the Township should resubmit again for the county's comments.

A motion was made by Mr. Spandler, seconded by Mr. DiFrancesco. The Commission voted 7-0-1 with Mr. First abstaining, amending the proposed letter by

taking out the sentence indicating support of the adoption of the ordinance and replacing it with “*the Commission offers the following considerations.*”

RETURN TO THE REGULAR ORDER OF THE MEETING

At this point, Ms. Gaiski indicated the discussion of the items would be again discussed in the order as presented on the agenda.

REPORTS (continued)

- b. Communications & Staff Reports: Mr. Deck said TCRPC has two new planners: Tanner Stroup and Karen Dixon.

- c. Program Progress Report: May 2023

Mr. Deck reported on several transportation-related items that the staff has been working on. There is continued work on the active transportation plan with the review and analysis of existing bicycle and pedestrian plans. The staff is also working on the safety plan (Safe Streets for All).

Mr. Deck updated the Commission on the federally mandated county-wide stormwater planning Countywide Action Plan (CAP) effort and the initiation of the Water Resource Enhancement Program (WREP). A meeting was held at Derry Township Municipal Authority’s office on May 5th, which centered on the level of WREP program offerings and next implementation steps.

- d. Local Planning Assistance (LPA) Report:
The information was reviewed, and no comments provided.
- e. Committees:
The next WREP meeting has not been scheduled but is likely to occur in late June.

OLD BUSINESS

- a. Subdivision/Land Development Matters

- 1. Approvals

- a. Williamstown Borough – Heras Minor Subdivision Application

Mr. Duke indicated the staff has completed the review of the plans and recommends the granting of two waivers and conditional approval. The conditions are not considered to be major in nature. Williamstown Borough officials have not provided comments on the plan. One of the conditions of approval is to take into consideration the comments the Borough may have regarding the plan.

It is recommended the issuance of the following waivers:

- 1. Preliminary plan requirements

2. Placement of Iron Pins or Drill holes at all corners

For the plan itself, the following conditions were recommended:

1. Indicate Primary Control Point
2. Indicate Lot coverage
3. Indicate Side and Rear Building setback lines. As this lot does not meet the front setback requirements, a statement is to be added regarding the existing lot frontage may be considered exempt as per the Preexisting Non-Conforming status as outlined in Subdivision ordinance.
4. For future clarification and action for this plan, provide the following plan note: "As per SALDO §505.E.1.F: The land upon which two single family semi-detached houses are situated may be considered for subdivision to divide the land at the party wall without the alteration or requirement first being granted for substandard lot areas or lot widths, provided that the building was in existence prior to the date of this Ordinance." Further note that the date of the construction of the building. If not known, provide a statement to certify the building was constructed prior to the date of the Ordinance: June 27, 2011.
5. Remove the signature block for County Engineer as there is no requirement for the County Engineer's review. If Williamstown Borough wishes to have their engineer complete a review, then this area may be modified to indicate the date of the Borough's engineer review.
6. Must consider and address any comments made by the Williamstown Borough Council.

On a motion by Mr. Spandler, seconded by Mr. DiFrancesco, the Commission voted 8-0 to grant the two requested waives and conditionally approve the subdivision application.

NEW BUSINESS

a. Subdivision/Land Development Matters

1. Review/Comments

On a motion by Mr. Bowser, seconded by Mr. Spandler, the Commission voted 8-0 to ratify staff review of the fifteen (15) applications.

b. Zoning Amendments

2. South Hanover Township – Lot Area Requirement in Cluster Zone

Mr. Duke gave a brief overview of the petition and the staff review.

On a motion by Mr. Spandler, seconded by Mr. First, the Commission voted 8-0 to recommend support of the proposed zoning amendment.

3. Lower Paxton Township – Fueling Station in Neighborhood Commercial District.

Mr. Duke gave a brief overview of the petition and the staff review.

On a motion by Mr. First, seconded by Ms. Morgan, the Commission voted 8-0 to recommend support of the proposed amendment.

c. Intergovernmental Reviews

1. Highspire Borough – Highspire Borough Authority Bio solids Improvement Project
2. Paxtang Borough – Paxtang Parkway Creek Restoration Phase 4
3. Dauphin Borough – Dauphin Pool Upgrade
4. Lower Paxton Township – Stray Winds Farms Improvements
5. South Hanover Township - Hayshed Road Connection to Redtop Road

On a motion by Ms. Gaiski, seconded by Mr. Spandler, the Commission voted 8-0 to vote on all applications in one action and to indicate plan consistency for each of the applications.

e. Sewer Modules

1. Lower Paxton Township – Nissley Property

On a motion by Mr. Spandler, seconded by Mr. DiFrancesco, the Commission voted 8-0 to ratify staff comments on the sewer module.

f. Street Vacations

1. Upper Paxton Township – Vacation of Unnamed Street adjacent to Millersburg School District Property

On a motion by Mr. Spandler, seconded by Mr. First, the Commission voted 8-0 to recommend approval of the street vacation.

ADDITIONAL ITEMS

a. Other items

Mr. Deck said there is a new point of contact for land use activities involving or intersecting with Norfolk Southern Railroad.

There were no additional items.

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:27 p.m.

The next meeting of the Commission is scheduled for **4:00 p.m. on Monday, July 10, 2023.**
(SECOND MONDAY)

The meeting will be in the Dauphin County Veteran's Memorial Office Building's Second Floor for those wishing to meet in person. The meeting will also be available to the public and Commission members via Zoom.

Respectfully submitted,

A handwritten signature in black ink that reads "Josh First". The signature is written in a cursive, flowing style.

Josh First
Secretary