

DAUPHIN COUNTY PLANNING COMMISSION

Minutes of the Meeting

August 7, 2023

The regular monthly meeting of the Dauphin County Planning Commission was held on Monday, August 7, 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 4:03 p.m.

ROLL CALL

Those members present were Mr. Nick DiFrancesco, Mr. Josh First, Ms. Mary Gaiski, Mr. John Kerschner, Mr. Gary Lenker, Mr. Fred Lighty, Ms. Taryn Morgan, Mr. Robert Spandler and Mr. Carter Wycoff. Also present were staff members Mr. Steve Deck and Mr. Jerry Duke.

Michael Gossert, E. Lee Stinett II, and Troy Truax were present representing West Hanover Township. Also participating regarding the West Hanover Township application were Jessica Berman, Louise Champagne, Patty Shade, Jeff Shade and Erich Bair.

ADDITIONAL ITEM:

Ms. Gaiski made an announcement that a request to add an item to the agenda was transmitted to the staff just before the meeting. This may be an addition to the agenda for consideration.

On a motion made by Mr. First, seconded by Mr. Kerschner, the Commission approved 9-0 to add an item to the meeting agenda.

Ms. Gaiski informed the Commission that the item was a request for a Consistency Letter review for a grant for the Halifax Township Homeownership Project. It would be added as an Intergovernmental Review under Item 6. C. 7. – New Business.

On a motion made by Mr. First, seconded by Ms. Morgan, the Commission approved 9-0 to add an Intergovernmental Review for a grant for Halifax Township Homeownership Project to the meeting agenda.

MINUTES APPROVAL

On a motion made by Mr. Spandler, seconded by Mr. Lenker, the Commission approved 9-0 the minutes from the July 10, 2023 meeting.

TREASURER'S REPORT

On a motion by Mr. Spandler, seconded by Mr. DiFrancesco, the Commission approved 9-0 to transfer to TCRPC the Subdivision and Sewage Module review fees in the amount of \$283.00 plus the monthly interest for July 2023. The Treasurer's Report in the form of Financial Statements for the month ending July 31, 2023, was accepted for filing and audit.

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 b. Zoning Amendments

2. West Hanover Township Zoning Ordinance Update: Revised

Mr. Duke indicated that the Dauphin County Planning Commission was asked to review again the modifications made to the draft of the West Hanover Township zoning ordinance. The request was made on July 20th. They indicated that changes were made to the previous draft and therefore were asking for the amendment to be reviewed again. Staff have completed the review and have put together the recommendation. A draft letter was presented to the Commission members in the meeting material sent on Friday.

Mr. Duke recognized that the applicant was present as well as other interested parties. The past practice was to allow the applicant to provide a presentation then take public comment.

Mr. Truax gave a brief overview of the major changes to the proposed ordinance. One item was the removal of the sign ordinance language. There is a place holder within the document. Current legal cases regarding signage requirements in other locations are being litigated. They chose to allow that case to be concluded before considering any additional language. Also, they presented a comments matrix to the Commission to address the comments that have been received from the public. The revised document reflects the received comments.

Mr. Stinnett further expanded on Mr. Truax comments. He noted the status of the appeals to the sign ordinances and the reasoning for removal of that section for the draft ordinance. He also said that the comments and responses were a 46-page document. Additional changes were made based upon the comments they received. He further explained that many of the comments were policy-based questions and were not inconsistencies with the Municipalities Planning Code (MPC) or anything else which would cause issues with the Dauphin County Planning Commission providing a recommendation. Those policy issues are best addressed to the Board of Supervisors when considering the changes to the ordinance. He noted that the Dauphin County Planning Commission previous review indicated that the amendment complied with the Township and County comprehensive plans. They would like to obtain a recommendation for approval from the Dauphin County Planning Commission to the Board of Supervisors.

Mr. Gossert noted that it has been several years since the ordinance was last updated. The update was made to address items that were inconsistent or unenforceable. Also, the goal was to make the ordinance more user friendly. He also maintained that despite it looking different, there have not been that many major modifications or changes to the existing code.

Mr. Lenker asked the applicants if there were provisions in the code to promote smart growth and reasonable planning. He further asked if the ordinance was designed to restrict the construction of housing. Mr. Stinnett and Mr. Truax indicated they felt it was more friendly to residential construction. One example given was the modifications in the conservation district. Single family home construction is now allowed by right in this zone as opposed to being a conditional use.

Mr. Truax identified that the proposed growth is coordinated with the comprehensive plan to be within identified growth areas. There are mixed use areas allowed and encouraged in the growth areas.

Ms. Gaiski opened the meeting to other comments.

Louise Champagne: She was concerned there was little open discussion on the new version. She was opposed to the removal of the sign provisions because they would allow for no regulations on signs.

Mr. Stinnett remarked that there is a section in the new ordinance that was reserved for signage. The signage requirements would remain in place. New provision may at one point be made, but at this time the existing regulations remain in force.

Ms. Champagne suggested that all environmental regulations remain in place as the sign provisions. Only one section regarding the slope provisions could be modified for clarity and not all replaced. She said with the changes the current regulations have been gutted. The protections are a shell of what they were under the prevailing regulations. She gave the example of the removal of the section on woodland protection which would allow for clearcutting in areas. She also mentioned her concern over the removal of the overlay cluster district in the R-3 District. Removal of the modern, MPC recommended development provision, is inappropriate. The two new Districts are not appropriate for the Township due to the modification to the setbacks and allowance for additional building height. She also said that Dauphin County Planning Commission letter from the last meeting was not accurate in its statement that the code modification was consistent with the comprehensive plan. She disagreed with that statement. She also disagreed that the changes were made in coordination with the citizen comments as 41 percent of the comments made were objecting to the losing of environmental protections.

Patty Shade: She said she agreed with Ms. Champagne's comments. She commented on the steep slope ordinance being kept in place. The Township's environmental advisory committee also concurred with keeping the steep slope ordinance.

Jessica Berman: She raised concern over the timing of the availability of the modified ordinance for public comment. There was not enough time for the public review. She was concerned over the building height increase contained in the ordinance and in the zoning districts. The increase in development will lead to an increase in traffic and safety. There are already safety concerns and accidents on the roads. She also was opposed to the change of the management of the steep slope provisions. She felt the new language was not in conformance with the Municipalities Planning Code and that township officials were not correct in indicating the modification proposed would be protecting the environment. The

steep slope ordinance should protect environmentally sensitive areas and this change would not ensure the safety of the environment.

Mr. First said he was not in agreement or disagreement with those presenting, but wanted to note that planners are facing the pressure of allowing development. The option is for building up or for building out. People who want to protect land typically want to have the building efficiency of building higher to have less land consumed for building out. In PA there is a lot of land with steep slopes. To tell the landowner they are prohibited to develop their land is difficult. Property rights matters are also important. He wished to recognize those are the constraints that planners all wrestle with. He commended all for providing the comments but wanted to point out that these problems are not easy to solve.

Mr. Truax spoke in response to the comments provided by the residents. He said the woodland conservation protection was addressed in the subdivision code, and they did not want to have conflict in municipal code sections. The provisions in the subdivision code were stronger, so the choice was to have the subdivision section remain and the zoning language be removed. Conservation development is covered under article IV, Development Standards. This section contains open space requirements in the various zoning districts.

Mr. Duke explained the Dauphin County Planning Commission's role in the review of zoning amendments. It is reviewed to determine if in line with the goals of the Dauphin County Comprehensive Plan and the Regional Growth Management Plan. We received the link to the updated version of the plan and all the comments. This is a larger number of comments, and this is not typical. He commended the community for taking interest in the document and the level of comments provided. Staff noted that the previous comments were addressed in this version of the zoning amendment. The staff did find the ordinance in compliance with the County Comprehensive Plan. Therefore, staff recommends the support of the adoption of the ordinance.

Mr. Deck concurred with the recommendation. He noted there are some additional items to note in the suggested letter for the Planning Commission's use.

Mr. First further noted that planning in Pennsylvania is controlled at the local level and that the County's role is not to be a referee on local issues on zoning. Those issues are to be fully discussed during the review process at the municipal level. He felt the comments were reassuring in that they were taking part in the review process.

On a motion by Mr. Kerschner, seconded by Mr. Lenker, the Commission voted 9-0 to authorize the Chairwoman for the signing of the letter as provided by staff, indicating support of the proposed zoning amendment.

Ms. Gaiski thanked all who participated in the discussion and announced the meeting was returning to the original order as presented on the agenda.

REPORTS

- a. Report of Officers: No reports.
- b. Communications & Staff Reports:

No reports of the officers.

A letter dated July 19, 2023, was received by a representative for the City of Harrisburg notifying the Commission of the sale of property at 1916 Kensington Street. No action required.

c. Program Progress Report: July 2023

Mr. Deck reported staff gave a presentation on the toolkit for the PA Borough Association. Over 50 people attended the virtual meeting, and the feedback was positive. The Premier Project Award Program has been finalized. The award program will be held on February 29, 2024, with the presentation at the Civil War Museum in Harrisburg. Applications will be due on October 31st. He also gave updates on several transportation-related items that the staff has been working on. The Regional Congestion Management plan is soon to be underway (covering all PennDOT District 8). The traffic counting cameras are being distributed throughout the region. He participated in the “Transit Summit” to discuss the proposed CAT transit facility upgrades.

d. Local Planning Assistance (LPA) Report:
The information was reviewed.

e. Committees:
The next Water Resource Enhancement Program (WREP) meeting will be August 23rd.

OLD BUSINESS

a. Subdivision/Land Development Matters

1. Approvals

a. Jefferson Twp/Jackson Township – Anthony and Virginia Margerum
Subdivision Plan

Mr. Duke continues to receive input from the Municipalities. No action needed at this time. October 8th is the date in which the decision is required to be completed.

NEW BUSINESS

a. Subdivision/Land Development Matters

1. Review/Comments

On a motion by Mr. First, seconded by Mr. Spandler, the Commission voted 7-0 to ratify staff review of the five (5) applications.

b. Zoning Amendments

1. Swatara Township – Harrisburg Mall Proposed Rezoning – Adjoining Lots

Mr. Duke gave a brief overview of the petition and the staff review. Ms. Gaiski asked if this was a second request. Mr. Duke said that they had requested a rezoning of the main mall area but had a small section to remain the same. The Commission commented that perhaps the Township should look at modifying the zoning in the area not previously rezoned. With this request, they are seeking to rezone the entire former mall area to the zoning as the neighboring district – Manufacturing Light Industrial.

On a motion by Mr. Spandler, seconded by Mr. Kerschner, the Commission voted 9-0 to provide support for the proposed rezoning.

2. Middle Paxton Township – Front Yard Setback in the R-2, R-3 Districts

Mr. Duke gave a brief overview of the petition and the staff review. It was also noted that it was similar to the previous applications that an earlier application was filed, and Dauphin County Planning Commission previously provided comments. The Township also adjusted the ordinance based upon the Commission comments.

On a motion by Mr. Spandler, seconded by Mr. Lenker, the Commission voted 9-0 to provide support for the proposed zoning amendment.

c. Intergovernmental Reviews

1. Commonwealth of Pennsylvania – I-83 South Bridge Project- Multimodal Project Discretionary Grant Application
2. Lower Swatara Township – Harrisburg International Airport Multi Modal Connectivity and Mobility Project
3. Londonderry Township – HRFC Perseverance Lodge Rugby Complex
4. Lower Paxton Township – Prince Street and Houcks Road Safety Improvements
5. Upper Paxton Township – Upper Dauphin Council of Governments EMS Study
6. Dauphin County - Detweiler Park Turn Lanes
7. Halifax Township – Affordable Housing project

On a motion by Mr. Spandler, seconded by Mr. DiFrancesco, the Commission voted 9-0 to vote on the first six applications in one action and to indicate plan consistency for each of the applications.

On a motion by Mr. Kerschner, seconded by Mr. Spandler, the Commission voted 8-0-1, with one abstention by Mr. Lenker, to indicate plan consistency for the Halifax Township – Affordable Housing project.

d. Sewer Modules

1. East Hanover Township – North Mill Subdivision
2. East Hanover Township – Walter Services Inc.

On a motion by Mr. Spandler, seconded by Mr. Lenker, the Commission voted 9-0 to ratify staff comments on the sewer modules.

ADDITIONAL ITEMS

a. Other items

1. Ms. Gaiski led a discussion regarding the modification of the bylaws. This item had previously been discussed at the last meeting. Mr. Duke shared topics for consideration. The topics agreed upon by consensus for future more detailed discussion were: Formal language to be added for conducting virtual meeting; establishing the Modern Rules of Order for conducting meetings; and formalizing the proxy voting status for the Commissioner's representative. allowance for future meetings. These items will be the focus for the updates and further discussed at a future meeting.

There were no additional items.

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:30 p.m.

The next meeting of the Commission is scheduled for **4:00 p.m. on Monday, September 11, 2023. (Second Monday due to the Labor Day holiday)**

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,



Josh First
Secretary