

LONDONDERRY TOWNSHIP PLANNING COMMISSION

783 S. Geyers Church Road • Middletown, PA 17057
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REGULAR MEETING MINUTES **MEETING DATE: June 17, 2024**

The Londonderry Township Planning Commission held their regularly scheduled monthly meeting on Monday, June 17, 2024 at the Londonderry Township Building, 783 S Geyers Church Rd, Middletown PA 17057.

Call to Order:

Chairwoman Basehore called the meeting to order at 7:00pm

Roll Call/Members Present:

Patience Basehore (Chair)
Bob Pistor (Vice Chair)
Irvin Turpin (Member)
Ruth Jilka (Alternate)

Absent Members:

Adam Kopp (Secretary)
Deb Weaver (Member)

Also Present:

Jim Diamond, Esq (Township Solicitor, Eckert Seamans)
David Blechertas (Township Manager)
Duane Brady Jr (Township Code Officer)
Mike Wood (Township Engineer, HRG)
Andrew Kenworthy (HRG Engineer)
Alexa Korber (TCRPC)
Michelle Phillips (Township Executive Secretary)

Attendees: See attached list for Residents/Guests in attendance.

Citizen Input: None

Approval of Minutes:

Chairwoman Basehore requested approval from the Board to accept the minutes of the April 15, 2024 Planning Commission Meeting.

It was moved by Mr. Pistor and seconded by Mr. Turpin that the Board approve the Planning Commission Meeting on April 15, 2024, since all members received a transcript.

On a roll call vote, the following voted “Aye”,

Chairwoman Basehore, Bob Pistor, Irvin Turpin and Ruth Jilka

Chairwoman Basehore thereupon declared the motion carried.

New Business:

- PC24-01: Reverse Sub-Division/Lot Add-on, Harry Cleland, Parcels: 34-032-068 & 34-032-069

Mr. Doug Herr from Hershey Land Surveyors, requested one (1) waiver and two (2) deferrals. He presented to the Board the plans on PC24-01: Reverse Sub-Division/Lot Add-on, Harry Cleland, Parcels: 34-032-068 & 34-032-069.

Chairwoman Basehore requested approval from the Board to accept the requested waiver for subdivision and land development ordinance section 22-301 preliminary plan procedures.

It was moved by Mr. Turpin and seconded by Ms. Jilka that the above request be approved.

On a roll call vote, the following voted “Aye”,

Chairwoman Basehore, Bob Pistor, Irvin Turpin, Ruth Jilka

Chairwoman Basehore thereupon declared the motion carried.

Chairwoman Basehore requested approval from the Board to accept the requested deferral from the Subdivision and Land Development Ordinance Section 22-506 curbs and gutters.

It was moved by Mr. Turpin and seconded by Ms. Basehore that the above request be approved.

On a roll call vote, the following voted "Aye",

Chairwoman Basehore, Bob Pistor, Irvin Turpin, Ruth Jilka

Chairwoman Basehore thereupon declared the motion carried.

Chairwoman Basehore requested approval from the Board to accept the Deferral from the Subdivision and Land Development Ordinance Section 22-507 sidewalks.

It was moved by Mr. Turpin and seconded by Ms. Basehore that the above request be approved.

On a roll call vote, the following voted "Aye",

Chairwoman Basehore, Bob Pistor, Irvin Turpin, Ruth Jilka

Chairwoman Basehore thereupon declared the motion carried.

- Mr. Brady asked the Board to approve the plan PC24-01 Reverse Subdivision for lots 34-032-068 & 34-032-06 on the condition that all outstanding comments are satisfied.

Chairwoman Basehore requested approval from the Board to accept the Reverse Subdivision for lots 34-032-068 & 34-032-06 on the condition that all outstanding comments are satisfied.

It was moved by Mr. Turpin and seconded by Mr. Pistor that the above request be approved.

On a roll call vote, the following voted “Aye”,

Chairwoman Basehore, Bob Pistor, Irvin Turpin, Ruth Jilka

Chairwoman Basehore thereupon declared the motion carried.

Old Business:

Mr. Bob Pistor, Board Member has recused himself from this part of the meeting due to the conflict of interest.

- Falcon Crest/Lytle Farms – Preliminary/Final Land Development Plan

Jill Nagy, Attorney from Summers Nagy Law Offices who is representing the Land Development for Falcon Crest/Lytle Farms plan stated this plan has been in the works for several years and went into detail as to where this was and how we got to where we are today.

Ms. Nagy stated this is a unique project and nothing like this was ever proposed in Londonderry Township. The land was purchased by the Desmond family in 2008. They went through a lengthy period to get a TND on the north and south side of the road.

Ms. Nagy reported plans for conditional use were approved by the Board. In 2013, the development progressed and it was determined that there were going to be a lot of sewer and water issues. Litigation went on for some time, with no forward movement of the development plan. At this same time, Londonderry Township was experiencing various issues with the Department of Environmental Protection because of the Act 537 Plan.

Ms. Nagy stated in 2018-2019, Core 5 and DTMA came up with a proposal to run sewer services to several properties in Londonderry Township, which included the Falcon Crest/Lytle Farms property. The developer agreed to assist in paying for some of the EDU’s and Sewer Improvements. Core 5 and the developer made various commitments to each that if the land was developed the developer would offset the initial payment and the initial cash outlay that Core 5 made to the township.

Ms. Nagy said in 2021, the developer worked with the Board of Supervisors asking if they would prefer to use the existing TND or would they like to see a less dense plan with a by right plan. The Board of Supervisors agreed to a less dense plan with a by right plan with more open space. At that time there was no motion, just a direction of how to proceed.

Ms. Flowers, Township Solicitor stated that it was determined that the TND no longer applied due to it not being the entire original TND plan as to the original parcel.

Ms. Nagy replied stating that there were some comments on that, and she disagreed. She said at the same time rather than fuss about the issue they agreed to do a by right plan.

Ms. Nagy stated that the developer is planning a stream restoration project, which will be governed by the Army Corps of Engineers, Department of Environmental Protection and some input from FEMA. She said that the Township would benefit from this project because you will get some MS4 credits that will be generated. This type of plan has only ever been done in York County and never in Dauphin County. Ultimately, this would be approved by the Army Corp and then deferred to a non-profit who specializes in taking care of the wetland corridor. The non-profit will ensure that the wetlands will be maintained for the residents, Township and County.

Ms. Nagy then shared the plans for the project which includes 205 units of single-family homes, 91 townhome units, 532 multi-family units and retail space of about 47,615 square feet. There will also be various road systems, trail systems, dog parks, a pond for fishing, open space and a pool area for the apartment community. She said it would be a fully integrated development with all the necessary open spaces, wetland features and protection of the stream corridor that would assist the township into the future.

Ms. Nagy next introduced Mr. Andrew Donalson from JMT who talked more about the storm water and stream restoration issues and what type of benefits they will provide to the Township.

Mr. Andrew Donaldson, from JMT stated he was brought in as part of the team to develop the stream and floodplain restoration. He said the floodplain restoration that is being proposed will include approximately 7,000 linear feet of stream. Historically, these streams have been impaired and the approach to restoring this stream corridor is to re-establish a functional floodplain so that it will reduce erosion.

Mr. Donaldson reported that they are going to use the streams and floodplain corridor as a BMP for stormwater management. The wetlands provide great water quality benefits and infiltration. Mr. Donaldson stated removing the legacy sediments will provide ecological benefits as well as secondary benefits for storm water management. Permits have been prepared and sent to DEP and the Corps of Engineers and they are awaiting approval. This is the same approach as the Conewango stream and floodplain restoration project.

Ms. Kim Fasnacht, Engineer from Rettew pointed out that there is an unnamed tributary located between the Foxianna portion and the single-family home portion. Previous plans show a road that connected these two portions but due to the environmental impacts Foxianna will now be an isolated area. The three acres of wetlands and stream will now remain untouched in the northeast corner portion of the plan. Ms. Fasnacht said that they will still meet all storm water requirements for rate control and water quality. There will be three additional upland infiltration basins that are additional to the stream and floodplain restoration plan.

Joel Young from Rettew, next spoke on behalf of the developer. He stated that they are creating a residential mixed community for the Township. The development will be zoned R2 and C2. There will be many amenities including two miles of walking trails, a fishing pond, small pocket parks and open space. He said there will be two access points for the development except for the Foxianna portion which will only have one. Mr. Young reported plans have been submitted for review to the sewer and water departments along with the traffic impact study.

Ms. Fasnacht asked if there were any comments on what was discussed so far?

Chairwoman Basehore stated the Board did not have any comments.

Mr. Bob Pistor, owner of the adjacent farm that borders the Falcon Crest/Lytle Farms commented stating he had entered negotiations 3 months ago with the developer. He is trying to get a berm and some trees planted on the common boundaries of the plan.

Mr. Pistor stated he reviewed the plans, and it showed that trees would be planted from Foxianna Road to the end of the houses, but not continually down to the wood lot. It also shows trees on the other side behind his house to the next piece of woods. He is concerned that since his property runs all the way down to the stream bed and the creek that children will enter onto his property and create a liability to himself. He said he may have to donate that part of the ground to limit his liability.

Ms. Nagy stated anything above and beyond the township ordinance would be a private agreement between Mr. Pistor and the landowner.

Chairwoman Basehore addressed Mr. Pistor asking him to discuss this matter with the developer after the meeting.

Mr. Pistor then asked if the Township could use its influence to ask the developer for cooperation and to be a good citizen/neighbor.

Ms. Kim Fasnacht, Engineer from Rettew, spoke regarding the waivers they are requesting. The first waiver request is going to be for the preliminary/final plan and will be discussed by Ms. Nagy.

Ms. Nagy stated they went to great lengths to make sure that the engineering was sound on this project. One thing that is important for the Board to understand is that because of the stream restoration situation they will have several reviews by the Army Corps and DEP. There is potential for grant opportunities based upon the timing of the submission. Having a global preliminary/final plan is going to assist them with the stream restoration of this project. There are several scenarios that have the potential for grants and the possibility of getting a nonprofit on board. Timing is really of the essence, especially because the USACE is really going to drive this as well as FEMA. This will need to be massively coordinated across the site. She stated the

stormwater and stream restoration will be the first thing that will be done to the site.

Mr. Donaldson, from JMT, stated they are working with the Army Corps of Engineers' Section 510, the environmental planning and restoration group. The Army Corps of Engineers has been assisting the developer for several years. They want to be part of the funding and the cooperative efforts to implement this type of flood plan restoration. Mr. Donaldson reported they are using Dauphin County Economic Development as the administrator for the funding of this opportunity to help get this project coordinated with USACE Section 510.

Mr. Blechertas asked for an explanation explaining their concept of staging instead of the traditional phasing plan?

Ms. Nagy stated if this was a traditional phasing plan you would see them develop a specific area of land that was secured and bonded. In this case she suggests doing a staging plan that would start with the stream and stormwater restoration on the entire site and have it bonded and secured. She stated bonding the entire site would be one of those things that would be just completely cost prohibitive. The developer is proposing doing all the stormwater across the entire site and then doing pockets of work where they would continue to bond things like infrastructure including roads, sidewalks and recreational areas. Ms. Nagy said there would always be financial security, it just won't be considered phasing like you see in a traditional sense.

Chairwoman Basehore asked what the staging looked like on the plan?
Ms. Nagy and Ms. Fasnacht reviewed the map on the screen.

Mr. Blechertas asked if multiple stages may be active simultaneously?

Ms. Fasnacht said they will not be constructing anything in Stage 3 but fill from stage 1 will be placed there.

Mr. Pipitone stated any stages being constructed will be bonded. Stage one would require putting culverts in, so in order to put the culvert in that road would have to be stoned. He said the road would not be required to be put

in during this stage, but the utilities would be installed and bonded with those companies. The Township would hold the bonds for the roads and sidewalks. Therefore, you will have the same financial security as you would if this project was phased.

Mr. Blechertas asked if each stage would be recorded and how would that go for each stage after that?

Ms. Nagy said that the whole plan would be recorded, and a developer's agreement would be made explaining who will be holding the bonds. She said they will continue to record those developers' agreements throughout the process. This type of plan has been done in West Lampeter Township in Lancaster County and Scott Township in Columbia.

Ms. Flowers asked the developer if they had any idea of how long the Army Corps will hold the bond and if 5 months is still the deadline for the storm water improvements?

Mr. Pipitone stated there is no standard deadline for the storm water improvements. What typically happens is, they would use a conservancy who would take the easement for all the stream restoration. Once all is in place there would be legal agreements between Army Corps, DEP, HOA and conservancy to put all the protections in place. The construction part of the bond is released as the storm water is going in but there is no control over when the entire amount is released. The stream restoration does require 5 years of monitoring.

Ms. Fasnacht stated the second waiver from HRG's letter involves no inlets within 3 feet of the driveways. This is part of the stormwater management ordinance and is only for the townhouse development. The driveways are about 4 feet from each other with a grass strip. Due to the close nature of the townhouse development, they are requesting relief from the ordinance. This waiver is supported by HRG from an Engineers standpoint.

Ms. Fasnacht stated she is also requesting a waiver to allow dual frontage lots on Osprey Drive and Falcon Crest Drive on Lots 1-4 and 55-64 even though the

ordinance prohibits dual frontage lots. Ms. Fasnacht stated that HRG does support this waiver.

Mr. Brady advised the Township is ok with this waiver and recommends that the language be modified on the waiver to include only the lots being affected.

Next, Ms. Fasnacht said she is requesting a waiver of the requirements to provide lighting along the proposed walkways. This waiver would not include the sidewalks that are along the internal streets. This waiver is only for the pathways; mulched, asphalt and gravel trails that will be closed from dusk to dawn.

Mr. Brady stated the ordinance does not differentiate the different types of paths.

Ms. Fasnacht next discussed a deferral from providing curbing and sidewalks along RT 230 in its entirety. A traffic impact study has been conducted and the results from that study have not yet been completed or shared with the Township.

Mr. Brady said that HRG's letter commented on it to be approved just from an engineering standpoint. In reviewing with staff, the deferral is recommended to be denied and connectivity into Middletown should be provided with sidewalks and curbs. The proposed plan has an estimated 3000 residents. With that being said, residents are going to be looking to go to Middletown for food, shopping and other necessities and having that connectivity would be important for the development.

Mr. Blechertas stated he was not in favor of the deferral, due to the sidewalks connecting Middletown and Londonderry Township.

Alexa Korber, from TCRPA stated the county made a similar comment regarding the curbs and sidewalks.

Ms. Fasnacht stated they will discuss the issue with the developer about the sidewalks and will consider modifying the request. She then asked about the

deferral for the curbs because there are no inlets located anywhere along RT. 230.

Chairwoman Basehore commented stating we will need to look at it in design to see. It will also depend on where the sidewalks will go.

Ms. Fasnacht advised that they will consider putting the curbs and sidewalks further away from the road.

Ms. Fasnacht stated the next request is a modification to install a sidewalk on the north side of Coopers Hawk Road and a bike trail on the south side. The road would then be paved with asphalt along the area. The goal is to minimize the environmental impact. She stated HRG and the Township did not have any issues with this request.

Next, Ms. Fasnacht stated they were asking for a waiver of the Townships Ordinance stating that the slope incline at an intersection be no more than 5%. In the plans you will see a 5.4% and 7.11% slope increase at the intersection of Harrier Drive and Osprey drive both on the north and south side. She stated that HRG did not have any issues from an Engineering standpoint, although the Township did.

Mr. Brady stated when you look at the Americans with Disabilities Act (ADA) it only allows a 5% counter slope into a handicap landing area of a sidewalk. The 5.4% increase may be manageable but the 7.11% is quite excessive.

Ms. Fasnacht next discussed a waiver from the ordinance requiring concrete monuments. She stated they are requesting a waiver to provide iron pins where lot subdivision lines intersect rights of way or intersect each other instead of concrete monuments. HRG had no engineering issues with this waiver and neither did the Township staff.

Ms. Fasnacht then asked for a deferral of the reduction in the area of the riparian buffer from 50 feet to 25 feet at the Met-Ed/PP&L property line. There will be a supplement to the riparian buffer in the form of additional vegetation, to be documented with JMT's plans. HRG had no engineering

issues with the request and the Township had no comments concerning this either.

Mr. Fasnacht stated she wanted to make the Board aware of another waiver request to be added regarding HRG's letter about floodplains. There is an ordinance section within the storm water management ordinance that you cannot have discharges or storm water structures within the 100-year floodplain. They are requesting a waiver of this section because the whole point of this plan is to restore the floodplains and being able to convey the water to the floodplain. There are structures that are within the floodplain and those have been submitted for permitting to the Army Corps.

Mr. Brady advised there are three (3) apartment buildings, and a commercial structure that are in the 500-year floodplain. It was discussed that a letter called a conditional letter of map revision be submitted to FEMA due to the two (2) culverts being installed. After reviewing the hydrology studies and mapping it was agreed by Mr. Wood and the Township that this project would be beneficial to the township and its floodways. Mr. Brady stated that if everything goes as planned the base flood elevation would decrease.

Ms. Fasnacht stated that they will be addressing HRG's comments and the letter that was received and they will resubmit. Also, a traffic impact study will be ready to be discussed at the next meeting.

Ms. Korber asked if the residents living in the Foxianna Road portion would be able to have access to the nature trails?

Ms. Fasnacht stated they would have no access to the trails and would need to drive and park along the parking areas of the development.

Mr. Blechertas asked if residents outside of the development would be able to use the trails for walking, dog park, sledding hill and other amenities?

Mr. Pipitone, the landowner, advised that only the residents of Falcon Crest would be able to use the amenities and it would be managed by the HOA.

Mr. Blechertas asked, regarding the large utility easements on the plan from UGI and PPL, what permission have you been given to make this plan possible?

Ms. Fasnacht stated that they have had multiple meetings with UGI about development. She stated she would provide documentation to the Township once she receives it from the utility companies.

Chairwoman Basehore asked about handicap spacing and why some areas have one (1) space and others have two (2)?

Ms. Fasnacht stated that the ADA requirements for parking have been met in each area of the proposed development.

Mr. Blechertas asked in regards parking spaces, do you have areas for snow removal and have you provided turning templates for travel?

Ms. Fasnacht stated that the turning templates were provided with no comments. The turning templates were tested with both garbage and fire trucks. Regarding the snow removal, there are no areas for snow easements.

Mr. Brady stated he has confirmed that Middletown's ladder truck specs were used for the turning templates because it is the largest piece of apparatus that would respond.

Mr. Blechertas asked if all the streets were to be dedicated to the Township.

Ms. Fasnacht stated that only the named streets would be dedicated to the Township.

Chairwoman Basehore asked why Crested Lane was labeled private?

Ms. Fasnacht stated we needed to provide a turnaround and it did not meet the roadway requirements therefore it was labeled private.

Mr. Brady stated that the commercial space is labeled C2, which permits personal services. He stated that a plan note be added to what those restrictions would be.

Mr. Blechertas stated there were several arguments as to why staging and phasing are similar. He asked, other than the fact that a phased plan would have a final recorded plan for each phase what other ways are the staging and phasing plan dissimilar?

Ms. Nagy stated that was the only way she could think of and that there would be separate developers' agreements for each stage.

Mr. Blechertas stated that the final plan approval is good for 5 years will this be sufficient for your timeline to complete the project?

Mr. Pipitone stated it is.

Mr. Blechertas stated he had shared the plans with the Public Works Director, and there were some concerns about the Foxianna Road portion. This road is very narrow and due to the heavy construction trucks coming in and out of the area, damage to the road and passing safety are concerns of the Township.

Mr. Brady wanted to clarify with Ms. Nagy when she spoke about the staging. It sounded like the actual construction of sidewalks and cutting roads would be bonded but the dirt and fill moving would be allowed in various stages within the concept with no bonding and security. Is that the anticipation?

Ms. Nagy stated that they could talk about it and maybe they could provide a potential amount just to have on hand. She didn't know if we would be averse to that idea or not but feels it can be looked at and worked out. There will be a lot of details that will need to be worked out and that she doesn't see it being an issue.

Chairwoman Basehore made a comment that she is disappointed that there are no plans for active recreation for all residents to use such as tennis courts, pickle ball etc.

At this time, the presentation for the Falcon Crest/Lytle Farms project concluded.

Chairwoman Basehore reported that there was a meeting earlier discussing the comprehensive plan. The future development plan was reviewed, and a new plan will be presented next month.

Any Other Matter:

None

ADJOURNMENT:

There being no further business to bring before the Board, a motion by Ms. Jilka seconded by Chairwoman Basehore the meeting was adjourned at 8:44 pm.

Signature on file

Secretary