

# LONDONDERRY TOWNSHIP

## PLANNING COMMISSION

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783 S. Geyers Church Road • Middletown, PA 17057  
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### REGULAR MEETING MINUTES MEETING DATE: NOVEMBER 18, 2024

The Londonderry Township Planning Commission held their regularly scheduled monthly meeting on Monday, November 18, 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)  
Adam Kopp (Secretary)  
Irvin Turpin (Member)  
Deb Weaver (Member)  
Richard Swartz (Alternate)

**Absent Members:** None

#### **Also Present:**

Brett Flowers, Esq (Township Solicitor, Eckert Seamans)  
David Blechertas (Township Manager)  
Duane Brady Jr (Township Code Officer)  
Mike Wood (Township Engineer, HRG)  
Michelle Phillips (Township Executive Secretary)  
Alexa Korber (Tri-County Regional Planning Commission)

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

**Public Comments:** None

### **Approval of Minutes:**

- Adam Kopp and Bob Pistor recused themselves from approving the minutes of the October 21, 2024, Planning Commission Meeting.

Chairwoman Basehore requested approval from the Board to accept the minutes of the October 21, 2024, Planning Commission Meeting.

It was moved by Ms. Weaver, seconded by Mr. Turpin that the Board dispense with the reading of October 21, 2024, Planning Commission Meeting minutes since all members received a transcript. The motion carried unanimously.

### **Citizen Input: None**

### **New Business:**

- **PC24-02 Schaeffer Lot Add-on**

Doug Herr, from Hershey Land Surveyors, stated that the Schaeffer's own 2 lots on Foxianna Road, the reason they are here tonight is that a new shed was put up on the vacant lot, which ended up being a zoning violation. This plan is to merge the lots together to make one lot and rectify the violation.

- Motion to approve the requested deferral from Section 22-506 Curbs and Gutters

Chairwoman Basehore requested a motion from the Board for a deferral from Section 22-506 Curbs and Gutters.

It was moved by Mr. Pistor and seconded by Mr. Turpin, that the deferral from Section 22-506 Curbs and Gutters be approved. The motion carried unanimously.

- Motion to approve the requested deferral from Section 22-507 Sidewalks

Chairwoman Basehore requested a motion from the Board for a deferral of Section 22-507 Sidewalks.

It was moved by Mr. Turpin and seconded by Chairwoman Basehore that the deferral of Section 22-507 Sidewalks be approved. The motion carried unanimously.

- Motion to approve the requested waiver from Section 22-303.1 Preliminary Plan Procedures

Chairman Basehore requested a motion from the Board for the requested waiver from Section 22-303.1 Preliminary Plan Procedures.

It was moved by Ms. Weaver and second by Mr. Turpin that waiver Section 22-303.1 Preliminary Plan Procedure be approved. The motion carried unanimously.

- **PC24-03 Watson Sewage Reconstruction Planning Module**

Mr. Tim Wargo, Township SEO, stated the lot on Parcel Number 34-002-127 was never recognized by DEP. Therefore, a Sewage Reconstruction Planning module is needed for DEP in order to make the lot suitable for building.

There was a brief discussion regarding this matter by the Board, Brett Flowers, Township Solicitor and Duane Brady, Township Zoning and Codes Officer.

- Motion to approve the Sewage Reconstruction Planning Module for Parcel Number 34-002-127 owned by Dave Watson

Chairwoman Basehore requested a motion for the Sewage Reconstruction Planning Module for Parcel Number 34-002-127.

It was moved by Mr. Turpin and seconded by Mr. Pistor that the Sewage Reconstruction Planning Module for Parcel Number 34-002-127 be approved. The motion carried unanimously.

- **PC24-04 Wood Subdivision**

Joshua George, with Landworks Civil Design presented the Board with a proposed Subdivision plan for Matt and Amy Wood. The lot is located behind the existing house at 291 Schoolhouse Road. He said the goal is to create a new lot, approximately 1.8 acres out of an existing lot of approximately 13.9 acres. Mr. George presented the Board with the proposed plan and a conversation was held regarding how the lots will be separated along with a flag lot entrance. Mr. Brady stated there were a few supporting documents sent to him today which would support the plan, but he was not able to review them all nor was the Board able to see them.

There was a lengthy discussion regarding the outstanding comments of the plan.

Chairwoman Basehore stated that all supporting documents will need to be reviewed prior to approving the plan. She recommends tabling the plan till next month and feels comfortable about moving forward with the deferrals.

- Motion to recommend approval for the deferral of Section 22-507 Sidewalks

Chairwoman Basehore requested a motion for the deferral of the sidewalks.

It was moved by Ms. Weaver and seconded by Mr. Kopp to approve the request as listed above. The motion carried unanimously.

- Motion to recommend approval for the deferral of Section 22-506 Curbs & Gutters.

Chairwoman Basehore requested a motion for the deferral of the curbs and gutters.

It was moved by Ms. Weaver and seconded by Chairwoman Basehore to approve the request as listed above. The motion carried unanimously.

- Motion to recommended approval for the waiver of the Section 22-304 Preliminary Plan Procedures

Chairwoman Basehore requested a motion to waive for the Preliminary plan

It was moved by Chairwoman Basehore and seconded by Mr. Turpin the waiver for the Preliminary Plan be approved. The motion carried 3-1.

- Motion for tabling of PC24-04 Wood Subdivision Land Development Plan.

Chairwoman Basehore requested a motion for the preliminary plan.

Mr. Pistor stated he recommends that the plan be tabled due to the number of outstanding comments and based on the Boards consistency of the past. It was seconded by Chairwoman Basehore. The motion carried unanimously.

- **PC24-05 Lauffer Subdivision**

No one attended the meeting to discuss the Lauffer Subdivision.

Mr. Brady stated the landowner is looking to subdivide 2 acres and have it called Lot 1 and Lot 2. There are multiple storm water concerns, SALDO and HRG comments that will need to be addressed. Mr. Brady recommends the plan be tabled.

- Motion to table PC24-05 Lauffer Subdivision Plan

Ms. Weaver made the motion to table the plan due to the number of outstanding comments, Mr. Turpin seconded the motion. The motion carried unanimously

### **Old Business:**

- Adam Kopp and Bob Pistor recused themselves from the discussion and voting on the Lytle Farms Plan.

### **Falcon Crest/Lytle Farms – Preliminary Land Development Plan**

Ms. Nagy, Solicitor for Lytle Farms stated the developer will concur with the Township Staff original comments regarding the sidewalks. She said the sidewalks will be installed along RT 230 of the Developers property except for two minor areas. Ms. Nagy stated a meeting with PennDOT was held on site to see what their concerns would be. PennDOT did agree with Township Staff comments. Ms. Nagy stated a revised request for the sidewalk deferral and the open space plan has been submitted. She said there are a few outstanding waivers, a deferral and the approval of the Preliminary Plan that the developer is hoping to get approved.

Mr. Eric Stump, from HRG stated that in the October comment letter from HRG there was a comment regarding both the main access points on RT 230 at Crested Lane and Falcon Crest Drive. The applicant indicated that traffic signal warrants would not be satisfied at either location per PennDOT. He said the details of that report have now been provided to HRG and a second look at the traffic study was carried out. Mr. Stump stated it was indicated that the warrants are going to be close to having a traffic signal at the two locations. He said the levels of service indicated that without the warrant it would be ok to operate. Mr. Stump stated that since it is close to being warranted, HRG feels it would be prudent to have a condition of the plan be approval of a developer's agreement to have a post construction study done and if signals are warranted it would fall under the developer to have them installed.

Ms. Nagy stated from the developer's standpoint, and it being a PennDOT controlled roadway, the developer would have to do whatever PennDOT recommends being done. She said there would be a submittal of the final documentation to PennDOT and if they say it has the warrants to install traffic signals or if they wanted some type of developer's agreement that would be something that has to be done. Ms. Nagy stated the comments from HRG have been taken into consideration. Once the final submission is to PennDOT, they will dictate what the developer would have to do. She said an agreement with PennDOT would have to be done regardless.

Mr. Blechertas asked Mr. Stump if a developer's agreement with PennDOT would satisfy the concern of a traffic signal.

Mr. Stump stated that PennDOT does not usually enter into developer's agreements, they may have a condition on the HOP. He thinks that the traffic study does not recommend outright signaling therefore he does not know if PennDOT would have that condition on the permit. Mr. Stump said they are recommending a developer's agreement with the Township. Mr. Stump stated when PennDOT issues the HOP, it may take 5 -10 years until the development is fully built out.

Mr. Blechertas asked if HRG is recommending a developer's agreement between the Township and the applicant. Looking at a post construction study at some incremental points and then asking the applicant to do a post construction count and stand by what improvements, if any, are warranted at that time.

Mr. Stump stated yes, and it would only be at the developments two site access points.

Ms. Nagy stated that they do not have a standard for that. She said one thing that is clear under the law, is that at a preliminary plan level a municipality cannot mandate that they have each and every one of the governmental approvals. They would be willing to work with PennDOT on the issue, but the developer cannot promise to something in 20 years, for the standards are unknown. The applicant has done what PennDOT wanted them to do as indicated they will get some permit at some date and time. She said that this is like a phantom requirement to be looking at some type of post construction study with some nebulous thought of what might be there. Ms. Nagy stated that is why PennDOT has them doing modeling for the existing site, including the number of houses and residents they

have. She said she thinks this is kind of an overreach at this point to ask them to commit to something that is 10 or 25 years down the road when they would otherwise wouldn't have to. Ms. Nagy said they are committed to do whatever PennDOT is making them do as part of the HOP, for if they want to make that as part of a condition that is something the developer would have to live with, but to have an unenforceable condition at a Township level to put something on a PennDOT roadway does not seem to make sense, for PennDOT has the ultimate jurisdiction.

Mr. Blechertas stated the recommendation from HRG is to look at a post construction count at 50% occupancy and a final one at one year after full occupancy with no counts after possible after one year.

Ms. Flowers, Township Solicitor, asked Mr. Stump if he could clarify to the Commission what warrants are, how the traffic study is calculated, what it means about the warrants being close and why the HRG is recommending the cost construction traffic study.

Mr. Stump said traffic signals cannot be installed at an intersection unless they are warranted. PennDOT does not allow a signal if it does not meet the criteria. Several of the warrants are based on projected traffic volume throughout the day. He said it would be difficult to project what the flow of traffic would be throughout the day in 10 years when it's fully occupied. Mr. Stump stated they could do their best based on the traffic projections to estimate what they could be. He said the thought was that they could do a lot of work to see if it's warranted or not, but ultimately because it's going to be phased and developed slowly there is time to monitor it as it's being developed. Mr. Stump stated that if this were a shopping center, opening all at once, you would expect to have a lot of traffic, therefore it would make sense to have a provision in place. He said that due to this project being residential it will develop very slowly, it would be difficult to say if it will meet warrants at the end or not; there is enough data to say it will be very close. He feels it would be prudent to have a provision just in case. HRG is recommending that a new study be done within one year of the development being fully occupied and if signals are not warranted at that time there will be no further obligation from the developer.

Ms. Nagy stated that there could be other developments being built in the Township that could accelerate some type of warrant for the traffic signal. What is being asked by the developer is to make a commitment, where they cannot control what is going to be built a mile up the road, if there is a change in truck

traffic in the industrial sites. Therefore, to make one developer responsible without having any input, say, or control over what other warrants would be there, it does not make sense. The developer does not want to be responsible for any other developments in the area, having more traffic from their sites factored into the Lytle Farms Plan.

Ms. Weaver stated she is concerned about the people coming out of the development.

Mr. Stump stated that the signals at the development's location serve only for development traffic.

Ms. Nagy said that she could not commit to anything this evening, for she does not know what PennDOT will say or what the conditions of the HOP are going to be. She said this is just the preliminary plan and there are several developers' agreements that need to be worked through. Ms. Nagy is not sure if tonight is the night to make the commitment, especially since the layout of the plan has not been approved. She said they are looking to get approvals for the waivers, deferrals and the plan. She said she will be willing to continue the traffic discussion during final plans.

Mr. Stump added that the municipality would be the applicant for any traffic signal because those signals are owned, maintained, and operated by the municipality and are only permitted by PennDOT. Therefore, it is not a PennDOT signal even though it's a PennDOT road, it would be a municipal signal. Therefore, it will be the municipalities responsibility to fund and install a traffic signal if warranted later unless there is a developer's agreement. Mr. Stump stated there are a few comments that are outstanding from the Township to PennDOT that are being reviewed. Once approved, the Highway Occupancy Plan would be submitted, and the Township would have the opportunity to provide comments.

Bob Pistor, resident of the Township, asked what the current plan is related to the sidewalks.

Mr. Brady presented the plan for the sidewalks along RT 230 along with where the traffic signals will be located if in the future they are determined to be warranted.



Mr. Pistor stated he has looked at the areas for which the developer is not planning to install sidewalks and feels it's a money issue for the developer to not have them put in. He asked if there was anything done to benefit the homeowners that boarder the Foxianna Road development. He said the developer has agreed to plant trees along his property line and have added them to the plans.

Ms. Nagy stated that they have done everything that Township Staff has recommended and are following all Ordinances. She said she just spoke to the applicant about the developer's agreement regarding the Traffic Signal. She stated that there are creative ways to work through a developer's agreement and the timing of studies being conducted.

Ms. Flowers asked Attorney Nagy if the developer agrees to Acceptable Proposed Condition of post construction traffic.

Mr. Pipitone stated the engineer's initial comment was that in the event the commercial would be a more extensive use as was represented in the traffic study then a new traffic study and counts be done.

Ms. Flowers asked if they would agree to a condition for a post construction traffic study and the negotiations of the benchmarks.

Mr. Nagy and Mr. Pipitone both agreed to the condition.

Ms. Flowers asked will the discussion be limited to only the commercial space.

Ms. Nagy stated they would have to see what the Township would be proposing, since this is so new there may be some give and take. She said there may be some other ideas from the developers' engineers that they could have a discussion on. Ms. Nagy said she does not want to make it tight so that anyone would be boxed in, but at the same time allow the professionals to have a conversation. She said they are open for a conversation.

There was a discussion as to what a condition is, what it would be used for and why. Also discussed were what roads that were involved in the traffic study.

Allen Detweiler, resident of the Township, expressed his concerns regarding how the Township will be impacted by the Lytle Farms plans. He said a traffic light should be installed for the safety of the residents.

Mr. Blechertas stated the Traffic impact study was done and it showed traffic signals were not warranted. He said what the Township is asking for and what was agreed to tonight is to do a post-construction analysis to see if after construction what they projected originally pans out or are the actual counts higher than projected. If it turns out to be higher than projected a light would be warranted and if it turns out the projection was accurate then a light would not be warranted.

- Chairwoman Basehore asked if there was a motion from the Board regarding a deferral of Section 22-507 Sidewalks along E Harrisburg Pike/Rt 230.

It was moved by Ms. Weaver and seconded by Mr. Swartz to approve the deferral of Section 22-507 Sidewalks along E Harrisburg Pike/Rt 230, being that the deferral only applies to the frontage crossing two culvert areas between the edge of the guiderail at the Swatara Creek Bridge and Crested Ln, between the DTMA Pumping Station and Retail #3, and from Falcon Crest Dr to the eastern property line. The motion carried with a vote of 3-1.

Mr. Joel Young, from Rettew stated there were two alternatives presented last month to the Board regarding the open space plan. It was recommended that the Private Park option be used, which is 72.5 acres. There will be 3 waivers, one being to exceed 25% open space in the floodplain area, the second would be the no direct vehicle or pedestrian access to open space areas from Hawk Rd and Jay Drive and third is to allow less than 75% of open space to exceed a 7% slope. the steep slopes.

There was a discussion regarding the slopes on Harrier Road and the American with Disabilities Act Provision for crossings, access to the development from Jay Drive and Hawk Road, open space plan, the slope requirements and the flood plains involving the open space plan.

Mr. Blechertas stated that Staff supports the waiver for access from Jay Drive and Hawk Road. As far as the waiver for the floodplain, the required open space is 32.419 acres. He said the applicant is giving us 72.55 acres. Therefore, when you look at their total set aside of open space land 26.7 % are in a flood plain 19.37 % of the 72.55 acres leaves you with 53.188 areas not in flood plain which is certainly more than 75% of 32 areas. He said 32 acres are required and 25% can be in the flood plain that would leave you with 24.109 acres not in flood plain. The grand total the applicant is giving is 53.188 acres not in flood plain.

Mr. Blechertas stated he feels the waivers are needed but he thinks the total amount of usable land not in flood plain vastly exceeds what we would get if they were only giving us what would be required. For that reason, the Township can support the waiver. As for the slopes, 25% of the land can exceed 7%. The applicant has quite a bit more than that for they have 49.89 areas exceed but when you subtract that from the 72.55 areas that leaves you with 22.66 areas are not exceeding that slope requirements. He said if you look at the slope requirements as applied to the 32.419 areas, they would be getting 24.19 acres not exceeding the slope. The developer is giving 22.66 acres which is a short, but it is still a reasonable request for a waiver. When you look at the total yield of open space I think the waivers are required, because we still have to rule off of the 32 acres, but they are giving so much extra land.

Mr. Brady stated that many of the areas are overlapping. He presented the areas of the map to the Board.

Mr. Swartz asked what the acreage is neither steep slope nor flood plain.

Mr. Blechertas stated the applicant has calculated that to be 16.19 acres.

Mr. Swartz asked how that would measure up to what should be expected to get.

Mr. Blechertas said that is half of the required land and it's a little short.

Mr. Swartz said isn't that a more relevant number if in fact they are looking for waivers.

Mr. Young stated that they tried to maximize those areas that are not steep with a dog park, open green pockets parks for the community and also allow opportunities for those areas along the streams. The Ordinance says 7% is steep but they have also included a sledding hill and walking rails and other things that may be on those steeper slopes that are usable by the residents. He said just because its steeper does not mean it's not useable as an overall park and part of the overall park design. Mr. Young said another thing to consider regarding flood plains was just because it's in a flood plain does not mean it's not useable 99% of the time for active and passive recreation. He said that when there is a flood it would not be usable but 99% of the time in a 100-year flood plain there is no water there so it could be used for active park space. Mr. Young said in both of these situations you have a park that works well which includes 16 acres

of area that is not cumber by either, for they are offering 72.55 acres overall that works together as a park.

Mr. Swartz stated that the 16.19 acres is not as impressive as some of the other numbers being talked about because that is all that is neither in a flood plain nor a slope of the open space.

Mr. Blechertas stated that the gray area of the plan should be labeled open space. He asked the applicant if the gray area of the map would be up to the HOA to determine how they wish to use it.

Mr. Nagy stated that there will be a deed restriction for that land.

Mr. Swartz asked what the concern was regarding trees.

Ms. Nagy stated that they have complied with the Ordinance requirements. She said some residents might want the developer to plant additional trees but that is not a requirement. It was offered in some cases to do trees for neighbors, but it is not a required by the Ordinance. Ms. Nagy stated the developer cannot go out and plant trees for all the residents that suddenly wants some trees in their back yard, for it is not required by the Township Ordinance. She said every bit of buffering that is required by the Ordinance has already been addressed and is shown on the plan.

#### Public Comment:

Steve Onorato, resident of the Township, spoke regarding his property that is next to the Foxianna Development Plan. He stated he and his wife spent their life savings to purchase their home and had no clue what was going on. Mr. Onorato stated his question pertains to trees and the 270-year-old oak tree that borders their property. He said he would like to know what the set back or distance to screening would be.

Ms. Nagy stated that the areas of the wetlands will not be altered in any way and proposed more trees be planted in the buffering areas that are required by the Ordinance.

Mr. Young pointed out the area pretraining to Mr. Onorato's property.

Mr. Onorato asked if the developer would do the right thing and give a couple feet.

Ms. Flower, Township solicitor, advised the Board that the preliminary plan will be different from the final plan. The final plan will be much more detailed.

Mr. Blechertas stated that this is just the preliminary plan and it does not give the developer the right to build. The final plans will have their own landscaping plan.

Mr. Pistor asked if the developer would work with the neighbors.

- Motion to recommend approval/denial of requested waiver from Section 22-410.2.C to exceed 25% open space in the designated floodplain

Ms. Weaver made the motion to approve the requested waiver from Section 22-410.2.C to exceed 25% open space in the designated floodplain and it was seconded by Mr. Swartz. The motion carried unanimously

- Motion to recommend approval/denial of requested waiver from Section 22-410.3. A to allow no direct vehicle or pedestrian access to open space areas from Hawk Rd and Jay Dr.

Chairwoman Basehore request a motion to approve the waiver from Section 22-410.3. A to allow no direct vehicle or pedestrian access to open space areas from Hawk Rd and Jay Dr.

It was moved by Mr. Swartz and second by Ms. Weaver, that the waiver from Section 22-410.3. A to allow no direct vehicle or pedestrian access to open space areas from Hawk Rd and Jay Dr be approved. The motion carried unanimously.

- Motion to recommend approval/denial of requested waiver from Section 22-410.3. F to allow less than 75% of open space to exceed a 7% slope

Chairwoman requested a motion to approve or deny requested waiver from Section 22-410.3. F to allow less than 75% of open space to exceed a 7% slope.

It was moved by Mr. Swartz and second by Ms. Weaver to approve the requested waiver from Section 22-410.3. F to allow less than 75% of open space to exceed a 7% slope. The motion carried unanimously.

Mr. Blechertas explained to the public that the Planning Commission is an advisory Board, and that the Board of Supervisors will make the final decision on all waivers, deferrals and preliminary plans. The next meeting will be at the Township Building on December 2<sup>nd</sup> at 7pm.

- Motion to recommend approval/denial of the Preliminary Land Development Plan for Falcon Crest at Lytle Farms on the condition of the seventeen items listed in the Township Staff memo of 11/18/24

Mr. Brady stated the Township has summarized a list of 17 outstanding items to be addressed by the applicant that will be required for full approval.

1. Easement agreements with Manada Conservancy and Derry Township Municipal Authority for improvements and development to be done on lands owned by them.
2. Provide Homeowners Association Covenants
3. Provide consistency statement from Pipeline Owner, United Gas Improvement (UGI) Utilities
4. Provide approved Highway Occupancy Permit from the Pennsylvania Department of Transportation
5. Provide plan approval and service agreement with Derry Township Municipal Authority for public sewer
6. Provide all necessary approvals for stormwater plan, including all Pennsylvania Department of Environmental Protection approvals and Dauphin County Conservation district approvals and adequacy letters
7. Provide approved Conditional Letter of Map Revision from the Federal Emergency Management Agency
8. Provide service agreements with all utilities, outstanding utilities are: Sewer, Electric, Natural Gas
9. Execute and record an Operation and Maintenance agreement with the Township for stormwater infrastructure.

10. Provide copies of approved water and sewer connection permits from PA American Water and Derry Township Municipal Authority
11. Provide Opinion of Probable Costs for public improvements and Financial Security in accordance with cost estimate from Township Engineer.
12. Provide all engineer and design professional seals and signatures
13. Provide a copy of Traffic Impact Study projection for all commercial sites conforming to the permitted R2 zoning uses
14. All stormwater management facilities shall be provided with a security fence a minimum of 4 feet in height
15. Clear delineation to be provided between Phase 2A and 2B, in the form of a color variation or other clear delineation on Sheet 151 of the plan
16. A Floodplain Development Application shall be required before any construction or development is undertaken within any delineated floodplain or other areas of potential flooding
17. Provide a Developers Agreement, to include traffic signal warrants study at agreed point during or post development.

Mr. Blechertas added that the conditions of the preliminary plan will remain in place until they are resolved. The final plan may be submitted before the conditions are met but the final plan may not be recorded until all the conditions are met.

Ms. Nagy stated there are no objections to conditions upon the staff memo on November 18, 2024.

Chairwoman Basehore requested approval of the Preliminary Land Development Plan for Falcon Crest at Lytle Farms on the condition of the seventeen items listed in the Township Staff memo of 11/18/24.

It was moved by Ms. Weaver and seconded by Mr. Swartz to approve the Preliminary Land Development Plan for Falcon Crest at Lytle Farms on the seventeen items listed in the Township Staff memo of 11/18/24. The motion carried unanimously.

**Any Other Matter: None**

**ADJOURNMENT:**

There being no further business to bring before the Board, a motion by Ms. Weaver seconded by Chairwoman Basehore the meeting was adjourned at 9:25 pm.

Signature on file

Adam Kopp - Secretary