



Mailing Address

**P.O. Box 277
Dauphin, PA 17018**

Office Address

**10 Elizabeth Avenue
Dauphin PA, 17018**

Phone: 717-921-8128

Fax: 717-474-8146

Middle Paxton Township

**MIDDLE PAXTON TOWNSHIP
Planning Commission
Meeting Minutes
July 13, 2020**

The July 13, 2020 meeting of the Middle Paxton Township Planning Commission was called to order at 7:00 p.m. by Chairperson Liz Rodda. The following members were present: Ralph Stone, Jeffrey Smith, Bill Kotkiewicz, Don Morse and Gary Deimler.

Also present were Julie Seeds, Recording Secretary, and Jamie Dunkleberger, Township Engineer with Light-Heigel & Associates and Steve Stine, Township Solicitor.

Following the Pledge of Allegiance to the Flag, Mr. Bill Kotkiewicz moved to approve the meeting minutes for May 11, 2020, Seconded by Mr. Ralph Stone. The motion passed unanimously.

OLD BUSINESS:

**Final Subdivision Plan for Jeffrey C. Smith
Clarks Valley Road**

Jeffrey C. Smith, property owner and Anthony Trost, P.L.S with Melham Associates was in attendance to represent the plan. As a member of the Planning Commission of Middle Paxton Township, Mr. Jeffrey Smith previously presented the Recording Secretary a Conflict of Interest Abstention Memorandum. Due to having a conflict of interest Mr. Jeffrey Smith cannot vote on the plan. Mr. Smith moved to face the Planning Commission to present the plan.

Jamie Dunkleberger with Light-Heigel & Associates stated the majority of the items as listed on the Light-Heigel & Associates, Inc comment letter dated 7/7/2020 were satisfied except still working through and clarifying a few of the Stormwater comments, and a few additional items that involve outside agencies; the NPDES Permit and the Sewage Module both are being reviewed at this time by DEP (Department of Environmental Protection).

Motion Mr. Gary Deimler to recommend the (3) waivers as per Light-Heigel’s recommendations outlined in the comment letter, Seconded by Mr. Mr. Don Morse. The Motion was unanimous.

The Commission recommended approval of the following waivers:

- SALDO Section 304 – Preliminary Plan Requirements.
- SALDO Section 502.F. – Pavement Widening Requirement
- SALDO Section 502.F. – Curbing Requirement

Motion Mr. Gary Deimler to recommend the plan for approval, Seconded by Mr. Bill Kotkiewicz. The Motion passed unanimously.

The plan itself was recommended for approval contingent upon the following:

- Compliance with Light-Heigel review comments dated July 7, 2020 (attached)
- Compliance with Dauphin County review comments dated March 18, 2020 (attached).

NEW BUSINESS:

REVISED Final Minor Subdivision & Lot Addition Plan Over lands of Flemish Downs. LLC.

Joe Burget with Burget & Associates was in attendance to represent the revised plan dated July 1, 2020. The revised plan is a lot addition to the Final Minor Subdivision & Lot Addition Plan over lands of Flemish Downs previously approved by the Board of Supervisors on June 1, 2020.

Mr. Burget explained the plan that was recently approved now includes a lot addition by adding a lot line to create Lot 2C, which consists of 161.966 acres to adjacent lands of the Commonwealth of Pennsylvania Game Commission. This required re-configuration is due to the Game Commission did not want the portion of Lot 2B that contained the Appalachian Trail easement. This land is proposed to be given to the United States Government under Appalachian Trail (Appalachian Trail Conservancy).

Motion by Mr. Bill Kotkiewicz to approve the Lot Addition Revision dated July 1, 2020 to the Final Minor Subdivision & Lot Addition Plan over Lands of Flemish Downs, LLC contingent upon all plan review comments stated in the Light-Heigel & Associates dated May 8, 2020 plan review and Dauphin County Plan review comments dated March 25, 2020, Seconded by Mr. Gary Deimler. The Motion passed unanimously.

Proposed Text Amendment

Charlie Courtney of McNees, Wallace and Nurick, LLC was in attendance representing Jason Serrano, owner of 2551 Fishing Creek Valley Road for a proposed text amendment to the Zoning Ordinance to enable construction and operation of a “limited agribusiness building” as a food distribution/storage facility on Mr. Serrano’s 200 acre property located in the Agricultural Rural Residential District (A.R.R.)

Steven Prouse, a representative for the property owner, Jason Serrano, was in attendance and reviewed the sequence of events that led up to this point. Mr. Serrano contacted Mr. Prouse with an idea after owning the land that consists of 200 acres for two years to build a Food bank. Mr. Prouse described Mr. Serrano’s work in New York with helping charitable agencies and last year founded the Midwest Food bank.

Mr. Prouse stated Jason [Serrano] did research and discovered even with the Central Pennsylvania Food Bank there is still a gap in fulfilling the demand for food in the South Central PA Area. In addition, Jason explained to Mr. Prouse they will also be dedicating a percentage of acres to farming on the property. In addition, Mr. Serrano contacted their affiliated farmers in Illinois to inquire for instance the yield of corn for five (5) acres.

Ms. Liz Rodda asked if the proposed business will be set up as a non-profit agency and Mr. Prouse answered in the affirmative. Ms. Liz Rodda also asked if they will be working with the South Central Food Bank and also answered in the affirmative.

Ms. Liz Rodda then asked the Township how this Text Amendment came about. Township Solicitor Steve Stine stated that Jason Serrano and Steven Prouse requested a meeting and met with Ed Fisher, Zoning Office, Julie Seeds, Township Manager and the Township Solicitor to discuss their concept.

Mr. Bill Kotkiewicz commented 20 acres in his view is a vegetable garden and a 75,000 square foot warehouse on a narrow road could not support the truck traffic in a rural area and does not believe a commercial business should be in an agricultural area and it's nothing more than a warehouse with minimal acreage dedicated to farming and belongs in a commercial industrial area, not along a rural road.

Mr. Charlie Courtney stated the building will store food but this business won't function as what most will see as a warehouse, with the level of trip generation and truck traffic. Mr. Courtney also stated an intense agricultural use may generate more of an impact with trucks than what this is proposing and larger buildings than 75,000 square feet. Mr. Courtney stated this is a much lower intensity use than what most large agricultural farms will generate, especially dairy farms.

Mr. Steven Prouse stated the economic forecast of the Country due to COVID19 and the demand will continue to increase for the need of food and the real impact is on the families.

Mr. Don Morse stated it appears the building would be stocked with food and vegetables and asked what other items. Mr. Steven Prouse responded the remaining will be stocked with what is available and that will rotate. Mr. Don Morse asked about the operation of the distribution part of the business. Mr. Prouse responded that small personal vehicles from other food banks and non-profits and 501c3 organizations will pick up the boxed food and distribute from each of their locations.

Ms. Liz Rodda asked what happens if this is approved and then in the future the owner, Jason Serrano, decides to sell the operation and then the new owner wants to operate a furniture warehouse? Ms. Liz Rodda stated even though it sounds like a great mission it's the planning commission's job to look in the future.

Mr. Charlie Courtney said they would impose standards to not just limit the intensity of the use but also limit the property use in the Text Amendment; i.e. limit height, minimum area devoted to crops, and must be a non-profit.

Mr. Don Morse stated he doesn't believe the Text Amendment can be solely for non-profits, and also suggested in lieu of a number of acres to do a percentage of acres devoted to farming. Mr. Charlie Courtney responded the minimum lot size proposed is 50 acres and stated a minimum lot size and is a more important aspect of the Amendment and offered they can look at a percentage of acres to be farmed versus a number of acres.

Mr. Bill Kotkiewicz responded that in his view they are still trying to fit a commercial business in an 'Ag' District.

Ms. Liz Rodda asked if the Board of Supervisors reviewed the text amendment. Solicitor Stine stated the Board didn't act on it due to it comes to the Planning Commission first for a recommendation then the Board will hold a Public Hearing. Ms. Seeds stated the Board did hear options of the proposed development project but it first must go through the Planning Commission.

Mr. Jeffrey Smith asked Solicitor Stine how is this use currently defined and Mr. Stine answered they came up with a definition for Limited Agribusiness Building, limits what the building can do and what is in it. Ms. Julie Seeds stated Agribusiness is already defined in the Ordinance of Definition for Middle Paxton Township.

An argument ensued over whether the soils can be farmed. Mr. Steven Prouse stated they retained the farmer who farms the property to assist in their proposed farming of the 20 acres. Mr. Kotkiewicz stated even though its zoned agriculture it's not 'agri' based land. Mr. Steven Prouse stated it is not impossible to farm just more difficult. Mr. Charlie Courtney stated different types of farming can occur whether it is a dairy farm or a livestock operation and have larger buildings. Mr. Bill Kotkiewicz stated with farming operations you have an economic reason to support the business that's not what's happening here you have an 'outsider' who is bringing money in to support a business.

Ms. Liz Rodda asked Solicitor Stine what are the Planning Commission's choices. Mr. Stine responded you could table the Amendment and request revisions, or you could approve or not approve (or not heard) to the Board of Supervisors. Mr. Morse asked what is the current definition of Agribusiness and Ms. Seeds recited the definition from the Ordinance of Definition.

Mr. Ralph Stone expressed his concern of what happens if the proposed food bank goes away and what other use could go in the building. Mr. Charlie Courtney explained the proposed definition for 'Limited Agribusiness' narrows the use. Mr. Steven Prouse stated that they will propose to place money in escrow to ensure that if the food bank ceases to exist they will tear down the building or the Township will use the escrow funds to tear it down or decommissioning. Mr. Charlie Courtney added the building could be used for agricultural uses that are permitted in this district.

Mr. Steven Prouse explained that the property owner, Jason Serrano, is planning on building a home on the property and has been working on the stormwater plans for the driveway and that Jason was just going to build a summer home but has decided to make this his permanent home with dividing off 100 acres for his family use.

Mr. Don Morse asked what is the frequency of tractor trailer trucks and smaller vehicles to pick up the food. Mr. Charlie Courtney stated that average daily trips could be placed as a standard in the proposed Text Amendment. Ms. Liz Rodda asked about enforcement, Mr. Charlie Courtney stated it's an enforcement mechanism like other standards in Ordinances. Township Engineer, Mr. Jamie Dunkleberger stated PennDOT will require a Highway Occupancy Permit for the use and that will inherently determine the amount of vehicles permitted.

Mr. Jeffrey Smith stated it is not spelled out in the proposed Text Amendment that the vehicles arriving to pick up the food are only the non-profits, and not to consumers and that can cause a back up possibly out to S.R. 443, Fishing Creek Valley Road. Mr. Charlie Courtney stated they can revise that in the Text Amendment. Mr. Ralph Stone added the Text Amendment needs tightened up.

Ms. Liz Rodda asked the Planning Commission how they wanted to proceed. Mr. Gary Deimler suggested they look at revisions and felt the project could be beneficial to the community. Mr. Gary Deimler motioned to table the Text Amendment for revisions, Seconded by Ralph Stone. Mr. Morse stated the traffic is something you cannot control and if the property were to be subdivided into several building lots that would also cause additional traffic. Mr. Charlie Courtney offered to try to obtain the number of truck trips before the next meeting. The Motion passed unanimously.

Board Member Comments – There were no Board member comments.

Note: A Planning Commission meeting was not held in June due to no plans were submitted.

Having no additional comments, motion was made by Mr. Ralph Stone to adjourn the meeting, Seconded by Mr. Don Morse. The motion passed unanimously.

The Meeting adjourned at 8:32 P.M.

Respectively Submitted,
SIGNATURE ON FILE
Julie A. Seeds
Recording Secretary