

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held August 7, 2007

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:36 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Lori Wissler, Planning and Zoning Officer, Jim Snyder, HRG, Inc. Township Engineer; George Palmer and John Kerschner, Palmer Family Foundation; Brian Fischbach, Fischbach, Morgan and Associates, LLC.; Alan Garner, President, Volunteers of America.

Pledge of Allegiance

Mr. Seeds led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the June 12, 2007 workshop meeting and the July 3, 2007 business meeting. Mr. Blain seconded the motion, and the motion was approved unanimously.

Public Comment

Larry Gaiski, 4501 Egret Drive, wanted to express his thanks to Mr. Wolfe and staff on behalf of the residents of Chelsey Falls for their help with certain development problems. He noted that some serious issues still exist with the developer, and he requested the Township not

to abandon the residents until the issues are resolved. He explained that Mr. Wolfe has responded to his questions in a timely fashion, and the problems are being resolved.

Ms. Ruth Lock noted that she has a problem with the development occurring at the intersection of Devonshire Road and Commons Drive. She noted that a lot of traffic travels Devonshire Road, and she questioned if the road could be widened in that area. Mr. Wolfe noted that curbing and sidewalk would be installed on the property that abuts the development, and a significant contribution was made towards the installation of a traffic signal at the intersection of Commons Drive and Devonshire Road. Mr. Wolfe noted that there would be no additional widening or lanes for Devonshire Road. Ms. Lock noted that the new development would bring more traffic to the area, noting that there is already a school and play area near the pool. She noted that many people traveling along Route 22 to Colonial Road use Devonshire Road as a shortcut since the traffic on Rt. 22 is very heavy. Ms. Lock suggested that, unless Devonshire Road is widened, there will be a huge problem with traffic in the near future. Mr. Wolfe responded that the answer to the roadway issue is not additional lanes, but improved movement through the intersections using a signalized light. He noted that the Board has received significant contributions toward improvements for the intersections of Devonshire and Colonial Roads and Devonshire Road and Commons Drive, and those improvements will be made to address traffic mobility.

Ms. Lock questioned if there was any intention to widen the road. Mr. Wolfe answered that this is not a consideration. Mr. Hornung noted that the Township only has the ability to make a developer widen the road in the area that abuts his development, so if one area was widened and it was not continued throughout the rest of the road it would make matters worse and could create additional traffic hazards. He noted that, in this case, the Township took the

contribution from the developer to install a traffic signal that would provide for greater traffic movement. He noted that the traffic studies have shown that this is the best solution for the area, and that widening the road would not provide for the best solution for the traffic problems in that area. Ms. Lock suggested that widening would provide for more traffic to travel in the area. Mr. Hornung noted that if the traffic backs up at the light, it would not be a better solution.

Ms. Lock questioned if construction could only take place in the Township if the Board of Supervisors permit it. Mr. Hornung answered that it is not necessarily so. Ms. Lock questioned who approves housing or commercial uses. Mr. Hornung noted that developers have rights that permit them to develop, and the Supervisors do not have the right to veto development if all the ordinances are met. Mr. Hornung noted that there is a great misnomer that people think the Board members approve development, but if the plan meets all the ordinances, a developer has the right to develop the land.

Ms. Lock noted if the Township has adopted a Comprehensive Plan, then the Board members would have some control over development. Mr. Hornung answered that the Board would have some control, but not as much as the public thinks. She noted that she was disappointed with this, and she stated that she thinks the Township is making a big mistake if it doesn't look into the traffic problem on Devonshire Road. Mr. Wolfe explained that the Township has looked into the traffic problems, and noted that there are solutions to improve the area, but they are not the solutions that Ms. Lock wants.

Ms. Lock suggested that it would help if the Township had a Comprehensive Plan. Mr. Wolfe explained that the Township does have a Comprehensive Plan. Ms. Lock stated that the Township waits until an area is totally built out and then it is impossible to correct the traffic issues. Mr. Hornung noted that that is totally untrue.

Mr. Hawk noted that the Municipalities Planning Code (MPC) allows the Township to control what happens on the particular property. He noted that the Township does not have the ability to control what happens off the property. He noted that there are some things the Township can do to ensure that the developer builds in accordance with the ordinances in place for that piece of property.

Ms. Lock questioned if the Township had a Comprehensive Plan for the entire Township that states what can go where. Mr. Hawk answered that it does. Ms. Lock noted that it would provide some control over development. Mr. Hawk noted only to the extent that the developer meets the ordinances for that particular piece of land. He noted that the Township has an overall zoning map. Ms. Lock noted that she had no objection to the commercial development along Route 22, but she does not like what is happening along Colonial Road in the direction of Route 22. She noted that this is where the heavy traffic is located. Mr. Hornung noted that the Township spent four years reviewing information and seeking input from the public to provide information for the Comprehensive Plan. He noted that the Board members adopted what the people wanted. He noted that the Board members have limited control, and, although the people would like the Township to have total control, that is not possible. He noted that once the guidelines are met, the property owner has a right to develop his land as he sees fit. Ms. Lock noted that it would need to abide by the Comprehensive Plan. Mr. Hornung noted that it does.

Mr. Hornung noted that the Township had engineers study the traffic in the area of Devonshire Road and they did not determine that widening was the answer to the problem. He noted that these are experienced people who study traffic patterns and know how to solve traffic problems. He noted that traffic lights are the solution; therefore, the Township will spend funds on traffic lights. Ms. Lock questioned if the traffic engineers have foresight for the future of the

Township. Mr. Hornung noted that they received information from the Comprehensive Plan to determine future needs and growth.

A question was asked if there are plans to install a traffic light at Nyes Road and Locust Lane. Mr. Blain noted that he lives in the area, and explained that there is an issue with installing a traffic light at that location. He explained that when a traffic study was completed a few years ago, PENNDOT determined that they would not allow a light to be installed at that location since there is not enough sight distance northbound on Nyes Road due to the embankment. He noted that traffic stopped for the light on Nyes Road would be subject to back-end accidents due to the sight distance problem. He noted that PENNDOT would require that the embankment be shaved back to enhance the sight distance. He noted that a second problem is with the bridge that crosses over the creek on Locust Lane in that it is insufficient to handle more traffic. He noted that in order to install turning lanes for the traffic light, the bridge would need to be replaced, and the project would cost approximately \$3 million to complete.

A question was asked why a green arrow was installed at Jonestown Road and Nyes Road when no one comes from that direction. Mr. Wolfe explained that there is a driveway at the other end. He noted that PENNDOT designs the traffic signals for their roads; the state controls their function, but the Township pays for the lights. A question was asked who installed that light. Mr. Wolfe noted that the Township installed the light, and bi-annual maintenance is performed on each traffic light.

Mr. Blain noted that the Supervisors have been working with Representative Ron Marsico to complete a corridor study of Nyes Road. He noted that this project has been moved up on PENNDOT's Transportation Plan to become a top priority improvement project. He noted that it is included in the first four years of the 12-year plan, and it is considered to be the third

most important project to be completed for the area. He noted that the study would entail the area of Nyes Road from Jonestown Road to Derry Street, and includes widening, additional safety features for the road, and straightening certain sections of the road. He noted that PENNDOT is bidding out the corridor study and the results from the study should be available by the end of the year.

A question was asked why this meeting is being held if Locust Lane and Nyes Road are in such bad shape.

A resident noted that when Mr. Blain and Mr. Crissman were running for office a few years ago, they both came to his house and asked for support, and he noted that he requested a three-way stop sign at Nyes Road and Locust Lane. He noted that they had stop signs at Union Deposit Road at that time, and he stated that he did not want to hear about sight distance because if you approach the light from the northbound lane on Nyes Road at Union Deposit Road, you have a short sight distance. He suggested that it is a blind intersection, and he stated that he could not believe that Nyes Road and Locust Lane would be any worse than what existed at Union Deposit Road and Nyes Road.

Mr. Hornung noted that he gets upset when people make comments about things they have no knowledge about, making blanket allegations about things that the Board of Supervisors have no control over. He noted that it really upsets him since the Board ends up taking the heat for things that are beyond their control. He suggested that people should study the problem, get involved in government and contribute, but don't make blanket allegations that they know nothing about. He noted that there are a lot of reasons why the Township was not permitted to install stop signs at Nyes Road at Locust Lane.

Joe Dehner stated that he understands the requirements the Township must follow, but he noted that many of the people are here to discuss an item that the Board members do have control over, and that is the rezoning for the three six-story units. He noted that he has lived in the area for 35 years, and he suggested that the Township deals with the infrastructure issues after the fact. He noted that the Township pollutes the process and then everyone is angered by the issues. He noted that everyone becomes disenchanted at the last moment when planning is challenged for someone who has X number of dollars and wants to develop in the community. He noted that the advertisement of this particular project was less than available to many of the people in the community.

Mr. Dehner noted that he was involved in a study for a project he was working on for Locust Lane two years ago, and at that time, 11,000 vehicles traveled Locust Lane. He questioned Mr. Wolfe if he had the current information for traffic counts for Locust Lane. Mr. Wolfe answered that he did not. Mr. Dehner noted that it does not make sense that the Township does not have current traffic counts for Locust Lane before the project is built. Mr. Wolfe noted that the purpose of the action for tonight's meeting is not to build a project; rather it is to rezone the land only. He explained that the information for traffic counts is required as part of the land development process which takes place after the rezoning. He noted that this is more than a one-step process.

Mr. Dehner explained that Mr. Yingst is planning to build more than 300 units across from the Dauphin County Technical School. He noted that Mr. Palmer was requesting a zoning change to build three six-story buildings with 320 units.

Mr. Hornung noted that it would be appropriate to start the public hearing in order for these comments to become part of the public hearing.

Chairman and Board Members' Comments

Mr. Hawk noted that there are Boys Scouts in attendance from Troop 360, Holy Name of Jesus Church, to work on their "Citizens in the Community" merit badges. He requested the following boy scouts to come forward: Josh Dreher, Chris Dreher, Daniel Gariscino, and Ryan Pasterick, along with their Troop Leader, Mrs. JoAnn Dreher. Mr. Hawk noted that these young men gave up their seats for others to use.

Manager's Report

Mr. Wolfe announced that Possibility Place will be celebrating its first anniversary of operation on Saturday, August 11, 2007 from 10 a.m. to 2 p.m. The public is invited to attend this event at the Thomas B. George Jr. Park.

OLD BUSINESS

Ordinance 07-05; rezoning a tract of land northwest of the intersection of Locust Lane and Fairmont Drive from Residential Cluster to Institutional

Mr. Hawk suggested that it may be a good idea for the people in the audience to read the Municipalities Planning Code (MPC). A person from the audience noted that it is available on-line.

Ms. Wissler explained that the Township has proposed an amendment to the Township's Zoning Map for Parcel 35-61-32; located on Locust Lane, west of Fairmont Drive from R-C, Residential Cluster District to the Institutional District. The tract consists of 36.16 acres.

Ms. Wissler noted that as with all rezonings, it is important to review the zoning of the surrounding area to ensure compatibility of land use. The property is abutted to the north, east and west by the R-1 District and to the east by the CN, Commercial Neighborhood District. She noted that across Locust Lane, to the south, is the Dauphin County Technical School that is

zoned Institutional District. She noted that there are existing apartment complexes (high density residential development) a short distance, east of the tract, near the Locust Lane/Nyes Road intersection. She noted that the 2004 Comprehensive Plan's Future Lane Use Map shows the area to be Low/Medium Density Residential District.

Ms. Wissler explained that the Dauphin County Planning Commission reviewed the matter on June 4, 2007, and recommended the proposed amendment with the following conditions: 1) The Township should reevaluate the future land use (FLU) identified in its Comprehensive Plan, and 2) The Township should receive assurances that the tract in question will be used for residential retirement development.

Ms. Wissler explained that the Lower Paxton Township Planning Commission reviewed this matter on June 13, 2007 and recommended approval of the application.

Ms. Wissler explained that a public notice appeared in The Patriot News on July 23, 2007, and July 30, 2007 indicating that a public hearing and consideration of the enactment of the Ordinance 2007-05 would be held on Tuesday, August 7, 2007. On July 26, 2007, the Township mailed notices to property owners surrounding the area of the proposed rezoning, and on July 31, 2007, notices were posted on the parcel being considered for rezoning.

Ms. Wissler noted that it would be appropriate for Mr. Stine to conduct a public hearing for consideration of Ordinance 2007-05 at this time.

Mr. Stine noted that this is the date and time set to conduct a public hearing on Ordinance 2007-05 which would rezone a tract of land northwest of the intersection of Locust Lane and Fairmont Drive from Residential Cluster to Institutional. He noted that it would be customary to hear comments from the landowner first.

Mr. Hawk noted, in view of the crowd of people who are present at the meeting, he

questioned John Kerschner and Mr. Palmer, as a matter of courtesy, if they would want a continuance of the public hearing to allow them the opportunity to meet with the people who are present at the meeting. He noted that Mr. Palmer and Mr. Kerschner have met with some of the neighbors, and he questioned if they would want to meet with the neighbors again to try to resolve some of the issues. Mr. Kerschner responded that he appreciated the opportunity to do so, but it is the Township's application, therefore, he would defer to the Township. He explained that he did extend an opportunity and conducted a meet-at-large in the Township building with the surrounding property owners. He noted that he would defer to the Township, but is prepared to provide testimony this evening.

Mr. Kerschner explained that he is a Township resident, and is a certified planner with 20 years of experience in land use regulations. He noted that he is present on behalf of the Palmer Family Trust to determine the appropriateness of having the 35 acres of tract zoned Institutional.

Mr. Kerschner noted that the Township's Comprehensive Plan and Zoning Map was recently updated through a thorough public process. He noted that the Township's zoning ordinance goes a long way to address one of the key action goals of the Comprehensive Plan to provide housing alternatives for a variety of household compositions. He noted that one of the objectives for that goal was to provide housing alternatives for seniors. He noted that the Township recognized that there are currently voids in the market for alternative living for seniors, and one action strategy was to encourage development of independent living facilities for seniors. He noted that one of the tools to provide for this was the zoning map amendments and zoning ordinance. Mr. Kerschner read from the Township's Comprehensive Plan: "*The population of Pennsylvania is the second oldest in the United States and Lower Paxton is no exception as the entire population ages, especially the baby boomer generation, the demand for*

senior living facilities will increase to meet different levels of care, required by this group from independent living to skilled nursing. Lower Paxton Township needs to be prepared for senior population by providing opportunities for private developers for these facilities. The proposed TND and Institutional land uses each provide senior living facilities that can meet the needs of this graying population.” Mr. Kerschner entered this page from the Comprehensive Plan as “Exhibit A”. He entered the Township Zoning Map as “Exhibit B”, since it was recently adopted by the Township as a result of the new Comprehensive Plan. He noted that the zoning map does not contain an overabundance of Institutional ground or vacant land already zoned Institutional. He noted that there are only two privately owned parcels that are currently vacant and zoned Institutional, and both parcels have plans in the works submitted to the Township, at least in concept form. He noted that all the other existing Institutional land consists of existing educational, municipal, nursing home, hospital, cemetery or parkland uses. He noted that since there is no unspoken land zoned Institutional, the Township will need to initiate rezoning, like this one, to achieve their goals for new senior housing.

Mr. Kerschner noted that the zoning map shows an existing Institutional zoning immediately adjacent to the tract, the Dauphin County Technical School. He noted that the 35-acre tract would become an extension of the Institutional District as opposed to creating a new island of Institutional District somewhere else in the Township.

Mr. Kerschner noted that it is not uncommon to have Institutional Districts among residential districts. He noted that, other than the Institutional District located at the Harrisburg Christian School on Blue Mountain enveloped by the AR District, all other districts zoned Institutional borders some portion of a residential area. He noted that this zoning change is in keeping and not out of character with established practices for Institutional Districts.

Mr. Kerschner noted that the proposed zoning ordinance change is supported by the Township's publicly adopted planning doctrine as well as the zoning practices. He noted that it was the Township's determination, when they adopted the zoning map, not to have too many vacant Institutional districts, as it would provide it with discretion in making the determination of where they should be located. He noted that this rezoning is in reach of the goal of the Comprehensive Plan.

Mr. Kerschner noted that when the Palmer Family first came up with the idea of providing affordable housing for the elderly in the community, he knew that the building height would be an issue. He explained that he met with the Public Safety Committee November 10, 2005, and submitted a copy of the minutes from that meeting as "Exhibit C." He noted that the members of the Public Safety Committee (PSC) felt that there was a need for senior housing and indicated that they would be willing to work with the foundation and provided guidance. He noted that the PSC required that the facility provide 360 access around the building and install sprinklers and standpipes. He noted that the PSC did not have a problem with the proposed story height. He noted if the tract is rezoned, he would incorporate the three recommendations provided by that Committee.

Mr. Kerschner noted that he recognized that traffic would be an issue, noting that it is an issue no matter where you are in the Township. He explained that this particular land use is not very common in the area, and he requested Grove Associates to provide an analysis that was previously submitted to the Township. He presented this as "Exhibit D." He noted that the trips generated by this type of use do not typically coincide with the normal am and pm peaks. He noted that vehicles are one of the last freedoms that many older people have, but many times they do not use their vehicles at the same time as people going to work or school. He noted that

this is similar to other traffic analysis conducted for other residential-retirement developments in the Township.

Mr. Kerschner noted that a more detailed traffic engineering study would be completed if this project reached the land development stage.

Mr. Kerschner submitted as “Exhibit E” a copy of the recommendation provided to the Township by the Dauphin County Planning Commission. He noted that at the conclusion of the Lower Paxton Township Planning Commission meeting, the rezoning was recommended for approval.

Mr. Kerschner noted that he strongly supports the change that the Township set forth this evening in that it addresses the Comprehensive Plan, it is in keeping with the zoning map characteristics that have been adopted in the past, and it has been recommended by both the Dauphin County and Lower Paxton Township Planning Commissions.

Mr. George Palmer provided some background on his family foundation. He explained that he expects 100% of the funds to go to the recipient as many charitable organizations have huge overhead costs and in many cases, only 60% or less actually goes to the charity. He noted that many years ago, when he acquired the ground, it was discussed what would be best for the ground, and it was found that there were many senior citizens that are in need of this type of housing. He noted that that is why he is requesting to build this project in the Township. He suggested that the Palmer Family Trust can make a difference in the Township for many people by providing first class housing at an affordable price for people over the age of 55.

Mr. Palmer noted that there is a lot of controversy about the fact that the building is six stories high, but six three-story buildings would not work economically. He noted that he is trying to make the project economical for this class of people. He explained if he were to develop

under the present zoning, that it would create more traffic since he feels that the seniors would not be traveling as much during the rush hours.

Mr. Palmer noted that he would like to provide for transportation for the residents, and provide for on-sight beauticians and medical personnel. He noted that these are the ideas that would make this a first-class facility for the senior people who would live there.

Mr. Palmer requested to make follow-up comments at a later time in the meeting.

Mr. Seeds questioned if there would be any federal money involved in this development of the project. Mr. Palmer noted that the buildings would be built totally from foundation funds without federal funding.

Mr. Stine questioned if anyone in the audience wanted to make comment on Ordinance 2007-05.

Darlene Benner, 5913 Shope Place, noted that she was holding 271 signatures from Township citizens who signed petitions. She explained that she respectfully requests the support of the Board of Supervisors in keeping the current RC zoning for this parcel of land. She noted, that although the Palmer Foundation is noble; the location for such an undertaking is not the best for their community. She noted that Mr. Palmer suggested that he wants to be a good neighbor, but after hearing their previous concerns, he has not made changes to his plans. She noted that Mr. Palmer is still planning what was proposed to the group in June 2006. She noted, at that time, he was only requesting a variance, but now is requesting the rezoning to the Institutional district.

Ms. Benner noted to rezone the land would contradict the recently adopted Comprehensive Plan that emphasized that Lower Paxton Township should retain its residential integrity. She noted that a continual care, non-profit community off of Nyes Road, along Red

Top Road, is now being discussed with South Hanover Township. She noted that they proposed to build a facility for 3,000 patients and 2,000 staff members that would be designed to resemble the local architecture of the surrounding area. She urged the Board or Supervisors to say no to the zoning change.

Ms. Benner made a note of apology for anyone who laughed or made snide remarks during Mr. Palmer's comments, noting that he certainly has a right to provide his comments. Ms. Benner handed the petitions to Mr. Wolfe.

Jim Frey, 1441 Wanda Lane, explained that he has been a resident of the Township for 30 years. He suggested that common sense would show that the building of these three buildings would create a huge traffic problem. He noted that he is 72 years of age, and drives every day, during the day.

Beverly Hoover, 5911 Colwyn Drive, noted that Mr. Palmer's concept is very nice; however, those who live in the general area have some serious concerns as to how this would affect their daily lives. She noted that there are many seniors who live near the Dauphin County Technical School (DCTS), and have lived there for many years. She explained that she has lived in the area for 35 years. She noted that, for most of the people, people's homes are their investments, and their major investment. She suggested that the change to Institutional zoning, regardless of what is built, would change the value of their properties. She noted that the construction of the buildings could have a detrimental affect on the local wells. She noted that many of the area homes have wells, and she noted that when the Paxton Towne Centre was built several years ago, many people experienced problems with their wells. She noted that most of the residents do not have the funds to repair or replace their wells.

Ms. Hoover noted that someone in the group spoke to a real estate agent who told them that the Institutional District would lower their property values. She suggested that her property was devalued when the School District rezoned, noting that many of the children in the area go to Central Dauphin East High School, and many of the residents do not want their children to go to that high school. She noted that many people will not buy homes in their area for this reason.

Ms. Hoover noted that when she met with Mr. Palmer a few weeks, he assured the group that he was instructing his children to continue the work of the foundation, in the event he would pass away. She explained that our children don't always do what we would like them to do, and she questioned what guarantee the Township would have if the foundation could not continue the project. She noted that Mr. Palmer does not intend to use the entire property for the construction of the three buildings, and she questioned what he intended to do with the remaining land. She questioned what could be built on the remaining land if it was changed to Institutional zoning. She suggested that Dauphin County could build a detox center at that location, and explained that this would provide for an element of people that the neighbors would not want to raise their children around.

Ms. Benner noted that she did not understand the concept of the subsidized housing, and how the foundation would fund it. She noted that she worked for the Dauphin County Area Agency on Aging for several years, and she has visited all the senior housing throughout the Dauphin County area. She noted that the proposal that Mr. Palmer is talking about is fine, but when you start with the subsidy, and maybe private money may be different, but she questioned who controls who rents the apartments. She noted that it has been her experience with subsidy housing, drugs, crime and violence follows. She noted that this is a very large concern on her part, and noted that she is not opposed to the concept, but the area that is chosen is not the correct

area. She suggested that many seniors would not like to live on the fifth or sixth floor of a building, noting that there are many concerns as to how to evacuate the building in the event of a fire.

John Trish, 600 Prince Street, noted that the majority of people present are against the rezoning. He noted that he did not have a problem with it. He suggested that the Veterans Administration may come in and build a rehab unit for our service persons coming home from Iraq. He noted that there are more senior citizens over the age of 60 in the United States than there are children under the age of five. He noted that Mr. Palmer has the right to develop his property, it is his, he bought it. He noted that the Supervisors have a right to review it and decide if it is in the best interest of all to rezone or not to rezone the land. He noted that there is not much Institutional zoning in the Township, and perhaps the senior citizens that need this type of place might be better off on the slopes of Blue Mountain. He noted that Mr. Palmer was doing a good thing for those senior citizens that are down on their luck. He noted that the Township is growing, and before you know it, the population of the Township will be larger than the City of Harrisburg. He suggested that the Township will become a city in itself. He noted that less than one percent of Americans are fighting for our freedom to be here to discuss this concept.

Mr. Trish noted that the people need to educate themselves to know what we are discussing, just as Mr. Hornung had stated earlier in the meeting. He noted that he agrees with Mr. Palmer. He noted that the seniors need a place to go. He noted that he has a few neighbors that are up in age that have great relatives, but very rarely come to visit with them. He noted that he goes to visit them since they live by themselves. He noted that he has no problem with what Mr. Palmer is doing, or what the Board of Supervisors is doing. He suggested that the people

should think about the people serving in the military, and provide people an opportunity to speak at the meeting.

A resident (Gayle) from Locust Lane noted that she is not present to attack the credibility of both gentlemen who are trying to improve a certain section of Lower Paxton Township. She noted that it was said that there are only two other Institutional zones in the community, which probably makes the Locust Lane tract of land very attractive to Mr. Palmer. She noted that Mr. Palmer stated various times about what he wants to do or what he thinks he can do, but the plans do not seem concrete enough for her. She noted that the municipal code prevents the Board from telling Mr. Palmer that they could rezone the property, without any guarantee to the Township as to what he would be doing with the land. She suggested if the land is rezoned to Institutional, then Mr. Palmer could resell the property to the highest bidder to do whatever they want to do with it. She noted that no one in the room would have any recourse against this. She noted that what Mr. Palmer says sounds good, and she is not here to attack Mr. Palmer's credibility, but she does not think that this type of housing is needed at that particular location in the community.

Charles Talmadge, 4427 St. Andrews Way, noted that he does not live in the immediate impact area for this project. He noted that he is present because he is a friend of George Palmer's and has known him for many years. He noted that over the course of the past five years, Mr. Palmer has shared with him his vision for the property and what he wants to do with it. He noted that he is present to tell the people that Mr. Palmer is doing the right thing, or else he would not do it. He noted that Mr. Palmer is providing a value to the community in which he has made his living for the past 30 or 40 years. He noted that when the people bought their properties many years ago, they were out in the boonies, but that is not the way it is anymore. He questioned what could be built in a Residential Cluster zoning. He questioned if apartments or condominiums

could be built in the area. He noted, that at some point, something will be built on the property, and suggested that townhomes could be built that could be two or three stories high. He suggested that the question to ask is what is more beneficial to the community at large, Mr. Palmer's vision or another development of townhomes. He noted that there is a distinct shortage of housing for people who have reached a point in their lives where they cannot maintain their own property and can not drive. He noted that the stated purpose for this project is to address the shortfall. He noted that the property is exempt from federal income tax because of the charitable foundation, but they would have to pay the school tax, and it would generate local tax revenue to support the school systems without impacting the school with more students. He noted that it would cause little congestion to the area for people who don't get out much or who don't drive. He noted that people would come to pick them up or visit and some type of public transportation would be provided to drive the residents for groceries, etc. He noted that a cluster of townhomes or apartments would cause additional congestion in its own way. He explained that it is a large parcel of ground that could manage a six-story building, and Mr. Palmer would be willing to work with the neighbors to come up with something that is aesthetically pleasing without reducing the property values for the area.

Al Schroff, 1441 Haney Drive, referred to the Zoning Ordinance passed on July 11, 2006. He noted that Section 102 related to purposes and community development objectives and subsection C states that *"to carry out the following major objectives, it must ensure that the development carefully relates to natural features and to avoid overly intense development of environmentally sensitive land."* He noted that there is a good deal of wetlands, especially in the area of the creek. He noted that this would be handled within the land development plan, and under the storm water management plan, the developer must provide ground recharge retention

ponds. He stated that he hopes that the ground retention wells would contain filter media and he questioned who would be responsible to maintain this. He noted that he would not want the runoff to pollute the wells in the area.

Mr. Schroff noted that number five from the same subsection states, *“to promote traditional styles of development.”* He suggested that a six-story building is not considered a traditional style of development for this area. He noted that number six states, *“to promote compatibility between land uses,”* and if you look at the zoning map, the property borders R-1; the RC which would be changed to Institutional, which becomes high density, and on the other side of Fairmont Drive is another low density area, and there is a high density area with the apartments. He suggested that this is not a smooth compatibility. He noted that number nine states, *“to promote development that retains the rural character of the Township.”* He noted that when he moved to the Township 35 years ago, the largest building was a silo, but they are long gone. He did not think that a six-story building would retain the rural character of the Township. He noted that number eleven states, *“to direct higher density development to areas that are physically suitable, accessible by major roads, and have potential for essential water and sewage services.”* He noted by changing the zoning from RC to Institutional, this would multiply the density five times and it would create major problems other than traffic. He suggested that it would be a greater encouragement to change land along Locust Lane to commercial uses and it would put pressure on the Township to zone certain areas to commercial development. He noted that he would not want to see a strip mall along Locust Lane.

Mr. Schroff noted that there are overflows from stormwater and sewage issues along Nyes Road during wet weather. He noted that he is currently on a well and has no problems with water pressure, but some of the people in the area that have public water have lower water

pressure. He questioned if there would be sufficient water pressure to run a sprinkler system in the buildings. He noted that some Townships require that a certain amount of water pressure be available for multi-storied buildings.

Mr. Schroff noted that section fourteen states, *“that commercial businesses should be directed to commercial areas,”* and he suggested that the higher density would put pressure to develop Locust Lane commercially.

Mr. Schroff noted that on July 29, 2006, Mr. Palmer requested a variance from the Zoning Hearing Board and the Board found that the requested variances would significantly alter the character of the neighborhood since the proposed buildings would be two to three times higher than other permitted uses in the area. He noted that the requested densities are contrary to the spirit of the ordinance which intended to allow design flexibility by maintaining overall density levels in the area.

Mr. Schroff questioned if the Township was serious about following the major objectives found in the new Zoning Ordinance.

Ms. Renie Wendt, 5400 Locust Lane, noted that she has lived at this location since 1970. She explained that her job, as part of the group, was to discuss traffic issues. She noted that there are three schools within a mile section of the proposed rezoning, Central Dauphin Middle School, Dauphin County Technical School, and E. H. Philips Elementary School. She noted that there are soccer fields, baseball fields, and community pools. She noted that these facilities are located on an already burdened roadway, and noted if the tract is zoned Institutional, 360 residents would add to that traffic. She noted that, in some instances, there may only be one car, but some residents may have two vehicles. She noted that there will be visitors, social service agencies, and people visiting and providing services. She noted that the addition of the 410 units

from the proposed Shadebrook Development combined would increase the traffic on Locust Lane greatly. She noted that some people would use Union Deposit Road, but the majority of traffic would use Locust Lane since there are not as many traffic lights.

Ms. Wendt explained that she was provided the following statistics by Mr. Jeremy from PENNDOT. She noted that in July 2005, when school was not in session, from Rutherford Road to Fairmont Drive, 9,706 vehicles traveled Locust Lane daily. She suggested if you would combine the projected traffic of two cars from each of the proposed projects, for two trips daily, it would add an additional 13,000 vehicles a day. She noted that in 2005, for Union Deposit Road, from Rutherford Road to Grove Road, the traffic count was 6,600 vehicles. She noted that on Route 22, from Progress Avenue to Locust Lane, the traffic count was 21,000, and Locust Lane to Route I-83 was 24,000 vehicles. She noted that Route 22 is a highway with at least four lanes in most places, and in some locations six lanes at intersections. She noted that the Locust Lane traffic, with the two new proposed projects, would surpass half of the amount of traffic found on Route 22. She noted that there are 29 streets that have no other means of egress and ingress but Locust Lane, therefore, there is no alternative but to use Locust Lane, and she stated that traffic and safety must be a major consideration for the Township.

Ms. Wendt noted that the Comprehensive Plan clearly states, on page five under the Vision and Goals, *“that the neighborhood should be maintained and preserved as residential neighborhood as the predominant land use.”* She noted that this plan was made with much public input, and in the best interest of the majority of people living in the area. She noted that Board of Supervisors, as the governing body, should maintain responsible growth, but not at the expense of the residents from this area that have contributed to the Township in so many ways,

to the tax rolls, many, for over 30 years. She noted that the residents have made the area in question their home and request that you vote nay to rezone parcel 35-061-321 to Institutional.

Josh Herchner, 1221 Barley Corn Square, noted that he has lived, off and on, in the Township for 20 years. He noted that he moved back to the area, due to the development of a similar type of project that was projected for his former place of residence that would have totally changed his neighborhood since it would not have provided a good place to raise their children. He noted that he was not aware of this proposed development until today, and he is concerned with the height of the six-story buildings. He noted that it does not belong in the area and it is out of character with what is already developed in the area. He suggested that once the zoning is changed in one area, it is contagious, making it easier to add similar items to the area until the residential areas are eaten away. He noted that it was mentioned that it would not affect the traffic patterns much, but there would be many people working at the facility and they would provide for additional traffic. He noted that maintenance, uniform companies, food companies, etc. would be accessing the area at all hours of the day. He noted that most medical care facilities must maintain 24-hour care. He noted that a six-story building would increase the footprint more than an single-story building and would increase the density dramatically.

Mr. Herchner noted that he would like to address the comment made that the citizens need to be informed and involved in things. He noted that some residents are raising their children, working two jobs, and do not have time to be involved in a bureaucracy. The purpose of electing Township officials is for them to look out for the citizens' interest. He noted that this is not to say that citizens shouldn't get involved, but with all the people present, it shows the concerns of the citizens. He noted that officials are elected to protect the citizens and their interests, and he requested the Board members to vote against the proposed rezoning.

Barbara Troy, 5638 Akron Drive, noted that she has only lived in the Township for a couple of years and questioned if the striped areas on the map were wetlands. She noted that she is experiencing a water pressure problem at her home and she is concerned and requested the Board members to vote no for all the reasons provided this evening. She noted that she was not happy that she did not hear about the meeting until last evening and suggested that there is a communication problem with the Township. She noted that she only found out about this meeting because someone came to her door to inform her of the meeting. She noted that she would make a better effort to attend meetings and become more informed.

Joe Dehner, 5901 Devonshire Road, noted that he had a concern regarding the impact on emergency services that may be required to support this type of development. He noted that the Township has a difficult time getting volunteers to do these jobs, and they work without recognition. He noted that he questioned the financial aspect of the foundation, and since it is a private foundation, if there is any assurance that it would have a viable existence in the next ten to fifteen years. He noted that there have been problems with the Dauphin County Home, Villa Teresa, and supporting tax situations that provide assistance to senior citizens. He noted that Pennsylvania is not the second oldest population for senior citizens in the United States; as of July 1, 2007, West Virginia has taken the second place spot. He noted that many senior citizens do not need assisted living. He suggested that it would be better for Mr. Palmer to provide homes for senior citizens who need them within the confines of the zoning that exists today. He noted that the neighbors should not be blackmailed into taking one development over another if it is not consistent with the community and its desires for zoning as it was intended originally under the master plan. He suggested that trading someone's ability to find something

satisfactory at the risk of the rest of the communities adversely being affected is an unacceptable situation.

Bill Fox, 6495 Huntsman Drive, noted that he has two properties located on Locust Lane, and explained that he was watching the meeting on television and decided to attend the meeting to voice his comment. He noted that, currently, it takes him 20 minutes to get to Nyes Road from Prince Street when the DCTS lets out. He noted that he is all for building for people who need it, and for things that need to be done, but the Board members are responsible to make the right, proper, and just decisions for the people who voted them in. He noted to do the right thing is their job, and they should not base their decisions on money, to get more tax money, to get more things from the big builders, or to have the roads widened. He noted that PENNDOT does not maintain Locust Lane as it is. He noted that the impact would eventually commercialize Locust Lane, noting that it would benefit him in the long run. He noted that he does not want a McDonalds near his shop, and he does not want a six-story building located at the end of Nyes Road that he must compete with for traffic. He noted that the people don't want it, and he does not want it.

Janice Macut, 1509 Pine Hollow Road, explained that she has attended several of the meetings concerning this issue. She questioned how long the project would take to complete. She stated that the retirement homes that are being built on Union Deposit Road has been underway for six years. She questioned how the dump trucks traffic would affect the roadway. She noted that a huge community is planned behind the DCTS which would have over 400 units. She questioned where is the traffic study for Fairmont Drive from Union Deposit Road to Locust Lane and continuing through Fairmont Drive out to Devonshire Road. She noted that the only way to get out of the area is either Fairmont Drive or Rutherford Road. She questioned with the

additional traffic for the proposed development, and the three six-story units, where would all the traffic go. She noted that there is no ability to get the people in and out of the area safely and no traffic signals. She questioned what would happen with the dust and dirt from the project. She suggested that 36 acres is a lot to deal with and she could not understand why it would not be feasible to build six three-story buildings, even with the wetlands.

Ms. Macut noted that it was stated that 80% of the population were to be 55 and over, but she noted that they could not explain who would occupy the other 20%. She noted that 20% in fair housing terms is very scary, and she did not know if there would be income guidelines and restrictions for the people moving in the units. She questioned if the stages of the project could take five or six years. She noted that most developers build one building at a time and then build the next one once the first is occupied. She noted that she is concerned at the direction the Township is going, that growth is overrunning the road system and there is a need to be more careful in the development of the Township.

Greg Hare, 5902 Pine Hollow Court, noted that he would like to publicly apologize to Mr. Hornung, noting that his emotions got the best of him. He noted that he was tired of politicians asking for forgiveness. He noted that he would be proud of the fact that the meeting is so well attended, since the people voted him in and he must be doing a fine job. He noted that there are times that citizens needs to be heard to relay that this is not the right thing to do. He noted that the comments at the meeting are 9 to 1 against the rezoning, and when he votes the Supervisors into office, he expects them to represent him and his vote at the meeting, and say no for the rezoning.

Greg Knerr, 6130 Springford Drive, noted that he had lived for 16 years at 5909 Shope Place. He noted that he has lived in the Township for 27 years and that he was watching the

meeting on television and became irritated and wanted to come to make some comments. He noted that he reads the Township Newsletter to stay abreast of things, and he works for the Commonwealth and understands PENNDOT regulations for the stop sign on Union Deposit and Nyes Road. He noted that in the two years he has lived in Springford, he has just missed being involved in several accidents at the intersection of Fairmont Drive and Locust Lane. He noted that this is a great area to grow up in and he used to be able to ride his bike on Locust Lane but that is not possible now. He noted that the proposed development is not a good fit for the area, even though it is a good intention. He suggested that there has to be a better location for it in another area of the Township. He noted that it would not be right to vote yes for the zoning change.

Mr. Fulmore, 6123 Spring Knoll Drive, stated that this is a very difficult position to be in. He noted that there are many residents who don't agree with this, and he explained that he has mixed feelings. He noted that the Township is growing, and his concern, aside from traffic, is the consideration of what happens if the facility is not built and the property is rezoned. He feared what could be built on the land, and that there is so much to consider in this regard. He noted that the concept is a great idea, but his concern is what would happen if it is not built. He questioned what would happen if Mr. Palmer decides to sell the property after it is rezoned. He noted that he loves the area, and he would hate to see it go down the drain from shortsightedness in making a decision at this time without entertaining what potentially could happen in the future.

Darlene Cover, 1232 Barley Corn Square, stated that she has lived here for some time, and both of her daughters attend the Central Dauphin Schools. She noted that her concern is for the bridge at Fairmont Drive and Barley Corn Square. She noted that she is very concerned about the number of accidents that will occur at that bridge. She questioned if there is a projected date

for construction on that bridge, and has the Township considered what would happen with the additional traffic on the bridge. Mr. Wolfe answered no. Ms. Cover requested that Board members consider this bridge when they vote on the project.

David Bush, 6170 Cotton Drive, noted that he is a resident of the Township and has a concern for the quality of life in the Township. He noted that in the Upper Dauphin area, there is a place similar to this that is called the Polk apartments. He noted that it was built in the middle of Millersburg, and there is comfort to the older people that there is a place that they can move to when needed, and he suggested that it has enhanced the area since the older people know that this would be available to them when they need it. He suggested that this project would offer the same home for many of the older residents.

Kelly Gardner, 5912 Colwyn Drive, noted that there is a Senior Citizens' Center for old folks to go to if they want things to do. He noted that he has older relatives and there are older people in attendance at the meeting, but the construction undertaking will impact the community in a negative way, and this is very obvious from the tone of the conversation of this meeting. He expressed that the entire Township has multiplied by what fold. He noted that he has been a resident for 25 years, and he can remember when there were only two stop lights, a movie theater and no apartments at the end of Locust Lane. He noted that the Township is growing very fast. He noted that Mr. Palmer has a wonderful idea; it just may not be in the right place. He noted that it is wonderful that he wants to provide this for senior citizens who are unable to provide for themselves, but he questioned the uncertainty of the 20% that we don't know about. He noted that questions have been raised and no answers have been provided for the problems, and he hoped that the Board members vote against the rezoning. He noted that he is telling the Board members to vote against it. He noted if no resolutions are found for the questions, then the

process should be continued until studies are made. He noted that “Exhibit B” was presented to the Township for traffic flows, but the audience did not have access to “Exhibit B” to know what it consists of. He questioned Mr. Wolfe what it contains. Mr. Wolfe answered that he only received it a few minutes ago and could not provide that information. He noted that if the Board chose, they could continue this hearing to another time when the questions could be addressed.

Stephanie Krebs, 5920 Locust Lane, noted that much of the discussion has regarded the older folks, but she wanted to talk about the 30 year olds. She noted that she believes in good stuff, and doing the work of God, but she noted that this affects her home where her two, four and six year old children live. She noted that Locust Lane is a busy street, and the property has been in her husband’s family for 40 years. She noted that her house is appraised at \$224,000, and was built seven years ago, and she noted that if Mr. Palmer builds his skyscraper next to her home it would put her children in danger, due to the heavy traffic, and her children would have no place to go. She noted that she would have to move from the family property. She noted that her home would drop in value by \$60,000 and she suggested that discussion should be held regarding her life right now.

Karen O’Halloran, 1457 Marene Drive, noted that after living in the area for 36 years, she has an antiquated sewer system that backed up in her basement twice. She explained that she and her daughter were hit head-on by a vehicle that lost control on the bridge on Fairmont Drive. She questioned, by a show of hands, who in the audience were for the rezoning and who were against it. (A show of hands revealed that the majority of people present were against the rezoning.) She noted that this was a vote of people who are longstanding members of the community.

Tim Murphy, 1524 Pine Hollow Road, noted that he attended the Planning Commission meeting in June 2007. He noted that the representative from the Dauphin County Planning

Commission (Chip Millard) stated that the Comprehensive Plan called for this land to be used as low/medium density residential. He noted if the plan calls for this, then the Board should not circumvent the intention of the Comprehensive Plan. He noted that it was also stated that the tract consists of 36 acres, and Mr. Palmer stated that he would not use all the acreage for the three buildings. He questioned what would happen to the additional acres. He noted that Dauphin County also recommended if the zoning change was made, that the Township insists on a guarantee as to how the land would be used. He questioned if those assurances have been made to the Township He noted that if this is unknown, then it is not time to move forward with the rezoning.

Mr. Murphy questioned how much certainty is there in the need for senior housing. He questioned if there is a need to house over 300 persons in subsidized housing in the Township. He stated that if there is not a demand, Mr. Palmer would have a financial problem with his project. He noted that there is a consideration to look at connecting a road easing some of the traffic off of Fairmont Drive, to build a connector drive on this land between Locust Lane and the Barley Corn Square neighborhood. He questioned how this would fit into the scheme of things. He questioned if a zoning change would make it more lucrative to develop the western portion of the land into something other than senior housing. He noted that Mr. Palmer has stated that he needs to develop the property in this fashion to make the finances work. He noted that Mr. Palmer stated that he does not know what rent he would charge. He questioned how he could make his finances work if he did not know what his income would be. He noted that there are too many unknowns to move forward with this request.

Mr. Murphy noted that his son was a boy scout, and also attended a Township meeting where a proposal for a senior housing unit was discussed. He noted that it was proposed for

Jonestown Road in the area of Autumn Ridge development. He noted that he was told that there was a similar turn out and the neighbors did not want it, and the Board members agreed with the residents. He noted that he would like the Board members to vote this plan down also.

Collin Myers, 6211 Cider Press Road, noted that he is pleased that a fellow citizen has the altruistic tendencies to look at a segment of society that could use a helping hand who may not know at this moment that they will need help in order to support themselves. He noted that some people may not even have the finances to get to the meeting to express their opinion or to know about the topic for the meeting. He noted that he is thankful that a fellow citizen is willing to do this without putting the burden on the taxpayers back. He noted that he understands where many of the people are coming from, noting that he would want the value of his home to be there at a point in time when he would like to receive his just reward for putting time and labor into its upkeep. He noted that the traffic issue is not something that the citizens will have complete control over. He noted that the land that exists will not exist in a vacuum and it will be developed and the traffic will be impacted. He noted that it is most likely that the State government will do nothing about Locust Lane until the problem is so bad that they will be forced to do something. He noted that the issues for traffic are already bad, and at some point, the State will be forced to cooperate with the Township to make things better.

Mr. Myers noted that he is concerned with who his neighbor is. He noted that he has been a friend of Mr. Palmer, and he questioned how we know anything about anyone unless we know something about their character, and spend time with them to see what they have accomplished. He noted that he knows Mr. Palmer and is proud to be a friend. He explained that he is concerned about the issues for increased building in the area, noting that he has been upset with the lack of a traffic light at Fairmont Drive and Locust Lane. He noted that he would vouch

for the project in terms of what the intentions are, and he knows that the Palmer Family Foundation would have the utmost concern about its neighbors. He noted that Mr. Palmer would do everything to prevent encroachment on people's rights and property values.

Mr. Myers noted that the building of this project may be inconsistent with the Comprehensive Plan, but there is no question that this project will meet the needs for a certain group of people. He noted that it is the goal of the Township, its citizens, and the Board to meet the needs of the community. He noted that a segment of the community that borders the project would be affected, but we should look at the entire community. He noted that the entire community would be positively impacted by the service that will be provided that is not currently available. He noted that he would like to see the Board of Supervisors approve the rezoning because the project is honorable, it does have value, and it has a unique and valuable priority. He noted that he is so happy to be able to express his opinion that is in the minority and to have others listen to it so kindly.

Hazel Schroff, 1441 Haney Drive, noted that she has heard over and over what a good Christian person Mr. Palmer is, and how he made his money in this community, and he wants to give it back to the community. She noted that we don't want it the way he wants to give it to us. She noted that he stated that it is a non-profit endeavor for him, but she suggested that the land should be developed into a community park. She suggested that he could build a dog park as well, since he does not need the money, and he wants to give the money back. She noted that at the meeting held in August, he stated that it would be for people 55 and over, who only drive between 10 am and 2 pm. She stated that most of the people work until they are 66. She noted that her work schedule does not fit the 10 am to 2 pm schedule. She noted that the people who fall at the top of the Township's overall organization chart have done their homework, and she

feels that something is not fitting together here. She noted that she definitely is voting against this rezoning.

Vickie Davis, 5018 Locust Lane, noted that she has lived there for 30 years and that the Board members have heard the majority of opinions from the residents. She noted that she is hearing over and over that it would benefit the people in the community. She questioned if only Lower Paxton citizens would be admitted into this housing, or could live there. She noted if it is to benefit the citizens of Lower Paxton Township, then only those citizens should be able to live there. She noted that she lives on a limited income, supports herself, continues to work, and cannot afford to sell the home that she has lived in for almost 30 years that is almost paid off. She noted that when property values go down, who will take care of her. She questioned if she would have a place to live there since she is over 55 and a citizen of the Township. She asked if Mr. Palmer could guarantee that for anyone in the room.

Ms. Davis questioned what type of individual will the other 20% be. She stated that she looked at what happened at Pennswood Apartments and she know the types of individuals that live there, and what it has done to our schools, and the crime in the schools. She noted that Pennswood went subsidized, and she questioned how that happened. She noted that she lives close enough to see what it has done to the community. She noted if she tries to sell her home what will she tell people, especially is they see the people hanging around the Turkey Hill in that neighborhood. She noted that three people spoke for Mr. Palmer, and she didn't even know about the meeting. She noted that she lives a few blocks down from the property, but she is still affected since she can't get out of her driveway half the time. She noted that people have to wait to cross the street with vehicles traveling 50 miles per hour on Locust Lane. She noted that this is her concern.

Rodger Krebs, 5919 Shope Place, noted that he lives adjacent to the fields of the proposed project. He noted that we do know that we do not want the land zoned Institutionalized. He noted that it is the Supervisors job to help the people out.

Mr. Stine stated that, seeing that no one else wished to be heard, it would be in order to close the Pubic Hearing on Ordinance 2007-05 (9:55 p.m.), and the Board may take action if it so desires.

Mr. Hawk noted that he has taken many notes, and was delighted to know that so many people have lived such long lives in the Township. He noted that he has lived in the Township for 43 years, and he stated that he could not think of another place that he would want to live. He noted that there are roughly 130 people in attendance at the meeting. He explained that the Boy Scouts have certainly earned their merit badge this evening, and they are very well behaved.

Mr. Hawk noted that he would not put a value judgment on anything said this evening, but he wanted to share some observations with the audience. He noted that sometimes his job is more difficult than at other times since he has to make some difficult decisions. He noted that he wished he could please everyone, but that is not possible. He noted that, in response to the person who stated that they wished they had greater notice, he questioned what more the Township could have done. He noted that a notice was published in The Patriot News on July 23, 2007 and a second time on July 30, 2007. He noted that 75 notices were sent to surrounding homeowners. A person suggested that an email notice could have been sent. Mr. Hawk answered that he did not have the citizens email addresses to send notices.

Mr. Hawk noted that most people are against sprawl, but it is usually after they build their own home. He noted that when he moved to the Township there were only 18,000 residents, and now there are 46,000 residents. He noted that growth is inevitable with the population explosion.

He noted that there are four basic arguments for rezoning; type of buildings, traffic volume, housing values, and quality of life. He explained that ten years ago, a rezoning occurred that allowed Lowe's Home Improvement Center to be built. He noted that there was a similar meeting as this one, with a smaller community. He noted that everyone in that community was against the Lowe's being built for the same four reasons. He noted that the people in that community now embrace Lowe's. He noted that traffic has never become a problem, they have been good neighbors, and he knows, since he lives in that community. He noted that Hassler Road has provided a means to access Union Deposit Road, and he noted that his quality of life has not suffered. He noted that his house is directly behind Lowe's and he does not even know that they are there. He noted that Lowe's coned the lights and changed the direction of the loudspeakers for the loading docks. He noted that the value of his home has increased in value. He noted that this does not happen in all situations, and things are not always the same when development comes to an area. He noted a house went up for sale nine days ago, and it is already under contract for sale.

Mr. Hawk noted that the Dauphin County Planning Commission suggested that the Township should receive assurance that the tract in question will be used for residential retirement development. He noted that he has heard testimony from people who support the project, and those who don't. He noted that the Board of Supervisors is a listening board that takes people's comments seriously. He noted that it is the people's Township and the Board does listen to what the people say. He stated that it has been expressed to his satisfaction that the people have many questions, and many significant questions, and he would recommend that the Board table action on the consideration with the idea that follow-up conversation occur with the residents and developer to bring the rezoning back to the Board at a later date. Mr. Hawk noted

that his motion is to table the rezoning at this time. Mr. Blain explained that the Township is the applicant. There being no second to the motion, the motion died.

Mr. Blain noted that the Township has done much work to create the Comprehensive Plan, and have identified that there is not enough senior housing in Lower Paxton Township. He noted that Mr. Palmer has a great idea; however, there are too many unanswered questions for the citizens. He noted for this project to move forward, it would require a lot of effort to work this out with the community. He noted that he has heard many issues outside of traffic, such as the size of the buildings, the heights, the finances, and a litany of issues. He suggested that this is not the right direction for the Township and his vote would be to deny the request at this point.

Mr. Blain made a motion to deny the request for rezoning of the tract of land at Locust Lane from RC to Institutional. Mr. Hawk seconded the motion. Mr. Crissman noted that no action tonight would have permitted the zoning to remain as it is as RC, and noted that Mr. Blain's motion is to deny the rezoning from RC to Institutional. He noted that this does not preclude that this issue could be brought before the Board at a later time, after further discussion if there was community support, such as what happened with the Stray Winds Farm development. He noted that the Stray Winds Farm project was an example of a developer getting together with the community. He noted that the citizens were completely against the development of land along Crums Mill Road, and they worked with the developer and over an 18-month time span the parties came to agreement as to what they wanted to see. He noted that the developer gave a lot of concessions for road improvements, traffic signalization, and buffers, and agreed to provide a park and walkways. He suggested that this is something that could happen with this project, but it would require work by both parties.

Mr. Seeds noted that he would support the motion for denial and he wanted to thank all the people for coming out. He noted that Mr. Palmer is a fine gentleman, and he has a fine idea, but the problem with zoning is that it goes with the land and not the owner. He noted that we are all not going to be here forever, and Mr. Palmer has good intentions, and he likes what he wants to do, but he didn't like it in that location.

Mr. Crissman noted that it is a noble concept, and we do have an aging population in Lower Paxton Township. He noted that it is an issue that needs to be addressed. He noted that he has lived in the Township for a long period of time, and he would like to ensure that he has an opportunity to continue to live in the Township. He noted that he would not want it to get to the point that he could not afford to live in the Township, so he championed the concept. He noted that the people live in a democracy and people choose, and people's choice makes for good government, therefore, since the people have spoken, the Supervisors will be responsible.

Mr. Hornung noted that he was born in the community and has lived in it for 55 years. He noted that this is not the first time the Board has seen this type of process, and he noted that the best projects that have come to the Township are those in which the citizens started out very negative, but sat down, and worked with the developer to come up with incredible projects that benefited both sides. He noted that it can happen, but if it doesn't work out, then it doesn't work out. He urged the people to keep an open mind, analyze their concerns, see where the developer could minimize their and address their concerns. He noted that it could become a win-win situation. He noted that he represents the people, and the people have spoken, and he thanked them for coming out. He noted that he was impressed with the people's responses, and wished that he could fill the room for every meeting.

Mr. Hawk noted that he and Mr. Palmer went to high school together, and he was not surprised with the motion that he put on the floor, but he wanted to suggest, that at some point in the future, maybe it will work out.

Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

There was a short recess from 10:15 pm. to 10:24 for the crowd to exit the room.

Resolution 07-33; approving procedures and adopting a fee schedule for collection of delinquent sanitary sewer accounts

Mr. Wolfe explained that this resolution provides for the transferring of the delinquent collection for sanitary sewer accounts to the firm of Kodak and Imblum, P.C. in accordance with the attached fee schedule. He noted that the purpose for this action is to attain a much reduced rate for service for the various procedures required in the delinquent collection process. He noted that the Board has previously seen the proposal from Kodak and Imblum, P.C, and directed staff to prepare the resolution. He noted that it is complete for Board action at this time.

Mr. Crissman made a motion to approve Resolution 2007-33, approving procedures and adopting a fee schedule for collection of delinquent sanitary sewer accounts as presented by Mr. Wolfe. Mr. Blain seconded the motion, and Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye, Mr. Seeds, aye; and Mr. Hawk, aye.

NEW BUSINESS

Preliminary/final land development plan for Dauphin County
Volunteers of America Living Center

Ms. Wissler noted that The Volunteers of America (VOA) is proposing the construction of fourteen (14) dwelling units, and a 2,168 square foot Community Center/Manager Apartment

and office on 4.2 acres. The tract is zoned Residential Medium Density (R-2) and is located on Blue Ribbon Avenue and will be served by public sewer and water.

Ms. Wissler noted that the Planning Commission, at its meeting of July 11, 2007, recommended approval of the plan subject to the review comments. The Planning Commission also recommended approval of the waiver of the preliminary plan requirement.

Ms. Wissler noted that Brian Fischbach is present to represent the plan.

Mr. Crissman questioned if staff supported the waiver. Ms. Wissler answered that she does.

Mr. Seeds questioned if there were 14 or 15 units for the plan. He noted that the manager's unit would also be an apartment. In addition, he questioned if the fee-in-lieu would be for 15 units and what the amount would be. Ms. Wissler answered that there would be a total of 15 units, and the amount would be \$2,300 for 15 units. Mr. Seeds suggested that this needs to be added under the general conditions.

Mr. Seeds noted that this tract is zoned R-2, and he questioned if it was zoned cluster. Ms. Wissler answered that it is not. He questioned how this would fit in with the 12,000 square foot minimum lot. He noted that this plan looks like a cluster and there would be an open space requirement, therefore, it would have to be an open space development. Mr. Stine noted that this is all located on one-lot. He noted that the condominium is not a subdivision. Mr. Fischbach explained that it is a development of one lot with fifteen apartment units and a common area. He noted that it looks like a cluster because of the environmental features with significant floodplain and wetland boundaries. He noted that it will be owned and operated by the Volunteers of America Organization. He explained that the units will not be sold.

Mr. Seeds questioned if the plan meets the ordinances. Ms. Wissler answered that it does. Mr. Seeds questioned if he was in agreement to pay the fee-in-lieu for the 15 units. Mr. Fischbach noted that he was in agreement to this.

Mr. Fischbach noted that Alan Garner, representing the Volunteers of America is present and could answer any questions that he would have regarding the plan. Mr. Seeds questioned if he was asking for any other waivers. Mr. Fischbach answered that he is not, noting that curbing and sidewalks would be installed along North Blue Ribbon Avenue.

Mr. Hornung questioned what type of person would be housed in these units. Mr. Garner answered that the individuals that he would be serving would be people with disabilities, particularly mental and physical disabilities. He noted that he is preparing for the number of veterans who will be coming back from Iraq with post traumatic stress syndrome and missing limbs, or brain injuries. He noted that the facility will not solely serve veterans. He noted that two units will be fully accessible and all could be converted to be fully accessible. Mr. Garner explained that he has similar units located on Derry Street next to Fine Line Homes. He noted that he also has a seven-story unit on North Third Street in the City of Harrisburg that houses elderly persons.

Mr. Seeds questioned if the road into the units will be private. Mr. Fischbach noted that it will be private and is designed as an access route.

Mr. Crissman questioned Mr. Fischbach if he was in agreement to the eight comments made by the Township Engineer, Jim Snyder, dated August 2, 2007. Mr. Fischbach answered that he is. Mr. Crissman questioned if he was in agreement to the five general conditions. Mr. Fischbach answered that he was. Mr. Crissman questioned if he was in agreement to the additional general condition that noted that the fee in lieu would be for 15 units at \$2,300 per

unit. Mr. Fischbach answered yes. Mr. Crissman questioned if he was in agreement to the three staff comments. Mr. Fischbach answered that he was.

Mr. Crissman made a motion to approve the Preliminary/Final Land Development Plan 2007-12 for Dauphin County Volunteers of America Living Center, with the following waiver, conditions and comments: 1) A waiver of the requirement to submit a preliminary plan; 2) Plan approval shall be subject to addressing HRG's eight comments dated August 2, 2007; 3) Plan approval shall be subject to providing original seals and signatures; 4) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 5) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion & Sedimentation Control Plan; 6) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 7) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 8) The fee in lieu for 15 units at \$2,300 per unit; 9) A street/storm sewer construction permit is required and to be obtained prior to earth moving activities; 10) A preconstruction meeting is to be held prior to starting the project. This may be held in conjunction with the Conservation District meeting; and 11) All proposed site signage, including construction signs, shall comply with the Lower Paxton Township Zoning Ordinance.

Mr. Blain seconded the motion, and Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye, Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 07-32; Planning Module for Daniel Schiavoni Condominiums

Mr. Wolfe explained that the Planning Module would amend the Township's Sewage Facilities Plan in accordance with the Land Development Plan that the Board has previously approved. He noted that this Resolution is complete for Board action this evening.

Mr. Crissman made a motion to approve Resolution 2007-32; Planning Module for Daniel Schiavoni Condominiums as presented. Mr. Blain seconded the motion, and Mr. Hawk called for a voice vote. The motion was unanimously approved.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were nine improvement guarantees for consideration.

Chelsey Falls, Phase I

An extension and increase in a bond with Lexon Insurance Company in the amount of \$190,620.37 with an expiration date of August 24, 2008.

110 Sunset Avenue

An extension and increase in an escrow with Lower Paxton Township in the amount of \$6,676.30 with an expiration date of August 16, 2008.

Graystone Bank

A release in a letter of credit with Graystone Bank in the amount of \$1,870.00.

Willow Brook, Phase IV

An extension in a letter of credit with Fulton Bank in the amount of \$34,015.85 with an expiration date of August 3, 2008.

Huntleigh, Phase I

An extension and increase in a letter of credit with Fulton Bank in the amount of \$71,639.26 with an expiration date of August 30, 2008.

Spring Creek Hollows, Phase IA

A reduction in a letter of credit with Peoples Bank in the amount of \$46,987.90 with an expiration date of August 15, 2008.

Central Dauphin East Middle School

An extension and increase in a letter of credit with Commerce Bank in the amount of \$281,710.00 with an expiration date of August 31, 2008.

Quail Hollow, Phase III

An extension and increase in an escrow with Commerce Bank in the amount of \$82,827.06 with an expiration date of August 15, 2008.

Commerce Business Park, Lot E

A release in a letter of credit with Graystone Bank in the amount of \$19,250.00.

Mr. Seeds noted that he went to the Chelsey Falls development today and observed that they are installing the sidewalks. He noted that Mr. Gaiski has a serious problem with his driveway as he has a three-foot drop from the walk. Ms. Wissler noted that she also observed the same thing when she went out to the site today. Mr. Wolfe noted that the Township can only require the developer to install the sidewalk in accordance with the plan. He noted that he did not know how Mr. Gaiski's situation was created, but there is an issue that is most probably a private property matter. He noted that Mr. Gaiski had a desire to work with the developer to relocate the sidewalk which would be permissible.

Mr. Gaiski explained that Navarro and Wright designed the development and noted that he has a six and a half foot drop from the sidewalk to the driveway. He noted that the lower end of the driveway measures a four and three quarter foot drop. He noted that he spoke to Mr. Wolfe and it was explained to him that everything was approved for the plan, and that he had to work with the developer. Mr. Hornung questioned if the items were installed according to the plan. Mr. Wolfe noted that he did not know if that is the case. Mr. Gaiski answered that everything is installed according to the benchmarks and heights. He noted that it was a very poor design and

he is trying to work it out with the developer. He noted that he cannot get into his lot and he would like to move his driveway down. He explained that he would be meeting with Sam Robbins tomorrow morning at 7:30 a.m., and he spoke with Craig from Bottom Line Construction, who stated that he is willing to work with him. He noted that there is a requirement that driveways must be located 10 feet from an inlet, and he questioned if he could be granted a variance for five feet from the inlet. Mr. Wolfe noted that Mr. Gaiski could obtain a waiver from the Board of Supervisors but the process takes a little time. He noted that the plan would need to be amended.

Mr. Gaiski noted that he knew he would have a problem from the beginning, and he was having problems with the developer all along. He suggested that there are other design issues with the development. He noted that he was in contact with the Dauphin County Soil Conservation, and they looked at the runoff that is going into the Paxton Creek, and he commented that there are nine acres of water draining into one storm drain. He noted that this resulted in his property becoming a fish bowl. He noted that the person from the Soil Conservation Group stated that there should be another storm drain for the development. He suggested that Mr. Wolfe should have the Township Engineer look at the plan, and he suggested that there is another swale that is located higher and it could easily be tied into the side of the street. He explained that Mr. Wolfe stated that he would send someone out to look at the problem.

Mr. Gaiski explained that he told Craig from Bottom Line Construction that he would work with him on his driveway situation. He questioned how the Township could approve this plan with a very poor design.

Mr. Gaiski noted that he has lived in the Township for 50 years, and his family has owned the land since the late 1920's. He noted that he has to provide an easement for the sidewalks and he noted that the developer needs to return top soil where there was top soil, and put grass in where it should be. He noted that they have not done any of this. He questioned if the property must be returned to the way it was. Mr. Wolfe answered under typical circumstances, the answer is yes. He noted that Mr. Gaiski would have to review the easement agreement to see what it says.

Mr. Seeds questioned if the driveway matter has an affect on the Improvement Guarantee. Mr. Wolfe noted that the driveway would be a private matter.

Mr. Gaiski noted that Bottom Line is responsible to install the driveway according to the drawing, but the man is willing to work with him. Mr. Gaiski questioned how long it would take to get a waiver. Mr. Wolfe answered that it would take roughly two weeks, but if a waiver is not needed, then he could go ahead and pave the driveway. Mr. Gaiski suggested that the best way to do this would be to install the driveway without a waiver. He noted that a five-foot difference in his driveway would make a big difference.

Mr. Seeds noted that the amount for the Improvement Guarantee for Quail Hollow is not close to the estimate from HRG, Inc. He questioned if there was anything the Township could do about this. Ms. Wissler noted that the Township is only permitted to increase the Improvement Guarantee annually by 10%. Mr. Seeds noted that the costs for the improvements have gone up much more than what is included in the Improvement Guarantee.

Mr. Crissman made a motion to accept the nine Improvement Guarantees as presented. Mr. Blain seconded the motion, and the motion carried unanimously.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 10: 50 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman
Township Secretary