

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held May 6, 2008

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, Community Development Manager; Dianne Moran, Planning and Zoning Officer; Charles Zwally, Mette, Evans and Woodside; Peter Gemora; and Christopher Pecora, Hartman and Associates, Inc.

Pledge of Allegiance

Mr. Hawk suspended the recitation of the Pledge of Allegiance as it was recited at the previous meeting.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the March 11, 2008 workshop meeting, and the April 1, 2008 business meeting. Mr. Blain seconded the motion, and the motion was approved unanimously.

Public Comment

No public comment was received.

Chairman and Board Member's Comments

None was provided.

Manager's Report

Mr. Wolfe explained that the Board of Supervisor's next meeting will be held on Monday, May 19th as opposed to Tuesday, May 20th. In addition, the Workshop meeting scheduled for Tuesday, May 23rd will start at 4 p.m. instead of 6 p.m.

Mr. Wolfe noted that the residents should expect to see changes in the Municipal Waste and Recycling Collection programs on or about July 1, 2008. He noted that the Township's five-year contract with Waste Management to collect solid waste and recyclables will end on June 30, 2008. He noted that residents should expect to see changes in routing, recyclables, and costs for services. He noted that Waste Management's costs for services were fixed for a five-year period, except for changes in disposals fees due to changes in the tipping fees charged at the Harrisburg Incinerator. He noted that a significant cost for trash disposal is vehicle fuel, and there were no vehicle fuel escalation costs for the Township for the past five years. He noted that the Board of Supervisors will open bids for these services on Wednesday, May 7, 2008, and act on those bids the following week.

Mr. Wolfe noted that Dauphin County is sponsoring a Community Clean-Up for recyclables on Saturday, May 17, 2008, at the Harrisburg Community College from 9 a.m. to 1 p.m. He explained that electronic recyclables are accepted as well as ten passenger tires per person. He noted that there is a fee for certain items such as large appliances, but he explained that these items may be recycled as part of the Township's weekly bulk curbside collection.

Mr. Hawk introduced Michael Oskowitz, a Boy Scout from Troop 360, of Holy Name of Jesus Church, who is working on his "Citizenship in the Community" badge. Michael was accompanied to the meeting by his mother, Mr. Oskowitz.

OLD BUSINESS

Ordinance 07-14; Amending the zoning designation of property commonly known as Sportsmen's Golf Course changing existing Conservation, Institutional, and Agricultural Residential Districts to Institutional and Conservation Districts

Mr. Hawk noted that the public hearing for this issue was held during the April 1, 2008 Board Meeting.

Ms. Wissler noted that she submitted a public notice to The Patriot-News indicating that the Board would consider enactment of the Ordinance at this meeting.

Mr. Charles Zwally of Mette, Evans, and Woodside noted that he represents his clients, the Boyd Mahoney Partnership, otherwise known as the Union Deposit Corporation. He noted that Union Deposit Corporation owns the Sportsmen's Golf Course, and the two tracts north of the golf course.

Mr. Zwally noted, that in early 2007, numerous joint workshop meetings were held between the Board of Supervisors and the Planning Commission, to review technical amendments to the recently enacted Zoning Ordinance. He noted that during the workshop meetings, the landowner pointed out that a 50-acre strip of agricultural land, AR District, was inappropriate for agricultural development. He noted that the Board recognized that the developer proposed to add 13 acres of the 50-acre tract to the Conservation zone (CO) to the north, and the remaining 37 acres be added to the Institutional zone (IN) to the south. He noted that the AR is the only agricultural zone that the Township has, and he feels that this zoning was inappropriate for the area, therefore, the request for the rezoning.

Mr. Zwally noted that the Lower Paxton Township Planning Commission has recommended the request on two occasions, and the Dauphin County Planning Commission has also recommended the request on two occasions.

Mr. Zwally explained that the purpose for the rezoning is not just to increase the densities to which the developer would be entitled to by developing using the R-R overlay within the IN zone. He noted that it would allow more flexibility in design of the senior housing and residential facilities that would be proposed for the IN zone. He noted that the developer would like some flexibility in developing Continental Drive in terms of locating it through the IN zone; currently he would be forced to locate it in the AR zone to avoid using the more valuable property located in the IN zone. He noted that he does not feel that the rezoning would substantially affect the overall densities for the property.

Mr. Zwally noted that this matter has been before the Board on at least two occasions, and through the process, the client has made a number of major concessions. He explained that his client has agreed, for the benefit of the Forest Hills residents that border the eastern property line, that the IN zone would provide a buffer of 30 feet for single-family detached development, and 60 feet for any other type of development other than single-family detached homes. He noted that these buffers are not required by ordinance, and a 60-foot buffer is unheard of under the Township ordinances. He noted that he has committed, by way of a text amendment, to the reduction of density for the IN R-R zone from 12 units per acre to 10 units per acre. He noted that he would also add a 40-foot setback requirement by a recorded easement agreement.

Mr. Zwally noted that he has attended several meetings with representatives from Forest Hills, Mr. Pleasants and Mr. Cooper, who both reside in the area, as well as Dr. Keiser, in an effort to work out additional areas of agreement. He noted that the discussions did not result in an agreement with respect to their concerns.

Mr. Zwally noted that this rezoning has been before the Board for more than two years, and it is time for the Board to make a decision in order for the developer to start the extensive planning for the project.

Mr. Hawk noted that the CO zone would be extended south; using 13 acres from the AR zone, and the 27 acres to the south would be rezoned IN. He noted that the area in question for the CO zone has a lot of steep slopes and the developer would be restricted in building, needing 40% open space. Mr. Zwally noted that the developer does not plan to develop the CO zone. He noted that he had his engineering firm conduct a topographical study for this area, and it was on the basis of this study that he drew the line for the CO and the IN zones.

Mr. Hawk noted that the Board of Supervisors conducted a Road Tour on Tuesday, April 29, 2008, and met with some of the residents from Forest Hills. He noted that he was told that there was a concept plan for the development. Mr. Zwally noted that the neighbors requested to view the concept plan, but he explained that this was designed before the 2006 Zoning Ordinance was enacted. He noted that the property was zoned R-2 at that time, and he requested the Township to keep the R-2 zoning, and permit the R-R overlay in the R-2 zone. He noted that the sketch plan was provided to show what senior housing would look like on the tract, but he noted that it would be unfair to represent that sketch plan as what would be developed. He noted that what would be developed on the tract would depend on final engineering, marketing studies, and a layout, such as required by the ordinance. He noted that he would have to provide a sketch plan to include every street and building. He noted to be able to do this; the developer needs to know what the zoning is for the tract of land.

Mr. Hawk questioned if a water tower would be installed as part of this project. Mr. Zwally noted that the zoning requirements will require public water and public sewer for the R-R zoning. He noted that there are current restrictions for providing water service to the upper heights of the mountainside, and explained that he has begun discussions with the utility, and probably an elevated storage tank will have to be provided to provide adequate water pressure

for fire service and public water service to the residents. He noted that no mention of a location of a tank has been discussed.

Mr. Hornung noted that Mr. Zwally mentioned that he would not increase density, but later stated that he would increase the density substantially. He noted that the number one objection to this plan in relation to the Comprehensive Plan is the increase in density due to infrastructure problems, one which is traffic. He noted that rezoning the tract could result in another 300 homes, and the public does not think that that is where the Township should go. Mr. Zwally noted that literally that is correct, but he noted that the developer has agreed to a reduction in density from 12 units to 10 units resulting in a low net increase in the density. He noted that the object in requesting the rezoning is not to get another 307 units, but to provide more flexibility in the design of the project. He noted that if the project is not rezoned, he would have to place Continental Drive in the AR zone to conserve the IN zone for the housing units. He noted that he would prefer not to do that, since it would make more sense to provide more of a flexible pattern to meet the connecting road in Susquehanna Township. He noted that the density for the property is not set by the zoning ordinance, but based upon the topography, wetlands, and marketing studies in terms of what type of units the developer needs to provide for the market demand, as well as sewage capacity. He noted that there will only be an optimum number of units permitted for the site whether the rezoning is included or not.

Mr. Hornung noted if the land remains as it is now, Continental Drive will be placed in the AR zone, and suggested that Continental Drive would become a very steep road. He noted that the existing Continental Drive exits very close to the existing border of the two zones. Mr. Zwally noted that he would use the AR for other purposes, and the request is to provide flexibility of the design and not the additional units.

Mr. Hornung questioned what advantage the rezoning would provide to the Township. Mr. Zwally answered that the Township needs senior housing, and this location is an appropriate location to place it. He noted that it ties in with some of the existing senior housing facilities in Susquehanna Township. He noted that the additional 37 acres would provide for a better overall plan, and result in a better project, but explained that his client could do the project as it is zoned now. Mr. Hornung noted that the Township would be getting senior housing, but he questioned what the argument would be to move him to rezone the tract. Mr. Zwally answered that the development would be located in a smaller area and configuration.

Mr. Blain questioned what the tracts of land to the west in Susquehanna Township were zoned. Mr. Zwally answered that some are zoned commercial, but most are zoned residential. He noted that Susquehanna Township does not have an R-R zone. He noted that some areas along Oakhurst Drive are zoned commercial.

Mr. Hawk requested Ms. Wissler to list the permitted uses for the AR and the IN zones. Ms. Wissler noted that free-standing dwellings are permitted in the AR and IN zones. She noted that age-restricted is permitted in the AR, but the developer would only be able to build single-family homes, no town homes or duplexes. She noted that R-R is permitted in the IN, but not in the AR zones. Mr. Seeds noted that a developer needs 1.5 acres for a lot in the AR zone.

Mr. Hornung questioned what would happen if the upper area was rezoned R-1. Mr. Zwally noted that it would provide for more flexibility. He noted that he sympathizes with the neighbors who have asked for a plan to explain what the client is planning. He noted that the property would be developed from the bottom up, since the utilities would have to be extended from that direction. He noted that the more intensive uses, such as congregate care or senior apartments would be in that area, to provide for better accessibility. He noted that higher up the

mountain, the plan is to develop the larger lots with less density. He noted that he could provide a mix standard of single-family development rather than just age-restricted.

Mr. Hawk noted that Mr. Zwally noted that the R-1 zoning would provide more flexibility. Mr. Zwally noted that hearing this for the first time, it would make more sense, and it would also be an extension of the current zoning in Forest Hills, so there would not be a spot zoning issue. Mr. Seeds noted that the Dauphin County Planning Commission gave their approval since they felt it did not make sense to have a small area zoned AR, as it created an island by itself. He noted that the existing IN zone was zoned R-2. He noted when the zoning map was revised in 2006, the R-2 was rezoned to IN. He noted that the land was down-zoned in value when this occurred. He suggested that Mr. Hornung may have hit upon a good suggestion, and the neighbors to the east might also agree with this suggestion. He noted that the R-1 would be a better fit than the AR zone. He noted that he was not in favor of rezoning the AR to IN, and suggested that Mr. Zwally's clients would be able to do a nice project with 148 acres zoned IN. He noted that the Township is looking at a Traditional Neighborhood Development (TND), using 100 acres off of Fairmont Drive. Mr. Zwally noted that the client knows that they can do a nice project using 148 acres, but they feel that it would be nicer with the additional 37 acres. Mr. Seeds questioned why he would need more acres to do a nice project. Mr. Zwally noted that the TND was not required to have a major highway constructed through it. He noted that the construction of Continental Drive would have a substantial impact on the project in terms of locating facilities and cost. Mr. Seeds noted that whoever develops the property would have to extend Continental Drive, unless the Board decides it does not want the road extended.

Mr. Crissman questioned what route would be perceived for Continental Drive if the land was rezoned R-1. Mr. Zwally noted that an R-1 zone would permit the building of single-family

homes in the area, and he would not be constrained by the extraordinary lot sizes that are required for the AR zone, as it would provide more flexibility for development.

Mr. Blain questioned if the AR was rezoned to R-1, would that be acceptable. Mr. Zwally noted that he would have to consult with his client, noting that his client would prefer a decision one way or the other from the Board tonight.

Mr. Hornung noted that the Board could not choose to rezone the AR to R-1 at tonight's meeting as a new application would need to be made to do this. He noted that since the Township initiated this rezoning request, it would have to initiate a new rezoning request. He noted that it would throw the process back three months, but provide for a compromise for the situation. Mr. Seeds noted that the upper part may have to be rezoned CO since it may be too steep to be used for R-1 development.

Mr. Blain questioned if the area was rezoned to R-1 and the developer requested R-R overlay, what it would require. Ms. Wissler noted that an R-R overlay is not permitted in the R-1 zone, only age-restricted development could be used in the R-1 zone. Mr. Blain questioned if it would reduce the lot size from the current .5 acre for the R-1 to something else. Ms. Wissler noted that it provides for a density bonus if the age-restricted is in compliance with the federal requirements for housing for older persons. Mr. Blain noted that the density bonus would not be as great as it would be for the IN zone. Mr. Wissler noted that it would only increase the density by 15%. She noted that the current restriction for R-1 is two units per acre.

Mr. Seeds questioned what are the adjoining properties zoned. Ms. Wissler noted that the property to the east is zoned R-1. Mr. Zwally noted that some of the lower area is not zoned R-1. Mr. Seeds noted that he would be willing to look to rezone the land to R-1, but he would have to review the steep slopes for the area. Mr. Hornung noted that the steep slopes override the R-1 zoning, and would provide limitations. He noted that the steep slopes may be used for

calculations, but could not be built on. Mr. Seeds noted that the more impervious coverage, the more water drain off would occur.

Mr. Eric Epstein, Stray Winds Area Neighbors (SWAN) spokesman, noted that he would be brief in his comments and provided the Board members with a copy of the Stray Winds comments. He noted his testimony is on behalf of SWAN, and his opposition to the project is different in that it may be a backward step in the planning process. He noted that another 350 units could be built on this tract, but he explained that the Planning Commission recently rejected the Laurel Ridge Application. He suggested that there should be equity for decisions rendered for both the north and south sides of Linglestown Road. He noted that SWAN asked that the Laurel Ridge application be rejected to be consistent with the Comprehensive Plan. He noted that the Comprehensive Plan calls to control density for the northwest quadrant of the Township, and the Township should either follow the Comprehensive Plan or not. He noted that the Township has the choice to rezone or make changes to the Comprehensive Plan, and he suggested that it would be out of whack if this zoning request was not rejected as well. He noted that traffic and density are valid concerns for both south and north of Linglestown Road. He quoted from the Comprehensive Plan, “to manage development densities and limit land use conflicts throughout the CPU in the northwest quadrant.” He noted that part of the strategy was to “maintain residential neighborhoods as a core land use, and designate new residential development at low to medium densities, similar to existing development patterns”. He explained that this zoning request is totally inconsistent with the Comprehensive Plan. He noted that the northwest quadrant does not indicate a robust desire for IN or for age-restricted housing. He questioned how much is needed for this quadrant, since 53% of the Stray Winds Farms will be age-restricted with 238 units. He noted that 80% of Colonial Village will be age-restricted housing amounting to another 131 units. He noted that this project is slated to provide age-restricted units or assisted living

units, but at what point does the Township draw the line to say it is enough. He noted that this type of density request is coming upon an EPA order limiting EDU's to 75 for the Paxton Creek. He noted that there could also be a possible EPA remediation bill of \$2 million to \$3 million, and stormwater challenges that continue, as well as sewer construction. He suggested that any rezoning should have broad support from the neighbors. He suggested that this should not end dialogue with the neighbors and Union Deposit Corporation, but could it be re-modified to be consistent with the Comprehensive Plan.

Mr. Hawk noted that the Dauphin County Planning Commission suggested that it be rezoned because Lower Paxton Township is no longer an agricultural community.

Mr. Jeff Starsinic, 4077 Rosewall Court, noted that he did not have enough time to visit everyone, but he received over 200 petitions opposing the rezoning, in favor of something that is more conformable with the current development in Forest Hills. He stated that many residents had no idea that this rezoning was going on until they heard about it in the newspaper. Mr. Hawk explained that a developer is entitled to develop his land according to the zoning that is in place, and the Township has an obligation to approve the request if it meets the zoning requirements.

Mr. Sam Cooper, 4078 Rosewall Court, noted that he had a copy of the zoning ordinance and stated that the IN zoning allows for the following uses: cemeteries, churches, colleges and universities, day care centers for adults and children, foster care centers, and by special exception, emergency services stations, hospitals, hunting and fishing clubs, maintenance facilities for residential property owners, membership clubs, meeting places, and nursing homes for personal care, home assisted living, places of worship, schools, both public and private. He explained that there are a host of uses that are permitted in the IN zone. Mr. Hawk noted that many of those uses listed are also permitted in the AR zone. Mr. Cooper noted that AR zoning does not allow colleges and universities, by special exception, recreation and libraries, day care

centers or emergency service stations, hospitals, meeting or club places. He noted that there are some differences between the two zonings.

Mr. Cooper noted that Mr. Zwally made a strong case in opposition for this rezoning, noting that 150 acres exist that would allow the development that his clients wants, therefore, that should be enough. He noted that the additional fear of the unknown is what so many people oppose. He noted that he asked to see a plan, but he could not reach consensus with the developer since they have not produced a plan. He urged the Board to deny the plan, and noted that the local residents would like to discuss future development with the Board members.

Mr. Joe Connovitch explained that he was present on behalf of Blue Ridge County Club, and Blue Ridge Golf Course. He noted that his property is located south of the property to be rezoned, and although he agrees that the property owner has a right to develop his property as he sees fit, his concern is that his Country Club has been in existence since the 1930's, representing a peaceful, bucolic green space for the purposes of recreation. He noted that he has concerns that there may not be adequate buffer zones bordering the golf course if the developer is permitted to build units close to the border. He noted that there has been no mention of ingress and egress to the property. He noted that part of the roadway may use the property that is close to the property that he owns, noting that it is an issue of buffers zones, and being able to maintain the quality of life that he has at the Country Club. He suggested that the Board does not have the facts to make a reasonable decision without seeing a preliminary plan. He noted that he would want to avoid any surprises that may come later.

Mr. Hawk questioned how the Blue Ridge County Club is zoned. Mr. Connovitch answered that it is zoned AR and there is no desire to develop the property.

Mr. Blain noted that the piece of property that abuts the Country Club is already zoned IN. Mr. Blain noted that the discussion for rezoning concerns the tract of land north of the IN

zone that is zoned AR. He noted that Union Deposit Corporation can develop the land adjoining the County Club anyway they choose as long as they stay within the zoning requirements. Mr. Connovitch noted that he knew that the property adjacent to the Country Club is zoned IN. He noted that there have been negotiations for buffer zones for the properties bordering the east and he wanted to get on record to be part of those requirements. Mr. Seeds noted that the Country Club would have an opportunity during the land development phase for the project to discuss this further. Mr. Seeds noted that to the east of the Country Club is the Jewish Home that is zoned IN.

Mr. Richard Pleasants, 2348 Timber Line Court, explained that he wanted to thank the Board members for meeting with him and his neighbors during their Road Tour meeting. He noted that the property that is due west to the property slated for rezoning in Susquehanna Township is zoned a Country zone, which is similar to the AR zoning. He noted that the process has been very positive, and this issue has helped to reestablish the Forest Hills Homeowners Association, but he questions if there was a requirement that properties abutting a neighboring township must be similar and what the joint impact would be for both.

Mr. Dan Fureman, 2031 Blue Mountain Parkway, noted that there is only one golf course in the Township, and many people use the golf course. Mr. Seeds noted that there are other golf courses in the Township. Mr. Fureman noted that the Sportsmen's is the only public course, and he noted that many seniors use the golf course on weekday mornings. Mr. Seeds noted that the Township cannot tell Sportsmen's that they must keep the golf course, noting that it is already zoned IN. Mr. Hawk noted that they must be able to run the golf course and make a profit.

Mr. Hornung made a motion to reject Ordinance 07-14, however, with the caveat that the Township resubmit for rezoning for the area to R-1, with the exact line used for IN to be considered for rezoning to R-1, with the cooperation of staff and the developer to determine the exact line. He noted that this would eliminate the AR zoning and a new line would be determined

to rezoning it as CO and R-1. Mr. Seeds and Mr. Crissman seconded the motion. 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

Action on bids for improvements to the Beaver Creek pump station

Mr. Wolfe noted that the Township has secured two bids for the general construction work for the Beaver Creek Pump Station, and explained that the second bid is for the electrical work at the Beaver Creek Pump Station. He explained that the Township received seven bids for the first contract, and six bids for the second contract. He noted that the low bids have been submitted by Michael F. Ronca & Sons, Inc. in the amount of \$1,053,000 for construction of the pump station, and by Monacacy Valley Electric, Inc. for \$355,600 for the electrical work in the pump station.

Mr. Wolfe noted, on page two of the memorandum for the bid tabulation sheet, the number of bids and the closeness of the bids. He noted that he has never seen, in a million dollar plus bid response, the low bid at \$1,053,000, the second low bid at \$1,054,940, and the third low bid at \$1,055,000. He noted that the electrical work was also very close in bid amounts. He suggested that the Township received very good bids, and it is staff's recommendation to award the contract to build the pump station to Michael R. Ronca and Sons, Inc., at the price of \$1,053,000; and for the electrical work to Monacacy Valley Electric, Inc. for \$355,600.

Mr. Hornung noted that it was very good to see the number of bids received.

Mr. Crissman made a motion to approve the bids for the Beaver Creek Pump Station to Michael F. Ronca and Sons, Inc, in the amount of \$1,053,000, and the electrical contract to Monacacy Valley Electric, Inc. at \$355,600, for a total bid amount of \$1,408,600. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and the motion carried unanimously.

Resolution 08-19; Authorizing the submission of a grant application to the PA DCNR requesting funding to support construction of a skate park in George Park

Mr. Wolfe explained that the Township is requesting a grant in the amount of \$250,000 for a skate park to be located in George Park that would require a 50% local match, noting that the total project cost estimate is \$500,000. He noted if the Pennsylvania Department of Conservation and Natural Resource (PA DCNR) grant is awarded, it will go a long way towards project construction.

Mr. Hornung noted that the Freedom Group is working to raise funds to build the skate park, and if anyone is interested in donating to the fund he requested they contact him on his cell phone 580-0970. He noted that the Freedom Group is trying to collect funds to build a 16,000 square foot premier skate board park. He noted that it would be a great asset to the community, and provide a means for skaters to come to one place to skate, and not to trespass by using area business parking lots. He noted that there are 10 million soccer players in the United States, and 6 million skate boarders. He noted that this would put Lower Paxton Township in the forefront to provide such a facility.

Mr. Hornung made a motion to adopt Resolution 2008-19, authorizing the submission of a grant application to the PA DCNR to request funding to support the construction of a skate board park in George Park. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Resolution 2008-20; Authorizing the Township to cooperate with PENNDOT for improvements to Nyes Road

Mr. Wolfe explained that PENNDOT plans rehabilitation to Nyes Road from Red Top Road to Willoughby Road in the Township. He noted that the Resolution indicates the Township's support of that effort, and indicates that the Township could participate in this effort by providing a potential fill site for the waste material that will result in the removal of a portion

of the rock embankment to the eastern portion of the Nyes Road. He noted that the Resolution also indicates the Board's desire for a traffic signal at the intersection of Locust Lane and Nyes Road, and commits the Township to pay for the design of the traffic signal using PENNDOT's engineer, Buchart-Horn, who has been retained by PENNDOT to complete the overall design work for the project. He noted that it is staff's request that the Board act favorably on this Resolution, and he noted that he attached to the Resolution, a copy of the proposal from PENNDOT's engineer to design the Nyes Road traffic signal in conjunction with the overall design of the facility. He noted that it is PENNDOT's intention to implement this project next year, therefore, it is imperative that the Township move rapidly in its participation with the project.

Mr. Blain made a motion to approve Resolution 2008- 20, authorizing the Township to cooperate with PENNDOT for improvements to Nyes Road in the amount of \$29,000 to Buchart-Horn for engineering design of the traffic signal for Nyes Road and Locust Lane. Mr. Crissman seconded the motion.

Mr. Blain noted that, last year, during a public meeting, there was a request to install a traffic light at that intersection, and this is a positive move to having the traffic light installed, along with the road improvement project for Nyes Road.

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

Preliminary/Final Land Development Plan for Hoffman Ford Sales, Inc.

Ms. Wissler noted that the purpose of this plan is to construct a 7,000 square foot building addition to the Hoffman Ford facility located at 5200 Jonestown Road. The tract, which consists of 7.13 acres, is zoned CG, Commercial General District and will be served by public sewer and public and private water.

Ms. Wissler noted on April 9, 2008, the Planning Commission recommended approval of the plan subject to addressing the review comments. She noted that the Planning Commission also recommended approval of the Preliminary Plan Waiver, the Stormwater Management Plan Waiver, and the Sidewalk Waiver along Jaycee Avenue and Carolyn Street. She explained that the Planning Commission recommended disapproval of the waiver request for sidewalks along Jonestown Road. Ms. Wissler noted that there are three general conditions, and two staff comments; 1) Plan approval shall be subject to providing original seals and signatures; 2) Plan approval will be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 3) Plan approval shall be subject to the payment of the engineering review fees; 4) The proposed addition will be required to have a fire protection system per Township requirement; and 5) All proposed site signage, including construction signs, shall comply with the Lower Paxton Township Zoning Ordinance.

Ms. Wissler explained that Mr. Christopher Pecora, of Hartman and Associates, Inc., is present to represent the plan.

Mr. Crissman questioned if there were any comments from Herbert, Rowland, and Grubic, Inc. for this plan. Ms. Wissler answered that there are no outstanding comments for the plan.

Mr. Pecora explained that the property fronts Jonestown Road, and the new expansion would be roughly 7,000 square feet to the rear of the building. He noted that no new public improvements are anticipated as the property is serviced by public water and sewer. He noted that there are three waivers to be addressed by the Board, namely the waiver of sidewalks for Jonestown Road, Carolyn Street and Jaycee Avenue. He noted that there are no sidewalks on the north side of Jonestown Road to the east or to the west. He noted that there is an existing sidewalk across the street to the south in front of the Pre-Owned Sales Property, and to the west,

up to the Kohl's Department Store. He noted that there are no sidewalks on Carolyn Street, and stated that it is a low-traffic street, and Fenway Drive cuts off of Carolyn Street to the right. He noted that Jaycee Avenue has a slope situation that is significant and it would be impossible to build a sidewalk on their property. He noted that the slope is 3 to 1, sloping away from the curb, and further up Jaycee Avenue, the slope is 1.75 to 1. He noted that typically, a sidewalk would slope back from the right-of-way line, noting that Jaycee Avenue provides for very significant slope. He noted that the Planning Commission suggested placing the sidewalk on the opposite side of the street, but the slope issue is very significant. He explained that the eastern side of Jaycee Avenue also has slope issues for building sidewalks as there are two large pine trees that provide for a steep slope to the street.

Mr. Pecora stated that there is very limited space to place a sidewalk along Jonestown Road. He noted that he would want to keep the minimum distance away from the curb for safety reasons, which is two feet. In addition, he explained that there are telephone poles located in the area, and if he moves the sidewalk back, it would be located over the sewer main, noting that sewer manholes are located in the area as well. He stated that he would be constructing a permanent improvement over a 30-foot sanitary sewer easement. He suggested that this would not be prudent.

Mr. Seeds noted the Mr. Pecora's presentation and pictures are very well done. He explained that the Board members' visited the site recently while on a Road Tour. He noted that all the properties that are behind Hoffman Ford's property on Jaycee Avenue have been required to install sidewalks. He noted that for the past ten years, the Board has required all development along Route 22 to install sidewalks. He noted that the property west of Hoffman Ford has been for sale for some time, and that would provide for another opportunity to install sidewalk along Route 22. He noted that it would be safer to move the sidewalks further back from the roadway,

and there should be a way to construct the sidewalks over the sewer easement. He noted that he would hate to see the Board not require sidewalks along Route 22. He suggested that it would not be difficult to install sidewalks in the small area along Carolyn Street. He questioned if the developer would be permitted to use part of the street as a sidewalk, noting that it would not be good to grant a waiver for sidewalks for Jaycee Avenue, when further up the road, sidewalks are located on both sides of the street. Mr. Pecora noted that it would be extremely difficult to install sidewalks on Jaycee Avenue as it would require an extraordinary amount of fill, in addition to a retaining wall, and a hand rail that would abut a ten-foot drop. Mr. Seeds questioned if he could develop the sidewalk on part of the cartway. Mr. Wolfe noted that the Board would have the ability to reduce the cartway width to allow for the extension of the sidewalk.

Mr. Hawk noted that there is sewer along that area of Route 22. Mr. Seeds noted that the sewer line runs adjacent to Route 22. Mr. Seeds noted that there is no restriction for putting sidewalk over a sewer easement, noting that it is not a good thing if it could be avoided.

Mr. Wolfe noted that the sidewalk would be run in the cartway. Mr. Seeds noted that he has never seen any cars parked in that area. Mr. Pecora noted that the cartway goes the entire way back to the development. Mr. Wolfe noted that he would have to meet at the existing sidewalk, which is a little past the crest of the hill. Mr. Wolfe noted that he would have to flair out the cartway to meet the sidewalk.

Mr. Seeds noted that it would be handy for the residents of Lockwillow Avenue or State Street to use the area. He noted that it would provide for sidewalks for persons from their neighborhood to Route 22.

Mr. Pecora questioned if the Board would entertain striping a bike lane through the area as it could be used for pedestrians and bikers. Mr. Seeds questioned how safe that would be. Mr. Seeds noted that a raised walk with curbing would be nice. Mr. Wolfe noted that the Township

would be responsible for the maintenance. Mr. Blain suggested that other developers could request this also. Mr. Hornung questioned if the developer would be responsible to dig up the road to get it ready for construction. Mr. Wolfe suggested that the existing curb, if it is in good condition, could stay as is and part of the road could be milled, trimmed, and repaved. Mr. Wolfe suggested that the developer would have to remove at least the bituminous material. Mr. Pecora noted that it would be a substantial improvement for a 7,000 square foot addition. He suggested that the sidewalk for Carolyn Street would work best, due to the grade, noting that there was enough distance from the curb to the back of the grass area.

Mr. Pecora noted that westbound of the property, on Route 22, there is a huge ditch that is a drainage culvert. He noted that it could be enclosed engineering wise and a sidewalk could be instated in the area. Mr. Blain noted that that Mr. Pecora could not control other's property, but if you look at the picture, there is a lot of stone accumulated along the curb where many people walk in that area of the road. He noted that the Township would probably request that the sidewalk would be installed if the property was sold as there is a lot of pedestrian traffic to access the shopping centers in that location. He noted that he was not convinced that sidewalks are needed for Jaycee Avenue and Carolyn Street. He noted that sidewalks are installed for the safety of the pedestrian, and Jaycee Avenue is not a heavily traveled road, but, sidewalks are needed for Route 22.

Mr. Pecora noted that he did not study the pavement markings for the area, but there is a light at the intersection. He noted that there is sidewalk along the south side of Route 22. Mr. Blain noted that there is a sign with a pedestrian and a red slash. He noted that many people walk in that area anyways. Mr. Pecora noted that the sign means that it is not safe to walk in that area.

Mr. Pecora questioned how the Board felt about sidewalks installed above the sewer manholes or a permanent improvement along the right-of-way along Jonestown Road. Mr. Wolfe

noted that it would be better than not having sidewalks at all. Mr. Seeds suggested that Mr. Pecora could work that out with staff. Mr. Wolfe noted that the Township just dug up streets for the Windsor/Valley Roads project, and the sidewalk lies on top of the sewer project. He noted that it is not an ideal way to install sidewalks, but if it was the only way, it would be staff's recommendation to install sidewalks.

Mr. Crissman questioned if Mr. Pecora was in agreement with the requested waivers, general conditions, and staff comments. He noted that staff does not support the waiver for sidewalks for Jonestown Road, but it does agree with the waivers for Carolyn Street and Jaycee Avenue. Mr. Crissman explained that he would make a motion based upon staff's support to recommend a waiver for sidewalks along Jaycee Avenue and Carolyn Street. He questioned if he would be in agreement with this if he made that motion. Mr. Pecora answered that he was in agreement with the three general conditions and two staff comments. He noted that he would request a caveat for waiver three since he would need to talk this issue over with Mr. Hoffman as he would have to get back to him with costs to install a sidewalk along Jonestown Road. Mr. Crissman noted that if this is a point of difference, then the plan would need to be tabled. Mr. Pecora noted that he would agree to the tabling of the plan until he has more time to provide additional costs to Mr. Hoffman. Mr. Pecora requested to table the plan. Mr. Wolfe noted that the Board could approve the plan with requiring sidewalks along Route 22, and Mr. Hoffman would receive a written notice with the written conditions, and if Mr. Hoffman did not accept the conditions, then the plan would be deemed denied. Mr. Pecora requested to table the plan and reschedule to next month's meeting providing time to inform Mr. Hoffman of what was discussed during the meeting. He reaffirmed that the Board would approve the waivers for sidewalks for Jaycee Avenue and Carolyn Street, but a sidewalk would be required along Route 22.

Mr. Seeds questioned what would be the purpose for the Board to table the plan. Mr. Crissman noted that he could withdraw the plan from the agenda. Mr. Seeds noted that Mr. Hoffman would either have to build the addition with the requirements, or he would not want to do that. Mr. Blain agreed with Mr. Seeds and questioned what would happen to make anything different. Mr. Pecora noted that he would have an answer from his client at the next meeting. Mr. Blain noted if Mr. Hoffman states that he would not install the sidewalk then he could not build the addition. Mr. Pecora suggested that it would be a cost issue, to determine what the costs would be to install a sidewalk. Mr. Pecora requested to have the Hoffman Ford Plan withdrawn from this meeting's agenda, and requested that it be tabled until next months' meeting.

Improvement Guarantees

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

Community General Osteopathic Hospital (ExMod)

An extension in a letter of credit with Wachovia, in the amount of \$6,050.00, with an expiration date of June 30, 2009. (Expiration date was changed to November 30, 2008 as per Mr. Hornung's request.)

Dauphin County Library System

An extension and 10% increase in a pledge of tax revenue in the amount of \$39,302.35, with an expiration date of June 7, 2009.

Members 1st Federal Credit Union

A reduction and extension of a letter of credit with Mid-Atlantic Corporate Federal Credit Union in the amount of \$6,693.50, with an expiration date of June 29, 2009.

Kendale Oaks, Phase I

An extension and 10% increase in a bond with Hartford Fire Insurance Company in the amount of \$20,235.44, with an expiration date of June 25, 2009.

Spring Creek Hollows, Phase IB

A reduction in a letter of credit with Commerce Bank in the amount of \$750,553.76, with an expiration date of November 30, 2008.

The Townes at Autumn View

A reduction and extension in a letter of credit with M&T Bank in the amount of \$32,540.75, with an expiration date of June 18, 2009.

Mr. Hornung requested that the time be extended until November 30, 2008. Ms. Wissler noted that they should be able to get the work done in that time period. He also questioned the delay for the Dauphin County Library systems. Ms. Wissler noted that the Dauphin County Library has not started the parking lot. She noted that she received a phone call today stating that the new parking lot construction should be starting sometime soon.

Mr. Crissman made a motion to approve the seven listed improvement guarantees with the noted change for Community General Osteopathic Hospital (Ex-Mod) as presented. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and the improvement guarantees were unanimously approved with the noted change.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Blain 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 9:25 p.m.

Respectfully submitted,

Approved by,

Maureen Heberle
Recording Secretary

Gary A. Crissman
Township Secretary