

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held September 20, 2016

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:34 p.m. by Chairman William L. Hornung, on the above date, in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hornung were: William C. Seeds, Sr., Gary A. Crissman, and Robin L. Lindsey.

Also in attendance was George Wolfe, Township Manager; Steve Stine, Township Solicitor; Amanda Zerbe, Community Development Director; Randy Allen, Engineering Field Technician, Jason Hinz, HRG, Public Safety Director David Spotts; Joseph Fraraccio; Attorney Mark Wendaur; Nick DiSanto, Triple Crown Corporation; Matt Fisher, R. J. Fisher and Associates; Brent Detter, ELA Group, Inc.; and Watson Fisher, SWAN.

Pledge of Allegiance

Ms. Lindsey led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the August 16, 2016 meeting. Ms. Lindsey seconded the motion, and a unanimous vote followed.

Public Comment

No public comment was presented.

Board Members Comments

No comments were presented.

Presentation of Donation by VFW Post 148

PSD Spotts noted that it was his pleasure to acknowledge VFW Post 148 for a donation that they want to make towards the canine program and the honor guard program. He noted that the VFW represents the protectors of our external threats and the police represent the protection of the internal threats locally. He noted that Joseph Stoudt, Commander, Post 148; Stuart Bastian, Senior Vice Commander; Robert Ketchum, Quartermaster; and Donna Coulter, Chaplain are here to make the presentation. He noted that the videographer for the VFW is George Vasseloff.

Commander Stoudt noted that it is an honor to be here tonight. He explained that the VFW is here to serve the community, noting that the police do an excellent job protecting the citizens of the Township and the VFW would like to help out. He presented a \$500 check to PSD Spotts to be used for the canine and honor guard programs.

Mr. Hornung noted that it is great that those who have already served their country continue to do so. He noted that \$250 will go towards the canine program and the remaining \$250 will go towards National Night Out.

PSD Spotts noted that the VFW has been a great supporter of events in the community and we are lucky to have them.

Mr. Hornung noted that it is a tribute to the Police Department that we get these kinds of responses from different groups and that we continue to get donations and prayers from those in the Township.

Oath of Office to Police Officers

Public Safety Director David Spotts introduced Michael Elezovic who is 27 years old and grew up in Queens, New York. He noted that he graduated from G.W. Hewlett High School in

Hewlett, New York where he participated in recreational basketball and soccer. He explained that he graduated from the New York Police Department (NYPD) Police Academy in 2013 and received his police officer certification. He noted that his first assignment with the NYPD was with the Transit Unit, and in 2015, he was assigned to the NYPD Counterterrorism Unit. He noted that his assignments include postings at any major critical infrastructure that could be a terrorist target. He stated that his field training officer will be Officer Brock.

PSD Spotts noted that Jason Myers is 34 years old and grew up in Duncannon, Pennsylvania. He has a Bachelor of Science in Criminal Justice from Central Pennsylvania College and in 2008, he attended the Delaware County Community College Police Academy and received his police officer certification. He noted that he was most recently employed by Penn Township Police Department where he attained the rank of Corporal. He noted that Mr. Myers resides in Lower Paxton Township with his wife Erin and their two children, Kylee and Kendall. He stated that he will be trained by Officer Fehrenbach.

PSD Spotts noted that Gage Cvijic is 22 years old and grew up in Hummelstown, where he attended Hershey High School playing varsity ice hockey and volleyball. He noted that Mr. Cvijic has a Bachelor of Science from Shippensburg University where he majored in criminal justice with a minor in business. He noted that he is a recent graduate of Municipal Police Education and Training Commission Police Academy at Harrisburg Area Community College where he received his police certification. He explained that he will be trained by Officer Shifflett.

Mr. Hornung administered the Oath of Office to all three men after which pictures were taken.

Promotion of Police Officers

Corporal Autumn Lupey

Public Safety Director Spotts noted that Corporal Autumn Lupey joined the Lower Paxton Township Police Department on January 5, 2004 and was assigned as a patrol officer where she served as a bike officer, physical fitness coordinator, and was a member of the rapid response team for the Department. He noted on September 1, 2009 Corporal Lupey joined the Criminal Investigation Unit and began working cases involving property crimes, fraud cases, and other miscellaneous crimes. He noted that Corporal Lupey began receiving specialized training in the area of child abuse investigations, sexual assault investigations, and other crimes against persons, and for the last four years has primarily worked cases involving child victims and victims of violent crime.

PSD Spotts noted that during her time of service, Corporal Lupey was named Officer of the Year in 2012 and received multiple Awards of Merit, a Certificate of Commendation, the Unit Citation Award, and multiple Letters of Commendation. He noted earlier this year, Corporal Lupey was awarded the Governor's Pathfinder Award for victim service. He noted that Corporal Lupey has been an instructor for our Citizens Academy for several years, and in 2014, she was requested by the Northeast Regional Children's Advocacy Center to teach peers the Multidisciplinary Team approach for child abuse investigations. He noted that Corporal Lupey has participated in educating approximately 15 PA counties, in child abuse investigations, since August 2014, and in June 2016, Corporal Lupey was offered a position on the FBI's Capital City Child Exploitation Task Force.

PSD Spotts noted that Corporal Lupey is married to Steve Lupey and they reside in Middle Paxton Township with their two children. He noted that Corporal Lupey is a 1996 graduate from Pennsville Memorial High School, in Pennsville, New Jersey where she earned a Bachelor's Degree in 2000 from The Ohio State University where she majored in Criminology. He noted that Corporal Lupey was recently accepted to Wilmington University where she plans to begin working toward her Master's Degree in Administration of Justice with a focus in Public Administration.

PSD Spotts presented Corporal Lupey with her certificate of promotion.

Sergeant Stephen Cover

PSD Spotts noted that Sergeant Cover graduated in 1995 from Central Dauphin High School, and in 1999 he received a Bachelor of Science in the field of Criminal Justice from Shippensburg University. He noted that he graduated from the 83rd Municipal Police Academy at HACC in 2003 and was hired by Lower Paxton Township in January 2003. He noted that he was initially assigned to the Patrol Division and later worked in the Traffic Safety Unit until being promoted to the rank of Corporal in October 2012. He noted at that time, he was assigned to the Patrol Division as a Patrol Supervisor until February 2015, when he was assigned to the Traffic Safety Unit as a Supervisor.

PSD Spotts noted in addition to being a Supervisor, Sergeant Cover is an in-house training instructor for the following topics: Use of Force & Less Lethal Force, Firearms, Defensive Tactics, Baton, Handcuffing, Taser, Emergency Vehicle Operations, Mobile Field Force, Physical Fitness, and Instructor Development, and is a Field Training Officer. He noted that Sergeant Cover is also responsible for maintaining the Department's in-house training records and making sure that all officers are in compliance with agency policies and maintain their certifications as sworn police officers.

PSD Spotts noted that Sergeant Cover has been trained by the Pennsylvania State Police in accident investigation (Level III.) and is a State Inspection Mechanic. He noted that Sergeant Cover is currently certified to operate any of the speed timing instruments that are available to LPPD Officers and teaches newly hired Officers how to become proficient with those instruments. He noted that Sergeant Cover is also certified to operate the Department's Total Station measuring instrument which is used at major crime and crash scenes and has also been

trained to conduct Standardized Field Sobriety Testing, Highway Drug Interdictions, and Roadside Interviews. He noted that Sergeant Cover is also a certified Police Motorcycle operator.

PSD Spotts noted that Sergeant Cover is currently a member of the Dauphin County Accident Re-Construction Team (DCART), and his Professional Recognitions include the following: (3) Life Saving Awards (2009, 2011, 2014); (1) 2012 Lions Club Officer of the Year; (1) 2010 Co-Uniformed Officer of the Year; Unit Citation of the Year (2004, 2006); and (1) 2004 Uniformed Officer of the Year.

PSD Spotts noted that Sergeant Cover had been married to his wife Erin for 14 years and has a 9 year old daughter Mackenzie and a 7 year old son Stephen.

PSD Spotts presented Sergeant Cover his certificate of promotion. At this time pictures were taken.

PSD Spotts noted that you can tell the quality of people who work for the Police Department and the fact that people from other agencies want to come to work for us. He noted that he is very proud of each member of the Police Department and acknowledged the amount of off duty officers who are present this evening.

Ms. Lindsey wanted to thank PSD Spotts for all that he does for Lower Paxton Township noting that he is doing a great job.

Mr. Seeds noted when he read off all the qualifications and schools it is wonderful for what they are doing for the Department.

Mr. Crissman congratulated the newly hired police officers and hoped that they recognize the caliber of people that will be working with as part of one of the finest teams in Pennsylvania. He noted, to the two police officers who were promoted, he congratulated them as well noting

that you know that you are already part of the team but you will make it even better. He noted to all who are present to support our new officers and those who were promoted, he applauds your efforts as you are a member of a supreme team that has the recognition in the Commonwealth as being the finest.

Mr. Hornung noted that he recently flew back from Chicago and he happen to see Mr. Spotts flying back as well. He noted that he discussed the quality of the police department that is second to none. He noted that PSD Spotts acknowledged how much he loves working with the Department as they make it much easier for him. He noted that we have the finest Police Department in the United States. He noted that he is out with the public all the time and he appreciates the comments that he receives from them in support of the Department.

OLD BUSINESS

Public hearing on an appeal of a Stormwater Management Ordinance violation for 2517 Patton Road

Mr. Stine noted that it is the time and date set for the Public Hearing on an appeal of a Stormwater Ordinance violation for 2517 Patton Road. He invited Mr Fraraccio to come up to the microphone. Please see the transcription for the rest of the hearing.

NEW BUSINESS

Action on proposals to provide the Township and Authority with property and liability insurances

Mr. Wolfe explained that the Township's insurance year runs from October 1st through September 30th of each year. He noted that the Township uses Brown and Brown as its broker to solicit insurance proposals for property and liability insurance to include crime, inland marine, police, general liability, auto and an umbrella package, as well as public official's liability and employee practices liability. He noted that last year the Township paid \$134,563 for the coverage

and the proposal provided by Brown and Brown for this year provides for a change in carrier to AmGUARD which is an A+ rated insurance company with acceptable levels of insurance at an annual cost of \$139,841. He noted that they have provided an optional rider for terrorism at an additional cost of \$1,694. He noted for the Township Authority, Brown and Brown has solicited a proposal, the lowest from AmGUARD in the amount of \$32,822, with an optional rider for terrorism coverage at \$868. He noted that last insurance year, the Township Authority paid \$35,451. He explained that the Authority coverage for last year was \$3,500 less than it was in 2015 and the Township's coverage is about \$5,000 more.

Mr. Wolfe noted that it is Brown and Brown's recommendation, as well as staff's that the Board accept the proposals from AmGUARD for both Lower Paxton Township and the Authority with the Board making a decision on the optional terrorism coverage.

Mr. Hornung suggested that we vote on the initial proposals first and then on the optional terrorism coverage.

Mr. Crissman made a motion to approve the basic coverage for both the Township and Authority as presented by Mr. Wolfe. Ms. Lindsey seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Ms. Lindsey made a motion to attach the terrorism rider for the Authority and the Township. Mr. Hornung seconded the motion.

Mr. Crissman questioned, in the discussions with Brown and Brown, did they have any particular recommendation for this. Mr. Wolfe answered that they provided no specific recommendation but they felt an obligation to provide the Township with the option.

Ms. Lindsey noted that she made the motion as she looked at National Night Out and the 5 K Race, with the Township having some events that brings in a lot of people, and in light of what has been happening, you never know.

Mr. Crissman noted that he recognizes those events and that we sponsor many activities such as the 4th of July fireworks, so there are public opportunities. He noted that we all hope that nothing would happen.

Mr. Seeds questioned what the deductibles are. Mr. Wolfe questioned if he wanted to know what they are for each item. He noted that it is a lengthy list. He noted that the initial premium for the package coverage for the Township under the AmGUARD proposal is \$117,200; the umbrella cost is \$6,897; and the public officials and employee practices policy is \$15,744. He noted that the limits of coverage for the Township for general liability would be \$1 million, with no deductible or retention; however, there is an aggregate liability limit of \$3 million. He noted that the auto liability is \$1 million with no deductible or retention. He noted that the limits of coverage for the police for automobiles is \$4,232,558 and for property it is \$22,593,560. He noted that other limits of coverage are public officials at \$2 million with a \$2,500 deductible, employment practices is \$2 million with a \$2,500 deductible, police professional liability at \$1 million with a \$5,000 deductible, and the umbrella at \$1 million with a \$10,000 deductible.

Mr. Seeds noted that he meant for the terrorism coverage. Ms. Lindsey noted that the premium is \$1,694 for the Township and for the Authority it is \$868. She noted that it comes to \$2,560. Mr. Seeds questioned if there are deductibles. Mr. Wolfe answered that he is not seeing deductible limits for the coverage.

Mr. Seeds questioned what would it cover. Mr. Wolfe answered that the proposal contains a complete disclosure on terrorism insurance coverage noting that you are notified of the terrorism risk act and as amended you have the right to purchase insurance for losses resulting from acts of terrorism and there is a specific act which defines those. He noted that it goes on to say how the coverage would be applied in accordance with said Act. He noted that we do not have time to delve into the fine print of this this evening and if you desire the coverage it could be saved for a workshop meeting where you could look at the disclosure information in detail.

Mr. Crissman called for the motion on the question.

Mr. Hornung questioned if there is any comments from the audience. Mr. Drew Smith noted that he would like to see it carried over to a workshop session. Mr. Hornung noted that two people in the audience would like to carry this over to a workshop session.

Mr. Crissman noted if we are going to table this to the next meeting then the Board needs to vote no.

Mr. Seeds questioned if we could add this at a later date as he would like to read it.

Mr. Hornung called for a roll call vote; Ms. Lindsey, nay; Mr. Crissman, nay, Mr. Seeds, nay and Mr. Hornung, nay.

Mr. Wolfe noted that he will bring it to the October workshop session that will be held the second week in October.

Resolution 16-35; adopting a PennDOT policy and procedure for consultant selection

Mr. Wolfe noted that the Township is in a position to serve as the local lead for the replacement of the Red Top Road Bridge. He noted that the first part of that project would be to design the bridge replacement and to do so, a consulting engineer needs to be selected. He noted that given that the project will be funded primarily with State and Federal funds the Township is

required to use PennDOT procedures to select a design consultant for this bridge project. He noted that PennDOT has requested that before we begin we adopt their procedures for selection of the consultant. He noted that those procedures are attached to the resolution before you this evening.

Mr. Crissman made a motion to approve Resolution 16-35; adopting the PennDOT policy and procedures for consultant selection. Mr. Seeds seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Proposed lot consolidation of 909 and 911 North Mountain Road

Ms. Zerbe explained that this action is for a lot consolidation for a property that the Zoning Hearing Board required that the lots be consolidated so that the owner can put a parking lot for handicap accessibility.

Mr. Crissman questioned if it is coming before the Board with staff's recommendation. Ms. Zerbe answered yes.

Mr. Crissman made a motion to approve the proposed lot consolidation of 909 and 911 North Mountain Road, the Seltzer property as presented by staff. Ms. Lindsey seconded the motion. Mr. Hornung questioned if there are any further comments at this time; hearing none he called for a roll call vote: Ms. Lindsey, aye; Mr. Crissman, aye; Mr. Seeds, aye; and Mr. Hornung, aye.

Preliminary/final land development plan for Wynchase
(formerly known as Queen Street Village)

Ms. Zerbe noted that the preliminary/final land development plan for Wynchase, formerly known as Queen Street Village, proposes to construct fourteen (14) Townhouses and (10) ten garages on Lot #1. She noted that Lot #2 will have a single family residential dwelling and a driveway will be constructed.

She explained that the site is located in the Residential Medium Density (R-2), zoning district and will be served by public sewer and water supply.

Ms. Zerbe noted that the Planning Commission unanimously voted to approve the plan at the August 3, 2016 meeting; however the plan was tabled at the September 6, 2016 Board of Supervisors meeting so that the plan could be evaluated with the Board's concerns related to the comments of Chief Swank and the neighbors for the waiver request and traffic control.

Ms. Zerbe noted that she, Mr. Hinz, Township Engineer, Chief Swank, and Sergeant Cover of the Traffic Safety Division, met with Mr. DiSanto to discuss any changes in the plan to discuss the neighbor's concerns. She noted that it was decided that no parking signs would be added to the south side of Queen Avenue and the driveway entrance to the complex. She noted that it will help fire apparatus navigate the streets and driveway.

Ms. Zerbe noted that the applicant has requested the following waivers: 1) A waiver of the requirement of widening Byron Avenue and providing additional right-of-way along Queen Avenue, and Byron Ave. The applicant's justification is that no improvements are proposed along Byron Ave. Staff supports this waiver request in part but it does not support the waiver for widening Bryon Avenue. She noted that staff does support the waiver to require additional right-of way along Queen Avenue; and 2) A waiver of the requirement to install curb on each side of all new roadways and along widened or reconstructed roadways. The applicant's justification is that Queen Avenue is curbed and Byron Avenue does not have any curbing at this time. She noted that staff supports the waiver request that no additional curbing be required on Queen Avenue but it does not support the waiver for requiring curb on Bryon Avenue.

Mr. Seeds questioned if staff agrees that we should grant a waiver of right of way on Queen Avenue but what about Byron Avenue.

Mr. Nick DiSanto of Triple Crown Corporation noted that he is the equitable owner and applicant. He noted the plan shows the existing right of way on Bryon Avenue of 50 feet as it meets the ordinance requirement. He noted from his standpoint there is no need for an additional right of way on

Byron Avenue since he meets the requirements. Mr. Seeds questioned if that is 50 feet from centerline. Mr. DiSanto answered that it is 50 feet from whole right of way, from the centerline. Mr. Seeds questioned how wide the street is as it stands today. Mr. DiSanto answered that it varies from 23 foot wide to 28 foot wide. He noted that he is still asking for the waiver but his engineer prepared the exhibit for what it would be if the waiver was denied and for what it would look like. He noted that the existing cartway varies from 23 to 28 feet and it is 28 foot wide closest to Queen Avenue and narrows down to 23 feet. He noted that the widening to get to the requirement would be an average of four foot. He explained that the south side of Bryon Avenue, for the curbing and widening would terminate four foot into the property line so it would end at the stormwater and continue down and not make the situation any better, maybe worse for the residents downstream of this. He showed on the map where the curbing would start and end. He showed the existing grass and the neighbor's driveway to the south.

Mr. Seeds noted for Mr. DiSanto to put curbing in would make the drainage worse. Mr. DiSanto answered, in his opinion, it would take it straight down into the yards instead of keeping it in the road. He noted that he is willing to do the widening as we met and discussed it, but he does not believe that it will be beneficial for everyone downstream. He suggested that the road widening would terminate at the end of his property.

Mr. Crissman questioned if you have had meetings with staff since the last meeting. Mr. DiSanto answered yes. Mr. Crissman questioned if he was looking at the same documents that the Board is looking at. Mr. DiSanto answered yes.

Mr. Crissman noted that staff supports the waiver in part but it does not support the waiver for widening for Byron Avenue. He noted that staff does support the waiver for providing additional right-of-way along Queen Avenue. He noted that he will follow staff's recommendation and if they are saying that it needs to be widen, he will support that and he will not vote in favor of that waiver. He noted for the second waiver staff supports the request for no additional curbing be required on Queen Avenue but does not support the waiver of not requiring curbing on Bryon Avenue. He noted that curb and sidewalk should be installed as required. Mr. DiSanto noted that is correct as he met with staff and he understands staff's

partial support of both waiver requests. He noted that he is willing to put the widening in but he wants to show the plan so there is no ambiguity down the road.

Mr. Crissman noted since you are willing to support this, are you willing to have both waivers removed. Mr. DiSanto answered that he is willing to have both waivers amended to reflect what staff is recommending. He will continue to ask that the waiver be in place for Queen Avenue. Mr. Crissman noted for providing additional right-of-way along Queen Avenue, you ask that that be continued. Mr. DiSanto answered yes. Mr. Crissman noted for the second one, staff supports that no additional curbing be required on Queen Avenue, so you would do it on one but not on the other in accordance with staff's recommendation. Mr. DiSanto answered that was correct.

Ms. Lindsey thanked Mr. DiSanto for adding the no parking signs on Queen Avenue as it will make a difference there.

Mr. Seeds questioned if HRG had any comments. Mr. Hinz answered that all of his technical comments were previously addressed so all that is outstanding for his letter are administrative items to be handled at the Township staff level, therefore he has nothing more to add.

Mr. Hornung questioned Ms. Zerbe why it is important to put the curbing and sidewalk along Bryon Avenue. Ms. Zerbe answered that we discussed it at staff level and decided that it was important not to approve the waiver for the widening and curbing. Mr. Wolfe noted that you had testimony at the last meeting that there is considerable pedestrian traffic on Bryon Avenue, and as a result it is staff's belief that due to the pedestrian traffic any development that occurs should be accompanied with sidewalk.

Mr. Crissman questioned the community if they will be satisfied with the waiver requests. He suggested that it is a compromise that the builder is willing to make. He noted that he asked that the developer meet with staff and Chief Swank, and they have met and Mr. DiSanto is willing to make some concessions. He noted that he wants to make sure that you are okay with it, and in light of getting two parties to work together to come to a resolution, he would like to know if they are fine with it.

Mr. Drew Smith, 203 Byron Avenue noted that he is unclear about what the aim of a limited sidewalk that terminates at the end of his property will do. He noted that Mr. DiSanto stated that he feels like it would not be a benefit but at 203 Byron Avenue he is at the bottom of that hill and every bit of water that comes down Bryon Avenue pools in his front yard. He noted that it never makes it to the storm drain so he is very concerned about what the purpose of the sidewalk is, and yes we have a great deal of handicap pedestrian traffic up and down Byron Avenue. He questioned what the sidewalk would do for those people since it will end at that point. He noted that it will not go all the way down the street as it will not serve anyone except for maybe 50 feet to the edge of Queen Avenue which there is no sidewalk. He noted that it won't solve the pedestrian problem at all. He noted as far as the width of the street is concerned Bryon Avenue is very narrow and if he parks a car in front of his property and someone does the same on the other side of the street a vehicle can't get through. He noted that he is concerned about the number of parking spaces and since you have put no parking signs on Queen Avenue where will they park. He explained that people have parked in his yard before and with all the water they sink about 18 inches into his front lawn and then he has to fix the problem. He noted that these are concerns of his being at the bottom of the street, especially with removing 37 trees and what will go on with all that water and he hasn't seen anything to show how the water will make it to the creek. He questioned what will happen with the water where the curbing ends. He noted that it will run down the road and into his yard.

Mr. Seeds noted that Mr. DiSanto is not asking for a waiver of sidewalk. He noted that he will do the sidewalk. Mr. Smith questioned if the sidewalk would go all the way down the street. Mr. Seeds answered that it will only be on his property. Mr. Smith noted that it will serve no purpose. He noted that someone needs to sit there for a day and watch people walk up and down our street. Mr. Seeds noted that we can't require him to put in sidewalks on other people's property. Mr. Smith noted that he understands that so he doesn't understand what the point is.

Mr. Hornung questioned if Mr. Smith is not in favor of putting in curb and sidewalk. Mr. Smith noted that he is not in support of the project at all. He noted that he doesn't understand what the point is. He suggested if it is just a dog and pony show just to say okay we did this, he thinks it is pointless.

Ms. Karen Darrenkamp, 201 Byron Avenue noted that this has been a really long meeting so she will be try to be brief. She noted that a couple issues were touched upon the last time about traffic and stop signs and she understands that you can't just put a stop sign in to slow people down, but she is proposing that possibly Mr. DiSanto would be willing to help pay for, if nothing else, a plaque that says opposing traffic does not stop since there is only one stop sign at the top of Queen Avenue and at the other end of Byron Avenue. She noted that traffic is all over the place there. She noted where his entrance way is going into the development off of Queen Avenue is very close to the entrance way to the Beer Express, we are talking maybe a cars length between the two driveways, and a tractor trailer length between the entrance way to his property and the corner. She noted that it is very hard to see how it will not affect the amount of traffic coming in and out that will congest that intersection. She questioned why put the entranceway there but it is not a road cut out but an easement cut out. She noted that the easement runs from where he wants to put his road in all the way to Trent Avenue, behind her house and Mr. Smith's house. She noted that it was intended to be an easement that is on her deed, a 15 foot wide alley, not intended to be a road, but to be used by the people of adjoining properties for ingress and egress to their property. She noted that Mr. DiSanto does not understand why she has an issue with it as she never used it before but she doesn't have to have used it before. She noted when he finished the completed project her property will be locked in there and she will have to do something for parking. She noted that she can't park on Byron Avenue as there is no room. She noted that she will have to spend money that she doesn't have to widen her driveway to accommodate the two vehicles that they have or get up three times a day as they work weird shifts and play car jockey at 6 in the morning, three in the afternoon and again at midnight. She noted that she does not understand why he is allowed to absorb the easement into his property and make it a roadway when there is another roadway off of Trent Road that he could use to go into the property.

Mr. DiSanto noted if you go back to the plan for existing conditions, there are three unopened alleys that are on the parcel. He noted that there is a community down below; the short answer for why he is doing this is the curb has an existing cut out and we can use it to open the alley from all the research we

have done on this. He noted that it makes no sense for him instead of bringing more traffic down the residential side to access our project from Queen Avenue by limiting the disturbance on Bryon Avenue and limiting the traffic flow down through Trent and opening this lane up between two apartment complexes. He noted from his analysis this ended up being more efficient and safer area to come in and out and access our driveway to our property.

Mr. Hornung questioned if Mr. DiSanto could answer Ms. Darrenkamp's question for how you have the right to use the right-of-way. Mr. DiSanto answered because it is a right-of-way, it does come onto the property; we are opening it up, but if the alley ever decides to get paved, stoned or whatever by anybody, that right-of-way still exists. He noted that he is not opening the alleyway for four people downstream at strictly my cost. He noted that he is paving it, opening it up creating a 25 foot driveway and that is why we have designed what we have at this point.

Ms. Darrenkamp noted when he puts his road across that easement there is going to be curb and she will not have access to that alley. She noted that he is taking away access to that alley and it doesn't matter if it has never been opened, never been dedicated, been dedicated and abandoned, according to Pennsylvania Supreme Court case, which she can sight for you but she is so tired as she has a splitting headache after spending hours here, that is still her right to use that alley since she is an adjoining property owner and so is Mr. Smith. She noted that it goes for the next person that she sells her house to and the next person he sells his house to. She noted at any point, since it is on her deed, that it recognizes that easement she may not sue him but someone else might and that needs to remain open and that is why she doesn't understand why he can absorb the easement into his roadway and cut off access. She noted that she won't be trespassing on his property it is actually a right that she has to use the lanes of the alley from top to bottom, unless you allow him to absorb that easement as his roadway. She noted that putting the entranceway there is a lot worse than putting it down where existing apartment traffic already exists. She noted that it is a 100 feet away from the congested intersection, it would be better off down at the apartments instead of going in up at that corner.

Mr. DiSanto noted if you go to the E&S Plan, the property drains from Queen Avenue down to the south side towards the apartments and on the E&S Plan the infiltration and water quality BMP's are on the downstream side. He noted if we were to put that entrance on the south side of the parcel, we won't have a place to put the stormwater. He noted that all the infiltration and percolation tests that have passed on the site have been in the lower south east corner of the property. He noted that he can't move water uphill for water quality treatment so the design dictated that the water come downstream and we capture it on the south side of the parcel and treat the water and discharge it into the Beaver Creek drainage to the east.

Ms. Karen Asper, 208 Byron Avenue noted that she just moved into the area. She noted that we did not learn about the sewage bit until we signed the paperwork. She noted that we understand that you have to upgrade the sewer and so forth, but we didn't realize before we moved in that a company, she does not know who, was supposed to put some sort of drainage system in for behind the mall and they go permission to put in a parking lot behind the building where all the drainage was supposed to go. She noted that now all that water comes down between four homes and in a tumult. She noted if we have a large amount of rain it is like a raging river. She noted that her property was flooded and that is because they decided to put a parking lot there. She noted that this gentleman says from what she heard he did not want to take the money to extend what he had to do to redirect the water so he could come out to Trent Road. She noted that she is sorry but from what she heard at the previous thing, the project that you were engaged in, you didn't do what was right there either. She noted that she does not trust you to follow through and do what is right by your neighbors and she is sorry but you have just presented that to her. She noted that you guys have a responsibility to protect the homeowners who are already there. She noted that she and her husband can only go on walks at two or three in the morning so we don't have to worry about getting run over. She noted that it will put a heck of a lot more traffic on that road as it is already congested. She noted that kids are playing in the streets and you have people who don't pay attention to stop signs and like to gun. She noted that she does not want to see anyone get killed because of that nonsense. She noted if you can prevent it by redirecting a better plan then do so. She noted that it might

put things back a little and it might cost a little more but at least the safety of the neighborhood would be upheld. She noted that she does not need drainage driving the water on her property either as the residents at 201 Byron and 203 Byron Avenue already have issues. She noted that the curb, the trees and open ground hold the water and they take it in and filter it, but you put tarmac down, you put down sidewalks, all it does is run off. She noted when we replaced our roof and put in spouting; noting that an inch of rain is equal to 1200 gallons of water, she questioned how much more water will be on the surface by adding the parking lot, roofs, sidewalks, and curb.

Mr. Hornung noted that the owner has to contain the stormwater runoff. He noted that you may not trust him but his plan has been done and it has been looked at by our engineer and it does conform with all the laws. Ms. Asper noted on paper, I understand, but will he do it. Mr. Hornung noted that he is required to do it and he will post a bond that he says he will do it and if he doesn't do it then we take his money or force him to do it. He noted that is all taken care of.

Ms. Asper noted that they had something to do with the gentleman...Mr. Hornung noted that they had nothing to do with that. Ms. Asper noted that they left those stumps there that he had to have taken out. Mr. Hornung noted that it was not Triple Crown, as it was a whole totally different area as there is a lot more going on then you know. He noted as far as the stormwater, admittedly that area has some issues with stormwater and we are going to do some stormwater runoff mitigation, however that is not TCC responsibility, that is the Township's responsibility. He noted that you can argue that there were a lot of parking lots built and he gets that and it causes problems but at this point in time he can't go back and make them do it. He noted that we are talking about provisions based upon the impervious coverage that you have and you may be taxed more in the future but it is probably close to a \$100 million is what the Township is going to have to spend to mitigate stormwater runoff. He noted that we are required to do this due to certain government regulations from the EPA and DEP.

Mr. Hornung noted that he understands the issue with the traffic versus the one entrance and the other one but he has the right, and he was to come in and not request any waivers at this point, he has the right to build it and we can't deny it. He noted that he complied with all our rules and regulations and he

has the right to develop the land as it has met all the requirements except for several waivers. He noted that they are the sidewalk, curbing and widening. He noted at this point in time all we can discuss for the plan as far as relevance as to if we approve it or not is only those waivers.

Ms. Asper noted if you know that it will cause more water coming down shouldn't that be considered. Mr. Hornung noted that we could grant his waivers and he would not have to widen the road and it would reduce the water runoff. He noted that the other gentleman argued about the sidewalk. He noted that there are areas in the Township where we have required that we put sidewalks in that go nowhere and sometimes it seems kind of stupid. He noted that the only time we can require a sidewalk to go in is when someone does development on that lot so we either choose to not to do it at all and waive it or we try to catch it when we can getting a piece her and there and we have in other areas connected them together on the Township's bill. He noted the only thing you can argue is the sidewalks and widening.

A questioned was asked what about the wild animals that are there every day, the deer that will be killed by cars. Mr. Hornung noted that he bought the land and he has the right to develop it and he can't stop him. He noted that he understands about the wild animals but he is not trying to be harsh but a lot of times if you want a place for the wild animals, buy the land and keep it that way.

Ms. Asper noted that people like him will come and buy farms and destroy the farms and what happens when we don't have the land to grow our own food. Mr. Hornung noted that he can't answer those problems, we make rules... Ms. Asper noted that it starts at the low end. Mr. Hornung noted that it starts with changing the ordinances and it is too late for that in this particular lot. He noted that we are starting the Comprehensive plan process and you are free to come in and make comment on it; but at this point in time he owns the land, he submitted a plan that conforms except for the sidewalk and curbs and widening, and other than that we have no right to deny his plan, animals or no animals. He noted that he owns land in the mountain and he likes animals but he owns that land, not him. He noted that is what we can talk about now. He noted that it is going on 10:30 p.m. and this Board must make a decision, whether we make this company put in sidewalk and curbs or widening. He noted that is what he needs to hear about.

Ms. Diane Shepherd, 200 Bryon Avenue questioned how he has the right to absorb that easement into his plans. She noted that is what she wants to know. She noted that it is a big company and they have a lot of engineers, they can figure out if they want to put their entrance on Trent Street so they are not taking over the easement, they can figure a way to have the water runoff into the creek.

Mr. Hornung noted that he would have Mr. Stine answer that question. Mr. Stine noted that Ms. Darrenkamp has the right as do all of you to use those right-of-ways even though they are not open. He noted that the property owner who is going to do the development has a right to use them too as long as he does not obstruct them. He can pave those areas if he wants and someone mentioned that if there is curbing there may be an obstruction. He noted that the issue for the Township is, we can't deny the plan for that reason as we don't own those right-of-ways. He noted that the Township has no rights to them. He noted that the only way to enforce those remaining open are the people who have the right to use them which would be all of you. He noted that the Township has no way to enforce it as the right-of-way does not belong to us and never has. He noted you can file an action if any of the right-of-ways get obstructed in the Court of Common Pleas in Dauphin County. It was questioned if the Township had a way to stop it. She noted if there is not curb there it is not an issue, but if he is putting curb in you can't drive your car over it. Mr. Stine noted that it would be considered an obstruction, but we have no right to enforce it as we don't own the land and those right of ways have never been dedicated to the Township.

Mr. Hornung questioned Mr. DiSanto if he was planning on putting curbs along that. Mr. DiSanto noted that he initially talked about not doing curb along Queen Avenue and it was brought up by the Planning Commission to put monolithic sidewalk and curb the whole way down Queen Avenue, excuse me the driveway. He noted that initially it was only sidewalk in the community itself across the front of the actual units and then the Planning Commission required monolithic curbs and sidewalks along the driveway access portion.

Mr. Hornung questioned why they wanted curb. Mr. DiSanto noted because of the sidewalk. He noted that they wanted to tie the community into Queen Avenue so that is how it came about.

Mr. Hornung questioned if at certain areas you can give the neighbors access to it with a cutout. Mr. DiSanto answered that it could be as simple pouring a depressed curb to provide a right of way. He questioned if that would be good enough. Mr. Hornung requested Mr. DiSanto to explain to the neighbors what that is. Mr. DiSanto noted that it would be a driveway depression, so you have your curb come in and it would be eight inches high at the pavement and drop down and in theory you could drive over top the sidewalk and across the curb, just like any other driveway entrance to a home. Mr. Hornung questioned if that would make the neighbors happy. Mr. DiSanto noted that he would put it in the right of way opening at the corner. Mr. Stine noted that you would have to put those depressions in where ever his driveway crosses the unopen right of ways to the width of those unopen right of ways.

Mr. Crissman questioned if the people understood what was being said. A person noted that we would have access to our easement. Mr. Hornung questioned if Mr. DiSanto can do that. Mr. DiSanto answered yes.

Ms. Shepherd noted as for the no parking signs on Queen Avenue what do you propose if there is not enough parking spaces per unit, where will they park.

Ms. Lindsey questioned if there is not parking just when you come around Byron Avenue and on right hand side in front of your property. Mr. DiSanto answered that there are six signs proposed on the south side of Queen Avenue and down the driveway access as well. Ms. Lindsey noted that it will not be the entire way down Queen Avenue, only when you come around the corner in front of the property.

Mr. Hornung noted that he is not sure if the residents want him to put in sidewalk and curbing along Bryon Avenue. Ms. Shepherd noted that it is a water issue. Mr. Hornung noted that Mr. DiSanto is arguing that if he puts it in it will cause more water issues. He noted that he does not want to make a decision that will make it a worse situation. He suggested that it may end up that we could have to put a stormsewer in that area, but it is a possibility. He questioned if they want the curb and sidewalk. Ms. Shepherd suggested that it would be a deterrent for people who fly around that corner. She suggested that it would be good to put the curbing in but she doesn't care about the sidewalk as it is a dead sidewalk that ends on the other side of the property. She noted that we live there and we know what the traffic is like.

Mr. Hornung noted that is why we are listening to you. She noted that we need the curbing as it is a safety issue. She noted when she is out walking her granddaughter she has to listen for cars coming. Mr. Hornung noted that people will cut over into the grass. Ms. Shepherd noted that it will bring more traffic and that is what is scaring the heck out of us, not so much the buildings but it will bring more traffic into our area and Bryon Avenue is so skinny now that actually if someone is walking along the edge of the street one car has to stop for the other car to go by.

Mr. Hornung questioned if we should put in sidewalks. Ms. Shepherd noted that she would love to have sidewalks down Bryon Avenue on both sides. Mr. Hornung noted that we can only require him to put them in on his property. Ms. Shepherd noted for a safety issue for the Township that is something that needs to be looked into as it is a huge safety issue on that road.

Mr. Crissman noted in the waiver request we will approve the request for providing additional right of way along Queen Avenue and we will approve the request that no additional curbing be required on Queen Avenue. He noted that Mr. DiSanto agreed to make the indentation along the curbing for the easements does it need to be a side note or where does it get documented. Ms. Zerbe answered that she will add it in the conditional approval letter as administrative comment number seven.

Mr. Crissman questioned if you are able to speak on behalf of the applicant. Mr. DiSanto answered yes.

Mr. Crissman questioned if Mr. DiSanto had the same documents that outline the wavier requests, administrative comments and general comments. Mr. DiSanto answered yes.

Mr. Crissman noted that there are two waiver requests; the first is to provide additional right of way along Queen Avenue; and the second one is that curbs and sidewalks should be installed as required. He noted that there are seven administrative comments, to include the six that are listed and number seven would be indentation for entrances. He questioned if all seven have been completed or will be completed in a timely fashion acceptable to Lower Paxton Township staff. Mr. DiSanto answered yes.

Mr. Crissman noted that there are two general comments, specifically number two which contains the 18 comments from HRG under the directive of Jason Hinz. He questioned if they have been completed or will they be completed in a timely fashion acceptable to Lower Paxton Township staff. Mr. DiSanto answered yes.

Mr. Crissman made a motion to approve the preliminary and final land development plan for Wynchase with the following waivers and comments: 1) The applicant has requested a waiver of the requirement of widening Byron Ave. and providing additional right-of-way along Queen Avenue and Byron Ave. The applicant's justification is that no improvements are proposed along Byron Avenue. Staff supports this waiver request in part. Staff does not support the waiver for widening for Byron Ave. Staff does support the waiver request of providing additional right-of-way along Queen Avenue. There is no known need for additional street and/or right-of way width; 2) The applicant has requested a waiver of the requirement to install curb on each side of all new roadways and along widened or reconstructed roadways. The applicant's justification is that Queen Avenue is curbed and Byron Avenue does not have any curbing at this time. Staff supports the waiver request that no additional curbing be required on Queen Avenue but does not support the waiver of not requiring curb on Byron Ave. Curb and sidewalk should be installed as required; 3) The plan has been reviewed by the Township Fire Marshall, Fire Chief, Public Safety Unit and SCEMS. Plan approval shall be subject to addressing all comments of the Township Fire Marshall, Public Safety Unit, and the Colonial Park Fire Department. Chief Swank in an email dated June 14, 2016 did not agree with the waiver request #1, Street widening; 4) All comments of Melissa Tomich Smith P.E., GHD, Lower Paxton Township Authority; 5) A sign permit shall be required for all signage; 6) Upon approval, provide an electronic file of the complete plan set and any other technical plans on a compact disk (CD) in accordance with Section 180-308; 7) The applicant shall pay all required fees prior to recording the plan; 8) The applicant shall pay Recreational fee & lieu of \$2,320.00 for each unit; 9) The applicant shall install depressions for access for neighbors for their easements to the back of the property; 10) Plan approval shall be subject to addressing all comments of Andrew Bomberger, Tri-

County Regional Planning Commission; 11) Plan approval shall be subject to addressing all 18 comments as stated in the memo dated September 1, 2016 from Jason Hinz, HRG; and 12) After all conditions of the plan are met, the applicant will be responsible for recording the plan with the Dauphin County Recorder of Deeds, and provide the Township with two recorded copies.

Mr. Seeds questioned if the waiver is for widening on Queen Avenue. Mr. Crissman noted that the curbs and sidewalks shall be installed as required. Mr. Seeds noted that he is waiving the additional right of way for Queen Avenue. Mr. Crissman noted that the additional curbing is on Queen Avenue. Mr. Seeds noted that he is requesting the additional right of way on Queen Avenue and curbing. Mr. DiSanto noted that is correct. Mr. Crissman noted that it does not include the waiver for Bryon Avenue. He noted if you read what it says for number two, the staff comment. Mr. Seeds noted that you mentioned sidewalks and he is not requesting any waivers for sidewalks. Mr. DiSanto agreed, only the curb and widening. Mr. Crissman noted that staff comment states that curb and sidewalk should be installed as required. Mr. Seeds answered that they shall be but he is not requesting a waiver for the sidewalk.

Mr. Crissman noted that the second waiver has to do with Queen Avenue and requiring curb on Byron Avenue. He questioned Ms. Zerbe if he was correct. He noted that staff supports the waiver request that no additional curbing be required on Queen Street, but does not support the waiver of not requiring curb on Bryon Avenue. Mr. Hornung noted that Bryon Avenue gets curbing and widening. Mr. DiSanto noted that that Queen Avenue does not get... Mr. Seeds noted that the only two waivers is curb and additional right of way on Queen Avenue. Mr. DiSanto answered that is correct; curb and additional right of way on Queen Avenue. Mr. Crissman noted and the widening on Bryon Avenue. Mr. DiSanto stated that he agreed to do the additional widening on Bryon Avenue.

Mr. Hornung noted that the only thing we are allowing is the waiver of the widening and curbing on Queen Avenue. He requested, for the depressions for the access to that right of way, you have to let them in the other areas where the right of way enters into that. He noted that it could be as long as ten to fifteen feet in those areas. Mr. Stine noted that is correct. Mr. DiSanto noted that it is his understanding that he cannot impede the access to that right of way. Mr. Stine answered any of the right of ways that

may exist. Mr. Hornung noted that he is relaying that you will commit to providing the residents access in some manner. Mr. DiSanto noted that it will be a curb depression to provide access so that he won't be impeding their access if they need to go to the backside of their property. Mr. Stine noted that Mr. Crissman added that to the administrative comments.

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

Mr. Crissman thanked Mr. DiSanto for working with staff and listening to the community members, and the Board. He thanked the members of the community and staff as well.

Resolution 16-34; Planning Module for Queen Street Village

Mr. Wolfe noted that Resolution 16-34 would allocate sanitary sewer capacity to the Wynchase development that you just approved.

Mr. Crissman made a motion to approve Resolution 16-34, the planning module for Queen Street Village or Wynchase. Ms. Lindsey seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Final subdivision plan for Stray Winds Farm, Phase III

Ms. Zerbe noted that Phase 3 of Stray Winds Farm involves a total tract of 38.752 acres to be developed in accordance with the phasing plan. She noted that Phase 3 will contain a total of 44 lots and 84 dwelling units consisting of single family detached homes and townhouses with private common open space. She noted that the site is located in the Residential Cluster (R-C), zoning district and will be served by public sewer and water supply.

Ms. Zerbe noted that the final subdivision plan for Stray Winds Farm was approved in October 2007 and Mr. Matt Fisher is present to represent the plan.

Mr. Matt Fisher, R. J. Fisher and Associates, explained that he is present on behalf of Triple Crown Corporation to seek the approval of Phase III of the Stray Winds Farm

development. He noted that he is in receipt of Mr. Hinz's most recent comment letter that has seven general outstanding comments. He noted that he revised the plan recently and resubmitted it this past Friday to address all comments excepting number seven as he continues to work on the calculations for the E&S Report. He explained that comment number three was to provide full stone backfill on all streets and he is willing to do the stone fill backfill on the streets that will be dedicated to the Township, which is all of Phase 3B; however, he would like to keep the detail as approved on the preliminary plan for the streets in Phase III-A and III-C since they will be private streets maintained by the Homeowners Association.

Mr. Crissman questioned why did you wait until tonight to discuss item number three and why was it not discussed with staff prior to tonight. Mr. Fisher answered that he did discuss it with staff the middle of last week and Mr. Hinz was to discuss that with Ms. Zerbe and get back to him. He noted that given the last minute revision for the plan he did not have a chance to discuss that yet so that is why he is bringing it up this evening.

Mr. Crissman noted if you want to discuss it tonight he has to wait for staff to discuss it and make a recommendation. Mr. Fisher noted that it is a minor request. Mr. Crissman noted that it may be a minor request but you have to have a discussion with staff first. Mr. Hinz noted that he did discuss the issue with Mr. Kline, the Director of Public Works, who has been involved in the road settlement issues and utilities such as these in the past. He noted that we are receptive to their suggestion to do the full stone backfill in the streets that are being offered for dedication to the Township which in Phase III is Seattle Slew Drive that serves the single-family units down to the southern portion of the plan. He noted that they would just be doing backfill in accordance with the detail that was approved on the preliminary plan which specifies suitable backfill within the paved streets that are going to be private and owned and maintained by the Homeowners

Association.

Mr. Hornung noted if it is required on our streets that will be dedicated to us, why would we not approve it for those streets. Mr. Hinz answered that it is not an ordinance requirement, it is just a construction... Mr. Wolfe noted if you recall, we have not adopted an ordinance requirement to mandate this, but Mr. Hinz has asked and the developer has agreed to do it on Township streets, which is our major concern. He noted if there is subsidence on private streets it would not be our responsibility.

Ms. Lindsey noted that we have a couple of other developments in which the streets were not ours and now the developer went belly up and we are trying to help the residents, what would happen if this would happen with this plan, if they would end up going belly up and the streets did not have the required backfill that they needed. Mr. Hornung noted what Mr. Wolfe is saying is that it is not required. Ms. Lindsey noted that she knows that it is not required but she is looking to the future if something should happen. Mr. Hornung noted at this point you would have to ask them if they would be willing to do it because it is not something we can force them to do as it is something they would do on their own.

Ms. Lindsey questioned why you are choosing not to do it in those streets. Mr. Fisher answered that the biggest thing is cost savings. He noted that it was approved to not do it with the preliminary plan so the initial approval for the entire Stray Winds Farm development, including the one that will be dedicated to the Township, did not have it. He noted that we are willing to meet half way and do it on the streets that are planned to be dedicated to the Township.

Mr. Hornung noted that the area that you are referencing too, they were streets that were to be dedicated in the future to us, these are not streets that will be dedicated to us. He noted that we need to fix this ordinance and get it done, but at this point in time, we have no leverage to do

this. He noted that he is glad that we are getting it in our streets as they are the ones the Township will have to pay for. He noted that he agrees to protect future homeowners, it would be nice to have it done on those streets as well.

Mr. Crissman questioned Mr. Hinz if the bottom line is that he is accepting that the discussions have occurred here. Mr. Hinz answered yes.

Mr. Crissman questioned if there are any other areas of concern. Mr. Fisher answered that is the only one.

Mr. Seeds questioned the recreation fee of \$793; is that because of the other facilities that will be provided. Mr. Wolfe answered that it is in accordance with the approved preliminary plan.

Mr. Crissman questioned Mr. Fisher if he is authorized to speak on behalf of the applicant. Mr. Fisher answered yes.

Mr. Crissman questioned Mr. Fisher if he had the comments in front of him that deals with the administrative items to be addressed prior to the approval. Mr. Fisher answered yes.

Mr. Crissman questioned Mr. Fisher if all seven items identified, including number seven, the fifteen comments, and memo from HRG, dated September 13th have been met or will be met in a timely fashion, including item number three from the HRG memo which was agreed upon tonight and agreed upon by Mr. Hinz and yourself. Mr. Fisher answered yes.

Mr. Crissman made a motion to approved the final subdivision plan for Stray Winds Farm, Phase III with the following conditions: 1) Provide all required signatures and seals on the plan; 2) Upon approval, provide an electronic file of the complete plan set and any other technical plans on a compact disk (CD); 3) The plan has been reviewed by the Township Fire Marshall, SCEMS, Fire Chief and Public Safety. Comments of Sgt. Waller, Traffic Safety Unit, dated July 21, 2016 must be addressed; 4) Provide evidence of an active NPDES permit associated with the work within this phase of

the development; 5) Provide evidence of review and approval of the proposed sanitary sewer system design from the Lower Paxton Township Authority; 6) Applicant is required to pay recreational fee & lieu of \$793.00 for each lot as required per Township Resolution 12-17; and 7) Applicant must address all fifteen (15) comments in the memo from Jason Hinz, HRG, dated September 13, 2016. Mr. Seeds seconded the motion. He questioned if it included the staff and general comments. Mr. Crissman noted that it includes the seven items as well as the 15 comments from Mr. Hinz plus the eight administrative items. Mr. Hornung called for a roll call vote: Ms. Lindsey, aye; Mr. Crissman, aye; Mr. Seeds, aye; and Mr. Hornung, aye.

Preliminary/final land development plan for
5405 Locust Lane Infinity Charter School

Ms. Zerbe noted that the Preliminary/Final Land Development Plan for 5405 Locust Lane proposes to construct a new addition to the existing 4,000 square foot building and renovate the existing building to create a new use as a charter school. She noted that this school will serve grades K-8 and is expected to have a capacity for 256 students and a staff of 30. She noted that bus transportation will be provided for students, and associated with the construction of the new addition and existing building will be additional impervious coverage associated with site improvements including playgrounds.

Ms. Zerbe noted that the lot is comprised of 5.86 acres and is located within the Commercial Neighborhood (CN), R-1 and R-2, Zoning Districts and will be served by existing public water and existing sewer.

Ms. Zerbe noted that this plan was approved with conditions at the September 7, 2016 meeting. The two conditions of plan approval were: 1) PennDOT Highway Occupancy Permit and 2) The Applicant shall install a warning flasher to alert drivers on Locust Lane during school operation hours. She noted at this time, the conditions of plan approval by the Planning Commission have not been met.

Ms. Zerbe noted that the applicant is requesting a waiver of the requirement that roof drains shall not be connected to storm sewers. She noted that a roof leader has been designed to discharge directly to an inlet that will convey runoff directly to the proposed stormwater management basin (A); therefore, the roof leader discharges to the closest available junction prior to reaching the system. She noted that the direct connection ensures the roof area reaches the basin and that runoff does not flow directly across sidewalks and parking space areas causing ice and slick conditions for students and staff during winter months. She noted that Township staff supports this waiver.

Ms. Zerbe noted that Brent Detter is present to represent the plan.

Ms. Lindsey noted that the memo states that at this time the conditions approved by the Planning Commission have not been met. Ms. Zerbe answered that is correct.

Mr. Brent Detter, ELA Group, Inc. explained that he would like to provide a couple of clarifications. He noted that it was his understanding from the Planning Commission that the conditions for plan approval was not for the HOP Permit, but that the applicant would apply for a warning signal permit to PennDOT which the applicant is prepared to do, and that the other condition was a recommendation by Mr. Hinz that we investigate the proximity of the existing utility poles in relationship to the expanded edge of shoulder cartway which we did. He noted that the HOP Permit, per your own Subdivision And Land Development Ordinance (SALDO), only a copy of the application has to be submitted to the Township if they request it. He noted that we have submitted a copy and that the HOP Permit needs to be submitted and approved by PennDOT before the building permit is issued. He noted that is directly out of your SALDO. He noted that he believes that the two conditions have been met as we did go out and measure the distance from the existing utility pole to what the expanded edge of the shoulder would be as it

will be four feet which he feels is a safe distance. He noted that the comment from Mr. Hinz at the Planning Commission meeting was to investigate whether the overhead utilities should be relocated underground. He noted that he does not feel that it is a cost effective solution and it does not create a safety hazard, and the other condition was that we submit the plan to PennDOT and it would include the warning signal if it was warranted by PennDOT. He noted, at this point, that plan has not been submitted; we are going to submit it, and if it is warranted, it will be installed and he can easily tie that to the occupancy permit as part of a condition on the final land development plan.

Mr. Detter questioned Mr. Hinz if that was his recollection from the Planning Commission conditions. Mr. Hinz answered yes.

Mr. Crissman noted if we approve this tonight, it will have to be approved conditioned upon approval of the permits. Mr. Detter answered that he does not believe that is the case because your SALDO doesn't state that. He noted that it specifically states under Section 180-404, under plan notes Item 10 "that the HOP from PennDOT shall be required prior to the issuance of the building permit by Lower Paxton Township."

Mr. Stine noted that usually for plans if there is a need for a HOP, it is a condition of the plan. Ms. Zerbe noted that is the practice from the past. Mr. Detter noted that was not the condition of the Planning Commission. Mr. Stine stated that he read it in the memo as he was not in attendance at the Planning Commission meeting. He noted that it was a condition. Mr. Detter noted, in your planning board packet, we sent a letter on September 16, 2016 outlining what we felt the conditions where. He noted the August 12th memo from HRG under the Administrative Comments to be addressed before recording it says, that the applicant shall provide a copy of the

approved PennDOT HOP, which we will do, but the ordinance says that it is not required until the building permit is issued.

Mr. Crissman made a motion to table this until we have further clarification.

Mr. Wolfe questioned how long the Board has to act on this plan. Ms. Zerbe noted that would be October 16th. Mr. Wolfe noted that it could be addressed at the first meeting in October.

Mr. Crissman noted that he does not want to place anyone in an awkward position and until it is resolved he would move to table it.

Mr. Hornung noted that the condition of the flashing light would be if PennDOT says no, that it is not warranted, then we can't force them to put it in. Mr. Stine answered that it correct. He noted he did not know how we would word that for the approval, but at this point he will accept the motion to table this plan until the October 4th meeting. Mr. Detter noted, to be clear, what your SALDO says is that the HOP permit needs to be provided to the Township prior to the building permit being issued. Mr. Stine noted that you have said that for the third time now. He noted that you need to work this out with staff so we don't have to haggle this at the next meeting. He noted that you will have until October 16th to make sure everything is clear.

Mr. Seeds seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Resolution 16-17; Planning Module for Infinity Charter School

Mr. Crissman made a motion to table Resolution 16-17; the planning module for the Infinity Charter School. Ms. Lindsey seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Improvement Guarantee

Mr. Crissman noted there were two Improvement Guarantees and two Stormwater Guarantees.

Amber Fields, Phase VI

An extension in a letter of credit with Mid Penn Bank, in the amount of \$181,660.56 with an expiration date of September 20, 2107. (No increase, under inspection.)

Hotcakes Harrisburg Venture, LLC (IHOP)

A reduction in a bond with Great American Insurance Company, in the amount of \$52,019.00 with an expiration date of June 21, 2107.

Stormwater Guarantees

6580 Red Top Road – Parthemore, William A.

A release of an escrow with Lower Paxton Township in the amount of \$5,000.

6429 Moline Lane – Segouros, Nester E and Denise A.

A new escrow with Lower Paxton Township in the amount of \$5,000, with an expiration date of September 20, 2017.

Mr. Seeds suggested that there is a wrong date for the Hotcakes Harrisburg Venture of June 21, 2017, for the date it was established, it should be 2016.

Mr. Crissman made a motion to approve the two Improvement Guarantees and two Stormwater Guarantees. Mr. Seeds seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Payment of Bills

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

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting. The meeting adjourned at 10:56 p. m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

William B. Hawk
Township Secretary