

LOWER PAXTON TOWNSHIP
PLANNING COMMISSION

April 8, 2009

COMMISSIONERS PRESENT

Fredrick Lighty
Ernest Gingrich
Dennis Guise
Roy Newsome
Richard Beverly
Douglas Grove
Robin Lindsey

ALSO PRESENT

Lori Wissler, Planning & Zoning Officer
Dianne Moran, Planning & Zoning Officer
Steve Fleming, HRG, Township Engineer
Jessica Kurtz, Community Development Intern
Omar Syed, Dauphin County Planning Commission

CALL TO ORDER

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:01 pm, on April 8, 2009 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Beverly led the recitation of the Pledge.

APPROVAL OF MINUTES

No action was taken on meeting minutes.

OLD BUSINESS

Preliminary/Final Subdivision and Land Development Plan 08-20
Allentown Boulevard Hotel
(Holiday Inn Express)

Ms. Wissler stated that the purpose of the plan is to consolidate existing Tracts 1 and 2 into one lot. A new 3-story, 81-room hotel is proposed north of the existing hotel. The site currently has an existing 2-story, 76-room hotel and a 2-story retail/restaurant/storage building, Keystone Center, under construction. The existing pool will be removed to accommodate the required parking.

The property consists of 5.3324 acres and is located at the intersection of North Mountain Road and Allentown Boulevard, behind the Holiday Inn. The tract is zoned CG, Commercial General District and will be served by public water and sewer. Five waivers are being requested.

This plan was tabled at the January Planning Commission meeting. The plan was again tabled at the March meeting to allow the developer the opportunity to address the comments, specifically, with regard to PennDOT and whether an HOP will be required.

Mr. Ron Stevens, Dawood Associates, 2020 Good Hope Road, Enola, was present on behalf of the plan. Mr. Stevens stated that they met with PennDOT on February 4, 2009 to present the situation. PennDOT informed them that the existing driveways are already permitted, and what is being added will not change that. They asked that PennDOT review it anyway. There was a concern raised with the driveway on Mountain Road. It does pass the requirements, so they do not require that anything be done. Dawood explained that they want to pursue a safe entrance and after some discussion, the Mountain Road access will probably be an in-only. In the absence of required action, the applicant is willing to do what PennDOT suggests to improve the safety of the driveways.

Mr. Lighty asked about the waiver for curb and sidewalk. Ms. Wissler stated that staff does not support the waiver.

There was no comment from the audience.

Mr. Guise made a motion to recommend approval of the plan, subject to compliance with the comments, and subject to voluntary compliance with PennDOT's recommendations with respect to the driveway on Mountain Road. The motion includes a recommendation for disapproval for the Waiver of the requirement to install curbing and sidewalks along Allentown Boulevard, and approval of the balance of the waiver requests. Mr. Newsome seconded the motion and a unanimous vote followed.

Mr. Newsome asked about the waiver from using USGS Geodetic Survey Datum. Mr. Fleming stated that the ordinance selects this data to be used for consistency. Mr. Newsome questioned why this requirement would be a problem for a developer.

Mr. Stevens stated that this is an additional facility on an old site. The topography was done some time in the past, so it would require resurveying the entire site.

Proposed Text Amendment to Sections 306.B.1 & 2,
Allowed Uses in Primarily Residential and Business Zoning Districts
Multi-Properties, Inc.

Ms. Wissler stated that the Township has received a proposed text amendment to the Zoning Ordinance regarding Article 3 Districts, Sections 306.B.1 and 306.B.2, Allowed Uses in Primarily Residential and Business Zoning Districts. The request is to allow flats to be added as a dwelling type within the residential uses. Flats would be permitted in the R-3 Zoning District by right, in the R-2 or RC Zoning Districts with a one-acre minimum tract size requirement and as may be allowed in the TND, Traditional Neighborhood Development Overlay District.

The definition would be added in Section 202, as well as an illustration. In Section 307, flats would be added within housing types. In Section 401, flats would be added to the wording of townhouse and apartment requirements. Staff recommends that section 320 also be changed to include flats with the townhouses.

Ms. Wissler stated this was discussed at the March Planning Commission meeting, and the applicant was asked to bring more information. Information was included in the packet outlining the advantages to using this type of building and seven other municipalities were contacted as listed on the chart.

Mr. Dave Weihbrecht, Alpha Consulting Engineers, was present on behalf of the proposal. Mr. Weihbrecht stressed that adding this definition does not result in additional density.

Mr. Weihbrecht stated that a year and a half ago this applicant wanted to pursue a zoning change to allow this type of unit. It would be allowed in the R-3 District, but not the R-2 District. The negative impact is that the density can increase thereby increasing traffic on Linglestown Road. After withdrawing that request, the applicant considered this as a better way to get a townhouse with a common horizontal separation instead of a common vertical wall. The same number of units would be stacked instead of side by side.

Mr. Lighty stated he sees this allowing the functional equivalent of apartments in zones and areas in which they are not wanted. When or if this change is made, it will apply to the whole Township.

Mr. Weihbrecht stated the issue may be the difference between apartments and flats. It may be easier to allow apartments in the R-2, because they would still be limited to the R-2 density. Another alternative may be to expand the definition of a flat to limit it to a two story structure. Whether the units are called flats, townhouses or apartments, the number of units will be limited by the district they are in.

Mr. Lighty stated that this township has more than its share of apartment type units. The Township has to be careful to not create more of a dwelling type that the Township has taken the position that we already have too many of. Mr. Weihbrecht stated you could limit the maximum number of units in a flat building similar to the limit placed on townhouse buildings. You cannot build an apartment building with 8 units. If you did, it would be flats or townhouses anyway.

Mr. Newsome asked if the term flat was used in other municipalities. Ms. Wissler stated she did not do research beyond what the applicant has provided.

Mr. Syed stated that the density is the biggest issue, and that will remain the same.

Mr. Guise stated that the difference is that they are stacked instead of side by side. He noted that the wording may not be clear enough to accomplish the very limited goal without allowing collateral impacts. The difference between this and an apartment has to be clear.

Mr. Guise asked about the density of 5.445. Mr. Weihbrecht stated that is the density as it was allowed on the approved plan for Laurel Ridge. That will not be increased.

Mr. Guise asked the density allowed for townhouses. Ms. Wissler stated it is 8,000 per dwelling unit, or approximately five.

Mr. Weihbrecht asked if the Commission had a basic objection to the concept the applicant is trying to accomplish. Mr. Newsome asked if it is limited to two stories. Mr. Weihbrecht stated the intention is to be two stories, but the language does not say it. Mr. Syed suggested the definition include a limit of two stories. Mr. Weihbrecht agreed. Mr. Guise stated a flat is one story, but the building structure could be limited to two stories. Mr. Newsome stated that townhouses can be three stories. Mr. Newsome stated that he did not have a problem with condominiums that are stacked. Mr. Lighty did not oppose vertically stacked condominiums, but the problem is expanding the zoning ordinance.

Mr. Syed asked if the buildings have basements. Mr. Weihbrecht stated they do not.

Mr. Guise asked if this could be called a townhouse, and the definition of townhouse be altered to say they could be separated by vertical or horizontal walls. It is important to not change the ordinances and create unintended consequences.

Ms. Wissler stated that townhouses are permitted in the R-2 District with a one acre minimum tract size.

The definition for townhouse as it is now: One dwelling unit as attached to two or more dwelling units and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Mr. Weihbrecht suggested it could be changed to “unpierced vertical *or horizontal* fire resistant walls”.

Mr. Weihbrecht offered to take the feedback he has received and redraft an amendment. Mr. Lighty asked Staff and County to consider other consequences that could result.

Mr. Fleming stated that a flat would be allowed in the R-3 District under the definition of apartment. There is a different ownership intent, but the style of unit will be similar to an apartment. Getting this type of unit in the R-2 District is the problem. Mr. Weihbrecht stated that when the plan was brought to the Township, it was interpreted that a unit stacked on top of each other is an apartment. He suggested that an eight-unit townhouse that is rented out is not an apartment. An apartment manager will not build eight-unit apartment buildings. If they do, it will look like townhouses. The proposed buildings do look like townhouses, except there is a small side door. He agreed that the term flat equals an apartment, and that should be avoided. There is a demand for one level living. A townhouse usually has land with it, where a condo is only the unit and no real estate. Mr. Weihbrecht asked for the proposal to be tabled until next month.

Mr. Gingrich made a motion to table consideration of the proposed text amendment. Mr. Newsome seconded the motion and a unanimous vote followed.

NEW BUSINESS

Special Exception #09-03
United Water Pennsylvania, Inc.

Ms. Wissler stated that United Water Pennsylvania (UWPA) has submitted an application for a Special Exception to locate a water storage tank on Lot #96, Parkway West, in the Estates at Autumn Oaks development. The property is zoned R-1, Low Density Residential District and CO, Conservation District, which allows a Public Utility Facility as a special exception.

Staff is providing the application to the Planning Commission for any advisory review the Commission may want to provide to the Zoning Hearing Board.

Art Saunders, Senior Engineer for UWPA, was present on behalf of the application. The tank will be a two-million gallon in ground tank. The lot was subdivided for the water tank in February 2009. The construction is scheduled to begin in August 2009 and be completed by early November.

Mr. Lighty asked how much of the tank or dome will be above the ground. Mr. Saunders stated that the site is very steep, and the uphill side will have 15-20 feet of exposed tank, and the lower side will be 20-25 feet above the ground. The dome will be above the tank, the top of which will be about 35 feet from the ground. Mr. Lighty asked about the appearance of the tank. Mr. Saunders stated the tank will be coated with an earthtone (clay to brown) coating. There will be a security fence around the tank

The typical construction includes security fencing. After 9-11, all utility companies had to go through vulnerability assessments and establish plans. An 8-foot high chain link fence with 1x1 grids with a perpendicular three strand barbed wire above.

Mr. Lighty asked about improving the water service in the area. Mr. Saunders stated that during the water allocation permit process with DEP, UWPA was required to do a study for storage adequacy in the distribution system. That study showed that storage needed to be increased in this area. The site would have to be east of the northwest main, which is Colonial Road. This will reinforce the supply. When there is a break on Linglestown Road, it puts many people out of water, or with decreased pressure. This tank will keep people in service until the main is repaired.

Mr. Gingrich asked about a buffer. Mr. Saunders stated the area is wooded, and they are leaving as much of that as possible. The lot is three acres, and the area of disturbance is 2.6 acres, centered on the southwest portion of the site, away from the existing homes and the future development. They do not plan to plant trees at this time, but when the restoration is done the area will be graded and seeded for grass.

Mr. Guise asked where the water comes from to supply the tank. Mr. Saunders stated there is a large diameter (16") main going down Patton Road to Continental Drive. They will run about 5,000 feet of a 24" main up to the tank through Autumn Oaks and Estates at Autumn Oaks.

Mr. Syed asked if the applicant will go through the land development process. Mr. Saunders was only familiar with the subdivision of the lot and the special exception application. Staff will determine if a land development plan will be required.

There was no comment from the audience.

Mr. Newsome made a motion to recommend to the Zoning Hearing Board that the Planning Commission finds no problem with the granting of the special exception for United Water of PA. Mr. Grove seconded the motion and a unanimous vote followed. The recommendation is made pending the determination of the requirement of a land development plan.

Preliminary/Final Subdivision Plan #09-07
Brian Szeles

Ms. Moran stated that the purpose of this plan is to relocate a lot line between two existing developed properties. The existing entire pond will be located on the Brian Szeles property with the relocation of the common lot line.

The properties are zoned R-1, Low Density Residential District, are served by on-lot sewage disposal system and private on lot wells. New Lot 4 (Parcel No. 35-077-030) consists of 10.368 acres and new Lot 1 (Parcel No. 35-077-024) will consist of 22.891 acres. The properties are located south of the intersection of Lyters Lane and Country Lake Drive and east of Page Road.

The applicant has requested the following waivers: waiver of the requirement to provide a preliminary plan; waiver of the requirement to provide contours at two or five foot intervals; waiver of the requirement to provide datum to which contour elevations refer; and waiver of the requirement to show the location of existing watercourses. The following waivers have also been requested in writing: waiver of the requirement to install curb and sidewalks; waiver of the requirement to provide an E&S control plan; and waiver of the requirement to provide a stormwater management plan.

Tom Wilson, of Kurowski and Wilson, was present on behalf of the plan.

Mr. Guise asked if construction is proposed with this subdivision. Ms. Moran stated it is not, this is a simple lot line relocation.

Mr. Wilson stated he has received the comments and plans to address all of them. With regard to the comments, Mr. Wilson asked about the need for a hydrogeologic study, since no new water supply is proposed. There is an existing well. Ms. Wissler stated that as a technicality, a waiver should be requested. Mr. Wilson requested to add that waiver request.

Mr. Wilson stated that the only site improvement needed is installing concrete monuments, and asked if an improvement guarantee is still required. Ms. Moran agreed that if the item is done prior to recording of the plan, an improvement guarantee will not be required.

Mr. Wilson stated that there is a comment about an accessory structure in the setbacks. That is a tree house, and he did not believe that to be an accessory structure. Mr. Fleming stated the plan was unclear as to what the structure was, but agreed that a tree house is not an accessory structure.

Mr. Wilson stated that there is a comment about the tree line and he noted that they only delineated the ones in the area where the property line will be affected. Mr. Fleming stated a note should be added to the plan explaining such.

Mr. Newsome asked if there is an easement or agreement in place for the driveway. Mr. Wilson did not know, and noted that the lots are father/son. Mr. Lighty asked about the line going through the pond. Mr. Wilson did not think there was a problem with it, but that they wanted it moved.

Mr. Guise made a motion to recommend approval of the plan, subject to compliance with the comments, and recommend approval of the eight requested waivers. Ms. Lindsey seconded the motion and a unanimous vote followed.

Preliminary/Final Subdivision Plan #09-08
Dorothy S. Mumper

Ms. Moran stated that the purpose of this plan is to subdivide 6541 Devonshire Heights Road into two proposed lots. Lot 1 will consist of 2.9846 acres and Lot 2 will consist of 1.9416 acres. Lot 2 is proposed to be developed as a single family dwelling. The property is zoned R-1 Low Density Residential District and is located east of Deaven Road and south of Devonshire Heights Road. The newly created lot will be served by public sewer and public water.

The applicant has requested the following waivers: waiver of the requirement to provide a preliminary plan; waiver of the requirement to provide sidewalk and curb along the frontage of Devonshire Heights Road; waiver of the requirement to provide roadway widening along the frontage of Devonshire Heights Road; waiver of the requirement to provide a stormwater management plan; waiver of the requirement to provide an erosion and sedimentation control plan; and waiver of the requirement to provide elevation contours for the project.

Jeffrey Staub, Dauphin Engineering Company, was present on behalf of the plan, as well as Matthew Linnane, 7721 Valleyview Avenue, West Hanover Township.

Mr. Staub stated the parcel is about five acres in size, to be divided into two lots, and is served by public water and public sewer. The new lot will be improved with a single family dwelling. The new lot is large enough that they do not need to extend utilities, but they would like to do that. The developer is interested in using the existing driveway to access his house. As a part of the plan, an access agreement will be executed. The existing driveway is on the east side of Lot 1.

Mr. Staub stated he has received the comments from staff and engineer. With regard to Staff Site Specific Comment #1, Mr. Staub stated they will adjust the property line so that the accessory structure setback can be maintained for the barn. This will increase Lot 2 to about two acres in size.

With regard to HRG comment #5, Mr. Staub stated he was not sure he could comply because there will be some incidental grading, but also excavation with the extension of water and sewer. They will most likely go over the 5000 feet. The E&S plan is required by the ordinance to go to the Conservation District for approval, but DCCD does not require approval for the limited amount of earth disturbance being done. One is required to be prepared, but not to be reviewed or kept on file. Mr. Fleming stated a waiver may need to be requested.

Mr. Staub asked about HRG comment #17. Mr. Fleming asked if there is an agreement in place and whether there is the ability to expand the use to other properties. Mr. Staub stated an access agreement will be prepared for Lots 1 and 2. There is one in place right now for the back house which is already existing and recorded.

Mr. Staub asked about the County comment dealing with utilities for Lot 1. Mr. Syed stated that if water and sewer are being extended this far, it should be considered for both properties. Mr. Staub stated it is not required because the house is far enough away and the existing septic system is functioning, but his client could consider it.

Mr. Newsome asked about the shared driveway. Mr. Staub stated the applicants prefer to not build a new driveway. Mr. Newsome stated this is creating a subdivision with private easements instead of access to public roads, and he does not like that. He feels the new lot should have access to a public road, and not through an extension of an easement. Lots for houses keep being subdivided off one at a time, using a non-public way. This is not the intent of the ordinance. Mr. Staub stated the driveway is wide enough to serve the dwellings. The minimum width is 15 feet, and that is met.

Mr. Guise asked about the site data which says 150 feet, and suggested it should be 130.94 feet. Mr. Staub stated the intent is to meet the requirement for frontage and lot area.

Mr. Guise asked if the driveway is paved. Mr. Staub stated it is an existing paved driveway and the new portion will also be paved. Mr. Guise asked who will be responsible for the maintenance. Mr. Staub stated the details will be in the easement agreement. Mr. & Mrs. Linnane would probably take care of that. Mr. Linnane stated that he will take care of the driveway. He also noted that the reason for using the existing driveway is there will be a sight distance issue if a new driveway is built. There is a small hill coming down, so he will not be able to see 166 feet to the right and left when situated 10 feet back and three feet high. The hill creates a danger when trying to pull out in that location. Even though the driveway will be serving four lots, it will be much safer to use for access to the roadway.

Ms. Lindsey asked about curbing and sidewalks being required when there are none in the area on either side of this property. Mr. Fleming stated that the properties on the other side of the road do have curbing and sidewalks. The waiver for sidewalks is not necessary. The curbs should be installed. Ms. Lindsey stated that there are no curbs from Windmere to West Hanover Township. Mr. Fleming stated it is for consistency. There are only two properties between and at some point they will either be developed or divided and will be required to install curbs at that time. If curbing is not installed at this time, the Township will miss the only opportunity to get curbs in this location.

Mr. Staub stated that financially speaking, the Linnane's cannot install the improvements. He noted that he has done 15-20 two-lot subdivisions like this where curb and sidewalk waivers were granted in every instance. If it is required, it would cost \$30,000 or more, and that amount does not include improvements to the storm drainage, which is likely, as well as pole relocations and other burdens.

Mr. Staub stated that this may not be a missed opportunity. The family does own another 30 acres around this site. At some time that may be developed, and a note could be placed on this plan that when that site is developed, the curbing and widening could be constructed along this frontage.

Mr. Linnane stated that he wants to build one house, if the other land is ever developed he would be glad to absorb the costs of widening and curbs at that time. If it is forced now, that item is the breaking point. He has an interest in subdividing that 30-acre parcel in the future himself, and this is an educational experience.

Mr. Guise made a motion to recommend approval of the plan, subject to compliance with the comments, and to recommend approval of the waivers with the exception of the curb and widening, conditioned upon a note on the plan that when the adjacent property is developed, the curbing and widening will be installed along Lots 1 and 2; the others waivers are recommended for approval as requested. The recommended plan approval shall also be subject to the lot line adjustment to avoid the need for a variance. The waiver of the E&S plan will become inoperative should the area of disturbance be greater than 5,000 square feet. Mr. Fleming explained that the intent is to approve the waiver if a note is added to the plan stating that an E&S plan will be submitted to the Township if more than 5,000 square feet is disturbed. There are no proposed improvements with this plan. Ms. Lindsey seconded the motion and a unanimous vote followed.

Community General Osteopathic Hospital **Update**

Mr. Steve Quigley, H. Edward Black and Associates, was present on behalf of CGOH.

The most recent plan was for the Oncology Center. Mr. Quigley oriented the Planning Commissioners to the Hospital Campus. The Oncology Center and the MRI Center are in the same building. The Oncology Center has gained some new users so another floor is being added. The building is designed for five floors and the plan was to build two, but now they would like to build three floors. Parking then becomes an issue. Mr. Quigley stated he met with Staff about the parking issues. The hospital would like to show the additional parking in the area near Arlington Avenue, but have it approved to fit in the stormwater requirements and usage issues and coverage requirements. They request it be allowed to be ghosted until either the Hospital or the Township decide it is time to build that parking. There is an area owned by the Lutheran Church where the construction trailers have been situated for three years. CGOH now has an agreement to use that for hospital parking. There are about 48 spaces in that area. Forty-nine spaces are required and ghosted in the other location.

The power plant was planned for the area along Arlington Avenue and was moved to the area where the apartment building is. It became prohibitively expensive to get the utilities from that area to the hospital. It is now being considered in the location where the utilities are now. There are three phases to the utility building including a boiler room and chiller room. The coolers are on top of the roof.

Mr. Quigley stated the issue becomes noise, for the hospital and for the Township. They did some testing and analyzed that information. With existing equipment, the noise levels are slightly above the new noise ordinance. They will wait until the middle of July when they can run all of the equipment, including the cooling towers, which make quite a bit of noise. That can then be the benchmark so that the total of any new equipment and old equipment would stay at that level or below. As old equipment is replaced with new equipment, that can be tested each time. If the sound levels exceed the benchmark, they would have to ameliorate that sound.

Mr. Newsome asked if the parking lot at the church is not used on Sunday. Mr. Quigley stated they do use it, but the Oncology Center is not open on Sundays.

Mr. Newsome asked when the hospital will consider building a parking structure. Mr. Quigley stated it is close. The structure of the hospital was designed so that it can be raised three more levels. The area that is one story has the potential to be two or three stories. The Bloom building could also be expanded in the future. When any of those things happen, it will be time for the parking deck. Not only are they running out of ground, the distance to get from the parking to the building is getting to be too great.

Mr. Lighty was concerned about the noise levels. Mr. Lighty asked about the noise levels when the hospital expands as described. Mr. Quigley stated that the utility plant is said to have the capacity needed for that. If a tower were added, it would most likely have a mechanical room on the roof and its own chillers and boilers in the basement.

Mr. Quigley stated that the allowed noise level is 55 decibels and they are at 62 decibels. If they go over that, they will have to ameliorate it, with options such as sound screens, sound walls and additional plantings. That is in writing to the Township.

Ms. Lindsey asked when the Oncology Center will be complete. Mr. Quigley answered 15 months.

Mr. Lighty asked about traffic and access to the hospital. Mr. Quigley stated that traffic studies have been done that go to a certain point. When each project takes place, monitoring is done. When changes need to be made to traffic signals, there is an agreement in place that the hospital will pay for its fair share of the improvements.

Mr. Newsome stated that when the apartment complex (now Eagle Crest) was proposed, he pleaded with the Planning Commission to maintain a right-of-way through that site from Union Deposit Road to Arlington Avenue, and he was told the hill was too steep. Access has been an issue since then.

PUBLIC COMMENT

Mr. Watson Fisher, SWAN representative, stated that a townhouse is separated vertically. If it is separated horizontally, it would confuse the definition. He noted that townhouses have fire separation, which is extremely important. It would be important to have access to the fire-protected stairwell to get out of the building.

Mr. Fisher asked if Laurel Ridge is proposing condominiums or rental units. Ms. Wissler stated that Laurel Ridge is a rental community.

Mr. Lighty agreed that townhouses are thought of as units side by side.

COMMISSIONER & STAFF COMMENT

There was no further comment from the Commissioners or Staff.

ADJOURNMENT

The next regular Planning Commission meeting is scheduled for Wednesday, May 13, 2009 at 7:00 pm at the Lower Paxton Township Municipal Center, Room 171.

There is a Business Improvement District workshop meeting scheduled for Monday, April 20, 2009, at 5:30 pm, with a light meal available at 5:00 pm, in Room 174.

Being no further business, the meeting adjourned at 8:44 pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary