

LOWER PAXTON TOWNSHIP
PLANNING COMMISSION

August 9, 2006

COMMISSIONERS PRESENT

Dennis Guise
William Neff
Fredrick Lighty
Roy Newsome

ALSO PRESENT

Lori Wissler
Dianne Moran
Jim Snyder, HRG
Chip Millard

Call to Order

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:01 pm, on August 9, 2006 at the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Pledge of Allegiance to the Flag

Mr. Neff led the recitation of the Pledge.

Approval of Minutes

Mr. Newsome made a motion to approve the minutes of the meetings held on June 14, 2006, and July 12, 2006, as submitted. Mr. Neff seconded the motion and the minutes were approved.

Preliminary/Final Land Development Plan #06-21

Shuler All Pro Car Wash, Linglestown Road

Ms. Moran stated that they have signed a time extension, and they have not submitted revised plans to the Township.

Mr. Guise made a motion to table the Preliminary/Final Subdivision Plan #06-21 for Shuler All Pro Car Wash, Linglestown Road. Mr. Neff seconded the motion. The motion passed unanimously.

Preliminary/Final Subdivision Plan #06-23

Astoria Knoll

Ms. Wissler stated the plan proposes to develop a 23.8 acre parcel of land into 39 single-family lots. This parcel is zoned R-1, Low Density Residential and will be served by public sewer and public water. The property is located to the north of Lyters Lane and east of Page Road.

Ms. Wissler noted this is the first plan submitted under the new zoning ordinance.

The following waivers were requested: waiver of the curb, sidewalk and widening requirements, no sidewalk is proposed along Lyters Lane and Page Road. Curbing is proposed along Lyters Lane, but not near Page Road and the wetlands, or along Page Road. Widening with paving is provided along much of Lyters Lane but is not proposed near the intersection with Page Road or along Page Road; waiver of the maximum width requirement of driveways within 15 feet of a public street cartway from the maximum width allowed of 24 feet to 30 feet, but they do not specify an amount in the request; waiver of the minimum distance between street intersections, 250 feet is provided between Meadowlark Lane and Page Road along Lyters Lane and 327 feet is provided between Anchor Way and Gaston Place along Meadowlark Lane; waiver of the street construction standards with regard to curb construction, slant curb is proposed; waiver of the requirement that contour elevations refer to US Coast and Geodetic Survey Datum; waiver of the requirement to submit a preliminary plan; and waiver of the requirement pertaining to street cross-section design, a boulevard entrance is proposed.

Mr. Tom Scully, RJ Fisher and Associates, and Jonathan Brice, Eastern Communities, were present on behalf of the plan.

Mr. Scully stated they would like to discuss the plan and then request the plan be tabled. Mr. Scully presented an aerial photograph of the site and noted the location of Hidden Lake Development, and Page Road extended. The layout shows two cul-de-sacs and two entrances onto Lyters Lane. There is no right-of-way to connect any other place because of streams and wetlands. There is an out-parcel subdivided out with a house on it. All the buildings shown have been demolished.

Mr. Newsome asked about Lot 11 and 10. Mr. Scully noted there is a private open space piece of land between that street and this property owned by the home owners association for Hidden Lake.

There is a hump in Lyters Lane which they intend on altering for sight distance for the two entrances.

Mr. Newsome asked about sidewalks. Mr. Scully stated there will be sidewalks on both sides within the development. No sidewalks are proposed along Lyters Lane, but it will go out to Lyters Lane. There is too much drop-off along Page Road for sidewalks. Lyters Lane will be widened and curbed, and that will be taken out to the intersection at Page Road, based on the comments received today. No sidewalks are proposed along Page Road because of the wetlands and the steep drop-off. Mr. Lighty noted Mr. Newsome's concerns about defining intersections with curbing. Mr. Scully agreed the

curbing will be taken to the radius of the intersection. The waivers would be amended as such.

Mr. Lighty asked why waiver #2 is necessary. Mr. Scully stated Fine Line Homes has asked for that on all of its plans recently due to today's market with three-car-garages, they feel the need to have the flexibility, for 30 feet for a certain percentage of the lots within the development. The waiver will be amended to establish a percentage to make it clear.

Mr. Neff does not like to see a development with only an entrance off of one road particularly this size because of purposes of emergency services. Lot 11 comes within a few feet of Hidden Lake Drive. Mr. Neff asked if any attempt was made to acquire an access to Hidden Lake Drive. Mr. Scully answered they did not do that. Mr. Lighty noted that would encourage cut-through traffic.

Mr. Newsome stated that would be a lot of loading with only two connections into the Hidden Lane development already and that may exacerbate a bad situation by loading more on that. Mr. Lighty added that with the construction of Page Road Extended, which is where traffic is encouraged to go.

Mr. Lighty asked if the request for slant curbing is for within the development only and not on Lyters Lane. Mr. Scully answered that is correct and will make that clear.

Mr. Newsome suggested changing the orientation of lots 1 and 22 to an angle.

Mr. Scully will work with staff and the engineer to correct all the comments.

Mr. Neff asked if there is any provision for recreation or a recreation site. Mr. Scully answered that they have elected to pay the fee-in-lieu of recreation.

Mr. Newsome asked about the wetlands. Mr. Scully stated they are delineated with a split rail fence as is customary in Fine Line developments. Mr. Neff asked if that was part of the sales agreement. Mr. Scully did not know.

Mr. Lighty was concerned for the future owners of Lots 8, 9, 10 and 11, because of the livestock adjacent.

Mr. Chip Millard, Dauphin County, emphasized comment #1 regarding the existing residential development shown on sheet 3, asking about the metal shed and chicken coup close to the lines if they would be moved. Mr. Scully stated the applicant will speak to the landowner.

Mr. Millard mentioned comment #2 with regard to the wetland markers but was satisfied with the fence as a marker. Comment #3 stated that some lots may have issues with precautionary slopes. Comment #4 expressed the concern that if the streets were

connected, he did not feel cut-through traffic would be an issue. With Page Road being extended, people would use that and the only using the developments as a cut-through would be people living in either development.

There was no comment from the audience regarding this plan.

Mr. Guise made a motion to table the plan to give the applicant the opportunity to address the comments. Mr. Newsome seconded the motion and the motion carried unanimously.

Mr. Newsome brought up a concern about areas that have a lot of simultaneous development. He felt that if work is underway and plans are approved, it would be appropriate for a developer proposing to develop a piece of land or make connections to streets, to reflect on their plans the changes to the area immediately adjacent to the proposed development. There could be a lot of development in one place, then the Commission doesn't get a good feel for what is going on in the area, for example road connections and road realignments. There should be some additional reflection of activity taking place. Mr. Neff agreed this was a good comment and asked if it could be incorporated into the Township Engineer's comments. Mr. Lighty asked if he means areas under construction, or just planned and approved. Mr. Newsome felt things planned and approved should be shown. Mr. Lighty agreed. Mr. Snyder agreed.

Preliminary/Final Subdivision Plan #06-22
Russell J. Klick Enterprises

Ms. Moran stated that the Township has received a plan to subdivide parcel #35-37-001 into four lots. The property consists of 18.10 acres and is zoned R-O, Research Office District and FP, Flood Plain Conservation District, and Steep Slope Conservation District. The proposed lots range from 4.14 acres to 5.19 acres. The property is located south of Commerce Drive and west of Crums Mill Road.

On July 14, 2006 the applicant requested the plan be tabled in order to allow time to address the comments.

The applicant requested the following waivers: waiver of the requirement to provide a preliminary plan; waiver of the requirement to install sidewalk and curb along Commerce Drive and Crums Mill Road; waiver of the requirement to provide stormwater management plan; and waiver of the requirement to provide and erosion and sedimentation control plan.

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

Regarding Staff comment #1, Mr. Kurowski stated the monuments are shown, but he will call them out to provide additional clarification. Ms. Moran agreed that was acceptable.

Regarding General Condition #2, this plan does not propose any improvements except permanent monuments; Mr. Kurowski asked if an improvement guarantee is still required. Ms. Moran stated it is still required.

Regarding #4, a waiver has been requested of Dauphin County Conservation District because no improvements are proposed.

Regarding #5, Mr. Kurowski stated there was a previous plan submitted for these lots and there is excessive sewage capacity and asked if a letter from Bill Weaver stating such is appropriate. Ms. Moran agreed that will satisfy the comment.

Mr. Kurowski asked if it is acceptable to get a letter from Mr. Weaver regarding comment #6. Mr. Moran agreed that would be fine.

Mr. Kurowski asked about item #4 in the HRG review comments, how wide the easement should be. Mr. Snyder answered 25 feet centered.

Mr. Kurowski asked if it was acceptable to HRG as well to get a letter from Mr. Weaver regarding comment #7. MR. Snyder agreed.

Mr. Millard stated he did receive the letter dated July 26th that addressed all the comments, but did not formally review the resubmission.

Mr. Neff noted that this is the point in time that right-of-ways can be looked at and asked if Mr. Snyder or Mr. Millard would like to see more than 60 feet. Mr. Neff asked about the term 60-foot *variable* right-of-way. Mr. Snyder stated that Commerce Drive has a 60-foot right-of-way which is sufficient for that classification of road, and is also the largest that can be requested. Crums Mill Road is a 60-foot variable right-of-way, meaning it is 60 feet or more. Mr. Kurowski will clarify this on the plan.

There was no comment from the audience at this time.

Mr. Newsome made a motion to recommend approval of Preliminary Final Subdivision Plan 06-22 for Russell J. Klick Enterprises, and to grant all waivers requested. Mr. Neff seconded the motion and the motion carried with a unanimous vote.

Conditional Use Application #06-02
Michael True (Sheetz)

Ms. Wissler stated that the applicant has requested the application be tabled at this time.

Mr. Guise made a motion to table conditional Use Application #06-02 for Michael True. Mr. Neff seconded the motion. Mr. Newsome asked why they requested

to be tabled. Ms. Wissler stated it was a Staff determination. The motion passed unanimously.

Preliminary/Final Land Development Plan #06-10
Colonial Village

Ms. Wissler stated this plan was tabled at the April 12, 2006, June 14, 2006, and July 12, 2006 Planning Commission meetings.

The purpose of the plan is to resubdivide the tract into three lots. Lot #2 will be improved with 35 buildings for a total of 160 independent living residences. Lot #1 is to be developed in the future and Lot #3 will be transferred to the Sheesley Estate. The property, consisting of 30.4075 acres, is zoned R-R, Residential Retirement District and is located south of Interstate 81 and west of Colonial Road. The site will be served by public water and public sewer.

The following waivers were requested: waiver of the preliminary plan requirement; waiver if the requirement that driveways shall be located not less than 40 feet from an intersection; waiver of the minimum street width requirement of 36 feet for a minor street, 24 feet with a 4-foot pedestrian walkway is proposed; waiver of the street centerline radius of 275 feet; waiver of the street vertical curves which requires minimum sight distances for vertical geometry of minor streets; waiver of the sidewalk requirement for minor streets; and waiver of the vertical curb requirement for minor streets.

Ms. Wissler stated this plan was brought back to the Planning Commission primarily because of the traffic study issues.

Mr. Paul Navarro, Navarro & Wright Consulting Engineers, and Mr. Ron Lucas, were present on behalf of the plan.

Mr. Navarro stated he did receive a copy of the comments from Staff and HRG. Mr. Lucas stated the 85th percentile traffic study has been done and what is now reflected in the plan is sight distance provisions for 50 miles per hour.

Mr. Navarro distributed drawings showing the sight distance clearance with the landscaping being moved back from the road.

Mr. Lucas stated that the staff comments either have been addressed at this point or can be addressed with no problem.

Mr. Lucas noted that one waiver has been added for clear sight triangles located in places where driveways are in the clear sight triangles at internal intersections with stop signs.

With regard to the HRG comment #4, Mr. Lucas presented a letter that addresses the three traffic study comments. Mr. Lucas stated that Lot #1 will remain as proposed in the rezoning application a few years ago. It is currently owned by Eric Kessler and will be retained by Mr. Kessler and is not part of what is being developed. Mr. Kessler has indicated that he has no current plans to develop that property. There is a house with a tenant that will retain it at its current condition.

Mr. Lucas stated a note has been added to the plan indicating that when Lot #1 comes in for its conditional use permit, if it is anything greater than 6,600 square feet, the traffic study must be updated at that time.

Mr. Snyder was concerned that this approach bypasses PennDOT. If that area would be studied now and put a reasonable medical office building there, it would generate more than 100 trips in a peak hour, it would require a traffic impact study be submitted and reviewed by PennDOT which then may deem certain off-site improvements are necessary to mitigate this site. If what is done is the substantially smaller building as proposed in the rezoning hearing, it would generate less than 100 trips, then PennDOT does not need to see the traffic impact study and cannot assess any offsite improvements.

Mr. Snyder asked if the applicant would be willing to limit that site absolutely. MR. Lucas answered that if they come back with the updated traffic study, he has to do it. PennDOT can require an update to an HOP, if there is a change in use. Mr. Snyder agreed that PennDOT has the authority to do that, but it has been his experience that PennDOT does not get involved unless something is put before them. MR. Lucas stated the Township can say the traffic study has to be updated, and there is a change in use and the HOP must be updated also. Mr. Snyder cautioned that the Township may lose leverage because they do not control the access to that roadway. Mr. Lucas stated the Township does control it with the condition on the plan.

Mr. Snyder suggested strengthening the note on the plan to make it more substantial. Mr. Lucas felt that would be fine, but added he does not want to plan for something that is not foreseen. Mr. Lucas does not want to limit that lot to only what is currently proposed, for example if there is no market for a 6,600 square feet office building, they could do something slightly different, and the note would then apply.

Mr. Snyder added that someone will not under-develop a site. Mr. Lucas noted that it is limited to a medical use by the ordinance.

Mr. Neff asked if there could be a deed restriction to limit the square footage of the building. Mr. Lucas could not answer that on behalf of Mr. Kessler, but was willing to "beef-up" the note on the plan. Mr. Neff reminded the Commission that Mr. Kessler's development on Union Deposit Road came in with one version of a plan, specifically regarding frontage, and then as market conditions changed as far as what he wanted to do with the property, a major change was then proposed. That history is significant.

Mr. Newsome asked if Mr. Kessler is willing to do a traffic impact study for the maximum capacity of that site at this time. Mr. Lucas answered no, and felt that was not reasonable because he does not plan to do a building of the maximum size. Mr. Newsome stated that Mr. Kessler has already brought a plan indicating a certain square footage, and has implied that this may or may not be what he intends on doing with the plan, and wants to make notes and protect himself from additional review. Mr. Lucas stated that he does not represent Mr. Kessler, but that Mr. Kessler indicated to his client that he never intended on anything more than 6,600 square foot building. Mr. Lucas felt that was reasonable.

Mr. Guise asked who applied for the HOP. Mr. Lucas stated it has to be the legal owner of the land. Mr. Guise asked what prevents the application of the HOP to assume the maximum development of the lot.

Mr. Guise's concern is that there appears to be a loophole through which PennDOT would never be able to require the kinds of improvements that might be necessary for the entire development if it grows beyond the current concept. Mr. Guise felt that updating the traffic plan is not enough. The note might need to include something that says they will submit a revised HOP application and make whatever improvements PennDOT suggests. Mr. Snyder added that it might also say to commit to certain off-site improvements.

Mr. Navarro stated that the two uses have already been considered for the traffic study: 6,600 square foot office building, and also 20% of the residential units being populated by residents other than 55+. This means that there is already traffic being projected that will never materialize. That has also been reflected in the HOP application.

Mr. Snyder asked if PennDOT has requested a letter of municipal concurrence. Ms. Wissler answered that a letter was done.

Mr. Lucas stated the next comment has to do with traffic exiting onto Colonial Road, and emphasized that this is not for traffic on Colonial Road, but only for traffic exiting the site. Two exit lanes are proposed, one for right turning and one for left turning. Peak PM traffic exiting to the right is estimated at 30 vehicles, which is one vehicle every two minutes. The left lane is estimated at 30%, less than 10 vehicles. If two exit lanes are approved by PennDOT, the number of exiting vehicles is at 9, average of one vehicle every six minutes. If they approve only one exit lane, the queuing is expected to average 1 vehicle every two minutes, with 30 vehicles per hour. Under either scenario, the queuing is not significant, and they are applying for the two exit lanes.

Mr. Snyder was concerned that left turns leaving the site fails as presently designed. The concern is that it fails now in what is felt to be an underdeveloped scenario. PennDOT may require the elimination of one of those lanes, which would put all that traffic in one single lane, causing a greater delay at the intersection. The present

issue, including the office building issue will significantly exacerbate the intersection. Mr. Snyder felt a failing situation should not be created.

Mr. Lucas noted that failing means that one vehicle every two minutes, and the queuing coming out of the development.

Mr. Lighty noted that Mr. Lucas is talking about the capacity of the driveway, and Mr. Snyder is concerned about when the vehicle gets to colonial road, and it is busy, the vehicle will sit and wait a long time to get out onto the road, and asked if that has been adequately accounted for. Mr. Lighty added that the study shows the vehicles exiting the development, not how hard it is to get onto Colonial Road.

Mr. Snyder explained that they take the number of vehicles in the peak hour and divide it by the number of minutes and call it an average rate, but reality is that when the car gets to the intersection and can't make a left turn, it will sit for more than the average time. Mr. Snyder stated that the left turn fails, and PennDOT may have concern with both lanes. The issue of under-designing the office building lot makes it worse. These issues warrant a good look to mitigate the entire situation.

Mr. Lucas noted that the traffic engineer indicates it not even remotely close to warranting a traffic signal. His indication is that the number of vehicles is 30 per peak hour, that is one every two minutes, and if one has to wait there more than two minutes, then there are two cars waiting. If it has to wait six minutes there will be three vehicles waiting. There will be no congestion or impact on Colonial Road.

Mr. Guise asked if the analysis shows that in the peak hour the traffic leaving is evenly spaced, or if they in fact leave in an even briefer period of time than an hour. Mr. Guise asked if the assumption of an hour is a valid assumption for actual traffic use. Mr. Lucas stated that is the standard unless there is an existing use and an actual count can be done. Mr. Lucas felt that unless there is a situation like a plant in the old days where it let out all at once, that will not be the case. Mr. Lighty noted an office building has a closing time when the employees will leave. Mr. Lucas argued that it will be a doctor's office and the hours will not be significant.

Mr. Lucas felt the issue is the delay in exiting the site, and not affecting the main traffic. Mr. Guise argued that it only affects the main travel road when someone waits a long time and gets impatient with traffic building behind him and pulls out when they shouldn't. That is the effect of having traffic queue; the people get impatient and make bad judgments. While it doesn't affect it in theory, that is the affect of having traffic waiting to get out, particularly if there is only one lane for everybody trying to get out.

Mr. Neff added that the people living in this community will be older and have slower reactions. The intersection of Fairway Lane and Linglestown Road is comparable, with only a signal at Colonial Road and at the square in Linglestown. In this situation, there is nothing to create a gap in traffic for traffic to exit. On Colonial Road, the signals

are at Devonshire Road and Linglestown Road, creating the same dilemma of no gaps allowing traffic to enter the flow on Colonial Road.

Mr. Snyder noted that the study projects the wait time in 2010 is just under 2 minutes, and in 2020 it is about 5 minutes.

Mr. Lighty asked about a right in/right out set up. Mr. Snyder speculated that PennDOT could require that.

Mr. Guise made a motion to recommend approval of this plan including the 8 waivers (7 shown on the document and 1 in the August 8th letter). The approval shall be conditioned upon making the corrections discussed at this meeting, most particularly a strengthening of note 25 on the plan to ensure that the left turn from the intersection has required approvals in the event that the development of Lot 1 results in more than 100 trips in the peak hour. The approval shall also be subject to consideration of having a right-turn-out-only from the road in the development onto Colonial Road at the time the Highway Occupancy Permit is considered by PennDOT. It is the sense of the Planning Commission that it is inappropriate to approve an intersection that is failing at the time of the application and that the applicant must make corrective action or take other steps to get it to be above failing and the only way to do that, it appears, is to make it right-turn-out-only. Mr. Newsome seconded the motion and the motion passed unanimously.

Public Comment

There was no public comment at this time.

Commissioner Comment

Adjournment

The next regular Planning Commission meeting is scheduled for September 13, 2006 at 7:00pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned at 8:45pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary