

**LOWER PAXTON TOWNSHIP  
PLANNING COMMISSION**

June 8, 2011

**COMMISSIONERS PRESENT**

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

**ALSO PRESENT**

Dianne Moran, Planning & Zoning Officer  
Tim Smith, Dauphin County Planning Commission  
Steve Fleming, HRG Inc, Township Engineer

**CALL TO ORDER**

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:00 pm, on June 8, 2011 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mr. Lighty led the recitation of the Pledge.

**APPROVAL OF MINUTES**

Mr. Newsome made a motion to approve the minutes from the April 13, 2011 regular meeting. Mr. Beverly seconded the motion, and a unanimous vote followed.

**NEW BUSINESS**

**Preliminary/Final Subdivision & Land Development Plan #11-04  
Kings Pointe**

Ms. Moran stated that the Township received a plan for Kings Pointe. The purpose of the plan is to subdivide the Murphy's Rental tract (#35-011-074) into two tracts, 1A and 1B. Tract #1 will be added to Tract 2 (35-011-082) and tract 1B will be added to the existing Cornerstone Kings Pointe lands, to create Lot 2. Lot 2 will be developed with six townhome units to be added to the overall Kings Pointe development. The property is zoned R-2, Medium Density Residential District. Lot 1

will consist of 0.69 acres and Lot 2 will consist of 8.89 acres. The property is served by public water and public sewer, and is located on the south side of Linglestown Road east of Crums Mill Road.

Mike Murphy, owner, and John Murphy, Alpha Consulting Engineers, were present on behalf of the plan.

John Murphy stated that they will create six additional townhouses on the additional land, which is basically surrounded by Kings Pointe. He stated that he has received the comments in response to the plan.

Mr. Guise asked how many townhouses will there be total. John Murphy answered that they propose six additional at this time, and there will be about 47-48 when it is complete.

Mr. Fleming, HRG, had no additional comments, nor did Mr. Smith from Dauphin County Planning Commission.

There were no comments offered from the audience.

Ms. Lindsey made a motion to recommend approval of the plan, subject to addressing the comments. Mr. Beverly seconded the motion, and a unanimous vote followed.

**Preliminary/Final Subdivision Plan #11-05**  
**Givens**

Ms. Moran stated that the purpose of this plan is to subdivide parcel #35-038-005 into three lots. Lot 1 will contain 1.994 acres, Lot 2 will contain 0.501 acres, and Lot 3 will contain 0.502 acres. The total property consists of 2.997 acres and is located south of Valley Road and east of Interstate Highway I-83. The property is zoned R-1, Low Density Residential District and all lots will be served by public sewer and public water.

The applicant has requested the following waivers: stormwater management plan, preliminary plan, sidewalks, hydrogeologic study and traffic impact study.

Mark Romeo, Romeo Land Surveying Inc., was present on behalf of the plan. Mr. Romeo confirmed he has received a copy of the comments, and he has a few questions, but generally can address them with no problem. He asked about Site Specific Comment 3c, noting there will be no signage associated with this plan. Ms. Moran stated that a note on the plan is fine, to satisfy the review process. Mr. Romeo asked if the same applies to Staff Comment 3. Ms. Moran answered yes.

Mr. Romeo noted, with regard to General Condition 7, that Valley Road is not an SR. He will include the stormwater report with the resubmission. They will finish shortly with the infiltration testing to size the basins.

Mr. Romeo stated they felt that since they are not installing any stormwater inlets or ponds, they can do an abbreviated report to verify and justify the size of the bed. Mr. Fleming stated it needs to demonstrate that it meets the requirements of the stormwater ordinance. If you can do that without needing the other facilities, it needs to be shown. Mr. Romeo stated they will retract the waiver request based on that.

Regarding sidewalks, Mr. Romeo stated that the owners didn't think sidewalks were appropriate since they would basically go nowhere. He stated that a sidewalk going west would take pedestrians to the underpass under I-83. If there is any pedestrian traffic, it is going to the east, and the only foot traffic would be from these three lots. Mr. Lighty stated that there is also the apartment complex on the north side of Valley Road, with a large number of tenants, and the church on the corner of Valley and Colonial Roads, both of which will generate walkers. In the long term, there is a desire to widen and realign the intersection at the redlight. Even though there won't be many people walking under I-83 and this area may be the start/end of the section of sidewalk, it is a logical start and important to the overall improvement of that area. Mr. Romeo asked if it would be permitted to only install sidewalks in front of the two new lots, and not in front of the house. Mr. Lighty stated a waiver for that part can be requested, but chances are good it won't be granted. Mr. Grove stated he is familiar with the location, and agrees that there may not be a lot of foot traffic now, but the Township is strongly pursuing sidewalks anywhere they would be useful. He noted they would be useful in this location. It is also important from a safety standpoint, because Valley Road is very heavily traveled, and he has walked that stretch of road, and was uncomfortable doing so in the street. Mr. Newsome stated that the Greenway Committee would be interested in seeing sidewalks installed in this location. Mr. Smith stated that Dauphin County is also interested in seeing sidewalks installed where appropriate.

Mr. Romeo asked about the vacation of the abandoned road to the rear of the lot. It was drawn at the time of the original subdivision, but was abandoned, and dead ends at I-83. He asked if it should be shown on a separate exhibit. Mr. Fleming stated that to properly vacate the right-of-way, you have to show how that property is going to be returned to the respective surrounding properties. He suggested the right-of-way is divided as shown originally on the deeds, and the property owners have to accept it. Mr. Romeo stated he researched it and the properties are drawn to the center of the 40-foot right-of-way, so 20 feet should go to each owner. The original plan goes back to the 1920's or 1930's. Mr. Fleming stated he is not in a position to instruct how it should be done, and suggested that Mr. Romeo discuss it with the solicitor Steve Stine to make sure it is handled correctly. Mr. Romeo stated he will add it to the plan however the solicitor sees fit.

Mr. Romeo asked about scheduling the plan for consideration by the Board of Supervisors. Ms. Moran stated that a resubmission is due 21 days prior to their meeting, which are held on the first and third Tuesdays of each month. Mr. Romeo stated he is aiming for the third Tuesday in July.

Mr. Lighty asked for a description of the proposed houses, noting the lots are narrow and deep. Mr. Romeo stated the client is acting on behalf of the family. The mother and father passed away, so the Givens house is for sale, the two lots are for sale to be developed by the buyer(s). Each lot will be a single family home.

Mr. Fleming had no further comments, nor did Mr. Smith.

There was no comment offered from the audience.

Mr. Guise asked about the tennis court. Mr. Romeo stated it is in disrepair, so it will be the option of the buyer to fix it up or remove it, but it will stay with Lot 3.

Mr. Guise made a motion to recommend approval of the plan subject to compliance with the comments, and further recommend approval of the waivers for preliminary plan, hydrogeologic study, traffic study, and disapproval of the waivers for sidewalk, and it should be noted that the waiver request for stormwater will be withdrawn. Mr. Grove seconded the motion, and a unanimous vote followed.

**Sketch Plan**  
**1100 Ranger Road**

Mr. Lighty noted that this is a sketch plan, not a formal plan and asked for questions or comments from the Commissioners. He noted he appreciated the applicant taking the time to do a sketch plan first, and that it can save a developer or engineer a lot of time and effort, saving the client a lot of money.

Mr. Grottola stated he agreed. He asked if anyone is familiar with the tract, or if they have read the narrative provided. Several Commissioners nodded. Mr. Grottola asked for suggestions. He noted that the Griffins would like to subdivide the large parcel into two lots, and will occupy Lot 2. He noted they actually found some buildable area, by delineating wetlands. He would like to focus on improvements of that lot. There is curb and sidewalk across the street, and they are looking for direction from the Township.

Mr. Newsome stated it looks like a difficult piece of property. Mr. Grottola agreed, and noted that because Lot 1 is the way it is, that is why they are focusing on Lot 2.

Mr. Lighty asked why divide the lot at all when you can't build on Lot 1; what is the purpose of the subdivision, if you only want to build one unit on Lot 2. Mr. Grottola stated that it is because of the cost of the mortgage; the Griffins are a young family trying to build a house with a young child on a nice location. To do it, the mortgage is more than they can handle, so if they subdivide it, they can better handle it. The home will be a one-story modular home. He stated that Mr. Griffin did tell him he didn't think they could do anything with Lot 1 because of the challenges. This creates a lot they can afford to build on. Mr. Lighty asked what happens to Lot 1. Mr. Grottola stated they do not know yet, but it may just sit, or it may just be protection from something. There is a 100-year flood plain, so they do not know what they can do with it. Recognizing that the best part of the parcel is drawn out, is how they will try to approach it.

Mr. Guise asked what the shaded area is. Mr. Newsome suggested it is the buildable area. Mr. Grottola stated that is probably a buildable area.

Because of the size of it, he did not know if a full delineation was done on Lot 1, but he did know they were able to identify Lot 2.

Mr. Guise asked about the other street. Mr. Grottola stated it dead ends at this property, and that is also where the sewer is. Mr. Gingrich asked about the sewer line location. Mr. Grottola stated it crosses the rear of Lot 2 and there is also a manhole located there. He noted that there is also public water so there won't be a sand mound on the lot.

Mr. Grottola stated they think this is really doable, but they want to know the feelings of the Planning Commission with regard to improvements. He noted that if the Griffins are required to install curbing and sidewalk, they would like to only install them on Lot 2, because 900 more feet of improvements along Lot 1 would just not happen. He did not think Lot 1 will be developed.

Mr. Lighty agreed that Lot 1 as shown will probably not be developed, but sidewalks would fit well there, but he also understands the consequences of requiring improvements there. Mr. Grottola stated that the Griffins understand very well the challenges they will face if they do decide to develop Lot 1.

Mr. Guise asked if there are sidewalks north of the property. Mr. Grottola stated he has not been to the site yet, because this was handed to him kind of late. He does like to have that kind of information. He noted that there is sidewalk across the street on Ranger Road.

Mr. Lighty asked staff how he can get the use of the projector. That technology would be very useful to have tonight, when there are unanswered site questions.

Ms. Lindsey asked if the Griffins plan to sell Lot 1. Mrs. Griffin stated she is not sure what her husband has planned for Lot 1. She noted they have a 4- and a 1-year old, so they may keep it for them later in life, or down the road maybe locate a very small house on it and sell it. Her husband owns a mechanical contracting company. Building a second house would happen much later since they are only doing theirs now. He only wants to do it for mortgage purposes so that a lien wouldn't encumber the whole piece of ground. They will seek the mortgage in a few months so they want to do the subdivision now.

Mr. Guise stated that it is possible that sidewalks may be waived, but it is likely that curbing will not. It is also possible that the improvements could be waived until the lot is developed, you would have to install sidewalks and curb at that time. Mr. Lighty stated they do occasionally waive certain things until such time as the lot develops, but this lot may never develop and then the improvements will never get done. That is not in the best interest of the Township as a whole. Properties do not turn over very often, so the Township has to have improvements made when they get the chance. Ms. Griffith stated a neighbor just built a house, and they do not have sidewalks, they may or may not have curb, but they had to get a variance to be closer to the road, so there may not be room for sidewalks there. Ms. Lindsey stated she thought there was no curb or sidewalk on the east side, only along the west side of the road where the development is.

Mr. Gingrich asked what is south of the property. Ms. Griffin stated there is nothing but brush; it is the back yard of two houses.

Mr. Newsome asked if the Griffins own the property. Mrs. Griffin stated it is in her husband's name. She explained the mortgage would be for the house only; the land is paid off. Mr. Newsome asked how that will impact the mortgage. Ms. Griffin stated that their loan officer told them that if a house is built, the mortgage is based on the whole property. Mr. Guise stated that if they want to dispose of the other lot, not having it under the mortgage would save them a step later on. Ms. Griffin stated that if they subdivide now, any profit from selling Lot 1 will not be put against the mortgage, it will be cash in pocket.

Mr. Lighty asked what if Lot 1 never sells. Mrs. Griffin stated that her husband would like to have the option, should they need it.

Mr. Grove stated that if the land is not subdivided, the mortgage includes the whole property. Anything that is sold off, because the bank is now losing value against the collateral, that money would have to be placed on the mortgage. With that, he didn't know how that land will ever be developed, except on that 2,800-foot area, but that is not a lot of room to work with.

Mrs. Griffin stated they lived in a very small 800 square foot home with a rental unit above, so that they would have no mortgage payment and were able to save money so they are fully funded. The mortgage will be for the house only; they can do the foundation and other work out of pocket. She also noted that she would not sell the other lot without a house on it. She loves having that lot and loves having the extra space. It is not to fund anything for Lot 2. Mr. Lighty stated they will borrow the same amount of money to build the house no matter what the size of the land is. Mrs. Griffin agreed. He stated that the larger lot is a greater asset, which the bank should like. Mr. Fleming stated that what Mr. Guise said is right, that it only matters if they want to do something with it later. Ms. Griffin stated that there is a bigger profit to be made when Lot 1 is built and sold because he can do much of the work himself. Several Commissioners said it sounds like they are planning to sell it, or build on it and sell it. Mrs. Griffin said it is a five-year plan if they can look at putting the house there. With two small children, they want to keep their options open at this time.

Mr. Newsome stated it sounds like the question being asked is if the Planning Commission would like to see the lot developed by creating the lot. He stated that is not a good lot to develop. It is probably a lot that shouldn't have a house on it. It is possible to get something there, but... He stated that you could subdivide it later on. Mrs. Griffin stated then that profit has to be applied to the mortgage. They would like to put any profit back into savings.

Mr. Guise stated that is not a matter for the Planning Commission, that is up to the owners. However, the question of subdividing the lot is a good idea from a planning standpoint, if it can comply with the ordinance and if it is doable.

Mr. Fleming noted that he did not review the sketch plan formally, but the property has a 100-year floodplain delineated on it. The applicant will have to demonstrate the elevations, how the lot would be graded, a typical footprint of the building, show stormwater management facilities. He sees

typical information on the sketch, but typical might not necessarily apply in this situation. Driveway locations and sight distance would have to be considered, as well as drainage easements. Waiver requests would have to be discussed, including waiving curb and sidewalk. There are areas that have sidewalk on one side of the street only, so that may be acceptable. A temporary waiver of the sidewalk may result in a house being built and the sidewalk never being completed, like across the street.

Mr. Fleming asked what waivers are being considered at this time. Mr. Grottola stated there are some things that are nebulous at this point. Providing stormwater could be easier if it is only for Lot 2. The overall improvements could be a lot easier. If they could get it subdivided, then they could look at it closer. Knowing that there needs to be curbing, they may ask for a waiver of sidewalks for Lot 1.

Mr. Lighty asked if Mr. Fleming or Mr. Smith had anything else to add at this point. They did not.

Mr. Gingrich stated that Lot 1 shows the wetland buffer area, and thought that they would be allowed to fill in a certain amount of that area to provide more usable area. Mr. Fleming stated there are restrictions as to what may be located in the buffer area. Generally, plans brought to the Township respect the buffer area and place nothing in the buffer, he didn't know off the top of his head if that was the requirement or not. Mr. Grottola stated they were permitted to build right up to the Conodoguinet Creek in their buffer, but they had to engineer the deck appropriately. If properly engineered, certain things may be placed there.

Mr. Grottola asked if the Planning Commission might be approachable towards a subdivision, but noted they do not have to answer that. Mr. Guise stated if the applicant can meet the ordinances and deal with waiver requests, the Planning Commission will review it. It is not as easy as it sounds. Mr. Lighty stated he would like permission to go on site to better familiarize himself. Mrs. Griffin agreed that would be fine.

### **Business Improvement District**

#### **Preliminary Plan**

Mr. Lighty stated that he would like to take the Preliminary Plan to the Board at their July workshop meeting if possible. He will email the information to the commissioners, and after they review it, if a meeting is needed prior to going to the Board, one can be scheduled. Otherwise it can go forward.

### **Wind Energy Subcommittee** **(Alternative Energy Subcommittee)**

Ms. Moran stated that Mr. Epstein provided a folder of information about alternative energy for the Commissioners to review.

**PUBLIC COMMENT**

There was no additional public comment offered.

**COMMISSIONER COMMENT**

There were no comments offered by Planning Commissioners.

**ADJOURNMENT**

The next regular Planning Commission meeting is scheduled for Wednesday, July 13, 2011, at 7:00 pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned at 7:55 pm.

Respectfully Submitted,

Michelle Hiner  
Recording Secretary