

**LOWER PAXTON TOWNSHIP**  
**PLANNING COMMISSION**

MEETING MINUTES  
April 5, 2023

**COMMISSIONERS**

**PRESENT**

Fredrick Lighty  
Douglas Grove  
Lori Staub  
Jeff Kline  
Everette Hamilton  
Kurt Meckes  
Courtney Powell

**COMMISSIONERS**

**ABSENT**

Sandra Bloom

**ALSO PRESENT**

Nicholas Gehret,  
Codes Enforcement Officer  
Jason Hinz,  
Township Engineer, HRG Inc.  
Andrew Bomberger,  
Dauphin County PC

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE TO THE FLAG**

The recitation of the Pledge of Allegiance was led by Ms. Staub.

**APPROVAL OF MINUTES**

Mr. Grove made a motion to approve the minutes of the March 1, 2023. Mr. Meckes seconded the motion and a unanimous vote followed.

**NEW BUSINESS**

**Conditional Use 2023-01**

**Take Five**

Mr. Gehret stated the Township has received a Conditional Use Permit Application that would allow for an Auto Service Station with 3 bays to be constructed at 4013 Victoria Way which is adjacent to the Lowe's Home Improvement store along Union Deposit Road.

Take 5 is a drive-thru oil change service that does not perform automotive repairs, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories. All work is conducted inside the building while the customer remains in the car and there are no gasoline

pumps or other outdoor business activity on site. The property is zoned CG, Commercial General, which allows for an Auto Service Station as a Conditional Use.

Section 117.C Conditional Use Consideration – states that the same standards shall apply to a conditional use as are listed in Section 116.C for a special exception use. Section 116.C items are as follows:

- Compliance with the Ordinance – The applicant has provided the necessary applications, including the Zoning compliance charts associated with the Subdivision/Land Development Plan, and the Zoning variance application.
- Compliance with other laws – The applicant has submitted a Subdivision/Land Development Application and the required third party applications along with the Conditional Use Application.
- Traffic – A trip generation has been provided along with a site layout.
- Site Planning – A Subdivision/Land Development Plan has been submitted in conjunction with the Conditional Use Application.
- Neighborhood – The use is consistent with neighboring properties.
- Safety – The plan has been reviewed by the Traffic Safety Unit, Deputy Fire Chief, and the Public Safety Director. The plan does not create any known hazards to public health or safety.
- Natural Features – The site is pre-existing with a vacant single-family home.

The Public Notice was posted in the Legal Ad column of The Sun on Thursday, March 30, 2023, and Thursday, April 6, 2023.

Mr. Lighty asked if staff has verified that the applicant is in compliance with the following conditions: with other ordinances, yes; other laws, yes; trip generation for traffic, the traffic does not meet the threshold and shows that a traffic impact study is not warranted; subdivision and land development plan has been submitted, yes; neighborhood compatibility, yes; compatible with natural features, yes; and, reviewed by traffic safety unit deputy fire chief, and the public safety director with no objections.

Nothing additional from Commissioners, Applicant, HRG, or Dauphin County.

No public comment was offered on the Conditional Use Application.

Mr. Grove made a motion to recommend approval of Conditional Use 23-01 for Take Five Service Station. The motion was seconded by Ms. Staub and a unanimous vote followed.

**Preliminary/Final Subdivision & Land Development Plan #2023-06**  
**Take Five Service Station**

Mr. Gehret explained that The Preliminary/Final Subdivision and Land Development plan for Proposed Take 5 involves demolishing the existing 1,282 SF 1-story brick building at 4013 Victoria Avenue and redeveloping the lot to support an Auto Service Station.

The project involves constructing a 1,739 SF Take 5 auto service station with 3 service bays that will offer drive through oil changes. Associated site improvements will include underground stormwater facilities, landscaping, and parking.

The site has a total area of 20,859 SF and is located within the (CG) Commercial General Zoning District.

Mr. Gehret stated that the following Variances were granted on March 23, 2023, by the Zoning Hearing Board.

1. [ZO: 203-603(H)(2)] – The applicant has received a variance of the requirement that the planting strip shall have a minimum width of 30 feet and at least 20 feet of the planting strip shall be outside of the existing street right-of-way.
2. [ZO: 203-403.C] – The applicant has received a variance of the requirement that no accessory structure, use, or building, shall be permitted in a required front yard.

Mr. Gehret stated that the applicant has requested the following waiver requests.

1. [SLDO: 180-404.C.4] - The applicant is requesting a waiver from the requirement to provide all existing natural features on the property and extending a minimum of 100 feet beyond the property boundary. Staff supports.
2. [SLDO: 180-404.C.5] – The applicant is requesting a waiver of the requirement to provide all existing and man-made structures on the property and extending a minimum of 100 feet beyond the property’s boundary. Staff supports.
3. [SLDO: 180-404.C.8] – The applicant is requesting a waiver of the requirement to provide existing contours on the property and extending a minimum of 100 feet beyond the property’s boundary at a vertical contour interval of two feet. Staff supports.
4. [SLDO: 180-508.A.1] - The applicant is requesting a waiver from the requirement to provide sidewalk along the roadway frontages bordering the subdivision. Staff supports this waiver request due the site being located within an existing shopping center that does not have pedestrian access nor circulation along the frontage of the street. Additionally, the proposed development does not accept pedestrian customers.
5. [SLDO: 180-509.A] - The applicant is requesting a waiver from the requirement to provide curbing along the roadway frontages bordering the subdivision. We do not support this waiver request as curbing is recommended to deter pulling off/parking along the roadway in that location and to eliminate a roadside swale located within the public right of way. The curbing would also complete the curb along the project’s side of N. Victoria Ave from Union Deposit to Briarsdale Road.

Mr. Lighty asked for clarification on the location of the proposed curbing and sidewalks. Mr. Gehret showed on the screen where the curbing currently exists along Victoria Avenue from Union Deposit Road to the beginning of this site, then there is a gap with no curb along the curved part of Victoria Avenue, then curbing picks up again after the existing driveway as it approaches Briarsdale Road, and continues the length of Briarsdale Road down to Union Deposit Road. The opposite side of Victoria Ave has no curb in the same location.

Mr. Lighty questioned the installation of sidewalks. Mr. Gehret stated there are no sidewalks anywhere in the shopping center. The proposed business does not have pedestrian traffic as customers do not get out of their vehicles. Mr. Kline noted that the sidewalk could connect two parking lots. Mr. Meckes asked if there is sufficient room for a shoulder with the white line. Mr. Gehret speculated that the roadway is not built to Township code so the width is probably not sufficient.

Alex Tweedie, Civil Engineer with Lancor Consultants, was present on behalf of the plan. He acknowledged that he has received the plan review comments from the Township Staff, Engineer, and County. The waiver request regarding curbs will be amended agreeing to provide curbing along Victoria Avenue, but he would like to discuss the roadway width requirement. He explained that if they are not required to fully widen the roadway, they can avoid removal of some mature trees. The proposal is to provide a 14-foot half-cartway instead of the required 17 feet. The current roadway is 12 feet. 14 feet is a PennDOT standard for a curbed travel lane allowing for a two-foot shoulder.

Regarding sidewalk, the inside of the curve is a poor pedestrian environment with poor sight distance. Anyone who does walk should walk on the outside of the curve. Mr. Tweedie added that there are no pedestrians within their site. Mr. Lighty stated that people do walk from Lowe's to Rita's. Mr. Tweedie speculated that they probably walk on the high side of the road.

Mr. Tweedie explained that Take Five has four employees: one in each of the three bays and one in the parking lot directing customers to the bays. This use is a very low impact or low intensity use; peak customer volume is about 4-5 per hour, and it is much more common to see 1-2 vehicles in the bays at a time.

With regard to HRG's SALDO comment #8, Mr. Tweedie noted they have discussed this with staff, that comment would be resinded if the sidewalk waiver is granted. Comment #7 refers to driveways and inlets, there are two inlets at the driveway and have worked out an alternate design to get them along the curb line on Briarsdale Rd more than five feet from the driveway and along the curb line internally and it is far enough from the intersection to not trigger the requirement. Mr. Hinz agreed that the updated layout is preferred as long as the calculations and documentation are submitted he will agree with the design.

Regarding HRG comment #1 and a second access or escape/bypass lane, Mr. Tweedie stated that the company has over 700 stores and have found it to not be necessary. The peak traffic is so low that if someone pulls in and decides to not stay they can use the empty bay to drive through.

Mr. Tweedie gave an overview of the site flow: he showed the parking stalls as you enter on the right, noting they only need 3-4 for employees since patrons do not exit their vehicle, but 9 will be installed to comply with the ordinance. As you drive north, a customer

meets with the employee in the driveway who assigns the customer a bay. There are three bays each with 2 in queue. Service is performed in the bay and the vehicles turn left out of the bays to the intersection with Briarsdale Road.

Mr. Lighty is concerned with the stacked traffic on Briarsdale Road, and he asked how a customer can enter the site if the entrance is blocked by those waiting on Briarsdale. Mr. Tweedie stated the traffic volume trying to enter is very low. Mr. Lighty posed the scenario of a customer turning from Union Deposit Road onto Briarsdale Road to get to Take 5. The opposing traffic is already stacked past that, so the customer is holding up traffic entering the shopping center. Mr. Bomberger stated there are two lanes entering the shopping center. Mr. Tweedie stated that they might have to wait for a break in the cars, or they could circulate through the Lowe's parking and come in from the north. Ms. Powell asked why the access to the site isn't from Victoria Avenue and Mr. Tweedie stated it doesn't allow for the best circulation within the site. Mr. Meckes suggested if the building was moved to the right, there could be access from Victoria Ave and exit onto Briarsdale Road. Mr. Tweedie stated there wouldn't be enough room for that and the parking.

Mr. Lighty emphasized concern with traffic turning from Union Deposit Road onto Briarsdale Road. The customers exiting the site are not a concern, it is only the ones trying to turn into the site and holding up those behind them on Union Deposit Road. Mr. Grove agreed stating that people are not going to find another way in, they will simply sit in the way and cause traffic to back up onto Union Deposit Road. Mr. Tweedie stated that people should not illegally block the intersection, and he can explore something with Lowe's to educate the drivers, such as signage and paint markings. Commissioners agreed it should help the situation. Mr. Lighty stated it needs to be enforceable by the Township and suggested a note be placed on the plan. Mr. Tweedie stated they will be negotiating with Lowe's regarding the access easement, so they can discuss the signage and painting at that time. A condition of the approval can be to make best efforts to expand the agreement with Lowe's to include the intersection signage and pavement marking. Mr. Tweedie agreed they are willing to extend their best efforts to accomplish the agreement. Mr. Lighty asked if it can be done prior to the Board of Supervisors meeting, but Mr. Tweedie said probably not, but suggested it can be a condition of the approval. He hopes to have a verbal agreement in place but may not have the completed documentation in place. There is an easement needed for access and utilities, which will be required prior to recording of the plan, so this sign installation and pavement markings can be included in the easement agreement requirements.

Regarding sidewalks and curbing, the applicant is willing to install the curbing with the reduced cartway width (S. 180-503.c.1). The applicant is requesting the waiver from the sidewalk on their side of the street. Mr. Tweedie added that a person walking from Lowe's to Rita's would cross Victoria Ave twice to use the sidewalk, where it would be much safer to stay on the high side of the roadway, which is not the subject property. Mr. Bomberger stated that sidewalks would not be beneficial to the site, and this is a low-volume road.

Mr. Hinz noted they would support the request to allow the reduced road widening in conjunction with the installation of the curbing. He also noted that this property is two parcels and will require a lot consolidation. Mr. Tweedie stated they cannot consolidate by deed, so they will have to do it by plan. The plan is being prepared and the land development plan has notes to reflect that information. It will be included as part of this plan.

Mr. Grove made a motion to recommend approval of the Preliminary/Final Subdivision & Land Development plan #2023-06 for Take Five, including waivers 1-4, withdrawal of waiver request #5, subject to the comments generated by Staff, County, and HRG. Two additional conditions of approval include: the condition that the developer will use best efforts to get approval from the adjacent property owner to install signage and street markings to keep the intersection open so as to not block intersections; and an the condition that they add a sheet showing the consolidation of lots. The motion was seconded by Mr. Hamilton and a unanimous vote followed approving the motion.

**PRELIMINARY SUBDIVISION PLAN #2022-28**  
**PARKWAY FARMS**

Mr. Gehret stated that the Preliminary Subdivision Plan for Parkway Farms proposes to consolidate two properties totaling 31.6 acres and construct 48 single family dwelling lots and 5 open space lots in accordance with the plan.

The site is in the R-1 Low Density Residential Zoning District with the Open Space Development Overlay. Public streets will be offered for dedication to the Township and the site will be served by public water and sewer.

Mr. Gehret stated the applicant has requested the following waivers.

1. [SLDO: 180-503.C.1] - The applicant is requesting a waiver of the requirement to provide a 60' minimum width for collector streets. Staff supports. The 55 foot right of way provides adequate width for the proposed roadway, curbing, and sidewalk while allowing proposed retaining walls associated with the wetland crossing to remain on private property.
2. [SLDO:180-508.A.1] - The applicant is requesting a waiver from the requirement to provide sidewalk along existing streets. Staff supports this waiver request. There appears to be adequate means for pedestrian movement throughout the development as proposed.
3. [SLDO: 180-509.A] - The applicant is requesting a waiver for the requirement to provide curbing along the roadway frontages bordering the subdivision. Staff supports this waiver request. There is no curb located in the vicinity of the project along Parkway West, and the placement of new curbing may negatively impact drainage conditions of the pavement.
4. [SLDO: 180-503.A.9] - The applicant is requesting a waiver of the requirement to widen all streets bordering the subdivision which do not meet the current minimum

width requirements. Staff supports this waiver request. There is no known need for additional cartway width or right of way along Parkway West.

5. [SLDO: 180-514.A.8] – The applicant is requesting a waiver of the requirement that stormwater basins cannot be within a 100-year floodplain. Staff supports this waiver request contingent upon the developer addressing the requirements of the Township SLDO and Floodplain Management Ordinance (Chapter 108-26) for a detailed study to be performed to establish base flood elevations.

6. [SWMO: 170-502.M.6] – The applicant is requesting a waiver of the requirement to provide a minimum 2” drop from invert in to invert out of all storm structures. Staff supports this waiver request due to the limited amount of elevation change between proposed stormwater basin and storm sewer system.

7. [SLDO: 180-503.F.14] – The applicant is requesting a waiver of the requirement to provide interior planted islands within a cul-de-sac. Staff supports this waiver request due to maintenance and emergency access concerns related to planted islands.

8. [SLDO: 180-515.G.1] – The applicant is requesting a waiver of the requirement that a Registered Landscape Architect seal the required landscaping plans. Staff supports this waiver request due to the limited amount of landscaping required.

9. [SLDO: 180-503.K.1] – The applicant is requesting a waiver of the requirement related to street intersection sight distance. The applicant proposes Continental Drive intersection with Parkway West at the most appropriate location based on existing field conditions. Staff supports this waiver request as it appears there is no practical way to improve site distance without significant roadway reprofiling likely resulting in the removal of the access point. The access point allows for improved connectivity, better emergency vehicle access, and poses no safety risk as adequate stopping sight distances is provided. Note that the provided sight distance will be field verified, and assuming that there will be no discrepancies.

With regard to waiver request #6, Mr. Lighty asked about the slope that is normally required and why the requested is acceptable for drainage. Mr. Hinz stated that the inlet pipe is usually a little bit higher than that outgoing pipe for a drainage inlet and the minimum separation is supposed to be two inches. However, when you have grade issues like this one, it is customary to have the in and out at the same elevation. Mr. Lighty asked if that affects ponding on the roadways, and Mr. Hinz answered no. It can create debris settlement and pooling in the inlet but as long as there is steady flow and minimum velocities, which there is, it is usually self cleaning. He added that they are supportive of the waiver request.

Tim Mellott, of Mellott Engineering, was present on behalf of the plan. He added information to the discussion regarding drainage. He stated the waiver is for Continental Drive where it goes into the Autumn Oaks Development. They are trying to put the inlet as close to AO as possible to reduce the amount that continues into AO. The matter is at the bottom of the basin, and has nothing to do with any surface impact or conveyance, and allows better capture into the basin.

Mr. Mellott stated that they did a traffic study even though they did not meet a threshold to require one. One comment that arose from the study is to do a speed study. The speed limit is 25 mph on Parkway West, and 38 mph is the 85 percentile. This doesn't meet ASHTO criteria, but it does meet PennDOT minimums, with regard to desirable sight distance at the best logical location. Through this process they were able to shift Continental Drive to the south.

Otherwise, Mr. Mellott had no issue with the comments generated by Staff, County, or HRG.

Ms. Staub asked for more information on the waiver for sidewalks. The first section is the 520-foot stretch on the north side of Continental Drive where there are no building lots. The second location is along Scarlett where there is no sidewalk to connect to, but the connectivity is on the north side. There is a handicap ramp at the three way intersection where there is maximum sight distance. There is no sidewalk on White Oak on the east side, which is where the waiver request is for. The handicap ramp also poses a challenge.

Mr. Bomberger stated he would like to see the section of sidewalk along Scarlett installed. Mr. Mellott noted that there is no sidewalk on that side, nor curb ramp or curb cut and the pavement was just laid so all of that area would need to be torn out. He noted that even though it is the same developer, that area is technically off the site.

Commissioners and the engineer debated the installation versus allowing the waiver, and Mr. Mellott ultimately agreed to install the sidewalk on Scarlett. The north side of Continental Drive is the only portion that remains in the waiver request. The sidewalk along Scarlett will be installed off of the subject site to the White Oak intersection and the handicap ramp will be installed. Mr. Hinz agreed that the design and criteria is very specific and complicated to make it compliant, and there is a great amount of liability if the ramps are improperly constructed. The standards are very important and modification may be needed to the roadway not just the curb and sidewalk in order to properly tie it in. He noted however that there is an option using PennDOT's "Technically Infeasibility Form" to document why the ramp cannot be built to the standards. Mr. Mellott does not intend to take that option, and will work to design the sidewalk and it will be installed. Mr. Lighty agreed there are challenges but stressed that it is not impossible. Mr. Mellott agreed and thanked the Commissioners for their input and discussion of the matter, they will incorporate the work into their plan.

HRG and Dauphin County had nothing additional to add.

Mr. Kline made a motion to recommend approval of the plan, including waivers #1, #3-#9 as requested, and a modified waiver #2 to include the waiver of the requirement to install sidewalk along Continental Drive only, and subject to the comments generated by Staff, County, and Engineer. The motion was seconded by Mr. Hamilton and approved with a unanimous vote.



**PRELIMINARY/FINAL LAND DEVELOPMENT PLAN #2023-03**  
**CARDAN ENTERPRISES, LLC**

Mr. Gehret stated that The Preliminary/Final Land Development Plan for Cardan Enterprises, LLC proposes site improvements to make the lot suitable for the storage and wholesale of liquid paving products and contractor supplies associated with highway projects. The site improvements will consist of the installation of 4 storage tanks and two accessory buildings that will serve as storage areas and additional truck bays. The site consists of two tracts (35-034-061) (35-034-078) that will be consolidated by deed with a combined area of 2.84 acres located at 6730 Allentown Boulevard. The site is in the Light Industrial (LI), zoning district and will be served by public sewer and private water supply.

Mr. Gehret stated the applicant has requested the following waivers.

1. [SLDO: 180-508.A.1] - The applicant is requesting a waiver from the requirement to provide sidewalk along the roadway frontages bordering the subdivision. Staff supports this waiver request due to the applicant's justification that the sidewalks may not be compatible at this location due to Allentown Boulevard being a highly traveled 4-lane highway. Additionally, the adjoining properties do not have sidewalks.
2. [SLDO: 180-509.A] - The applicant is requesting a waiver for the requirement to provide curbing along the roadway frontages bordering the subdivision. Staff supports this waiver request due the absence of curbing on the adjoining properties.
3. [SLDO: 180-515.D.5] - The applicant is requesting a waiver of the requirement that all trash disposal areas such as dumpsters shall be screened with a combination of architectural masonry or fencing and landscaped with coniferous shrubs with a height of at least six feet. Staff supports this waiver request due to the applicant complying with requirement for fencing but requests a waiver of the placement of coniferous shrubs due to the location not being optimal for planting and maintaining shrubs due to the gravel and compacted nature of the underlying soil.
4. [SLDO: 180-515.G1] – The applicant is seeking a waiver of the requirement to provide a separate landscaping plan designed by a registered landscape architect. Staff supports. The applicant has submitted a landscape plan but requested relief from having the plan signed and sealed by a registered landscape architect due to the basic nature of the landscaping required.
5. [SLDO: 180-404.D.10] – The applicant is requesting a waiver of the requirement to provide proof of the PennDOT Highway Occupancy Permit. The property is currently accessed via an easement located on the adjoining property and is utilized by multiple businesses. An inquiry to PennDOT revealed no HOP exists for the entrance. The applicant will apply for the HOP, but the approval process can take 12-24 months. A note has been provided on the plan stating the HOP shall be required prior to the issuance of a building permit from the Township. Staff supports this waiver request for the reasoning provided. It should be noted that the applicant is not being provided relief from needing to obtain the HOP, only from needing to show proof that it has been received ahead of SD/LD approval.

Ms. Staub questioned waiver request #5, noting that the HOP is needed in order to record the plan, and the plan is required to be recorded prior to the issuance of any building permits. Mr. Gehret explained that this scenario is different in that the driveway is already in existence and is being used by multiple businesses. The use is seasonal and there is an urgency created by the taking of the business' current location by eminent domain for the construction of Interstate 83. During the review process, it was found that there was no HOP on file. The building is existing and creates no issues, and would only need a stormwater management plan to proceed, however the accessory building that is needed for storage triggers a land development plan which triggers the requirements for the HOP. Mr. Lighty added that the issue is that there are multiple businesses using a driveway onto a state highway for which there is no HOP on file, and it was only discovered during this plan review; it is not a new issue created by the proposed use with this plan.

Mike Wadel, of Wadel Engineering was present on behalf of the plan. The applicant, Dan Stax was also present. Mr. Stax explained the details of his business and the challenges created by the construction of the Interstate interchange, which is scheduled to start in July of 2023. The business has been in operation since 1933 and has had zero spills or contamination. The accessory building is necessary to keep the trucks which heat and agitate material at all times. Ms. Powell questioned if the water source was sufficient. Mr. Stax explained that the business operates on public water.

Mr. Wadel confirmed that he has received and has no issues with the comments generated by Staff, County, or HRG. He is working on the lighting plan, and the deed has been prepared and recorded, which takes care of several comments. The plan was submitted to DCCD in late February. Mr. Grove asked about the lighting needs. Mr. Wadel stated that the lights that are 24 hours are for security. On the northern side of the property (left) there will be some lighting to aid in operations by the new tanks. The lighting will comply with the ordinance, and will be used for 15-20 minutes while loading.

Mr. Hinz pointed out the HOP waiver should be added to the cover page. He also asked when the accessory buildings will be built. The one that houses the two trucks is most important in the winter but is still necessary now to protect the trucks. The second pole building has a tank in it to store asphalt. Mr. Hinz suggested removing the note on the plan that indicates the HOP is required prior to issuance of building permits. Commissioners agreed with this suggestion. Mr. Hinz noted the roof drainage appears to go towards the adjacent property and suggested alternatives to redirect the drainage.

Mr. Bomberger had no additional comments.

Ms. Staub made a motion to recommend approval of the plan, including the five waivers, removing the sentence in #5 that refers to the issuance of a building permit prior to the HOP, subject to addressing the comments generated by Staff, HRG and County. Mr. Meckes seconded the motion and the motion passed with a unanimous vote.

**PUBLIC COMMENT**

Mr. Lighty asked for comments from the audience on anything not on the agenda. There were none offered.

**COMMISSIONER COMMENT**

Mr. Lighty asked for additional comments from the Planning Commission members or staff. Mr. Bomberger noted that there is a PennDOT Connects Outreach on the 23<sup>rd</sup>. He added there are many useful resources on their website, such as crash data or other transportation data. He also directed the PC to the planning toolkit which has one-page summaries on a variety of planning topics.

**ADJOURNMENT**

The next regular Planning Commission meeting is scheduled for Wednesday, May 3, 2023, at 7:00 pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned at 9:00 pm with a unanimous vote.

Respectfully Submitted,

Michelle Hiner  
Recording Secretary