

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held January 16, 2007

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

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager, Steve Stine, Township Solicitor, Lori Wissler and Dianne Moran, Planning and Zoning Officers.

**Pledge of Allegiance**

Mr. Seeds led in the recitation of the Pledge of Allegiance.

**Approval of Minutes**

Mr. Crissman made a motion to approve the minutes of the December 12, 2006 workshop meeting, December 19, 2006 and January 2, 2007 business meetings. Mr. Blain seconded the motion, and a unanimous vote followed.

**Public Comment**

Mr. Eric Epstein, 4101 Hillsdale Road, noted that he wanted to present an update to his last testimony presented on the Homestead at Colonial plan. He explained that he was involved in a rather heated discourse between himself and Mr. Kessler, and he noted that Mr. Kessler has since apologized for his actions. He explained that he met with Mr. Kessler, but he has not received any response to the concerns that Stray Winds Area Neighbors (SWAN) raised at the Planning Commission meeting, and the Board of Supervisors' meeting. He noted that one concern was the 80-20 split for adult living requirement that Mr. Wolfe responded to with an explanation for enforcement. He noted that he was not convinced that it would occur. He noted

that there were additional concerns regarding the sewage pumping station, and Mr. Wolfe explained to him that Mr. Kessler would address this issue at a later time. He noted that the street widths, location of sidewalks on one side of the street, clustering issues, and street and off-street parking issues have not been responded to. He noted that he would leave a copy of his comments received from Mr. Wolfe, and a list of the remaining questions that he has for Mr. Kessler. He questioned how the Board members would want to follow up on these issues. He suggested that SWAN has done as much as it could, and he noted that he was very disappointed with the results. Mr. Hawk noted that he has not received any response. Mr. Epstein noted that he would enter the comments into the record.

#### **Chairman & Board Members' Comments**

No comments were presented

#### **Manager's Report**

Mr. Wolfe noted that the Friendship Center will hold its seventh birthday celebration on Sunday, January 21, from 1 p.m. to 3 p.m. He noted that there will be special events, entertainment, and ice cream and cake will be served. This event is open to the public.

Mr. Wolfe noted that the Township Police Department is accepting applications for its Citizen's Police Academy. Class will begin on March 14, 2007, and the class size is limited to 20 students, and attendees must be 18 years or older to participate. He noted that the Academy is taught by Township police officers and the course work will focus on the following:

Presentations on the Dauphin County Crises Response Team, Drug Task Force, Accident Reconstruction Team, and Forensic Team. It will also include training on the In-Step Program for Speed and Traffic Control, tours of the Dauphin County Prison and 911 Communications Center. In addition, a demonstration on firearms training will be included as well as instructions on patrol and criminal investigation tactics. He noted that applications are available from the Police Department and Township website, and the deadline to apply is February 6, 2007.

Mr. Wolfe explained that the Township's Greenway Planning Committee will hold the second of three public meetings on Tuesday, February 6, 2006 at 7:30 p.m. at the Municipal Center. He noted that the five-member committee, with the assistance of services provided by a consulting firm, is tasked to identify and evaluate potential greenway locations and establish priorities for development of greenways in the community. He noted that the key issues to be addressed by the Committee are bicycles and pedestrian mobility, as expressed in the Township's 2003 Comprehensive Plan.

### **OLD BUSINESS**

#### Resolution 07-03; Indicating the Township's position regarding improvements proposed to Colonial Road by Triple Crown Corporation

Mr. Wolfe explained that the Board members met with representatives from Triple Crown Corporation (TCC) during the December workshop meeting to discuss road improvements for Colonial and McIntosh Roads. He noted that TCC has requested the Township's assistance in undertaking this off-site improvement that will be completed in conjunction with the Stray Winds Farm subdivision plan. He noted that TCC is asking the Township to request the relocation of public utilities that may be in the right-of-way for the roadway improvements. In addition, they are requesting the Township to use its power of eminent domain to acquire the necessary right-of-way to accommodate the roadway improvements. The Township is also requested to acquire and pave bituminous paving for the roadway improvements of several hundred feet in length, to relocate the sanitary sewer lines, and to apply for the Highway Occupancy Permit (HOP) from PENNDOT in its name to provide for the improvement project.

Mr. Wolfe noted if the Board wishes to adopt the Resolution, the Township solicitor will prepare a development agreement to include these terms between the Township and TCC.

Mr. Seeds noted that, in the minutes from the December 12<sup>th</sup> workshop meeting, on page two, it states that TCC has purchased the Gannon home on Colonial Road and will complete the design work to acquire the HOP from PENNDOT. He questioned if there was a conflict with this, and what TCC was requesting from the Township. Mr. Wolfe answered that it was understood that TCC will complete the engineering work for the HOP, and any and all costs associated with the preparation, submission, and maintenance of the HOP shall be the responsibility of TCC. He noted that the Township would be the applicant for the HOP in name only. He noted that the Township devised a similar agreement with the reconstruction of Page Road in that Mr. Hatter did the work, but the Township applied for the HOP as part of the Willow Brook Land Development plan.

Mr. Crissman moved to approve Resolution 2007-03; indicating the Township's position regarding improvements proposed to Colonial Road by Triple Crown Corporation as identified in the Resolution. Mr. Blain seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

#### NEW BUSINESS

Ms. Wissler explained that the Township has received a Master Plan for Shadebrook. The purpose of the Master Plan is to conceptually plan the Traditional Neighborhood Development (TND). The property is located north and south of Union Deposit Road, east and west of Fairmont Drive, and consists of 86.879 acres. The property proposes 354 units and 5 commercial lots, and will be served by public sewer and public water. The property is surrounded by the following: to the north, the Heatherfield Apartments (R-3), to the east and south the tracts are zoned R-1, and to the west is the Dauphin County Technical School which is zoned Institutional.

Ms. Wissler explained that a Master Plan is not required to include the same level of engineering detail as a preliminary subdivision plan. Stormwater calculations, construction

details, erosion and sedimentation control plans, profiles and similar engineering details are not required at the Master Plan level. The Master Plan includes existing conditions and the proposed layout of the homes, non-residential uses, lots, open space and streets. Therefore, Staff has done a conceptual review and not a detailed review. She noted that more details will be provided at the preliminary plan review.

Ms. Wissler noted that the Planning Commission reviewed the Master Plan for Shadebrook at their meeting on December 13, 2006. The Commission recommended approval of the Master Plan subject to the resolution of the comments. Further, it is the sense of the Planning Commission that the requested waivers appear unobjectionable, but are subject to further review of the details.

Ms. Wissler noted that John Snyder, Doug Parkins, Barry McHaffie, and Doug Hartman, Rettew Associates; Paul Kepler, Forest Troutman, and Richard Yingst, Yingst Homes; and Kevin Brown, Brent O. Stoltzfus, are in attendance to make a presentation.

Mr. Snyder wished to thank the Board members for their forward thinking in regards to promoting a TND. He noted that the goal is to present the Master Plan, showing different types of architecture, and explained that the Master Plan is very similar to a sketch plan.

Mr. Parkins thanked the Board members for their forward thinking, as well as the developers involved with the project. He noted that Barry McHaffie, Rettew's Town Planner and architect, is responsible for the design for the project. He noted that his expertise spans nationwide, and he should be commended for his fine work.

Mr. Parkins noted that his presentation will provide samples of TNDs in the northeast corridor. He noted that he will show the types of architecture that will be conceptually used in the Shadebrook Master Plan.

Mr. Parkins noted that Fairmont Drive, and Cider Press Road will be the main components of the TND, with Union Deposit Road bordering to the South, and Locust Lane to

the North. He noted that the more dense uses for the plan will be centered along Fairmont Drive which will contain the commercial uses for the plan. He noted that there will be parking on Fairmont Drive, and a wide sidewalk would accommodate outdoor dining, along with formal landscaping. He noted that the commercial uses will be multi-storied, with some residential uses on the upper levels. He noted that parking fields will be located to the rear of both sides of the commercial uses, and this area will be surrounded by townhomes. He noted that from the Town Square out, less dense housing units will be built, consisting of duplexes and single family homes. He noted that there are four quadrants that make up the site, and an eight-acre park will be located in the center. He noted that there are numerous open space areas, called attached greens, will front many residential unit. He noted that many of the units are accessed by alleys, and the garages are located to the rear of the units.

Mr. Parkins explained that some of the parking is located behind the commercial buildings with pedestrian passage ways from the parking area. He noted that angle parking is provided in front of the business, and the existing pond and park are located at the end of the commercial area on Fairmont Drive. He noted that the architecture for the commercial area would be traditional style, with awnings, signage, and formal landscaping to provide a “downtown” look. He noted that access to the garages in this area are off the alley, and most units face directly on the street.

Mr. Parkins noted that the residential part of the development varies from townhomes to larger single-family homes. He noted that he want to emphasis the pedestrian nature of the homes, with raised front porches that lead right to the street. He noted that formal small green spaces will be located throughout the development to maintain an open space affect. He noted in many areas, the driveway cuts will not be present from the street, but where it is necessary, the garages will be located to the rear of the property. He noted that the garage grades will be stepped according to the grade for the project, and they have attempted to terminate the view at

the end of the alley to alleviate a straight shot through the alleys. He explained that he has closed the view with an alley or a home. He noted that the open space is planned, providing for a variety throughout the plan. He noted that there is a perimeter buffer to the north, and an existing wooded slope from the west will be maintained. He noted that the open space exceeds the 30% that is required, and it is very deliberately planned and developed.

Mr. Parkins noted that there are numerous trails in the park, and a pavilion will be included. He noted that the grassy knoll gradually slopes to the area of the pavilion, and this area could be used for outdoor concerts. He noted that some of the units front along the street and overlook the open space of the park. He noted that this results in the “eyes on the street” condition which allows residents to monitor what is going on in the open space. He noted that there are various passages and sidewalks that provide for easy access within the TND.

Mr. Parkins noted that he envisions the gateway to the development to be located on Fairmont Drive from the direction of Union Deposit Road. He noted that this area is currently a wooded area. He noted that a landscaped berm will be built to serve as a buffer to the northern edge of the TND.

Mr. Hawk noted that he worked on the TND Ordinance, along with Mr. Lighty from the Planning Commission, and Mr. Stine, Mr. Wolfe and Mr. Schmehl. He noted that he toured a TND in Allegheny County, Cranberry Township, and suggested that the Township’s Ordinance includes many of the components that he dreamed of to create a very comprehensive ordinance. He explained that a Master Plan is a conceptual plan, and the details, such as road widths would be included in the preliminary and final land development plan. He noted that he has toured over seven different TNDs in the northeast, noting that the TND located in the Washington-Baltimore area was the one closest to what he envisioned for the Township. Mr. Hawk noted that Mr. Millard from the Dauphin County Planning Commission has provided his comments for the Master Plan, and numerous comments were received in support of the plan.

Mr. Hawk noted that Section 314. C notes that the Master Plan should show the widths for the streets, and they were not included in the Master Plan, but would, of course, be included in the preliminary plan. Mr. Parkins explained that the Master Plan is very accurately drawn, and it conforms to the Ordinance. He noted that he feels very comfortable that this design will meet the requirements for the TND Ordinance. Mr. Snyder noted that there are typical details listed on the last page of the Master Plan packet, and that those pages addressed how each ordinance regulation was addressed for the Plan.

Mr. Hawk noted that there was a request for 330 sewer permits, and suggested that the project would be built in phases, and not all at once.

Mr. Crissman questioned if the townhouses are grouped in a maximum of five units together. Mr. McHaffie answered that there are generally four or five units attached to each other, with six as the maximum number of attached units. Mr. Crissman questioned why some garages were colored blue and yellow on the plan. Mr. Snyder answered that the blue garages have a 2<sup>nd</sup> floor apartment over them, and the yellow garages are one-level garages. He noted that the second unit could be used as an in-laws apartment or as a rental.

Mr. Seeds noted that the Master Plan should include lot widths, cartway dimension, etc, but he stated that he did not receive that information. Mr. Snyder noted that that information has been provided to staff on the 12-page Master Plan.

Mr. Seeds noted that Fairmont Drive runs through the Commercial District and questioned where it exits northbound. Mr. Snyder answered that it would exit onto Locust Lane that is located 400 feet north of the site. Mr. Seeds suggested that people would continue to use Fairmont Drive as a shortcut from Locust Lane to Union Deposit Road. He questioned if the traffic would flow in front of the commercial district, and if the street width would be adequate to meet the demands for the traffic flow. Mr. Snyder answered that it would. Mr. Parkins noted that the intent for the project is not to create wide sweeping streets, but rather narrowed streets

that would control the speed of traffic. He noted that traffic would not have to drive through the commercial area, but it could travel through the residential area. He noted that the parallel parking located in the commercial area will help to slow the traffic.

Mr. Seeds noted that he liked the green and the pond off the commercial area, but he suggested that the Township must be very careful in the development of its first TND as it will set the trend for any future TNDs that would be built in the Township. He suggested that there should be more green areas in the shopping district, and not just buildings and parking. He questioned if there was a way to incorporate more green areas, such as a Town Square, in the center. Mr. Hawk suggested that Mr. Seeds should go and visit some of the TNDs to see what they are like. Mr. Parkins noted that the commercial area is not very long, and he wanted to create a “festival” type affect. He noted that there is green space at both ends of the commercial area.

Mr. Hornung noted that he had a concern of a potential shortcut from Locust Lane to Union Deposit Road, and drivers not wanting to go through the commercial district, and circumventing through the residential areas. He noted that some bump outs were added to the design, but he would like the designer to review the plan to make it very uncomfortable to use as a short cut. He noted that he would not want the Township to have to design some traffic calming devices after the plan is completed. He noted if people have to go backwards to use the shortcut they tend to go a different way. He noted that a bump out or medium center could be added to the neighborhood areas to prevent the vehicles from traveling at a high rate of speed.

Mr. Seeds questioned if the people who will live east of the pond will find the TND very walkable to get to the commercial area. Mr. Snyder explained that the people could walk along Cider Press Road or through the trails in the park. He noted that there are sidewalks on both sides of the street. He suggested that it will be easy to drive to the commercial area, and there is plenty of parking.

Mr. Crissman noted that there was plenty of room to make deliveries for businesses in the rear, but he questioned if there was adequate space for the northeastern business as there is green space located behind that business. Mr. Snyder noted that it was planned in this manner to provide for a green space approach from Cider Press Road. He noted that he did not want people to be looking down the backside of an alley. He noted that the deliveries could be made to the back of the business. Mr. Crissman questioned if the deliveries would interfere with people trying to park their vehicles in the rear parking lots. Mr. McHaffie answered that those alleys were designed to be extra wide, to include fire lanes, so there would be extra room for drop offs and deliveries.

Mr. Seeds questioned why the road that splits the commercial buildings on the northern side does not continue through to the buildings on the southern side. Mr. McHaffie answered that he wanted to block the view into the parking lot beyond the building. He noted that it would provide for a much more attractive view when driving into the Town Square. Mr. Seeds noted that he would like to see more green in that area. Mr. Snyder noted that it provides for a more urban look, and would include trees and maybe brick sidewalks.

Mr. Crissman made a motion to accept the Master Plan for the Shadebrook TND 2006-41 as presented. Mr. Blain seconded the motion. Mr. Seeds questioned if the motion would include all the items that were stated in the written documentation. Mr. Crissman agreed that the motion would include all the documentation that was presented. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Preliminary/final land development plan for 4800 Linglestown Road,  
Kusic Capitol Group

Ms. Wissler explained that the Kusic Capitol Group is proposing to construct a new one (1) story office building with 75 parking spaces. The tract, which consists of 4.329 acres, is

zoned BC, Business Campus District. The property is currently improved with a three-story office building with 107 parking spaces, and will be served by public sewer and water.

Ms. Wissler noted that on December 13, 2006, the Planning Commission recommended approval of the plan subject to addressing the comments generated by Township Staff, Township Engineer, and Dauphin County Planning Commission. The Commission also recommended approval of the waiver of the preliminary plan requirement. She noted that staff supports the waiver of the U. S. Coast and Geodetic Survey Datum (USGS) , and that a note will be added to the plan to specify the vertical difference between the chosen datum and USGS.

Ms. Wissler noted that she received an additional request today, from Melham Associates, to add a waiver for design criteria in response to HRG, Inc.'s December 13, 2006 memo regarding the stormwater review in which HRG suggested that the applicant request this waiver. She noted that this waiver is supported by staff and HRG, Inc.

Ms. Wissler noted that Mr. Ronald Horton is present to represent the plan.

Mr. Ronald Horton, Melham Associates, 2247 North Front Street, Harrisburg, noted that he would be willing to work with staff on any outstanding issues.

Mr. Crissman questioned Mr. Horton if he was in agreement with the three waivers, especially the note to be added to the plan, to specify the vertical differences between the chosen datum and USGS. Mr. Horton noted that the note has been added and was presented to the Planning Commission. Mr. Horton noted that he was also in agreement to the third waiver for design criteria for hydrographs.

Mr. Crissman questioned if Mr. Horton was in agreement with the one site specific comment, to include the comments contained in Mr. Snyder's memos dated January 10, 2007 and December 13, 2006. Mr. Horton noted that they have been complied with.

Mr. Crissman questioned if Mr. Horton was in agreement with the six general conditions and three staff comments. Mr. Horton noted that these comments have been addressed.

Mr. Seeds noted the parking lot would be extended back to the new building, and he questioned if a sidewalk would be installed. Mr. Horton answered yes, and he explained that a Highway Occupancy Permit from PENNDOT would be obtained prior to the start of construction to include new curb and sidewalk.

Mr. Crissman made a motion to approve the preliminary/final land development plan 2006-28, for 4800 Linglestown Road, Kusic Capitol Group, with the following waivers, site specific conditions, general conditions, and staff comments: 1) Waiver of the requirement to submit a preliminary plan; 2) Waiver of the requirement to reference U.S. Coast and Geodetic Survey Datum to elevation contours. Staff supports this if a note is added to the plan to specify the vertical difference between the chosen datum and USGS; 3) Waiver of the design criteria for hydrographs; 4) Plan approval shall be subject to addressing the comments contained in Mr. Snyder's memo's dated January 10, 2007, and December 13, 2006; 5) Plan approval shall be subject to providing original seals and signatures; 6) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 7) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 8) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 9) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 10) Plan approval shall be subject to PENNDOT's review and approval of a Highway Occupancy Permit; 11) The proposed commercial building will be required to have a fire protection system as per Township requirements; 12) A street/storm sewer construction permit is required for construction of stormwater facilities; and 13) All proposed site signage, including construction signs, shall comply with the Lower Paxton Township Zoning Ordinance.

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

Preliminary/final subdivision and land development plan for Sheetz Convenience Store

Ms. Wissler explained that the purpose of this plan is to subdivide the current tract into 2 lots, and to permit the construction of a 4997 sq. ft. Sheetz Convenience Store with fueling facilities and an automated carwash (Lot #1). Lot #2 will remain undeveloped at this time. The property is located at 6290 Allentown Boulevard and is zoned C-1, General Commercial District. The tract of land possesses 5.45 acres and is served by public sewer and public water.

Ms. Wissler explained that a Conditional Use was granted by the Board of Supervisors on September 19, 2006. She noted that on December 13, 2006, the Planning Commission recommended approval of the plan subject to addressing the review comments. The Commission also recommended approval of the three requested waivers.

Ms. Wissler noted that Mr. Kemp from J. Michael Brill and Associates, and Mr. Michael LaCesa, from Sheetz Corporation, are present to represent the plan.

Mr. Seeds noted that the plan was submitted when the tract was zoned C-1 even though it is now Neighborhood Commercial.

Mr. Hornung questioned how large the second lot was. Mr. Wolfe noted that the second lot is made up of 2.14 acres. Mr. Hornung questioned if there were plans to develop that lot. Mr. LaCesa answered that he is leasing the land from Mr. True, and Mr. True will retain ownership of the property.

Mr. Crissman questioned if Mr. LaCesa was the legal applicant and would be able to answer the questions for the record. Mr. LaCesa explained that he would be able to do so. Mr. Crissman questioned if this was acceptable. Mr. Stine noted that Sheetz is the applicant for the plan. Mr. Blain questioned if correspondence should be addressed to Sheetz or Mr. True. Mr. Stine answered that it would be addressed to Sheetz since they are the applicant for the plan. Mr. Crissman questioned if Mr. LaCesa was empowered to speak for Mr. True. Mr. Stine stated that

Mr. True is not the applicant, Sheetz is the applicant, and therefore, the Township must correspond with the applicant.

Mr. Crissman questioned Mr. LaCesa if he was in agreement with the three requested waivers, to include the added request concerning the addition of a note to the plan indicating the difference in elevation between the used datum and the U.S. and Geodetic Survey. Mr. LaCesa answered that he was in agreement.

Mr. Crissman noted that the one site specific condition includes the 17 comments from HRG, Inc. dated January 10, 2007, and he questioned if Mr. LaCesa was in agreement to those 17 comments. Mr. LaCesa answered that he would agree to complete those comments.

Mr. Crissman questioned if Mr. LaCesa was in agreement to the seven general conditions, and three staff comments. Mr. LaCesa answered that he was.

Mr. Crissman made a motion to approve the preliminary/final subdivision and land development plan 2006-38 for Sheetz Convenience Store with the following waivers, general conditions, site specific conditions, and staff comments: 1) Waiver of the sidewalk requirement along the frontage of Lot #2; 2) Waiver of the requirement that datum to which contour elevations refer shall be U.S. and Geodetic Survey, the applicant will add a note to the plan indicating the difference in elevation between the used datum and USGS; 3) Plan approval shall be subject to addressing HRG's comments dated January 10, 2007; 4) Plan approval shall be subject to providing original seals and signatures; 5) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 6) Plan approval shall be subject to the payment of the engineering review fees; 7) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 8) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 9) Plan approval shall be subject to obtaining a Highway Occupancy Permit; 10) Plan approval shall be

subject to DEP's approval of a sewage facilities planning module; 11) All signage must meet the requirements of the Lower Paxton Township Zoning Ordinance; 12) A street/storm construction permit is required for construction of storm water facilities; and 13) The proposed commercial buildings will be required to have fire protection per Township requirements.

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

Extension of the preliminary subdivision plan approval for Huntleigh  
Extension of the preliminary subdivision plan for Autumn Ridge

Ms. Moran explained that the developer for Fine Line Homes have requested the Board of Supervisors to grant an extension to Phase 2. They have respectfully requested a delay of the start of each of the remaining phases by one year. She noted that Phase 2 would commence in the year 2008, and each subsequent phase would continue for two-year intervals.

Ms. Moran explained that Mr. Jonathan Brice is present to answers questions concerning the request.

Mr. Crissman questioned if the requests for the extension for both the Huntleigh and Autumn Ridge plans could be considered together. Mr. Hornung requested that they be treated separately.

Mr. Hornung questioned if the reason for the extension for the agreements were originally as a result of sewer permit problems with the Beaver Creek basin. Mr. Stine noted that the Municipalities Planning Code (MPC) provides for an extension when there is a sewer connection limitation for the land. Mr. Hornung questioned if the Huntleigh development was affected by this. Mr. Wolfe questioned if the original agreement provided for Fine Line Homes to be a developer petitioner. Mr. Stine noted that he could not recall if this was the reason for the delay and request, but noted that they do have a right to an extension for this reason. Mr. Wolfe questioned if the current limitation on permits for the Beaver Creek Basin, even though there is a

sufficient supply of permits, would be covered by this right in the MPC. He noted that the Autumn Ridge Development has been around since the first settlement agreement, but he did not know if Huntleigh has the same provisions as Autumn Ridge.

Mr. Hornung noted that the extension request is for the year 2018, and his issue is that there are certain fees that they are required to pay that have been increased since the plan was approved. He questioned if they would need to pay the increased fees, noting that it is not fair to have one builder pay one fee, and another builder pay a lower fee, especially for the sewer tapping fees.

Mr. Stine noted that he would need to complete more research to provide a more definitive answer. He noted that he would need to research the agreements, and the MPC, to provide a more accurate answer. Mr. Wolfe noted that if there were no time issues for these requests, then it would be appropriate to table the two items until Mr. Stine can provide more information to the Board Members. Mr. Hawk suggested that it would be good to delay action on these two requests.

Mr. Hornung noted if the sewer permit problem necessitated a two-year extension due to the inability to acquire a permit, then he could understand the request for a two-year extension, but he noted that the extensions have been requested year after year after year. Mr. Stine noted that the request letters do not cite a reason for the extension. Mr. Blain suggested that the request could be based on economic conditions as well. Mr. Seeds questioned if the builder needs to justify the reason for their request. Mr. Stine noted if it is a reason such as an inability to get a sewer permit, then they would need to, but if they are just requesting an extension for the Board to grant or deny, then they do not need a particular justification, but they maintain the ability to request the extension. Mr. Seeds noted that there would be a loss in the amount of fee-in-lieu, but he suggested that the tapping fee would be based on the date of hookup. Mr. Wolfe noted that the connection fee is based on the date the preliminary plan was submitted. Mr. Hornung noted that

he would want to know what the developer is paying for fee-in-lieu and sewer permit fees versus the current rates. Mr. Hawk noted that no action will be taken on the extension requests for Huntleigh and Autumn Ridge at this time.

Traffic improvement contribution agreement proposed by MLG Enterprises, Inc. in accordance with the Candlewood Suites land development plan

Ms. Moran noted that the agreement pertains to the \$11,000 contribution for signal improvements at the North Mountain Road and Lockwillow Avenue intersection in conjunction with the Candlewood Suites development plan.

Mr. Crissman made a motion to accept the traffic improvement contribution agreement proposed by MLG Enterprises, Inc. in accordance with the Candlewood Suites land development plan 2006-72. Mr. Hornung seconded the motion. He explained that this \$11,000 donation provided by the Candlewood Suites will help the Township to alleviate some of the traffic problems that may be caused as a result of their development. He noted that it is a good way to supplement some of the costs that the citizens would have to pay to improve the intersection.

Mr. Hawk called for a voice vote, and a unanimous vote followed in favor of the motion.

Amendment of the preliminary/final land development plan for Amesbury

Ms. Moran noted on December 20, 2005, the Board of Supervisors conditionally approved the Amesbury Plan. However, because additional fill material needed to be retained on the Amesbury site, and since the roadway is constrained by significant wetland coverage of the site, the vertical design of the roadways has changed and does not meet the ordinance requirement for minimum headlight distance of 200 feet.

Ms. Moran noted that Amesbury has requested an additional waiver of the requirement to provide for a minimum vertical curve distance of 200 feet. She noted that staff supports the waiver, and Mr. Brian Gregg, HRG, Inc., is present to represent the plan.

Mr. Seeds questioned if the reference to other light sources, as stated by staff in their comments, referred to the lighting from the Friendship Community Center. Ms. Moran answered that the houses are located close to each other and would provide for additional lighting. Mr. Seeds questioned what it meant that a red-lined plan would be provided. Mr. Moran explained that the current plan does not show the waiver, but if approved, the developer will provide for pages that show the change in the vertical curve.

Mr. Hawk noted that the plan will meet the sight distance requirements computed through the equations mandated by PENNDOT for a roadway with a 20 mph speed limit. He noted that it is very hard to maintain a speed of 20 mph.

Mr. Blain made a motion to change the preliminary/final land development plan for Amesbury Plan 2005-29 to provide for a waiver from the minimum curve distance of 200 feet as requested. Mr. Crissman seconded the motion. Mr. Crissman noted that he did not have an opportunity to hear Mr. Gregg state that he was in agreement with the requested waiver. Mr. Hawk noted that Mr. Gregg wanted it recorded that he was in agreement with the waiver. Mr. Hawk called for a voice vote, and a unanimous vote followed to approve the motion.

#### Acceptance of streets offered for dedication in Autumn Ridge, Phase III

Ms. Wissler explained that Resolution 2007-04 authorized the acceptance of Heatherfield Way, Koch Lane, Lentz Lane, and Snyder Drive in Phase III of the Autumn Ridge Development. She noted if the approval is given for the street dedications, then a maintenance bond in the amount of \$79,453.28 must be approved for Autumn Ridge Phase III.

Mr. Seeds noted that the maintenance bond was sealed on October 30, 2006 and will expire on April 30, 2008. He questioned if it is normal that the bond was enacted before it was approved by the Township. Ms. Wissler noted that the review was started back in October 2006, and that is when the bond was provided to the Township. Mr. Seeds questioned if the streets were finished on that date. Ms. Wissler answered that they were since Mr. Miller and Mr. Snyder

reviewed the drawings several times and made site inspections. Mr. Seeds noted that it would only provide for 15 months coverage for the maintenance bond. Ms. Wissler noted that, typically, when the developer starts the process, they provide the Township with a maintenance bond. She noted that it took some time to complete the paperwork and reviews for the street dedication. Mr. Seeds noted that as long as Mr. Miller inspected the roads, he is okay with the delay.

Mr. Seeds made a motion to approve Resolution 2007-04 accepting Heatherfield Way, Koch Lane, Lentz Lane, and Snyder Drive in Phase III of the Autumn Ridge Development, and the acceptance of the maintenance bond. Mr. Hawk seconded the motion, and a unanimous vote followed.

### **IMPROVEMENT GUARANTEES**

#### Snow and Vespignani

An extension in a letter of credit with Vartan National Bank in the amount of \$46,310.00 with an expiration date of February 14, 2008.

#### Anderson and Gulotta Holding Group, LLC

An extension and reduction in a letter of credit with Community Banks in the amount of \$19,041.00 with an expiration date of March 29, 2008.

#### Old Iron Estates, Phase I

A reduction in a letter of credit with Fulton Bank in the amount of \$27,300.00 with an expiration date of December 9, 2007.

#### Stoneybrook, Phase VI

An increase and extension in a letter of credit with Mid Penn Bank in the amount of \$22,058.00 with an expiration date of March 1, 2008.

Sunnyhill Farms - North

A reduction in a letter of credit with Mid Penn Bank in the amount of \$47,246.87 with an expiration date of November 21, 2007.

Mr. Seeds questioned if the Snow and Vespignani Improvement Guarantee was just approved in December. Ms. Wissler explained that the reduction was approved in December, and since then the developer requested an extension.

Mr. Crissman made a motion to approve the five listed Improvement Guarantees. Mr. Blain seconded the motion, and a unanimous voice vote followed.

**Payment of Bills**

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

**Adjournment**

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 9:12 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman  
Township Secretary