

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Business Meeting held July 18, 2006

A regular business meeting of the Lower Paxton Township Board of Supervisors was called to order at 7:35 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; and Dianne Moran, Planning and Zoning Officer.

Others in Attendance

Pete Leone, 2033 Covey Court  
Mark Levine, 1507 Knollcrest Road  
Ted Robertson 4351 Crestview Road  
Eric Epstein, 4100 Hillsdale Road  
Joyce McNeal, 1540 Haven Croft Road  
Alice Berrier, 1501 Haven Croft Road  
June Books, 1570 Haven Croft Road  
Stephen McKnight, Evans Engineering, Inc.  
Brian T. Evans, Evans Engineering, Inc.  
Scott Akens, Akens Engineering, Inc  
Peter Gemora, 105 N. 38<sup>th</sup> Street  
Diane Fishlock, The Patriot News  
John DiSanto, Triple Crown Corporation  
Mark DiSanto, Triple Crown Corporation  
Dr. Bernard Chotnier, 4100 Linglestown Road.

**Pledge of Allegiance**

Mr. Blain led the recitation of the Pledge of Allegiance.

**Approval of Minutes**

Mr. Crissman made a motion to approve the minutes of the May 9, 2006 workshop meeting and the June 6, 2006 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

### **Public Comment**

Mr. Mark Levine noted that Mr. Millard from the Dauphin County Planning Commission presented over 40 comments for the New Zoning Ordinance at the July 11<sup>th</sup> meeting, and he questioned if he could receive a copy of those comments. Mr. Hawk instructed Mr. Wolfe to mail a copy of the Dauphin County comments to Mr. Levine.

### **Chairman and Board Member's Comments**

Mr. Hawk wished to recognize two boy scouts who were in attendance at the meeting to work on their communications badge. He noted that Sean Hafer and Jared Rittle were present representing Boy Scout Troup 356 from the Faith Presbyterian Church. He noted that the Assistant Scout Master, Glenn Hafer was also in attendance.

### **Manager's Report**

Mr. Wolfe noted Mr. Luetchford has received notification from a Township resident that her son, Brett Bitting has competed in the Pepsi Pitch, Hit and Run Contest that was sponsored at the local level by the Friendship Community Center this past May. He noted that Brett went on to compete at two different levels and was crowned the Philadelphia Phillies Team Champion for individuals age 7-8. He noted that the Parks and Recreation Department would like to congratulate Brett Bitting on his accomplishment.

Mr. Wolfe noted that the Township also had an NFL Punt Pass and Kick contestant do very well this year.

Mr. Wolfe noted that the Police Department is participating in a "Smooth Operator" Program designed to combat the dangerous actions of aggressive drivers. He noted that this program would be concentrated on Allentown Boulevard and Jonestown Road. He explained that the program is sponsored by "Buckle Up PA", and the Township received a \$12,000 grant for dedicated traffic enforcement along Rt. 22 with police officers concentrating on speed violations,

driving too closely, red light violations, drivers who aggressively change lanes, or fail to use turn signals, seat belt usage, DUI offenders, and criminal warrants.

Mr. Wolfe noted that the Park and Recreation Department Free Summer Concert Series continues at Brightbill Park. He noted that Steven Courtney will perform July 21<sup>st</sup>, and Trinidad and Tobago will perform on July 28<sup>th</sup> at 7 P.M. Also, the Police Department will sponsor “Night Out for Public Safety” along with local fire companies, Emergency Medical Services, and numerous other service organizations at Koons Park, on Tuesday, August 1, 2006,. He noted the hours for this event will be from 6 p.m. to 9 p.m.

### **Old Business**

#### Appointment of an individual to serve as Chairman of the Vacancy Board and appointments of individuals to serve on the Greenway Committee

Mr. Hawk noted that the Parks and Recreation Board has interviewed several candidates for the Greenway Planning Committee and has submitted the names of Robert McCartney and Priscilla St. Jacques-Glusko to serve on this Committee until the Plan is completed by the end of 2007. He noted that the Greenway Planning Committee will report to the Parks and Recreation Board and the Board of Supervisors as necessary, and that the Committee will work with a consultant, who will be paid through a \$50,000 matching grant fund provided in cooperation with the Pennsylvania State Department of Conservation and Natural Resources.

Mr. Hawk noted that the goal of the Committee is to present the Board of Supervisors a plan for future development of bicycle and pedestrian paths through the Township to provide safe alternate transportation routes to many destinations, and opportunities for exercise and interaction between family, friends and neighborhoods.

Mr. Hawk submitted the name of Norman Hoffer to fill the vacancy on the Township Vacancy Board.

Mr. Blain seconded the nomination for the two members for the Greenway Planning Committee and Mr. Hoffer for the Vacancy Board.

Mr. Hawk called for a voice vote and a unanimous vote followed.

Ordinance 06-06: Application from Triple Crown Corporation for rezoning of Stray Winds Farm from Residential (R-1) to Residential Cluster

Ms. Moran noted that the applicant has proposed an amendment to the Township's Zoning Map, for the approximately 246 acres of land located north of Paxton Church Road and east of Crums Mill Road. The applicant proposes to rezone this tract of land from R-1, Low Density Residential District to R-C, Residential Cluster Open Space district. The R-C District is an optional overlay zoning in the R-1 District that allows smaller lots than those specified in the underlying district, while maintaining the same development density.

Ms. Moran explained that the necessary arrangements have been made to allow the Board of Supervisors to conduct a public hearing. She noted that on June 5, 2006 and June 12, 2006, a public notice appeared in The Patriot News indicating that the Board would conduct a public hearing and consider the enactment of Ordinance 2006-06 on June 20, 2006. In addition, on May 18, 2006, the Township mailed notices to property owners surrounding the area of the proposed rezoning. The notice indicated that the Board would consider the application at a public hearing to be held on June 20, 2006. On June 13, 2006, notices were posted on the parcels being considered for rezoning.

Ms. Moran noted that the Dauphin County Planning Commission reviewed the matter on May 1, 2006 and recommends the proposed zoning change not be approved at this time. They noted that the proposed clustering /open space development should be more beneficial to the community than development permitted under conventional, R-1 zoning. However, the issues related to permitted development density and development of essential public facilities and

services, particularly transportation, should be addressed before action is taken on the rezoning request. Any issues related to the Township's zoning ordinance update should also be addressed.

Ms. Moran noted that the Lower Paxton Township Planning Commission reviewed the matter on May 10, 2006 and recommended approval of the application of Triple Crown Corporation for Stray Winds Farm to the Residential Cluster Open Space District and made the findings that the uses are allowed as they meet the standards for open space development and that the density be as established by the ordinance and the yield plan. He noted that the Planning Commission further recommended that, as the process goes forward, the applicant and the community work together to try and address the traffic concerns.

Ms. Moran noted that Mark DiSanto, John DiSanto and Peter Leone were present to represent the plan.

Ms. Moran noted that the applicant's proposal as well as the Residential Cluster District Ordinance has been provided to Board members and at this time it would be appropriate for Mr. Stine to conduct a public hearing.

Mr. Stine noted that this is the time and place set for the continuation of the public hearing for Ordinance 2006-06, an application for Triple Crown Corporation for rezoning of the Stray Winds Farm from R-1 to R-C, Residential Cluster.

Mr. Mark DiSanto provided a lengthy presentation to those present. The following is a summary of that presentation.

- 246 acres of the plan are located in Lower Paxton Township with 48 acres located in Susquehanna Township
- All existing wood lands would be maintained.
- He noted that the density for the plan is 1.8 homes per acre; with the underlying density for R-1 being two homes per acre.
- He noted that he plans to build age restricted townhomes and single family homes, market rate single-family homes, and single-family detached condominiums.
- There are plans to build a pedestrian/bicycle path along the McIntosh and Crums Mill Road corridors.

- The plan calls for no development near the wetlands of the Paxton Creek and a 300 foot riparian buffer for the creek will be maintained.
- The area in Susquehanna Township will be developed with single-family homes and 20 acres is under contract to the Diocese of Harrisburg for a church.
- He noted that he was worked closely with the Township and the residents (SWAN-Stray Winds Area Neighbors) to develop the plan.
- He noted that there is a projection to have a 10% to 15% population growth from 2000 to 2010 in the Township that would generate a demand for 4,700 new housing units by 2020.
- This plan would maintain 48% open space with 118 undeveloped acres maintained by the homeowners association.
- No commercial development is proposed for the plan.
- This development proposed minimal new Township roadways and no other Township infrastructure to maintain.
- 53% of the homes would be age restricted, (239); 13% single-family detached condos, 81% with no children (57); and 34% single-family homes (153).
- The development can provide from 11-17% of the total housing needs on only 1.3% of the Township land.
- The plan is in agreement with the Township's Comprehensive Plan as developed in 2003 along with the action strategies for the Colonial Park North Community Planning Unit.
- Traffic Impact Study completed by Herbert, Rowland and Grubic, Inc provided for the development of 600 homes although the total density for the entire tract is only 523 units.
- 239 homes are age restricted which generates about 50% of the single family trips.
- 57 homes are single-family detached condos which generate about 75% of single-family homes
- All internal improvements to be done by Triple Crown Corporation (TCC) estimated costs of \$1,200,000.00
- McIntosh and Colonial Road improvements to be done by TCC with the Township.
- TCC to pay it pro-rate share for the balance of offsite improvements.
- Yield Plan provides for 374 homes X 10 trips per day at 3,740 trips; cluster zoning with 10% bonuses allows for 411 homes x 10 trips per day at 4,110 trips; TCC/SWAN consensus of 449 allows for 239 senior homes x five trips per day at 1,195, 57 single-family condos x 8 trips per day at 456 and 153 single family homes x 10 trips per day at 1,350 with a total of 3,181 trips per day which is less that 559 from the yield plan and 929 less than the proposed cluster.
- Population of the Township is growing and 239 homes or 53% of the community will be age restricted.

Mr. DiSanto requested the Board of Supervisors to rezone the tract to Residential Cluster and to take formal Board action to support the Zoning Hearing Board request for a density variance of 75 homes to 449 total homes in Lower Paxton Township. He noted that this density

variance is needed to complete the necessary traffic and infrastructure improvements that are proposed.

Mr. Seeds stated that it was a very good presentation. He noted that Dauphin County Planning Commission suggested that there should be more connections between the inner roads. Mr. DiSanto noted that he is in discussion with Robert Grubic, the developer of the Sturbridge development in Susquehanna Township to connect to his development when it is completed which would provide a direct connection to Linglestown Road at a signalized intersection. The other suggested considerations for interconnections were met with much disagreement from SWAN. He noted that the reconstruction of the over-vertical at McIntosh and Colonial Roads would be one solution. He noted that there would be alternate means of egress using Crums Mill Road to Linglestown Road, Crums Mill Road to Colonial Road, Paxton Church Road to Progress Avenue, and Crums Mill Road to Interstate Drive.

Mr. Seeds noted that at the May 9<sup>th</sup> workshop meeting, TCC agreed to make improvements to the Colonial and McIntosh Roads intersection in conjunction with the Township. He questioned what he meant by that. Mr. DiSanto answered that all internal improvements would be completed by TCC, but he requested the Township's assistance with right-of-way acquisition, and permitting. Mr. Seeds noted that TCC agreed to \$1.2 million in road and infrastructure improvements, with another \$600,000 for the Colonial and McIntosh Road intersection. Mr. DiSanto noted that these are only estimated costs. Mr. Seeds noted that the improvements are contingent upon TCC receiving the variance for the additional 75 units.

Mr. Seeds noted that the Yield Plan would provide for 374 units with no infrastructure offsite improvements and noted that the Board's approval for rezoning would not guarantee the variance for the additional 75 units. Mr. DiSanto noted that he would be willing to add the

conditions for improvements as part of the variance for the additional 75 units with the Zoning Hearing Board.

Mr. Crissman noted that the current zoning permits 373 units, but TCC is asking for 449 units, which is 76 additional units. He noted that the traffic analysis used the number of 523 units for the density and he questioned where that number came from. Mr. DiSanto explained that the Traffic Impact Study was completed for 600 homes using the 298 acres for both the Lower Paxton and Susquehanna Township tracts. He noted that as he worked with SWAN, and the Township, the final numbers came in at 523 of which 449 units are located in Lower Paxton Township.

Mr. Blain noted that the Yield Plan for an R-1 zone would allow for 374 homes, with the average of ten trips per day which would be 3,740 trips, but Mr. DiSanto is proposing an R-C zoning requesting the ZHB to grant a variance for 76 additional housing units that would reduce the traffic trips by 600 per day. This would be due to the differences in uses, such as senior living, and single-family housing. Mr. DiSanto explained that as a result of the negotiations with SWAN, he has achieved a density that would work for both to achieve the off-site improvements.

Mr. Crissman noted if the Board approved the rezoning, it would only approve for 374 units. He questioned what would happen if the Board did not approve a resolution to send a recommendation to the ZHB. Mr. DiSanto noted that he would need to reevaluate the plan at 374. He noted that the new cluster option would permit 374 units plus the 10% bonus, or a TND option. He noted that he would need to bring another plan back to the Township, but the current plan was created with the consensus of SWAN and the assistance of the Township.

Mr. Crissman noted that the ZHB would also hear the plan based on its own merits and make its decision based on that. Mr. Hawk noted that this is only a request for rezoning and the

land development plan would need to be approved in the future. Mr. DiSanto requested that the Township, as a party of interest, support the request for the variance of 75 homes.

Mr. DiSanto noted that SWAN is in support of the following conditions for approval of the zoning variance:

- Approved 75 homes for variance with the following conditions:
  - Lots 3 and 6 to be age restricted community
  - Crums Mills and McIntosh Roads improvement to be done by TCC
  - Density limited to 449 homes
  - No access to Hillsdale Road, Valley View Road or Woodcrest Circle
  - Property will be developed in substantial compliance with the plan of 449 homes.

Mr. DiSanto noted that he hoped the Board would be willing to support the variance with the listed conditions. Mr. Hawk noted that the fourth bullet point addressed the concerns made by the Dauphin County Planning Commission.

Mr. Eric Epstein, 4100 Hillsdale Road, spokesperson for SWAN presented documentation of SWAN's testimony dated July 18, 2006 as part of the official record for the public hearing. He noted that his colleague John McNally is in support of the residential cluster.

Mr. Epstein noted that he wanted to bring to the attention of the Board members that there has been poaching on the Stray Winds Farm tract as well as massive illegal dumping. He noted that in recent months three deer were shot and left to rot on the property, and at least 14 appliances were removed by TCC that were dumped on the property.

Mr. Epstein noted that, originally, SWAN did not endorse the plan because the number of units was fluid, but the process that had evolved over the last couple of months was more constructive. He suggested that this process should be used in other areas of the Township.

Mr. Epstein noted that he recently worked with TCC and the Kunkle Family to resolve issues that they had as the major adjoining property owner. He noted that there have been numerous side issues that have come to light as a result of this proposed plan.

Mr. Epstein noted that SWAN has had a presence at all Township meetings in the past year and will continue to do so until the plan is completed. He noted that they also plan to approach other developers along the Colonial Road corridor to seek input into their proposals.

Mr. Epstein noted that he has some concerns regarding the Hammaker property which is under a site remediation which is voluntary under Act Two. He noted that he met with the Pennsylvania Department of Environmental Protection (PADEP) regarding this issue. He explained that the property is not owned by TCC, but SWAN is working with PADEP to rectify the concerns. He noted that the area of concern is 4.5 acres located across from the farmhouse.

Mr. Epstein noted that 48% of the land is preserved, although 31% could not be developed due to zoning restrictions, but the preservation of this amount is highly significant. He noted that 150 feet on both side of the Paxton Creek is preserved which is consistent with the Paxton Creek Watershed Association. He noted that at the Paxton Church and Crums Mill Road intersection, TCC will bump up the entry price for those units located near lot 4. He noted that SWAN recommended the age-restricted units to minimize the growth impact on the Central Dauphin School District. He noted that no one wanted to have the land bisected and he was confused as to why Dauphin County made the recommendation. He noted that in the area of Haven Croft Road there was no buffer, and TCC agreed to buffer the homes in that location by moving the entire phase 70 feet to the north which resulted in the loss of three units and as a result the natural canopy will remain in tact.

Mr. Epstein noted that SWAN is still concerned about the traffic, but TCC did not create the traffic problem. He noted that there are several other developments proposed for the area that

will also add to the traffic problems. He noted that not everyone in SWAN was in agreement with the plan and he encouraged those people to come out and make their concerns known.

Mr. Epstein noted that staff and the Board were very helpful during the process. He noted that both Mr. Hawk and Mr. Hornung attend TCC/SWAN meetings, and that he was present to lend his support to the current plan. Mr. Hawk noted that he was very impressed with the professional way that TCC and SWAN conducted their meetings and worked together to come up with an acceptable solution to the problem. Mr. Epstein noted that this plan involved eight different neighborhoods. Mr. Hawk noted that it shows that when people get together to talk they can come up with solutions that the Board would not been able to do.

Mr. Epstein noted that the \$1.8 million in improvements is very good as well, and that SWAN will continue to be involved in the process during the land development process.

Mr. Mark Levine, 1507 Knoll Crest Road, questioned if Mr. DiSanto could build a road to Paxton Church Road from the circle which is located in the Susquehanna Township tract. He noted that that area only has one egress.

Mr. Levine noted that he was told that it would take eight years to develop the tract and that the sewer permits are limited to 60 per year. He suggested that it would be good to require Mr. DiSanto to present the entire plan in phases. He noted that this would go past the year 2010 with the 10 to 15% increase that was quoted, taking it to 2014. He noted that it would provide for a more updated vision of the traffic situation.

Mr. DiSanto wanted to clarify that Staff had reviewed the yield plan for 374 units, and the variance request is for 75 more units for a total of 449 units.

With no further testimony, Mr. Stine noted that it was the time to close the public hearing on Ordinance 2006-06.

Mr. Blain noted that he wanted to thank TCC and SWAN for their efforts in coming up with the proposed plan, He noted that TCC took the recommendations from the Community to do whatever they could do to satisfy the needs of the community. He also wanted to thank Mr. Epstein and Mr. McNally for their time and efforts as well.

Mr. Blain made a motion to approve adoption of Ordinance 2006-06 the application of the Triple Crown Corporation for the rezoning of Stray Winds Farm from Residential R-1 to Residential Cluster R-C. Mr. Crissman seconded the motion. Mr. Hawk called for a roll call vote; Mr. Blain, aye; Mr. Crissman; aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Motion to the Zoning Hearing Board of the Board's approval of the plan

Mr. Hornung noted that there is one more step needed to make the plan come to fruition, which is the variance from the Zoning Hearing Board. He noted that TCC has requested the Board members to relay to the ZHB the Board's opinion of the plan. He noted that the plan is a very good one, and has many benefits for the community.

Mr. Hornung made a motion to relay to the Zoning Hearing Board that the Board of Supervisors supports the plan and finds the plan to be acceptable. Mr. Blain questioned if this was for the plan as presented with the 374 homes plus the additional variance that would be needed to get the 449 homes. Mr. Hornung answered yes, with the TCC listed improvements to Crums Mill Road; Colonial Road and McIntosh Roads, and age-restricted communities to reduce traffic and limiting the density to 449 units.

Mr. Blain suggested that the Board of Supervisors has approved a plan that recommends 449 homes under the R-C district with numerous infrastructure improvements to roads as well as the Colonial and McIntosh Roads intersection. He made a motion that the Board is supportive of an endeavor that the developer has worked very hard on to get to the point that the parties of interest are in consensus with the plan. He noted that the Board is not approving a land

development plan. Mr. Hawk noted that the Board could vote on the motion or make a new motion. Mr. Hornung withdrew his original motion.

Mr. Blain made a motion that after the review of the concept plan provided by TCC regarding the development of the Stray Winds Farm complex for 449 homes with infrastructure improvements as outlined in the presentation, that the Board of Supervisors communicate their support of that concept plan to the Zoning Hearing Board. Mr. Hornung seconded the motion. Mr. Hawk noted that he would word it to state that the Board is supportive of the concept plan as presented.

Mr. Crissman noted by virtue of the vote taken, that it is a clear indication of what we want to occur. He noted that he had a problem sending a letter or any information that would give direction to the ZHB which is an autonomous body to itself. He noted that it would set precedent in government agencies that he does not think would be appropriate. He noted that there is a fundamental right of differences between the two governing bodies. He noted that the merits that were presented tonight by the developer and by the community, and it would rise to the surface when it was presented to the ZHB, therefore he would not support the motion.

Mr. Seeds noted that he agreed with Mr. Crissman. He noted that the information provided by SWAN was good, and he supports receiving \$1.8 million in improvements from TCC. He suggested that the ZHB would review the information from this meeting, prior to their meeting, and he would not want to set a precedent.

Mr. Hornung noted that the Board would not be sending the ZHB a letter, and he did not think that there was anything wrong with stating its stance. He noted that there have been countless hours and concessions by both the developer and residents to work out this agreement, and he would hate to have them start the process all over again if the variance was not approved. He noted that he is in support of the plan, it is a great plan, and he has no problems

communicating with anyone about what he thinks. He noted that the ZHB is an independent body, and the Board of Supervisors has no ability to influence them. Mr. Crissman suggested that the Board has done this by accepting the rezoning, and this should be a clear message. Mr. Hornung noted that the rezoning is only for the 374 units, and not for the 449 units. Mr. Crissman noted that the presentation made by the developer and citizens in a joint effort sends a very clear message, which the Board heard, accepted, and took action on. He noted that he does not want to send a message to the ZHB of how the Board feels, expecting them to do something about it. Mr. Blain suggested that the informal motion should not be made and he would be willing to be put on the record that he is supportive of what was presented for the 449 homes. He noted that having this put on the record, there would be no need for a motion. Mr. Crissman agreed with Mr. Blain on this.

Mr. Hawk call for a roll call vote on the motion; Mr. Blain, no; Mr. Crissman, no; Mr. Hornung, aye; Mr. Seeds, no; and Mr. Hawk, aye.

Mr. Blain noted that he wanted to be put on the record that he was in support of the plan.

### **New Business**

#### Action on bids for the concession stand and restrooms for the Thomas B. George Jr. Park

Mr. Wolfe noted that staff had not received the bids for the assembly of the concession stand for the Thomas B. George Park and as a result, staff recommends that the Board table this item at this time.

#### Final land development plan for Weis Market

Ms. Moran explained that Weis Market, Inc. is proposing an expansion of 12,070 square feet. With the expansion, the total square footage of the store will be 57,500. The store is located at the intersection of Colonial Road and Linglestown Road. The tract, which consists of

8.30 acres, is zoned C-1, General Commercial District and is served by public sewer and public water.

Ms. Moran noted that on June 14, 2006, the Planning Commission recommended approval of the referenced plan subject to a resolution of the one site specific comment, five general conditions, and two staff comments. The Commission also recommended approval of the requested waiver of the requirement to submit a preliminary plan. She noted that HRG, Inc. had no outstanding comments, and Mr. Steve Knight and Brian Evans of Evans Engineering Inc. were present to represent the plan

Mr. Crissman questioned if staff supports the requested waiver. Ms. Moran noted that staff does support the waiver of the requirement to submit a preliminary plan.

Mr. Seeds questioned if the plan was submitted prior to the adoption of the New Zoning Ordinance since the new ordinance would limit the square footage to 50,000 square feet. Ms. Moran answered yes it was submitted prior to the adoption of the new Zoning Ordinance. Mr. Seeds noted that the new Zoning Ordinance would stop the developing of big box stores in that area.

Mr. Brian Evans noted that the plan was submitted several months ago, and he worked with staff to limit the comments to some minor administrative comments for the plan. He noted that the expansion is 12,000 square feet and would be located over the existing parking area and green area. He noted that he was able to decrease the overall pervious area on the property, increase the green space in the parking area to bring it to code as well as increase the overall landscaping to bring it to the current code. He noted that there is less impervious coverage and more green space overall. Mr. Seeds noted that the C-1 zoning required this.

Mr. Crissman questioned Mr. Evans if he was in agreement with the one waiver, one site specific condition, five general conditions, and two staff comments. Mr. Evans noted that he is in

agreement, but there is no planning module required for this project because it is an existing use and there are no proposed additional sewer or water requirements. He noted that he would be reducing the sewer and water requirements, and as part of the construction, Weis Markets would improve the upgrade to the sprinklers that adds moisture to vegetables, and install more water conservative toilets, so there is no need for a sewage module in this case. He noted that this is more of a clarification.

Mr. Crissman questioned if Ms. Moran was in agreement with the clarification made by Mr. Evans. Ms. Moran noted that Mr. Evans was correct.

Mr. Crissman made a motion to approve the final land development for 2006-12 for Weis Markets to include the one waiver of the requirement to submit a preliminary plan and the following review comments; 1) Change the plan name to “Preliminary/Final Land Development...”; 2) Plan approval shall be subject to providing original seals and signatures on the plan; 3) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 4) Plan approval shall be subject to Lower Paxton Township Sewer Department’s review and approval of the sanitary sewer design; 5) Plan approval shall be subject to the payment of the engineering review fees; 6) Plan approval shall be subject to planning module approval; 7) The proposed addition is required to have fire protection as per Township requirements; and 8) All proposed site signage, including construction signs, shall comply with Article 1183 of the Lower Paxton Township Zoning Ordinance.

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.

Preliminary/final subdivision and land development plan for a Hotel at  
1006 Briarsdale Road

Ms. Moran noted that the Township has received a plan for the construction of a 3,465 square foot 4-story 30-room hotel. The property is located south of Union Deposit Road on Briarsdale Road. The property consists of .69 acres and is zoned C-3, Mixed Commercial District. The property will be served by public water and public sewer.

Ms. Moran explained that the plan was approved by the Planning Commission at its June 14, 2006 meeting.

Ms. Moran noted that the requested waivers are as follows: 1) Waiver of the requirement to provide a preliminary plan; 2) Waiver of the requirement to provide underground stormwater storage, and 3) Waiver of the requirement that the 2-year post development runoff be reduced to 30% of the pre development rate. She noted that the third waiver is no longer necessary based upon comments provided by Mr. Snyder of HRG, Inc.

Ms. Moran noted that there are seven general conditions, which include the 12 listed comments from Mr. Snyder of HRG, Inc., and four staff comments. She noted that the 12 comments from HRG, Inc. are minor in nature, and Mr. Akens has stated that he has no problems with those comments.

Ms. Moran noted that Mr. Scott Akens of Akens Engineering Associates, Inc. is present to represent the plan.

Mr. Crissman question if waiver number three should be deleted from the list as it had been resolved. Ms. Moran noted that it will not be needed.

Mr. Seeds noted that the second waiver to request underground storage was supported by staff, and he questioned why this was. Mr. Seeds noted that he prefers underground storage over above ground storage that can draw mosquitoes. Ms. Moran noted that due to the flat topography of the site there is not enough fall to discharge the subsurface storage, therefore, Mr. Snyder is in

agreement that it cannot be provided. Mr. Wolfe noted that the problem is not with getting the water into the underground storage, but rather it is a problem with getting the water out, and there is not enough outflow for the water to exit the underground storage. Mr. Akens noted that this is not an infiltration system, but the water would be put into a subsurface detention pond, and it would be discharged at the same rate as a detention pond. He noted that it would not be able to tie into the existing stormwater system at Briarsdale Road. Mr. Seeds noted that it is an underground storage system. Mr. Akens noted that the water still needs to be discharged from the system. Mr. Seeds questioned if HRG, Inc. agrees to the waiver. Ms. Moran noted that Mr. Snyder is in agreement with the waiver.

Mr. Crissman questioned Mr. Akens if he was in agreement with the two waivers, seven general conditions that include Mr. Snyder's report dated July 14, 2006 and the four staff comments. Mr. Akens answered that he was in agreement with the above.

Mr. Crissman made a motion to approve the preliminary/final subdivision land development plan 2006-19 for a new 4-story 30 Room Hotel at 1006 Briarsdale Road with the following waivers and comments: 1) Waiver of the requirement to provide a preliminary plan; 2) Waiver of the requirement to provide underground stormwater storage; 3) Plan approval shall be subject to providing original seals and signatures on the plan; 4) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 5) Plan approval shall be subject to the payment of the engineering review fees; 6) Plan approval shall be subject to the Dauphin County Conservation District's review and approval of an E & S Control Plan; 7) Plan approval shall be subject to DEP's approval of a sewage facilities planning module ; 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 addressing all comments of the memo of Jim Snyder, HRG, Inc. dated July 14, 2006;

10) A Street/Storm Sewer construction permit is required for construction of stormwater facilities; 11) When submitting revised plans, respond in writing to all individual comments of Township staff, HRG and County; 12) The proposed hotel will be required to have fire protection as per Township requirements; and 13) Prior to the erection of any signage, sign permit review and approval is necessary.

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.

#### Resolution 06-24; Planning module for Park Place

Mr. Hawk noted that Resolution 2006-24 was a resolution for a Plan Revision for the Official Sewage Facilities Plan with Crown Realty Trust Company for a parcel of land identified as the Park Place Subdivision Plan.

Mr. Blain made a motion to approve Resolution 2006-24; the Planning Module for Park Place. Mr. Crissman seconded the motion, and a unanimous vote followed.

### **IMPROVEMENT GUARANTEES**

Mr. Hawk noted that there are two Improvement Guarantees.

#### Graystone Bank

A new letter of credit with Graystone Bank in the amount of \$82,336.00 with an expiration date of July 1, 2007. Mr. Seeds questioned if there was an engineer's report for the Graystone Bank. Ms. Moran noted that she had it, but it was inadvertently admitted from the packet.

#### Huntleigh, Phase I

An extension and reduction in a letter of credit with Fulton Bank in the amount of \$66,126.60 with an expiration date of August 30, 2007.

Mr. Crissman moved to approve the two listed Improvement Guarantee as presented. Mr. Blain seconded the motion, and a unanimous vote followed.

### **Payment of Bills**

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

Mr. Wolfe noted that in executive session, Solicitor Stine presented to the Board of Supervisors a request that the Supervisors retain separate legal counsel for issues and research related to the right-of-way acquisition for the Linglestown Square project.

Mr. Stine noted that he needs authorization to sign on behalf of the Township a letter to retain Mark Silver of Joseph A. Klein to assist as special counsel in that regard.

Mr. Seeds moved that Mr. Stine retain Mark Silver as special counsel in regard to the right-of-way acquisitions for the Linglestown Square Project. Mr. Crissman seconded the motion, and a unanimous vote followed.

Mr. Blain noted that in regard to the support for the Stray Winds Farm Plan, he wanted to be clearly put on the record that he supports the plan for the 449 homes and his support of the plan is due to the work SWAN completed in conjunction with TCC to create a community effort, and he asked the other members of the Board, while not making a motion, to voice their support for that plan. Mr. Crissman commented absolutely.

Mr. Blain requested that these meeting minutes be transmitted to the Zoning Hearing Board.

Mr. Seeds noted that he supported the rezoning, and the improvements.

Mr. Blain noted that this is not a motion, but a statement that each member of the Board of Supervisors has stated individually, on the record, their total support of the plan presented this evening. Mr. Crissman noted that he had no problem with the plan, and he stated that it is a good

idea to send a copy of the minutes to the Zoning Hearing Board. Mr. Hawk and Mr. Hornung were in agreement.

### **Adjournment**

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Crissman seconded the motion, and a unanimous vote followed. The meeting adjourned at 9:27 p.m.

Respectfully submitted,

Maureen Heberle

Approved by:

Gary A. Crissman  
Authority Secretary