

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Business Meeting held August 1, 2006

A regular business meeting of the Lower Paxton Township Board of Supervisors was called to order at 7:41 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, Planning and Zoning Officer; Jeff Staub, Dauphin Engineering; and Micki Molinari and Barbara Greenberg, Molinari and Greenberg, LLC.

Pledge of Allegiance

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

Approval of Minutes

Mr. Crissman made a motion to approve the minutes of the June 13, 2006 workshop meeting, and the July 18, 2006 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

Mr. Carl Grove, 6411 Hunters Run Road, voiced a complaint concerning the traffic speed on Nyes Road in the area of Hunters Run Road. He noted that the traffic speed limit is posted at 25 mph, and the vehicles do not obey the speed limit. He explained that his home is the first property off of Nyes Road at Hunters Run Road.

Mr. Hawk explained that PENNDOT is currently conducting a Nyes Road Corridor Study, and several areas on Nyes Road are targeted for evaluation. Mr. Wolfe noted that he

would transmit Mr. Grove's concerns to the Traffic Safety Unit of the Police Department, and suggested that they could conduct a Traffic Study for that area of Nyes Road.

Chairman and Board Member's Comments

Mr. Hawk explained that, previous to this meeting, the Board members were in attendance at the annual National Night Out for Public Safety event that is occurring this evening at Koons Park from 6 p.m. to 9 p.m. He invited the public to come out and join in the fun.

Manager's Report

Mr. Wolfe noted that the "National Night Out for Pubic Safety" is a fun event for the entire family. He invited the public to come out and visit the various public safety displays. In addition, food and drinks will be served, and live entertainment is provided by musicians from the Central Dauphin School District. He stated that this was the best National Night Out event ever, and the purpose is to encourage people to become involved in their communities.

Mr. Wolfe noted that the most recent Township Newsletter highlighted the volunteer work performed by members of the three local fire companies. He noted that the three fire company's responded to a total of 1,500 calls for service, which amounted to more than 50,000 hours of total volunteer service. He noted that the Township has approximately 100 volunteer firefighters who provide service to the Township residents, and if it were not for the volunteer firefighters, tax dollars to provide for paid fire fighters would be far more than what they are currently at this time.

Mr. Wolfe noted that the top responders from the individual fire companies were as follows: Stephen Murphy, Colonial Park Fire Company with 356 hours; Mike Cerzullo, Paxtonia Fire Company with 386 hours; and Chuck Hoffer, Linglestown Fire Company with 358 hours.

Mr. Wolfe noted that the Inspired Recreation Group, in conjunction with the Parks and Recreation Department, will hold the grand opening of the Possibility Place Playground at the

Thomas B. George Jr. Park on Saturday, August 12, 2006 at 10:00 a.m. The community is invited to attend.

Old Business

Ordinance 06-04; Application from Molinari & Greenberg, LLC for the rezoning of 18 acres at the northeast corner of Earl Drive and Colonial Road from Research Office (R-O) to Low Density Residential District (R-1) with a Residential Cluster (RC) overlay

Ms. Wissler noted that an application for a Zoning Map Amendment has been submitted by Molinari and Greenberg for a portion of a parcel of land approximately 19.8349 acres in size. The property is located near the intersection of Colonial Road and Earl Drive with frontage along the south side of Earl Drive and the east side of Colonial Road. The applicant proposes to rezone 18.4868 acres of the tract from R-O, Research Office District to R-1, Low Density Residential District with an R-C, Residential Cluster District Overlay. The rezoning request excludes a small portion of the tract (approximately 0.8668 acres) that is located along Colonial Road which was previously zoned R-O but has been changed to R-1.

Ms. Wissler noted that the applicant proposes to develop a 33 lot residential development that will be built out with 17 Garden Homes and 16 Townhouses (consisting of 5-duplexes and 2-three packs) offering one-story living. All of the homes will be marketed to the senior community.

Ms. Wissler noted that attached to the Board's packets is a copy of Ordinance 06-04. She noted that the necessary arrangements have been made to allow the Board of Supervisors to conduct a public hearing and consider the enactment of this Ordinance.

Ms. Wissler explained that on April 3, 2006, the Dauphin County Planning Commission reviewed this matter and recommended the proposed zoning change be approved provided the zoning is consistent with the zoning intended for the on-going ordinance update. The County

recommended that the Township should consider rezoning the remaining R-O areas in the vicinity to a residential zoning district consistent with the township comprehensive plan.

Ms. Wissler noted on April 12, 2006, the Lower Paxton Township Planning Commission reviewed this rezoning request and recommended approval subject to the plan showing at least 50% of the units as single-family dwellings.

Ms. Wissler noted that the public hearing with the Board of Supervisors was originally scheduled for June 5, 2006, and at the request of the applicant; the Board postponed the public hearing to a later date due to a typographical error in the advertising of the public notice for Ordinance 06-04.

Ms. Wissler noted on June 14, 2006, the Lower Paxton Township Planning Commission re-affirmed its recommendation of approval of the rezoning request with the understanding that the 0.8668 acre portion of the parcel along Colonial Road would remain R-O, with the remaining portion of the parcel to be rezoned R-1 with an R-C overlay.

Ms. Wissler noted on July 5, 2006, the Dauphin County Planning Commission re-reviewed the request to rezone the eastern portion of the Molinari and Greenberg tax parcel 35-24-099 (18.4868 acres) from R-O Research Office to R-1, Low Density Residential District with an R-C, Residential Cluster overlay. The Dauphin County Planning Commission suggested that the R-O was inconsistent with the draft zoning map which proposes an R-1, Low Density Residential District.

Ms. Wissler explained that on July 5, 2006, the Township mailed notices to property owners surrounding the area of the proposed rezoning. The notice indicated that the Board of Supervisors would consider the application at a public hearing on August 1, 2006. On July 17, 2006 and July 24, 2006, a public notice appeared in The Patriot News indicating that the Board of Supervisors would conduct a public hearing and consider the enactment of Ordinance 06-04

on August 1, 2006. On July 25, 2006, notices were posted on the parcel being considered for rezoning and surrounding area. As such, Ms. Wissler suggested that it would be appropriate for Mr. Stine to conduct a public hearing for consideration of Ordinance 06-04 at this time.

Mr. Stine noted that this was the time and date set for the public hearing for Ordinance 2006-04.

Mr. Jeff Staub, Dauphin Engineering, noted that he prepared the application for the applicants, Micki Molinari and Barbara Greenberg. He noted that the public hearing was scheduled for the previous month, but due to a typographical error in the advertising, the zoning application was postponed to August 1, 2006.

Mr. Staub noted that the property is 19.48 acres in size, and was originally requested that the property be rezoned from R-O to R-1 with an R-C open space overlay district. He noted that the current property is zoned R-1, as a result of the enactment of the 2006 Zoning Ordinance and Map. He noted that the Yield Plan allows for 33 lots, which is what the plan proposes. He noted that the other requirement for the R-C zoning is to have a minimum percentage of open space at 40%, which would be 7.4 acres. He noted that the plan proposes to have 8.6 acres of contiguous open space. He explained that the developers have met with some neighbors and representatives from the Stray Winds Area Neighbors (SWAN) to discuss the rezoning and elements of the subdivision plan.

Mr. Seeds questioned if the plan is to rezone the entire tract to R-C. Mr. Staub answered that it would only be for the area that is shaded in green on the screen. Mr. Seeds noted that the property along Colonial Road is now zoned R-1. Mr. Staub noted that he understands that to be true.

Mr. Seeds questioned Mr. Staub if he would withdraw the plan and refile under the new ordinance. Mr. Staub answered that he would not as the developers were very anxious to start building.

Mr. Gerald Hopple, 1009 Topview Drive, stated that the area in which the developers want to build has flooding, sewage, and drainage problems. He noted that the buildings from the Carolyn Street area, as well as the Colonial Commons have created problems for his neighborhood, and he was told that catch basins would solve the problems, but the problem is only getting worse. He explained that it cost him \$4,000 to build a wall around the back of his home to prevent flood waters from coming into his home. He noted that he did not want the Board to approve a cluster housing development.

Mr. Hopple noted that the additional problem concerns the traffic on Earl Drive at Colonial Road. He noted that Colonial Road is a State Road and the State will not install a traffic light at that intersection. He noted that it is impossible to access Colonial Road from Earl Drive during the rush hours, and this development would create more traffic for Earl Drive.

Mr. Hopple noted that flooding and sewer line problems are prevalent in the area, and they have not been corrected. He noted that the creek runs past his house from east to west and more water would be created from the new roads and driveways to impede the flow of the creek. He noted that the creek backs up now, but it would become worse if the development was built. He noted that he wrote a letter to Mr. Wolfe in 2002 regarding the inadequacy of the culvert to remove the water in a timely manner. He explained that he had heard that there were funds to fix this problem, and he noted that Mr. Wolfe had replied, by way of letter, to him that it would cost in excess of \$250,000 to fix the problem, and the Township did not have the money to do this. He further stated that Mr. Wolfe told him that he did not know anything about an allocation fund. He suggested that the Township should review what is going on in his area before allowing any

new developments to start. He noted that he was in agreement to the homes, but not in agreement to the cluster request.

Mr. William Horning, 1018 Topview Drive, noted that he was unable to read the map that he received in the mail because of its small size. He noted that there was no communication from the developer to the people in his neighborhood. He explained that he has a large amount of surface water in his backyard from a swale that runs through the back of his home. He noted that more water would flow into his area from this development, and he did not think that the higher density development should be allowed to be developed. He agreed that the developer has the right to develop the land.

Mr. Horning noted that there have been many close calls at the intersection of Earl Drive and Colonial Road. In addition, the neighbors have sewer problems as well.

Mr. Hornung questioned Mr. Horning what the word cluster meant to him. Mr. Horning answered that it meant townhouses and more buildings on a single property. Mr. Hornung explained that it is just the opposite, and that is why the Township has chosen not to use that term in the new zoning ordinance. He explained that it means less density and more green area, and that the cluster is a lower density of development. Mr. Blain noted that instead of having 40 homes that could be built on the entire property, the cluster would allow the same number of homes, but provide for smaller lot sizes and more open space. He noted that the developer would only be allowed to build 33 homes in place of the 40 homes allowed by the zoning district. Mr. Blain noted that many people are confused by the term cluster and do not understand the concept. Mr. Hopple noted that he thought that cluster provided for townhouses. Mr. Blain noted that the developer could build townhouses, but not more than what the initial zoning map for R-1 would allow for single-family homes. Mr. Horning stated that he appreciated the clarification,

but, he would like the plan to be put on hold until the traffic, sewer and water problems are addressed.

Mr. Darin Consylman, 1016 Topview Drive, noted that he also shares his neighbors concerns for water and traffic issues. He noted that he has a concern that there are no townhomes in the area and explained that he moved to that area because it was single-family homes, and he would like it to stay that way.

Mr. Eric Epstein, 4100 Hillsdale Road, noted that he is the Chairman of the Stray Winds Area Neighbors (SWAN), but he explained that he was not testifying on behalf of SWAN and stated that he has met with the developers and a second meeting is scheduled for August 21, 2006. He noted that he strongly supports the plan, not to take away from the concerns of the people who previously testified, but the open space for the plan is 42%. He noted that this is the second plan for the area that exceeded the minimum requirements. He noted that 42% of the open space is contiguous, which creates a substantial buffer. He noted if the developer would have developed the project with 40 homes; there would be more issues with water, sewer and traffic. He noted that the developers did not create the problem, but have been very conscientious in addressing the problems.

Mr. Epstein noted that in the Stray Winds Farms project, 53% of the homes are age-restricted which adds up to 60% less traffic trips. He noted that the proposed 33 units are also age-restricted, which would decrease traffic from what would occur under normal development. He noted that he is very concerned with the intersection of Colonial Road and Earl Drive. He noted that SWAN has worked with Triple Crown Corporation to improve the intersections of Colonial Road and McIntosh Road, and Crums Mill Road and McIntosh Road. He noted that traffic is a problem for the entire Colonial Road corridor. He noted that he hopes that the

developers would put funds toward the traffic signalization that is needed for Colonial Road and Earl Drive.

Mr. Eric Epstein noted that another 160 units are planned for the 30 acres next to the Epiphany Church. He noted that SWAN supports the cluster as a low density, low impact development. He noted that the pricing for the proposed units is much higher than what is expected, and it would be a very positive type of development for the school district as it would not add to their rolls. He noted that it would help to grow the tax base as well. He noted that he is not able to support this plan on behalf of SWAN, and he invited the community from Topview Drive to attend the meeting on August 21, 2006 at the Epiphany Church.

Mr. Gerald Hopple questioned if the townhouses are permitted on this tract of land, what would stop the property owners who own the land across the street, north of Earl Drive, from putting in townhouses. Mr. Seeds noted that that land is zoned R-1, and they could request an overlay as well. Mr. Seeds noted that he understands Mr. Hopple's concerns as he has viewed the water problems first hand. He noted that he is also concerned about the traffic for that area, but PENNDOT has told the Township that the intersection does not warrant signalization. Mr. Seeds noted that the developer has the right to build on the land, and could build 40 single-family homes and it would create more problems for the neighbors. He noted that he cannot stop the building of homes, and what traffic concerns would come with it.

Mr. Hopple noted that the new roads and driveways will only make it worse, and questioned what was located to the rear of the triple townhomes shown on the plan. Mr. Staub noted that it was a wetland, and would remain as is. Mr. Topple noted that it would provide for more water to come onto his land. Mr. Seeds noted that this type of development would provide for a less impervious area. Mr. Hopple suggested that the Township needs to address the problems on Topview Drive now.

Ms. Sandy Prah, 1001 Homestead Drive, noted that she is part-owner of the property that abuts the proposed development, and she firmly supports the proposed plan.

Mr. Stine noted that it would be in order to close the public hearing on Ordinance 2006-04, and the Board may take action if it so desires.

Mr. Hornung stated that he would like to address the residents present from Topview Drive. He explained that the Township is trying to minimize the impact of the development since it cannot stop it. He noted by taking the homes and pushing them to one side of the tract, and not allowing more homes, it is a better use of the land. He noted that the developer could build 40 homes over the entire tract, and then there would be additional run-off since there would be additional roads, larger driveways, and bigger homes. He noted that this would result in more impervious coverage and more run-off problems. He noted that the law dictates that the velocity of the flow coming off the site cannot increase. He noted that more water may come off the site, but it would not be permitted to come off at a higher rate than it presently does. He noted that part of the approval process is that these requirements must be met. He noted that the Township cannot require the developer to be more stringent than what is required.

Mr. Hornung explained, by pushing the homes into a smaller space, the developer drops the number of homes by seven, providing for less density and impervious coverage since there are less roads. He noted that townhouses and single-family homes provides for a nice design for the elder-type housing. He noted that this would reduce the traffic impact from what it would be if the 40 single-family homes were built. He noted that it would create additional problems, but much less than what it would if it was developed in a traditional sense. He noted that the Township cannot stop development, and the developer has tried to address the concerns of the residents in the Township.

Mr. Hopple noted that the fewer homes would still allow for water to come onto his property, but not as much, and he suggested that the Township is not addressing the water issues and traffic issues. Mr. Hornung noted that the Board cannot stop development, but it can help to reduce the impact. He noted that the developer is not permitted to increase the flow rate from the property. Mr. Hopple questioned if a detention pond or underground basin would be installed. Mr. Wolfe answered that the Board is only making a zoning decision at this time, and the plan has not been designed. He noted that that would be part of the land development plan, and the engineer would determine the stormwater calculations, size of detention pond, and a traffic study. He noted that approval of the ordinance does not provide approval to build.

Mr. Horning questioned what the timing would be for this project. Ms. Molinari explained that she is already working on design plans with Mr. Staub, and hopes to submit a plan in the near future. She explained that the Villas would be high-end homes. She noted that the research that she has done shows the need for one-story living for older residents who want to downsize and live more comfortably. She noted that Pennsylvania is the number three retirement state, and many people move back to Pennsylvania to live close to their families. She apologized for not meeting with the residents of Topview Drive and invited them to attend the August 21st meeting.

Mr. Horning noted that he is not in disagreement with what Ms. Molinari is doing. He noted that he is in disagreement with the end result as it will have an impact on his water flow, sewage and traffic problems. He noted that he is asking the Township to address these issues.

Mr. Wolfe noted that specific designs would be part of the land development plan for stormwater management and traffic issues. He noted that the citizens would be free to comment on the land development plan when it is submitted to the Township. He noted that the Township

has not received land development plans, although he is being told that they would be submitted in the near future.

Mr. Crissman made a motion to approve Ordinance 2006-04; Application from Molinari & Greenberg, LLC for the rezoning of 18 acres at the northeast corner of Earl Drive and Colonial Road from Research Office (R-O) to Low Density Residential District (R-1) with a Residential Cluster overlay. 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

Action on bids for vehicle fuels

Mr. Wolfe noted that, on a yearly basis, staff advertises for bids for the various vehicle fuels. He noted that in addition to the police, sewer, public works, and administrative vehicles, the Township also purchases fuel for the volunteer fire companies, South Central Emergency Medical Services, Dauphin County Technical School, and West Hanover Township Sewer Authority. He explained that the Township awards the bid based upon the vendor margin, and the only bid the Township received was from Montour Home Comfort Services in the amount of \$263,892.00. He noted that the bid was reviewed by staff and determined to be complete. He noted that the budgeted amount for fuels for the 2006 fiscal year was \$265,000.00, and that the bid amount is within the budget amount. He noted that this is a total bid amount as estimated by Mr. Robbins, the Public Works Director. He noted that the price of fuel will fluctuate based upon the Harrisburg Rack Index.

Mr. Seeds questioned if Montour Home Comfort Services was the present supplier. Mr. Wolfe answered that they were. Mr. Seeds questioned if they were the low bidder last year and if the Township was satisfied with their service. Mr. Wolfe answered that the Township was satisfied with the service.

Mr. Crissman made a motion to approve the bid for liquid fuels to Montour Home Comfort Services in the amount of \$263,892.00. Mr. Blain seconded the motion.

Mr. Epstein explained that he met with Mr. Hawk last year, and discussed the use of alternative fuels with him at that time. He noted that there are grants available for alternative fuels, and he suggested that the Township should look into bio-diesel fuels, as it could be purchased at a reduce rate through the Commonwealth. He noted that bio-diesel fuels are manufactured in Dauphin County, and he requested the Township to look into this for next year's budget. Mr. Hawk explained that he met with alternative fuels providers and noted that it would be something to consider for next year's purchase.

Mr. Hawk call for a voice vote, and all members voted unanimously.

Resolution 06-27; Submitting an application for reimbursement to the MPOETC for expenses incurred in offering a Field Training Officer class

Mr. Hawk noted that an application had been submitted to the Municipal Police Officer Education and Training Center (MPOETC) for reimbursement for funding for a Field Training Officer class that will be sponsored by the Police Department.

Mr. Crissman made a motion to approve Resolution 2006-27; Submitting an application for reimbursement to the MPOETC for expenses incurred in offering a Field Training Officer class. Mr. Blain seconded the motion and a unanimous voice vote followed.

Resolution 06-28; Authorizing the acceptance of an agreement with DEP in accordance with the Municipal Recycling Grant Program

Mr. Wolfe explained that the Township expected to receive funds from the Department of Environmental Protection (DEP) for its recycling program. He noted that given the level of expenditures, the amount of the grant is expected to be \$156,039.00. He noted that the Township was in receipt of the DEP agreement, and a Resolution is needed to accept the grant and authorized the signature of the grant agreement documents.

Mr. Blain made a motion to adopt Resolution 06-28; authorizing the acceptance of an agreement with DEP in accordance with the Municipal Recycling Grant Program. Mr. Crissman seconded the motion, and a unanimous voice vote followed.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there are four Improvement Guarantees.

Weis Markets

A new letter of credit with Omega Bank in the amount of \$32,600.00 with an expiration date of July 20, 2007.

Commerce Bank

An increase and extension in a letter of Credit with Commerce Bank in the amount of \$269,729.73 with an expiration date of September 13, 2007.

Chelsey Falls, Phase I

An increase and extension in a bond with Lexon Insurance Company in the amount of \$865,012.97 with an expiration date of August 24, 2007.

Pinnacle Health Medical Center

A new letter of credit with Vartan National Bank in the amount of \$91,000.00 with an expiration date of July 26, 2007.

Mr. Crissman made a motion to approve the four listed Improvement Guarantee requests as presented. Mr. Blain seconded the motion, and a unanimous voice 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.

Announcements

Mr. Hawk noted that the dedication of the Possibility Place Playground will take place on Saturday, August 12, 2006 at 10:00 a.m. at the Thomas B. George Jr. Park.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting. The meeting adjourned at 8:38 p.m.

Respectfully submitted,

Maureen Heberle

Approved by:

Gary A. Crissman
Township Secretary