

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held August 16, 2016

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:36 p.m. by Chairman William L. Hornung, on the above date, in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

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

Also in attendance was George Wolfe, Township Manager; Steve Stine, Township Solicitor; Amanda Zerbe, Community Development Director; Attorney Esh McCombie, McNeese Wallace and Nurick; Ryan and Todd Hoffman, Robert Sandmeyer, Jr., P.L.A., Site Design Concepts; Matthew Chartrand, Bohler Engineering; Joel Eisenhower and Dan Wallace, J C. Bar Properties, Tim Mellott, Mellott Engineering; and Brett Saipan, Skelly and Loy; and Watson Fisher, SWAN.

Pledge of Allegiance

Mrs. Lindsey led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the July 12, 2016 Workshop and August 2, 2016 business meetings. Mrs. Lindsey seconded the motion, and a unanimous vote followed.

Public Comment

Mr. Tim Murphy, 1524 Pine Hollow Road, noted on several occasions, at least three since last November, his neighbors and he were assured by PSD Spotts, Mr. Diamond from the County IDA, and Judge Judy from Middletown, that we should have no concerns whatsoever

about the safety of having a Magisterial District Justice Office in our neighborhood. He noted that escaped prisoners are out of the realm of possibility according to them. He noted, today, in North Middleton Township, Cumberland County, a prisoner escaped from an MDJ Office. He noted that they had to call out the police, State Police helicopter, and fortunately they did apprehend the escapee. He noted that his only point is don't tell us it can't happen, because it has.

Presentation of the Governor's Victim Service Pathfinder Awards

PSD Dave Spotts noted, on behalf of the Police Department, it is an honor to have two of our members honored, Detective Autumn Lupey and Detective Jeffrey Corcoran. He explained that they received awards from Victim Service Advocacy from the Governor's Office with Det. Lupey being the award winner and Det. Corcoran receiving a certificate for his efforts also. He noted, at this time he asked that the Department's Victim Witness Advocate, Jessica Stoddard who is an integral part of the Department's team and works out of the station representing the interests of victims to make the presentation. He noted that Ms. Stoddard submitted the names of both detectives for the awards.

Ms. Jessica Stoddard thanked all those in attendance who came to support Det. Lupey and Det. Corcoran. She noted that she also wanted to thank PSD Spotts and Jennifer Storm for presenting the awards as well as Representatives Ron Marsico's office and Senator Teplitz's office for providing citations to Det. Lupey. She also wanted to thank the Pennsylvania Commission on Crime and Delinquency (PCCD) for selecting Det. Lupey for this award.

Ms. Stoddard noted that she is honored to be part of the nomination of these two remarkable detectives. She explained that previous to becoming an advocate for Lower Paxton Township, she had been burned by law enforcement. She noted that she and her sister had

reported a rape her sister endured at the age of 13 to a Dauphin County Police Department. She noted that the case sat in a drawer for over a year and was eventually picked up by the Dauphin County Criminal Investigation Division. She noted that she has nothing against officers and detectives that she met at Lower Paxton but she was very cautious and not only has she been overwhelmed by the incredible work ethic displayed by many of those who carry a badge here but she is astonished at the personal attention they provide to their cases to assure that justice is given to every victim that crosses their path.

Ms. Stoddard noted that two stellar examples of this are Det. Jeffrey Corcoran and Det. Autumn Lupey. She noted that Det. Corcoran exceeds the expectation of each victim that crosses his path with his kind demeanor and ability to bring humor to any situation. She noted that his approachable personality, witty mindset and enthusiasm in his work is just a small part of why victims find comfort as he leads them through the investigative and criminal justice process. She noted that she is always thrilled to receive feedback from a client noting the experience that they had with Det. Corcoran. She noted that a vital point to be made regarding Det. Corcoran's work is his uncanny ability to pick up on body language and facial expressions for both victims and suspects in order to get to the bottom of a case. She noted that his talent in reading emotion, finding fallacies, and his skill in piecing together potential motives while asking all the right questions are powerful investigative skills that lead to identifying suspects and providing victims with the results they desperately hope for. She noted that Det. Corcoran has inconceivable intellect, technical skills, and knowledge of the investigative process in Pennsylvania law. She noted that it is obvious that Det. Corcoran is a source of information for his colleagues and is quick to provide a relevant response when presented with an inquiry. She noted that it is equally true when victims' ask the tough questions resulting for most of us an experience in anxiety. She

noted that she witness this first hand when he communicates with defense and District Attorney Office's to ensure if a defendant is going to waiver a hearing, he will coordinate the information to victims in order to save them the anxiety and trauma of attending a preliminary hearing. She noted that this is just one example of his creativity and innovation in providing services and advocacy to crime victims. She noted that he has genuine empathy for victims that he assists. She noted for a child abuse investigation from last year, a minor had reported that her father has physically abused her and her brother. She noted that his efforts were greatly opposed by the mother and Det. Corcoran fought to get those children to safety and provide them with the justice they deserved. She noted that his willingness to go out of his role as a detective to advocate on their behalf is an astonishing trait that is had by few. She noted that Det. Corcoran is to be placed among the heroes in our community.

Jennifer Storm, noted that ten years ago she stood in this room advocating for the victim witness program in the Police Department. She noted that she is very glad that the Township has continued with its commitment for this program. She noted that she has worked with both amazing officers so she can personally attest to their worthiness. She proceeded to present to Det. Corcoran a certificate of recognition for his valuable contribution to Victim Services on behalf of Governor Tom Wolf. (At this time pictures were taken.)

Ms. Jessica Stoddard noted that no one expects to become a victim of crime and it takes a great deal for some victims to come forward. She noted that they are not enthused about telling a stranger about the most intimate details about the most personal and tragic moments in their life. She noted that ideas of following the investigation with the arduous criminal process and testifying in front of a room full of strangers add to anxiety that many victims experience. She noted that law enforcement maybe the furthest from the victim's mind with all these factors

playing a role. She explained that Det. Lupey truly exemplifies law enforcement playing the role of an advocate. She noted, for Det. Lupey, a case is not just the incident number in a file folder with a label, it's a mission to ensure that a victim has a voice and that the offender is not left to victimize someone else. She noted when a case is placed in Det. Lupey's hands it is enthusiastically handled with urgency and care, making contact with the victim is an utmost priority while evaluating their mindset and interest in the case. She noted that Det. Lupey thoroughly explains to victims what can be anticipated in every step of her investigation, especially after it enters the criminal justice process. She noted that her intentional mission to ensure victims are kept in the loop offers empowerment as they cross the threshold of this journey. She noted that time is by no means in Det. Lupey's vocabulary as she confirms that all I's are dotted and T's are crossed before ending her shift. She noted that the betterment of the community and Department are her focus, and it is evident in her intelligence, profound critical thinking techniques, and processes throughout her investigations that she has significant training, education and experience. She noted that Det. Lupey shows innovation and creativity in the pursuance of a case outcome. She noted with the support of her tremendous research techniques and by advocating for victims, she uses whatever means are necessary. She noted that her drive to obtain further knowledge by means of training, literature, and growing as an investigator is a testament to her dedication to the victims in need. She noted that she exemplifies outstanding service to her clients and makes unusual efforts to ensure that every need is met by partnering with Victim Witness. She noted that she will not hesitate to make time for her questions and concerns as a crime victim advocate no matter how busy she is. She noted, many times, she will drop what she is doing in order to assist and guide her in the most effective ways to advocate for a victim and provide the best of service. She noted that she values her service to work together

for a greater good. She explained that she has the upmost respect for her but mostly because she treats every case as if it victim was her own loved one. She noted that she gives her all to ensure that it will be a prosecutable case and she wants to make the world a better place in helping victims receive the justice they deserve.

Jennifer Storm noted that she is present on behalf of Governor Wolf as his appointed Victim Advocate for the Commonwealth and she proceeded to read the citation on his behalf. “To Detective Autumn Lupey, he (Governor Wolfe) is pleased to join with the Pennsylvania Commission on Crime and Delinquency’s Office of Victim Services to recognize you as a the recipient of the Governor’s Victim Service Pathfinder Award for Allied Professional. As a Detective of Lower Paxton Township Police Department, you have surpassed the call of duty to make a positive impact in the lives of your fellow citizens. I applaud your unwavering compassion and commitment to empower crime victims through the criminal justice process by providing resources and support to help individuals recover after a traumatic situation. You have embodied this honor by selfishly dedicating countless hours to your work, your Department, community, and beyond all, the benefit of your endeavors. Your caliber of character, conviction, and inner strength as well as your desire for helping others develop these qualities in themselves is impressive. You have served the Commonwealth with great distinction and I am certain you will continue to inspire others for years to come. As Governor, and on behalf of all the citizens of the Commonwealth of Pennsylvania, I commend you for your service and accomplishments. Please accept my best wishes for your continued success.”

PSD Spotts called Tim Collins from Senator Teplitz’s office to make his presentation. Mr. Collins noted on behalf of Senator Rob Teplitz and the people of the 15th Senatorial District, congratulations on your award and thank you for your service to our community.

PSD Spotts called Norm Zoumas from Representative Ron Marsico's office to make his presentation. Mr. Zoumas noted that it is his honor and privilege to be here on behalf of Representative Ron Marsico, to present to Det. Lupey this House of Representative's citation that reads as follows: " Whereas the House of Representatives of Pennsylvania takes great pleasure in recognizing those citizens who selfishly devote their lives to ensure the safety of the residents of their communities and ultimately of all the people of this great commonwealth; and whereas Detective Autumn Lupey, a member of the Lower Paxton Townships Police Department is being honored with the 2016 Governor's Victim Service Pathfinder Individual Allied Professional Award during an event which is being held on August 16; and whereas Detective Lupey has faithfully displayed great loyalty, commitment and professionalism in the performance of her duties as a member of the Lower Paxton Township Police Department since her enlistment. She serves with consummate skill, upholds the laws of the Commonwealth and serves as a role model for all those who aspire to a career in law enforcement; now therefore, the House of Representatives of the Commonwealth of Pennsylvania pays a respectful tribute to Det. Autumn Lupey upon her richly deserved recognition, notes with pride and gratitude her record of service which far exceeds those standards normally ascribed as exemplary, offers best wishes for every future success and happiness, Ronald S. Marsico, State Representative, Mike Turzai, Speaker of the House. (At this time pictures were taken.)

PSD Spotts noted that Det. Lupey and Det. Corcoran represent two of the best and the finest we have in this Police Department. He noted that the amount of talent that exists in this Police Department is overwhelming. He explained that he has been in law enforcement since 1975 and he has never seen this amount of talent in a police department in his life anywhere. He

noted that the citizens of Lower Paxton Township should be very thankful for the quality of men and women who serve as police officers in this Township.

Board Members Comments

No comments were provided.

Township Manager's Report

Mr. Wolfe noted that the last summer concert will be held on Friday, August 19th at 7 p.m. at the Heroes Grove Amphitheater in Brightbill Park. He noted that Steve Rudolph will be providing the music for the evening.

Mr. Wolfe noted on Sunday, August 28th the Police Department will conduct Minute Man Games at 9 a.m. He noted that the event will start in Brightbill Park. He explained that it is a 5 K running race with special skill events along the way. He stated if anyone is interested in something that is a little different that supports the local Police Department and presents a fun activity for a Sunday morning they should consider signing up. He noted that it is open to the residents of the Township. He noted that the entry fee is \$25; \$30 for a T-shirt if you register after August 15th. He noted for more information contact the Police Department.

OLD BUSINESS

Appointment to the Greenway Committee

Mr. Hornung explained that the Parks and Recreation Board has submitted the name of William A. Jones to fill a vacancy left as a result of a resignation on the Greenway Committee.

Mr. Crissman made a motion to appoint William A. Jones to the Greenway Committee. Mr. Hawk seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

NEW BUSINESS

Change Order No. 3 to the contract with Michael F. Ronca and Son, Inc. for the BC 4A/B/C sanitary sewer mini-basin replacement project

Mr. Wolfe noted that this change order to the contract with Michael F. Ronca and Sons, Inc is in the amount of \$54, 621.90. He explained that the change order is not for the sanitary sewer mini-basin work but for emergency services provided to the Township's Sewer Department at a time when a contractor for PPL dug a hole through the Beaver Creek Interceptor. He explained that the result of that was the discharge of sanitary sewer into Beaver Creek. He noted, for a week's period of time, the Authority had to run a bypass pump from one manhole to a second one within the area of the main interceptor until the damaged sanitary sewer main could be repair. He noted that Michael F. Ronca provided that service to the Authority at the above mentioned price. He stated that it is staff's recommendation to approve this change order.

Mr. Crissman made a motion to approve Change Order #3 to the contract with Michael F. Ronca and Sons, Inc. in the amount of \$54,621.90. Ms. Lindsey seconded the motion.

Mr. Seeds noted that Mr. Wolfe mentioned that a contractor broke a line. Mr. Wolfe answered that a contractor for PPL broke the line. Mr. Seeds questioned if we will be reimbursed for the damages. Mr. Wolfe noted that we are working through the Pennsylvania One Call Act to seek reimbursement. Mr. Hornung called for a voice vote and a unanimous vote followed.

Request for waiver of the FEMA Floodplain for 5200 Jonestown Road, Hoffman Ford Building Addition

Mr. Wolfe noted that the Township never had a request like this before. He explained that the Floodplain Ordinance provides for the Board to waive certain provisions of the Floodplain requirements. He noted that the Federal Emergency Management Agency (FEMA) designated

floodplain shown on insurance rate map for the project site encompasses a large portion of the property, far more of the property than what would actually exist within the 100-year floodplain. He noted in order to do a letter of map revision, significant engineering is required to re-determine what the floodplain should be in this location. He noted that the plan calls for an addition to an existing building, which if you stood on Jonestown Road, you would know that it is not in the floodplain. He explained, rather than performing the necessary engineering work to submit a letter of map revision, through Lower Paxton Township to FEMA, and eventually receive a letter of map revision from FEMA, the applicant is requesting that this Board waive the requirement to submit the letter of map revision. He noted that the property and the building addition, although not technically defined as outside the floodplain, is really outside the floodplain.

Mr. Wolfe noted that Attorney Esh McCombie is present to speak for the applicant.

Mr. Hornung questioned if this would change their insurance requirements. Mr. Wolfe answered that he did not know. Mr. McCombie answered that he did not know either. Ms. Lindsey noted that they will continue to pay the same premium even though they are not in a floodplain. Mr. McCombie answered that was his understanding.

Mr. Esh McCombie noted that he is an attorney with McNeas Wallace and Nurick, 100 Pine Street, Harrisburg, and with him is Robert Sandmeyer, Jr., P.L.A. from Site Design Concepts. He noted that Ryan and Todd Hoffman are also present in the audience.

Mr. McCombie noted that following this waiver request he will be presenting a land development plan for the Board's approval. He noted that there are two waivers dealing with this FEMA issue, one in the floodplain ordinance and one in the Subdivision and Land Development Ordinance (SALDO); but it is the same request. He noted that FEMA has suggested, as opposed

to going through the LOMR process which would require engineering to go off the Hoffman property in both directions of the floodplain and going on other people's property to figure out the floodplain, that we submit a No-Rise Certificate. He noted that is what the Hoffman's have provided to staff that says, the work that we are doing, stormwater, BMP's and the paving over the impervious coverage, is not going to affect the surrounding properties. He noted that is all that was needed for FEMA, and that is the request that he is making this evening. He questioned if there are any questions on the floodplain or the waiver under the SALDO as they are one in the same.

Mr. Crissman noted with the approval of this waiver, does it have any impact on Hoffman Ford or the Township, for instance, ten years from now when someone attempts to do additional work on that property. Mr. McCombie answered not that he is aware of. Mr. Wolfe answered that the floodplain will still exist where it is currently mapped, but you are waiving it for this project only, noting that the property owner and abutting property owners will still have to address the issue if there is any further development. Mr. McCombie noted if Hoffman Ford decided to make additional changes they would have to come before the Board again. Mr. Seeds noted that would be until the map was changed.

Mr. Hornung questioned Mr. Stine if there would be liability on the Township if it was to approve this and in some point in time they were flooded. He questioned if the Township would be liable since we allowed it to happen. Mr. Stine answered that the Township would not be liable.

Ms. Lindsey made a motion that we grant the request for the waiver of the FEMA Floodplain for 5200 Jonestown Road, Hoffman Ford building addition. Mr. Crissman seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Preliminary/final land development plan for
5200 Jonestown Road, Hoffman Ford Building Addition

Mr. Esh McCombie noted that the white section shown on the map is the building as it exists today. He noted that the proposed expansion is on the east side of the building, and a small area to the south and front of the building. He noted that the expansion to the east includes awnings, and an expansion of the office, bathrooms and boardroom area. He noted that expansion to the south will allow for an increase to the body shop and repair area. He noted that area that was discussed previously is an impervious one and some of the stormwater BMP's will come into that area noting that it will be paved over with asphalt.

Mr. Bob Sandmeyer, Site Design Concepts, 127 West Market Street, Suite 200, York Pennsylvania, noted that other than the floodplain waivers we also have a waiver of the sidewalk along Carolyn Street and Jaycee Avenue. He noted that second waiver is for landscaping on the property which would include street trees and any improvements such as parking lot islands and green areas. He noted that there are currently no sidewalks to join to and physically we can't put in sidewalks along Jaycee Road due to the steep slopes. He noted that the width of the right-of-ways does not allow enough room for sidewalks. He noted that the landscaping request is due to the fact that we are a commercial business that sells cars and when you put the plants, etc. it would hide his vehicles. He noted that trees bring birds and sap and that is an issue for the display of new vehicles. He noted that he would be happy to answer any questions on this.

Mr. Tim Murphy, 1524 Pine Hollow Road, noted that he is a member of the Township's Shade Tree Commission. He noted the Commission tried to enhance the appearance of our commercial properties in the Township and one of the ways we do that is by providing street trees. He noted that the Shade Tree Commission was not aware of this proposed waiver and it

may want to provide some input on this. He asked the Board to table this until the Commission had an opportunity to look at it.

Mr. Hornung requested the applicant to respond to those comments.

Mr. Meyer answered that he did not know that he had to submit to the Shade Tree Commission or we would have sent that request in. He noted that the nature of the project and the right of ways with the sewer easements that goes through the front of the property, adding trees in this area would almost be impossible and very difficult to do.

Mr. Seeds questioned if the Shade Tree Commission has taken a look at this. Mr. Wolfe answered that subdivision and land development plans are not typically provided to the Shade Tree Commission. Mr. Seeds noted that he can see why they would not want trees as they are trying to sell cars, but HRG had comments about putting some trees around the service area. He noted, in the past, we have had developers agree to plant the same number of trees that would be required in a park or some public areas. He suggested that we could discuss that. He noted that he can understand the waiver as they are in the business of selling cars; however, they could also provide a contribution towards the purchase of trees that could be planted somewhere else.

Mr. Tim Murphy noted that he appreciates those comments. He stated that developers are not required to submit a plan to the Shade Tree Commission but the Shade Tree Commission does receive plans from the Community Development Department on some projects where it is an issue, for example, the Charter School on Locust Lane. He noted that the Shade Tree Commission made some recommendations for that plan. Ms. Amanda Zerbe noted that was at the applicant's request. Mr. Murphy explained that we try to accommodate the concerns on the part of the applicant.

Mr. Seeds questioned how the Shade Tree Commission would feel in regards to discussing with Ryan and Todd Hoffman if they would agree deal with the Shade Tree Commission and plant some trees somewhere else. Mr. Murphy noted that is a possible accommodation. He noted that he can't speak for the other members, but the Commission is in the mode of being accommodative to applicants.

Mr. McCombie requested the Board and Shade Tree Commission to consider the various reasons for the waiver request noting that the section of road along Jaycee Avenue is not a visual request for the viewing of vehicles, but it is simply too steep to do anything in that location. He noted when you talk about putting trees somewhere else, there is a difference between where we need the visibility and don't want the droppings on cars versus an area where it is not physically possible.

Ms. Lindsey noted that she rode up and down Route 22 and no other businesses have trees. She stated that she disagrees with Mr. Seeds about asking them to put trees somewhere else in the Township. She noted that they are asking for a waiver not to put the trees and she does not think that we should ask them to purchase trees to put somewhere else.

Mr. Hornung questioned Mr. Stine if we can request off-site improvements like this. He noted since it does not make sense to put the trees on their existing property, can we ask them to provide trees for another property in the Township for something like a park. Mr. Stine answered that you can ask, but you can't require it.

Mr. Crissman noted if we do this what the time line for implementation by the applicant is because if it goes to the Shade Tree Commission and has to return to the Board it will be another month. Mr. Hornung agreed noting if we approve this plan today, since Todd and Ryan

are present, we might be able to resolve this with a simple handshake as to an agreement for what they may be willing to do.

Todd Hoffman, Hoffman Ford, 5200 Jonestown Road and Ryan Hoffman, same addressed, introduced themselves to the Board. Mr. Todd Hoffman noted that he would be more than happy to accommodate the request of the Shade Tree Commission and help plant trees somewhere in a park or some other public space in the Township. He noted that we believe in preserving nature and having green space. He noted that we would love to have it on our property but it doesn't make sense for the line of business that he is in.

Mr. Hornung noted that it would limit your liability with the plan. He questioned what would have been required for street trees for this plan. Mr. Sandmeyer measured the distance along Route 22 and estimated that five trees would have been planted in that area.

Mr. Murphy noted that the ordinance requires a tree at every 50 feet on the right of way. He noted whatever that works out to be would be wonderful. Mr. Sandmeyer noted that the frontage is about 500 feet. Mr. Hornung questioned Mr. Hoffman if he would be willing to plant eight trees. Mr. Murphy noted that it sounds good to him.

Mr. Seeds noted that both Mr. Hoffman's will do what they say as they are good community-minded people. He noted if they say they will work with the Shade Tree Commission they will do that. He noted that he is satisfied with that.

Mr. Hornung noted that the agreement is eight trees and the Shade Tree Commission will pick a place for those trees to be planted.

Mr. Crissman questioned if Mr. Sandmeyer was able to speak on behalf of the applicant. Mr. Sandmeyer answered yes.

Mr. Crissman questioned if Mr. Sandmeyer had the memo from Ms. Zerbe in front of him dated August 10, 2016. Mr. Sandmeyer answered yes.

Mr. Crissman noted that there are three waiver requests and he questioned Ms. Zerbe if staff supports the three waivers. Ms. Zerbe answered yes. He noted that Mr. Sandmeyer supports the three waivers as well.

Mr. Crissman noted that there is a Zoning Ordinance comment regarding the 30 foot wide pave area setback between the edge of the public street and the parking areas that is presently gravel. He questioned if he is in agreement with that. Mr. Sandmeyer answered yes.

Mr. Crissman questioned if Mr. Sandmeyer is in agreement with the one administrative comment. Mr. Sandmeyer answered yes.

Mr. Crissman questioned if Mr. Sandmeyer was in agreement with three general comments, specifically the 17 comments from HRG, in their memo dated June 17, 2016. Mr. Sandmeyer answerer that he is and the comments will be completed in a timely fashion. Mr. Crissman questioned if they have been completed. Mr. Sandmeyer answered that they have been completed but they have not been submitted to the Township Engineer.

Mr. Crissman made a motion to approve the preliminary/final subdivision plan for 5200 Jonestown Road, Hoffman Ford building with the following waivers and conditions: 1) Waiver of the requirement that sidewalk be provided along Carolyn Street and Jaycee Avenue; 2) Waiver of the requirement that a Letter of Map Revision (LOMR) will be obtained from FEMA to revise the Flood Insurance Rate Map (FIRM) for the affected floodplain area as described in the No Rise Certification Report prepared by Site Design Concepts, Inc. dated March 29, 2016 following construction and establishment of As-Built information. Please add the waiver request to the coversheet of the plan. Likewise, add a variance request for specific requirements of the Township Floodplain Ordinance to the coversheet; 3) A waiver for the requirements related to street trees, parking lot buffer yards, and site area

landscaping; 4) In regards to the Zoning Ordinance; HRG Response-Address the required 30 ft. wide paved area setback between the edge of the public street and the parking area that is presently gravel; Township Response- The Township has reviewed the applicants request and has determined that no variance requests are required under Zoning Ordinance 603.H.2. The applicant cites the gravel lot having been historically used for parking creating a pre-existing, non-conformity. Staff agrees that the lot is a pre-existing, non-conforming condition as confirmed through aerial photography dated 1993 that shows parking on that area; 5) Plan has been reviewed by the Township Fire Marshall, Fire Chief, Public Safety Unit and SCEMS. All comments have been addressed and the plan has been approved. The applicant has been provided the memo from Sgt. Waller on April 7, 2016 requiring postings of stop signs; 6) Plan approval shall be subject to addressing the one (1) comment of Tim Nolt, LPTA, email dated April 25, 2016; 7) Plan approval shall be subject to addressing all comments of Andrew Bomberger, TCRPC; 8) Plan approval shall be subject to addressing all 17 comments as stated in the memo dated June 17, 2016 from Andrew Kenworthy, HRG; and 9) After all conditions of the plan are met, the applicant will be responsible for recording the plan with the Dauphin County Recorder of Deeds, and provide the Township with two recorded copies.

Mr. Seeds seconded the motion. Mr. Hornung requested a roll call vote: Ms. Lindsey, noted that she will vote aye for the waivers that they have requested but no to having them put tree somewhere else as she thinks it is terrible that they were put on the spot tonight because they came with the waiver requests and she did not think they were prepared to say yes to purchase eight trees to be planted somewhere in the Township; Mr. Crissman, aye; Mr. Hawk, aye; Mr. Seeds, aye; and Mr. Hornung aye.

Mr. Hornung noted that it shows great community mildness and he is glad that a Lower Paxton Township business is doing so well that it needs to expand.

Preliminary/final land development plan for the Proposed
CVS Pharmacy at Jonestown Road and Devonshire Road

Ms. Zerbe noted that J.C. Bar Properties, Inc. is proposing to construct a 13,225 square foot CVS/Pharmacy on Lot 2. The 1.61-acre lot currently contains a vacant commercial store and parking area. She noted that the proposal includes the demolition of the existing vacant commercial store, construction of the CVS/Pharmacy with the installation of associated parking, utilities, landscaping and stormwater management controls necessary to support development. She explained that the site is located in the Commercial General (CG), zoning district and is served by public sewer and water supply.

Ms. Zerbe noted on July 6, 2016 the Planning Commission unanimously approved the plan. She noted that the applicant has requested the following waivers: 1) A waiver for the requirement that the proposed driveway not be located closer than 5 ft. to an existing inlet; 2) A waiver for the requirement that the amount of illumination spillover onto an adjacent commercial lot shall not exceed 0.5-foot candles; and 3) A waiver for the requirement that proposed roof drains shall not be connected directly to storm sewers. She noted that staff supports all three waivers.

Ms. Zerbe noted that Matt Chartrand from Bohler Engineering is here to represent the plan.

Mr. Matt Chartrand, Bohler Engineering, 3701 Corporate Parkway, Center Valley, Pennsylvania, noted that he is representing J. C. Bar Properties, Inc. He noted that Joel Eisenhower and Dan Wallace from J C. Bar Properties are also in the audience. He questioned if Ms. Zerbe had the overview of the site property available. Mr. Wolfe displayed that slide.

Mr. Chartrand explained that the site is located on the northeast corner of Jonestown Road and Devonshire Road. He noted that this slide shows the overall shopping center. He noted the property is the former location of Green Drop and is serviced by one driveway off of Devonshire Road as there is no inner connection between that existing lot and the remainder of the center. He noted with the redevelopment of the site, the applicants request to put in a 13,225 square foot CVS Pharmacy with all the

parking associated with it located immediately around the new building. He noted that he is also proposing to interconnect these lots as it will help to facilitate better traffic movement overall. He noted that he is proposing a new right in/right out driveway off of Devonshire Road, in lieu of what is a full access driveway for this single lot that is much closer to the intersection.

Mr. Hornung questioned if he would make the other intersection obsolete. Mr. Chartrand answered yes. He noted that driveway will be closed and he will be installing a new right in/right out driveway further from the existing driveway from the intersection.

Mr. Hornung requested Mr. Chartrand to explain the five foot waiver request. Mr. Chartrand answered that there is a requirement that the proposed driveway have an inlet within five feet of it. He noted that there are two existing inlets that are just beyond the edge of where that driveway is now. He noted that his proposal is to keep those two inlets where they are as they are fifteen feet apart but not within five feet of the driveway. He noted that the driveway makes sense where they plan to relocate it as it aligns with the central isle and with Queen Avenue, but it will be limited access for right in/right out. He noted that the driveway makes sense for where it is. Mr. Hornung noted that you should make sure that the inlets are a little lower to collect the water. Mr. Chartrand answered that they are and they are outside the area, just beyond the area of the curb return. He noted that the condition of the inlets are free and open and clearly collecting the water that runs down that side of the road.

Mr. Chartrand noted that they are proposing to landscape around the property, having rain gardens for stormwater management that will be part of the collection system for surface water as it runs off. He noted that he has submitted and it is under review with the Dauphin County Conservation District the NPDES Permit, and overall we are adding more pervious to this property than what exists there today, providing a reduction in the impervious for both lots. He suggested that it is a significant improvement.

Mr. Chartrand noted that the second waiver is about illumination spill over and in this case although there are two properties and there is a defined property line, the intention is to make it function as one center. He noted that the lighting of the CVS and the lighting of the shopping center will match when it comes to the property line. Mr. Hornung suggested that it would be dangerous if you didn't do

that. Mr. Crissman questioned if the insurance company approved this for liability purposes. Mr. Chartrand answered that both of the lots are owned by KimCo who has the overall responsibility.

Mr. Chartrand noted that the third waiver is for the requirement that the proposed roof drains not be connected to the sewers but he is asking that they be connected as he has a lot of pedestrian activity coming in and out with a potential for freezing conditions. He explained that he wants to make sure that those areas that are kept free and clear. He noted that we will be discharging to the stormwater facility on both sides and need to make sure that the water gets to where it is intended to go, provided an opportunity to infiltrate into the ground. Mr. Hornung questioned if the stormsewer that is coming off the roof of the CVS store will go into the rain garden. Mr. Chartrand answered yes. Mr. Seeds noted that it will go through some sort of detention. Mr. Chartrand explained that the rain garden will act as a catch area for the run off from the site so the parking lot runoff and roof runoff will go into one of the BMP's in order to be treated. Mr. Seeds questioned if it would go directly into a pipe and end up in the river. He noted with this system, if something would occur it would be detected before it would get to a stream. Mr. Chartrand explained that you will have a surface level treatment and any of those BMP's requires certain maintenance. He noted that we will enter into an agreement for that.

Ms. Lindsey noted that the memo from Melissa Smith from GHD states that they have not reviewed the plan for conformance for any zoning or subdivision land ordinance. Ms. Zerbe answered that she puts that in every letter.

Ms. Lindsey noted that the Dauphin County Conservation District application was incomplete and she questioned if that has been refiled. Mr. Chartrand answered that it has been refiled as they asked for additional clarification.

Mrs. Lindsey questioned if Sgt. Waller and the Fire Marshal's issues have been addressed. Mr. Chartrand answered yes. Ms. Zerbe noted that Sgt. Waller's misread the plan as he was looking at an additional parking area that was not within the CVS Lot and he was concerned that there were not enough handicap parking spaces. She noted that there are enough as he did the wrong parking count. She noted that the other issues will be satisfied.

Mr. Crissman questioned if Mr. Chartrand is able to speak on behalf of the applicant. Mr. Chartrand answered yes.

Mr. Crissman questioned if he had the same memo in front of him. Mr. Chartrand answered yes.

Mr. Crissman noted that Mr. Chartrand requested three waivers and staff supports all three.

Mr. Crissman questioned Mr. Chartrand if he had any issues with the two zoning comments and are they concluded or will be concluded in a timely fashion. Mr. Chartrand answered yes.

Mr. Crissman questioned for the six administrative comments, are they complete or will they be completed in a timely fashion. Mr. Chartrand answered that they are in process and will be completed.

Mr. Crissman questioned, for the two general comments, but specifically the sixteen comments from Andrew Kenworthy from HRG, are they complete or will be completed in a timely fashion. Mr. Chartrand answered yes.

Mr. Crissman made a motion to accept the preliminary/final land development plan for the proposed CVS Pharmacy at Jonestown Road and Devonshire Road with the following waivers and conditions: 1) A waiver for the requirement that the proposed driveway not be located closer than 5 ft. to an existing inlet; 2) A waiver for the requirement that the amount of illumination spillover onto an adjacent commercial lot shall not exceed 0.5-foot candles; and 3) A waiver for the requirement that proposed roof drains shall not be connected directly to storm sewers. (Staff supports all three waivers); 4) Add detectable warning surfaces on the plan along the sidewalk, which accesses the passenger loading areas and at the crosswalk that accesses the sidewalk along S.R. 022; 5) The revised paved area setback was erroneously changed to 30 ft. from 40 ft. on Lot 1 in addition to correctly revising it to 30 ft. on Lot 2 in the resubmission. Please reconcile such that the paved area setback is shown as 30 ft. on Lot 2 and 40 ft. on Lot 1; 6) The plan has been reviewed by the Township Fire Marshall, Fire Chief, Public Safety Unit and SCEMS. Plan approval shall be subject to addressing all comments of the Township Fire Marshall and Sgt. Waller; 7) The plan was approved by Melissa Tomich Smith, GHD, for the Lower Paxton Township Authority in a letter dated July 5, 2016; 8) A sign permit shall be required for all signage; 9) Upon approval, provide an electronic file of the complete plan set and any other technical plans on a

compact disk (CD) in accordance with Section 180-308; 10) The applicant shall pay all required fees prior to recording the plan; 11) The applicant shall provide an improvement guarantee estimate; 12) Plan approval shall be subject to addressing all comments of Andrew Bomberger, TCRPC; 13) Plan approval shall be subject to addressing all 16 comments as stated in the memo dated June 17, 2016 from Andrew Kenworthy, HRG; and 14) After all conditions of the plan are met, the applicant will be responsible for recording the plan with the Dauphin County Recorder of Deeds, and provide the Township with two recorded copies. Mr. Hawk seconded the vote. Mr. Hornung called for a roll call vote: Ms. Lindsey, aye; Mr. Crissman, aye; Mr. Hawk, aye; Mr. Seeds, aye; and Mr. Hornung, aye.

Final subdivision plan for Amber Fields, Phase 8A

Ms. Zerbe noted that the Township has received a plan for the Phase 8A portion of Amber Fields Development. She noted that it consists of seventeen (17) single family dwelling lots and an add-on to lot #56 that will change the lot from .48 acres to .61 acres. She noted that the total tract size is 14.246 acres, and is zoned R-C, Residential Cluster. Ms. Zerbe noted that the lots will be served by public sewer and public water.

Ms. Zerbe noted that the plan was unanimously approved by the Planning Commission at its August 3, 2016 meeting.

Ms. Zerbe noted that Tim Mellott of Mellott Engineering is present to represent the plan.

Mr. Tim Mellott of Mellott Engineering noted that this is Phase 8A, the 7th phase as they switch the numbers for where they wanted to go, so it is the 7th Phase of the Amber Fields development. He noted that no waivers are requested with the plan.

Mr. Crissman questioned if Mr. Mellott has the memo in front of him. Mr. Mellott answered yes.

Mr. Crissman questioned if Mr. Mellott has accepted the ten general conditions, specifically number ten that includes the nine comments from Jason Heinz from HRG on his memo dated July 21, 2016. Mr. Mellott answered yes.

Mr. Crissman made a motion to approve the Final Subdivision Plan for Amber Fields Phase 8A with the following conditions: 1) All conditions of the preliminary plan shall be complied with; 2) Provide an Operations and Maintenance Agreement (O&M) from Appendix; 3) Plan approval shall be subject to payment of recreational fee in lieu of \$662 per lot for seventeen (17) newly created building lots; 4) Plan approval shall be subject to providing original seals and signatures; 5) Plan approval shall be subject to the payment of engineering review fees; 6) Plan approval shall be subject to the establishment of an 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 approval by Andrew Bomberger, TCRPC; 9) Plan approval shall be subject to Lower Paxton Township Sewer Department's review by Melissa Tomich Smith, GHD, dated July 21, 2016; and 10) Plan approval shall be subject to addressing the nine (9) comments of Jason Hinz, HRG, memo dated July 21, 2016. Ms. Lindsey seconded the motion. Mr. Hornung called for a roll call vote: Ms. Lindsey, aye; Mr. Crissman, aye; Mr. Hawk, aye; Mr. Seeds, aye; and Mr. Hornung, aye.

Preliminary/final subdivision plan for Commerce
Drive Dauphin LP, 2800 Commerce Drive

Ms. Zerbe noted that the Preliminary/Final Subdivision Plan for 2800 Commerce Drive proposes to subdivide an 18.788-acre lot situated in Susquehanna and Lower Paxton Townships into two lots. She noted that there is no development or new roads proposed as part of this plan and no utility extensions. She explained that the proposed site plan will divide the existing lot of 18.788 acres into Lot 1 which is located in Susquehanna Township and partially in Lower Paxton Township. She noted that Lot 1 will

consist of 12.150 acres and Lot 2 in Susquehanna Township that will consist of 6.638 acres. She noted that the impervious coverage of the site will not increase with this plan. She noted that the portion of the property in Lower Paxton Township is located within the Business Campus (BC) Zoning District and is served by existing public water and existing sewer.

Ms. Zerbe noted on August 3, 2016, the Planning Commission unanimously voted to approve the plan.

Ms. Zerbe noted that no waivers were requested for this plan and Brett Saipan from Skelly and Loy is present to represent the plan.

Mr. Brett Saipan noted that he is with Skelly and Loy, 449 Eisenhower Boulevard, Harrisburg, Pennsylvania, 17111.

Mr. Saipan noted that the eastern right portion of the lot is the Lower Paxton Township side of the bold line and the western portion is in Susquehanna Township. He noted that there is an existing building on the Susquehanna Lot 1 which is in both Townships and it contains an existing building in Susquehanna Township with parking in Lower Paxton Township that was built back in 1998. He noted in 2008, there was a proposed building on the western end of this site in Susquehanna Township having an approved land development plan but they never constructed it. He noted that the owner would like to subdivide that portion off and sell the portion in Susquehanna Township for someone else to build the building and parking. He noted that he is only seeking approval for the subdivision plan as there is no proposed improvements at this time. He noted that there are no waiver requests with this plan.

Mr. Hornung noted with the subdivision and lopping off the one section, will you still be in compliance with all the other impervious coverage on the existing lot. Mr. Saipan answered Lot 1 which is in both Townships and Lot 2 in Susquehanna Township, the site analysis data is contained in the sheets which shows that it is well within the coverage requirements. He noted

that there is plenty of land to the north of the building that goes down the embankment to the creek, with plenty of greenspace. He noted that it meets the parking requirements, coverage requirements, lot width etc.

Mr. Crissman questioned if Mr. Saipan is able to speak on behalf of the applicant. Mr. Saipan answered yes.

Mr. Crissman questioned if Mr. Saipan can meet the six administrative comments in a timely fashion. Mr. Saipan answered yes.

Mr. Crissman questioned if Mr. Saipan can meet the two general comments in a timely fashion especially the letter dated July 25, 2016 from Jason Heinz from HRG with their two comments. Mr. Saipan answered yes.

Mr. Crissman made a motion to approve the preliminary/final land development plan for Commerce Drive, Dauphin LP, 2800 Commerce Drive with the following comments: 1) A Sign Permit will be required for the change in signage; 2) Upon approval, provide an electronic file of the complete plan set and any other technical plans on a compact disk (CD) in accordance with Section 180-308; 3) The plan has been reviewed and approved by the Township Fire Marshall, SCEMS, Fire Chief and Public Safety Unit; 4) The applicant shall pay all required fees prior to recording the plan; 5) The Shade Tree Commission has reviewed the request of the applicant to allow the substantial amount of trees that currently exist along the street and parking area/building to satisfy the requirement of street trees. The Shade Tree Commission conducted a site visit and made a determination that there are trees located on the property are sufficient to satisfy the ordinance. Furthermore, Mr. Lacasse feels planting additional trees in the area would serve no purpose and be prohibited by underground utilities; 6) Lower Paxton Township Authority has reviewed and approved the plan; 7) Plan approval shall be subject to addressing all

comments of Andrew Bomberger, TCRPC; 8) Plan approval shall be subject to addressing the two comments of Jason Hinz, HRG, Inc. letter dated July 25, 2016; and 9) After all conditions of the plan are met, the applicant will be responsible for recording the plan with the Dauphin County Recorder of Deeds, and provide the Township with two recorded copies. Mr. Seeds seconded the motion. Mr. Hornung called for a roll call vote: Ms. Lindsey, aye; Mr. Crissman, aye; Mr. Hawk, aye; Mr. Seeds, aye; and Mr. Hornung, aye.

Improvement Guarantee

Mr. Hornung noted there were five Improvement Guarantees and two Stormwater Guarantees.

The Estates of Autumn Oaks, Phase I-VII

A reduction of a letter of credit with Susquehanna Bank, in the amount of \$21,732.57 with an expiration date of August 16, 2107.

Amesbury

An extension and 10% increase in a bond with Liberty Mutual Insurance Company, in the amount of \$69,251.93 with an expiration date of August 16, 2107.

Autumn Ridge, Phases II & III

An extension of a letter of credit with Fulton Bank, in the amount of \$98,066.90 with an expiration date of August 16, 2107. (Under Inspection.)

Amber Fields, Phase V

A reduction of a letter of credit with Mid Penn Bank, in the amount of \$7,366.29 with an expiration date of May 3, 2107.

Old Iron Estates, Phases I, III, & IV

An extension of a letter of credit with Centric Bank, in the amount of \$41,111.20 with an expiration date of August 16, 2107. (Under Inspection.)

Stormwater Guarantee

1078 Twin Lakes Drive – Jeremy Shyk

A new escrow with Lower Paxton Township in the amount of \$5,000 with an expiration date of August 16, 2017.

1078 Twin Lakes Drive – Jeremy Shyk

A release of an escrow with Lower Paxton Township in the amount of \$1,000.

Mr. Hornung questioned why there is a stormwater guarantee for a new one and a release for the same person. Mr. Wolfe answered that they are two different projects as one is for a swimming pool and one is for a new addition.

Mr. Crissman made a motion to approve the five Improvement Guarantees and two Stormwater Guarantees. Ms. Lindsey seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township, Lower Paxton Township Authority, and payroll checks. Mr. Crissman seconded the motion. Mr. Hornung called for a voice vote, and a unanimous vote followed.

Announcements

Mr. Hornung noted that prior to and following this meeting the Board met to receive information from the Township Manager.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting;
Mr. Hawk seconded the motion. The meeting adjourned at 8:48 p. m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

William B. Hawk
Township Secretary