

**LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD**

Meeting of February 25, 2010

Members in Attendance

Jeffrey Staub, Chairman  
Sara Jane Cate, Vice Chairperson  
David Dowling  
Richard Freeburn

Also in Attendance

Dianne Moran, Planning & Zoning Officer  
James Turner, Solicitor

**Docket #1273**

Applicant: Carol Bretz Bartoski, for Viola Bretz  
Address: 127 Old Ford Drive, Camp Hill, PA 17011  
Property: 418 & 420 Trudy Road  
Interpretation: Minimum lot area is 20,000 square feet.  
Proposed lot sizes: 12,017.50 and 13,282.50  
Grounds: Section 307.A, of the Lower Paxton Township Zoning Ordinance pertains to this application.  
Fees Paid: January 19, 2010  
Property Posted: February 16, 2010  
Advertisement: Appeared in The Paxton Herald on February 10 & 17, 2010  
The hearing began at 7:00 pm.

Mr. Staub stated it is customary for the Board to enter as exhibits the application and site plans. The applicants had no objection to its doing so.

The following were sworn in: John Melham, President of Melham Associates, North Front Street; and Dianne Moran, Planning & Zoning Officer.

Mr. Melham introduced Viola Bretz, the owner of the properties, Viola's daughter Carol and Carol's husband, and Ken Bretz.

Mr. Melham stated that Ms. Bretz owns and resides at 420 Trudy Road. She also owns 418 Trudy Road. Her home was built around 1962, and each lot complied with the R-1 requirements in place at the time. The house was inadvertently built slightly over the line between the two lots. He stated that it was brought to the attention of the Township a long time ago and it was not a concern. The two lots are on two separate tax bills, so legally she could sell the lots separately as is. The purpose in coming to the Zoning Hearing Board is to rectify the situation by moving the common lot line enough to make the house comply with the 15-foot side yard setback. They cannot comply with the minimum lot size requirement.

Mr. Melham presented an aerial photograph showing the two lots and surrounding subdivision. The subject lots are marked as Lot 110 (420 Trudy Rd) and Lot 123 (418 Trudy Rd.) The subdivision was built and occupied sometime prior to 1970, well before the current zoning requirements were established in 1989.

The tax map with the aerial overlay shows the lots as they exist, and the proposed correction. When the lots are corrected, the frontage of 420 Trudy Road will change from 100 feet to 115.5 feet, and the frontage of 418 Trudy Road will change from 120 feet to 104.5 feet. Each lot conforms or exceeds the average of the surrounding development. This proposed change will not have any impact on the neighborhood. The proposed change will allow the vacant lot at 418 Trudy Road to be sold without any encumbrance.

Mr. Freeburn stated the request seems reasonable. Ms. Cate agreed.

Mr. Staub asked if the vacant lot is buildable as it exists without the variance. Ms. Moran answered yes.

Mr. Turner asked if the building envelope has been reviewed on 418 Trudy Road, and if it is adequate to build a single family dwelling similar to the homes in the area. Mr. Melham directed the Board to the proposed subdivision plan which shows the building envelope including the setbacks. A new home could be built that would be 78-80 feet long, which is more than adequate.

There was no comment from the audience.

The Township had no position on the application.

Mr. Turner marked the plot plan/tax map as Applicant's Exhibit 1.

Ms. Cate made a motion to grant the application as submitted. Mr. Freeburn seconded the motion and a roll call vote followed: Mr. Freeburn-Aye; Mr. Dowling-Aye; Ms. Cate-Aye, and Mr. Staub-Aye.

The variance was granted and the hearing ended at 7:15 pm.

**Docket #1274**

Applicant: Daniel Schiavoni  
Address: 2401 N. Front Street, Harrisburg, PA 17110  
Property: 6690 Linglestown Road  
Interpretation: Minimum lot width measured at the building setback line is 140 feet.  
Grounds: Section 307.A, of the Lower Paxton Township Zoning Ordinance pertains to this application.  
Fees Paid: January 21, 2010  
Property Posted: February 16, 2010  
Advertisement: Appeared in The Paxton Herald on February 10 & 17, 2010  
The hearing began at 7:16 pm.

Mr. Staub stated it is customary for the Board to enter as exhibits the application and site plans. The applicant had no objection to its doing so.

The following were sworn in: Matthew Witters, H. Edward Black & Associates, 2403 N. Front Street, Harrisburg; and Dianne Moran, Planning & Zoning Officer.

Mr. Witters introduced Chris Black also from H. Edward Black & Associates, and Dan Schiavoni, property owner. He presented a color rendering of the plans submitted to the Board prior to the hearing. Mr. Turner marked the plan as Applicant's Exhibit 1. Mr. Turner asked if color is the only difference between the plans submitted and the one being shown on the easel. Mr. Witters stated the only additional change is the layout of the driveway which services the rear lot. The proposed property lines have not changed.

Mr. Witters stated the site is located at 6690 Linglestown Road. It is on the north side of the road across from Sasha's restaurant. It is currently the home of Walter's Tractor Service. The lot is 7.2 acres in size. The front lot will continue to be Walter's, and the two to the rear will be developed as single-family residential lots with a shared driveway. All three lots meet the minimum area requirements.

The only variance is for minimum lot width. The minimum lot width is measured at the minimum setback line of 40 feet. If it were measured at the proposed building setback line, it would comply.

Mr. Dowling asked the zoning of the property. Mr. Witters stated it is zoned AR, Agricultural Residential District.

Mr. Freeburn stated there have been similar cases over the years, none of which were any major problem.

Mr. Dowling asked about the reconfiguration of the driveway. Mr. Witters explained that they can minimize the disturbance of the wetlands by moving the driveway to the east towards the center of the site.

Ms. Cate asked about the tractor place. Mr. Witters stated that Walter's will remain where it is. He noted that they will make some of the gravel areas smaller to meet the minimum requirements for impervious coverage.

Mr. Dowling asked about the topography of the lots. Mr. Witters stated it slopes down towards the wetlands and then back up again as you travel north.

Mr. Staub asked about public sewer service, and suggested that the closest public sewer is on Parkway East. Mr. Witters agreed that is correct, and noted they are investigating a low-pressure small diameter forced main which will be fed by three grinder pump systems. The laterals are shown on the plan and there is a forced main that will run down the north shoulder of Linglestown Road to Parkway East. They are working on the permit application for PennDOT, and coordinating with the Township Authority.

Mr. Staub asked if Mr. Weaver is aware of the proposal. Ms. Moran answered that he is. Mr. Staub asked if Mr. Weaver offered any comments about it. Ms. Moran stated that Mr. Weaver indicated he wants to look at the design of it at the subdivision stage of the process to determine if anyone else may benefit from the extension. Mr. Staub asked if the developer is unsuccessful with DEP or PennDOT or the Authority, if the lots are large enough to support an on-lot septic system. Ms. Moran stated they are large enough.

Mr. Staub asked if it is possible to reconfigure the lots to meet the required lot width. Mr. Witters stated it is possible, but they would have to reconfigure the front lot. Mr. Staub stated they have granted variances for one additional lot in the rear, but couldn't recall if there have been any for more than one. The other Board members thought there was at least one other request similar to this one.

Mr. Witters stated Mr. Schiavoni will develop the rear lot for his own use, and keep the middle lot for his son.

Mr. Staub asked if there are improvements planned for Walter's, such as general housekeeping.

Daniel Schiavoni, 2401 N. Front Street, or 1372 N. View Lane, Harrisburg, PA, was sworn in.

Mr. Schiavoni stated he bought the property when Walter was in financial trouble, with the intention of cleaning it up when spring came. Walter was unable to do that before, but Mr. Schiavoni does not want to live behind it as it looks now. Mr. Staub agreed that was good news.

Mr. Schiavoni stated he will macadam the driveway a couple hundred feet to where it splits. He would also like to macadam the area on the east side of Walter's, plant trees and clean up the site.

Mr. Staub asked if Mr. Schiavoni is the current owner. Mr. Schiavoni answered yes.

Mr. Staub called for comments from the audience.

Mike Swank, 6720 Linglestown Road, was sworn in. Mr. Swank asked how the sewer line would affect him. Mr. Witters stated Mr. Swank could hook on, but would not be required to. Mr. Swank stated he does not have any problems with the application since the owner will be living in the back. He was glad to hear that Walter's would be cleaned up, and that there would not be a bunch of homes built.

The Township had no position on the application.

Mr. Freeburn made a motion to grant the variance as submitted. Mr. Dowling seconded the motion and a roll call vote followed: Mr. Freeburn-Aye; Mr. Dowling-Aye; Ms. Cate-Aye; and Mr. Staub-Aye.

The hearing ended at 7:35 pm.

**Docket #1275**

Applicant: The Point Associates, LP  
Address: 3307 Trindle Road, Camp Hill, PA 17011  
Property: 35-074-040, Union Deposit Road, Point Shopping Center  
Interpretation: Moving a sign abandons its preexisting nonconforming status.  
The applicant proposes to relocate an existing freestanding sign for AC Moore approximately 150 feet to AC Moore's new location.  
Ground signs are permitted one square foot for each four feet of frontage within a planned center, in no case shall a planned center sign exceed 100 square feet. One planned center sign is permitted per frontage.  
The property has four frontages, and seven freestanding signs.  
Grounds: Sections 713.A, and 714.A, of the Lower Paxton Township Zoning Ordinance pertains to this application.  
Fees Paid: January 27, 2010  
Property Posted: February 16, 2010  
Advertisement: Appeared in The Paxton Herald on February 10 & 17, 2010  
The hearing began at 7:37 pm.

Mr. Staub stated it is customary for the Board to enter as exhibits the application and site plans. The applicants had no objection to its doing so.

Mr. Staub asked if the reason for the application is that they propose to move the sign, so they will lose the nonconforming status. Ms. Moran stated that is correct. He asked if they would still need a variance if they opted for changing the freestanding sign to a wall sign. Ms. Moran stated they would need a variance to be allowed a second wall sign for that suite.

The following were sworn in: Tom Richey, 3307 Trindle Road, Camp Hill, PA; and Dianne Moran, Planning & Zoning Officer. Mr. Richey stated he is President of Development and Construction, for Cedar Shopping Centers, the parent company which owns The Point Associates. He has been with them for twelve and a half years. Mr. Ron Lucas was present on behalf of the applicant.

Mr. Richey explained he is very familiar with the Point Shopping Center. In 1999/2000, they undertook an extensive reconfiguration of the shopping center. It was retenanted with Giant and Staples at that time. The parking lot layout and lighting were reconfigured at that time as well. The entrance at East Park Drive was signalized during this time.

Mr. Richey explained the drawing and the location of the existing stores, including the AC Moore store.

Mr. Lucas asked about Giant's interest in expanding. Mr. Richey stated that Giant has been very successful at this location, but it is only 55,000 square feet. Since 2005, Cedar Shopping Centers has been in discussions with Giant on how to affect that expansion. The current prototype for Giant Stores is 73,000 square feet. The square footage of the store in Colonial Commons is between 65,000 and 70,000. The store on Linglestown Road is 98,000 square feet, so it is not a good comparison.

Mr. Richey stated they had to remove Fashion Bug, and renew and relocate the AC Moore store. Mr. Lucas asked Mr. Richey what would happen if Giant could not have any additional space for expansion. Mr. Richey stated they may look elsewhere.

Mr. Richey explained they propose to tear down the existing AC Moore building, and expand the Giant into the new construction. There would be a new building about 60 feet wide and 6,000 square feet, which Fashion Bug has the right of first refusal.

Mr. Richey stated that AC Moore has a sign that faces the highway, which has been there since the building was built in the 1970's. It was originally the Thrift Drug Store.

Mr. Lucas asked about the importance of the sign that faces the highway for AC Moore. Mr. Richey stated every sign is important to a retailer, but this one is especially important because of the orientation of the shopping center, and for the fact that AC Moore signage is not located on any of the other pylon signs. There is no room for AC Moore on the other pylons. As a part of the negotiations, AC Moore asked for a guarantee that the sign can be relocated. He explained to them that he was in no position to do so, but would put his best effort forth.

Mr. Lucas asked about the relocation of the sign. Mr. Richey stated they propose to physically relocate the sign and poles. The size of the sign will not change. The sign panel may be upgraded, and the sign poles may need to be rehabilitated. The poles are intended to be the same color of the building so they are unnoticeable.

Mr. Lucas asked about the turnover of tenants. Mr. Richey stated there are three vacancies (Readings & Greetings, Family Restaurant, and Skate Shop). Fashion Bug has occupied the Thrift Drug building, but only the front of it. The rear of the space was vacant.

Mr. Lucas asked about the affect of the expansion of Giant. Mr. Richey stated it will enhance the center and attract new tenants.

Mr. Lucas asked about the existing wall sign on the front of AC Moore. Mr. Richey stated that in 1999/2000, the AC Moore sign was relocated, and it is rather large and nonconforming. That sign will be scrapped, and the new sign will be in conformance with the sign regulations. The sign will be reduced in size. Over the years, as

opportunities present themselves, they are trying to get the center closer to compliance. Prior to the 1999 renovations, there was over 3,600 square feet of signs, and they are down to about 2,900 square feet.

Mr. Lucas asked about the number of signs. Mr. Richey stated that, depending on how you count the signs, there are seven freestanding signs.

Mr. Lucas stated that the only issue is moving the sign. Mr. Richey stated that is correct, and they are reducing the area of the wall sign.

Mr. Richey stated that the relocation will not change the character of the neighborhood.

Mr. Staub asked about the other freestanding signs, and the lack of space for AC Moore. Mr. Richey stated there is one empty panel at the entrance off of Union Deposit Road, which Fashion Bug was on. Since Fashion Bug may come back into the new construction, the space on the sign is unavailable. There is one panel at the top of the multi-tenant sign behind the Dollar Tree. Burlington Coat Factory owns the rights to that sign since 1999. Burlington has chosen not to utilize the space, but has also refused to give it back to the center.

Mr. Staub suggested it might be more useful to have a freestanding sign along Union Deposit Road instead of I-83. Mr. Richey stated that national retailers in general very much enjoy signage. Everyone who already shops AC Moore knows where it is, and the sign along the highway is viewed by the 10,000 cars that pass by. That is more valuable to a retailer. Mr. Lucas stated that Giant also has a sign to the rear. Mr. Richey stated that Wine & Spirits has a sign that faces the highway, but after the recent robbery, they have covered it up. They do not feel the extra advertising is a benefit.

Mr. Staub noted that a number of variances have been granted for this center over the years, and he asked if there was an overall variance governing the whole center. Mr. Turner stated there is not any comprehensive master variance, such as was done for Colonial Commons; each of these are on a case by case basis.

Mr. Turner stated the existing AC Moore sign appears to protrude above the roof line of the building. He asked if the relocated sign will be below the roof line of the new building. Mr. Richey stated the new AC Moore structure is taller, but the sign will still protrude slightly above, but not as much as it does currently.

Mr. Staub called for comments from the audience. There was none.

The Township had no position on the application.

Mr. Freeburn made a motion to grant the variance as submitted. Mr. Dowling seconded the motion and a roll call vote followed: Mr. Freeburn-Aye; Mr. Dowling-Aye; Ms. Cate-Aye; and Mr. Staub-Aye.

The hearing ended at 8:01 pm.

Respectfully Submitted,

Michelle Hiner  
Recording Secretary