

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of July 24, 2008

Members in Attendance

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

Also in Attendance

James Turner, Solicitor
Dianne Moran, Planning & Zoning Officer

Docket # 1247 Continuation Hearing

Applicant: Sears Express/Valvoline

Address: 3499 Blazer Parkway, Lexington, KY 40609

Property: 4600 Jonestown Road
35-

Interpretation: Maximum number of wall signs for a single tenant in a planned center is 2.
Applicant proposes 3.
Maximum area of a wall sign is 32 square feet.
Applicant proposes 45 square feet.

Grounds: Section 714.A, of the Lower Paxton Township Codified Ordinances pertains to this application.

Ms. Cate 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: Dianne Moran, Planning & Zoning Officer; and Sam Chambers, Riptide Property Maintenance Company, 1180 South Cameron Street, Harrisburg, PA.

Ms. Moran testified that appropriate fees were paid on May 29, 2008. Advertisements were made in The Paxton Herald on July 9 and 16, 2008. The property was posted on July 15, 2008. Ordinance Section 714.A, Signs for a Planned Center, applies to this hearing. That section states that a single tenant in a building in a planned center may have a maximum of two wall signs, at 32 square feet each. The applicant is proposing a sign at 45 square feet, that exceeds the allowable size and number.

Mr. Chambers stated he was contacted by Fairmont Signs to install the sign at Sears. Part of the package is the removal of the awning that says Jiffy Lube. Something new was supposed to go up in its place. The 3x15 sign is supposed to go over two of the bay doors. That sign is pan faced, and back lit. He was also contracted to remove the old Jiffy Lube sign on the pillar.

Mr. Chambers suggested the plans may have changed because he noticed that they did not remove the Jiffy Lube awning, but they have either put up a new one or painted the old one blue. They have also hung a plastic banner from the awning that says they sell Valvoline oil and not Jiffy Lube.

Ms. Cate stated there are signs over some of the bay doors, "drive in express". Mr. Chambers offered to answer questions.

Mr. Sirb stated that the written testimony from Jeffrey Herman states that there are two signs on the building, the "Sears Auto", and the small signs over the bay doors. Mr. Sirb asked if a third wall sign is what is proposed. Mr. Chambers is only familiar with the one sign he is contracted to put up.

Ms. Moran directed the Board to the pictures in the packet, noting the large "Sears Auto", "Drive In Express", and some sort of banner that appears to be of a permanent nature, even though there is no permit on file.

Mr. Sirb asked about the pole sign. Ms. Moran stated that is not part of this application, which only has to do with wall signage.

Ms. Cate stated there are two "Drive In Express" signs.

Ms. Moran stated the banner is not included in the packet, but it has been up for years, and should be removed.

Mr. Sirb stated that the proposed sign would be the fourth wall sign. Ms. Moran agreed. Ms. Cate suggested the proposed sign would be the fifth since there are two signs over the bays. Ms. Moran stated she only saw one sign over a bay door. Ms. Cate stated she saw two. Ms. Moran then agreed that if there are in fact two over the bay doors, then the proposed sign would be the fifth.

Ms. Cate stated that the plans show one, but there are two, and she asked Mr. Chambers if that was correct. Mr. Chambers did not know.

Ms. Moran directed the Board to page 2 and photo 9. There appears to be one bay door with a sign. Ms. Cate stated there are two.

Mr. Sirb stated that if there two signs over the bay doors, and the large Sears Auto sign, the unknown banner on the west side of the building, there are four existing wall signs.

Ms. Moran stated she found a big BF Goodrich sign on the front of the building. Mr. Freeburn asked if that was in the window. Ms. Moran stated it is on the wall.

Mr. Freeburn asked if one wall sign is permitted. Ms. Moran testified that a single tenant in a planned center is allowed two wall signs, each may be 32 square feet. Mr. Freeburn asked if it matters if they are on the same wall or not. Ms. Moran answered no.

Mr. Sirb asked about the awning that used to say Jiffy Lube. Mr. Chambers stated he originally had asked Sears if they could replace that, but since has seen that they either painted it blue with no letters, or they replaced it. There is a plastic banner below the awning. He assumed that they are using the banner until they get a permanent sign in place.

Ms. Cate asked if the Jiffy Lube "J" sign on the pole will be removed. Mr. Chambers stated that he has been contracted to remove that.

Ms. Cate asked for comments from the audience. There was none.

Ms. Cate asked for the Township's position. Ms. Moran stated she had no position on the application.

Mr. Sirb asked the size of the proposed sign. Mr. Chambers stated the new sign is three feet high by fifteen feet long. Ms. Cate asked the location. Mr. Chambers stated that it will be to the right of where the canopy is.

Mr. Sirb stated that Sears' dilemma is that they have to advertise Sears, BF Goodrich, and now Valvoline. He didn't think six signs were needed, but a sign for each may be appropriate. Mr. Sirb would agree to grant a variance for a third sign, but that is it. Ms. Cate stated they already have five. Mr. Sirb stated that some signs would have to come down to get the variance.

Mr. Freeburn had a problem with the guessing that is taking place. Nobody seems to have a definitive answer to what is on site or what is proposed. He suggested that the applicant come back with an inventory of the signs existing, in order to make an informed decision on the variance. Mr. Sirb stated he didn't care what is there now, if he wants the variance, he can have a third sign and the applicant has to decide which come down so that there are only three. Ms. Cate stated it is necessary to know the sizes. Mr. Freeburn stated there is varying testimony about the bay signs, and it is very confusing.

Ms. Moran stated she went through the files, looking for the sizes of the signs, since that information was not provided. There are no sign permits on file.

Mr. Freeburn suggested that if the variance is granted, the existing signs that remain should be permitted so there is a record. Ms. Moran asked that the applicant provide that information, as well as decide which signs will remain.

Mr. Chambers was agreeable to continuing the hearing. He will present that to his client who can forward the information to Sears.

Mr. Dowling made a motion to continue the hearing, and requested the applicant provide a list of all existing wall signage including a picture of each, description of each, location in relation to the building, and the dimensions of each sign. He also requested picture of the west wall and a picture of the south wall. Mr. Sirb seconded the motion and a roll call vote followed: Mr. Hansen-Aye; Mr. Freeburn-Aye; Mr. Sirb-Aye, Ms. Cate-Aye.

The hearing ended at 7:29 pm.

**Special Exception
#08-02**

Applicant: Southcentral Emergency Medical Services, Inc.

Address: 8065 Allentown Boulevard, Harrisburg, PA

Property: 1001 Peiffers Lane
35-

Interpretation: An emergency service station is a special exception use in the CG, Commercial General District. The applicant proposes an emergency service station at 1001 Peiffers Lane.

Grounds: Article 306.B.2.C, of the Lower Paxton Township Codified Ordinances pertains to this application.

The hearing began at 7:30 pm.

Ms. Cate 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: Dianne Moran, Planning & Zoning Officer; and Barry Calhoun, Chief Executive Officer of Southcentral Emergency Medical Services, Inc. (SCEMS), 8065 Allentown Boulevard, Harrisburg, PA.

Ms. Moran testified that appropriate fees were paid on June 25, 2008. Advertisements were made in The Paxton Herald on July 9 and 16, 2008. The property was posted on July 15, 2008. Article 306.B.2.C, Special Exception, applies to this hearing. That section states that an emergency service station is a special exception use in the CG, Commercial General District. The applicant proposes an emergency service station at 1001 Peiffers Lane.

Mr. Sirb asked if this proposal is a second station for SCEMS. Mr. Calhoun stated that is correct.

Mr. Sirb asked if the station is allowed in that area. Ms. Moran stated it is only permitted as a special exception, which could be granted by the Zoning Hearing Board.

Mr. Sirb stated that parking seems to be an issue. Mr. Calhoun stated that the building is on the property of Nick Evanoff, the roofing company. There are 24 parking spaces, of which 6-7 are used daily by Evanoff. There are seven additional spaces in front of the Evanoff office.

Mr. Sirb asked if SCEMS will rent the building. Mr. Calhoun answered yes. Mr. Sirb asked if the lease agreement includes the use of all of these spaces. Mr. Calhoun stated no, because he only needs two. Mr. Sirb asked for an explanation. Mr. Calhoun stated that two employees will need a place to park. Mr. Sirb asked if there are two full time employees. Mr. Calhoun stated that is correct.

Mr. Freeburn asked about sirens. Mr. Calhoun stated they will not use them until they reach a main road. That is how they operate at the station on Poplar Street. By law, they must use them when they get to the main intersection.

Mr. Freeburn asked about the proposed location as it relates to the existing location. Mr. Calhoun stated it takes 8-10 minutes to respond from the current location to the new location.

Mr. Freeburn asked if most calls are directed to the Osteopathic Hospital. Mr. Calhoun stated it is the discretion of the patient where they want to go, unless it is trauma, which goes to Hershey.

Mr. Freeburn asked if the new location will allow for swifter response. Mr. Calhoun answered absolutely. He further stated that this area of the Township is a high-call-volume area, because of the nursing home, traffic, the interstate et cetera. Union Deposit Road itself is a high call area.

Mr. Freeburn asked how the proposed location will benefit the community versus the existing location. Mr. Calhoun stated that they will not close the existing location. Mr. Freeburn asked if they will each serve a different territory. Mr. Calhoun stated that during the day, there are three ambulances in Lower Paxton Township. Mr. Sirb asked which ones will be at which station. Mr. Calhoun stated there will be one at each. When those are both busy, one ambulance from West Hanover Township will move into Lower Paxton Township. Lower Paxton has 56% of the call volume, so it is likely that the next call will be in Lower Paxton Township. Sometimes the third ambulance will only move in half way, in case there is a call in the Hanovers. Regardless of which station the unit is housed in, the closest unit will respond to a call. If that unit is busy, the call will go to the next closest unit.

Mr. Calhoun stated the second station is to better serve the community. It has been in the planning stages for years.

Mr. Freeburn asked if the station will serve non-emergency transports as well. Mr. Calhoun stated that non-emergency transportation is provided by other types of vehicles; ambulances are for emergencies.

Mr. Freeburn noted that another ambulance service was before the Board a short time ago, but they only do non-emergency transportation. Mr. Turner noted that Mr. Calhoun was present for that hearing, in opposition to that applicant. Mr. Freeburn stated

that other applicant only does non-emergency transportation. Mr. Calhoun agreed that is what they do, however, SCEMS provides both.

Ms. Cate asked about the location of the proposed garage for the ambulance. Mr. Calhoun stated that the statement about the garage is only something they want to do, but they have no plans to do that at this time. He further noted that since this is temporary, they may only build a roof over the ambulance. Ms. Cate asked the location. Mr. Calhoun stated it depends on where it would be allowed. He noted that an ambulance carries a number of drugs that may raise safety and security concerns.

Ms. Cate asked where the staff stays when on duty. Mr. Calhoun stated his portion of the building is 24'x48', and includes a restroom, tv, microwave, chairs, and couch. The other portion of the building is used by Mr. Evanoff to store his vehicles.

Mr. Sirb asked if it is true that no one will live there. Mr. Calhoun stated that there are no bunks there, and his employees are not paid to sleep.

Mr. Sirb asked about changing the characteristics of the neighborhood. Mr. Calhoun stated this use will have no impact on a neighborhood that is already used to 18-wheelers. He noted he has stopped in to talk to neighbors he found at home and spoken to them about the operation, and that they will not run with sirens by their houses. They had no objections. He did not speak to all of the neighbors, as they were not all home with he attempted to talk to them. Mr. Calhoun stated the operation of this station will be no different than the other station. SCEMS will not create a noise hazard to the neighbors.

Mr. Hansen asked about the need for additional parking at the change of shifts. Mr. Calhoun stated that there are 22 parking spaces, and during the day, there maybe 6-7 vehicles there. At night, there are two, or none. Mr. Evanoff lives on the corner, and sometimes parks his vehicle there. There is ample space, and the Evanoff operation doesn't seem the type to entertain clients at the shop. His space is machinery storage, not customer oriented.

Mr. Hansen asked about the location being temporary, and how long SCEMS projects to be in the location. Mr. Calhoun speculated 3-4 years. SCEMS would like to have a large facility able to house the vehicles. He noted that SCEMS operates in Middletown, Royalton, Highspire, and Londonderry Township as well. SCEMS has 18 vehicles, and currently has room for a little over half of those. That is a concern. Ambulances are a vehicle of choice for terrorists. In New Jersey, there have been some problems with people trying to steal ambulances. Because of these factors, as soon as they have the money, SCEMS will change things to be able to house its vehicles. The garage mentioned will only be temporary until there is a more permanent place for the vehicles, at which time the garage will be torn down.

Ms. Cate asked about the driver and the EMT on each ambulance. Mr. Calhoun stated that all of his people are drivers, and they are either EMTs (Emergency Medical Technicians) or Paramedics. If the patient is critical, the paramedic is with the patient, and the EMT drives. If the condition of the patient is different, the employees may be reversed. If the patient is very critical, they will have another medic in the back. The supervisors are in vehicles that are smaller.

Ms. Cate called for comments from the audience and Township Staff. There were no comments from either.

Mr. Sirb made a motion to approve the application as submitted. Mr. Hansen seconded the motion.

Mr. Freeburn expressed a concern about housing more vehicles than the one listed in the application at this location. Mr. Calhoun stated the maximum number of vehicles to be housed at this location is one.

A roll call vote followed: Mr. Hansen-Aye; Mr. Freeburn-Aye; Mr. Freeburn-Aye; Mr. Sirb-Aye; and Ms. Cate-Aye.

The hearing ended at 7:49 pm.

**Special Exception
#08-03**

Applicant: Gary Grove

Address: 2310 Williamsview Drive, Harrisburg, PA

Property: 4300 Devonshire Road

Interpretation: A non-conforming use may be changed to a different non-conforming use only if approved as a special exception before the zoning hearing Board. The applicant proposes to change the existing use to a children's daycare center.

Grounds: Article 805.F, of the Lower Paxton Township Codified Ordinances pertains to this application.

The hearing began at 7:50 pm.

Ms. Cate 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: Dianne Moran, Planning & Zoning Officer; and Gary Grove 2310 Williamsview Dr, Harrisburg, PA.

Ms. Moran testified that appropriate fees were paid on July 1, 2008. Advertisements were made in The Paxton Herald on July 9 and 16, 2008. The property was posted on July 15, 2008. Ordinance Article 805.F applies to this hearing. That section states that a non-conforming use may be changed to a different non-conforming use only if approved as a special exception before the Zoning Hearing Board. The applicant proposes to change the existing use to a children's daycare center.

Mr. Grove stated he has an existing daycare at 4200 Crums Mill Road in a leased building, and they propose to purchase the building at 4300 Devonshire Road.

Mr. Freeburn questioned the number of children in the center. Mr. Grove stated there are less than 45 children in the exiting center, but the exposure will hopefully increase that number.

Mr. Freeburn stated he has some experience with daycare centers, and the Jewish Community Center used to have terrible problems with the parents lining up drop-off and pick-up times. That is Mr. Freeburn's primary concern.

Mr. Freeburn noted that even when that building is vacant, the traffic backs up at that intersection. The 60 additional vehicles at peak times was a concern. Mr. Freeburn questioned the internal traffic flow.

Mr. Grove noted that there is a flow through the lot from the Colonial Road side to the Devonshire Road side. There are two levels in the building. The back entrance will be a likely drop-off/pick-up area for the classes in the lower level, so the parents will typically use the Colonial Road side of the lot. The other classes will use the upper entrance, located on the Devonshire Road side. Generally, there will not be a need for flow through traffic.

Mr. Freeburn stated that the pick-up and drop-off will be at peak hours. Mr. Grove stated that is true, but pick-up and drop-off is staggered, there is no line to get in or out. The pick-up and drop-off is staggered over a 2½ hour period, both in the morning and in the evening. He noted that there is another center at 6000 Jonestown Road behind Karns, and that lot is never full with parents waiting to get in or out, and there are more children in the Jonestown Road center than the Crums Mill center. He noted that the Jonestown center is very similar, in that it was a medical office prior, and he converted it into the daycare center.

Mr. Grove noted that Dr. Papandrea had changes made in 1993 and had 34 parking places. Mr. Grove is proposing 14 spaces, which is all they need. Ms. Cate questioned the parking calculations. Mr. Sirb stated they need one for every ten students, and one each for eight employees.

Mr. Sirb stated that this spot may provide visibility for the business, but that area is a major clog. The light is painstaking trying to get to or from the school on Devonshire Road. He couldn't imagine putting a daycare there and not having a traffic nightmare.

Mr. Grove noted that the daycare use will be far less than the medical use. Mr. Freeburn stated that a medical office had traffic all day long, and the daycare will concentrate its traffic at peak hours. He didn't think it would be less volume, but it would be concentrated during the congested times.

Mr. Grove stated that the application was before the Planning Commission, and they suggested that they limit the exit to right-turn only at both driveways. He had new drawings done by his engineer to reflect their wishes. Mr. Sirb agreed that made good sense. Mr. Sirb felt a daycare center there would change the characteristics of the traffic flow of that intersection and the whole area. He noted that when school is in session, the busses utilize that intersection constantly during the drop-off hours for the daycare. He didn't think a daycare would be a good fit at that location. He would also be concerned about kids walking off the property to the parent picking them up at the bank or down Devonshire Road. Mr. Sirb would be more inclined to have a private business go in there that wouldn't have much traffic.

Ms. Cate asked about the play area, noting it appears very small for 60 children. Mr. Grove stated there are classes for different age groups, and they do not all use the play area at the same time. The play yard is 30'x30', or 900 square feet. Ms. Cate asked what, if anything, is proposed to be in the play yard. Mr. Grove stated that typical outside toys are used, but it hasn't been decided yet. Ms. Cate asked about slides or swings. Mr. Grove stated there will be no swings, but they typically use small climbers. He also noted there is a new type of matting so they would not have to use rubber chips or wood chips. Ms. Cate asked about the fence height. Mr. Grove prefers a six-foot fence, but would go by the permit requirements.

Ms. Cate stated she travels by that area 4-6 times a day, and it is horrendous. More and more people are using it to get around Route 22. She could not see 60 children on that corner.

Mr. Freeburn stated the building is large. Mr. Grove stated it is 7800 square feet. A medical office is very easy to convert to the open space needed in a daycare setting because there are temporary walls. There are seven bathrooms, and several sinks, so it is an easy conversion. Mr. Freeburn agreed the inside would be easy, but felt the outside would be tough.

The Township had no position in this hearing and there was no comment from the audience.

Mr. Freeburn made a motion to deny SE #08-03. Mr. Sirb seconded the motion and a roll call vote followed: Mr. Hansen-Aye; Mr. Freeburn-Aye; Mr. Sirb-Aye; and Ms. Cate-Aye.

The hearing ended at 8:06 pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary