

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of July 26, 2012

Members Present

David Dowling
Sara Jane Cate
Alan Hansen
Watson Fisher

Also in Attendance

James Turner
Dianne Moran

Docket 1317

Applicant: PinnacleHealth

Address: 205 South Front Street
Harrisburg, PA 17104

Property: 4300 Londonderry Road
Harrisburg, PA 17109

Interpretation: Article 307. B. 2: In the IN, Institutional Zoning District, a maximum building height of 60' shall apply.
The applicant proposes to construct an addition to the hospital that would be 70' in height.

Grounds: Article 307.B of the Lower Paxton Township Zoning Ordinance pertains to this application.

Fees Paid: June 28, 212

Property Posted: July 17, 2012

Advertisement: Appeared in The Paxton Herald on July 11 and 18, 2012.

The hearing began at 7:09 p.m.

Mr. Dowling swore in the following: David Getz, Christine Hunter and Paul Toburen. Mr. David Getz explained that he is the attorney representing PinnacleHealth. Ms. Christine Hunter explained that she works for H. Edward Black and Associates. Mr. Paul Toburen noted that he is the Vice President of PinnacleHealth.

Mr. Dowling swore in Ms. Moran who is the Lower Paxton Township Zoning and Planning Officer.

Ms. Dianne Moran advised that the appropriate fees were paid on June 28, 2012. The proper advertisements appeared in The Paxton Herald on July 11th and 18th, 2012. The hearing notices were posed on July 17, 2012.

Ms. Moran noted that this variance is for Article 307. B. 2: Height: In the IN, Institutional Zoning District, a maximum building height of 60' shall apply. She noted that the applicant proposes to construct an addition to the hospital that would be 70' in height.

Mr. Dowling questioned if the addition is a two-story addition. Ms. Moran answered yes.

Mr. David Getz noted that this Board heard the variance for a height of 70 feet on May 24, 2012 and June 28, 2012 and issued its positive findings for Docket #1312 on June 28, 2012. He noted that he would like to incorporate that record by reference rather than prepare from the beginning. He noted that it is a similar type variance with the exact same height of 70 feet that this Board granted previously, only it is for a different wing of the hospital. He noted that the ordinance states that a variance would be good for six months and he is requesting that this variance be granted for a longer time period than that. He noted that the reason for the longer time extension is because PinnacleHealth is early in the planning process for this particular wing. He noted that there is also a sewer issue for this area and he will not be ready to apply for a building permit within six months. He noted that the prior plan variance for two months ago was just approved in the last couple weeks, and it is moving forward. He explained, for this docket, although the plan is early in the process, it is important for PinnacleHealth to know if they could expand to 70 feet before they get too far into the plan. He noted that he would like to request that the variance be granted until the issuance of a building permit due to the circumstances of being early in the process. He noted once they receive the variance approval then they can proceed with the plan.

Mr. Turner explained that he is not aware of the Zoning Hearing Board ever granting an open-ended variance, but he questioned if 18 month would be sufficient. Mr. Toburen answered that he would appreciate that.

Mr. Dowling noted that the Zoning Hearing Board has received requests to extend the six month deadline, but typically it is for another six months but this is okay as it is not the central issue at this time.

Mr. Getz explained that Ms. Hunter has a rendering to show the Zoning Hearing Board. Mr. Getz requested Ms. Hunter to state her name. Ms. Christine Hunter explained that she is a site planner with H. Edward Black and Associates.

Mr. Getz questioned Ms. Hunter what is her profession. Ms. Hunter answered that she is a landscape architect. Mr. Getz questioned if she was registered in the Commonwealth of Pennsylvania. Ms. Hunter answered yes.

Mr. Getz requested Ms. Hunter to show the proposed expansion. Mr. Dowling noted that it was not necessary and asked Ms. Hunter to show where the expansion was that was approved

in May. Ms. Hunter pointed to the nursing expansion that occurred over the main part of the front of the existing hospital. She noted that the Medical Science Pavilion is to the north of that building and the three stories were constructed with the ability to expand to a maximum height of five stories or 70 feet. She explained that PinnacleHealth is requesting a variance to construct an addition two stories to take the height to 70 feet. She noted that the area is located to the south of the existing building in an area where a building was demolished as part of the expansion of the nursing wing. She explained that it would free up space for additional visitor parking and provide room for a new entrance that is opposite the existing main entrance that can funnel people into the main lobby and registration area. She noted that it would provide parking that is closer to the main entrance.

Mr. Dowling questioned if it was level parking or a one-story garage. Ms. Hunter answered that it is one-story parking, doubling the visitor parking that is in proximity to the main entrance.

Ms. Hunter displayed a rendering of the expansion for the nursing unit that was approved two months ago, and one for the existing Medical Science Pavilion that is shown at three stories that would be expanded to match the height of the nursing unit. She noted that the floor for the two buildings would be aligned in order to transport patients into the Medical Science Pavilion from the nursing wing.

Mr. Getz questioned Mr. Toburen who is the Vice-President of Facilities and Support Services with Pinnacle Health, what is proposed to go into the two-story expansion. Mr. Toburen answered that the fourth level would be medical oncology, otherwise called infusion or chemotherapy. He noted that the fifth floor would be a shell space, yet to be determined, similar to the same concept that was done in building the two fours for the nursing unit where the fifth floor was shelled at this time. He noted that both buildings can only expand to five floors and it was prudent to build out to the capacity with an understanding that the top floors for each building would be fitted out at a later date.

Mr. Getz questioned if the reason for not being able to go higher than five floors is the design of the original building. Mr. Toburen answered that the structural steel cannot accommodate any additional floors above five. Mr. Getz noted that rather than build the floors needed at this time it made sense to build out to capacity at this time. Mr. Toburen noted that is correct for the cost of construction, escalation, and remobilization.

Mr. Getz questioned if the height of a floor is approximately 14 feet. Mr. Toburen answered approximately yes. Mr. Getz questioned why it is higher than some other buildings. Mr. Toburen answered that medical or hospital facilities require much interstitial space, the space between the ceiling and the structural steel, as the ductwork is larger, there are many medical gases, items that are prevalent in a medical atmosphere. Mr. Getz questioned if they are items that would not be prevalent in a regular office building. Mr. Toburen answered absolutely. Mr. Getz questioned if that standard is part of a design specification nationwide. Mr. Toburen answered that it is an industry standard in healthcare to accommodate a larger ceiling cavity to take in the heavy mechanical systems.

Mr. Getz questioned when the addition is built, how it would better serve the needs of patients in the Lower Paxton Township community. Mr. Toburen answered that oncology services are required now more than ever and he is looking to expand the program, hiring additional oncologists to handle the additional volume, and it would serve the community better. He noted that he wants to put the resources where they are needed and that PinnacleHealth is taking a system-wide approach, looking at all their healthcare settings to provide the services for the people.

Mr. Getz questioned if the building would be sprinkled. Mr. Toburen answered yes. Mr. Getz questioned if they would be single rooms. Mr. Toburen answered that they would be infusion bays, not patient rooms as it is only for outpatient services and not an overnight accommodation. He noted that none of Medical Science Pavilion accommodates overnight stays; it is all an outpatient setting.

Mr. Getz questioned if it would serve the needs of the local community. Mr. Toburen answered yes.

Mr. Getz questioned if there was a way to build elsewhere on this campus or is Pinnacle Health out of open space. Mr. Toburen answered that he does have open space, noting that they own the apartments located on Sussex Drive. He noted that land is zoned within the current plan but the apartments on the western side are not within the current plot plan. Ms. Hunter noted that they are not consolidated into one parcel. Mr. Toburen noted that the only way to truly expand and accommodate the associated parking would be to take these out of service and push to the north side. Ms. Hunter noted that since the cancer services are situated within the Medical Science Pavilion it would make sense to expand the building to keep it all together. She noted that it would not be practical to build it somewhere else on the campus.

Mr. Getz noted by doing this PinnacleHealth would bring parking closer to the front than farther away. Ms. Hunter noted that the plan is to make it more convenient for the visitors coming to the facility. Mr. Getz noted that would include patients and visitors. Ms. Hunter answered yes.

Mr. Getz questioned if there are currently medical services being offered in the Medical Science Pavilion on the first three floors. Mr. Toburen answered that the ground level offers radiation/oncology; the first and second and part of the third is medical oncology. Mr. Getz questioned if this variance addition would expand those services. Mr. Toburen answered yes, noting that infusion is much more in demand than radiation therapy.

Mr. Dowling responded to Mr. Toburen that this is all well and good but it is the third variance that he can recall in the last several years. He questioned when is all of this going to end, and why can't PinnacleHealth expand in conformity with the zoning regulations. He noted that Mr. Toburen wants to maximize up to the structural integrity that the building was designed for without considering the Township's 60 foot height requirement. He noted that the hospital is allowed 60 feet, and the Zoning Hearing Board granted a variance back in May that you could argue did not meet the requirements for variance, and now here you are again asking for another

variance for two more stories when you can develop it with one more story since the second proposed story will be a shell.

Mr. Dowling questioned why PinnacleHealth can't expand and do it in conformity with the Township's ordinance. Mr. Toburen answered that this ends here. He noted that he has maxed out the height, and the structural limitations for all of the buildings. Mr. Dowling noted that PinnacleHealth will never request another variance for this sight. Mr. Toburen answered for height. Mr. Dowling questioned when the variance requests will end. Mr. Toburen noted he will never request another variance for height. Mr. Dowling noted that structurally you can't. Mr. Toburen noted when it was built two years ago; we didn't think that we would have to come back in two years to expand the oncology services. He noted that he has maxed out the program in the existing space and he could add one more story and accommodate a short-term need for medical oncology but he wants to be prudent about it, not only being cost effective but thinking about the patients so when he grows out of the fourth floor then he could move services to the fifth floor.

Mr. Dowling noted that the three-story structure that you proposed to build on top of the existing building was built three years ago. Mr. Toburen answered yes. Mr. Dowling questioned if the height requirement limitation was still 60 feet. Ms. Cate answered yes. Mr. Dowling questioned why you designed for 70 feet. Mr. Toburen noted that he designed to accommodate five floors at the time to meet the structural demands of the building. He noted that he was not involved with PinnacleHealth at that time, but it could have been that they thought the floor to floor height difference could have been accommodated with less; subsequently, it was found that we need to have the 14 foot floor-to-floor height to serve the needs of what PinnacleHealth is trying to achieve.

Mr. Dowling questioned if every floor in every hospital has to be 14 feet. Mr. Toburen answered no, but every floor in every hospital is probably above 12 feet and so 12 to 14 feet is an average interstitial space for the required space you need between ceiling height and bottom of steel. He noted that the floor-to-floor heights are significantly more in healthcare facilities.

Mr. Dowling questioned what the floor heights for the first three stories are. Mr. Toburen answered that he does not have that information with him but he could find out. Mr. Dowling noted from eyeballing the photograph it does not look like it would occupy 14 feet per floor and if it is only three years old, he can't imagine that the 14 feet recommendation is something that new. Ms. Hunter noted that she is not sure how new it is but she spoke with the architect and he stated that 14 feet is the minimum floor-to-floor height in order to accommodate the requirements for ductwork and utilities.

Mr. Hansen questioned if the space for the two proposed floors is going to have different equipment and needs that the bottom three floors have. Mr. Toburen answered that the lower level and the first floor are radiation therapy and it is a totally different type of treatment setting. He noted that the floors above them are medical oncology and it will be very similar to the type of treatment that would be performed on the fourth floor. Mr. Hansen questioned if Pinnacle Health has any space for this type of medical treatment. Mr. Toburen answered no. He

stated that they have outgrown their existing capacity at that site. Mr. Hansen questioned if there is that much of a need for this. Mr. Toburen stated unfortunately there is.

Mr. Dowling questioned if there is medical oncology at the downtown campus. Mr. Toburen answered no, stating that they don't have a radiation treatment program to this extent. He noted that PinnacleHealth does some minor infusions there, but it is not an oncology center.

Mr. Dowling noted that the new proposed floor or floors is for medical oncology. Mr. Toburen answered yes.... versus radiation...yes.

Mr. Dowling questioned if the downtown campus does medical oncology. Mr. Toburen answered that he does not have a linear accelerator which is radiation therapy at that location, and some infusions that are associated with the inpatient program are done. He noted that this would be an outpatient setting for people to come in and get their chemotherapy treatment. Mr. Dowling questioned if PinnacleHealth had any other medical oncology facilities. Mr. Toburen answered not at this time.

Ms. Cate questioned what they were building across the river. Mr. Toburen answered that it will not have these treatment facilities. He noted that it was not PinnacleHealth's plan to incorporate any oncology into the new hospital.

Mr. Fisher questioned if the floors from the proposed addition will line up with the construction for the nursing wing. Mr. Toburen answered that they will, noting that the existing floor-to-floor heights will line up between both buildings and if the variance is granted he will be able to add the two additional floors, they will line up as well. Mr. Fisher noted that there would be a difficulty if the floors for this variance did not line up with the floors for the variance that was recently granted. Mr. Toburen noted that it would be extremely difficult to have approved floor-to-floor differentials that are different. He noted that he needs the variance for the two wings to connect properly.

Mr. Dowling questioned if he only added one floor that would connect to the adjacent building. Mr. Toburen answered that it would. Mr. Dowling noted if you have an empty shell on the 5th floor of the nursing wing, if there are additional needs for oncology, why don't you put them up on that floor. Mr. Toburen explained that the fifth floor's template is set up for a patient care unit. He noted that medical infusion requires a nurse station in the center of the area and infusion bays around the perimeter so the nurse has a full visual view of the patients being infused. He noted that it is an efficiency and patient safety issue as well. He noted that it is a fairly long and narrow footprint. He explained that the plumbing stacks are made in the event that when additional private rooms are needed, they will be easy to accommodate. He noted that it makes sense that we stack the new floor on top of the old ones.

Mr. Hansen questioned where the blue area, the Medical Science Pavilion was located. Ms. Hunter pointed to a square area on the plan. He questioned what the area would be used for. Mr. Toburen answered that the entire area would be used for infusion. Mr. Hansen questioned if

the current five floors for the other building will match this pattern. Mr. Toburen answered that the floors would tie into each other.

Mr. Dowling noted that counsel provided the Zoning Hearing Board with five factors for granting a variance and explanation for why it would fit them. He questioned if Mr. Getz would summarize those, beginning with the first one noting that you referenced the 14 feet and the 70 feet but don't you advocate at just staying at one floor instead of two floors. Mr. Getz answered if we avoided it; the patients would not be able to receive the care that they deserve. Mr. Dowling questioned if anyone knew when the fifth floor would be built out. Mr. Getz answered no, but he didn't think that when the Medical Science Pavilion was built three years ago that we would be back here today. He noted instead of just building one floor to meet the current need, the hospital needs to step ahead to anticipate getting ahead of the curve.

Mr. Dowling questioned what about the second criteria, that there is no possibility that the property could be developed to formulate with the ordinance. Mr. Getz answered that we currently have a lot of parking and green space, but if another building was built in the campus the hospital would lose a lot of the existing parking. Mr. Dowling noted that he is not suggesting that you build on another location but suggesting that when you say you can't develop in strict conformity, you can if you add one story. Mr. Getz noted that we could do that but it would not be sufficient to secure the current and future needs of this community. Mr. Dowling noted, for what it is worth, this criterion does not talk about that.

Mr. Dowling questioned about the third criteria assuming that there is a hardship that has been created by the applicant. Mr. Getz answered that the national standards for 14 foot floors is creating part of the issue and the other part of the issue is the needs of the community. He noted as the years have come along, the standards for hospitals needing more space between the floors to allow for more plumbing, piping and air handling equipment is for items that don't exist in standard office buildings. He noted that they are designed for patient care and comfort. He noted that the single room is designed to give people extra rest and to minimize infection and air handling between the floors to accomplish that. He suggested that the ordinance is written for six floors at ten feet or five floors at 12 feet. He noted, earlier you asked what the height was for the existing floors; he acknowledged that he did not know the answer for that but five times 14 is seventy so he surmises that for the existing building each floor would be 14 feet, and adding two more feet would equal seventy.

Mr. Dowling questioned what the current height of the building is. Ms. Moran answered that she did not know the current height.

Mr. Dowling questioned if Mr. Getz cared to address the other two requirements. Mr. Getz answered that he does not believe that it would be an alteration of the character of the neighborhood as there are many setback areas that have been noted in the prior decision, and it will not stand out over top of neighboring properties or block air or things of that sort. He suggested that it would not impact property values as there is a large building, the former Villa Teresa building that is located very close by and it is five stories as well. He noted that the other sections of the hospital will not be built to five feet. He noted that there are very few single-

family residences in the neighborhood, mostly multi-residential or institutional uses including other medical offices and church. He noted that he is not adding to the building footprint, no larger space area, and the building is well set back from the property lines.

Mr. Getz noted that the fifth item for relief under the healthcare facility guidelines; is moving to 70 feet due to the 14 foot ceilings. He noted that it is the least modification to add two floors, and this is not a use variance, it is a professional variance, and the Hertzberg Case heard by the Supreme Court noted a number of years ago that you can consider economic factors and the well being of the community. He noted that it is a non-profit hospital, trying to build things for the people in your community to allow them to get treatments close to home and the least inconvenience to them during a very difficult time in their lives.

Mr. Dowling questioned if Mr. Getz would define the community that you refer to many times. He questioned what would be the draw for the oncology services. Mr. Getz questioned Mr. Toburen what the draw is. Mr. Toburen answered that he did not have the exact statistics but he stated that it is their only oncology center, so PinnacleHealth is pulling from a wide variety of the area. He suggested that a lot of the people come from Lower Paxton Township and the surrounding areas.

Mr. Dowling questioned where those people are going now for treatments. He noted if the community needs it so bad and PinnacleHealth predicts an explosion of cancer in the next year, where are these people going now. Mr. Toburen answered that he did not have that information.

Mr. Dowling questioned if anyone in the audience wished to be heard on this application.

Ms. Janet Filardo, 5409 Pond Road, noted that Mr. Getz mentioned the Villa Teresa building and she questioned if PinnacleHealth has explored buying that facility and using it. She noted that it is not that far away and at the rate of growth in the area, she could envision other buildings being built toward the hospital and possibly you could build a bridge to that building. She noted that it has been sitting empty for a number of years and it would be good to put it to good use.

Mr. George Lisson noted he lives in Linglestown and is present for the Ollie's application, but he wanted to explain that he has used the facility for the past 18 months when he started his chemotherapy and he goes every Thursday for treatments. He noted that he has used the MRI on the first floor and the treatment services on the 2nd and 3rd floors. He noted if it would not have been for that facility he would not be standing here today. He explained that he did not know that they would be at this meeting. He noted that the alternative for him was unacceptable.

Ms. Hunter noted that she was involved in the development of the nursing expansion project, having sat in on meetings with contractors, and she explained that a question was raised why PinnacleHealth could not add one floor and then add the second floor at a later time.

She noted that it is quite a complicated task to build on top of an existing medical facility as a lot of

coordination goes on, a lot of consideration for the patients in the hospital and the experience that they are having. She noted that one of the reasons PinnacleHealth is looking to take the expansion to the maximum now is to minimize the impact to the patients and visitors by making it one construction process. Mr. Dowling noted that would assume that there would be a second story some other time. Ms. Hunter noted that Mr. Dowling's questioned was if all they need now is one story why do they want to build two stories and that is what the thought process was. Mr. Dowling noted that his overall questioned was why it could not be built in conformance with the ordinance but he understood what Ms. Hunter was saying.

Mr. Toburen noted that Mr. Lisson noted that he went for radiation and then chemotherapy and he would not want to divorce the radiation therapy program from the medical oncology program. He noted that you go from one process to the other and in the same building. He noted if we did not build now to expand for the future we would have to divorce the radiation therapy to a different location thus forcing people to go for radiation treatment in this building and then move to a different location for medical oncology. He noted that we are thinking about the patient, trying to accommodate all the services at one location and be prudent on expansion. He noted that Ms. Hunter stated it is not just simply adding another story later. He noted if you only granted a one-story expansion at this time, they would literally take all of the mechanical system on top of the penthouse, shutting them down, relocation them, and disrupt the current services that are there to accommodate the patients. He noted that it would be a real hardship for the current patients.

Ms. Cate questioned if that would happen for those who are getting radiation therapy now. Mr. Toburen answered no because the mechanical systems are fed from a different source and it is large enough to accommodate what we have here. He noted in order to add the two new floors he would have to build a rooftop air handler to accommodate that floor and if another floor was added, he would have to shut down the roof top air handler services. He noted that it is a big disruption to do an addition.

Mr. Dowling noted that hearing no further testimony by the applicant, board members, or the audience, the board has 45 days to render a decision relative to this application.

Mr. Fisher made a motion to approve Docket #1317. Mrs. Cate seconded the motion. Mr. Turner conducted the following roll-call vote: Mr. Hansen, aye; Mr. Fisher, aye; Mrs. Cate, aye; and Mr. Dowling, nay. Mr. Turner noted that the motion carried.

The hearing ended at 7:45 p.m.

Mr. Dowling reopened Docket # 1317 for the PinnacleHealth variance for the purpose of considering the applicant's request for an extension variance for 18 months versus the normal 6 months.

Zoning Hearing Board

Docket 1317

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Mr. Dowling suggested that he would call a voice vote from those who were in favor of granting the variance: Mrs. Cate; aye; Mr. Hansen, aye; and Mr. Fisher, aye.

Mr. Dowling closed the hearing for Docket # 1317.

Submitted by:



Maureen Heberle

Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
: TOWNSHIP ZONING HEARING BOARD
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA
:
PINNACLE HEALTH : DOCKET NO. 1317

DECISION GRANTING VARIANCE

The applicant seeks a variance from height regulations in connection with an addition to an existing hospital facility. A hearing on the application was held on July 26, 2012.

Facts

1. The applicant and owner of the property in question is Pinnacle Health of 205 S. Front Street, Harrisburg, Pennsylvania 17104. The applicant was represented at the hearing by Paul Toburen, Vice President, by Christine Hunter, landscape architect and David Getz, Esquire.
2. The property in question is located on the north side of Londonderry Road and consists of a multi-acre parcel improved as a medical campus. Improvements to the site include a hospital, a medical office building, and an outpatient treatment center, along with associated parking. The parcel is zoned Institutional.
3. The applicant proposes to erect an addition to the existing hospital in the form of two new floors over the top of existing hospital space in the Medical Services Pavilion. The additional space will provide area to expand the outpatient cancer treatment facility and to provide additional space for future expansion.
4. The applicant has elected to build up rather than out due to the limited space available on the site. In order to accommodate the additional HVAC requirements of hospital space a total height of 70 feet is proposed.
5. The proposed expansion is necessary to accommodate increased demand for medical care from the surrounding area. At present, patients occasionally have to wait for treatment space to come available.
6. The proposed addition will be constructed with sprinklers.

7. Notice of the hearing was posted and advertisement made as required by the ordinance.

8. In addition to the applicant, George Lisson, a township resident, spoke in favor of the project and variance. Mr. Lisson testified to the shortage of treatment space in the existing facility. Another township resident appeared to ask questions about the project.

Conclusions

1. Section 307.B.2 of the ordinance limits the maximum height of buildings in the Institutional Zoning District to 60 feet. The proposed construction would violate this section of the ordinance.

2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.

3. The Board finds that the property is burdened by a hardship in that it is fully developed and additional land is not available to enable the hospital to serve the medical needs of the area.

4. Granting the variance will not alter the essential character of the neighborhood nor will it adversely impact surrounding property values. The additional height, while significant, is offset by the total size of the campus and by the generous setbacks from property lines. The building will not loom over surrounding properties nor will it dominate the streetscape. The public welfare will be advanced by ensuring that the medical needs of the community are met. The sprinkling of the building will ensure that its added height does not create a public safety hazard.

Decision

In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the variance requested should be and is hereby granted on the condition that the applicant obtain the review and approval of the proposed plan by the Township fire and police officials. In all other respects the project shall be in strict accord with the plans and testimony submitted to the Board. This variance shall be valid for eighteen months from the date hereof.

Date: 8/30/12

LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD



Sara Jane Cate



Allan Hansen



Watson Fisher

Board member Dowling dissents from the decision of the board.

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of July 26, 2012

Members Present

David Dowling
Sara Jane Cate
Alan Hansen
Watson Fisher

Also in Attendance

James Turner
Dianne Moran

Docket 1318

Applicant: Most Reverend Joseph P. McFadden
Bishop of the Diocese of Harrisburg

Address: 4800 Union Deposit Road
Harrisburg, PA 17111

Property: Property located at the northwest corner of Spring Creek
Road and page Road
Harrisburg, PA 17111

Interpretation: Article 714.A - Permanent signs: Freestanding Signs: Maximum
Area = 40 square feet.
The applicant proposes a freestanding sign that is 100.69 square
feet for a total of 201.38 square feet on a double sided sign.

Grounds: Article 714 of the Lower Paxton Township Zoning Ordinance
pertains to this application.

Fees Paid: June 29, 212

Property Posted: July 17, 2012

Advertisement: Appeared in The Paxton Herald on July 11 and 18, 2012.

The hearing began at 7:45 p.m.

Mr. Dowling swore Mr. John N. DiSanto. Mr. Dowling questioned Mr. DiSanto what was his relationship with the applicant. Mr. DiSanto answered that he is the Chairman of the Bishop McDevitt High School Building Committee. He noted that he is the owner's representative to the Diocese of Harrisburg for the contract.

It was noted that Ms. Moran was under oath from the previous testimony.

Ms. Dianne Moran advised that the appropriate fees were paid on June 29, 2012. The proper advertisements appeared in The Paxton Herald on July 11th and 18th, 2012. The hearing notices were posed on July 17, 2012

Ms. Moran noted that the applicant exceeds the allowable space for an identification sign and wishes to install on an off premise site, a sign to identify the location of the school. She noted that residentially zoned lot where the sign will be placed abuts the school property and is owned by the Diocese of Harrisburg. She noted that the proposed sign face is 100.69 square feet.

Mr. Dowling questioned what the allowable size is. Ms. Moran answered 4 square feet.

Mr. Turner noted that there is a procedural issue that he needs to explain to the Zoning Hearing Board members regarding this docket. He noted when the hearing was advertised, it was done so as a sign issue, however, it is more than just a sign issue as it does not meet the definition of an identification sign due to a technicality that it is not located on the same parcel that the building is on. He noted that it is on a separate free-standing parcel. Mr. Dowling questioned if that is the only reason that it does not meet the definition of the identification sign. Mr. Turner answered yes.

Mr. Turner proposed to the Zoning Hearing Board to hear the application and act upon it, subject to the re-advertising of the hearing for the next date for the off premises sign issue and if there are no further objections, the Zoning Hearing Board can reaffirm its action. Mr. Dowling questioned the Zoning Hearing Board members if it was acceptable to them and they agreed.

Mr. John DiSanto distributed a paper presentation for the Zoning Hearing Board members. He noted that page one shows the sign for the Central Dauphin School Administration Building on Rutherford Road. He noted that this and the following signs are located in the R-1 zone. He noted that page two shows the Central Dauphin East High School sign that is illuminated and programmable. He noted that page three is the Central Dauphin Middle School sign. He noted that page four is a picture from Google Earth showing the location of the Bishop McDevitt High School site and the sign location as well. He noted that the sign is located on a separate parcel that is contiguous to the school property. He noted that it was purchased by a donor and given to the Diocese in hopes that a sign could be located on that land.

Mr. DiSanto noted that page five shows the school from Page Road and he pointed out that you can't see the school from the street due to the cluster of trees. He noted that the leaves will come off the trees in the winter and it will be more visible, however it would difficult to locate in the dark. He noted that page six shows the same intersection but from the Derry Street side of Page Road. He noted that you can see a little bit of the school through a break in the trees.

Mr. DiSanto noted that page seven is another Google Map that shows Spring Creek to the top of the page. He noted that it is an old picture that shows the pork chop configuration entering into the Chatham Glen Development. He noted that the Diocese has since rebuilt the entire intersection and it is now a signalized intersection. He noted if you are heading south on Page Road and miss the turn to Spring Creek Road, there is no place to make a u-turn. He noted that it

is a hilly road and as part of the signalization project, the over-vertical was lowered to increase the site distances. He noted that the first intersection you come upon would be Chatham Glenn Way and it does not allow left turns from traffic going south on Page Road. He noted that page eight shows Spring Creek Road at the bottom of the page. He explained that it is the same situation in that there is no location for a vehicle to make a safe u-turn for quite a distance. He noted that the next intersection that is not shown on the map is Lyters Lane and it is a sub-standard intersection for making turns.

Mr. DiSanto noted that page nine is a photo shop rendition of what the sign would look like on the property. He noted that it is an identification sign that will not be illuminated and does not have a programmable message board, He noted that it is a brick monumental-type sign to catch people's attention and not to be obtrusive to the intersection. He noted that the materials match the brick that is on the school.

Mr. DiSanto noted that page ten is a simple diagram for the sign. He noted that the sign is slightly less than 6 feet in height by 24 feet in length. He noted that the vast majority of the sign is 5 feet by 20 feet.

Mr. DiSanto noted that he is petitioning the Zoning Hearing Board for the following variance: To increase the allowable area from 4 square feet to 100 square feet for a permitted use in the R-1 district for an off premises identification sign. He noted that technically that is not correct since it is not on a contiguous parcel. He noted that he is not asking for illumination or and electronic message board for the sign. He noted, for the majority of the school year the school is not visible from the main intersection of Spring Creek and Page Roads. He explained that having vehicles miss the intersection and making u-turns in either direction is a safety hazard. He noted that there will always be unique visitors to the school, as it will always experience a never ending stream of new and unique visitors trying to locate the school, including new students, visiting athletic teams, potential visitors for regional playoffs, and visitors for events that will be planned throughout the school year. He noted that the school is building a state of the art auditorium and the Diocese intends to use it for various events.

Mr. Dowling questioned how the ordinance only allows for a four square foot sign. Ms. Moran noted that the old ordinance allowed businesses in residential zones to have a free standing sign and the new ordinance does not. She noted when they redid the ordinance they were not thinking of a instance like this, but more of a home occupation that would provide for a very small sign. Mr. Dowling suggested like a doctor's office. Ms. Cate noted that she loves the sign.

Mr. Hansen questioned how the adjacent property is zoned. Mr. DiSanto answered that the property to the north is zoned R-1 and there is a series of two homes and a vacant residential lot. Ms. Cate questioned Mr. DiSanto if he spoke to those property owners. Mr. DiSanto answered that he did not. Ms. Cate noted that they would be aware of this request as the land was posted.

Mr. DiSanto noted that the sign will not be illuminated and it is a low sign. Ms. Cate questioned if there are plans to put in spot lights. Mr. DiSanto answered no. He noted that he is counting on having some illumination from the newly signalized intersection street lights. He noted that the sign was designed to blend in with the area.

Mr. Hansen questioned how far the sign is from the road or right-of-way. Mr. DiSanto answered that it has to be five feet from the right-of-way line. He noted that it is 20 feet the edge of pavement and ten feet from the right-of-way. Mr. Hansen questioned if there are any site issues from the property to the south. Mr. DiSanto noted that the site distance issue is to the south and not the north, as you are coming from a rise from the north. He noted there is a hill towards the direction of Union Deposit Road.

Mr. Fisher questioned what is planned for the land on which the sign is to be placed. Mr. DiSanto answered that the Diocese of Harrisburg owns the land and it has no plans for it, but it is zoned R-1.

Mr. Dowling questioned if anyone in the audience wished to be heard on this application. Ms. Janet Filardo, 5409 Pond Road noted that she lives behind where the new school is being built in the Four Seasons Townhouse Development. She stated that she has a concern for the increase of traffic on Newside Road as it is a very windy and hilly road and she questioned how much the traffic will increase. She questioned if the school has had discussions with PENNDOT. She noted that she can hear school buses that drive by that area on a regular basis. She noted that she is worried that unless you build the dirt walls higher in the back of the facility, that the floodlights from the stadium will always be shining in her eyes and everyone who lives along Newside Road. Mr. DiSanto questioned what those questions had to do with the variance. Ms. Filardo explained that she wrote the Bishop at the beginning about her concerns and she did not receive a response. Mr. DiSanto noted that traffic studies were conducted four years ago and the plan was approved. He noted that we are well past that point. He noted that the lighting on the field is a very serious matter and heavily regulated by the Township. He noted that he had to submit plans showing the foot candles of light, only permitted a certain amount of light that is allowed to leave the site. He noted that it all fit into the building and plan review. Ms. Filardo noted that it will be an issue. Mr. DiSanto noted that McDevitt intends to keep its football games on Saturday morning as they like it that way. He noted that is what is planned now for the home games, but that is not to say that there won't be any evening events.

Mr. Dowling noted that hearing no further testimony by the applicant, board members, or the audience, the board has 45 days to render a decision relative to this application.

Ms. Cate made a motion to approve Docket #1318. Mr. Hansen seconded the motion. Mr. Turner conducted the following roll-call vote: Mr. Hansen, aye; Mr. Fisher, aye; Mrs. Cate, aye; and Mr. Dowling, aye. Mr. Turner noted that the motion carried.

Mr. DiSanto noted that he would like to invite the Zoning Hearing Board to tour the facility at some time.

The hearing ended at 8:03 p.m.

Submitted by:


Maureen Heberle
Recording Secretary

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of August 30, 2012

Members Present

Richard Freeburn
Sara Jane Cate
Jeff Staub
Alan Hansen
Watson Fisher

Also in Attendance

James Turner
Dianne Moran

Docket 1318-A

Applicant: Most Reverend Joseph P. McFadden
Bishop of the Diocese of Harrisburg

Address: 4800 Union Deposit Road
Harrisburg, PA 17111

Property: Property located at the northwest corner of Spring Creek
Road and page Road
Harrisburg, PA 17111

Interpretation: Article 714.A - Permanent signs: Freestanding Signs: Maximum
Area = 40 square feet.
The applicant proposes a freestanding sign that is 100.69 square
feet for a total of 201.38 square feet on a double sided sign.

Grounds: Article 714 of the Lower Paxton Township Zoning Ordinance
pertains to this application.

Fees Paid: June 29, 212

Property Posted: July 17, 2012

Advertisement: Appeared in The Paxton Herald on July 11 and 18, 2012.

Mr. Freeburn explained that this is a continuation of the hearing held July 26, 2012. The hearing began at 7:01 p.m. He noted that it is a request for a variance for the maximum area regulations, and a variance to erect an off premises identification sign to be located at the corner of Spring Creek and Page Roads in the R-1, Residential District. He noted that the sign is to identify the proposed Bishop McDevitt High School location on the adjoining property.

Mr. Freeburn noted the reason for the continuation was to determine if there was any opposition to the original hearing. Mr. Turner explained that the variance was re-advertised since

the prior advertisement did not correctly identify the variance request as an off premises identification sign. He noted that was the sole purpose of re-advertising the variance request.

Mr. Freeburn swore in the following: John N. DiSanto. Mr. Freeburn questioned Mr. DiSanto what his relationship was with the applicant. Mr. DiSanto answered that he is the owner's representative for Bishop McDevitt High School, representing the Diocese of Harrisburg for the application.

Mr. Freeburn questioned Mr. DiSanto if he had previously testified at a hearing in support of this application. Mr. DiSanto answered yes. He questioned if he had any further testimony to offer. Mr. DiSanto answered that he did not.

Mr. Freeburn questioned if anyone in the audience wished to be heard on this application. He noted that there was no one in the audience to make a comment.

Mr. Freeburn questioned if the Township has anything to add to the hearing. Ms. Moran answered no.

Mr. Freeburn questioned Mr. Turner is anything else needed to be done other than to take a vote. Mr. Turner answered that the Board must reaffirm the prior vote that was taken during the original hearing.

Ms. Cate made a motion to reaffirm the approval of Docket #1318. Mr. Hansen seconded the motion. Mr. Staub noted that he was not in attendance at the previous hearing therefore he could not vote on this item. Mr. Freeburn noted that he was not in attendance as well; however there were three members who could vote on this application to provide a quorum to conduct a vote. Mr. Turner conducted the roll-call vote: Mr. Fisher, aye; Mr. Hansen, aye; and Mrs. Cate, aye. Mr. Freeburn noted that the approval was reaffirmed.

The hearing ended at 7:05 p.m.

Submitted by:



Maureen Heberle
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
: TOWNSHIP ZONING HEARING BOARD
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA
:
THE MOST REVEREND : DOCKET NO. 1318
JOSEPH P. McFADDEN, BISHOP :
OF THE DIOCESE OF :
HARRISBURG, TRUSTEE :

DECISION GRANTING VARIANCE

The applicant seeks a variance to erect an offsite identification sign in an R-1 zoning district. A hearing on the application was held on July 26, 2012. For advertisement purposes the hearing was reconvened on August 30, 2012 but no additional testimony was taken.

Facts

1. The applicant and owner of the property in question is The Most Reverend Joseph P. McFadden, Bishop of the Diocese of Harrisburg, Trustee, of 4800 Union Deposit Road, Harrisburg, Pennsylvania. The applicant was represented at the hearing by John DiSanto, Chairman of the Building Committee.

2. The property in question is located on the northwest corner of Spring Creek Road and Page Road and consists of a 2.80 acre parcel which is presently undeveloped. The parcel sits directly in front of a much larger parcel owned by the applicant which is being developed as a private high school.

3. The applicant proposes to erect a 5'8" high by 24' long monument sign on the southeast corner of the lot to serve as the primary identification sign for the adjoining high school. The sign would be primarily of brick construction and it would be non-illuminated. It would be placed ten feet from the property line and twenty feet from the curb line.

4. Notice of the hearing was posted and advertisement made as required by the ordinance.

5. In addition to the applicant, an adjoining property owner appeared to express concerns about the development of the high school unrelated to the requested variance.

Conclusions

1. Section 714.A of the ordinance limits free standing signs to 40 square feet. In addition the ordinance limits identification signs to four square feet and restricts them to the premises being identified. The proposed sign would violate these sections of the ordinance.

2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.

3. The Board finds that the high school property is burdened by a hardship consisting of its location and terrain which make it difficult to identify from the primary thoroughfares. Allowing an identification sign as proposed will allow the traveling public to identify the location of the school so that unsafe traffic maneuvers will be discouraged.

4. Granting the variance will not alter the essentially residential character of the neighborhood. The sign is not illuminated and its overall scale is in keeping with the lot size and the high school project. There will be no adverse effect upon surrounding property values.

Decision

In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the variance requested should be and is hereby granted allowing the erection of a 20' by 5' monument sign on the subject premises in strict accord with the plans and testimony submitted to the Board.

Date: 8/30/12

LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD

David B. Dowling

SJ Cate
Sara Jane Cate

Allan a Hansen
Allan Hansen

Watson Fisher
Watson Fisher

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of July 26, 2012

Members Present

David Dowling
Sara Jane Cate
Alan Hansen
Watson Fisher

Also in Attendance

James Turner
Dianne Moran

Docket 1319

Applicant: Ollie's Bargain Outlet

Address: 6295 Allentown Blvd, Ste. A
Harrisburg, PA 17112

Property: 6295 Allentown Blvd.
Harrisburg, PA 17112

Interpretation: Article 714.A - Permanent signs: Freestanding Signs: Maximum
Area = 100 square feet: Maximum Height = 20 feet.
The applicant proposes an addition to the freestanding signage on
site.

Grounds: Article 714 of the Lower Paxton Township Zoning Ordinance
pertains to this application.

Fees Paid: July 3, 212

Property Posted: July 17, 2012

Advertisement: Appeared in The Paxton Herald on July 11 and 18, 2012.

The hearing began at 8:05 p.m.

Mr. Dowling swore in the following: Kurt Stoner and George Lisson. Mr. Dowling questioned Mr. Stoner what his relationship was to the applicant. Mr. Stone answered that he was the sign contractor. Mr. Dowling questioned Mr. Lisson what his relationship was to the applicant. Mr. Lisson answered that he was the Director of Property for Ollie's. It was noted that Ms. Moran was under oath from the previous testimony.

Ms. Dianne Moran advised that the appropriate fees were paid on July 3, 2012. The proper advertisements appeared in The Paxton Herald on July 11th and 18th, 2012. The hearing notices were posed on July 17, 2012

Ms. Moran noted that this variance is for Article 714.A: Permanent Signs and Freestanding Signs as the maximum area permitted is 100 square feet and the maximum height is 20 feet. She noted that the applicant proposes an addition to the freestanding signage on site.

Mr. Lisson explained that he desires to shrink the sign a little bit as it currently is 48 feet high and he wants to change it to a 44 foot height. He explained that he proposes to remove Ollie's picture from the sign and modernize the sign to provide an electronic message board. He noted that retail is a hard business and he would like to be able to get his message out right away about the current bargains. He noted that it would change to a LED sign from a fluorescent sign. He explained that he would be willing to use it for public service messages such as an Amber Alert.

Mr. Dowling questioned Mr. Lisson if he planned to have the message in the area of the black box as shown in the drawing. Mr. Lisson answered yes, at the top.

Mr. Lisson noted that the signs in his store are not caricatures but actually what Mr. Ollie looked like.

Mr. Dowling questioned how many Ollie's store there are. Mr. Lisson answered that there were 123 stores at the time he submitted his proposal, however, he will open up number 130 next week and they are located in 13 States from Charlestown, South Carolina, to Watertown, New York, and Detroit, Michigan. He noted that the home office is located in Harrisburg and all the other stores are within a ten hour driving distance.

Mr. Lisson noted that his business is pure close out merchandise and that is what differentiates his business from a Big Lots. He noted that his biggest competition is the Dollar General, Dollar Tree and similar stores, but his store is unique in that they are a true close out store. He noted that he gets the majority of his products from Home Depot, Lowes, Wal-Mart, Sears, and K mart as a result of cancelled contracts. He explained that you will find some imported merchandise in his stores as he gets it from Big Lots because they couldn't sell the merchandise.

Mr. Dowling questioned how the process works for getting close outs from Home Depot. Mr. Lisson explained that they just received a good deal on garage door openers. He explained that Home Depot had Genie garage door openers but wanted to upgrade the merchandise to include a key fob opener, so they return the old products to Genie and he bid for the merchandise. He explained that he is now selling the same Genie garage door openers for \$89 that Home Depot sold for \$179.

Mr. Dowling noted that you are making a request to shrink the sign and modernizing the sign but you need a variance because it is still too large. Mr. Lisson noted that the sign was grandfathered in as it was in operation back when he worked for Ollie's in 1986.

Mrs. Cate questioned if it would be a movable LED sign. Mr. Lisson answered that he would display a message and it would change according to the Township requirements. He noted that the message would not scroll. Mr. Turner noted that scrolling signs are not permitted in the Township. Mr. Stone noted that it would be a programmable sign set according to the Township ordinance.

Mr. Lisson noted that his plant base is an older population that does not have internet access but reads the newspapers. He explained he gets bargains everyday and he wants to get that message out as soon as possible. He noted that he runs his ads in the newspaper every other week. He noted that his new stores are now built to look similar to a Target and not a warehouse look. Mr. Hansen noted that it changes the character of the store. Mr. Lisson noted that he is just making it neater and cleaner. He noted that books are his most popular merchandise.

Mr. Hansen questioned if the sign would be running 24/7. Mr. Stoner answered that it can be programmed to do anything, but ideally it would run 24/7.

Mr. Fisher noted that due to the height of the sign if Mr. Lisson would consider putting the LED part under the main sign. Mr. Stoner answered that there is a Super Shoes sign located under the Ollie's sign. Mr. Fisher noted that there is a space between. Mr. Stoner answered that he did not know how much space was in between the two signs. He noted that the structure is currently in place to mount the programmable sign where the existing sign is. He noted that part of the variance is not to add to the structure and he would have to change the structure if he put it in a different location. He noted that the current sign height is 34 foot, but it would be close to a 20 foot height from the intersection height. Ms. Cate noted that it is so low to the roadway that it doesn't seem that high.

Mr. Dowling noted that he would question if anyone in the audience wished to be heard but since no one is in the audience he will not ask that question. He questioned Ms. Moran if the Township had any position on this mater. Ms. Moran answered no.

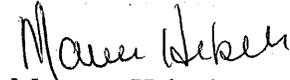
Mr. Stoner explained that the brightness of the signage is controlled by a Hyperion product that has an auto dimmable system. He noted that that the sign is brighter when it is on day mode as opposed to the night mode. He noted that it has an automatic dimmer sensor so when you have a thunderstorm, and it becomes darker outside, it will dim and not be offensive, will get bright again for the daytime setting after the storm passes. He noted that at night it is at its lowest output.

Mr. Dowling noted that hearing no further testimony by the applicant, board members, or the audience, the board has 45 days to render a decision relative to this application.

Mr. Hansen made a motion to approve Docket #1319. Mrs. Cate seconded the motion. Mr. Turner conducted the following roll-call vote: Mr. Hansen, aye; Mr. Fisher, aye; Mrs. Cate, aye; and Mr. Dowling, aye. Mr. Dowling noted that the application was granted.

The hearing ended at 8: 20 p.m.

Submitted by:



Maureen Heberle
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
: TOWNSHIP ZONING HEARING BOARD
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA
:
OLLIE'S BARGAIN OUTLET : DOCKET NO. 1319

DECISION GRANTING VARIANCE

The applicant seeks a variance from maximum height and area for a free-standing business sign. A hearing on the application was held on July 26, 2012.

Facts

1. The applicant and owner of the property in question is Ollie's Bargain Outlet of 6295 Allentown Blvd., Harrisburg, Pennsylvania 17112. The applicant was represented at the hearing by Kurt Stoner, sign contractor, and George Lisson, Director of Property Development.

2. The property in question is located on the southeast corner of U.S. Route 22 and Blue Ribbon Avenue and is improved with a strip retail center. Because of the terrain, the property lies 20 feet below the elevation of the road surface.

3. The applicant proposes to replace the top of the existing free-standing sign which contains a business logo with a new LED board. Total sign area as existing is 175.5 square feet and the proposed area of the new sign is 172.1 square feet. Total sign height as existing is 48 feet while the proposed new sign will be 44 feet high.

4. Notice of the hearing was posted and advertisement made as required by the ordinance.

5. No one other than the applicant appeared to testify either of favor of or against the proposed variance.

Conclusions

1. Section 714.A of the ordinance limits the area of free-standing signs to 100 square feet and the height to 20 feet. The proposed sign would violate this section of the ordinance.

2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.

3. The Board finds that the property is burdened by a hardship consisting of its low elevation in comparison to the adjoining road. This makes identification of the applicant's business difficult. A sign erected at the maximum height allowed by the ordinance would be below the grade level of the road, making it useless.

4. Granting the variance will not alter the essential character of the neighborhood nor impair surrounding property values. The proposed sign is smaller in area and lower in height than the existing sign, bringing it closer to conformity with the ordinance.

Decision

In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the variance requested should be and is hereby granted allowing the erection of a sign with a total area of 172.1 square feet and

height of 44 feet. In all respects the sign shall be erected in conformity with the plans and testimony presented to the Board.

Date: 8/30/12

LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD

David B. Dowling

SJ Cate
Sara Jane Cate

Allan Hansen
Allan Hansen

Watson Fisher
Watson Fisher

granted allowing the operation of a BYOB club on the property known as 3920 Jonestown Road on the condition that the applicant enter into a written agreement for the lease of not less than 70 parking spaces and provide valet service in connection with those spaces. Evidence of the agreement shall be provided to the zoning officer prior to the issuance of a certificate of occupancy. Upon termination of the lease, the special exception shall terminate unless evidence of replacement parking facilities is presented. In addition the applicant shall maintain a log of security rounds of the building and parking areas and shall make the log available to Township officials upon request. In all other respects operation of the club shall be in strict conformity with the plans and testimony submitted to the Board.

Date: 7/26/12

LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD

Richard E. Freeburn

M. J. Cate

Mary Jane Cate

Gregory P. Sirb

David B. Dowling

J. W. Staub

Jeffrey W. Staub