

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Special Board Meeting held April 11, 2006

A special business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:59 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

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

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; Dianne Moran, Planning and Zoning Officer; Kevin Ricker; Bony Dawood, Dawood Engineering; and Eric Pierce, Esq.

**Pledge of Allegiance**

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

**Public Comment**

No public comment was presented.

**OLD BUSINESS**

Developers agreement with Kevin Ricker for the Old Iron Estates subdivision plan

Mr. Pierce, attorney for Mr. Ricker, noted that he worked with Mr. Stine to develop a fair and acceptable agreement that accurately reflects the resolution of the three issues that gave rise to the formal notice of violation. He noted that it would make the waiver request premature at this time in that the developer has been provided with some options for the brick pavers issue.

Mr. Wolfe noted that the Board members were provided with an updated agreement, financial security agreement from Fulton Bank, staff letter in regard to the approval of the final subdivision plan for Old Iron Estates, Phase II, and a letter from Dawood Engineering regarding particular signage.

Mr. Hawk questioned if staff was in agreement with the consent agreement, information from Fulton Bank, and Dawood's memorandum. Mr. Wolfe noted that staff is in agreement and that Mr. Stine participated in the preparation of the agreement. Mr. Stine stated that he was in agreement with the proposed agreement.

Mr. Seeds questioned, as part of the consent agreement, if the signs that are proposed would be acceptable to the Township Engineer. He noted that it was not included in the agreement. Mr. Dawood noted that the information was previously submitted to the Township. Mr. Wolfe noted that this is not part of the agreement, but rather part of the recognition that the plan must comply with the subdivision/land development regulations that are determined by the Township Engineer.

Mr. Crissman made a motion to approve the consent agreement with Kevin Ricker for the Old Iron Estates subdivision plan as presented and endorsed by staff and Township solicitor. Mr. Blain seconded the motion.

Mr. Wolfe requested that the Board add to the motion to accept the financial security posted in accordance with the developers agreement. Mr. Stine noted that the agreement would approve the financial security, but it could also be added to the motion.

Mr. Crissman requested to add to the motion that the Board members also accept the financial security posted in accordance with the developers agreement.

The Board members were polled as follows: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye, and Mr. Hawk, aye.

Waiver request for the preliminary subdivision plan for Old Iron Estates

Mr. Stine explained that Mr. Ricker does not need the waiver at this time because it only applies to the brick pavers and their construction. He noted that Mr. Ricker has options to pave those areas, use stamp concrete, or install brick pavers. Mr. Pierce noted that the waiver may be needed, but it is not needed at this time.

Mr. Seeds questioned how thick the bricks pavers were. Mr. Ricker answered that the bricks are 2¼ inch thick. Mr. Seeds noted that the Township Engineer suggests that 3 1/8 inch thickness of brick should be used. Mr. Ricker noted that he is leaving the option open at this time.

Final Subdivision plan for Old Iron Estates, Phase II

Mr. Wolfe noted that the Board previously approved the subdivision plan, however, during the formal process the plan was deemed denied, and given the action to accept the consent agreement, the Board is now in a position to re-approve the final subdivision plan for Old Iron Estates, Phase II based upon the following: 1) Waiver of the curb and sidewalk requirements along Red Top Road and Nyes Road. Plan does propose widening of Red Top Road to 24 feet; 2) Waiver of the roadway-widening requirement along the frontage of Nyes Road; 3) Waiver of the requirement of a basin slope of 3:1 (Detention Basins “B”, “C” and “D”) and waiver of the requirement of the maximum height of the basin of 8 feet (Detention Basin “B” is proposed to have a height of 10 feet; and Basins “C” and “D” are proposed to have a height of 12 feet; 4) Waiver of the distance requirement between minor street intersections along a minor street (Deere Lane) from 400 feet to approximately 245 feet between Red Top Road and Moline Lane; 5) Waiver of the minimum distance requirement of 40 feet between a driveway and a street intersection for the proposed driveways serving Lots 29 and 97; 6) All conditions of the Preliminary Plan shall be complied with; 7) Plan approval shall be subject to addressing Dauphin County Planning Commission’s comments dated January 21, 2006; 8) Final plan approval shall be subject to the payment of fee-in-lieu for 21 lots at \$1,250 per lot; 9) Final plan approval shall be subject to Dauphin County Conservation District’s review and approval of an Erosion and Sedimentation Control Plan; 10) Plan approval shall be subject to providing original seals and signatures on the plan; 11) Plan approval shall be subject to the payment of the engineering review fees; 12) Plan approval shall be subject to the Lower Paxton Township Sewer

Department's review and approval of the sanitary sewer design; 13) Plan approval shall be subject to the establishment of an improvement guarantee for the proposed site improvements; 14) A street/storm sewer construction permit is required for construction of streets and storm water facilities; and 15) All signage must meet the requirements of Article 1183 of the Lower Paxton Township Zoning Ordinance. This includes temporary construction signs, etc.

Mr. Crissman questioned if staff supported the five waiver requests. Mr. Wolfe answered that they do, and he noted that the Board previously approved these waivers. Mr. Wolfe noted that there are no changes to the information provided or staff's opinion of the plan.

Mr. Crissman questioned if the developer agreed to the five waiver requests, two site-specific comments, six general conditions, and the two staff comments. Mr. Ricker stated that he was in agreement with these items.

Mr. Seeds questioned what the percentage of slope was for the basins. Mr. Ricker answered that he did not know.

Mr. Seeds questioned who reviewed the plan for the Township; he noted that no Township Engineer was listed. Mr. Wolfe noted that he did not know which engineer reviewed the plan, but an engineer contracted by the Township reviewed the plan. Mr. Seeds questioned if it should be listed as subject to addressing the comments made by the Township Engineer. Mr. Wolfe explained that if it is not listed, then there are no comments.

Mr. Seeds noted that the improvement guarantees are automatically renewable, and he questioned if the wording should be updated to state that it would be automatically renewable under General Condition number six. Mr. Wolfe noted that part of the standard process is to explain the specifics of the improvement guarantees to the developer. Mr. Stine noted that Ms. Wissler had handled the improvement guarantees the same way for some time. Mr. Stine noted that it does not have to state that the improvement guarantees are automatically renewable.

Mr. Crissman made a motion to approve the final/subdivision plan 2006-05 for Old Iron Estates, Phase II with the following: 1) Waiver of the curb and sidewalk requirements along Red Top Road and Nyes Road. Plan does propose widening of Red Top Road to 24 feet; 2) Waiver of the roadway-widening requirement along the frontage of Nyes Road; 3) Waiver of the requirement of a basin slope of 3:1 (Detention Basins “B”, “C” and “D”) and waiver of the requirement of the maximum height of the basin of 8 feet (Detention Basin “B” is proposed to have a height of 10 feet; and Basins “C” and “D” are proposed to have a height of 12 feet; 4) Waiver of the distance requirement between minor street intersections along a minor street (Deere Lane) from 400 feet to approximately 245 feet between Red Top Road and Moline Lane; 5) Waiver of the minimum distance requirement of 40 feet between a driveway and a street intersection for the proposed driveways serving Lots 29 and 97; 6) All conditions of the Preliminary Plan shall be complied with; 7) Plan approval shall be subject to addressing Dauphin County Planning Commission’s comments dated January 21, 2006; 8) Final plan approval shall be subject to the payment of fee-in-lieu for 21 lots at \$1,250 per lot; 9) Final plan approval shall be subject to Dauphin County Conservation District’s review and approval of an Erosion and Sedimentation Control Plan; 10) Plan approval shall be subject to providing original seals and signatures on the plan; 11) Plan approval shall be subject to the payment of the engineering review fees; 12) Plan approval shall be subject to the Lower Paxton Township Sewer Department’s review and approval of the sanitary sewer design; 13) Plan approval shall be subject to the establishment of an improvement guarantee for the proposed site improvements; 14) A street/storm sewer construction permit is required for construction of streets and storm water facilities; and 15) All signage must meet the requirements of Article 1183 of the Lower Paxton Township Zoning Ordinance. This includes temporary construction signs, etc.

Mr. Blain seconded the motion and the supervisors were polled as follows: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye, and Mr. Hawk, aye.

Mr. Pierce thanked the members who participated in the meeting that followed the Board of Supervisors meeting last week. He noted that it was a well thought out situation.

**Adjournment**

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 8:13p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman  
Township Secretary