

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Workshop Meeting held March 8, 2011

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6:07 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; Steven Stine, Township Solicitor; Joel McNaughton and Francis McNaughton, The McNaughton Company; Jeff Staub, Dauphin Engineering Company; Marty Schoffstall, Schoffstall Children's Trust; Stephen Fleming, HRG, Inc.; George Zimmerman; and Ted Robertson and Watson Fisher, SWAN.

**Pledge of Allegiance**

Mr. Hornung led in the recitation of the Pledge of Allegiance.

**Public Comment**

No public comment was provided.

Presentation by The McNaughton Company regarding a  
proposed change to Autumn Oaks, Phase I

Mr. Joel McNaughton explained that the improvements have been installed for Phase I for the Autumn Oaks development that was recorded last year. He noted that several homes are under construction in Phase I which included 79 total units, 16 of which are single-family detached units. He noted of the 16 single-family detached units, 12 are under contract. He explained that they have not had the grand opening for the community yet. Mr. Hawk questioned if the homes are occupied. Mr. McNaughton answered that they are under construction.

Mr. McNaughton explained that he had a need to provide additional single-family detached units. He explained that several months ago, he received the final approval for Phase II of the project which required streets and other infrastructure improvements. He noted, until they can start that phase of the project, they would like to provide more single-family detached units in Phase I. He explained that he has not yet completed the improvements to Silver Maple Drive. He noted that he planned to build luxury villa townhome units; however, he is finding that there is no market for that type of housing as this time. He requested that Silver Maple Drive be converted from 23 villa townhomes to 12 single-family detached units. He noted that it would provide for a little less impervious coverage, but the stormsewer would not change. He suggested that it would be a lot line modification. Mr. Hornung questioned what the reason for the request was. Mr. McNaughton noted that their single-family homes are selling very well.

Mr. McNaughton reported that 11 fewer units would be built at this time. He explained that he has met with the Authority to review the new plan and provided the revised plans for fewer laterals, etc. He noted that all the improvements are covered under the bond for Phase I, and he would like to start moving forward with the construction of the improvements for Silver Maple Drive. He explained that 11 units would be eliminated from Phase I at this time. He noted that the plan shows additional open space at the time the plan was approved and it could be available as a residual tract. He explained that he plans to come back to the Board at some time in the future and reposition those 11 lots in the area that is located in the southern section of the development. Mr. Hornung questioned how you would access that area. Mr. McNaughton noted that the cul-de-sac would be opened up as well and a second street would be lengthened to access that area. He noted that the flood plain shown on the plan from Paxton Creek is very overstated. He noted that the revised location is 40 to 50 feet above the creek and he suggested that the map would be revised as the information was from an old Federal Emergency Management Association (FEMA) map.

Mr. Hawk noted that Mr. McNaughton is ready to move forward with this change. Mr. McNaughton noted that he would submit the re-subdivision plan to the Planning Commission at its April meeting, and he hopes to bring it to the Board for approval in May.

Mr. Hornung questioned when a developer requests to revise a plan, do they have to get signatures from all the people who have already bought homes. Mr. Stine noted that there was an

issue in the past where a developer was not going to put a recreation area in, and that required signatures. He noted that this was always earmarked to be developed residentially and he did not think that the change from multi-family to single-family would be an issue. He noted if they were changing what they were devoting to certain things such as building on open space that would be different.

Mr. Wolfe questioned what would be required when they come back to add the 11 units to the southern area of the plan in an open space area. Mr. Stine suggested that it would only impact the homes in Phase II. He noted that nothing has been built in Phase II yet. Mr. McNaughton noted that the additional 11 units may even be considered for a later phase. Mr. Stine noted that the final plan for each phase is the one that is recorded. Mr. McNaughton noted that he had considered that this would be an impediment since it has happen to him in the past, noting that he had to get all the homeowners to sign off. He stated that that Autumn Oaks is a planned community and the units are declared over time, and parts of property are added in and out of the planned community. He noted since no improvements have been done to this section, it has not been declared under the planned community. He noted that it is shown as additional ground on the plan, but once the plan is approved, it would be added to the planned community.

Mr. Hornung questioned during what phase he would make the connection. Mr. McNaughton noted that the connection to the north would be made in Phase II.

Mr. Crissman noted that he is fine with the request. Mr. Seeds questioned if anything was built on the street that the change is proposed for. Mr. McNaughton answered no. Mr. Seeds noted that the change would not impact anyone at this time. Mr. Blain noted that it is refreshing that a plan was brought before the Board to decrease density. Mr. Hornung noted that it only for now until they come back with a revised plan to add those 11 units. Mr. Seeds noted that he would end up with the same number of units for the plan. He noted that it is a very desirable area to purchase a home.

Continued discussion with the Schoffstall Children's Trust  
Regarding its proposed rezoning of a tract of land on Devonshire Road

Mr. Jeff Staub, Dauphin Engineering Company, thanked the Board for putting this item on the agenda at the last moment. He noted that this property was up for rezoning at the end of

last year but the Board voted against the rezoning. He noted, at the end of the hearing, he had some discussions with Mr. Schoffstall and Mr. Jamie Strong, Mr. Schoffstall's attorney. He noted that they decided that it might be worth one more meeting with the Board to reconsider the rezoning of the property. He questioned if what he heard at the hearing was that the Board had an issue with the number of units that are proposed for the site. He noted, if the property is rezoned R-2, he could have as many as 43 units by right. He noted that the plan proposes 34 units. He explained that the property is zoned R-1, and if he used the ordinance that permits age-restricted development, he would be permitted 18 units. He questioned if there some number that the Board may look more favorably upon for this property, somewhere between the 43 and 18 units.

Mr. Hawk questioned Mr. Staub if the Planning Commission recommended 34 units. Mr. Staub answered yes. He noted that the plan was presented with the 34 units and they had comments on that, mostly to do with screening. He noted that they did not specifically say they were for or against the 34 units. He noted the only issue they had with the plan was to add additional screening along Devonshire Road. He noted that the Township's Comprehensive Plan very specifically identifies this area as R-1 and R-2 for the Future Land Use map. He noted that this property is within the Colonial Park South Planning Unit, and its recommendation for housing was to allow by way of zoning changes to promote a retirement type development for older citizens. He noted that is why the Dauphin County Planning Commission didn't have an issue with the rezoning request because, it was clear that he was proposing residential retirement for this property. Mr. Hawk noted that the Dauphin County Planning Commission reiterated what you just said. He noted that they gave it a thumb's up.

Mr. Staub noted that Mr. Blain had an issue with the general concept of rezoning property to a higher density. He noted that this property is unique in that it will be an infill, noting that there is development all around the property. He suggested that it is like a mini-Amesbury. He noted that the density for Amesbury is 5.5 units per acre, and his project would only be 4.5 units per acre. He noted that Mr. Parmer's development on Locust Lane is 10 units per acre, and Meadowview is 6 units per acre.

Mr. Hawk questioned if Mr. Staub had public comments during the public hearing, regarding the public entrance to the development. Mr. Staub answered that Mr. Gallo, and his attorney, made an issue about that. He noted that there was some discussion with putting the

entrance to this development across the street from the entrance/egress for Paxton Towne Centre. He noted that Mr. Grove, the Traffic Consultant, stated that it would be the logical place to put it. Mr. Hawk noted that he remembered that conversation. Mr. Staub noted that the Board has allowed for the construction of a boulevard entrance in the past, with a wide island and a one-way in and one-way out so the road would not be totally blocked.

Mr. Staub noted that one issue that Mr. Seeds had in regards to the density is if the rezoning was granted that Mr. Schoffstall could put in whatever he pleased for the uses allowed in the R-2 zoning. Mr. Strong made a suggestion that there could be a deed restriction place on the plan that Mr. Schoffstall and the Township could enter into that would guarantee, if the property was rezoned R-2, the agreement would limit development to the property to the amount of units the Board would be comfortable with. He noted that he did not know if Mr. Stine would have an issue with that. He noted that he has heard the term “contract zoning”, and he has no idea what it means and he questioned if there would be a way to craft the agreement so that it doesn’t qualify for contract zoning.

Mr. Hawk questioned if Mr. Staub was still thinking in terms of 34 units. Mr. Staub noted that is what he originally requested and received the blessing of the Dauphin County Planning Commission and the Township Planning Commission. He noted, if the Board has serious issues with that number and is looking for something less, then further discussion should be held on this issue.

Mr. Blain noted that he has voted for his fair share of rezonings in the Township but typically the rezonings that he has voted for are because the developer has also recognized the need to provide something in addition to just asking for the rezoning, such as road improvements, parks and recreation donation, safety concerns. He questioned what the proposed opportunity for this plan is, questioning if the developer was thinking of providing road improvements along Devonshire Road.

Mr. Schoffstall noted that based on the design of the facility across the street which has trashed his property, with the way the winds blows and the tremendous amount of trash that is being ejected onto his property; it is the best hope of cleaning up the looks of Devonshire Road. He noted that the design that was approved by the Board for Paxton Towne Square has ejected every bit of trash out of 60 acres onto 450 feet of Devonshire Road. He suggested that this is the

best opportunity to clean the whole thing up. He suggested, there is a tremendous opportunity to make the road more aesthetically nice with improvements for the area.

Mr. Blain noted that he understands Mr. Schoffstall's point, but developing the land will not stop the issue with trash blowing across the street onto your property, as it will continue to occur. He noted, from a safety perspective for Devonshire Road, it is a narrow road to begin with. He noted that Mr. Schoffstall will be adding 34 units to the road system and they will be age-restricted. He noted that Mr. Parmer is installing turn lanes on Locust Lane at the entrance to his new development to allow the age-restricted people to be able to turn into the development safely. He questioned if there is any proposed road improvements for this development or is it just thought to leave it up to the Township to deal with. Mr. Staub noted that he is not that far along with the design, but he explained that Mr. Grove did a quick analysis to see if turning lanes would be required due to the additional traffic that would be generated, and he found that not to be the case. He noted that widening and improvements would be done along the frontage of the property as required by the new ordinance. He noted that the street would be widened for the 680 feet of frontage along Devonshire Road. He noted in regards to off-site improvements, the trip generation does not show a need for improvements at Route 22 or Devonshire Road.

Mr. Hornung questioned if the proposed widening along Devonshire Road permits a vehicle to move over and get out of the main flow of traffic. Mr. Staub answered yes. He explained that it would not be a full lane, but provides a wide enough area for a vehicle to pass. Mr. Hornung questioned how much wider would that lane be. Mr. Staub answered that it would be six feet. He noted that the current lane is 11 feet in width.

Mr. Seeds stated that he had three concerns, the first being density, the second being the domino effect of rezoning, and how other properties may want to request rezoning, and the third, that it might be considered spot zoning and that there could be some legal challenges to the rezoning. He suggested that the challenge of a lawsuit could be very high but he stated that he is not afraid of a lawsuit. He noted that plans for this land have been presented to the Township many times and he would like to see it resolved.

Mr. Staub noted that an office building was once proposed for the site. He noted that the land sat vacant for many years until the recent requests for the rezoning of the property. He noted that he would have to refer to Mr. Strong on the spot zoning issue, but he feels that it is not

spot zoning, and Mr. Strong can cite case law to support it, but, on the other hand Mr. Gallo's attorney could probably cite case law that supports his position. He suggested that Mr. Stine may have to weigh in on this issue.

Mr. Hawk noted that the Dauphin County Planning Commission did not support the spot zoning argument.

Mr. Schoffstall suggested that that portion of Devonshire Road is not an R-1 developmental single-family, \$400,000 home area. He noted, with the surrounding commercial area, especially with the design problem with the entire facility across the street, he does not see those types of homes being built. He explained that he is asking for something between R-1 and R-2 which he thinks, if you look at the material ejected from the shopping facility, the new project would be a lot better than what is going on now.

Mr. Seeds noted that he thinks they did a nice job with the design for the Paxton Towne Centre with the mounding and the trees. He suggested that it does not have that much of an effect on the neighborhood. He noted that you will get trash from any commercial site, but he did not think there would a good way to stop it. He suggested that the Township can try to get the tenants to clean up more of the mess. Mr. Schoffstall noted, in the past seven years, that has been unsuccessful. Mr. Seeds suggested that they may need to put up a fence. Mr. Schoffstall noted the only way it will happen is if you close that entrance into the shopping center. He noted that it is a problem with the design.

Mr. Staub noted that there are no enhancements to offer to the Township in exchange for rezoning the property. He noted that the traffic studies do not indicate that any of the adjacent intersections need to be improved. Mr. Blain noted that he was not discussing the adjacent intersections; rather, he wanted to ensure that a full lane is available to enter the development if you are traveling eastbound on Devonshire Road, and there should be a consideration for a turning lane for the westbound lane. Mr. Staub noted that it would be easy to construct the eastbound lane; however he was not sure how it would work to install a westbound lane.

Mr. Blain noted that he understands what Mr. Schoffstall is saying about the single-family homes in that area, but he questioned why he was using the \$400,000 range for a home. He noted that the homes that surround that area are not in that range. He questioned, knowing that there is a situation where trash blows onto the property, why someone who is 55 and over

would want to live in that versus someone with a single-family home. Mr. Schoffstall answered that he is trying to provide an explanation why his development might be good for that area. Mr. Blain noted that he would still experience the same problem whether it was zoned R-1 or R-2. Mr. Schoffstall noted that he resents that the Board messed up his property by permitting the design for Paxton Towne Centre to be built as it was. He noted that his plan would fix the problem forever versus, coming to the Township on a weekly or monthly basis, complaining about a littering issue that has not been enforced and ignored for seven years.

Mr. Staub noted that the issue with the property is if he builds single-family homes on the land, he would only be allowed to build 18 homes, and as a practical matter, he can't fit that many on the property. He suggested that he would only be able to build 14 or 15 homes. He noted, if you weigh that against the infrastructure costs of \$900,000 and amortized that over 15 lots or 30 lots, then it makes a big difference. Mr. Blain noted that it is truly an economic problem. He noted that there are secondary thoughts about residential-retirement because you want to do good things for the 55 and over community, but the reality is that it is an economic issue. He suggested forgetting the trash issue and discussing the economic issue.

Mr. Schoffstall noted if he brings in the 55 and over community, the Township gets the taxation without imposing more children on the school district. He noted that there is a reason why the retirement communities have a tremendous benefit to the community because they bring in the same tax base without the same costs. He noted that there are economic benefits to everyone. Mr. Blain noted that Mr. Schoffstall could not do single-family homes since the infrastructure costs would outweigh the benefits of building the homes. He noted that he needs to put the smaller units on the land noting that the infrastructure costs would pretty much stay the same. Mr. Staub noted that given the economic climate today and not knowing what it will be ten years from now, there may never be an opportunity to develop the property unless the density is increased. He noted that it is not the Board's problem, but at the same time, as a resident of the Township, having a residential retirement development at that site makes sense and will benefit the Township.

Mr. Schoffstall noted that the tremendous benefit to the site is what appears to be the future of America; you will have a walkable community, the opportunity to walk from that site to other places, or to bicycle from there to other places. He noted that there is bus service available

close by. He noted that this would be living space leveraging off the public transportation, and walkability to shops. He noted that he would say the same thing about the Village of Linglestown. He noted that ability to walk around to certain businesses is the future for a significant portion of the population. He noted that it is unknown what gasoline will cost this summer, but he would say that it will be higher in the future. He noted that it is the advantage for a number of sites around the arterial roads.

Mr. Seeds noted that development to that community would be an improvement, even before the shopping center was developed. He noted that there was always a trash issue with that land even before the shopping center was built. He noted that someone stripped the top soil off the land many years ago. He noted that the other homes along Devonshire Road get trash, but the homeowners pick up that trash. He noted that everyday of the week he picks up trash in Linglestown in front of his home. Mr. Schoffstall explained that he has the kids walking up and down along the road frontage on Devonshire Road, in front of his farm, picking up trash. He noted that it is due to the density of the commercial land. He noted that the shopping center's waste handling is right at that entrance off of Devonshire Road.

Mr. Schoffstall noted that he did not want to waste anymore of the Board's time and it does not sound like the Board wants to do anything, so he will pass and leave it like it is. He noted that it will not work. He noted that he does not have to do it. He noted that he had hoped to move his father into that location, but he would have to find another place for him to live. (At this time Mr. Schoffstall left the meeting and Mr. Hornung explained that he was going to move to the other side of the table to speak as the designer of the project.)

Mr. Hornung explained that he is approaching this from a taxpayer point of view. He noted that Mr. Schoffstall does not need to develop the project. He noted, if you look at the site, because of the development of the shopping center that was built, as progress occurs, certain areas become non-functional and non-developable as residential R-1 due to the lot sizes. He noted when the lot sizes were two units per acre, it might have been more viable, but as you decrease the units to allow for a lower density, even with the 55 and over age group, there are certain transformations that need to occur. He noted that the price of homes now range from \$350,000 to \$400,000 an up. He noted that the price of housing may come down a little, but the amenities are what are responsible for raising the overall costs of a home. He noted that houses

with less maintenance are more attractive to an older crowd. He noted that Devonshire Road has become a crossover street to Nyes Road. He noted that traffic for the road has made it an undesirable area for R-1 and that is why the Comprehensive Plan calls for R-1 or R-2. He noted, as a Township Supervisor, he does not like R-2 density, but if you could come up with another zoning that is in between, it would work. He noted that it is uneconomical to develop the land if the density is too low. He noted that Mr. McNaughton found that high-end townhouses don't sell but low-end ones do. He noted that it becomes an economic factor once you add the infrastructure costs that are close to a \$1 million. He noted when you divide those costs by less units the price goes up significantly, and then you have to build high-end townhouse. He noted that Amesbury has done well and that price range is attractive and if Mr. Schoffstall can get his homes a little lower it would become more attractive. He noted that this area is not desirable for R-1 development anymore due to the growth and progress that has occurred. He noted that he would like to come up with a density that is in between that would be economical and provide for low end townhomes for the 55 and older group.

Mr. Hornung noted that there was some concern that once the land was sold and rezoned to R-2 that a developer could build 43 units. He noted that Mr. Schoffstall is willing to make a change to the deed, before a decision is made, to only allow a certain number of units. He noted that 30 units are the minimum amount that it will work to be affordable. He noted that the Board needs to decide to kill the project or if it is viable. He explained that he asked Mr. Schoffstall to meet with the Board to discuss the plan one more time and let the Board decide. He noted if you don't want to do it, he understands. He suggested that this area is prime for this type of development because of the proximity to the shopping center, Friendship Center, and public transportation. He noted that he does not care either way if the Board wants to allow this project.

Mr. Blain noted that Mr. Schoffstall left the meeting thinking the Board would not approve the plan and he never said anything one way or the other. He noted that he understands Mr. Hornung's point, but he wanted to know why Mr. Schoffstall didn't bring up the economic issue in the beginning instead of bringing up all the stuff about the trash. He noted that Mr. Schoffstall needed to discuss that it was a small lot, and the Board wasted a half an hour discussing something that did not impact the plan. He noted that he should have been straight

with the Board, up front, that he needed to rezone the land to R-2 since he can't develop it as an R-1.

Mr. Hornung noted that he spoke with Mr. Staub this morning and he stated that he needed to present the economic factor. He explained that he asked Mr. Schoffstall if he could work this project in order to understand what it was like to be on the other side of the table. He noted that it has created some conflict for him because he is sitting on both sides and he doesn't want to be on both sides. He noted that it taught him a lot of things. He explained that he does not know why more people don't mention the economic hardship in developing.

Mr. Seeds noted that the plan would be provided a bonus for 55 and over and that is why he would be permitted to build 18 single-family homes on the land. He suggested that the Board needs to review its ordinances as it may also impact the Stray Winds Farm plan. He noted that there are benefits from the 55 and over community. He noted that if the rezoning is granted for one property then there may be a domino effect for other properties. Mr. Hornung noted that he does not disagree with looking at the ordinance. He noted that when they discussed the bonus the low end was chosen, but, at that time, the Board looked at things without knowing the economics, and make decisions without that knowledge. He noted that some people who are 60 and older do not want to cut grass, but may want a small garden, so we have to look at these areas. He noted as the price of gasoline goes up and heating fuel increases, there is a certain advantage to have a duplex, as there is one less side that you have to heat. He noted that there is a cheaper way to build a home, noting that you save money by building a duplex, so it lowers the over all price of the housing and for the over 55 market, it would make the home more affordable to buy. Mr. Seeds noted that he knows some people who are moving out of the Township because they can't find affordable housing because the value of land in the Township is high. Mr. Seeds questioned what should we do about it.

Mr. Blain noted that Mr. Staub made a statement that he was against the density and he did not know where that statement came from. He noted that he is concerned about the density in general in the Township but if it makes sense to increase the density for this area, he might consider it. He noted that the Board spent a lot of time talking about this issue and if Mr. Schoffstall would have gotten to the point that it is an economic issue for this same tract.... Mr. Seeds noted that he wished we could make it work with 16 or 18 units. Mr. Blain noted that the

argument from the start is that it would not be a good R-1 District, and he totally disagrees with that since there is so much R-1 around it. He noted, however, if you are telling me to install the infrastructure for a small development would outweigh what you can get out of the property for R-1, that makes sense. He noted that he would like to work with the developer to make it happen, but he was not happy with all the discussion about the trash. He noted the trash issue will never change. Mr. Hornung noted that Mr. Schoffstall has owned the property for seven years, and due to the way the shopping center was constructed, there is a wind tunnel that blows all the trash from the rear of the property and directs it onto his property. He noted that he would like to get rid of this problem because he has been fighting it for seven years. He noted that his frustration level is through the roof, he complains to staff, they notify the businesses, the businesses clean it up for awhile, and then it starts up again. He noted that it is a difficult issue as the trash does not always come from the stores, but from customers who dump their bags on the property.

Mr. Staub noted that he was hoping to get some direction from the Board before Mr. Schoffstall left the meeting. Mr. Seeds noted that unless the ground is rezoned, there is nothing the Board can do. He noted that he would like to see the land developed as R-1, and the only thing that could help if there was a change to the ordinance. Mr. Staub noted that you need to change the style of housing permitted for the seven-acre lot, noting that you cannot get enough single-family homes on that land. He noted that he needs to build duplexes or townhomes to get to the 34 units. Mr. Hornung noted that no one is going to want to buy a \$350,000 or \$400,000 home along Devonshire Road when the traffic is only going to get worse. He noted that it is not an attractive site to build an expensive home. He noted that the existing homes across the street from the shopping center were protected and we have reduced the viability of those homes remaining R-1 for a long period of time. He noted that eventually, the entire area will cave to a different zone due to the process. He noted that the Board has seen it happen along other commercial areas, such as Route 22. He noted that most of the homes along Route 22 have switch to commercial uses. He noted if you don't allow some type of change, the houses will deteriorate over time since no one wants to buy them as residences. He noted that you will either have to switch the area to commercial or come up with something else to make it a more viable option. He noted that is what is going to happen in that area. He noted that many of those homes will become a home business. He noted that a good example of that is along Old Jonestown Road

in Paxtonia. He noted that the area has deteriorated because no one wants to buy the homes as a residence anymore. Mr. Seeds noted that it becomes a domino effect. Mr. Hornung noted if you allow a commercial area, you have to realize that you have already created the domino effect.

Mr. Seeds questioned why you could not build a home for \$400,000 in that area. Mr. Hornung explained that the infrastructure costs to develop that land is close to \$900,000 and before you built you have added \$90,000 to the cost of the home. He noted that does not include the price of the land, so it would be another \$40,000 on top of that, so you now have \$130,000 invested in a lot before you start to figure in the cost of the home. Mr. Staub suggested that the multiplier is four for land costs. Mr. George Zimmerman suggested that it is roughly 25%. He noted that the \$400,000 sale is nonexistent. He noted that there was one home sold in Susquehanna Township from September 2010 until the March 1, 2011 that was over \$400,000.

Mr. Hornung questioned Mr. Zimmerman what he thought the viability of selling a \$400,000 home on those lots would be. Mr. Zimmerman answered that it would be zilch. Mr. Seeds noted that you are referring to water and sewer lines, road widening, curbing and sidewalks. Mr. Zimmerman noted that from the time he first started to do the work in Kendale Oaks to now, the infrastructure costs have increased threefold. He noted that some of the cost increases were due to State and Township sewer regulations, and all this has to be taken care of. He noted that it drives up the price of the homes.

Mr. Hornung noted that the option for this lot is to build it with 30 units or not at all. He noted that it does not work economically any other way. He questioned if the ordinance created this problem as it all boils down to economics. He stated that you won't see a \$400,000 home built along that road. Mr. Zimmerman noted if the market was stronger, you still would not be able to sell a \$400,000 home along that road. Mr. Hawk noted that it is not a \$400,000 area. Mr. Zimmerman answered that is correct.

Mr. Zimmerman noted that it is the same for Locust Lane. He explained that part of the area is commercial and it is difficult to sell a home along that road. He noted that the traffic is heavy and no one wants to buy there if they have children. Mr. Hawk noted that it comes back to the same question, do we leave it the way it is or do we rezone the land. Mr. Hornung noted that the Township needs some type of zoning district in between the R-1 and R-2, going from one and a half units to six units. He noted that the density bonus only allows for up to two units. He

questioned, if you need to build three or four units, what do you do. He noted as a supervisor he would not always want to allow six units, but duplexes might work and it would allow for four or five units. He questioned if the Township needs another zoning district.

Mr. Seeds noted that he would sooner look to rezone the entire area on that side of Devonshire Road from Route 22 to as far as needed. He noted that Mr. Hornung is correct, noting that that area may not be viable for single-family housing due to traffic and the shopping center. He questioned where you stop the rezoning, and suggested that the Board should look at the entire area for at least a couple of blocks for rezoning. Mr. Hornung noted the Comprehensive Plan determined that that area should be R-1 or R-2 zoning. He suggested as a progressive area, if you want to ensure that it stays viable, that is something the Board should look at. Mr. Seeds suggested that it would be more suited for a business campus rather than R-1 or R-2, noting if it is not viable for residential living, there many need to be a buffer between the shopping center and the single-family homes. Mr. Hornung noted if the shopping center was not there he would agree to that, but since it is, you may consider something that is conducive to an over-55 community because it is easy access for them to shop. He noted that it has many good shops, the Friendship Center, and public transportation. Mr. Seeds stated that he did not know if anyone would tear down the existing single-family homes and build new multi-family communities. Mr. Zimmerman noted that the houses on the right side of the street are all older homes, and some of the lots are big while others are small. Mr. Seeds noted that they would have to combine several lots to build an over-55 community.

Mr. Hornung questioned what do we do, or do we do nothing. He explained that he agrees with Mr. Schoffstall, not to do anything at this point, and possibly rezone the west side of Devonshire Road. He noted that he would like an answer. Mr. Blain noted that he did not know if he can speak to it one way or the other, there are pros and cons for both sides and he would have to think about it more. He noted that he could not make a decision at this point.

Mr. Wolfe noted that part of the issue is that you are looking at one tract of land made up of seven acres within the overall area in question. He noted if you look at the zoning map along Devonshire Road from the Pizza Hut, south to Paxton Towne Centre along the opposite side of the road, it is all R-1. He noted that the existing development that is currently there is not on 20,000 square foot lots. He noted that the frontage of the road from the Pizza Hut to the Paxton

Towne Centre, on the opposite side of the road, could be something more transitional than R-1. He noted that R-1 development is likely not to occur there anymore, and that the homes that were built there were built before the commercial development existed. He suggested that some type of zoning that would allow mixed uses on that first block, on the west side of Devonshire Road, could be a transition between the heavy commercial on the east and north and the remaining residential that is taking place to the west. Mr. Seeds questioned if the Township has a neighborhood professional zoning district. He noted that the Board should look at options.

Mr. Hawk noted that the Dauphin County Planning Commission stated that zoning the parcel to R-2 is consistent with the Comprehensive Plan and the parcel will serve as a transition from the General Commercial area to the north and the low density zoning to the south. Mr. Hornung noted that this has been an issue for a long time. He noted that the Board has come up with countless zonings in the past to deal with the issue of commercial development that would not hurt the people who own the adjacent land, to provide a viable option for developing that works. He noted that the Board has come up with numerous zoning districts in the past to make it work, some successful, some not. He noted that the first was called a transitional zone and it was not very successful. He noted that the Township needs something that will accommodate zoning so as it degrades you can keep it from degrading further and provide the homeowner a viable option that when the home is sold off that it would be economically viable.

Mr. Seeds noted that we have Neighborhood Professional zoning behind the Colonial Park Shopping Center. Mr. Wolfe reported that the Township does not have that zoning anymore. Mr. Seeds suggested that the Planning Commission or Board could have a meeting with the residents who live along Devonshire Road. Mr. Hornung noted that he did not think it was good to look at a specific area because if you were going to consider a new zoning district, it should be based upon a purpose. He noted that Business Campus could be used to make the transition; however, if the Board would consider looking at a transitional zone, it would be difficult. He noted that the economics for the Schoffstall property, even with the bonus, is not enough. He noted that is what Triple Crown Corporation is struggling with now. He noted that they are trying to make the development work economically. He noted that the density bonus doesn't always give you enough to make it work, noting that it gets you halfway or less. Mr. Zimmerman agreed with Mr. Hornung. Mr. Zimmerman noted that it is a small parcel of ground.

Mr. Hornung questioned Mr. Crissman what he thought. Mr. Crissman explained that he was going to make comments but when Mr. Schoffstall got up and made his final comment and left there was no point in responding. He noted that he would withhold his comments until the Board has a discussion on what it wants to do. Mr. Seeds suggested that the Board is at that point now.

Mr. Seeds noted that he would not want to allow 30 units but would look at rezoning it as a buffer. He noted if it is a problem to build single-family homes along that area, then the Board should consider a buffer area. Mr. Hawk questioned if he would go as far to allow 30 homes. Mr. Seeds answered no. Mr. Hornung noted that it is not economically viable to build anything unless 30 units can be built, and that is the problem. He noted if you look at certain properties along an area like this, it is not economically viable to develop unless you can build 30 units. He noted if you rezone the entire area, then you would probably end up with 30 units anyway. He suggested that it is a matter of fairness, and how do you deal with this situation, with a transition zone that is a fair without giving away the farm. Mr. Seeds suggested that it would be fair to look at the entire area. Mr. Hawk noted that he would be comfortable with that. Mr. Crissman noted that he had no problem with that.

Mr. Wolfe noted that there is nothing in the existing zoning ordinance that is exactly what you want. Mr. Hornung agreed that is the trouble. He noted if we try to rezone the land to something different using an overlay it was found that it didn't work, noting that the residents were afraid because it allowed for many uses. He noted that he is trying to get at this from two different angles to provide for something that is economically viable, noting that it is not easy to make it work. He noted, as a Board member, he would not want to rezone the land to provide for the building of 43 homes on the land. He noted that it is not fair to the Township. He noted that the Township needs some type of zoning between the R-1 and R-2 zoning. He noted that he did not realize how much of a disparity there was between the R-1 and R-2. Mr. Hornung suggested that it could be put on the agenda for a future workshop meeting.

Mr. Hawk told Mr. Staub that the Board would take a look at it.

Staff report regarding Lower Paxton Township Bridge No. 10 and efforts to replace the facility through the PENNDOT Transportation Improvement Plan (TIP)

Mr. Wolfe noted that Steve Fleming, HRG, Inc. is present to discuss the status of the bridge located on (Old) Jonestown Road at the Township line with West Hanover Township. He noted that the bridge is 85 years old, it needs to be replaced, and the estimated cost to replace the bridge is \$1.5 million. He noted that the current funding program for municipal bridges requires a 20% local match and if that 20% local match is split between West Hanover and Lower Paxton Townships, each paying 10%, it would mean that each municipality would have to contribute \$150,000 towards the project. He explained, to begin the process, it is necessary for the Township to write a letter to the Harrisburg Area Transportation Study (HATS) to request that the project be included in the Transportation Improvement Program (TIP).

Mr. Wolfe noted that he prepared the draft letter but was hesitant to send the letter because it commits the Township to pay \$150,000 towards the project. He noted, that given the financial condition at this time, he did not think it would be good to send the letter without Board discussion.

Mr. Fleming explained that the bridge was built in 1925, and currently serves at the municipal border bridging (Old) Jonestown Road over Beaver Creek, serving approximately 4,100 vehicles per day. He noted that it also serves as an arterial route to Route 22 and Interstate 81. He explained that HRG, Inc. has the contract with Dauphin County to do biennial bridge inspections of County bridges.

Mr. Fleming noted that this bridge is inspected annually due to its age and condition. He noted that the bridge is graded on several different components which are part of the National Bridge Inspection System. He explained that the bridge is rated on a scale of zero to 100 with 100 being the best rating a bridge can receive. He noted that this bridge is rated at (8) eight and it has been posted for a 20 ton limit. Mr. Crissman questioned why we are having this discussion when we know we need to fix it. Mr. Hornung questioned how bad does it have to get to be rated a one. Mr. Wolfe noted that the bridge does have a weight restriction of 20 tons, noting that before that, it was unrestricted. He noted that once a bridge is restricted and put on an annual watch list, depending on the annual degradation of the bridge, it can be restricted further and ultimately closed.

Mr. Crissman questioned if West Hanover Township agreed to share the costs. Mr. Wolfe noted that this is not the first time the Township attempted this process and in the past we have not been successful. He noted, in the past, they have always agreed to participate in it, however, they were hopeful of having 80% federal, 15% state, and 5% local share. He noted that this funding allocation may require a 20% local share and that means 10% for each or approximately \$150,000. He noted that Albert Brulo from HRG, Inc. is approaching West Hanover Township with the same information to inquire if they will participate in the process.

Mr. Crissman noted that it is a health and safety issue, a “no brainier”, we need to do it. Mr. Fleming noted that Mr. Brulo is on the agenda to speak to West Hanover Township at their meeting next week.

Mr. Wolfe noted that there was no money put away for this project, but it has been listed as part of a capital project.

Mr. Fleming explained, during the last bridge inspection, he identified priority and high priority improvements, noting that priority improvements are to be done as soon as feasible and high priority items are to be done within six months, and the dollar amount for those improvements is estimated to be \$105,000. He noted that the physical repair to the bridge is based on a unit cost and it does not take into account beam replacements or other items. Mr. Seeds noted that the bridge was inspected May 13, 2010 and the report from HRG, Inc was filed in June 2010, and now it is March 2011. He noted that there was a nine-month delay in relaying this information to the Board. Mr. Wolfe noted that the Board has had this report for awhile, but now, he is working with HATS to get it listed in the TIP. He noted, to do that, the Township needs to make a commitment, and he was uncomfortable doing that given the fact that the Board is beginning a new strategic plan and the fact that he does not know where the money will come from. Mr. Seeds noted that the costs on the list don't add up. He questioned of the Township can repair the bridge. Mr. Wolfe answered that it would cost \$105,000 to repair it, but it would still need to be replaced. Mr. Seeds questioned how long the repair would last. Mr. Wolfe answered that it would not last long, since it is an 85 year old bridge. Mr. Fleming noted that any repair you do at this time will not restore the structural capability or put off replacement indefinitely. He noted that it would be covering up the exposed rebar to keep the weather off of it to keep it from rusting further.

Mr. Seeds noted that Form B states that the date of recording was January 1, 1901. He questioned where they came up with that date. Mr. Fleming answered that he did not know.

Mr. Blain questioned how Mr. Wolfe came up with the cost of \$150,000 as the estimated cost states that the local cost would be \$79,000. Mr. Wolfe noted that is the 5% match calculation.

Mr. Crissman noted that we cannot take any action at this time but he would recommend having Mr. Wolfe send the letter.

Mr. Fleming noted that there would be some upfront engineering that needs to be started. Mr. Seeds noted that West Hanover Township needs to agree to pay their share of \$150,000.

Mr. Hornung noted that the process would probably take two years to accomplish. Mr. Wolfe agreed. He noted that he hopes to get the bridge listed in the TIP, and with that commitment, PENNDOT would allow the Township to engineer it locally. He noted that HRG, Inc. represents both West Hanover and Lower Paxton Townships, and we would enter into a contract, approved by PENNDOT, with HRG doing the design work. He noted that would be two years out with construction three to four years out, if it can be funded. He suggested that it would be included in the strategic plan for 2015 or 2016.

Mr. Blain questioned if the bridge would make it that long. Mr. Wolfe suggested that there will be another posting for the bridge to reduce the weight to a lower tonnage. Mr. Fleming noted in the absolute worst case scenario, PENNDOT would close the bridge. He noted that the sooner you start the planning process; hopefully you can meet a construction schedule that would prevent you from having to close the bridge. Mr. Wolfe noted that the closer the bridge gets to a zero rating, the more likely the bridge would be included by HATS in its funding cycle. He noted that it is a high profile location for the bridge and the closer the bridge gets to being completely restricted, the more likely PENNDOT and HATS will be to fund it.

Mr. Blain noted that the bridge at Red Top and Nyes Road had many deficiencies. Mr. Wolfe noted that bridge is second on the list for the Township. Mr. Fleming noted that it is not close to the rating of the (Old) Jonestown Road Bridge. Mr. Blain noted that that bridge would also need to be replaced and he questioned if both projects could be bid at the same time. Mr. Hornung noted that one bridge is partly located in West Hanover Township and he did not know if that would be a problem. Mr. Blain explained if the Board is aware that it has two bridges in

need of replacement, it could gain cost savings by doing both at the same time. Mr. Wolfe noted that is probably true, however, the issue would be that the local contribution is \$300,000, with the State contribution being \$1.5 million for the one bridge, and the amount would double for the Township since it would have to pay the entire local match. He noted that the HATS TIP is very competitive and getting two bridges on the list at one time would be difficult.

Mr. Wolfe noted that they will review the average daily traffic volume, and other routes that would serve the area. He noted that a bridge that may have a low traffic volume but is the only bridge to a specific community would rank higher than one that has alternative routes. He noted that this bridge does have alternative routes, noting that Route 22 could be used. He noted that 4,100 vehicles cross the bridge daily and it is not an insignificant number. He added that it is an arterial road between the two Townships.

Mr. Hawk noted as the bridge gets closer to zero tonnage capacity, does it escalate the cost of the repair. Mr. Fleming noted that it is a complete replacement so it wouldn't change the costs for the replacement. He noted that they could recommend that the Township do greater and greater repairs every year in order to prevent failure. Mr. Hawk noted that the lower the tonnage capacity, the higher the possibility of some kind of catastrophic incident.

Mr. Hawk agreed that Mr. Wolfe should send the letter. Mr. Seeds questioned how long the letter would be good for. Mr. Wolfe noted, if it is not accepted in this funding period, then he would resubmit the letter.

“Otta Know” Presentation: The Model Flood Plain Ordinance as prepared to  
Comply with National Flood Insurance Program and the PA Flood  
Plain Management Act (Act 166-1978)

Mr. Wolfe noted that the Board has to adopt new floodplain regulations to correspond with the new Federal Emergency Management Agency (FEMA) maps that it received roughly a year ago. He noted that the maps were available for public inspection and the Township had one challenge to the maps. He noted that the property owner challenge was accepted and the maps were amended to acknowledge the change. He noted that he received the amended map this week.

Mr. Wolfe noted that the Township has two options for adopting a new floodplain regulation. He noted that the first option would be to take the existing Township regulations and amend them. He noted that they are part of the zoning ordinance and staff from the Dauphin County Planning Commission has done a review of the existing regulations to determine where they are deficient and there are many significant issues. He noted that it would take a long time to do the proper amendments. He noted that the second option would be to adopt a State Model Regulation, noting that it would contain the minimal standards that the Township has to meet to qualify for the National Insurance Flood Program (NIFP). He noted that the State model would be a larger document, noting that he would fill in the blanks and the Board would adopt it. He noted that it could be adopted as a free standing ordinance as opposed to being part of the zoning ordinance.

Mr. Wolfe noted that he included in the packet the State Model Ordinance, and has been reviewed it, filling in the blanks and picking optional language where it provides that opportunity. He noted that the process that the State laid out is if the Township adopts this model ordinance it would have to acknowledge that it will do so, and send the ordinance, in their format, for their review. He noted, once the State provides their approval to adopt the ordinance the Board would have to adopt it, with an effective date of 180 days out. He noted, during that 180 days, staff would then go through the process of amending the zoning ordinance to take out the floodplain regulations that would be in conflict with the model ordinance. He noted that it is a complicated process, but the Township has to do it because if it does not do it it would not be eligible for FEMA emergency funding, and the residents would not be eligible for flood insurance if they live in an area that is identified as a floodplain. He noted that Lower Paxton Township has very small floodplain areas and he is not aware of any structures that are located in an existing floodplain community. He noted that the Township must go through the process.

Mr. Crissman questioned, if the Township adopts the State Model, then it would have to change all of its existing regulations, would it become a stand alone ordinance. He questioned, if the new ordinance is approved, wouldn't it automatically supersede the current ordinance. He questioned could the Board move to expunge the old ordinance. Mr. Wolfe noted that he knows what Mr. Crissman is saying, however, it can't work that way. He explained that the Board has the ability to adopt a free standing ordinance to enforce powers to protect the public health,

safety and welfare. He noted that is a simple process, with one advertisement, public hearing and adoption. He noted in Lower Paxton Township, years ago, for whatever reason, the Board chose to include the floodplain management regulations as part of the zoning ordinance, which is governed by the Pennsylvania Municipalities Planning Code. He noted that you can't, by a general ordinance, say that everything in the zoning ordinance that was adopted by the Planning Code is now rescinded. He noted that it doesn't work that way. Mr. Stine explained that there are different advertising requirements and a public hearing requirement for a zoning ordinance.

Mr. Wolfe noted that a zoning ordinance would have to be reviewed by the Township Planning Commission and the Dauphin County Planning Commission. He noted that adopting a free standing ordinance to enforce general powers does not have to be reviewed by anyone. He noted that it would be available for public inspection, adopted, and you are done.

Mr. Crissman questioned what needs to be done once it is adopted. Mr. Stine explained that the Board would repeal the floodplain portions of the zoning ordinance. Mr. Crissman questioned if it could be done in one action. Mr. Wolfe answer no, noting that it would be more difficult if the Board kept it in the zoning ordinance, since the new FEMA maps have changed the floodplain boundaries, so the zoning map would have to be changed. He noted to change the zoning designation on the zoning map for all the affected properties would be a timely and expensive process.

Mr. Crissman directed Mr. Wolfe to just do it and make it happen. Mr. Wolfe explained that the Board would be acting on an ordinance to adopt the model ordinance and then three to six months out from that it would have to repeal sections of the zoning ordinance to remove the floodplain requirements. Mr. Seeds noted that the Township would not have to make changes to the zoning map.

Mr. Robertson questioned if there would be a public hearing on the new ordinance. Mr. Wolfe answered yes.

Mr. Wolfe noted for communities that are affected by flooding, this process is very serious.

Mr. Hornung noted that there are optional items to choose from and he questioned if they would be discussed. Mr. Wolfe explained that he was going to make the choices for the Board; however, he could discuss those options at this time. Mr. Hornung noted that he did not want to

do that tonight, but he would like to review them. Mr. Wolfe noted that he would bring the options to the Board for their review. Mr. Hornung noted that he would not want most of the options in the model. Mr. Wolfe explained that he removed most of the options. He noted that he kept the option that prohibited development within 50 feet of the top of a stream bank. Mr. Hornung questioned what the regulation was before. Mr. Wolfe answered that it was already covered in the Conservation District as part of the zoning ordinance. Mr. Seeds suggested that there was a 100-foot buffer.

Mr. Wolfe noted that he took out the section on special uses. He explained that we don't want any of that. Mr. Seeds questioned what that would be. Mr. Wolfe answered that it would be for jails, prisons, nursing homes, and hospitals. Mr. Seeds questioned why that would be. Mr. Wolfe noted that we would never have a jail in a flood plain, noting that jails are big and the Township does not have any large floodplains. Mr. Seeds noted that we have a sewage treatment plant in a floodplain at Springford. Mr. Wolfe noted that it is located on top of a hill. He noted that you could include an article that permits these things by a special permit in a floodplain but he did not think that any of our floodplains are large enough. Mr. Hornung noted that it makes sense that you would not want to have to move a lot of people in an emergency situation from a hospital if it was located in a floodplain.

Mr. Wolfe noted that he would provide a presentation of the options at the next workshop session. Mr. Hornung noted that he did not see one option that he liked. Mr. Wolfe explained that he removed the option on page 20 to make manufactured homes prohibited in a floodplain. Mr. Hornung noted that it is hard to tell the difference between a manufactured home and a regular home. Mr. Blain noted that there is a difference between manufactured homes and mobile homes. He noted that manufactured homes are put together on site. Mr. Seeds noted that they are modular homes. Mr. Hornung questioned why Mr. Wolfe included manufactured homes. Mr. Wolfe answered that they are anchored differently. Mr. Hornung noted that his sister lives in a manufactured home and you wouldn't be able to tell the difference noting that it has a basement just like other homes. Mr. Blain noted that Excel homes builds manufactured homes in Liverpool. He noted that they bring out the parts and put it together on the existing foundation. Mr. Wolfe explained that you need to look at the definitions in the ordinance. He noted that the definition is for a mobile home, a structure transportable in sections which is built on a

permanent chassis. Mr. Hornung noted that it includes and does not exclude a manufactured home which means that it comes in parts. Mr. Wolfe noted that he can take them out. Mr. Hornung noted that it should state a mobile home. Mr. Stine suggested that an Excel home would be considered to be a single-family home and it would not be considered to be a manufactured home. Mr. Seeds questioned if there is a difference between a manufactured home and a modular home. Mr. Wolfe suggested that the Excel home is a modular home. He noted that you need to look at the definition for the ordinance that you are dealing with. Mr. Stine noted for the industry, manufactured homes includes all kinds of homes whether they are mobile or modular, but this definition defines it to be more like a mobile home. Mr. Wolfe noted the definition is for a mobile home and he felt that the two options were appropriate.

Mr. Wolfe noted that he would prepare the document for the next workshop meeting.

### **Adjournment**

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Seeds seconded the motion, and the meeting adjourned at 7:55 p.m.

Respectfully submitted,

Maureen Heberle  
Recording Secretary

Approved by,

Gary A. Crissman  
Township Secretary