

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held March 20, 2012

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:37 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 Steven Stine, Township Solicitor; Attorney Ron Lucas, Stevens and Lee; Michael LaCesa and Brian Soyka, Sheetz; Gregory Creasy, Grove Miller Engineering; and Ted Robertson and Watson Fisher, SWAN.

Pledge of Allegiance

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

Approval of Minutes

Mr. Crissman made a motion to approve the March 5, 2012 and March 6, 2012 business meetings. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

No public comment was provided

Chairman & Board Members' Comments

Mr. Hawk noted that during the past public meeting he made comments in regards to the Police Department and the reporter from The Patriot-News relayed those comments as a warning for speeders, however, he felt that his comments were more of a caution to the general public regarding speeding. He thanked The Patriot-News for the article in the paper regarding the Township's Police Department.

Mr. Hawk noted from time-to-time the Board members receive many questions from the general public. He noted that it provides an opportunity for the Board members to explain, on a one-on-one basis, issues within the Township. He noted as certain items come to the Board's attention, he will address it either at the public meeting or by way of the Township's quarterly newsletter.

Mr. Hawk noted that in tonight's audience there are four members from the Central Dauphin High School who are present to meet the requirements of their United States Government and Politics Class. Ms. Carey Katch explained that she and her fellow classmates will receive extra credit for attending a meeting and doing a paper on what they experienced. She explained that her teacher is Mr. Rodger Bair. Mr. Hornung questioned if Ms. Katch and her fellow students would provide the Board members with a copy of their reports. Ms. Katch answered that she would.

Mr. Hawk introduced Attorney Bruce Warshawsky, a local attorney and a Land Use professor at Widener Law School. Mr. Warshawsky noted that his students will be filtering into the meeting as they have a class that meets from 6 p.m. to 8 p.m. He explained that the class is fortunate that the meeting has a scheduled Conditional Use on the agenda. He noted that his class is present to observe the proceedings.

Manager's Report

Mr. Wolfe noted that the Township's Compost Facility will open on Tuesday, April 3rd, and will be open weekly on Tuesday, Thursday and Saturday from 7:30 a.m. to 5 p.m. He explained that residents who use the facility are required to have a Compost Permit. He noted that the cost of an annual permit is \$30 and \$8 for a one-day pass. He noted that permits are available for purchase at the Township's Municipal Center or Hornung Hardware Store located

on North Mountain Road. He explained that they are not available for purchase at the Compost Facility.

Mr. Wolfe stated, beginning the first week of April, Waste Management will collect leaf waste at curbside bi-monthly. He noted that leaf waste includes: leaves, tree trimmings, garden waste, and shrub waste; however, it does not include grass as grass is considered garbage and should be collected with the normal trash collection. He noted the leaf waste must be at curbside in a container that can be dumped into a truck or into a Kraft paper recyclable bag. He explained that brush and tree trimmings should be bundled together and tied; however, anything larger than 2 inches in diameter is not accepted at curbside. He noted that compost and woody waste is available for pick up when available.

Mr. Wolfe noted that the Easter Egg-Stravaganza will be held at Brightbill Park on Saturday, March 31, 2012 at 1 p.m. He noted that parents are invited to bring their children and the event is free for children ages 2-10 years old.

Mr. Hawk noted that it is great that the meetings are televised live so the people can view what is occurring in real time. Mr. Wolfe noted that the meetings are rebroadcast on Thursday at 7 p.m. and Saturday at noon.

OLD BUSINESS

Action on a contract with the Commonwealth of Pennsylvania, Office of the Budget, for Redevelopment Assistance funds for the Spring Creek Road Project

Mr. Hawk noted that the project cost for the Spring Creek Road Project is \$3,238,796 with the Township receiving a grant from the Commonwealth in the amount of \$725,000.

Mr. Wolfe noted that the \$725,000 will go directly from the Township to the Harrisburg Catholic Diocese for use in the development of improvements to Spring Creek Road for the Bishop McDevitt High School. He explained that the Township will serve as the conduit for this project as it previously entered into a agreement with the Catholic Diocese and Bishop McDevitt

High School to provide for the transfer of funds. He noted that accepting the contract with the Office of Budget will allow the Commonwealth to disburse funds to the Township which will be disbursed to the Diocese of Harrisburg.

Mr. Crissman made a motion to approve the contract with the Commonwealth of Pennsylvania, Office of the Budget, for the Redevelopment Assistance funds for the Spring Creek Road project. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Action on a proposal from HRG, Inc. to undertake the Winfield Street Drainage Study

Mr. Hawk noted that the Board is asked to approve a proposal from HRG, Inc. to undertake a study for the Winfield Street Drainage Basin. He noted that the cost is \$14,800 for Phase One of that project. He noted that this area is a concern regarding the failure of a 48 inch pipe in the area. He explained, before the Township schedules repairs to the area, it must be ascertained that they are doing what is needed for the area to fix the problems.

Mr. Crissman made a motion to approve a study proposal in the amount of \$14,800 from HRG, Inc. to undertake the Winfield Street Drainage Study. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Action on a lease for the purchase of police vehicles

Mr. Hawk noted that the Township is looking to lease four police vehicles over a three-year period.

Mr. Wolfe noted that the Board previously approved this lease agreement with Ford Motor Credit, purchasing four Chevrolet Caprices; however, it was found that the vehicles will not be manufactured for at least six months and the Police Department can't wait that long to receive its new vehicles. He noted that when Chevrolet accepted the Purchase Order, they did not

disclose information about the delay from the manufacturer and as a result the Township was able to cancel its order.

Mr. Wolfe explained that it is staff's recommendation that the Board reissue the Purchase Order and lease four Ford Taurus Police Interceptors. He noted that the actual price for the vehicles will be slightly less than the original order. He noted that the payment amount over a 36-month period will be \$35,470 annually with the total amount being \$100,500 using a finance rate of 6%. He noted that it is a non-general obligation debt of the Township, and as a result, the interest rate is higher. He explained that the amount the Board had previously approved for the lease was a little over \$37,000, so this new lease provides a little savings. He noted that unfortunately, the Ford Taurus is a little smaller vehicle. He noted that it is staff's recommendation to enter into the lease with Ford Motor Credit.

Mr. Hornung noted that the price is approximately \$25,000 per vehicle; noting that the Township has an agreement that it can purchase vehicles through, and he questioned if this is the price for that agreement. Mr. Wolfe noted that it is an inter-municipal purchase. Mr. Hornung questioned when the vehicles will be delivered. Mr. Wolfe suggested that they will be delivered within three to six weeks.

Mr. Seeds questioned if the total annual price over the three years will be a little over \$35,000. Mr. Wolfe answered that was correct. Mr. Seeds noted, after three years, the vehicle mileage will be high and the vehicles will be pretty much shot. Mr. Wolfe explained that the vehicles will be reuse within the Township fleet for at least another three years. Mr. Seeds noted that the Township will own the vehicles after three years. Mr. Wolfe explained that after three years, the vehicles are no longer suitable for police patrol activities but they are suitable for other municipal assignments, noting that they are normally used for six to seven years, first as a police assignment and then assigned to the Codes Enforcement Officer or Building Inspectors as well as

the Parks Rangers. Mr. Seeds questioned if the Police put about 50,000 miles a year on each vehicle. Mr. Wolfe suggested that it would be between 50,000 to 60,000 miles per year.

Mr. Crissman made a motion to rescind the previous action by the Board for leasing the Chevrolet vehicles and approve a lease for the purchase of four Ford Taurus police vehicles in the amount of \$35,470.22 annually from Ford Motor Credit, with a total cost of \$100,501. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Action on Revised Stipulation and Joint Motion for Agreed Upon Order
Regarding the real estate tax assessment appeal of Crown Club, LP

Mr. Hawk noted that this is a revised stipulation for a real estate tax assessment appeal from Crown Club, LP.

Mr. Stine explained that the Board approved a stipulation for Crown Club, LP some time ago; however, it was found that there was a drafting mistake in the document noting that the Year 2009 was erroneously listed in the document and it was not supposed to be there as the appeal was actually filed in 2009. He noted that it was not retroactive, with the earliest year available to be 2010. He noted after some legal discussion, and additional procedures, the parties are willing to settle on the amount and all the correct years are in the agreement. He noted that it would be in order for the Board to approve the stipulation and authorize him to sign the stipulation on behalf of the Township.

Mr. Blain made a motion to approve action on a revised stipulation and joint motion for agreed upon order regarding the real estate tax assessment appeal of Crown Club, LP. Mr. Crissman noted that would include the authorization for counsel to sign the document on behalf of the Township. Mr. Blain accepted the amendment as provided by Mr. Crissman. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

NEW BUSINESS

Conditional Use 12-01; request from Sheetz, Inc. to operate a convenience store with vehicle fuel pumps at a Union Deposit Road/Briarsdale Road site

Mr. Hawk noted that the Conditional Use for consideration is currently occupied by the land where Your Place Restaurant is located at Briarsdale and Union Deposit Roads. He noted that this Conditional Use application requests an approval for a Sheetz convenience store to be able to dispense gasoline.

Mr. Wolfe noted that it has been several years since the Board was asked to act on a Conditional Use application. He noted that it is a zoning use that is permitted by right if it meets certain conditions and the Board is to judge if it does or does not meet the conditions required by the zoning ordinance. He noted that it is a quasi-judicial action conducted in a public hearing with a court stenographer present to keep a record of the proceedings.

Mr. Wolfe noted that the applicant, Sheetz Corporation, desires to build a convenience store with vehicle refueling facilities at the southwest intersection of Union Deposit and Briarsdale Roads, currently the site of the Your Place Restaurant. He noted that the conditional use is proposed in an area zoned Commercial General, on a parcel of ground that is a little less than 1.5 acres. He noted that the application received a unanimous recommendation of approval from the Township's Planning Commission. He noted that the approval is conditioned upon the applicant meeting all of the conditions set forth in the zoning ordinance as presented to the Planning Commission during its review of this item.

Mr. Wolfe noted that a narrative explanation is included in the Board's packet which Mr. Lucas will go through as it will address all of the conditions in the Township's Zoning Ordinance set forth for this type of conditional use.

Mr. Wolfe noted that it would be appropriate for Mr. Stine to conduct a public hearing to take testimony and presentations from the applicant, and then comments from the audience.

Mr. Stine noted that it is the time and date set for the public hearing on Conditional Use 2012-01, for Sheetz, Inc., for a convenience store with automobile fuel pumps to be located at the southwest corner of the intersection of Union Deposit Road and Briarsdale Road.

Mr. Stine questioned Mr. Lucas if he was representing the applicant. Mr. Lucas answered yes.

Mr. Stine questioned who would be testifying for the public hearing. Mr. Lucas answered that it would be three witnesses: Michael LaCesa, Brian Soyka and Gregory Creasy. Mr. Stine noted that the Court Stenographer swore in all three witnesses.

Mr. Stine questioned Mr. Lucas if he had any house keeping matters to take care of. Mr. Lucas answered that he would like to present one packet of materials as exhibits. He noted that the plans will be displayed electronically and they are all label as particular exhibits. He noted that there are six set of plans and three one-sheet summaries of the testimony for the three witnesses.

Mr. Ron Lucas, Attorney with Stevens and Lee in Harrisburg, noted that the applicant is proposing a convenience store. He explained, under the ordinance, a convenience store that sells gasoline is regulated as an Auto Service Station under the new zoning ordinance and it requires a conditional use approval in the Commercial General District.

Mr. Lucas requested Michael LaCesa, who was previously sworn in, to come forward to present his testimony.

Mr. Lucas requested Mr. LaCesa to provide his full name and address. Mr. LaCesa answered that his name is Michael LaCesa, 5700 Sixth Avenue, Altoona, Pennsylvania. He noted that he is employed by Sheetz Inc., as the Director of Real Estate for the Eastern Region. He noted that Sheetz is a family-owned business based in Altoona, Pennsylvania, with 412 stores in

six states including two currently within Lower Paxton Township, located on Allentown Boulevard and Linglestown Road.

Mr. LaCesa explained that he is proposing to lease the property from the Dommel Family Limited Partnership. He noted that a convenience store that sells fuel is an auto service station under the Zoning Ordinance thus the reason for the conditional use application.

Mr. LaCesa noted that Exhibit A-1 is a colored sketch that shows the layout for the fuel dispensers with 10 fueling positions and the circulation within the property. He noted to the north of the property is Union Deposit Road, and running south is Briarsdale Road. He noted that the Sheetz store will be approximately 6,400 square feet. He noted that access to the site will be a right-in, right-out driveway from the north side of the property along Union Deposit Road, the existing driveway that is currently at that location. He noted that Metro Bank will provide an easement to the west of the property. He noted that the additional full movement driveway will be located at Briarsdale Road, noting that it is located in the current parking lot of the adjacent hotel. He noted that the adjacent hotel property is owned by the Dommel Family under a different entity. He noted that an easement to the Sheetz property for the use of the proposed driveway will be granted by the hotel property owners. . He noted that it will line up directly across Briarsdale Road from the existing McDonalds Restaurant. He noted that it would provide the ability for hotel business to come into the property from the south, noting that the hotel also has two additional driveways that lead out onto Briarsdale Road.

Mr. LaCesa noted that the store will be open 24 hours, seven days a week and provide seasonal outdoor seating on the patio in addition to the seating inside the store. He noted that it would include men's and women's restrooms and 41 parking spaces He noted that the plan meets all of their internal criteria for aisle-ways for proper access to the store, pumps and driveways.

He noted that the Sheetz has certain minimum distance requirements as a result of establishing over 400 stores.

Mr. Lucas noted that the application to include a narrative and sketch plan was submitted with the application, and he questioned Mr. LaCesa if he reviewed the application and found the information to be accurate. Mr. LaCesa answered that he has reviewed the information and it is accurate.

Mr. Lucas requested Brian Soyka, who was previously sworn in, to come forward to present his testimony. Mr. Lucas requested Brain Soyka to provide his name and address. Mr. Brian Soyka stated that his business address is 5700 Sixth Avenue, Altoona, Pennsylvania

Mr. Lucas questioned Mr. Soyka if he was a licensed Professional Engineer in Pennsylvania and Virginia and has been practicing for over 25 years. Mr. Soyka answered that was correct.

Mr. Lucas noted for Exhibit A-1, Mr. LaCesa provided a description and he questioned if there was anything that Mr. Soyka needed to correct or add to. Mr. Soyka answered that this prototype of store also has a rear entrance to it, hence the parking along the backside of the building, which is south. He noted that the front entrance faces Union Deposit Road, the side entrance faces Briarsdale Road, and the rear entrance faces the hotel property to the south. He noted that the dumpster enclosure will be made up of brick, which matches the building, and will have large bronze doors. He noted that there is also a man-way on the side of the structure for employees to enter without opening the large doors.

Mr. Lucas questioned what the large dotted line was that was located from the upper left to the lower middle of the drawing represented. Mr. Soyka answered that it is the limits of the Township line.

Mr. Lucas questioned if Susquehanna Township is to the west of the plan. Mr. Soyka answered yes.

Mr. Lucas noted that he received a confirmation from Susquehanna Township that even though a small portion of the property is in Susquehanna Township that they will accede to Lower Paxton Township's review and approval of the Land Development Plan and sign off on the approval. He questioned Mr. Soyka if that was correct. Mr. Soyka answered that was correct.

Mr. Lucas noted that that is the exact same scenario that he used previously for the lots on Union Square Industrial Park that had a small part of the back yards in the setback in Susquehanna Township. He noted that he is following the same procedure that he did 20 years ago.

Mr. Lucas questioned Mr. Soyka if he reviewed the application and narrative as well as the sketch plan that were filed with the application. Mr. Soyka answered yes.

Mr. Lucas questioned if he found it to be accurate and complete. Mr. Soyka answered yes.

Mr. Lucas questioned if the use as proposed meets the definition of an auto service station. Mr. Soyka answered yes.

Mr. Lucas questioned if the intent is to sell fuel, gasoline and automobile diesel. Mr. Soyka answered yes.

Mr. Lucas questioned if this use would not provide repair service for automobiles or service similar to a service station. Mr. Soyka answered that is correct.

Mr. Lucas noted that the only outside activities would be fueling motor vehicles or use of the air pump. Mr. Soyka answered that was correct.

Mr. Lucas noted that the plan indicates these items when site plan was filed, and he questioned if it indicates that the plan is in compliance with all provisions of the zoning ordinance for the Commercial General District. Mr. Soyka answered yes.

Mr. Lucas questioned if there is an existing non-conformance with the property that will be maintained. Mr. Soyka answered yes there are.

Mr. Lucas questioned Mr. Soyka if he was able to review the specific requirements for Zoning Ordinance Section 402.A10 for an auto service station. Mr. Soyka answered yes. Mr. Lucas explained that the requirements were detailed in the narrative, all the provisions, A-H, and he questioned if this application is able to comply with those provisions. Mr. Soyka answered yes.

Mr. Lucas questioned if there will be any overnight storage, junk, or junk vehicles outside. Mr. Soyka answered there will be no overnight storage.

Mr. Lucas questioned if the canopy complies with the setback and height requirements. Mr. Soyka answered yes.

Mr. Lucas questioned if there are any adjoining residential uses to this property. Mr. Soyka answered no.

Mr. Lucas questioned if the fuel dispensers are located within the proper setbacks from the property line. Mr. Soyka answered yes.

Mr. Lucas noted that the narrative discusses Ordinance Section 117-C which refers back to Section 116-C for the general requirements for the conditional use. He questioned if the narrative indicates that this plan will comply with those requirements. Mr. Soyka answered yes.

Mr. Lucas questioned if the layout for traffic provide for proper internal circulation, parking, and buffering as Mr. LaCesa described. Mr. Soyka answered yes. Mr. Lucas noted that Mr. LaCesa described, as the in-house engineer, that there are certain criteria that require certain

separation distance between the fuel pumps and the parking in front of the building. Mr. Soyka answered that all sites are designed for adequate and safe movement around the lots, noting that Sheetz requires that certain distances be maintained that it knows work for us.

Mr. Lucas questioned if there is anything about the proposed use that would create a hazard for public health and safety issues. Mr. Soyka answered no.

Mr. Lucas questioned if the use is suitable for the property that is currently utilized as a restaurant. Mr. Soyka answered yes it is.

Mr. Lucas questioned if Exhibit A-2 reflects the widening on Briarsdale Road. Mr. Soyka answered yes. He questioned what is being done in this area. Mr. Soyka answered that Briarsdale Road currently has a shared right-turn and through lane, however, under the new plan it is proposed to separate that lane and make it two lanes, and in so doing it will be widened across the frontage on the west side of the road to add the additional lane and this will shift the through lane. He noted that the new inbound lane will allow for a left-turn lane, exclusive through lane and exclusive right-turn lane onto Union Deposit Road.

Mr. Lucas questioned, with the widening and movement of the cartway on Briarsdale Road, will a new sidewalk be installed within the property of Sheetz from Union Deposit Road to the driveway connecting the hotel site. Mr. Soyka answered that was correct.

Mr. Lucas requested Mr. Soyka to describe Exhibit A-3. Mr. Soyka answered that it shows the existing conditions surrounding the property.

Mr. Lucas requested Mr. Soyka to describe Exhibit A-4. Mr. Soyka explained that the front elevation is the side that would be facing Union Deposit Road and would have double-front doors, large glass with an awning over the glass, the logo sign and MTO sign that are typical for their buildings. He noted that he is not looking for signage approval at this time. He noted that there would be two outdoor seating areas, one along the front and another along the side of the

building, using stacked stone up to the first three feet and earth-tone brick from there to the top of the wall, with coping and roof top screening above HVAC units. He noted that the lower elevation on this sheet is the left side of the building, the side that will face Briarsdale Road, and also the side that faces the gasoline canopy. He noted that there is an entrance for customers coming in and out for gasoline and for those who park along that side. He noted that there is additional outside seating with lighted bollards and lighted bollards for accent of the sidewalk area, in addition, the sidewalks will be made of brick pavers.

Mr. Lucas questioned if the sidewalks are flush with the parking and driving area. Mr. Soyka answered that they are, noting that he has introduced the flush sidewalk with the parking area to eliminate hazards for trips and falls. He noted, over the years, the legal staff has experience many of those complaints, and this is a means to eliminate those types of incidents. He noted that he is doing this for all the new stores preventing patrons from having to step upon the curb to get up on the sidewalk. Mr. Soyka explained that the left side has a window area that will be the checkout area, and will be visible to the gasoline pumps and canopy and is the location for the indoor seating area. He explained that indoor seating is being introduced with this pro-type store.

Mr. Soyka explained that Exhibit A-4, Second Sheet, the top view shows the rear elevation, the side that faces the adjacent hotel with the entrance location having stacked stone along the entire way around the building, with some additional outdoor seating, handrails and lighted bollards. He noted because it is the back side of the building, it typically is a solid face brick, however, in an effort to dress it up, he has introduced for windows, windows with nothing behind them. He noted that he added some graphics on the windows to make it look more like the front of the building, with an awning over the windows, and rooftop screening for the HVAC units. He noted that the lower view shows the right side of the building facing the Metro Bank.

He stated that the stack stone continues around to that side with a brick façade, an emergency exit door, and roof access.

Mr. Lucas questioned if the same brick will be used to screen the dumpster located at the lower southwest corner of the property. Mr. Soyka answered that was correct. He noted for this exhibit, the dumpster would be located off to the right for the right-side elevation, and it would be encased in same brick that is used for the store.

Mr. Lucas questioned if there are light fixtures on the building. Mr. Soyka answered that there are access lights to provide light flashing onto the brick and some wall packs for security lighting that will light the ground adjacent to the buildings. Mr. Lucas noted that those lights do not light the sky or put glare onto adjoining property. Mr. Soyka answered that was correct. He explained with the increase of green buildings, it will be all down lighting and the fixtures will be LED lights as it produces a clean white light.

Mr. Lucas questioned if the light under the gasoline canopy are the LED fixtures flush with the bottom of the canopy. Mr. Soyka answered that they are flush with the bottom of the canopy and are full cut-off down LED lighting. Mr. Lucas questioned if there will be any pole lighting on the property that would have the same features, not providing glare onto adjoining property or street. Mr. Soyka answered that it is the same cut-off, down LED lighting.

Mr. Lucas noted Exhibit A5 is the updated site plan that reflects a review of the land development plan which is currently pending before the Township Planning Commission. He explained that it was reviewed by staff and some changes had to be made. He questioned Mr. Soyka if it was similar to Exhibit A-1, however it reflects the changes recommended by staff. Mr. Soyka answered that was correct.

Mr. Lucas noted Exhibit A6 reflects what was on the sketch plan that was submitted with the application, with the left side of the drawing showing the compliance with the various sections

of zoning ordinance. He questioned Mr. Soyka if that was correct. Mr. Soyka answered that was correct.

Mr. Lucas noted that Exhibit A5 shows the overall intersection to the middle right of the drawing. Mr. Soyka noted that was correct; at the corner of the property is the signalized intersection.

Mr. Lucas requested Gregory Creasy to come forward to provide testimony and he requested him to provide his full name and address. Mr. Gregory Creasy noted that he works for Grove Miller Engineering located at 5600 Derry Street, Harrisburg, Pennsylvania.

Mr. Lucas questioned Mr. Creasy if he has been practicing as an engineer for approximately 15 years. Mr. Creasy answered yes.

Mr. Lucas questioned if his focus has been entirely on traffic engineering. Mr. Creasy answered yes.

Mr. Lucas questioned if he prepared a traffic impact study for this project which was submitted with the original land development application and reviewed by Township staff and by PENNDOT. Mr. Creasy answered yes.

Mr. Lucas questioned if he has received comments from both parties. Mr. Creasy answered yes.

Mr Lucas requested Mr. Creasy to describe on Exhibit A-6 for what improvements came about as a result of the impact of this use on the adjoining roads. Mr. Creasy noted, on the northwest corner of the property, along Union Deposit Road, is the current location of the right-in, right-out driveway from Your Place Restaurant. Mr. Lucas questioned if that is a right-in, right-out because there is a concrete median in the middle of Union Deposit Road, Mr. Creasy answered that is correct, and noted that the concrete median along Union Deposit Road prohibits left turns in and out of that driveway. He noted, to the left or the west is the existing driveway to

the Metro Bank property that is next door and it shows the lane striping proposed for that area. He noted that currently there is a ten-foot curb shoulder along that area of Union Deposit Road up to the existing right-in, right-out driveway for the Your Place restaurant, and from there it becomes a 13-foot wide right turn lane into Briarsdale Road. He noted that one improvement to the project will be widening the shoulder to 13-feet to provide a right-turn lane from the Metro Bank to the Sheetz driveway for traffic to turn into the Sheetz driveway.

Mr. Creasy noted that the next improvement is adding an additional northbound lane on Briarsdale Road as it approaches Union Deposit Road. He noted that all the widening will occur on the Sheetz side of the road and the curbing located at the east side of Briarsdale Road, adjacent to McDonalds Restaurant, will remain at its current location. He noted that there will be a separate right-turn lane, through lane, and left turn lane for northbound traffic on Briarsdale Road.

Mr. Lucas questioned how adding the additional lane impacts the traffic. Mr. Creasy answered that currently the traffic backs up on Briarsdale Road and adding this lane provides an additional lane for storage of vehicles and also provide a northbound right turn overlap phase to for the green arrow for the right turn so it can be activated while the Union Deposit Road eastbound and westbound left turn phase is occurring. He noted that it also provides a separate storage for vehicles going straight to the Lowes Driveway on the northside of Union Deposit Road. He noted in the current situation it is a shared lane, and if the first vehicle is going straight, no one behind that vehicle could make a right turn on red, however, the new design will permit that and it will significantly shorten the projected queues on the Briarsdale Road approach. He noted that he will be moving the left turn lane and adding a left turn phase to shadow the one coming from the Lowes parking lot. He explained as a result of the review from PENNDOT and the Township, at the end of the left turn lane at the traffic signal, heading south

on Briarsdale Road, there will be a semi-left turn lane, providing a place for people to get out of the through traffic to go into the McDonalds. He explained if they are traveling northbound on Briarsdale Road they will make a left turn into the Sheetz driveway, or if traveling southbound, they will make a left onto Peiffers Lane which is located 50 feet to the south of McDonalds Restaurant.

Mr. Lucas questioned what the importance is of moving the driveway from the current Your Place property further to the south than it currently exists. Mr. Creasy answered that the current driveway onto Briarsdale Road is at the property line and located in first parking stall at the southeast corner of the property. He noted that he is moving it 100 feet to the south, away from the intersection, allowing more room for the stacking of vehicles and making it easier for turning movements out of the Sheetz driveway.

Mr. Lucas questioned if the overall intersection that shows the improvements through the revised traffic study will fit into the roadway system that exist there today. Mr. Creasy answered that it will enhance the traffic flow, noting that moving the through northbound lane on Briarsdale Road to the current location of the left turn lane will better aligned the intersection coming from the Lowes driveway. He explained when a vehicle crosses Union Deposit Road to enter the Lowes driveway; it is pointed into the pork chop on the driveway on the northeast corner of the intersection. He noted that this change will make it more of a straight drive into the Lowes driveway. He noted that he will be submitting a revised plan showing the truck turning template proving that the movements can be made at the intersection.

Mr. Lucas questioned if the traffic for the proposed Sheetz Auto Service Station will be accommodating in a safe and efficient manner. Mr. Creasy answered yes.

Mr. Lucas questioned if the improvements will minimize hazards and congestion. Mr. Creasy answered yes.

Mr. Lucas noted that concludes his presentation. He explained that there are six plans and three summaries of testimony as exhibits to present for admission and all three witnesses are present at the podium to answer any questions the Board may have.

Mr. Stine noted that he will admit the exhibits as requested by Mr. Lucas.

Mr. Stine questioned if the Board members had any questions.

Mr. Hornung noted that the testimony talked about LED lights, but he questioned if there are other things that the project does to reduce energy consumption for the building. Mr. Soyka answered that they are going to use LED lighting inside the store as well. He noted that the roofing material is a white reflective color rather than a dark reflective material to prevent a heat sink. Mr. Hornung questioned what glass would be used. Mr. Soyka answered that the glass will be low "E" and he has introduced the use of vestibules in the stores. He noted that this store will have an interior vestibule when you enter it from the rear, and also from the front. He noted that the dimensional restrictions on the property prohibit vestibules at the side entrance.

Mr. Crissman questioned if the signage will be in compliance with the Township's ordinances. Mr. Soyka answered that he believes it to be at this time but he must look into that further. Mr. Crissman questioned if the applicant is fully aware that Sheetz will need to be in compliance with the sign ordinance. Mr. Soyka answered yes.

Mr. Crissman questioned if the applicant has the dumpster location worked out with Waste Management for the best location to enter the area without causing interference with individual parking in order that they can get in and out of the facility to prevent the Township from receiving complaints from customers. Mr. Soyka questioned Waste Management... Mr. Crissman stated that he assumed that Sheetz would be using Waste Management. Mr. Soyka noted that he does not know who they will be using for their trash removal. Mr. Blain noted that

the Sheetz can contract privately with any firm. Mr. Soyka noted that he does work with the trash collector.

Mr. Crissman questioned, since the access is on another property, even though it is owned by the same company, if he had a signed agreement in order for the plan to move forward. Mr. Lucas answered yes. He noted that Mr. LaCesa testified that the lease is with the Dommel Family Partnership and the hotel property is owned by Thomas and Elaine Dommel, members of the same family. He noted that Mr. LaCesa has confirmed that Thomas and Elaine Dommel have agreed to the configuration of the driveway, although it took some time to work it out. Mr. LaCesa noted that it is not completed to the point where we have a recordable document, but it overall lease is contingent upon the easement being in place, and the Dommel's took an active part in designing how the easement would work. Mr. Crissman noted that the agreement is essential to the entire project for both access and egress for the Sheetz and the hotel. He noted that he would want to make sure that the agreement is in place and completed. Mr. Lucas answered that he anticipates that one of the conditions of approval for the land development plan will be to have the access easement for review by the Township prior to the recording of the plan. He noted that the hotel plan had to remain in compliance with the zoning ordinance on parking and other factors, and that was confirmed and it was provided when he submitted the land development plan to Township staff. He noted that he does not have the signed document ready for recording at this time. He explained that he wanted to seek the Township's approval for the driveway configuration and location prior to finalizing the easement. Mr. Crissman noted that he would accept that but it must be completed as a condition of the plan.

Mr. Crissman questioned if this is the same presentation that was made before the Planning Commission. Mr. Lucas answered yes noting that he did not go into any greater detail. Mr. Crissman noted that he wants to be certain that the Board is hearing what the Planning

Commission (PC) heard in as much as they unanimously recommended the approval. Mr. Lucas noted that everything that he presented tonight was what was presented to the PC, but it was not in as formal a process as it was at this public hearing. Mr. Crissman noted that he relies on the PC's recommendation and if they are unanimously recommending this conditional use then Mr. Lucas must have provided the proper information for their acceptance of the variance.

Mr. Seeds noted that it was a very excellent presentation. He noted that the PC approved the plan but he questioned if the Public Safety Committee review the plan. Mr. Wolfe noted that it would not go before the Public Safety Committee as it is a Conditional Use application; only the Land Development plan would go before that Committee.

Mr. Seeds noted that this project looks similar to the one on Allentown Boulevard. Mr. LaCesa noted that the appearance is similar, but the store on Allentown Boulevard has a car wash and there is no car wash projected for the Briarsdale Road location. He noted that this building is a little bigger but it has two fewer gasoline pumps. Mr. Seeds noted that the brick is much nicer and more attractive than the store on Linglestown Road. Mr. LaCesa noted that they just did an upgrade to that store. Mr. Blain noted that they did all kinds of improvements to the store on Linglestown Road. Mr. Seeds stated that, "I know, but the one on Allentown Boulevard is much more pleasing."

Mr. Seeds noted that he did not see the HRG, Inc. comments. Mr. Wolfe answered that they would be provided for the Land Development plan.

Mr. Blain noted that was about as thorough a public hearing as he has witnessed in years. Mr. Crissman complimented Mr. Lucas for the presentation, especially for the academic manner, for the Weidner Law students present in the audience. Mr. Lucas noted that knowledgeable witnesses help with the process.

Mr. Stine questioned Mr. Lucas if he had anything more to add. Mr. Lucas answered no.

Mr. Stine questioned if there was anyone in the audience that wanted to be heard.

Mr. Stine questioned Nicole Beck if she was making a testimony or asking a question.

Ms. Beck answered that she wanted to ask a question.

Ms. Nicole Beck, Widener Law Student, and a resident of the Township, questioned if the Traffic Study was done in the comforts of the office or if Mr. Creasy visited the site at lunchtime to personally see the traffic congestion. Mr. Creasy answered that he visited the site at various times of the day, noting that his office is located on Derry Street, and it is very close to the site. He noted that he lives in Lower Paxton Township and has a two year old and a four year old son and he goes to McDonalds a lot and he has driven in that location to personally witness the congestion. He noted that there is a huge problem in that area and that is the reason for adding the additional northbound lane on Briarsdale Road to cut down on the queuing to make it easier to get out of the Sheetz and the McDonalds.

Mr. Stine questioned if anyone else wanted to be heard on Conditional Use 12-01. He noted that seeing nothing further, it would be in order to close the public hearing on Conditional Use 12-01 and the Board may take action if it so desires.

Mr. Hawk noted that Mr. Lucas did a very good presentation and he thanked him for the preparation that he put into the public hearing.

Mr. Crissman made a motion to approve Conditional Use 12-01 for Sheetz, Inc. to operate a convenience store with vehicle fuel pumps at Union Deposit and Briarsdale Roads. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Change Order No. 7 to the contract with Liberty Excavators, Inc., for sanitary sewer replacement in the PC-1A and PC-1C mini-basins

Mr. Wolfe noted Change Order No. 7 is a request to extend the time period for completion of the contract improvements until May 15, 2010 with final pavement concluded by

May 31, 2012. He noted that it is staff's and CET's, Lower Paxton Township Authority Engineer recommendation that the Board approves this change order.

Mr. Crissman made a motion to approve Change Order No. 7 to the contract with Liberty Excavators, Inc. for sanitary sewer replacement in the PC-1A and PC-1C mini-basin to extend the time period for final completion until May 31, 2012. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Action to terminate the agreement with Berkheimer Tax
Administrator to collect the Local Services Tax

Mr. Hawk explained that the Township has changed the collector for its Earned Income Tax (EIT). He noted that the Board has decided to change its provider also for its Local Services Tax (LST) to Keystone Collection Group. He noted that the Township must terminate its current contract with Berkheimer Tax Administrator in order to take action on the new agreement with Keystone Collection Group.

Mr. Crissman made a motion to terminate the agreement with Berkheimer Tax Administrator to collect the LST. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Action on an agreement with the Keystone Collection Group
to collect the Local Services Tax

Mr. Hawk noted that the Board must approve the agreement with Keystone Collection Group to collect the LST. Mr. Crissman made a motion to approve the agreement with Keystone Collection Group to collect the LST. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there was one Improvement Guarantee.

Briarsdale Road – 4 Story, 30 Room Hotel

A release in a letter of credit with Graystone Bank, in the amount of \$5,180.00.

Mr. Crissman made a motion to approve the improvement guarantee as listed. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township, Lower Paxton Township Authority and the Purchase Card bills. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting and the meeting adjourned at 8:52 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary