

LOWER PAXTON TOWNSHIP  
PLANNING COMMISSION

August 8, 2007

**COMMISSIONERS PRESENT**

Fredrick Lighty  
Dennis Guise  
Richard Beverly  
William Neff  
Roy Newsome

**ALSO PRESENT**

Lori Wissler, Planning & Zoning Officer  
Dianne Moran, Planning & Zoning Officer  
Chip Millard, Dauphin County

**Call to Order**

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:00 pm, on August 8, 2007 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

**Pledge of Allegiance to the Flag**

Mr. Guise led the recitation of the Pledge.

**Approval of Minutes**

Mr. Neff made a motion to approve the minutes of the June 13, 2007 and July 11, 2007 regular meetings. Mr. Guise seconded the motion, and the minutes were unanimously approved.

**OLD BUSINESS**

**Preliminary/Final Subdivision and Land Development Plan #07-15**  
**Harrisburg Foot and Ankle**  
**Allan & Annette Grossman**

Ms. Wissler stated that the purpose of the plan is to combine four tracts of land into two. An office building will be constructed on Lot 1. The existing house on Lot 1 and all existing buildings on Lot 2 will remain. A new access drive to serve the two properties is proposed which will replace the existing driveway on Linglestown Road. The property is located at the southwestern corner of the intersection of Crums Mill Road and Linglestown Road. The property is zoned BC, Business Campus District, contains approximately 7 acres and will be served by public sewer and public water.

The plan proposes a 13,730 square-foot medical office building. A second building with 13,270 square feet is proposed for future expansion.

The applicant has requested a waiver of the preliminary plan requirement, and a waiver of the requirement to provide sidewalk along Crums Mill Road and Linglestown Road.

Judd Dayton, Evans Engineering, 2793 Old Post Road, was present on behalf of the plan. Mr. Dayton stated he has received the comments from Staff, County and HRG, and did not have any issues with any of them.

Mr. Dayton stated that there are two lots being combined for Linda Miller and two lots for Harrisburg Foot and Ankle. They are setting up an access agreement so that they can share an access on the front of Ms. Miller's property. It will be replaced and modernized. There will be a secondary access to Crums Mill Road and to the doctor's office. Mr. Grossman's mother currently resides in the house on the rear of the property, which has its own access to Crums Mill Road as well. There is a small portion of flood plain that crosses the northwest corner of the site, with plenty of buffer to limit any impact to the area.

Mr. Neff stated that the plan shows a section of wetlands being removed, and asked if that will be mitigated. Mr. Dayton stated that the portion is not jurisdictional and will be covered by a general permit through the Conservation District.

Mr. Neff asked about the waiver of sidewalks on Linglestown Road. Mr. Dayton stated that the reason for that is due to the flood plain and the large box structure under Linglestown Road. They are proposing to widen the pavement to the greatest extent possible and install the curb. The same thing is proposed for Crums Mill Road. There is not enough space between the roadway and the end of the culvert to fit the full shoulder, curb and sidewalk without impacting the flood plain and the stream itself. There is a similar situation on Crums Mill Road. Mr. Neff stated that Linglestown Road will be developed further and felt there is a need to have pedestrian access, and suggested a meandering sidewalk going through the site as opposed to the right-of-way. Mr. Dayton stated that that is not an option that they had explored, but there is a 75-foot buffer between the creek and proposed parking and there may be an opportunity to connect. Mr. Neff stated that there are some advantages to meandering sidewalks.

Mr. Newsome asked about the access through lot 2 to lot 1. Mr. Dayton confirmed that there will be an easement for the access drive since the lots are owned by separate entities. Mr. Lighty asked if the access agreement has been prepared and executed. Mr. Dayton stated one is prepared, but not yet executed.

Mr. Millard asked if the applicant can address all of the comments generated by the County. Mr. Dayton stated that he could. Mr. Millard asked for a response to comment #6 with regard to loading and unloading. Mr. Dayton stated they have not designated a specific location, but the typical deliveries will only be UPS and FedEx types.

There was no comment from the audience.

Mr. Neff asked why the parking is entirely up front and none in the rear of the building. Mr. Dayton stated that the building separates the development from the existing residence. There is also a significant grade change from the rear to the front of the property, and the building is proposed to be one story. There will also be a retaining wall separating the back and front of the property.

Mr. Guise made a motion to recommend approval of the plan including the waivers, with the proviso that the applicant seek alternatives for the sidewalk that provide a walking path through the lots. Mr. Beverly seconded the motion and a unanimous vote followed.

**Preliminary/Final Land Development Plan #07-05**  
**LenMaur**

Ms. Wissler stated that this plan is for the construction of a restaurant, day spa and office building. The restaurant and day spa will be located along the frontage of the lot. The lot is located on the north side of Linglestown Road between Weis Markets and Dunkin Donuts. The property consists of 9.4 acres and is zoned CN. The plan was reviewed by the Planning Commission in April and June, 2007, and the outstanding issue is the traffic study. That has been received and was reviewed by HRG and comments from HRG were presented to the Planning Commission.

Kim Murray, Kairos Design Group, was present on behalf of the plan.

Mr. Snyder stated that most of the comments are requesting additional information and clarifications, but he did not expect that the corrections would materially change the plan. He felt that the applicant should have no problem addressing the comments. Mr. Lighty asked if the comments are addressed, would it affect the underlying fundamentals as it relates to the Planning Commission taking action on the plan. Mr. Snyder agreed that the motion could be conditioned upon the applicant satisfying the comments.

Ms. Murray stated that the only comments left for them to address are the traffic impact study comments. She and the traffic engineer feel they can address the comments.

With regard to comment #20, Ms. Murray stated that the developer would have to negotiate that with the Township to do what is necessary to make the improvements.

Mr. Lighty asked if Ms. Murray discussed with the traffic engineer why the inaccuracies occurred, and what the implications of the changes would mean to the development. Ms. Murray stated that she does not expect the corrections to significantly change the development. She further explained that the roads and intersections are already not functioning properly, and there is limited amount of improvements that can be made, but they are willing to work that out with the Township. She felt the traffic engineer is looking for guidance from the Township and PennDOT as to what improvements are requested of the developer. They have submitted the plan to PennDOT but have not received the comments from them yet.

Mr. Snyder explained that typically traffic impact studies identify an analysis of the intersections and identify deficient levels of service or where improvements are warranted. Where the deficiencies exist, the applicant should identify which improvements they intend to make as part of their improvement plan. Because of access to the state road, PennDOT may require certain improvements. Some developers offer a fair share contribution towards future improvements. Mr. Snyder stated that

they should wait and hear what PennDOT feels is warranted, and see what is warranted on intersections other than the state access points, and see what the developer is willing to commit to.

Mr. Guise asked if the traffic study shows that as a result of the addition of this restaurant and day spa the intersections will be down graded to a failing level. He asked if the deficiencies mentioned were computational or functional. Mr. Snyder stated that they become more deficient, and some intersections do already operate at a decreased level of service. Mr. Snyder gave the example of Linglestown Road at Crums Mill Road which is already busy, and with the added traffic from this development it may warrant a traffic signal. The Township cannot require this but PennDOT can require it as an off site condition.

Mr. Guise asked about comment #12. Mr. Snyder stated that is how the trips are generated. There are two land uses in one for this plan, so he is asking that it be broken down to be more accurate.

Mr. Neff asked if there is anything in the review of the traffic impact study that will affect the site itself. Mr. Snyder answered no, with the small exception that the queue may back up onto the site. The plan would not materially change as a result of these comments.

Ms. Murray stated she has been working on addressing the other comments and revising the plan. She is revising the plans to address the Authority's comments to resubmit to the Authority. She has received comments from Dauphin County Conservation District and has resubmitted plans to them, awaiting approval.

Mr. Millard had no additional comments.

There was no comment from the audience.

Mr. Newsome made a motion to recommend approval of the plan, subject to compliance with the comments generated and resolution of the issues regarding traffic, the recommendation also includes approval of the two waivers requested. Mr. Neff seconded the motion. Mr. Newsome clarified that the waiver regarding sidewalks is a waiver of the alignment requirement of the sidewalks, not a waiver of the installation of sidewalks. A unanimous vote followed.

## **NEW BUSINESS**

### **Rezoning Request** **Deaven Road, 35-034-044**

Ms. Wissler stated that the Township received a proposed amendment to the Township's Zoning Map for a 35.7 acre tract located south of Jonestown Road and east of Deaven Road. The applicant proposes to rezone this tract from AR, Agricultural Residential District to OSD, Open Space Development Overlay District. The intent is to develop 35 single family lots. The minimum lot size proposed is approximately 20,000 sq. ft. The open space area of the plan includes 14.4 acres or 40.55%.

The subject parcel is abutted to the north, south and east by the Agricultural zone. To the west (across Deaven Road), is the Mindy Meadows Development which is zoned R-1, Low Density Residential District. The 2004 Comprehensive Plan's Future Land Use Map shows the area to be Rural Residential.

For land within the AR District, the maximum number of dwelling units allowed on the tract through OSD shall be equal to an average of one dwelling unit for every 1.0 acre of total lot area. 0.97 dwelling units per acre is proposed.

In the AR District, the minimum lot area shall be 20,000 sq. ft. The same dimensional requirements shall apply as are provided for in conventional development in the R-1 district. A minimum of 40% of the total lot area of the tract shall be preserved as Preserved Open Space. 40.55% is proposed.

Any lot of less than one acre shall be served by Township approved public sanitary sewage service and public water service. The plan does not comply with the zoning ordinance which requires one acre lots in the AR District without public sewage facilities. However, Ms. Wissler did receive a memo from Mr. Weaver saying that the Township will review sewer service request within the AR area concurrently with this rezoning application and they look favorably upon approving the Planning Module to provide public service based on the fact that a sewer line currently exists on the property.

Mr. Jeffrey Staub, Ms. Micki Molinari, and Mr. & Mrs. Ruble were present on behalf of the plan.

Mr. Neff asked if a cluster development, which provides for a bonus, would be permitted on this site under the new ordinance. Ms. Wissler stated that the Open Space Development Overlay is intended to replace the old "Cluster Development" which was in the old ordinance.

Mr. Neff stated that the rezoning proposed increases the number units from 23 to 35. He asked how many units would be permitted in the AR zone with the Cluster Development Overlay including the bonus. Ms. Wissler stated that the RC zoning was left in the new ordinance because there were plans still pending under that overlay, not really intending to be used for new developments.

Mr. Lighty asked how many units are shown on the yield plan. Ms. Wissler stated that a yield plan is not required in the AR zone. She noted that under the AR regulations without the overlay, it would allow one unit per 1 ½ acres.

Mr. Newsome stated that the application is not really a request to rezone the land, it will remain AR, but with an overlay. The application is to create an overlay on the existing district. Mr. Guise noted that it is a specifically authorized rezoning. The Township decided that in certain zones an overlay district is permitted. Mr. Newsome noted that if nothing were done on the land, it could still be used in the AR zoning. Mr. Guise noted that it was decided to use the rezoning procedure versus the conditional use or some other avenue so that the Township retains the ability to be 100% discretionary. Mr. Newsome and Mr. Lighty agreed that "rezoning" may not be the appropriate word because it implies that that zoning is changing and it is merely being overlaid.

Mr. Lighty asked the applicant to convince the Commission why it should grant the request and why there is a significant preservation of open spaces that could not be done otherwise.

Mr. Staub stated that with regard to the density bonus, the open space overlay ordinance allows one unit per acre instead of the one and a half, and that is essentially the bonus. The Township then also benefits by the preservation of the sensitive natural features.

Mr. Staub presented a Google map showing the site and the property lines. The property line to the east touches Beaver Creek, which is the boundary line for the Township, and beyond that is Sarhelm Road.

The property is going to be served by public water. Once the line is run through Mindy Meadows along Heatherfield Way, it will then be available. Public sewer exists at the east end of the property along the creek, as the Beaver Creek Interceptor.

Mr. Staub stated that the properties to the north and south are zoned AR. The ones to the north are fairly large, and then to the north of them is the cemetery. On the southern side there are several single family dwellings, which take access from Devonshire Heights Road. To the east side are the Autumn Ridge and Mindy Meadows projects.

Mr. Staub presented a site plan of the property showing a cul-de-sac or loop street which is 2200 feet from Deaven Road to the furthest end of the loop. All of the homes will have side entry garages. Most of the homes will have exposed basements in the rear because of the topography. There will be two islands to provide for traffic calming. There will also be a boulevard entrance similar to the entrance to the Windmere development. Mindy Meadows has an extensive landscaped berm along Deaven Road so this property will mirror that, between the first two houses and Deaven Road. The homes are laid out in the field area, and the rest is the open space, which consists of a heavily wooded area, steep slopes, two streams and intermittent pockets of wetlands. On the other side of the steep slope are Beaver Creek, the associated wetlands, and Beaver Creek floodplain. The design easily and naturally protects the environmentally sensitive areas.

The average lot size is 0.60 acres. That is consistent with the recent developments in the area, Autumn Ridge, Hunters Run, Windmere, and Stratford Woods.

The proposed street will be the termination of Heatherfield Way. There will be a four-way intersection of Heatherfield Way, once completed, and Deaven Road. No curb or sidewalk is being proposed along Deaven Road to be consistent with what has been approved by the Board of Supervisors for Mindy Meadows. They were required to widen about 4 feet of Deaven Road, so the developer of this plan plans to do the same. The developer will be dedicating a fee-in-lieu of recreation area, which should amount to \$80,500 at \$2,300 per lot.

Mr. Staub stated he did receive comments from Staff and County.

Mr. Guise asked about the County comment regarding connection of roads through adjacent tracts. Mr. Staub stated that on the north and south side of the property, there are drainages and streams

and steep slopes, so it is not practical to build stub streets. There would be permitting issues with DEP, and the properties to the south could not easily be developed. The Township does not seem to have a need for east-west connections, so they did not pursue a connection to Sarhelm Road.

Mr. Guise asked if there will be an impact to the streams. Mr. Staub stated there will be no impacts whatsoever. The only impact is a temporary one to traverse a small section of the wetlands to get to the Beaver Creek Interceptor. There is a small finger of wetlands that will affect two or three lots in the rear yards, and easements will be established similar to those in Forest Hills so they cannot be disturbed.

Mr. Staub noted that the plan as it is laid out does not disturb any of the environmentally sensitive areas as defined by the ordinance. He added that the Board of Supervisors has seen this plan twice in workshop session.

Mr. Guise asked if there will be any disturbance of slopes over 15%. Mr. Staub answered yes, and stated that some grading will be done on Lots 18, 19 and 20.

Mr. Lighty asked what could be done with the land if the overlay was not approved. Mr. Staub stated that they have done at least six different layouts with different size lots and lot widths. If they didn't get the rezoning, they could still put 23 lots on the land when the steep slope ordinance is changed. If that were not changed, a variance would be needed.

Mr. Lighty stated he does not have a problem with the plan. However, he is concerned with the bonus allotted by the ordinance. The bonus is essentially that the lots can be moved around and built in such a way to be economical. Twelve units seem to be too much of a bonus.

Mr. Lighty called for comment from the audience.

John Purcell, Jr., 6556 Devonshire Heights Road, stated he is adjacent to the south side of the property. He stated that all of the surrounding property owners have met with the developers. The surrounding property owners agree that while they would like to see the land remain undeveloped, they recognize that that is not reality. If development has to occur, they are semi-happy with this plan in general terms. They would like to see a few less lots and maybe some other things and have already discussed these items with the developer, and hope to meet with them again to iron out their concerns. He would like to see the plan shown be tied to the rezoning approval. Mr. Lighty stated that a zoning change cannot be conditional. Mr. Purcell felt he could work that out with the developer.

One concern the neighbors had was sewer, but he now understands. Another concern was water, and the neighbors are in favor of the plan connecting to public water since they are all on wells.

Mr. Purcell stated that the neighbors like the open space and the buffer it provides.

Mr. Lighty stated that even though a rezoning cannot be conditional, the development, even if the land is sold, cannot look too much different because of the topography of the land.

Mr. Purcell stated he didn't know what it would look like if the rezoning did not take place. Mr. Lighty stated they would only have 23 lots. Ms. Molinari added that there would be no open space. Mr. Purcell stated that is what they like about the plan as proposed. Overall the neighbors are generally okay with it. If development has to occur, this is the best possible scenario.

George Noll, of Noll Road, stated he has lived there for 70 years and if development has to happen he has no problem with the plan. The buffer is beautiful along his property. Mr. Noll asked if the Township would consider 40% of usable land versus 40% of all the land. Mr. Lighty stated no, and the intent of the overlay ordinance is to preserve natural features. A yield plan is the section of the ordinance that does not give credit for unusable land in other development types.

Mr. Noll stated he would like to see a buffer of some kind along the other properties along Noll Road. He noted that 2,000 feet seems like a long cul-de-sac. Mr. Lighty noted that the land development plan is not being approved tonight, just the rezoning of the land. Mr. Noll thought the pumping station was already overloaded. Mr. Lighty stated that the Authority will address that. Mr. Noll noted that Old Jonestown Road can get grid-locked and liked that the development will connect to Nyes Road. Mr. Lighty noted that traffic issues will be addressed at the land development stage and the Commission will recommend traffic calming measures if they are warranted.

Larry Bender, owner of land along Hickory Lane, was concerned about traffic on Deaven Road, noting that it is already difficult to get out of Hickory Lane onto Deaven Road without getting killed. Mr. Bender stated he was concerned about the slopes and how much of it would be cut down, and how much drainage he will get from that. Mr. Lighty stated that if the overlay is approved, the slopes will not be touched.

Mr. Chip Millard stated that the draft Dauphin County Comprehensive Plan identifies the future land use for the tract as being Residential. The Residential future land use designation includes low and medium density residential uses. The proposed rezoning is consistent with the Plan.

Mr. Millard stated that the proposed rezoning would increase the number of dwelling units allowed on the tract from 23 to 35 units. It would also require a minimum of 40% of the land area to be preserved as open space and call for the preservation of sensitive natural features. In most cases the Dauphin County Planning Commission supports the preservation of open space areas.

After reviewing the proposed changes, the DCPC recommends the proposed zoning overlay be approved. The change will help preserve more open space areas and sensitive natural features. The DCPC does recommend however, that possible future roadway connections to adjacent tracts be considered if the adjacent tracts are suitable and potential targets for future development. The possibility of providing future connections to surrounding tracts, specifically to provide another north/south connection between Devonshire Heights Road and Jonestown Road needs to be evaluated in the context of what positive and negative impacts would result for the subject parcel and adjacent tracts, and the benefit interconnectivity would have on nearby intersections of Deaven Road/Devonshire Heights Road and Deaven Road/Jonestown Road.

Mr. Newsome made a motion to recommend the rezoning of tax parcel 35-040-044 to place an Open Space District Overlay on the current Agricultural Residential zoning. Mr. Guise seconded the motion and a unanimous vote followed.

Mr. Newsome asked that staff review the reference statement of the first paragraph of the County comments and felt that is the way it should be worded. Mr. Lighty also noted that he would like to revisit the open space bonus issue.

**Preliminary Subdivision Plan #07-14**  
**Shadebrook**

Mr. Lighty stated that the TND subcommittee has met and looked at the architectural package as submitted by the developer. They decided that they need much more information and the developer is actively working to get them that. The plan is not ready for action at this time, and the applicant has requested that the plan be tabled.

Mr. Lighty reminded the other Commissioners that this is a unique development and they expected a large number of comments because nothing has ever been done like this in central Pennsylvania.

The TND subcommittee will meet after the next architectural package is received. The subcommittee is made up of Mr. Lighty and Mr. Newsome from the Planning Commission, and two Supervisors.

Mr. Newsome asked if there is a time constraint. Ms. Wissler stated that the developer understands the uniqueness of the plan and has agreed to any time extension needed. Mr. Lighty noted that the developer is meeting with the Township and there is much ongoing work, but the plan is not ready for consideration yet.

Mr. Guise made a motion to table the plan. Mr. Neff seconded the motion and a unanimous vote followed to table the plan.

**Preliminary/Final Re-Subdivision Plan #07-17**  
**Lots 75 & 76 Old Iron Estates, Phase III**

Ms. Wissler stated that the purpose of this plan is to subdivide the western portion of Lot 76 and add that portion to Lot 75. The two lots are located on the south side of McCormick Lane, which is north Red Top Road. Old Iron Estates is zoned R-1, Low Density Residential District and is served by public sewer and public water.

The applicant has requested the following waivers: preliminary plan requirement; contours requirement; and the requirement to locate a driveway at least 10 feet away from an inlet or catch basin.

Steve Reisinger of Dawood Associates, 2020 Good Hope Road, Enola, was present on behalf of the plan.

Mr. Lighty asked if the applicant has received the comments. Mr. Reisinger stated he has, and can comply with all of them.

Mr. Lighty asked the purpose of the plan. Mr. Reisinger stated that Mr. Eshelman has made some improvements across the property line. Rather than remove the improvements, he wants to purchase the land from his neighbor. The improvements are a portion of the driveway, a stone wall, and structures for their water feature in the rear yard.

Mr. Lighty noted the Township's appreciation in the homeowner doing the right thing instead of letting it go.

There were no comments from the audience.

Mr. Millard stated that the County comments are all minor in nature.

Mr. Neff made a motion to recommend approval of the plan including the waivers requested, subject to the resolution of the comments. Mr. Beverly seconded the motion and a unanimous vote followed.

**Preliminary/Final Subdivision Plan \$07-18**  
**Liberty Place**

Ms. Wissler stated that the intent of the plan is to consolidate tax parcels 35-009-025, 35-009-188, and 35-009-026 into one tax parcel and then subdivide the newly created parcel into two lots. Lot 1 will be lands of Liberty Place, LLC and Lot 2 will be lands of Douglas and Nadine Neidich. The property is located south of Linglestown Road and west of Colonial Road. The property is zoned CN, Commercial Neighborhood District, R-1, Low Density Residential District, and R-2, Medium Density Residential District. The lots consist of 16.92 acres and will be served by public sewer and public water.

The applicant has requested waivers of the preliminary plan requirement and the requirement to provide curb and sidewalk.

Matt Jarrett, Kairos Design Group, was present on behalf of the plan.

Mr. Neff noted that Harriett Too requested a change in the zoning district boundary lines. Ms. Wissler stated that they asked that the zoning district lines match the property lines.

Mr. Lighty asked if the applicant has received the comments and had any issues with them. Mr. Jarrett stated he did receive the comments, and felt they could address them all.

Mr. Jarrett stated that the purpose of the plan is to consolidate the lots and separate the commercial use from the residential use, and add more land to the commercial piece to allow for more buffering from the added parking.

Mr. Neff stated that the Township has been told that there were discussions with this property owner and the one to the north for a possible easement. Mr. Jarrett stated there has been discussion, but that has not been decided. Mr. Neff asked if that means it is not Mr. Jarrett's client's wish to enter into this agreement. Mr. Jarrett stated his client has not decided.

Mr. Lighty asked what is envisioned for the property. Mr. Jarrett stated the property now is a commercial retail use, and they want to do interior renovations to convert it to a restaurant use and small boutique. With the restaurant use, more parking will be required.

Mr. Newsome asked about the zoning designations. Ms. Wissler stated that the lot with Harriett Too is zoned CN and the lot to the south is zoned R-1. The lot to the west is R-2. The purpose is to move the lot line between Harriett Too and the southern lot more to the south. That will mean that R-1 will be on that lot with CN again. This problem was corrected once with Ms. Kopp, and is now back again. Mr. Newsome asked if the applicant approached the idea of making it all one zone, and if the Township has an interest in having it be one zone. Ms. Wissler felt it would be simpler, and that is why it was adjusted for Ms. Kopp.

Mr. Guise asked if the R-2 lot would be affected. Ms. Wissler answered no. Mr. Newsome asked if development would occur on that lot. Ms. Wissler answered no.

Mr. Newsome asked where the parking will be added. Mr. Jarrett stated that the parking will be 40 feet from the lot line. The lot line will run with the drainage way.

Mr. Millard stated that he had no further comments to discuss.

There was no comment from the audience.

Mr. Guise made a motion to recommend approval of the plan subject to the resolution of the comments as discussed and as the applicant indicated will comply. The motion included approval of the waiver of the preliminary plan requirement and waiver of the requirement to provide sidewalks, and denial of the waiver request for the installation of curbing. Mr. Newsome seconded the motion and a unanimous vote followed.

Mr. Newsome asked staff to consider rezoning the parcels so the lot lines and the zoning boundaries coincide. Ms. Wissler noted that can only be done after the lots are created. Mr. Newsome felt it would be better to address these issues as they are encountered instead of letting them accumulate.

**Special Exception #07-04**  
**6106 Blue Valley Road**

Ms. Wissler stated that this Special Exception is to allow a major home occupation. The applicant currently runs a tree service at 6106 Blue Valley Road, and has done so for approximately 4 years. This was precipitated by a complaint to the office. The business would not have been permitted 4 years ago, however now it is permitted by Special Exception.

Mr. Rick Ingram was present on behalf of the Special Exception application.

Mr. Lighty asked the nature of the complaint. Ms. Wissler stated that a neighbor complained that a business was being run in a home, as was evident by the equipment outside. An inspection was made and it was verified that there was a business being conducted at the property.

Mr. Beverly asked about the equipment. Ms. Wissler stated that the issue was the firewood and some other things stored outdoors. She noted that they are kept nicely stacked. Mr. Beverly asked if they are permanent or are transportable.

Mr. Ingram stated he has a tree service and the only thing that occurs at the house is the parking of the two trucks. All tree work is done at the customer's house. There is firewood on the property that is not for sale; it is for his personal use. The firewood has to sit to dry for a year before it can be burned. He does sometimes give firewood to the neighbors for personal use. The applicant's grandfather also stacked and stored firewood on the property in the past.

There is a pile of logs waiting to go to the saw mill to be made into lumber, and there is a pile of stickered lumber.

Mr. Newsome asked about the parking of the trucks at the property. Both trucks are parked on the driveway. They may be parked on the street for an hour or so, but are never there long.

Mr. Lighty asked if there are any employees. Mr. Ingram answered no.

Mr. Lighty asked about the pile of firewood and the pile of logs to go to the saw mill. Mr. Ingram stated he takes logs to the saw mill every Sunday. There is currently a pile about 20 feet by 10 or 12 feet.

Mr. Newsome asked about the complaint. Ms. Wissler stated there was one complaint, and it was about the growing business in the home.

Mr. Ingram stated that if the issue is the stuff in the piles, it is there because he brings it home from a job site to use for his personal use. He does not sell the firewood or the lumber. He has used the firewood to build a structure for his neighbor.

Mr. Newsome asked if there was any signage. Mr. Ingram stated there is no sign.

Mr. Newsome asked the size of the trucks. Mr. Ingram stated they are Ford F-700, a medium-duty 2-3½-ton truck. One has a tag-a-long trailer and one has a chipper behind it.

Mr. Lighty stated that what is evident on the outside seems to be the issue. The ordinances say that a major home occupation is permitted, but one condition of that ordinance is that there is no outdoor storage. Mr. Lighty stated that the wood could be used to burn in Mr. Ingram's personal fire place or it could be a part of the business.

Mr. Lighty asked Mr. Ingram to put himself in the neighbor's shoes and look at the front of the house and tell him if it looks like a man runs a tree service from the house or if it looks like he has wood for a fireplace. Mr. Ingram stated that it is probably a bit more than an average person would have since he does have access to the wood.

Mr. Newsome asked about the logs brought home. Mr. Ingram stated that he brings home the 10 foot logs from a job site. They are sorted into 2 piles: a pile to be cut into firewood and a pile to be taken to the saw mill (8-14-foot lengths). Mr. Newsome felt that those logs were a good indication that the wood on the property was not solely for firewood for a person's house.

Mr. Newsome asked how often the applicant goes to the saw mill. Mr. Ingram stated he goes up almost every Sunday afternoon. Mr. Lighty asked where the saw mill was located, and if it was close enough to drop the logs off before going home from a jobsite. Mr. Ingram stated that the saw mill is beyond Halifax, and has to make a dedicated trip to take logs there.

Mr. Lighty asked if there was any other place to store the logs. Mr. Ingram stated he bought a property in East Hanover Township, with the intention of setting up a shop there. It is zoned residential agricultural, has a lot of flood plains and does have a small barn. He wants to move everything out to that property, but has trouble finding the time to do everything.

Mr. Lighty suggested taking the piles of wood out there now, even if the business itself isn't moved. He asked how long it would take to move the wood. Mr. Ingram estimated it would be about 20 trips. Mr. Newsome stated that the cut firewood doesn't have to be moved.

Mr. Lighty stated that the work trucks are fine to stay at the current property. Mr. Newsome asked if both trucks go to a jobsite or if one remains at the house. Mr. Ingram stated usually he only has one truck at the jobsite, but occasionally he does have someone take the other truck too.

Mr. Lighty noted that the outdoor storage is not permitted even if the major home occupation is approved.

Ms. Wissler suggested that, if the applicant was agreeable to moving the logs and lumber, the application for the special exception could be withdrawn and he could have a certain amount of time to come into compliance. She noted that a special exception is not guaranteed to be approved either. Mr. Lighty added that the idea of a home occupation is somebody working inside their house, not turning a house into a commercial business establishment. Mr. Newsome stated that the cut firewood would not have to be moved, but the logs and the lumber would have to be taken to the other property. The trucks

do not have to be moved. Mr. Newsome added that it would be advisable to keep the trucks on the driveway and off the road as much as possible.

Mr. Snyder asked if the business really qualifies as a home occupation since all of the work is done on a customer's property. Mr. Newsome asked where the advertised phone number rings. Mr. Ingram stated it rings at the house. Ms. Wissler stated it may actually be a minor home occupation not a major home occupation. She will research this before the Zoning Hearing Board meeting.

Mr. Newsome asked if Mr. Ingram plows in the winter. Mr. Ingram answered no.

Mr. Guise made a motion to advise the Zoning Hearing Board that the Planning Commission has reviewed this application and felt it should be resolved by looking at the nature of the occupation and moving the logs and lumber from the property in a reasonable period of time (weeks). Otherwise, the Commission has no objection. Mr. Newsome seconded the motion and a unanimous vote followed.

### **Sketch Plan** **2120 Colonial Road**

Matt Jarrett, Kairos Design Group, was present on behalf of the plan.

Mr. Jarrett stated that the proposal is to change the use in the existing building at 2120 Colonial Road. It is now a commercial retail and will be changed to a restaurant and a small boutique. They need more parking and want to expand to the south. There will be no expansion of the building itself. There is a creek to the west and wetlands to the north. They do not propose any additional access to Colonial Road. The additional parking will be to accommodate the restaurant use.

Mr. Guise asked about the zoning of the property. Mr. Jarrett stated that it is all in the CN zone, with a buffer between the parking lot and the R-1 zone.

Mr. Jarrett stated the restaurant will be a moderately upscale restaurant, between a sports bar and an upscale restaurant.

Mr. Guise asked what planning or zoning issues exist with the proposed parking expansion. Mr. Jarrett did not feel there were any. Mr. Guise asked if there will be sufficient parking spaces after the expansion. Mr. Jarrett stated that the number of seats will be dictated by the parking spaces. The outdoor seating will overlook the parking lot so they do not want it to look like a crammed parking lot.

Mr. Lighty asked about the mature trees currently on the site. Mr. Jarrett stated the site was very recently cut. This was done after meeting with a state forester and botanist to assess the ecological value of the trees on the site. Mr. Jarrett stated that he recommended to the applicant that they replace the trees with native trees. Mr. Lighty suggested that the applicant meet with the Shade Tree Commission and Dr. Lacasse, in particular, for his nationally recognized expertise.

Mr. Guise asked the total number of parking spaces. There are 93 spaces shown on the sketch plan. The seats in the restaurant will be limited by the parking availability. The existing northern access is a right-in-only. The access across from Winthrop Drive is an in and out.

Mr. Newsome stated that the parking striping and wheel stops need to be shown on the plan for the seven spaces in the work area. Mr. Jarrett stated that parking area is existing, but the driveway will be dug up to work on the pipe below and the pavement in the parking area will be resurfaced. Mr. Newsome stated the work to be done in that area should be shown on the plan.

Mr. Guise asked if a traffic study is required. Mr. Jarrett stated that the traffic engineer is going to meet with PennDOT to see if they can still operate under the existing HOP.

Mr. Neff asked the location of the storm water detention basin. Mr. Jarrett stated they are proposing an infiltration system using the parking islands. They hope to infiltrate as much as possible since they are at the headwaters of the Paxton Creek. Mr. Neff asked if the land development plan will show a detailed storm water plan. Mr. Jarrett stated it will at that point. Mr. Newsome asked if the water will dump into the wetland. Mr. Jarrett stated that they will explore the capacity of the existing detention basin to see if it can take more storage.

Mr. Neff asked the applicant to explore a short deceleration lane going southbound to turn right into the driveway. Mr. Snyder stated that that is PennDOT's jurisdiction and if they do not change the level of use of that driveway then they will not have to re-permit the driveway. If that is not the case, then PennDOT may require a deceleration lane at that point.

Mr. Lighty asked when they intend to open the restaurant. Mr. Jarrett stated they hope to open in the spring.

### **Public Comment**

There was no additional public comment.

### **Commissioner's Comment**

Mr. Neff asked Mr. Snyder if he is involved in detention basin issues, particularly at Chelsey Falls or New Hope Church. Mr. Snyder stated he has not been involved to this point. Mr. Neff stated that due to improper construction there is no infiltration, and he asked if there are design standards for basins. Mr. Snyder stated that there are design standards, but the issue is probably one of maintenance. If the basins are allowed to silt shut they will not function properly. The Township has been involved in other basin issues where they required the owner to go back and mitigate the problem such as cutting vegetation or cleaning out sedimentation.

Mr. Neff asked if inspections are done by the Township. Mr. Snyder stated that if they are bonded as part of the improvement guarantee process, then an inspection is done when the basin is

installed. After the bond is released, it is the property owner's responsibility to maintain the basin. The Township generally only gets involved if it receives a complaint.

Mr. Lighty asked that a discussion of the density bonus in the OSD be added to a future agenda so the Commission can make a formal recommendation to the Supervisors.

Mr. Lighty asked if Mr. Millard and Mr. Snyder would be willing to come to a Shadebrook subcommittee meeting to discuss the County's and engineer's comments. Mr. Millard and Mr. Snyder both agreed. Mr. Lighty explained that he would like the professionals' comments and recommendations to be interlaced with the Planning Commission's and Board of Supervisors' discussions.

### **Adjournment**

The next regular Planning Commission meeting is scheduled for September 12, 2007, at 7:00pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned at 9:37 pm.

Respectfully Submitted,

Michelle Hiner  
Recording Secretary