

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of May 28, 2009

Members in Attendance

Jeffrey Staub, Chairman
Sara Jane Cate, Vice Chairperson
David Dowling
Richard Freeburn
Gregory Sirb

Also in Attendance

James Turner, Solicitor
Lori Wissler, Planning & Zoning Officer
Steve Fleming, HRG, Township Engineer

**Variance Via
Docket #1259
Continuation**

Applicant: Jean M. Wolfgang

Address: 1330 Ranger Road

Property: 35-015-066, Ranger Road

Interpretation: A single family dwelling is not a permitted use in the FP, Flood Plain Conservation District.

The applicant proposes to construct a single family dwelling of which the footers will be located in the FP District.

A minimum setback of 20 feet shall be required between any new principal dwelling and any wetland.

The applicant is proposing an encroachment of six feet.

Grounds: Section 504, and 308, of the Lower Paxton Township Zoning Ordinance pertain to this application.

Fees Paid: March 26, 2009

Property Posted: May 21, 2009

Advertisement: Appeared in The Paxton Herald on May 13 & 20, 2009

The hearing began at 7:02 pm.

Mr. Staub stated that this application was heard last month and a decision was rendered, subject to readvertisement.

Mr. Staub called for comment from the audience. There was none.

A unanimous voice vote followed, reaffirming the decision made at the previous month's meeting.

The hearing ended at 7:04 pm.

Special Exception # 09-03
Continuation Hearing

Applicant: United Water Pennsylvania
Address: 4211 Union Deposit Road
Property: Lot 96, Estates at Autumn Oaks
Parkway West
Interpretation: Special Exception approval is required to develop a public utility facility in the R-1 and CO Districts.
Grounds: Section 306.B.1, of the Lower Paxton Township Zoning Ordinance pertains to this application.
Fees Paid: March 31, 2009
Property Posted: May 21, 2009
Advertisement: Appeared in The Paxton Herald on May 13 & 20, 2009

The hearing began at 7:05 pm.

Mr. Staub stated this is a continuation of a hearing from the previous month's meeting, at which the Board requested additional information.

It is customary for the Board to enter as exhibits the application and site plans. The applicant had no objection to its doing so.

John D. Hollenbach, General Manager and Vice President of United Water Pennsylvania, was sworn in. The following remain under oath from the previous month: Arthur Saunders, Senior Engineer for United Water Pennsylvania (UWPA), 4211 East Park Circle; and Lori Wissler, Planning & Zoning Officer.

Mr. Hollenbach apologized for the miscommunication that may have taken place. UWPA proceeded with site work not realizing that additional approvals were needed. This was a misunderstanding on the part of UWPA, not an intentional oversight. He briefly explained that there is a strong need for additional water storage in Lower Paxton Township. Over the last couple years, UWPA has been working to get an additional tank in the area. The tank will provide better levels of service and more reliability.

Mr. Saunders presented Applicant's Exhibit A, an aerial photograph of the Linglestown area, Applicant's Exhibit B, a closer view of the overhead aerial photograph, and Applicant's Exhibit C, the site plan on the aerial photo.

Mr. Saunders explained that the closest existing home will be about 400-550 feet away from the tank. He explained the photographs and artistic renderings were provided to the Board in their packet.

Mr. Sirb asked the height of the tank, from the ground to the top of the tank. Mr. Hollenbach noted there are two elevations. The exposed face of the tank wall will be 18 feet on the upper side and 32 feet on the lower side, plus 10 feet from the top of the wall to the top of the dome.

The second key map shows that it will not be possible to see the tank from below. The best place to try to see the site was from the intersection of Patton Road and Linglestown Road.

Mr. Sirb asked if the applicant is saying that the south face of the tank will be 42 feet tall and will not be visible. Mr. Saunders stated that is correct. Mr. Sirb asked if that will still be true in the winter months. Mr. Saunders was not sure about the winter, but speculated it would still be true. Mr. Sirb was concerned about creating another United Water eyesore, especially in the middle of a residential area. Mr. Saunders stated the tank will not rust because it is made of concrete.

Mr. Sirb asked about shielding, and referenced variance criteria #7. Mr. Saunders stated the only way you will see the tank is on the way down Parkway West. For that location they propose plantings on each side of the gate. He explained there is a 100-130-foot elevation change between the homes and the tank. The residents would have to see several hundred feet through the wooded area to find it.

Ms. Cate asked about the color of the tank. Mr. Saunders stated it will be Navajo Brown, which is close to what is shown, but not exact. Mr. Hollenbach stated there are several colors to choose from, and this color would blend the best with this site. The green would stand out in the winter.

Mr. Sirb read "...all disturbed areas will be graded and planted with grass". Mr. Saunders stated yes.

Ms. Cate asked about the driveway surface. Mr. Saunders stated it will be gravel. Mr. Freeburn asked if UWPA maintains the grass. Mr. Saunders stated yes.

Ms. Cate stated she was familiar with gravel roadways and mountain properties, and felt that a gravel drive will spew gravel everywhere. Mr. Saunders stated the grading plan shows the provisions for erosion control and there is a swale proposed to be cut across the top of the lot so that the only runoff that gets to the driveway would come from the area between the swale and the driveway. Mr. Saunders noted that this road will not be heavily traveled, there may be someone there once or twice a month.

Mr. Sirb asked the reason for someone to go to the tank. Mr. Saunders stated a crew of 1-2 guys, once to twice per month will check on the tank, check that the fence is undisturbed, and check the level transmitter.

There was no comment from the audience. The Township had no position on the application. The Planning Commission did recommend approval of the application.

Mr. Sirb made a motion to grant the exception, but noted that he is still very upset that the work was done without following proper protocol. He was upset that a utility company or anybody could rape the land, and say they didn't know or forgot, it is their job to know these things.

Mr. Hollenbach stated there is a provision with the Utility Commission that allows UWPA to proceed and exempts them from zoning ordinances. There were no intentions of doing business through the back door. He apologized and stated that if they had known, they would have done things in the right order. Mr. Sirb felt the language was clear. Ms. Wissler stated the zoning ordinances refer to the Municipalities Planning Code (MPC) which gives the utility company the option to go around the Township, but they have to have a public hearing with the PUC.

Mr. Sirb made a motion to grant the application, with the stipulation that they follow through based on the testimony given and based on the photographs, with particular care given to screening. Ms. Cate seconded the motion, and a roll call vote followed: Mr. Freeburn-Aye; Mr. Sirb-Aye; Ms. Cate-Aye; and Mr. Staub-Aye.

The hearing ended at 7:32 pm.

Special Exception # 09-04

Applicant: Beau Brown & Naomi Williams
Address: 1944 Swatara Street. Harrisburg, Pa 17104
Property: 4015 Jonestown Road
Interpretation: Special Exception approval is required for a single family dwelling in the CG, Commercial General District
Grounds: Section 306.B.2, of the Lower Paxton Township Zoning Ordinance pertains to this application.
Fees Paid: April 29, 2009
Property Posted: May 21, 2009
Advertisement: Appeared in The Paxton Herald on May 13 & 20, 2009

The hearing began at 7:32 pm.

Mr. Staub called for the applicant to come forward. Seeing no one present on behalf of the application, Mr. Staub asked the Solicitor what the options are. Mr. Turner stated the Board can deny the application or table the hearing.

Ms. Cate made a motion to table consideration of Special Exception 09-04. Mr. Freeburn seconded the motion and a unanimous vote followed. A role call vote followed: Mr. Freeburn-Aye; Mr. Sirb-Aye; Ms. Cate-Aye; and Mr. Staub-Aye.

The hearing was tabled at 7:35 pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary