

**LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS**

Minutes of the meeting held on April 19, 2022

A meeting of the Lower Paxton Township Board of Supervisors was called to order at 7:01 pm by Chairman Lowman Henry on the above date at the Lower Paxton Township Municipal Center located at 425 Prince Street, Harrisburg, Pennsylvania.

Board Members present in addition to Mr. Henry were Robin Lindsey, Chris Judd, Norm Zoumas, and Paul Navarro. Also in attendance were Brad Gotshall, Township Manager; Sam Miller, Assistant Township Manager; Steve Stine, Solicitor; and Amanda Zerbe, Planning and Zoning Officer.

**Pledge of Allegiance**

Ms. Lindsey led in the recitation of the Pledge of Allegiance to the Flag.

**Approval of Meeting Minutes**

Ms. Lindsey made a motion to approve the minutes of the reorganizational meeting held January 3, 2022, with the correction as noted by Mr. Zoumas. Mr. Zoumas seconded the motion, and a unanimous voice vote followed to approve the minutes.

**Announcements**

Mr. Henry stated that the Supervisors met in executive session prior to the business meeting and will do so again after the meeting.

**Public Comment**

Alvin Taylor, 1062 Acri Drive, distributed copies of a letter and photos regarding his property and explained that there is a situation whereby the permits for remodeling at his home were verbally approved and subsequently denied. In 2021, he met with Mr. Weaver onsite regarding a proposed 22'x22' garage addition, who saw no problem with how it will be built.

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A survey was performed in September 2021. Mr. Taylor submitted the paperwork for the permits, which Ms. Zerbe told him it was approved but just not returned to him yet. She questioned the setbacks since the property is pie-shaped, so he gave her the measurements of nine feet at the top and 18 feet at the lower end. Shortly after that, he received a letter from Mr. Allen denying the permit.

Mr. Taylor is asking the Board to reconsider the decision. He explained that there is nothing down there, but according to the letter there is sewer there. Mr. Taylor noted that in the past fill was brought in because of the steep incline, and there was an addition put on the house as well as a deck. He explained that the sewer was found last year, but they hadn't seen it till after cleaning out the trees and growth. According to the plot plan, there is nothing for the sewer or drainage. The street sewer and drain were included but not the sewer. When he heard that he was liable for the drain he was surprised since the Township used to clean it out twice a year. The decision was that the addition would be sitting too close to the sewer pipe, but he explained there has never been a problem other than when the water would come down during big storms and it washes things out. The proposed addition would clear it, and there isn't a development behind the home, just a drop off and no other way to use the property.

Ms. Amanda Zerbe stated that there are three permits needed for a garage addition: stormwater, building, and zoning permits. The plot plan for the zoning permit was incomplete so she requested more information, and it was then approved. The building permit was approved. The stormwater permit was not approved because the addition was in the sewer easement.

Mr. Taylor stated that the original house was nine feet from the sewer or property line and they did not know that until they did a survey.

Mr. Henry asked that Ms. Zerbe and Mr. Weaver review the situation so that a resolution can be found.

#### **Chairman and Board Members' Comments**

Ms. Lindsey reminded everyone of the Kite Festival being held at Lingle Park with the Parks and Recreation Department. The event is from noon to 2pm this Sunday.

Ms. Lindsey stated that she and Mr. Zoumas attended the Council of Government meeting where Ryan Unger from CREDIC who spoke on what the Chamber is doing.

Ms. Lindsey noted that she and Mr. Zoumas will attend the PSATS conference next week. She added that the Township was able to receive a Safer Grant for the fire companies to assist with retention of volunteers. On April 27, 2022, at 5pm there will be a press conference at HACC and she encouraged any Lower Paxton firefighters to attend.

#### **Manager's Report**

Mr. Gotshall had nothing additional to add.

#### **Old Business**

There was no old business to discuss.

#### **New Business**

##### Resolution 22-16: Designating Signatory Authority for Federally Funded PENNDOT Projects

Mr. Henry noted this matter was discussed at the workshop meeting held last week. With no further discussion, Mr. Zoumas made a motion to adopt Resolution 22-16, designating signatory authority for federally funded PENNDOT projects. Mr. Navarro seconded the motion, and the Resolution was adopted with a unanimous voice vote.

Policy and Procedure for Consultant Selection  
Relating to Federally Funded PENNDOT Projects

Mr. Henry stated this matter was also discussed previously. Hearing no additional comments or questions, Mr. Judd made a motion to adopt the policy as presented. Mr. Zoumas seconded the motion and a unanimous vote followed.

**Subdivision and Land Development**

Cider Press Master Plan

Ms. Zerbe stated that if an applicant is proposing a development within the Traditional Neighborhood Development Overlay District, the applicant is required to provide a master plan. The Master Plan is required to show the proposed streets and cartway widths, alleys, approximate lot lines and dimensions, common open spaces, recreation areas, major pedestrian and bicycle pathways, parking areas, major detention basins and proposed types of housing.

The Cider Press Master Plan proposes 81 new single-family lots and has a total area of 27.78 acres situated on parcel 35-066-002, with the total open space proposed of 12.44 acres. The total allowable density in a R-1 Zoning District within a TND Overlay District is four dwelling units per acre. She noted the Master Plan density calculations indicate a total of 87 Units would be allowed within this development.

Due to the existing Shadebrook development, which is adjacent to the proposed TND extension, the proposed development is permitted to have a minimum lot size of 20 acres, provided that the second TND is designed to be consistent with the first TND; including compatible architectural standards with the first TND and a logical extension of streets. Additionally, the proposed TND extension is not required to include commercial uses since the adjacent TND Shadebrook has an existing commercial area.

19667

The Cider Press Master Plan was recommended for approval at the April 6, 2022, Planning Commission Meeting.

Ms. Lindsey abstained from discussion and voting on the plan, due to the proximity of her residence to the subject parcel.

Mr. Jared Sawyer, Partner with Mission Land Company, the developer of the tract, and Stan Laskowski, Attorney with Coldwell and Kearns, were present on behalf of the plan.

Mr. Sawyer explained that this plan is proposing 81 single family units on 27 acres as an extension of the Shadebrook TND development, split by Cider Press Road. There will be two new streets and two alleys, as well as widening of Cider Press Road.

Mr. Sawyer stated the developer worked with the Planning Commission to find the best location for the recreational areas. The entrance off Cider Press has a park area with pavilion and benches, and there are walking trails and open space throughout the development. A 9-acre natural area is proposed within the oddly shaped portion along Nyes Run, which will be served by a parking area.

The garages are side or rear-loaded, and they will work with the utilities during the preliminary plan phase. There were concerns raised at the Planning Commission about the separation of the walking trails and the rear yards of the homes along Oak View Lane. Black aluminum fencing is proposed along the walking trail to address the concerns. A traffic study is being performed with the Preliminary Plan to evaluate the intersection of Cider Press Road at Fairmont Drive, and Cider Press Road at Union Deposit Road.

Mr. Laskowski stated that this land is uniquely shaped and meets the 80-acre requirement with the adjoining Shadebrook development.

19667

He noted that the Ordinance Section 314.B.2 talks of an adjacent “tract” not lot, and must have a minimum size of 20 acres and be consistent. The Ordinance says the tract size shall include all that lot area of all the lots prior to subdivision and land development. This is one single parcel, not two and there is one parcel number for it. “Tract” and “tract size” are not defined anywhere else in the Ordinance. He further noted that the portion of the land that is being built on is within the TND Overlay District. The open and recreation areas are the only areas outside the TND line. With this information, he believes it does meet the requirements of the Ordinance. The Ordinance says a developer may request that the map be amended, but it is also worth noting that this tract is the only tract with a portion not within the TND boundary. Mr. Lakowski stated that MPC section 603, when interpretation is needed for an ordinance deference has to be given, and a broad reading of the ordinance has to be applied. The MPC says that when any doubt exists with the intended meaning, then it must be interpreted in favor of the property owner. He did not believe that the intent of the map was to exclude a portion of the tract, and if the map were to be amended at a later time, the developer would not object to it, but they do not feel it needs to be done to meet the requirements.

Mr. Henry asked about the topography of the skinny piece of land, and Mr. Laskowski stated that Nyes Run (creek) runs through it and there is a very steep grade where the storm basin will be located. Mr. Laskowski stated that if that portion of the tract is included, there are 27 acres even though 18.5 acres are within the TND boundary. The intention of the ordinance seems to be the completion of the zoning district and this fits within the spirit of the TND zone.

Mr. Judd noted that the Board is being asked for a legal interpretation, and he would like to hear the Solicitor’s opinion on the matter. Mr. Stine stated he did not exactly agree with the interpretation. He has spoken with Staff, and it is his and Staff’s opinion that a map amendment

is a better way to go. He added that if the Zoning Officer needs to make an interpretation, and is not in agreement with the developer, then the developer will need to appeal the decision of the Zoning Officer, which will take even longer. If the Zoning Hearing Board does not side with the applicant, that will add more time.

Mr. Henry asked how long a map amendment takes. Ms. Zerbe stated it is a 45-day process. Mr. Laskowski stated he can get a map amendment to the June Planning Commission meeting and then return to the Supervisors at their second business meeting. He requested permission to submit the preliminary plan on June 1<sup>st</sup> so it can be conditionally approved, conditioned upon approval of the map amendment. Ms. Zerbe agreed that timeline will work fine, and Mr. Stine stated the Board can approve the plan conditioned upon the approval of the map amendment.

Mr. Judd made a motion to approve the Cider Press Master Plan consistent with the Traditional Neighborhood Zoning District Overlay, subject to approval of the zoning map amendment. Mr. Zoumas seconded the motion, and the motion was approved with a roll-call vote: Mr. Navarro-aye, Mr. Judd-aye, Mr. Zoumas-aye, Chairman Henry-aye. (Ms. Lindsey-abstain.)

Ordinance 21-03, Amending Chapter 203 of the Codified Ordinances  
Permitting Conveyorized Car Washes within the RRD Zoning District

Mr. Stine opened the Public Hearing for action on Ordinance 21-03 which would amend Section 203 of the Codified Ordinances to permit conveyorized car washes in the RRD Zoning District. Mr. Stine stated that the applicant has requested a continuance of the hearing.

Ms. Zerbe stated the applicant wants to return to the Planning Commission before proceeding to the Board of Supervisors. There was no comment offered from the public regarding the application. Mr. Stine closed the public hearing and requested that the Board of

Supervisors take action to continue the public hearing until the May 10, 2022, Board of Supervisors meeting. Mr. Zoumas made a motion to continue the hearing as outlined. Ms. Lindsey seconded the motion and the motion passed with a unanimous voice vote.

Improvement Guarantees

Ms. Lindsey made a motion to approve the Improvement Guarantees for Autumn Oaks Phase 1, Deaven Woods, Autumn Ridge Phase 2 & 3, Mindy Meadows Phase 2, Huntleigh, and Maiden Creek, as presented. Mr. Navarro seconded the motion and the motion passed with a unanimous vote.

Payment of Bills – Lower Paxton Township & Lower Paxton Township Authority

Mr. Zoumas made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Navarro seconded the motion and the motion passed with a unanimous vote.

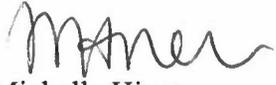
**Announcements**

Mr. Henry stated the next meeting is Tuesday, May 3, 2022. Ms. Lindsey stated there is an Authority meeting next Tuesday, April 26, 2022.

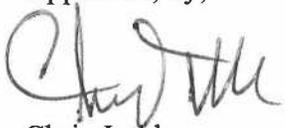
**Adjournment**

There being no further business, Mr. Judd motioned to adjourn the meeting. Mr. Zoumas seconded the motion, and the meeting adjourned at 7:41 pm.

Respectfully Submitted,

  
Michelle Hiner  
Recording Secretary

Approved, by,

  
Chris Judd  
Secretary