

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held December 21, 2010

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:33 p.m. by Chairman William B. Hawk, on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Stephen Fleming, HRG, Inc.; James Strong, McNeese, Wallace and Nurick; Jeff Staub, Dauphin Engineering; Joe Gallo, Palm Development; Rick Bitner, H. Edward Black and Associates; Attorney Stanley Laskowski, Caldwell and Kearns; Joel McNaughton, The McNaughton Company; Forest Troutman, Cider Press Associates, LLC; and Watson Fisher and Ted Robertson, 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 minutes of the December 7, 2010 business meeting, and the October 12, 2010 and November 23, 2010 workshop meetings. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and the minutes were unanimously approved.

Public Comment

Mr. John Trish, 600 Prince Street, noted that the last business meeting that was viewed on Verizon was without sound. He noted that the Township website does not have a 2010 or 2011 budget posted. He noted that the ordinance web page is blank. He also noted that the advertisements for the ordinance are only in The Paxton Herald and he does not get that newspaper.

Chairman & Board Members' Comments

No comments were presented.

Manager's Report

Mr. Wolfe noted that he had nothing to report given the length of the agenda.

OLD BUSINESS

Ordinance 10-08; amending Chapter 137, Article II, Sections 137-18 and 137-10 of the Codified Ordinances to set fees for Transient Merchant Licenses by resolution

Ordinance 10-09; amending Chapter 196, Section 196-26, Paragraph B-1 of the Codified Ordinances to set fees for parking violations by resolution

Mr. Hawk questioned Mr. Stine if these two ordinances could be considered at the same time. Mr. Stine agreed they could.

Mr. Wolfe explained that by adopting this Ordinance 10-08 and 10-09; it will permit the Board to set fees by resolution as opposed to an ordinance. He noted that the difference is that ordinances are very cumbersome, and setting fees by ordinance costs the Township money given the advertisement and public hearing process. He noted that most municipal fees are set by resolution, and for whatever reason, these two items are currently required to be set by ordinance, and it is staff's recommendation that transient merchant licenses under Ordinance 10-08 and parking violations under Ordinance 10-09 fees be set by resolution.

Mr. Wolfe explained that resolutions that will follow later in this agenda will establish the fees for these two agenda items.

Mr. Stine noted that this is the time and date set for the public hearings on Ordinance 2010-08 which authorizes the setting of fees for transient merchant licenses by resolution and also the public hearing for Ordinance 2010-09 which authorize the setting of fees for parking violations by resolution. Mr. Stine questioned if anyone in the audience wished to be heard on these two ordinances. He noted, seeing no response, that it would be in order to close the public hearings for Ordinances 2010-08 and 2010-09, and the Board may take action if it so desires.

Mr. Crissman made a motion to approve Ordinance 2010-08; amending Chapter 137, Article II, Sections 137-18 and 137-10 of the Codified Ordinances to set fees for transient merchant licenses by resolution, and Ordinance 10-09; amending Chapter 196, Section 196-26, Paragraph B-1 of the Codified Ordinances to set fees for parking violations by resolution. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and the minutes were unanimously approved.

Ordinance 10-06; amending Article 170 of the Codified Ordinances,
Stormwater Management, Drainage, and Erosion Control

Mr. Fleming noted that the Stormwater Management Ordinance has been updated to reflect the changes as suggested by the Dauphin County model ordinance, the Act 167 Plan, and Chapter 102, which relate to the erosion and sedimentation control requirements.

Mr. Wolfe noted that the Board members have seen the proposed ordinance in a workshop session and in accordance with the requirements of the Pennsylvania Department of Environmental Protection, the Township is required to comply with the stormwater management regulations for the drainage basins in the Township. He noted that the amendments have been

prepared by Mr. Fleming, and amending Article 170 of the Codified Ordinances will accomplish that. Mr. Crissman noted that it will bring the Township into compliance with the State requirements.

Mr. Stine noted that this is the time and date set for the public hearing on Ordinance 2010-06, amending Article 170 of the Codified Ordinances, entitled Stormwater Management, Drainage and Erosion Control. He questioned if anyone in the audience wished to be heard on this ordinance. He noted, seeing no response, it would be in order to close the public hearing for Ordinances 2010-06, and the Board may take action if it so desires.

Mr. Crissman made a motion to approve Ordinance 2010-06, amending Article 170 of the Codified Ordinances, entitled Stormwater Management, Drainage, and Erosion Control. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and the motion was unanimously approved.

Resolution 10-34; Adoption of the 2011 fiscal year budgets

Mr. Wolfe noted that it is the practice of the Board to adopt the 2011 fiscal year budgets during the last business meeting of the year. He noted that the budget has been discussed during numerous workshop sessions, and has been advertised as required by law for public inspection. He noted that the 2011 General Fund is balanced at \$18,165,600, with a transfer of \$831,800 to the General Improvement Fund. He noted that State Aid is balanced at \$980,440, a fund used for road maintenance received from the State. He noted that the General Improvement Fund for capital projects is balanced at \$1,519,500 to include a transfer from the General Fund of \$831,800. He noted that the Friendship Center Operating Fund has revenues of \$2,096,990 against expenditures of \$2,116,344, producing a deficit of \$28,454 which will be supplemented using cash on hand. He noted that the Friendship Center's Operating and Capital Funds are not

funded by municipal tax dollars, rather operating revenues generated by the facility. He noted that the Friendship Center Capital Fund has expenditures in the amount of \$262,950 from revenues on hand.

Mr. Wolfe noted that the Lower Paxton Township Authority adopted its budget on November 23, 2010, with \$13,975,262 in revenues against expenditures of \$13,200,987. He noted that the fund has a deficit of \$594,275 that will be satisfied through cash reserves. He noted that the Capital Fund for projects is \$14,047,400 in expenditures.

Mr. Wolfe noted, in summary, the total spending plan for 2011 is \$49,461,421.

Mr. Wolfe noted that this is a very restricted spending plan, only permitting spending for what is necessary. He noted the budget has proposed a 10% increase in the real estate tax, changing the millage rate from .875 mills to .9625 mills. He noted that the Authority has already approved an increase in the sanitary sewer fee of \$4 per quarter to a total of \$16 for the year.

Mr. Wolfe noted that the Lower Paxton Township is a Township of the Second Class and can levy a real estate tax up to 14 mills for general purposes and another 25+ mills for identified items for a total of about 40 mills. He noted that the 2010 real estate tax rate is .875 mills and a 10% increase has been proposed for the 2011 General Fund budget increasing the tax rate to .9625 mills. He noted that the real estate tax is the only significant source of municipal revenue that the Board can increase on an annual basis, as it has no legal authority to increase the Earned Income Tax, Local Services Tax, or Real Estate Transfer Tax.

Mr. Wolfe noted for 2011, the proposed increase in the real estate tax is expected to generate \$2,870,741 based upon an assessed valuation of \$3,009,956,800, and a millage rate of .9625 mills. He noted that the Township has the highest assessed value of property in all of Dauphin County. He noted that the total General Fund budget for 2011 is \$18,165,600, and the

largest source of General Fund revenue is the Earned Income Tax that is expected to generate \$6,500,000 in 2011. He noted that the Local Services Tax is expected to generate \$1,100,000 in 2011, and the Township levies no other taxes that are paid by residents on an annual basis.

Mr. Wolfe explained from 2007 through the proposed 2011 budget, annual expenditures for municipal operations have increased by 5.2% or roughly 1% per year. He noted that the Consumer Price Index (CPI) increased 7.9% in that same time period. He noted for Dauphin County the average tax rate is 1.9834 mills, the existing Township millage rate is .875 and the proposed millage rate is .9625. He noted that Derry Township's millage rate is 1.0966 mills, Susquehanna Township is 2.598 mills, and Swatara Township is 2.316 mills. He noted in 1989 the millage rate was 1.4925 mills and it was increased the following year to 1.9825 mills. He noted in 1995 the millage rate decreased to 1.7849 and again in 1996 to 1.6049. He noted in 2002, a county-wide reassessment occurred and the millage rate was adjusted to .875. He noted in 2005, the rate was decreased to .7000, and in 2008, as a result of the Emergency Municipal Services Tax, the rate was readjusted to .875 due to a change in the tax law.

Mr. Wolfe noted over the past 20 years, the Township has decreased the real estate tax three times, increased it in 1990, and again in 2008. He noted that the tax has not increased in 20 years. He noted that the current rate of .875 mills has been in place since 1996 and at that time it was equal to \$43.71 per person based upon an estimated population of 41,748. He noted in 2010, the tax is expected to generate \$2,559,550 which equates to \$54.46 per person based upon a population of 47,000 residents. He noted that tax revenues have increased a total of 24.5% over the last 15 years or 1.63% per year, while the CPU has grown 41.48% or 2.77% per year.

Mr. Wolfe explained, for a home with an assessed value of \$200,000 the 2010 Real Estate Tax of .875 mills produces .594 mills for general purposes, \$118.80; .240 mills for fire

protection, \$48.00; and .041 mills for library services at \$8.20, for a total of \$175.000 a year. He noted the proposed 2011 Real Estate Tax of .9625 mills will result in .6815 mills for general purposes at \$136.30; .240 mills for fire protection at \$48.00; and .041 mills for library services at \$8.20 for a total of \$192.50. He noted that it amounts to an additional \$17.50 per year, and will generate an additional \$256,000 in tax revenues.

Mr. Wolfe noted that it is staff's recommendation that the Board act upon the resolution this evening.

Mr. Hawk noted that it is important to note that the discussions for this budget began in June of this year and the Board has been working on this budget for six months trying to make as many cuts as possible without detracting from the quality of services that the citizens have come to expect. Mr. Crissman noted that he would like to commend staff for the time and effort in preparing numbers, working together as a team, to come up with the proposed budget. He noted that it is a good budget, and it is never easy to raise taxes, but in this situation it is in the best interest of the community to do so to keep the current level of services.

Mr. Hornung noted that workforce was eliminated and cuts were made, and the Board could have passed a budget without a tax increase however it would have sacrificed the future expenditures of the Township in that a large amount of the tax increase is to be used for programs that will return the investment over the next few years. He noted that it is an effort to keep the taxes low and provide for a future return in investment by implementing new programs. He noted that these programs will help the Township provide for more efficient future spending for road maintenance and financial packages. Mr. Hawk noted that the investments for the future will come in the road pavement programs and other programs as well.

Mr. Crissman made a motion to approve Resolution 2010-34, adopting the following funds: General Fund, \$18,165,600 in revenues and expenditures; State Liquid Fuels, \$980,440 revenues and expenditures; General Improvement Fund, \$1,519,500 revenues and expenditures; Friendship Operating Fund, \$2,096,990 in revenues and \$2,116,334 in expenditures; and Friendship Capital Fund of \$115,000 in revenues and \$2622,950 in expenditures; and establishing the rate of taxation of .9625 mills with .6815 for general purposes, .240 for fire protection, and .041 mills for library funding for the 2011 fiscal year. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, nay; and Mr. Hawk, aye.

Resolution 10-33-1 to 14; amending municipal fees and charges, effective 2011

Mr. Wolfe noted that during the budget preparations, the Board directed staff to review municipal fees, many of which have not been reviewed by the Board in many years, and prepare recommendations for increases. He noted that staff is presenting 14 resolutions that will provide for increases in certain municipal fees that have not been addressed in a long period of time. He noted that he will summarize the fees as they are provided in the 14 resolutions, and if approved, all increase in fees will become effective January 1, 2011.

Resolution 10-33-01 amending Resolution 09-22; which established permit fees to transport and deliver Leaf Waste to the Township's Compost Facility and to remove processed materials from said facility

Mr. Wolfe noted that the annual permit fees to transport and deliver leaf waste to the Township's compost facility shall increase for residential use from \$20 to \$30 per calendar year and the commercial fee shall increase from \$300 to \$450 for calendar year. He noted that the

one-day permit for residents will increase from \$5 to \$8, and for commercial use, it will increase from \$25 to \$38.

Resolution 10-33-02 amending Resolution 07-44, in accordance with Ordinance 06-05 which adopted the Township's Zoning Ordinance for sign permit fees

Mr. Wolfe noted that the current schedule has a minimum charge for a sign of \$50 and a maximum fee of \$400, and those fees will increase as following: 1 to 19.9 square feet in sign area - \$75.00; 20 to 49.9 square feet in sign area - \$150.00; 50 to 99.9 square feet in sign area - \$225.00; 100 to 149.9 square feet in sign area - \$300.00; 150 to 299.9 square feet in sign area - \$375.00; and over 300 square feet in sign area, \$600.00.

Resolution 10-33-03 amending certain application fees under the planning and zoning code as established by Resolution 06-50 in accordance with Ordinance 06-05 for various filing fees

Mr. Wolfe noted that the fee for filing a zoning special exception application for residential structures and uses shall be \$300.00; and \$500.00 for special exceptions involving non-residential structures or uses. He noted that the Escrow Deposit Fee for certain temporary signs shall be \$150.00, and the Escrow Deposit Fee for temporary political signs shall be \$150.00 per individual candidate or \$375.00 for a political party, covering all candidates endorsed by the party. He noted that the fee for the filing of conditional use applications shall be \$300.00 for conditional uses permitted in residential zoning districts, and \$500.00 for conditional uses permitted in non-residential zoning districts. He noted that the fee for filing a zoning variance application shall be \$300.00 for variances involving residential structures and uses, and \$500.00 for variances involving non-residential structures or uses. He noted that the fee for the filing of an appeal of a decision of a zoning or codes enforcement officer before the Zoning

Hearing Board shall be \$300.00 for an appeal for a residential zoning district and \$500.00 for an appeal for a non-residential zoning district. He noted that the fee for the filing an application to amend the zoning ordinance or change the zoning map shall be \$1,000.00.

Resolution 10-33-04 amending Peddlers and Solicitors License Fees, as established in Resolution 06-20, as authorized in Chapter 137 of the Codified Ordinances, Article 1, Section 137.4

Mr. Wolfe noted that the fee for the primary licensee fee will increase to \$50.00, and additional fees for secondary licenses on the primary licensee will increase to \$10.00.

Resolution 10-33-05 establishing a fee for engineering services in the review of subdivision and land development plans and improvements, as authorized by Ordinance 09-16

Mr. Wolfe noted that the fee to be charged for the services of the Township Engineer for review of subdivision and land development plans and improvements associated therewith shall be in accordance with the 2010 Fee Schedule provide by the Township Engineer, HRG, Inc.

10-33-06 amending Resolution 05-35, which established stop bar and arrow installation fees to be charged by the Public Works Department when installing said items prior to dedication of streets to the Township by developers

Mr. Wolfe explained that that the fee for a stop bar and an arrow shall be \$300.00.

Resolution 10-33-07, establishing filing fees for subdivision and land development plan applications, as authorized by Ordinance 09-16; the Subdivision and Land Development Ordinance

Mr. Wolfe explained that the fee for filing of subdivision plan applications shall be as follows: Preliminary Plan - \$300.00, plus \$15.00 per lot; Final Plan, \$300, plus \$15.00 per lot; and Preliminary/Final Plan - \$500.00, plus \$25.00 per lot. He noted the fee for the filing of land development applications shall be as follows: Preliminary Plan - \$300.00, plus \$30.00 per acre or

portion thereof; Final Plan - \$300.00, plus \$30.00 per acre or portion thereof; and Preliminary/final Plan - \$500.00, plus \$45.00 per acre or portion thereof. In addition, a fee of \$23.50 per parcel of land shall be paid to the Township to satisfy the recording fee established by the Recorder of Deeds of Dauphin County.

Resolution 10-33-08 amending Resolution 05-09; which established sign installation fees for use by the Public Works Department when installing signs on streets being offered for dedication to the Township by developers or when replacing signs on public streets damaged by motorists

Mr. Wolfe noted that the fee for the installation of a motor vehicle regulatory or warning sign shall be \$300.00 and the fee for the installation of a street identification sign shall be \$300.00.

Resolution 10-33-09 amending plumbing permit fees established by Resolution 05-05 in accordance with Ordinance 04-08, which adopts the Pennsylvania Uniform Construction Code for use in the Township

Mr. Wolfe noted that the fee for a plumbing permit shall be as follows: new fixture installation or fixture replacement; each trap - \$10.00; each fixture opening roughed-in for future use - \$10.00; sump pit, hot water heater, grease, oil and blood interceptor - \$10.00; commercial garbage disposal, sewer ejector - \$18.00; inspection of water service - \$13.00; inspection of dwelling unit - \$30.00, and commercial inspection - \$38.00.

Resolution 10-33-10 amending Resolution 05-04; which established building permit fees in accordance with Ordinance 04-08, which adopts the Pennsylvania Uniform Construction Code for use in the Township

Mr. Wolfe noted that the fee shall be at the rate of \$7.00 per \$1,000.00 of costs in accordance with the following:

A. Single-family homes: The total cost of the home for building permit purposes shall be calculated by multiplying sixty-five dollars (\$65.00) times the total square footage of living area for the proposed home, also thirty-five dollars (\$35.00) times the total square footage of unfinished basement areas, finished basement areas, decks, porches, and patios.

B. Construction other than single-family residential: The cost of construction other than single-family homes shall be calculated on the basis of the applicant's contract price for the construction or bids, including, but not limited to, the contracts or bids for the general, electrical, plumbing, and mechanical contracts. Where the applicant at the time of application certifies that there is no fixed bid or contract establishing the cost of the construction, the applicant shall estimate the total cost of the construction, which shall initially be used for calculation of the building permit fee. In such cases, prior to the issuance of an occupancy permit, the applicant shall submit final bills for construction of the building together with such additional fee as may be required to reflect the actual cost of the building versus the estimated cost at the time of application. In the event that the estimated cost exceeds the actual cost, the Township shall refund to the applicant any excess fee.

Moving of buildings: The fee for a building permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be at the rate of five dollars (\$5.00) per hundred dollars (\$100.00) of the estimated cost of moving plus the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location.

A fee of four dollars (\$4.00) shall be added to all building permits. This fee shall be levied in accordance with Act 45 of 2004.

A fee of one hundred dollars (\$100.00) is hereby established for the issuance of a Certificate of Occupancy in instances of an altered area use and occupancy classification, as defined by Section 110.1 of the International Existing Building Code, that are not part and party to an application for a Building Permit.

Mr. Wolfe noted that this Resolution shall apply to all applications for building permits, except new buildings or renovations to existing buildings for which an application for a building permit has been made prior to January 1, 2011; or new buildings or renovations to existing buildings on which a contract for design or construction has been signed prior to January 1, 2011; or to utility and miscellaneous use structures that are accessory to detached one-family dwellings; or to agricultural buildings; or to alterations to residential buildings which do not make structural changes or changes to means of egress, except as might be required by regulations in effect pursuant to Section 303 (B)(1) of the Uniform Construction Code; or repairs to residential buildings except as might be required by regulations in effect pursuant to Section 303 (B)(1) of the Uniform Construction Code; or to recreational cabins.

Resolution 10-33-11; establishing transient retail merchant license fees in accordance with Chapter 137, Article II of the Codified Ordinances, as amended by Ordinance 10-08

Mr. Wolfe explained that the license fee and term for flea markets shall be \$400.00 per calendar month or part of a calendar month during which business is conducted. Flea market licenses may be renewed for subsequent months of operation after the initial month, in which business is conducted, with a maximum of three renewals in any one calendar year.

Mr. Wolfe noted the fee for the transient retail merchant license shall be \$50.00 per calendar month or part of a calendar month during which the business is conducted. The transient retail merchant licenses may be renewed for subsequent months of operation after the initial

month or part thereof, in which business is conducted, with a maximum of three renewals in any one calendar year.

Resolution 10-33-12; amending the Bring Your Own Bottle issuance and renewal permit fees established by Resolution 05-43, as authorized in Chapter 63 of the Codified Ordinances, Section 63-7

Mr. Wolfe noted that a BYOB Club Permit Application fee will be \$1,500.00 and a BYOB Club Permit renewal fee is \$750.00.

Resolution 10-33-13; establishing a fee for legal services in the review of subdivision and land development plans and improvements, as authorized by Ordinance 09-16; the Subdivision and Land Development Ordinance

Mr. Wolfe explained that this resolution resolves that the fee to be charged by the Township for the services of the Solicitor for review of subdivision and land development plans shall be \$140.00 per hour with billing to be provided in increments of no less than two-tenths of an hour.

Resolution 10-33-14; establishing penalties for unlawful parking in accordance with Chapter 196 of the Codified Ordinances, Section 196-26, Paragraph B-1, as amended by Ordinance 10-09

Mr. Wolfe noted that the unlawful parking fee will be \$15.00 and each consecutive separate period of ½ hour of unlawful parking will be \$8.00. He noted that the late payment charge for unlawful parking will be \$5.00.

Mr. Wolfe noted that it is staff's recommendation that the Board act affirmatively on these 14 resolutions increasing the fees as proposed.

Mr. Hornung noted that the Board reviewed the Township's fee schedule in comparison to surrounding municipalities and found them to be less than what they should be. He noted this

was the reason for the increase in the fees. Mr. Wolfe noted that this was true especially in regards to the building activities. He noted that everything but the compost permits were more than six years old.

Mr. Crissman made a motion to approve Resolution 2010-33, 1 through 14, amending the municipal fees and charges effective January 1, 2011 as presented by Mr. Wolfe. 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.

NEW BUSINESS

Ordinance 10-05; application from the Schoffstall Children's Trust to rezone a seven acre tract east of Devonshire Road from R-1 to R-2

Mr. Wolfe explained that the Township has received a proposal to amend the Township's Zoning Map for a parcel of land that encompasses 7.0337 acres (35-061-084). This parcel is located south of Devonshire Road and east of Hampton Court Road and is currently zoned R-1, Low Density Residential District. The amendment would rezone the property to R-2 Medium Density Residential District. It is the intent to develop the parcel as an age-restricted residential development.

Mr. Wolfe noted that the Planning Commission reviewed the amendment at its March 10, 2010 meeting and recommended approval of the rezoning with the recommendation that the maximum number of units to be built would be thirty-four (34).

Mr. Wolfe noted that the Dauphin County Planning Commission reviewed this matter on February 21, 2010. The County recommended approval of the amendment.

Mr. Wolfe noted that there are two review comments: 1) The subject property is abutted to the south, east and west by the R-1, Low Density Residential District; To the north, across Devonshire Road, it is zoned CG, Commercial General Zoning District, and 2) The future land use map within the 2004 Comprehensive Plan shows this area as Low/Medium Density Residential District.

Mr. Wolfe noted on December 1, 2010 and December 8, 2010, public notices appeared in The Paxton Herald indicating that the Board would conduct a public hearing and consider the enactment of Ordinance 10-05 on December 21, 2010. He noted on November 5, 2010, the Township mailed notices to property owners surrounding the area of the proposed rezoning. The notice indicated that the Board of Supervisors would consider the rezoning at a public hearing on December 21, 2010. He noted on December 6, 2010 notices were posted on and around the parcel being considered for rezoning.

Mr. Wolfe noted that the applicant, Mr. Jamie Strong, is present to represent the plan.

Mr. Stine noted that this is the time and date set for the public hearing on Ordinance 2010-05, an application from the Schoffstall Children's Trust, to rezone a seven acre tract from R-1, Low Density Residential District to R-2, Medium Density Residential District.

Mr. James Strong explained that he is an Attorney with McNees, Wallace and Nurick, who is representing the owner of the property, the Martin Schoffstall Children's Trust.

Mr. Strong noted that the request pertains to a seven acre tract that is located to the south of Costco. He noted that the owner of the property is proposing an age-restricted residential development project. He noted that it is permitted in both the R-1 and R-2 districts, but the critical difference is the limitation of the housing types that are permitted in the underlying district. He explained, in the R-1 District, the only housing type allowed is single-family

detached, however, for the R-2 District, twin dwelling units and townhouses are permitted. He noted that a mix of those two housing styles is proposed for this project, to be made up of 10 twin units and 24 townhouse units, providing a total of 34 units. He noted that was the plan provided to the Township Planning Commission and the basis for their recommendation that there be a limit of 34 units. Mr. Hawk suggested that it was also the recommendation of the Dauphin County Planning Commission. Mr. Strong noted that he did not think they recommended imposing the same limit for the number of units.

Mr. Strong noted that with the Commercial General zoning district immediately adjacent on the opposite side of Devonshire Road, the proposed rezoning to R-2 would provide a transitional zoning district between the Commercial General and remaining R-1 property in that area. He noted that the Dauphin County Planning Commission, in their review comments, noted that the request for rezoning was recommended for approval and that it would provide a transitional zoning district. He noted that the Future Land Use Map in the Township Comprehensive Plan identifies the entire area as low/medium density residential zoning, therefore, the request to rezone is consistent with and complies with the Township Comprehensive Plan.

Mr. Seeds noted that the Comprehensive Plan recommends the area as low/medium density residential allowing R-1 or R-2. He noted that the color for zoning map shows it as R-1. He suggested that we are mixing up low density with low/medium density. Mr. Strong noted that R-1 is low density residential and R-2 is medium density. He noted that the Future Land Use Map does not distinguish between the two on the map. He noted that it lumps them together as low/medium density residential. He suggested that it could be zoned low or medium and be consistent. Mr. Seeds noted that the Comprehensive Plan recommended the area to be R-1. Mr.

Strong noted that he could only attest to what the Future Land Use Map provides in the Township Comprehensive Plan and it is either Low Density Residential or Medium Density Residential. Mr. Seeds noted that the recommendation from the Planning Commission is for no more than 34 units, but the zoning goes with the land, therefore if it is not built for 34 units, the land could exchange hands, and with the age-restricted bonus, it could go as high as 43 units. He noted that when the Paxton Towne Centre was built, part of the Board's requirement was that they mounded the land. He noted that it was mounded to provide a visual barrier, and on top of the mounding, trees were planted. He suggested that you cannot see the roof of Costco's store from that land across the street on Devonshire Road. He suggested that you can only see the entrance to the complex. He noted that the rezoning could provide for a domino effect, and then a person who owns land next to it could request the same rezoning. He noted that he has a concern that it could be considered spot zoning, being that the area to the north, south, and west is R-1.

Mr. Strong noted with respect to the spot zoning issue, it is his opinion if the request was approved it would not be spot zoning. He noted that spot zoning concerns itself with a rezoning of property that is arbitrary or an unreasonable classification of property in consideration of the surrounding properties. He noted that it is not so much how large or small the property is, but how does it fit with the properties that are located next to it, and if this request fits into the Township's Comprehensive Plan. He noted that the Township has looked to the future and determined what land uses it wants to see in the different areas. He noted that the Township clearly designated the area as low or medium density. He noted that the real difference is that the R-2 allows two additional housing styles. He noted with the arbitrary and unreasonable classification of the property, the Dauphin County Planning Commission hit the nail on the head

when it stated that it would provide a transitional zoning district between R-1 and Commercial General. He noted that typically you don't want to have the most restrictive zoning classification, such as R-1 adjacent to the higher use, Commercial General Zoning District. He noted to have the R-2 in between, would provide the transition between the less restrictive and a more restrictive zoning district. He noted that it is not so much a visual transition between the two as opposed to the uses that are permitted and what types of uses provide for transition between the commercial district and a low density residential district.

Mr. Strong noted in terms of the visual barrier, the Dauphin County Planning Commission noted that the R-2 district requires street trees. He noted that would be a part of this project. He noted that it is not spot zoning in his opinion, and the proposed use of the property fits in with the surrounding residential. He noted with respect for the number of units, if the rezoning is granted, there are ways to address that concern so that it does not have to be a concern for the Township, noting that a deed restriction could be recorded so that the property is age-restricted residential development not to exceed 34 units. He noted that the property owner is certainly willing to address this issue by a deed restriction. Mr. Seeds noted that could be done when the plan comes in for approval, but he questioned what if that plan is never submitted for approval. He noted when they built Paxton Towne Centre they did a nice job, and the requirements of the buffer did exactly what Mr. Strong was talking about. He questioned how an R-2 zone in the middle of R-1 homes along Devonshire Road would create a buffer. Mr. Strong noted that the primary corridor of Commercial General is along Jonestown Road, and behind that are the large pockets of R-2 that provide the buffer, from a use perspective, not a visual perspective, between the Commercial General and the R-1 zoning. He noted that there is large scale Commercial General area, adjacent to that is R-2, and adjacent to that is R-1. He noted for

the most part the R-2 is between the Commercial General and R-1 districts. Mr. Seeds noted that is for the large areas, but this would not be a large area. He noted that the areas you are referring to are large areas, much larger than nine or ten acres of land and they are a buffer in many instances. Mr. Strong noted if the Township wanted to rezone more property around the Commercial General area to R-2.... Mr. Seeds noted that is what he is fearful of. Mr. Strong noted that he can only request the rezoning of Mr. Schoffstall's property. He noted in regards to possible future requests for rezoning due to this request, he did not think it would set a precedent if the Board of Supervisors chose to rezone one property with respect to another's request for rezoning of that property. Mr. Seeds noted that it occurs all the time.

Mr. Blain questioned if the applicant is the Schoffstall Children's Trust and if Mr. Strong is asking for an age-restricted development. He noted that it seems a little odd to him, assuming that the age restricted is for 55 years and over. Mr. Strong noted that it would be for 55 plus, and he explained that the Trust owns the property. Mr. Seeds noted with the 55 plus restriction, in many cases, there are children living in those locations.

Mr. Jeff Staub, Dauphin Engineering, noted that he has been retained by the Schoffstall Children's Trust to do the sketch plan. He explained that this plan was presented to the Planning Commission and it does consist of 34 units on seven acres. He noted that the main entrance to the property is directly opposite the right-in/right-out driveway of Costco. He noted that it would be a small boulevard that transitions into a loop street. He noted that he would provide public water and sewer to the site, and maintain a fairly large buffer area to the rear of the property, next to Wilshire Estates, and the stormwater facilities will be underground. He proposes the sanitary sewer connection to be on Devonshire Road.

Mr. Staub noted that Mr. Newsome, from the Planning Commission, was particularly concerned in the treatment of buffering between the homes and Devonshire Road. He explained that the plan calls for extensive mounding and landscaping between the homes that front on Devonshire Road. He noted that it may also include a brick wall.

Mr. Crissman requested Mr. Staub to identify, on the drawing, where the ten twins are located and the 24 townhomes. Mr. Staub noted that there are twins located in the center and the others are spaced throughout the project.

Mr. Strong noted that prior to the Planning Commission meeting, he had sent out letters to owners of property in the surrounding area, 108 in total, inviting them to a meeting to discuss what was proposed for the rezoning. He noted that it was held at the Township building and there was dialogue with the residents in attendance. He noted the intent was to hear and address any concerns that they may have had.

Mr. Stan Laskowski, an attorney with Caldwell and Kerns, 3631 North Front Street, Harrisburg, explained that he was the representative for Palm Development, Inc., Mr. Gallo, and his engineer, Rick Bitner. He noted that Mr. Seeds enumerated a number of concerns and issues with regards to the property and rezoning, and he stated that he would agree with Mr. Seeds and would like to offer some comments that have not been covered. He noted that the Palm Development represents a 67-acre development that abuts this property to the south. He noted that the Palm Development project has been approved, recorded, and consists of three phases. He noted that the first phase consists of 25 acres with 39 single-family homes; phase two has 37 acres with 61 single-family homes; and phase three is four-acre tract with four single-family homes. He noted that the entire development has single-family homes since it is an R-1 zone. He noted that the entire infrastructure has been approved to include interior roads, sewer, and water.

He noted, if you review the zoning map, the substantial, if not all of the area surrounding the Schoffstall lot, other than the Commercial General zone, is R-1. He noted that is what the Comprehensive Plan stated in 2004 when it was adopted, and that is how it is being developed today. He noted that consistency is important in regards to a comprehensive plan and organizing a thoughtful plan for the future. He noted that the land use proposed may be for low or medium density in the future, but the primary purpose is single-family R-1. He noted if this was going to change it would have changed at the time the Comprehensive Plan was developed and some type of buffer arrangement would have been included along the commercial zone. He noted that there is R-2 zoning that buffers along Route 22 which is the major commercial corridor. He noted that Devonshire Road is a major thoroughfare and a collector road from Route 22.

Mr. Laskowski noted in terms of spot zoning, he disagrees with his colleague's opinion on this matter. He believes that the rezoning would be a situation of spot zoning. He noted that you cannot look with blinders on or tunnel vision. He noted that you have to look at the property, the surrounding property, existing uses, prior uses, the Comprehensive Plan, the size, shape and location of this lot in combination with all the surrounding properties. He noted that the subject property is a single-lot of seven acres, and in reviewing of the Pennsylvania Court decisions that deal with spot zoning, they state that you can't rezone a single lot for the economic benefit of that one lot in relation to all the others. He noted that this lot is being treated differently than all the surrounding properties without proper justification for doing so. He noted if you were to have a true buffer with R-2 zoning, it would be a much larger area involved, or some other type of intermediate zoning. He suggested that the size and shape are relative factors in relation to all of the surrounding properties.

Mr. Laskowski noted that The Palm Development that abuts this property to the south, is a 67 acre tract zoned R-1. He noted that there were attempts in that land development process to see if portions of the 67 acres would have been suitable for R-2 zoning and those efforts were unsuccessful, noting that is not what the Township wanted under those circumstances. He noted that the R-2 zoning requires a mix of housing types. He suggested that there is not much difference between the twin homes and the townhomes. He suggested that a true mix would be a healthy mix of styles and shapes of single-family, twin homes and different townhomes. He noted that the proposed 34 units are all very similar in size, shape, and function. He noted that the proposed use is supposed to be a 55 plus age development and many of the townhomes have two stories with steps and there may be access issues with regards to older citizens. He noted if the property was rezoned, it would set a precedent for future requests in the sense that other adjacent property owners would believe that this rezoning would apply to all the adjoining properties due to the similarity in size, location and functions. He noted that the lot that is being rezoned is not much different from the surrounding properties, and suggested that the solution would be to create a large R-2 zone or some other type of zone. He suggested that a text amendment could provide the Township with greater control over this property.

Mr. Laskowski noted that there is one entrance serving 34 homes, and it dumps out onto Devonshire Road. He noted that he drives that road regularly and it is not a pleasant stretch of road to drive, and it is disconcerting to know at that one location you could also have many additional vehicles coming from the Costco entrance.

Mr. Laskowski noted that a natural buffer exists and it is Devonshire Road, with the mounding and trees. He noted that they developer did a nice job in creating that buffer, and additional buffering is not warranted. He noted it is his position that if you single out this

individual lot, and given all the factors, it is arbitrary, it would be unreasonable, and therefore he would consider it to be spot zoning.

Mr. Joe Gallo, 740 Hampton Court Road, noted that he lives adjacent to the property that is being consider for rezoning. He explained that he took his savings from being a police officer and working real estate agent and bought the Anna Sheesley property in hopes of building a development. He noted that based upon the R-1 zoning, he felt that it would be an excellent place to build upper-end homes, which would help the tax base. He noted that the changing of the zoning would hurt the value of his housing development since he would be putting his single-family homes adjacent to the townhomes. He suggested that it would hurt his sales, noting that the real estate market is fragile at this time, and he is worried and concern about making his development a successful one.

Mr. Laskowski questioned Mr. Gallo if he has a real estate background. Mr. Gallo answered that he is a real estate consultant, broker, and appraiser, and he is recognized in the Lancaster and Dauphin County Court Systems as a real estate expert. Mr. Laskowski questioned Mr. Gallo how long he has been doing that. Mr. Gallo answered that he has been doing that for 20 years, full time. Mr. Laskowski questioned if this lot is rezoned, would it have any impact on the road use that is designed for the Wilshire Development. Mr. Gallo answered, when his plan was approved, there was supposed to be a connector road during Phase 2 which would connect to the land consider for rezoning, so they could access through his development allowing for two entrances for both developments. He noted that it would allow for more exits for the 104 single-family homes he plans to build. He noted that there will be a significant amount of cars exiting at Hampton Court and Devonshire Roads as well as Byron Road.

Mr. Laskowski questioned if the property is rezoned, will there be any impact on the sewer that has been designed for the project. Mr. Gallo answered that he is supposed to build a pump station, noting that 12 homes have failing septic systems on Wilshire Road that also have dry sewer system installed. He noted that the owners of those homes will share in the expense of the pump station, and he has a letter from CET Engineering explaining that the property to the north is supposed to contribute to that pump station to alleviate the cost so there is no undue hardship with the neighbors that will need to connect to it. He noted that the 12 neighbors will have a significant impact in helping to pay for the pump station.

Mr. Laskowski questioned if the 67 acres was devoted to an R-2 type development how many units you could build. Mr. Gallo answered that he could build 400 units, and he noted that he approached the Township and requested permission to build more R-2 development, and due to the traffic and many other issues he was not permitted one inch more of R-2 zoning out of the land. He noted to provide a seven-acre tract an exception would go against his original subdivision plan approval.

Mr. Laskowski asked Mr. Gallo what his relationship was to Palm Development. Mr. Gallo answered that he is the president and owner of the company.

Mr. Laskowski requested Mr. Rich Bitner to come forward. Mr. Rich Bitner, H. Edward Black and Associates, Harrisburg, explained that he is a consultant for Palm Development. Mr. Laskowski questioned Mr. Bitner if he was the project engineer for the Wilshire Estates Development. Mr. Bitner answered yes.

Mr. Laskowski questioned Mr. Bitner what impact would occur if the rezoning goes through and what financial impact would it have on the development. Mr. Bitner answered with the sewer being far down Devonshire Road, it would not be feasible for the seven-acre tract to tie

into it, so the Sewer Authority asked him to construct a pump station so that the twelve homes on Wilshire Road could tie into it, six units from the Palm Development, and the twelve properties from the north. He noted if you remove the twelve northern properties, at today's cost for the pump station, for the 30 lots, it would cost \$5,500, but if the 12 lots from the north are removed, then it would cost \$9,200, in addition to the tapping fees.

Mr. Laskowski noted that there is an intersection to be built as part of Phase II, and he questioned why it was put in as an intersection as opposed to an L-road. Mr. Bitner noted that it was planned as an intersection to provide for an extra exit for the Wilshire Development and for the other development north of his property. He noted, in designing the intersection, he lost two lots. Mr. Laskowski noted that there would be no access from the lower end of the development. Mr. Bitner answered no. Mr. Laskowski questioned where the primary access to Wilshire Estates Development would be. Mr. Bitner answered that it would be on Hampton Court Road at Devonshire Road.

Mr. Laskowski noted that he cannot emphasize enough what the Township's current Comprehensive Plan states, and it is expected to be in place for quite some time, as well as the physical factors surrounding the development, and what the General Commercial zone has accomplished with the buffering requirements. He noted that he strongly opposes the application and requests the denial of the rezoning of the application.

Mr. Crissman questioned if the testimony provided tonight was provided to the Planning Commission (PC). Mr. Laskowski answered that he did not attend the meeting, but Mr. Gallo was there. Mr. Gallo stated that he did not think he needed an attorney at that time, noting that he did not think the PC would take a single lot in the middle of nowhere and change the zoning. He noted that is why he is here today. He noted that he attended the PC meeting and he was

shocked. Mr. Crissman noted that he was not concerned if Mr. Gallo has counsel present, but rather if he provided the information to the PC that he presented tonight. He noted that he wanted to know if the PC heard Mr. Gallo's comments prior to making a recommendation. Mr. Gallo stated that he did tell them and several others, and being that he was a former police officer, if you have a wreck at Devonshire Road, there would be no access in or out of the development. He noted if there would be a fire, the fire trucks could not access the development. He suggested that many homes located along a busy road with only one access could create a public hazard. He noted that he was the Public Safety Director at a college where he wrote public safety manuals. He noted that he told the PC that, and all of his other testimony was brought up to the PC. He noted that the PC did not seem to worry about it.

Mr. Seeds noted that is a very good point, and this occurs when rezoning comes in front of the PC. He noted that people need to take part in public meetings and be represented. He noted that he takes the recommendation of the PC, and normally they make very good recommendations, but if they don't have all the information available then they can't make very good recommendations. He explained that he appreciates Mr. Gallo's thoughts and it is great that he now has representation. Mr. Crissman noted that the Board has two recommendations before it, one from the PC, and a second from Dauphin County Planning Commission and they both recommend approval of the rezoning.

Mr. Laskowski explained that both planning commissions are advisory bodies, and they look at the plans and make recommendations, but the decision rests on the Board's shoulders as the governing body to make the final decision. He noted that the Board has a greater comprehensive scope and understanding of the community, the development, or the community and what it wants since its members live and work here. He suggested that the Board has a

greater hands-on interest in the circumstances. He noted that the PC does a great job, but in terms of this decision and the factors, it does not make any sense as to what their justification is under the circumstances, to rezone a single lot in this area. He noted that it is very limited use in a single-family area that abuts to the right and left of the property and it will stick out like sore thumb at that location.

Mr. Crissman noted that the Board has the final vote; however, the individuals who sit on both planning commissions have much more expertise than he does in that area and that is why those people are selected to sit in those positions. He noted that is why the Township has a good team effort providing strengths in these areas, and he relies on those experts who sit on the two planning commissions to make good recommendations. Mr. Laskowski noted, as a municipal solicitor that he could not agree more, but he would add, that the Board is part of that team as well.

Mr. Seeds noted, over the years, there have been instances where developers or people have gone before the PC and the PC has recommended against a plan, and they dropped it and never brought the plan to the Board. He noted that if people have issues they should attend the PC meetings.

Mr. Hawk noted that Mr. Gallo had a safety issue. Mr. Gallo explained if there is an accident at the entrance to the development and a fire inside the development at the same time, unless you drive over the cars, the fire apparatus will not be able to get into the development to put out a fire. He noted that there is only one entrance into a 34-unit development.

Mr. Blain noted that he sat on the PC for years before he was a Board member, and this is a rezoning request, and although there is a development design before the Board, that does not mean that will be the final project. He noted that all that is being requested is that the land be

rezoned from R-1 to R-2. He noted that the only thing that should be considered at this point is the rezoning of the property from R-1 to R-2. He noted if the land is rezoned, it must go back to the PC as a land development plan and it would go before the Public Safety personnel for review, and all those issues would be discussed at that time, only if the property is rezoned tonight. He suggested that the Board needs to stay focused on the one item and one item only, should the land be rezoned from R-1 to R-2.

Mr. Seeds noted that the plan could change many times. Mr. Seeds noted that a disaster could occur in other developments in the Township where there is only one way in and out. Mr. Gallo noted that you would have a berm and a brick wall stopping people from going through the entrance, and unless you have a Sherman tank you will not get through. Mr. Seeds noted that Mr. Blain stated that is not the final plan and it would be looked at later. Mr. Laskowski noted that the issue is zoning but the details show the ripple affect that occurs in future planning. He noted that it was clearly decided after much effort, expense, and time, to come up with the current Comprehensive Plan that was for the best interest for the Township in the future. He noted, now the Board is being asked to significantly deviate from that plan for a single lot in the middle of the R-1 zone. He noted that is what he takes issue with under the circumstance.

Mr. Blain questioned what the history behind this property is. He questioned if this issue was before the Board previously for rezoning. Mr. Wolfe explained that the Board has seen this plan in concept form before. He noted that it originally was the Brawley Estates where it was estate lots, and a plan was approved for that. He noted that the Board saw a concept plan for a single-family development, and finally a concept plan for townhomes, and at that point in time, the Board directed the developer to proceed to the next step which was rezoning since at that point in time the Board liked what it saw. Mr. Seeds noted that an institutional zoning was

discussed at one time. Mr. Blain noted that is what he remembered. Mr. Wolfe noted that before the townhome concept was addressed, there were discussions of a small business park concept as well, but the Board did not look favorably on that, however, the Board was interested in the townhome proposal especially if it was age-restricted. Mr. Seeds noted that was under the R-1 zoning which is doable and allows a bonus for the age-restricted status.

Mr. Hawk noted that the Dauphin County Planning Commission (DCPC) acknowledged that they have seen this plan three times before. He noted, quoting the DCPC, “that the proposed rezoning of the parcel to R-2 is consistent with the Comprehensive Plan, and the parcel would serve as a transition from the General Commercial area to the north and the low density residential to the south.” He suggested that is very compelling from the DCPC who is independent in their thinking and have no ax to grind with what occurs and what does not occur.

Mr. Blain noted the piece of property in the Comprehensive Plan was identified as R-1/R-2 as a type of transitional natural zoning. Mr. Laskowski noted that he did not remember reading it that way, and stated that it was considered to be R-1. He suggested that Mr. Strong’s indication of the Future Land Use Map indicated that it would be a combination of some low density to medium density use. He noted from his reading the Comprehensive Plan it that the land was clearly to be zoned R-1.

Mr. Stine questioned Mr. Laskowski if he had anything further to add. Mr. Laskowski answered no, unless there are questions.

Mr. Stine questioned if anyone wanted to be heard on this issue.

John Trish, 600 Prince Street, noted that he understands the dilemma tonight, noting that the Board has to look at whether they can develop it and make a decent transition, make both parties happy and provide some people who are soon to be senior citizens a decent place to live

in a decent environment. He noted Mr. Gallo is building beautiful homes in Wilshire but there is enough distance between his property that you can put a buffer there and make both sides happy. Mr. Trish noted that it goes back to what he keeps telling the Board, the waivers, and this and that, like Mr. Seeds says, if you do it for one you must do it for another. He noted that everyone needs to remember that things change, we change, developments change, and communities change. He noted that people who are age 55 and up will need a place to stay. He noted that they will not be able to afford \$800,000 to \$900,000 homes.

Mr. Strong noted the question that was raised about the Institutional district proposal dates back to 2008; a request was filed for the property be rezoned to Institutional to permit the same type of use. He noted the concern at that time raised by neighbors and the DCPC was that Institutional district permits a whole group of other uses that would not be appropriate for that area, and as a result the request was withdrawn. He noted that it led to this request for the R-2 since it permits age-restricted development but he needs the R-2 to use two additional housing styles.

Mr. Strong noted with respect to the issues raised by Mr. Laskowski and Mr. Gallo, that he agreed with the Board that those issues are land development issues that are more appropriately addressed at that time and he will defer to that time. He noted that the Comprehensive Plan identifies the tract as low or medium density residential development and the rezoning complies and is consistent with the Plan. He noted that that the Comprehensive Plan also talked about encouraging new housing development to provide diverse housing opportunities which this would do, and to provide housing alternatives for seniors. He noted that this would further both goals of the Township's Plan.

Mr. Strong noted in regards to spot zoning, he quoted, “A municipality may rezone a small piece of property for a use different from that of surrounding uses if such use is in accord with the Comprehensive Plan and a reasonable use in the area.” He noted what he is proposing is not an arbitrary and unreasonable classification of this property; rather it is a use with housing styles that are consistent with the Township’s Comprehensive Plan, and as a residential use will fit in with the surrounding uses.

Mr. Stine questioned if anyone else wished to be heard on this issue. He noted seeing no response, it would be in order to close the public hearing on Ordinance 10-05 and the Board may take action if it so desires.

Mr. Crissman move to approve Ordinance 2010-05, the application for the Schoffstall Children’s Trust to rezone the seven-acre tract from R-1, low density residential to R-2, medium density residential. Mr. Blain seconded the motion.

Mr. Blain noted that his concern with this rezoning request and any rezoning request is whenever the Board increases the density based upon a concept plan, there is no guarantee that the concept plan will be built. He noted that it could be something different since it would be zoned R-2. He noted that the PC added parameters that only 34 units could be build, however, it has happened before that land was rezoned to do one thing and something else was done for various reasons. He noted that this is one of his concerns.

Mr. Crissman noted that his struggle is that he is also concerned about density but he noted that the Board received positive recommendations from the Township PC and the DCPC and he does not like to vote against their recommendations since he trusts those people and what they recommend.

Mr. Seeds noted that his comment is that he wished the tract would be developed as R-1, as he would have no problem with age-restricted development, but he does not think it would be good to rezone the property to R-2 in that area.

Mr. Blain agreed that age restricted can be done in R-1, with some type of bonus, and this has been done before by the Board with a single-family development plan design. He noted that he has also seen it with the R-2 concept as well, but it abuts a very busy corridor with much traffic going in and out of the Paxton Towne Centre. Mr. Hawk noted that he is struggling with the comments from the Dauphin County Planning Commission and the Township Planning Commission and noted that they are to hold the development to 34 units, although it could change to the allowable 43 units, noting that the zoning goes with the land and not the developer.

Mr. Hornung noted that he is unable to make any comments since he is involved with the developer. He noted that he would abstain from the vote.

Mr. Hawk called for a roll call vote: Mr. Blain, nay; Mr. Crissman, nay; Mr. Hornung, abstain; Mr. Seeds, nay; and Mr. Hawk, aye

Ordinance 10-07; amending the Police Pension Plan to provide
for employee contributions on a pre-tax basis

Mr. Wolfe explained that Ordinance 2010-07 amends the Police Pension Plan to provide for employee contributions to be pre-taxed as opposed to post-tax. He noted that the Board of Supervisors is aware, that the police will make contributions to their pension plan starting in the year 2011, and this is a means to make those contributions more effective.

Mr. Stine noted that this is the date and time set for a public hearing on Ordinance 2010-07; amending the Police Pension Plan to provide for employee contributions on a pre-tax basis. He questioned if anyone wanted to be heard on Ordinance 2010-07. He noted, seeing no

response that it would be in order to at this time to close the public hearing on Ordinance 2010-07, and the Board may take action if it so desires.

Mr. Crissman made a motion to approve Ordinance 2010-07; amending the Police Pension Plan to provide for employee contributions to be pre-taxed as opposed to post-tax. Mr. Blain seconded the motion. Mr. Hawk call for a voice vote, and a unanimous vote followed.

Change Order #2 to the contract with A. P. Williams for energy improvements at the Friendship Center and Public Works building

Mr. Wolfe explained that that the change order involves a small portion of the insulation that was blown in the ceiling of the fitness area and gymnasium at the Friendship Center. He noted that the Township requested less insulation in one location, and as a result, the change order provides for a \$500 credit. He noted that it is staff's recommendation that the Board approve the credit.

Mr. Crissman made a motion to approve Change Order #2, to the contract with A. P. Williams for energy improvements at the Friendship Center, noting a \$500 credit. Mr. Blain seconded the motion. Mr. Hawk call for a voice vote, and a unanimous vote followed.

Final subdivision plan for Autumn Oaks, Phase II

Mr. Wolfe explained that The McNaughton Company has submitted a plan for Phase II of the Autumn Oaks Plan. He noted that Phase II consists of 48 units – 24 single-family detached dwelling lots, 24 duplex units/lots, one open space lot , and one residual tract. The property will be served by public water and public sewer.

Mr. Wolfe noted that The McNaughton Company owns 313.47 acres of land off of Patton Road; 133.387 acres are located in the R-C Residential Cluster Zoning District, 177.49 acres are

zoned R-1, Low Density Residential District, and a 2.55 acre portion of the tract is zoned CO, Conservation District. The Residential Cluster development is Autumn Oaks. The overall plan contains 203 unit residential cluster development, six fee simple open space lots within the RC zone portion of the tract, one residual tract in the RC zone and one residual tract to the north of the RC zone.

Mr. Wolfe noted that the 203 units of the Cluster Development will contain a mix of 92 single family lots, 40 duplex units, 47 villa units, and 24 townhouse units. He noted that Phase II will contain the construction and dedication of the remaining 910 feet of nature trail and 18,107 square feet of easement associated with the trail.

Mr. Wolfe noted that the Board of Supervisors granted approval of the Preliminary Subdivision Plan for Autumn Oaks on August 5, 2008 with the following waivers: 1) Waiver of the minimum street intersection separation requirement; 2) Waiver of the requirement to provide curbing and widening of Parkway West; 3) Waiver of the requirement to provide vertical curb. Slant curb is proposed; 4) Waiver of the requirement to provide Type "C" inlet grates in streets; 5) Waiver of the requirement to provide low flow channel and basin underdrain in basins; 6) Waiver of the requirement that driveways shall be located not less than ten feet from a catch basin, drain inlet, or fire hydrant; 7) Waiver of the requirement that there be a maximum of twenty dwelling units on a cul-de-sac; 8) Waiver to allow the placement of islands within a cul-de-sac turnaround; 9) Waiver of the street cartway widths; 10) Waiver of the street horizontal curve requirement; 11) Waiver of the requirement regarding the sidewalk location; 12) Waiver of the paved turnaround requirement; and 13) Waiver of the requirement to reduce the street vertical curve sight distance requirement.

Mr. Wolfe noted on December 8, 2010 the Planning Commission recommended approval of the Final Subdivision Plan and Autumn Oaks, Phase I

Mr. Wolfe noted that there are two site specific conditions: 1) All conditions of the preliminary plan shall be complied with, and 2) Label the sheets to be recorded with a statement such as Plan Sheet ___ of ___ for recording. He noted that there are eight general conditions and two staff comments. He noted that the plan consists of single-family and duplex units and Mr. McNaughton is here to represent the plan. Mr. Crissman questioned if the discussion would be limited to the site specific conditions, general conditions and staff comments since the Board previously approved the waivers. Mr. Wolfe answered yes noting that there are no new waiver requests.

Mr. Joel McNaughton, The McNaughton Company, noted that this is Phase II of the Autumn Oaks Plan. He noted that Phase I is proceeding and the Autumn Oaks community has been well received. He noted that he attributes that to the good working relationship with the Board of Supervisors. He noted that Phase II has 48 units, with 24 single-family homes and 24 duplex lots. He noted that the Planning Commission recommended approval for the plan in early December, and he is here seeking approval for the Phase II plan.

Mr. Seeds questioned in which phase will the road improvements start. Mr. McNaughton answered that the road improvements, per the agreement with the Township, are to be constructed in Phase III. He questioned Mr. McNaughton if he had any projections for when that would be. Mr. McNaughton answered that it would probably be in two years or so.

Mr. Crissman questioned Mr. McNaughton if he was in agreement with the two site specific conditions, and eight general conditions, specifically item number eight that contains the five comments from HRG dated December 1, 2010. Mr. McNaughton answered yes.

Mr. Crissman questioned Mr. McNaughton if he was in agreement with the two staff comments. Mr. McNaughton answered yes.

Mr. Crissman questioned if Mr. Fleming concurred that Mr. McNaughton is in agreement and if he is satisfied with Mr. McNaughton meeting the five comments from his letter dated December 1, 2010. Mr. Fleming answered, I do.

Mr. Crissman made a motion to approve the final subdivision plan for Autumn Oaks, Phase II, with the following conditions and comments: 1) All conditions of the preliminary plan shall be complied with, and 2) Label the sheets to be recorded with a statement such as Plan Sheet ___ of ___ for recording; 3) Plan approval shall be subject to providing original seals and signatures; 4) Plan approval shall be subject to the payment of engineering review fees; 5) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 6) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 7) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 8) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 9) Plan approval shall be subject to payment of fee-in-lieu of 48 units @ \$2,300 per lot; 10) Plan approval shall be subject to addressing the five comments of HRG's memo dated December 1, 2010; 11) A street/storm sewer construction permit is required and to be obtained prior to earthmoving activities. A pre-construction meeting is to be held prior to starting the project. Contact Matt Miller at 657-5615 to schedule the meeting. This may be held in conjunction with the Conservation District meeting; and 12) Sign permit approval is required prior to the placement of any signage within Lower Paxton Township. 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.

Final subdivision and land development plan for
Shadebrook, Phase I

Mr. Wolfe noted that the Shadebrook plan proposes to develop a 108.828 acre parcel of land into 340 lots consisting of 318 dwelling units and four commercial lots. This parcel is zoned Traditional Neighborhood Development (TND), and will be served by public sewer and public water.

Mr. Wolfe noted on October 7, 2008, the Board of Supervisors approved the preliminary subdivision and land development plan for Shadebrook. The Board also approved the following waivers: 1) Waiver to allow property lines to intersect the right-of-way at acute angles; 2) Waiver to allow roadway centerline radii less than those required by ordinance; 3) Waiver to allow a maximum grade of 12% instead of 10%; 4) Waiver from the requirements that blocks shall have a maximum length of 1,600 ft. and, so far as practicable, a minimum length of 400 ft. measured from the centerline of the intersecting streets; 5) Waiver to allow alleys to change alignment without horizontal curves; 6) Waiver to allow dead-end alleys; 7) Waiver to allow a decrease in the size of clear sight triangles; 8) Waiver from the requirement that pipes shall be designed so as to provide a minimum velocity of 2.5 feet per second when conveying the design discharge; 9) Waiver of the requirement to provide sidewalks along Union Deposit Road and along Fairmont Drive for the 200 feet from the intersection with Union Deposit Road to proposed Road I; 10) Waiver of the requirement that intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed 4% within 60 feet of the intersection; 11) Waiver of the right-of-way width and cartway width for all streets; 12) Waiver

of the requirement that driveways shall be located not less than 40 feet from an intersection; 13) Waiver of the requirement that driveways shall be located not less than 10 feet from a catch basin, drain inlet, or fire hydrant; 14) Waiver of the requirement to provide curbing along Union Deposit Road and along Fairmont Drive for the 200 feet from the intersection with Union Deposit Road to proposed Road I; 15) Waiver from the requirement to provide vertical curves in accordance with the regulations to have sag curves with a minimum K value of 26 for safe stopping distances for all stop intersections; 16) Waiver from the minimum separation distances for the intersection of streets G, H, A and F.

Mr. Wolfe noted that Phase I of Shadebrook proposes an additional waiver request as follows: 1) Waiver of the paving requirement for minor streets and alley paving. He noted that Section 1117.14 of Lower Paxton Township's SALDO requires pavement sections for minor streets to consist of 6" of subbase, 3" of base, and 1.5" of wearing course. The pavement section for collector streets increases the subbase to 8". The Shadebrook plan shows a street pavement section of 8" subbase, 3" of 25mm SuperPave base, 2" of 19mm SuperPave binder, and 1.5" of 9.5 mm SuperPave wearing course. This is consistent with Lower Paxton Township's proposed ordinance revisions. He noted that the applicant is proposing a typical streets pavement section of 8" of subbase, 4.5" of 25 mm SuperPave base, and 1.5" of 9.5 mm SuperPave wearing. This proposed pavement section is consistent with PENNDOT's design guidelines for local roads as indicated in Publication 70. He noted that they are also proposing a typical alley pavement section of 12" PA #4 stone, 1" AASHTO #57 subbase and 3" bituminous porous paving. The alleys will be privately owned and maintained. He noted that the Township Engineer has deemed that the waiver is acceptable.

Mr. Wolfe explained that the Phase I proposes residential and commercial development. The tract is zoned R-1 Low Density Residential District, FP, Floodplain Conservation District and TND, Traditional Neighborhood District overlay. Phase 1 consists of 23.151 acres and will contain 71 dwelling units. Phase I proposes 45 units of single family residential (63%), 4 twin dwelling units (6%), 18 townhouses units (25%), 4 second dwelling units above garages (6%) and 2 commercial lots.

Mr. Wolfe noted on October 13, 2010 the Planning Commission recommended approval of the Shadebrook Phase I plan and the additional waiver request, if the applicant can demonstrate to the satisfaction of the Township Engineer, that the proposed street will meet the strength and gradation requirements. (See HRG's Additional Waiver for Phase 1 comment on the bottom of page 1 and top of page 2 of memo dated December 6, 2010).

Mr. Wolfe noted that there are six site specific comments and eight general conditions for the plan, and the applicant has accepted these requirements as well as the two general staff comments.

Mr. Wolfe noted that there is a need for a note on the plan, which was discussed during the December workshop session and it has been submitted by Mr. Brian Engle, and reviewed by Mr. Fleming and found to be acceptable to him.

Mr. Crissman noted that the Board must approve the 17th waiver and all the site specific comments, general conditions, and staff comments.

Mr. Forrest Troutman, Cider Press Associates, noted that he is very happy that he has the Township Engineer's support for the specific conditions that he is asking approval of. He noted that he worked very hard with the Township Engineer to ensure that they were in agreement to make the Board's job a little easier, and the hard work has made for a better plan. Mr. Troutman

explained that he is asking for conditional approval of Phase One noting that there is more work to do. He noted that a developer's agreement must be decided upon, that will encapsulate all the discussions to move forward. He noted that it is a unique development with the commercial area located in the middle of development, with rings of different housing types surrounding it. He suggested that it would be a good addition to the Township.

Mr. Crissman questioned if Mr. Troutman was authorized to speak on behalf of the applicant. Mr. Troutman answered yes. Mr. Crissman noted that Mr. Troutman would be in favor of the waiver requests and he questioned if the discussion for waiver 17 was acceptable to Mr. Troutman and Mr. Fleming. Mr. Troutman answered yes. Mr. Fleming answered yes. Mr. Crissman questioned if Mr. Troutman was in agreement with the five site specific conditions. Mr. Troutman answered yes. Mr. Crissman noted that there are eight general conditions, specifically, item eight, that list the ten new plan HRG comments. He questioned if Mr. Troutman was in agreement to those comments or will be in agreement to those comments. Mr. Troutman answered yes. Mr. Fleming answered that he agreed with that comment. Mr. Crissman questioned if he was in agreement with the two staff comments. Mr. Troutman answered yes.

Mr. Seeds questioned if the impervious features have been resolved, and he asked Mr. Fleming if he was in agreement with the end product. Mr. Fleming answered yes, noting that he received the information on Monday and has reviewed it. He explained that it allows for an additional 20% of impervious coverage per lot.

Mr. Seeds noted that there was mention of easements to preserve recreation and he questioned if that has been addressed. Mr. Fleming noted that it has been resolved, noting the recreational features in the development are part of the open spaces that are being preserved and

is addressed in the HOA documents. Mr. Fleming noted that they submitted an updated plan and additional plan notes to address all of his comments.

Mr. Crissman questioned if the note that has to be on the plan, is identified within the comments or does it need to be part of the motion for when it is recorded. Mr. Fleming noted that the note has been submitted on a revised plan. He explained when you approve the plan you will approve the note on the plan. Mr. Fleming noted that the recreational areas will be addressed in the Homeowners Association document. Mr. Wolfe noted that the Township is required to review the HOA after it is prepared.

Mr. Troutman noted that the Township Ordinance requires that the open space be perpetually maintained for use, noting that it could not be converted to some other use. He noted that he is committed to including it in the HOA documents.

Mr. Crissman made a motion to approve the final subdivision and land development plan for Shadebrook, Phase I. with the following wavier and conditions: 1) Waiver that the proposed street will meet the strength and gradation requirements; 2) Plan approval shall be subject to complying with all the conditions of the Preliminary Plan for Shadebrook #07-04; 3) Provide a statement on the plan sheets for recording such as "Sheet ___ of ___ for recording"; 4) Building construction shall comply with Section 13. Architecture [Section 314.D Overall Requirements]; 5) A draft set of homeowner association or condominium association provisions shall be submitted for legal acceptance by the Township Solicitor prior to recording the Final Subdivision plan; 6) The applicant shall submit a written statement of proposed substance of deed restriction or similar controls that would affect matters addressed in the TND Ordinance; 7) Plan approval shall be subject to providing original seals and signatures; 8) Plan approval shall be subject to the payment of engineering review fees; 9) Plan approval shall be subject to the establishment of an

improvement guarantee for the proposed site improvements; 10) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 11) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 12) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 13) Pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242 No. 428) known as the state highway law, a highway occupancy permit is required for all construction within the PENNDOT right-of-way; 14) Plan approval shall be subject to addressing the nine remaining preliminary plan approval condition comments and the ten new plan comments for Phase I in HRG's memo dated December 6, 2010; 15) A street/storm sewer construction permit is required and is to be obtained prior to earthmoving activities. A pre-construction meeting is to be held prior to starting the project. Contact Matt Miller at 657-5615 to schedule the meeting. This may be held on conjunction with the Conservation District meeting; and 15) For commercial uses, signs shall be allowed meeting the requirements for signs in the CN district. However, no sign shall be internally illuminated, and no freestanding sign shall have a height exceeding eight feet. 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.

Preliminary/final land development plan for
Pleasant Meadows

Mr. Wolfe noted that the purpose of this plan is to provide an independent living development containing approximately ninety single family residential units and sixty apartment-style units. This property contains 36.09 acres and is zoned Residential-Cluster. The property is

located north of Locust Lane and west of the intersection of Locust Lane and Fairmont Drive. The property will be served by public sewer and public water.

Mr. Wolfe noted on January 29, 2009, the Zoning Hearing Board granted a variance via Docket #1254 allowing the development of the parcel with a total of 150 units, of which no less than 90 units can be single-family detached dwellings with the condition that the development proceed as an age-restricted community.

Mr. Wolfe noted on June 9, 2010, the Lower Paxton Township Planning Commission recommended approval of the plan subject to addressing review comments provided by Township staff and the Township engineer.

Mr. Wolfe noted on October 12, 2010, the applicant met with the Board of Supervisors in workshop session. The following is a synopsis of the issues resolved at that time: 1) Sidewalk construction will occur along one side of each street and sidewalks will be provided along the Locust Lane frontage of the development. The outer loop will still contain the pedestrian pathway that includes exercise stations along the way; 2) Parking for the sixty-unit apartment building; parking is now wrapped around the building, a porte-cochere is provided for sheltered drop-off, and some parking is provided along Azalea Drive (totaling 86 spaces which is 40% more than required by ordinance); 3) A left turn lane into the site and a left turn lane into the Dauphin County Technical School which requires road widening and improvements to the turning lanes; 4) Streets will be one-way except for the one block entrance and the cul-de-sacs that would be two-way, and 5) A \$100,000 contribution to the fee in-lieu will be provided.

Mr. Wolfe noted that there are eight waiver requests supported by staff: 1) Waiver of the requirement to provide curb and sidewalk on Locust Lane west of proposed Primrose Place and sidewalk along a small portion along Fairmont Drive. Also a waiver is requested of the

requirement to provide sidewalks along the private streets within the development. (An off-street pedestrian walkway is being installed); 2) Waiver of the requirement to provide curbing and widening of adjacent streets; 3) Waiver of the street width requirement for Primrose Place to 28 feet from Marigold Lane north to the cul-de-sac; 4) Waiver of the 275 foot minimum street centerline radii requirement. The applicant is proposing a street centerline radius of 150 feet; 5) Waiver of the 400 foot minimum separation distance requirement between minor or private street intersections. (The minimum alternate separation distance being proposed is 150 feet); 6) Waiver of the requirement to provide vertical curbing. (Slant curbing is proposed); 7) Waiver of the requirement to provide a preliminary plan; and 8) Waiver of the plant sheet size requirement. (Proposed sheet size is 30"X42").

Mr. Wolfe noted that there are ten general conditions, and three staff comments.

Mr. Wolfe noted that James Snyder of Snyder Secary and Associates is present to represent the developer. Mr. Snyder explained that he did not have anything else to add. He noted that he has addressed the outstanding comments from staff and HRG, and he feels that the plan is in form for action this evening.

Mr. Seeds noted that there were some changes made since he spoke to Ms. Moran yesterday and he understands that there will be sidewalks on one side of the street and for the full length of Locust Lane. Mr. Snyder answered that was correct. Mr. Seeds questioned what the width would be for the one-way and two-way streets. Mr. Snyder answered that the one-way streets will be 22 feet wide and the two-way streets will be 28 feet wide.

Mr. Blain questioned what the circulation would be for traffic in the development. Mr. Snyder answered the first street in is one-way to the east, and it will continue to the apartment building, back out to Primrose. He explained that the center street is one-way in the opposite

direction and the jug handle to the west will be one-way from north to south to Primrose. Mr. Blain noted that the main street going in the development will be two-way to the cul-de-sac. Mr. Seeds noted that the developer will need a waiver for the street width. Mr. Wolfe noted that he needs a waiver for Primrose only since it is two-way street; however, the one-way streets do not require a waiver. He noted that Primrose only requires a waiver from the first intersection back to the cul-de-sac.

Mr. Seeds questioned Mr. Fleming if he had any serious problems with the waivers. Mr. Fleming answered no, noting that it was consistent with the discussion that the Board had with the applicant.

Mr. Seeds noted that Mr. Wolfe came up with the idea of one-way streets, and he suggested that it will work much better than what was shown in the original plan. Mr. Snyder suggested that it was a good compromise.

Mr. Crissman questioned Mr. Snyder if he was authorized to speak on behalf of the applicant. Mr. Snyder answered yes. Mr. Crissman noted that he had no issues with the waiver requests, and he questioned if Mr. Snyder can meet the 10 general conditions. Mr. Snyder answered that he was in agreement with the conditions. Mr. Crissman questioned if Mr. Snyder was in agreement with condition # 9, the HRG Letter dated December 15, 2010 with five comments. Mr. Snyder answered yes. Mr. Crissman questioned if Mr. Fleming was in agreement with Mr. Snyder's comment. Mr. Fleming answered yes. Mr. Crissman questioned Mr. Snyder if he will have completed or will complete the three staff comments. Mr. Snyder answered yes.

Mr. Crissman made a motion to approve the preliminary/final land development plan for Pleasant Meadows with the following waivers and conditions: 1) Waiver of the requirement to provide curb and sidewalk on Locust Lane west of proposed Primrose Place and sidewalk along

a small portion along Fairmont Drive. Also a waiver is requested of the requirement to provide sidewalks along the private streets within the development. (An off-street pedestrian walkway is being installed); 2) Waiver of the requirement to provide curbing and widening of adjacent streets; 3) Waiver of the street width requirement for Primrose Place to 28 feet from Marigold Lane north to the cul-de-sac; 4) Waiver of the 275 foot minimum street centerline radii requirement. The applicant is proposing a street centerline radius of 150 feet; 5) Waiver of the 400 foot minimum separation distance requirement between minor or private street intersections. (The minimum alternate separation distance being proposed is 150 feet); 6) Waiver of the requirement to provide vertical curbing. (Slant curbing is proposed); 7) Waiver of the requirement to provide a preliminary plan; 8) Waiver of the plant sheet size requirement. (Proposed sheet size is 30"X42"); 9) Plan approval shall be subject to providing original seals and signatures; 10) Plan approval shall be subject to the payment of engineering review fees; 11) Plan approval shall be subject to the establishment of an improvement guarantee for the proposed site improvements; 12) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 13) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 14) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 15) Pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242 No. 428) known as the state highway law, a highway occupancy permit is required for all construction within PENNDOT right-of-way; 16) Plan approval shall be subject to the payment of \$100,000.00 contribution towards the recreational fee-in-lieu; 17) Plan approval shall be subject to addressing the five comments of HRG's memo dated December 15, 2010, 18) Plan approval shall be subject to providing Condominium Declaration documents prior to plan recording for review by

the Township Solicitor; 19) A street/storm sewer construction permit is required and is to be obtained prior to earthmoving activities. A pre-construction meeting is to be held prior to starting the project. Contact Matt Miller at 657-5615 to schedule the meeting. This may be held on conjunction with the Conservation District meeting; 20) When submitting revised plans, please respond in writing to all individual comments including Township, HRG and County; and 21) Sign permit review and approval is necessary prior to the erection of any signage on this site. Mr. Blain seconded the motion. Mr. Seeds noted that he is glad that this plan is approved since the Board and developer has been working on it for quite some time.

Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Mr. Hornung noted that when the Board reviewed similar projects, it had to struggle with the available parking for people who might have a party or guests. He noted that the Board had to convince the developer that it was the right thing to add additional parking, which they eventually did do. He questioned if the ordinance should be modified. Mr. Wolfe noted that the ordinance is fine with specific requirements, noting that the issues were the waivers that the developer requested. He noted that is where the Board gets into negotiations with the developer. He noted that the ordinance provides certain width and provisions for parking. Mr. Hornung noted that more off-street type parking should be required at the location of the homes putting little bump outs near the homes, in addition to on-street parking. He noted that it promotes more off-street parking and would be safer for the residents. He questioned if the ordinance should accommodate more off-street parking for these types of developments. Mr. Crissman noted that when the Amesbury Plan came before the Board, the Board insisted that off-street parking be added to the plan. He noted that Amesbury is now a model to pattern other developments after.

Mr. Seeds suggested that Chelsea Falls also has additional parking. Mr. Wolfe noted that the reason the Board requested the off-street parking was because the applicant asked for waivers of the street width requirement which made on-street parking on both sides of the road impractical. Mr. Hornung noted, even if an applicant asks for a waiver, he would still want the ordinance to require the bump out parking areas. He noted that it would promote more off-street parking as compared to on-street parking. He noted that he lived in an area that the streets were very wide and they had bump out parking and everyone used the off-street parking. He noted that it makes it easier for the snow plows to plow the roads when you can remove the cars from the street. He questioned if the other Board members feel the same way. Mr. Crissman noted that he agreed with Mr. Hornung. Mr. Seeds noted that he agreed as well, especially when developers ask for the waiver of the street width.

Preliminary/final land development plan for
LenMaur

Mr. Wolfe noted that this plan has been reviewed and recommended for approval by the Township Planning Commission in 2007; however the applicant has failed to move the plan through the process, choosing to request time extensions from the Township to take action. He noted that the last extension will expire on December 31, 2010 and if the Board does not take action tonight to deny the plan based upon it being incomplete, the plan will be deemed approved. He noted that it is staff's recommendation to deny the plan.

Mr. Crissman made a motion to deny the preliminary/final land development plan for LenMaur for non-compliance with the Township ordinances. Mr. Blain seconded the motion.

Mr. Hawk called for a voice vote, and a unanimous vote followed.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were six improvement guarantees.

Schiavoni LTD

An extension and 10% increase in an escrow with Lower Paxton Township, in the amount of \$54,450.00 with an expiration date of December 21, 2011.

New Hope in Brethren in Christ Church

An extension in a letter of credit with Commerce Bank, in the amount of \$7,250.00 with an expiration date of December 21, 2011. (The Board voted to only provide a 6-month extension for this improvement guarantee.)

Bishop McDevitt High School

An extension and 10% increase in a letter of credit with PNC Bank, in the amount of \$1,145,200.00 with an expiration date of December 21, 2011.

Meadowview Village

An extension and 10% increase in a bond with Lexon Insurance Company in the amount of \$57,050.96, with an expiration date of December 21, 2011.

Meadowview Village – Office Building

An extension and 10% increase in a bond with Lexon Insurance Company in the amount of \$53,799.70, with an expiration date of December 21, 2011.

Spring Creek Hollows, Phase 1A

An extension and 10% increase in a letter of credit with Peoples Bank, in the amount of \$62,540.90, with an expiration date of December 21, 2011.

Mr. Hornung noted that he would like to extend the New Hope in Brethren Christ Church guarantee for only six months. He suggested that the applicant can get the work done within that

time period. Mr. Seeds noted that Mr. Wolfe is going to have staff write letters in reference to some items that need to be taken care of.

Mr. Crissman made a motion to approve the six Improvement Guarantees, providing for a six-month extension to the New Hope in Brethren Christ Church. Mr. Hornung 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 and Lower Paxton Township Authority. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Announcement

Mr. Hawk explained that the Second Class Township Code requires the Board to reorganize on the first Monday of the new year, therefore, the next meeting will be held on Monday, January 3, 2011.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 9:57 p.m.

Respectfully submitted,

Maureen Heberle

Recording Secretary

Approved by,

Gary Crissman
Township Secretary