

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held February 3, 2009

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:38 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; Lori Wissler, Community Development Manager; Dianne Moran, Zoning Officer; Stephen Fleming, Herbert, Rowland and Grubic, Inc., (HRG); Joel McNaughton, McNaughton Company; and Tom Godfrey, Mellott Engineering.

**Pledge of Allegiance**

Mr. Hawk suspended the recitation of the Pledge of Allegiance as it was previously recited during the Authority Meeting.

**Approval of Minutes**

Mr. Crissman made a motion to approve the minutes of the January 20, 2009 business meeting, and January 21, 2009 special business meeting as presented. Mr. Blain seconded the motion, and a unanimous vote followed.

**Public Comment**

No public comment was presented.

**Chairman & Board Members' Comments**

Mr. Hawk noted that two Boy Scouts, representing Troop 256, Faith Presbyterian Church, are present to work on their Citizens in the Community Merit Badge. Mr. Hawk

introduced Sam White and Alex White who are accompanied by their father and Troop Leader, Pat White.

### **Manager's Report**

Mr. Wolfe explained that the most recent newsletter included an article regarding the Township's newly adopted Mailbox Policy. He noted that the policy covers damage that may occur to mailboxes during winter maintenance operations or from Public Works equipment during the year. He noted that the Township website includes a schematic for the proper installation of a mailbox that is in accordance with the rules and regulations for the United States Postal Service. He noted that the Board of Supervisors has determined that mailboxes that collapse due to snow hitting them are the responsibility of the property owners. He noted, if a mailbox is properly installed and maintained, when it is hit by snow from a snowplow it would survive the encounter. He requested residents to ensure that their mailboxes are installed properly and maintained by making yearly inspections of the post and mounting. He noted, if a mailbox is struck by a municipal vehicle or equipment, the Township would pay up to \$50 to the owner to repair or replace the mailbox.

Mr. Wolfe noted that detailed information on the new policy could be found on the Township's website.

Mr. Hornung questioned if the Township had any issues with the recent snow events. Mr. Wolfe answered that there were a few, but nothing of any significance that was brought to his attention.

Mr. Wolfe explained that the Police Department is accepting applications for the Citizen's Police Academy until March 13, 2009. He noted that the Citizen's Police Academy would start on Wednesday, March 18, 2009, and last for ten weeks. He noted that instruction is provided for the normal activities of a police office, as well as firearms training, and the use of a firearms simulator. He noted that tours of the Dauphin County Prison, Adult Probation, and the

911 Communications Center are also part of the class. He noted that the class size is limited to 20 people.

## **OLD BUSINESS**

### Appointment to the Parks and Recreation Board, Recycling Committee, and South Central Emergency Medical Services Board

Mr. Hawk noted that there is a vacancy on the Parks and Recreation Board, as well as one on the Recycling Committee. He noted that Mr. Shoaff has made a recommendation to re-appoint Frank Mesaros to the Recycling Committee. Mr. Hawk recommended the reappointment of Mr. Mesaros to the Recycling Committee.

Mr. Hawk noted that Mr. Luetchford recommended the reappointment of Ken Beard to the Parks and Recreation Board. Mr. Hawk recommended the reappointment of Mr. Beard to the Parks and Recreation Board.

Mr. Hawk noted that there is a vacancy on the South Central Emergency Medical Services Board, and he recommended Mr. Hornung to join Mr. Seeds who already sits on that Board.

Mr. Crissman seconded the three motions, and a unanimous vote followed.

## **NEW BUSINESS**

### Change Orders 4, 5, 6, & 7 to the contract with Handwerk for George Park Roadway Improvements

Mr. Wolfe noted that Change Order 4 is an increase in the amount of \$10,565.76 for paving overruns that occurred in the paving of Blue Meadow Farms. He noted that this was a bid alternate attached to the George Park work for roadway reclamation and repaving in Blue Meadow Farms. He noted that the contractor completed the work, but overran the estimated amount of bituminous material needed to complete the job. He noted that given the price of asphalt at that time, the overrun of materials amounted to \$10,565.76.

Mr. Wolfe explained that Change Order 5 is in the amount of \$73,687.59 for the escalation for asphalt costs between the month of September and October of 2008 for paving work that was performed for the contract.

Mr. Wolfe explained that Change Order 6 is in the amount of \$6,670.00 for delay charges that occurred because the contractor was unable to finish the roadwork prior to the end of last year's paving season due to a Highway Occupancy Permit (HOP) issue. He noted that the contractor applied for roughly \$12,000.00; however, the engineer has indicated an approved amount of \$6,670.00.

Mr. Wolfe explained that Change Order 7 is in the amount of \$2,669.21 to make changes due to an unmarked PPL utility which caused the adjustment of a concrete encasement. He noted that the contractor incurred additional costs due to an unforeseen site condition.

Mr. Wolfe noted that it is staff's and the Township Engineer's recommendation that the change orders be approved. He noted that Mr. Fleming, representing HRG, Inc., is present to answer questions.

Mr. Seeds questioned if Change Orders 4 and 5 were approved during the January 20, 2009 meeting. Mr. Wolfe explained that the change orders were tabled by the Board during that meeting, at his request, because Mr. Robbins was unable to attend the meeting to explain the reason for the change orders.

Mr. Seeds questioned if the issue concerning the HOP was the fault of the Township and not the contractor. Mr. Fleming answered that there were two delays associated with the project, noting that a DEP permit had expired, and the second concerned the contractor supplying a concrete structure that did not meet the specifications. He noted that that is why he reduced the original request of \$12,000 to \$6,000. Mr. Seeds questioned if HRG, Inc. came up with the specifications. Mr. Fleming noted that the specifications referenced the PENNDOT requirements, and the contractor did not follow them. He noted that it was the Township's

responsibility to obtain the joint DEP permit. He noted that the \$6,000 compensates the contractor for maintaining the project over the winter. Mr. Seeds noted that Mr. Fleming estimated that 50% of the delay was caused by the Township and no fault of the contractor.

Mr. Seeds noted that the relocating of the unmarked PPL utilities was not the fault of the contractor and he questioned why the 911 call program did not find the utility prior to the start of the building. Mr. Fleming noted that there was a miscommunication during the one-call process, and in the design and discussion process, and the utility misunderstood where the project was to start and stop and did not make the proper markings. He noted that the contractor discovered the PPL line.

Mr. Seeds noted that the Township must pay the cost regardless of whose fault it is, and he questioned why the Board must use taxpayers' money to pay for it. Mr. Seeds noted that Mr. Fleming is recommending that the Township approve the change orders. Mr. Fleming noted that there are specifications for unforeseen circumstances associated with utilities, to work on a time and materials basis. He noted that he wanted to ensure that the Township was not overcharged. He noted that it was a field decision to move forward and minimize the delay in the project that would have resulted in a larger change order. Mr. Seeds noted that this seems to happen a lot and the Township must be vigilant in overseeing the proceedings. Mr. Fleming explained that he had a field meeting with all the parties involved, and the utility work would have resulted in a time delay to complete the work, therefore, the contractor used his equipment to work with the utility to get the situation rectified.

Mr. Hawk commented that the overall costs for all four change orders amounts to almost \$100,000.00.

Mr. Fleming noted that Change Order 4 was an increase in quantities for the reclamation project for paving streets in Blue Meadow Farms. He noted that the most efficient way to rebuild the road was to mill and mix the materials with concrete to form a base, however, there was an

error in estimating the quantities needed for repaving. He noted that it is an unknown until the work is actually completed.

Mr. Seeds noted that an escalation clause was written into the contract for the asphalt charge. Mr. Fleming noted that it was the most efficient way to bid the project. He noted that he consulted other engineers and PENNDOT, and was told that this would be the best way to bid the project during a time when the price of asphalt was constantly changing. He noted that he was told to use PENNDOT's pavement index to get the best prices for the Township. Mr. Seeds questioned if the prices have come down. Mr. Fleming answered that the pavement index was reduced to 4.42, but at the time of bid, it was 4.9. He noted, if the paving plants were open now, it would cost a lot less to do the job.

Mr. Crissman requested Mr. Fleming to address Change Order 5. Mr. Fleming explained that he was referencing the escalation costs, noting that it was a large pavement project. He noted that the estimate was under \$1 million. He noted that 60% to 70% was placed to meet the contract deadline, which was the end of paving season. He noted that the index was very high at that time. He noted that it was strictly due to the increase in the cost of paving materials.

Mr. Seeds questioned if the increase in quantities was due to an underestimation of the project. Mr. Fleming answered that it was a reclamation process, which grinds up the existing roadway. He noted that the engineer measures the roadway and makes an estimate based on a certain depth. He noted that when the materials are placed, he re-measured the lanes, and due to inconsistencies in the roadway, there was some variation.

Mr. Hawk noted that there are wide variations in the price of certain materials, such as asphalt and salt. He noted that the Township was very lucky to purchase salt at \$67 a ton. Mr. Hawk noted that some Townships have paid up to \$110 per ton for salt. Mr. Seeds noted that it is very hard to get now.

Mr. Fleming noted that if you don't use the paving index for pricing, then all the other items in the contract would increase since the contractor would need to cover their loss from a possible increase in paving materials.

Mr. Crissman made a motion to approve Change Order 4 in the amount of \$10,565.76; Change Order 5 in the amount of \$73,687.59; Change Order 6 in the amount of \$6,670.00; and Change Order 7 in the amount of \$2,669.21, with Handwerk Site Contractors for George Park Roadway, and Blue Meadow Farms Roadway Improvements. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Agreement with Capital Tax Collection Bureau for the collection of  
delinquent EIT and LST for tax years 2008 and prior

Mr. Hawk explained that the Township was transitioning from the Capital Tax Collection Bureau (CTCB) to A. H. Berkheimer for the collection of the Earned Income Tax (EIT) and the Local Services Tax (LST), however, the Township was leaving the collection of the delinquent EIT and LST taxes for the years 2008 and prior to CTCB.

Mr. Hawk noted that CTCB would supply quarterly reports for what is collected, with a delineation of interest, penalties and fines. He noted that CTCB is also subject to an audit if the Township chooses, and the fees have been established and certified.

Mr. Wolfe noted that he had nothing further to add, other than the Central Dauphin School District and Swatara Township have entered into a similar agreement.

Mr. Blain noted that for efficiencies purposes, it makes sense to leave the delinquent tax collection with CTCB as they already have the records to collect the taxes.

Mr. Blain made a motion to approve an agreement with the Capital Tax Collection Bureau for the collection of the delinquent Earned Income Tax and Local Services Tax for the tax years 2008 and prior. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Ms. Wissler introduced Jessica Kurtz to the Board members. She explained that Ms. Kurtz is an intern with the Community Development Department who is attending Millersville University.

Preliminary/final land development plan for St. Margaret Mary Roman Catholic Church

Ms. Wissler noted that the purpose of this plan is to construct an 800 seat church consisting of approximately 16,850 square feet. She noted that all improvements are proposed within Susquehanna Township excluding the proposed path along Paxton Church Road, which extends into Lower Paxton Township up to the intersection with Crums Mill Road. She noted that the intent of the path is to provide a pedestrian connection to the path proposed within the Stray Winds Project. She noted that the entire site consists of 19.06 acres with 3.55 acres in Lower Paxton Township, and the portion of the property located in Lower Paxton Township is zoned R-C, Residential Cluster.

Ms. Wissler noted that there are three waivers requested: 1) A waiver of the requirement to submit a preliminary plan; 2) A waiver of curb and widening requirements on Paxton Church Road and Crums Mill Road; and 3) A waiver of the sidewalk requirement on Paxton Church Road and Crums Mill Road. She noted that staff supports all three waivers since they are consistent with what is occurring in the Stray Winds Development.

Ms. Wissler noted that there are only two comments related to Lower Paxton Township, noting that the Dauphin County Planning Commission review and HRG, Inc.'s, review were taken care of in Susquehanna Township.

Ms. Wissler noted that Tom Godfrey from Mellott Engineering and William Leavens from St. Margaret Mary Church are present to represent the plan.

Mr. Hornung questioned why there is a waiver for a sidewalk, but yet a pathway is being installed. Ms. Wissler explained that the path that is being proposed is made of bituminous

material and a waiver is needed for this. She noted that it would join with the path proposed in the Stray Winds Development. Mr. Hornung noted that it would be installed in place of a sidewalk, and he questioned how wide it would be. Ms. Wissler answered that it would be five feet. She noted that the sidewalk requirement for a commercial district is five feet, whereas, the requirement for residential is four feet.

Mr. Crissman noted that the majority of improvements are located in Susquehanna Township, and he questioned if Susquehanna Township has acted on the plan. Ms. Wissler noted that their Planning Commission has approved the plan; however, they are waiting for Lower Paxton's action before it goes before the Board of Commissioners. She noted that Susquehanna Township is requesting that Lower Paxton Township take action before it comes before their Board.

Mr. Seeds noted that the pathway is only located on Paxton Church Road, but Stray Winds is proposing to install their pathway on the east side of Crums Mill Road. He questioned if they are also installing trees and bushes along Paxton Creek Road. He noted that he had no problem with the waiver for sidewalk and curbs, however, he questioned if there is a need for widening along that road or additional right-of-way for future development. He noted that there would be much more traffic in the area when the Stray Winds Development is developed, or when people are leaving the church. Mr. Fleming answered that the Stray Winds Development has proposed a realignment of Crums Mill Road starting at their northern property boundary. He noted that it would take the existing cartway from a 21-foot cartway to a 22-foot cartway for most of the length of the road through the project. Mr. Seeds questioned if it would include the intersection at Paxton Church Road. Mr. Fleming answered that it would not. Mr. Seeds noted, if the road would be widened, would it narrow down at the intersection. Mr. Fleming answered that the widening is incidental as it is only six-inches for each lane. He noted that the Church has

made provisions for future roadwork on the front of the property along Crums Mill Road and have dedicated a right-of-way to give an ultimate 60-foot right-of-way.

Mr. Seeds questioned, if it was HRG's recommendation that widening is not needed at this time. Mr. Fleming answered that it is not needed at this time, and a one-foot widening is proposed for Crums Mill Road. He noted, if future development would occur on the Church property, it could require improvements to the frontage. Mr. Seeds questioned if Mr. Fleming was taking the Stray Winds Development into consideration when making that statement. Mr. Fleming answered yes, noting that the traffic study that was completed for the project included Stray Winds Development.

Mr. Seeds questioned, if there were any future plans for the parcel other than a church. Mr. Godfrey answered that the plan does not propose any further development at this time, noting that there was some discussion for building a social hall and rectory, but they were removed from the plan. He noted that the plan, as you see it, would accommodate those additions, and they were included in the traffic study. He noted that further development has not been discussed at this time. Mr. Seeds noted, if the church came in with additional plans, then road widening could be considered at that time. Ms. Wissler noted that that was correct.

Mr. Crissman questioned Mr. Godfrey if he was in total agreement with the three waivers and two comments. Mr. Godfrey, representing the applicant, answered yes.

Mr. Crissman made a motion to approve the preliminary final land development plan for Saint Margaret Mary Roman Catholic Church with the following waivers and conditions: 1) A waiver of the requirement to submit a preliminary plan; 2) A waiver of curb and widening requirements on Paxton Church and Crums Mill Roads; 3) A waiver of the sidewalk requirement on Paxton Church and Crums Mill Roads, 4) Plan approval shall be subject to providing original seals and signatures on the plan; and 5) Plan approval shall be subject to the establishment of an improvement guarantee for the proposed site improvements. Lower Paxton Township would

prefer that the financial security, the developers agreement and construction inspection of the public improvements for the entire project be administered by Susquehanna 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.

Declaration of Consolidation of previously subdivided lots for  
James Halbert, Classic Communities

Ms. Moran noted that this is a request to consolidate lots 82 and 83 to create one building lot for James Halbert of Classic Communities. She noted that the declaration is attached to the Board member's packet for their review.

Mr. Blain made a motion to approve the Declaration of Consolidation of previously subdivided lots 82 and 83 for James Halbert, Classic Communities. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Final subdivision plan for the Estates of Autumn Oaks, Phase I-A

Ms. Moran noted that the purpose of this plan is to obtain approval for a one (1) lot subdivision to create the proposed water tank lot (Lot 92). She noted that Lot 92 is a non-dwelling lot intended for use for the installation of a public water storage tank for United Water of Pennsylvania, and no construction or disturbance is proposed in this subdivision. She noted that a land development plan will be filed at a later date prior to development of the lot. She explained that Lot 92 consists of 3.17 acres and is zoned R-1, Low Density Residential District and CO, Conservation District.

Ms. Moran noted that the following waivers were approved by the Board of Supervisors with the Preliminary Subdivision Plan for the Estates of Autumn Oaks on November 3, 2008: 1) Waiver of the 400' minimum street intersection separation for local streets; 2) Waiver of the requirement of curbing and widening of existing abutting streets; 3) Waiver of the requirement to

provide vertical curb; 4) Waiver of the requirement to provide Type “C” inlet grates required in streets; 5) Waiver of the requirement to provide low flow channel and basin under drain required in basins; 6) Waiver of the maximum cul-de-sac length of 600’; 7) Waiver of the requirement to provide islands within the cul-de-sac turnarounds; 8) Waiver of the street cartway widths; 9) Waiver of the street horizontal curves; 10) Waiver of the maximum slope requirement of a collector roadway (Colonial Road) and a minor roadway (Kensington Way); 11) Waiver of the street vertical curve design requirements; 12) Waiver of the street leveling areas required at street intersections; 13) Waiver of the maximum detention basin berm slope height of 8’ and the maximum side slopes of 3:1; and 14) Waiver of the requirement to provide fire hydrants. (Public water will be provided to all proposed homes in the Estates at Autumn Oaks and fire hydrants will be installed in portions of the site with adequate water pressure and flows to support operation of the hydrants.

Ms. Moran noted that the Planning Commission recommended approval of this plan on January 14, 2009.

Ms. Moran noted that there are two site specific comments and five general conditions. She noted that HRG, Inc.’s 17 comments dated January 28, 2009, specifically states that the applicant proposes the dedication of additional land located outside the proposed dedicated right-of-way associated with Parkway West. She noted that the additional land is approximately .16 acre in size and is located to the east of Parkway West. She noted that the Township would need to confirm its willingness to accept the dedication of the additional land.

Ms. Moran noted that Tom Godfrey from Mellott Engineering and Joel McNaughton are present to represent the plan.

Mr. Crissman questioned, since the Board already approved the waivers, would it only be approving the site specific conditions and general conditions including HRG’s comments dated January 28, 2009. Ms Moran answered that that was correct.

Mr. Hawk questioned if Ms. Moran could add anything more to the proposed dedication of land. Ms. Moran answered that she did not see a need for the land, but the decision would be up to the Board members. Mr. Seeds noted that the area is wooded.

Mr. Joel McNaughton stated that he had nothing to add to Ms. Moran's introduction, noting that the purpose of the plan is to facilitate United Water PA's eventual use of the lot and separating it from the rest of the plan. He noted, with regards to the dedication of the small tract of land located on Parkway West, if there would ever be a determination to straighten the curve, the Township would own the property, and not be confined by the existing right-of-way for Parkway West. He noted, if the Township would not want the land, then it would be added on to the lots for the Estates of Autumn Oaks or to a neighboring property owner.

Mr. Seeds questioned if the McNaughton Company would be straightening Parkway West as part of one of its phases. Mr. McNaughton answered that there is no proposal in the preliminary plan to do work for Parkway West. Mr. Seeds questioned if discussions were held regarding a future traffic light. Mr. McNaughton noted that the traffic study identified some impacts at the intersection of Parkway West and Linglestown Road. He noted that the McNaughton Company is to agree to a contribution for this.

Mr. Seeds questioned what improvements would occur where the new road meets Parkway West. Mr. McNaughton answered that it would include the connection to Colonial Road only. He noted that some curb returns would be built into the connection of Colonial Road.

Mr. Seeds questioned why Mr. McNaughton would want to donate that land to the Township. Mr. McNaughton suggested that during the discussions for the preliminary plan, it was suggested that the Township may want the land in the event road improvements were made. He noted that he was originally going to transfer the land to a neighboring property owner, but he made the change to the preliminary plan. Mr. Seeds noted that the Township would not have to do anything with it since it is a wooded area.

Mr. Wolfe explained that it would become an issue if the Township would plan to make improvements on that roadway. He questioned if the right-of-way was only 33.5 feet. Mr. Godfrey answered yes. Mr. Wolfe noted that the proposed right-of-way would move to 60 feet, and it would provide the Township with an additional area over and above what would be needed if the Township decided to soften the curb. Mr. Seeds noted that it would not cost the Township anything to maintain it, but it may have to pay taxes on it.

Mr. Seeds noted that Mr. Wolfe was recommending that the Township should agree to accept the land. Mr. Wolfe noted that the Township did something very similar on Patton Road at the hairpin turn, which is now providing for roadway improvement. He noted that the land would be available in the event it was necessary to make improvements in the future.

Mr. Jim Storm, 2749 Keystone Drive, questioned if the area in question was located near the former staging area for logging.

Mr. Crissman questioned Mr. McNaughton if he was in agreement with the two site specific conditions. Mr. McNaughton answered yes. Mr. Crissman questioned Mr. McNaughton if he was in agreement with the five general conditions to include the letter dated January 28, 2009 from HRG, Inc., noting item 17, the offer to dedicate the land to the Township located at Parkway West, which the Township accepts. Mr. McNaughton answered yes.

Mr. Crissman made a motion to approve the final subdivision plan for the Estates of Autumn Oaks, Phase I-A, with the following conditions: 1) All conditions of the preliminary plan approval shall apply and shall be complied with; 2) A public utility facility requires special exception approval. A special exception application must be filed with the Zoning Hearing Board for this use at the time of development; 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 payment of recreational fee in lieu of \$2,300 for the lot; and 7) Plan approval shall be subject to addressing the comments of HRG, Inc., dated January 28, 2009, inclusive of item 17, whereby the Township would accept the .16 acre located off of Parkway West. 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 plan for the Estates of Autumn Oaks, Phase I-B

Ms. Moran noted that this phase of Autumn Oaks proposes thirty-five (35) dwelling units, and all dwellings proposed within this phase are located in the R-1 zone, and the lots would be served by public sewer and public water. She noted that all lots are or exceed one acre in size.

Ms. Moran noted that the approved Preliminary Subdivision Plan for the Estates of Autumn Oaks proposes ninety-one (91) single-family dwelling lots and the proposed water tank lot (Lot 92). She noted that the total tract area is 313.47 acres (133.387 acres within the RC, Residential Cluster, 177.49 acres within the R-1, Low Density Residential District and 2.55 acres within the CO, Conservation District.

Ms. Moran noted that the following waivers were approved by the Board of Supervisors with the Preliminary Subdivision Plan for the Estates of Autumn Oaks on November 3, 2008: 1) Waiver of the 400' minimum street intersection separation for local streets; 2) Waiver of the requirement of curbing and widening of existing abutting streets; 3) Waiver of the requirement to provide vertical curb; 4) Waiver of the requirement to provide Type "C" inlet grates required in streets; 5) Waiver of the requirement to provide low flow channel and basin under drain required in basins; 6) Waiver of the maximum cul-de-sac length of 600'; 7) Waiver of the requirement to provide islands within the cul-de-sac turnarounds; 8) Waiver of the street cartway widths; 9) Waiver of the street horizontal curves; 10) Waiver of the maximum slope requirement of a

collector roadway (Colonial Road) and a minor roadway (Kensington Way); 11) Waiver of the street vertical curve design requirements; 12) Waiver of the street leveling areas required at street intersections; 13) Waiver of the maximum detention basin berm slope height of 8' and the maximum side slopes of 3:1; and 14) Waiver of the requirement to provide fire hydrants. (Public water will be provided to all proposed homes in the Estates at Autumn Oaks and fire hydrants will be installed in portions of the site with adequate water pressure and flows to support operation of the hydrants.

Ms. Moran noted that the applicant has requested the following additional waiver: Waiver of the maximum driveway slope. She noted that staff supports this waiver.

Ms. Moran noted that on January 14, 2009, the Planning Commission recommended approval of this plan and the additional waiver request.

Ms. Moran noted that HRG, Inc.'s comments are provided for in the packet of information.

Ms. Moran noted that Joel McNaughton and Tom Godfrey are present to represent the plan.

Mr. Crissman questioned what prompted the new waiver request. Ms. Moran answered that the comments from the Township Engineer regarding several of the driveways on lots that are steeper than allowed. Mr. Crissman questioned what the reason was for the waiver request. Mr. Fleming answered that the preliminary plan did not propose any individual lot grading in the development which is typically done in the final phase process. He noted that when the grade was shown on the plan for all of the lots, it was observed that the driveways were steeper than what the Ordinance permits. He noted that this would be expected on a piece of mountainous property. He noted that acknowledging where the lots are proposed, the waiver for the driveway slope would be okay as long as all the other requirements of that section are met.

Mr. Crissman questioned if this waiver would help or hinder future homeowners who purchase the property. Mr. Fleming noted that the main benefit for permitting the waiver is to minimize the amount of disturbance required to construct the home. He noted that less of the lot would have to be disturbed as it would place the house at the natural elevation. Mr. Seeds suggested that the developer would have to move the home back more on the property to make the required slope for the driveway, making the driveway longer. Mr. Fleming answered that that was correct in that the home would have to be moved back more or the lot would have to be cut down and more trees would have to be removed. Mr. Fleming noted that 10% is typically considered a steep driveway for most development, but in a mountain setting, it is not an overly steep driveway. He noted that it is routine to see driveways steeper than 10% for similar areas in the Township. Mr. Fleming noted that the roadways are steeper than 10%. Mr. Fleming noted that he recommended preserving the leveling area at the bottom of the driveway to provide a flat area to stop so the slope does not meet the road.

Mr. Hornung questioned what the slopes would be. Mr. Fleming answered that the sloped would not exceed the maximum slope for the roadway, which is 15.8%. He noted that at some point it would be required to have a flat area at the bottom. Mr. Seeds noted if the waiver is granted, then the maximum steep slope for a driveway could not go over 15.8%. Mr. Fleming agreed.

Ms. Crissman questioned Mr. Fleming if everything has been satisfied for the comments that he provided for in his letter. Mr. Fleming answered yes, noting that a few technical items need to be completed.

Mr. McNaughton noted that Phase I-B represents the first phase of proposed construction for the preliminary plan for the Estates at Autumn Oaks. He noted that 35 building lots have been included in the first phase and the only waiver that was not considered was the wavier for

the driveway slope requirement of 10% which is permitted by ordinance. He explained that he is requesting a modification of that to a maximum of 15%.

Mr. Crissman questioned if he was in agreement with the wavier request and three site specific conditions. Mr. McNaughton answered yes. Mr. Crissman questioned if he was in agreement with the seven general conditions including the letter from HRG, Inc. dated January 28, 2009, with 24 comments. Mr. McNaughton answered yes.

Mr. Ken Parmer, 4292 South Carolina Drive, noted that there are waivers because of steep slopes, and he suggested that the best application for this property would be to add it to the Boyd Big Tree area and let it the way it is to keep out development.

Mr. Parmer questioned if the upper street would be extended as part of Phase I. Mr. McNaughton answered that a section of the road would be extended. Mr. Parmer noted that the cul-de-sac would be even longer, and he questioned what the total length was. Mr. Parmer noted that there is a requirement of a maximum of 600 feet. He noted that the developer is going to add to it, and he noted that Mr. Hornung was upset during a previous meeting when another cul-de-sac was longer than the ordinance permitted. He noted that there has been no discussion concerning the length of the cul-de-sac. He noted that he has been told by the firemen that they have a difficult time driving their fire trucks up the slopes for the Forest Hills Development, and he noted that by the time a truck gets to the scene it is too late. He suggested, if the slope for the Estates of Autumn Oaks is that high, he would not want to live there.

Mr. Parmer noted that he wanted to make sure that someone will inspect the detention ponds that are supposed to be built with a low permeability lining of 15 inches of a certain type of clay, noting that the CMS Report showed that the existing areas do have that amount of clay in them, ranging from six inches to two feet. He noted that during construction the top soil would be removed, and the clay would be put aside, and then the clay must be returned, as well as additional clay. He questioned who would inspect the project to ensure that this occurs. He

noted that he has a copy of the CMX Report that was provided to Mr. McNaughton, noting on the bottom of page seven of the report it states, “it is also understood that a professional licensed engineer in the Commonwealth of Pennsylvania and a qualified geotechnical engineer will be retained to review the construction of the embankments in the stormwater management basins.” Mr. Parmer questioned how he could get confirmation that this would occur. He questioned why this was not included in the waiver notes. He noted that there are no more approvals for Phase I after tonight’s meeting. Mr. Wolfe answered that the Board would have to approve the developer’s agreement and improvement guarantees and they are what guarantee that the plan would be constructed as per the Board’s approval. Mr. Parmer questioned if those agreements would come back to another meeting for approval. Mr. Wolfe noted that the Board takes all actions in a public meeting. Mr. Parmer questioned if the modeling for the stormwater detention basins would be addressed at that time. Mr. Wolfe answered that all conditions of the plan in regards to improvements would be addressed.

Mr. Hornung explained that there is another time in the approval process where the developer must post a bond or letter of credit stipulating that they would do the construction in accordance with the plan. He noted that the Township sends out inspectors to determine that it is being done, noting that following discussion on this plan, the Board would recommend approval for improvement guarantees that are inspected by the Township engineer. He noted that this is how the Township determines that a project is completed properly.

Mr. Parmer questioned if the CMX recommendation would be included in the developer’s agreement. Mr. McNaughton explained that the CMX Report is incorporated by reference into the plans, and the specifications provided for the plan, preliminary and final, for construction of the basins referenced specifically to the CMX Report, and also the requirement to have a geotechnical engineer present during construction to review and insure that the appropriate amounts of clay are included in each of the basins. Mr. Seeds noted that Mr.

McNaughton has agreed to do that and he is paying for this, and HRG, Inc. and staff will ensure that it is done, and the Township will have an Improvement Guarantee to ensure that it is done.

Mr. Parmer questioned if two detention ponds would be constructed with Phase I. Mr. McNaughton answered that three ponds would be constructed. Mr. Godfrey noted that C-3 would also be included in Phase I. He noted that this basin diverts some of the water from the west side of the development. Mr. Parmer questioned if that would be from Kensington Way. Mr. McNaughton answered that Kensington Way is the northernmost street. Mr. Parmer questioned if each detention pond would serve a particular street. Mr. Godfrey answered that the detention ponds overlap for the areas that they collect for, and are not designed to collect for a particular street.

Ms. Cindy Storm, 2749 Keystone Drive, questioned the 15% waiver request for the driveway slopes. She noted that the plan does not show the driveways that would need the waiver and which roads they are on. She noted that she did not know how steep 15% is, however, if they empty onto Colonial Road or any road; it could mean that during the wintertime, some residents may have to park their car on the street since they would not be able to get up the driveway. Mr. Hornung answered that there is a 50-foot flat space requirement at the bottom of the driveway that would provide for a space to park cars. Ms. Storm noted that people tend to park their vehicles on the street. Mr. Hornung noted that people do that regardless if their driveway is steep or not.

Mr. Crissman made a motion to approve the final subdivision plan for the Estates at Autumn Oaks, Phase I-B, with the following waiver and conditions: 1) Waiver of the maximum driveway slope; 2) All conditions of the preliminary plan approval shall apply and shall be complied with; 3) Provide a copy of the homeowners association documentation prior to the final plan approval; 4) A detailed hydrogeological study is required for the use of on-lot water supply; 5) Plan approval shall be subject to providing original seals and signatures; 6) Plan

approval shall be subject to the payment of engineering review fees; 7) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 8) Plan approval shall be subject to the payment of recreational fee in lieu of \$2300 for 35 lots; 9) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 10) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 11) Plan approval shall be subject to addressing all 24 comments from HRG, Inc. dated January 28, 2009; 12) When submitting revised plans, respond in writing to all individual comments of staff, Township Engineer, and Dauphin County Planning Commission; 13) All signage must meet the requirements of Article 7 and a sign permit is required prior to the installation; and 14) 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, and contact should be made with Matt Miller at 657-5615 to schedule the meeting. This may be held in conjunction with the Conservation District meeting. 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.

### **IMPROVEMENT GUARANTEES**

Mr. Hawk noted that there were six Improvement Guarantees.

#### Central Dauphin East Middle School

A release in a letter of credit with Commerce Bank, in the amount of \$281,710.00.

#### Hearthside East

An extension and 10% increase in a bond, with Inscos Insurance Services, Inc., in the amount of \$76,069.68, with an expiration date of March 1, 2010.

#### Meadowview Village – Office Building

An extension and 10% increase in a bond, with Lexon Insurance Company, in the amount of \$44,462.06, with an expiration date of March 27, 2010.

Anderson and Gulotta Holding Group, LLC

An extension and 10% increase in a letter of credit, with Susquehanna Banks, in the amount of \$2,329.25, with an expiration date of August 3, 2009.

Amber Fields, Phase I

An extension and 10% increase in a letter of credit, with Sovereign Bank, in the amount of \$5,057.00, with an expiration date of February 3, 2010.

Amber Fields, Phase II

An extension and 10% increase in a letter of credit, with Sovereign Bank, in the amount of \$3,920.40, with an expiration date of February 3, 2010.

Ms. Wissler explained that Mr. Seeds had a question for the Anderson and Gulotta Holding Group, LLC Improvement Guarantee, noting that the one questionable item was the incorrect installation of a stop sign, and she stated that there would be no problem to change the extension date for only six months. Mr. Seeds noted that there has been no work on the project since September 2007, and one of the items was a stop sign. He noted that he was concerned that it might be a safety item.

Mr. Seeds noted that the Amber Fields Phase I project is four years old, and he suggested that the delay has to do with the lack of sales in the real estate market. Ms. Wissler agreed. She noted that Mr. McNaughton stated that he would agree to a six-month extension or combining it with Phase III. She noted that it would be up to the Board members to decide. Mr. Seeds noted that he had no problem with leaving the request as is.

Mr. Seeds noted that there were no items listed for Amber Fields, Phase II when the last reduction occurred. Ms. Wissler noted that the project has not been inspected since April of 2007. Mr. Hornung noted that it is listed on his sheet.

Mr. Hawk noted that Amber Fields Phase I is less than \$5,000 and Phase II is roughly the same amount. Mr. Hawk noted that the Anderson and Gulotta Improvement Guarantee would only be approved for a six-month extension.

Mr. Crissman made a motion to approve the six listed Improvement Guarantees as presented with the noted change for the Anderson and Gulotta Improvement Guarantee. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous voice 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, and a unanimous vote followed.

### **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 9:00 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman  
Township Secretary