

LOWER PAXTON TOWNSHIP  
PLANNING COMMISSION

June 10, 2009

**COMMISSIONERS PRESENT**

Fredrick Lighty  
Ernest Gingrich  
Dennis Guise  
Roy Newsome  
Richard Beverly  
Douglas Grove  
Robin Lindsey

**ALSO PRESENT**

Dianne Moran, Planning & Zoning Officer  
Alfred Sundara, Dauphin County Planning Commission

**CALL TO ORDER**

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:02 pm, on June 10, 2009 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mr. Lighty led the recitation of the Pledge.

**APPROVAL OF MINUTES**

Mr. Gingrich made a motion to approve the minutes of the June 1, 2009 Route 22 Business Improvement District workshop meeting. Mr. Beverly seconded the motion, and a unanimous vote followed. Mr. Newsome abstained from voting since he was not at the workshop meeting.

**OLD BUSINESS**

There were no items of old business to discuss.

**NEW BUSINESS**

**Preliminary/Final Subdivision & Land Development Plan #09-11**  
**Robert R. & Bette J. Kaneda**

Ms. Moran stated that the purpose of this plan is to subdivide the existing parcel at 2293 Forest Lane into two new lots. Lot 2 is proposed to be developed as a single family dwelling. Lot 1 will consist of 4.0585 acres and Lot 2 will consist of 0.7439 acres. The property is zoned R-2, Medium Density Residential District and is located east of Forest and Abbey Lanes. The newly created lot will be served by public sewer and public water.

The applicant has requested a waiver of the preliminary plan requirement, the requirement to provide a stormwater management plan, and the requirement to provide an erosion and sedimentation control plan.

Mr. Jeffrey Staub of Dauphin Engineering Company was present on behalf of the plan. Mr. Staub stated that the site is located east of Forest Lane and the new lot is being created for the applicants' daughter and son-in-law to build a new home.

Mr. Staub stated he did receive the comments from Staff, County, and HRG, and has no issues with the comments. He noted that they are withdrawing the waiver request for the erosion and sedimentation control plan. They will put that information on the drawing as requested by HRG.

Mr. Guise asked about the location of the driveway. Mr. Staub stated that it has not been determined yet. The driveway will depend on the house design, which has not been selected yet. Mr. Staub stated that one of the comments addressed sight distance, which will not be an issue. He also indicated that the driveway will be at least 40 feet from the intersection of Abbey and Forest Lanes.

Mr. Gingrich asked about the wetland study. Mr. Staub stated that Environmental Design Inc. did it and he will provide that information to HRG and Ms. Moran.

Alfred Sundara, Dauphin County Planning Commission, cautioned that the driveway should not be close to the intersection.

Mr. Guise asked about the waiver for the erosion and sedimentation control plan. Mr. Staub confirmed that the waiver will be withdrawn, and the requirement will be met.

Mr. Guise made a motion to recommend approval of the plan, subject to resolution of the comments as discussed. Mr. Newsome seconded the motion and a unanimous vote followed.

### **PUBLIC COMMENT**

There was no additional public comment offered.

### **OTHER BUSINESS**

#### **SWAN's Response/Request to Bob Dobslaw/Schiavoni LTD Proposed Text Amendment to Zoning Ordinance and SALDO Commonwealth Court Decision**

The letter sent to the Township requests that the Board of Supervisors take no action on the issue as presented by Attorney Dobslaw about the definition of "lot". Mr. Lighty asked if the Township Solicitor is looking into this. Ms. Moran stated Mr. Stine is looking into the issue. Mr. Lighty asked that the Planning Commission be informed when the Solicitor gives his findings. Ms. Moran agreed.

Mr. Newsome made a motion to recommend to the Board of Supervisors that no action be taken until the issue is resolved. He felt it was proper for the Planning Commission to have an opportunity to revisit the issue and Mr. Stine's findings before any action is taken by the Board of Supervisors. Mr. Newsome suggested the issue may go beyond the municipality level or even Mr. Stine, it may end up being an issue for the legislature. Mr. Lighty agreed that the Planning Commission should see it again, but was not sure if he agreed with what SWAN was asking. If the Township starts to experience problems with plan submissions, it may need to be addressed sooner.

### **Noise Ordinance** **Letter from SWAN**

Mr. Lighty stated a document was received from SWAN that was prompted by "neighbor vs. neighbor" noise issues. SWAN sent a copy of Susquehanna Township's noise ordinance, highlighting what they felt were the important parts.

Mr. Lighty stated that Staff is obtaining copies of the noise ordinances from other municipalities and will do a comparison, so that the best practices can be identified. The specific cases that were brought to SWAN's attention are not being held up waiting on this to be done, Staff is and has been working on those.

Mr. Guise noted it is a good idea to review our noise ordinance to see if it could be improved, but it cannot be resolved at this meeting.

Mr. Beverly asked if the case involving a loud vehicle had something to do with this. Mr. Lighty stated that is one of them.

Mr. Watson Fisher suggested the highlighted lines are the ones that Mr. Epstein thought were important or might be helpful.

### **Business Improvement District**

Mr. Lighty stated he has a rough draft of the invitation to business owners prepared and will get a final version to Staff by the end of the week, so it can be mailed out soon.

### **Wind Energy**

Ms. Lindsey stated she attended the Dauphin County outreach meeting about Regulating Wind Energy Facilities/Windmills. She noted that people in Lykens were putting windmills up without permits. Lykens has since adopted an ordinance regulating windmills. Lower Paxton Township residents have contacted the office about wind power, so this is something that should be considered here as well. Mr. Lighty added that the concrete base for a single family residential sized one is suggested to be 8 feet by 35 feet. In Lykens they were putting the windmills on property lines and on rooftops, even on a light pole.

Tri-County Regional Planning Commission (TCRPC) has a model ordinance that Mr. Lighty felt has a good balance between allowing alternative energy and addressing real issues or concerns, such as setbacks, noise, flight paths of birds, and others.

Mr. Guise asked about the size of the one by the Farm Show. Mr. Lighty stated that is the same size as would be used for a single home. Ms. Lindsey noted that since there is already an interest, Lower Paxton Township needs to look into its own ordinance. If not installed properly, they could be dangerous. Mr. Lighty suggested getting a copy of the model ordinance to work on for next month.

Ms. Lindsey asked if the model is what was adopted in Lykens. Mr. Grove noted it might be prudent to compare the two. Mr. Lighty stated they are different, because Lykens' perspective was more to prevent or restrict the windmills. Mr. Beverly suggested it might end up being the same here. Mr. Lighty noted that right now it isn't regulated at all, so they can go anywhere.

Mr. Guise asked if a building permit is required. Ms. Moran did not think so, because accessory structures are exempt, but she will check with the Building Department. Ms. Lindsey suggested a permit might be needed for the concrete base, and they would probably inspect the footers. Mr. Lighty stated that the connection to the electrical grid is very important, so the electrical work would also have to be inspected. Mr. Gingrich stated the foundation should be engineered. Mr. Lighty stated that the model ordinance recommends against making a windmill go through the land development process.

### **ADJOURNMENT**

The next regular Planning Commission meeting is scheduled for Wednesday, July 8, 2009, at 7:00 pm at the Lower Paxton Township Municipal Center, Room 171.

There is a Business Improvement District workshop meeting scheduled for Monday, July 27, 2009.

Being no further business, the meeting adjourned at 8:29 pm.

Respectfully Submitted,

Michelle Hiner  
Recording Secretary