

LOWER PAXTON TOWNSHIP
PLANNING COMMISSION

July 9, 2008

COMMISSIONERS PRESENT

Fredrick Lighty
Roy Newsome
Dennis Guise
William Neff
Richard Beverly
Douglas Grove

ALSO PRESENT

Dianne Moran, Planning & Zoning Officer
Lori Wissler, Planning & Zoning Officer
Stephen Fleming, HRG, Inc.
Omar Syed, Dauphin County Planning Commission

CALL TO ORDER

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:00 pm, on July 9, 2008 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. Beverly made a motion to approve the minutes of the June 11, 2008 regular meeting as well as the minutes from the June 16, 2008 workshop meeting. Mr. Newsome seconded the motion, and the minutes were approved as submitted.

OLD BUSINESS

Preliminary/Final Subdivision Plan #08-01
4220 Linglestown Road

Ms. Moran stated that the purpose of the plan is to subdivide lot 2 from lands owned by Kimbob Incorporated resulting in two separate lots. The property is 12.70 acres. Lot 1 will contain 10.70 acres and the newly created Lot 2 will contain 2 acres. The property is zoned CN, Neighborhood Commercial District and is located west and north of the Sheetz property at the intersection of Colonial Road and Linglestown Road. No improvements or changes in use are proposed for this plan.

This plan was tabled at the January 9, 2008 Planning Commission meeting, in order to allow the applicant the opportunity to prepare the accurate delineation of the flood plain and address the balance of the comments.

The applicant has requested a waiver of the preliminary plan requirement as well as the requirement to provide sidewalks.

Steve Fleming, HRG had no further comments.

Jason Gutshall, Navarro and Wright Consulting Engineers, was present on behalf of the plan. He stated he has received comments from Staff, HRG, and County, and has been in contact with HRG to work out the comments.

Mr. Lighty asked if a LOMR will be obtained. Mr. Gutshall answered yes. The existing FEMA boundary, as well as the revised study boundary, are shown on the revised plan. Mr. Lighty asked if that is satisfactory to HRG. Mr. Fleming stated it is, as long as the LOMR is carried through, and the changes are made as part of this plan.

Mr. Guise asked if there is a right-of-way across lot 2 to lot 1. Mr. Gutshall stated there is access from Forest Lane to lot 2.

Mr. Neff asked what type of development will go on Lot 2. Mr. Gutshall was not aware of any ideas or discussions regarding the development of the lot.

Mr. Neff suggested combining the stormwater efforts for both lots. A shared basin is preferred over two individual basins, and may make the other lot more sellable.

Mr. Newsome commented that the plan would have been easier to read if existing buildings off-site had been shown even though it is not required.

There was no public comment.

Mr. Guise made a motion to recommend approval of the plan, subject to the comments, and further recommend the waivers for the preliminary plan and sidewalks, and also recommend that the plan not be finally approved until a LOMR is submitted to the Township as described in HRG comment #6, and approved. Mr. Beverly seconded the motion and a unanimous vote followed.

NEW BUSINESS

Preliminary/Final Land Development Plan #08-11 **Child Evangelism Fellowship of Dauphin County (CEF)**

Ms. Moran stated that the purpose of this plan is to construct a one-story office addition and related site improvements. The property is located at 16 South Mountain Road, and is zoned CG, Commercial General District. The tract of land possesses 0.2732 acres and is served by public water and public sewer.

On May 29, 2008, the Zoning Hearing Board granted waivers for the following: loading and unloading zone, minimum aisle width, number of parking spaces, and building and parking within the buffer yard.

Jeffrey Staub, Dauphin Engineering, was present on behalf of the plan. He stated that the Zoning Hearing Board granted several variances to allow some relief from the small size of the lot. Mr. Staub stated he has received comments from staff, Mr. Fleming, and Mr. Syed, and can address them all.

Mr. Lighty asked the reasoning for the waiver of curbing, other than the fact that there is no curbing adjacent to the property. He also asked about sidewalks. Mr. Staub stated there are no curbs along the west side of south Mountain Road. The lot would have to be regarded and re-sloped to accommodate curbing. That would also cause water drainage issues on the neighboring lot if that were done. There is curbing around Paxton Square, across the street from the site.

Mr. Newsome asked about the rolled curb. Mr. Staub agreed there is somewhat of a rolled curb there now, and it serves the purpose of keeping the street water off the property. He noted that several years ago, Charlton Church asked for the same waiver for the same reasons.

Mr. Neff questioned the right-of-way at 20 feet. Mr. Staub stated the right-of-way for South Mountain Road was established many years ago, when it was still a State road, so it exceeds the right-of-way requirements for arterial roadways. There is ample room for a turning lane, should the Township decide to install one.

Mr. Neff asked about the ingress of the property. Mr. Staub stated a sidewalk will be installed to continue the abutting sidewalk but nothing else will change the front yard.

Mr. Neff asked if this property will use the Church property for access. Mr. Staub stated they will continue to use the existing driveway. He noted that driveway width was one of the variances granted, because there is no room to widen it. It is about 12 feet wide now, and the requirement is 24 feet. Mr. Neff asked if discussions were held with the Church for a shared driveway. Mr. Staub stated that there were several discussions with the Church, at the request of the Township, regarding shared parking and a loading and unloading zone, but shared access was not discussed. Mr. Neff explained it could eliminate a curb cut. Mr. Staub stated that this property will generate very little traffic. Once or twice a month, the parking lot may have more than one or two cars in it.

Mr. Newsome stated the Zoning Hearing Board has already resolved the parking issue, but the addition is 1,000 square feet. He noted it is peculiar to have 3,000 square feet of office space and 4 parking spaces. This use may work fine that way, but when the property is sold, the variances stay with the land. Mr. Staub stated that was also a concern of the Zoning Hearing Board, so they resolved that by obtaining letters of agreement for off-site parking from Karn's, Dr. Dahle and Citizen's Bank. The variance is also restricted to this specific use, not general office uses. There are 8 spaces required, and 4 are provided, in addition to the off-site spaces.

Mr. Syed asked about handicap parking. Mr. Staub stated that 8 spaces are required, and they are proposing four plus one handicapped space, so the relief is for three spaces.

Mr. Syed asked if the building is handicapped-accessible. Mr. Staub said it will be accessible from the west side of the addition. The architectural designs haven't been finalized, but if a ramp needs to be installed, that will be designed at that time.

Mr. Fleming had no additional comments.

Mr. Newsome asked the condition of the rolled curb. Mr. Staub stated that it is not crumbling, and it serves the purpose and works as intended. There is sheet flow that comes off South Mountain Road, and it keeps it off the property, pushing it to the north.

Mr. Lighty asked what hardship was behind the granting of such extraordinary relief. Ms. Moran stated that hardship is the narrowness and small size of the lot, preventing the development of the site without variance. The variance decision states that the variances granted will not have an adverse impact on the general welfare of the surrounding properties. The variances are conditioned upon the applicant maintaining the existing use and continuing to provide off-site overflow parking. The Zoning Hearing Board noted the unique nature of use, and that other uses may have a considerably different impact on the neighborhood and would have to be evaluated on a case by case basis. Mr. Lighty suggested that every ¼ acre lot now has a hardship. Mr. Newsome felt the hardship didn't exist, but the decision has already been made by the Zoning Hearing Board.

Mr. Newsome asked about the use and what goes on. Mr. Brooke Morrison, Director of Child Evangelism Fellowship of Dauphin County, stated they have been in the Township for 55 years ministering to children. For 55 years, there has been one full time employee. The ministry provides day camps to children. They put together the snacks, play equipment (basketballs), ministry activities (Bible lessons & songs). They print and laminate the materials there. The materials are laid out on tables so that they are accessible when needed. Mr. Newsome asked about staff or help. Mr. Morrison stated there is one part time employee, Ms. Ginny Dougherty, who works four days a week, six hours a day. This is a very small ministry, consisting of Mr. Morrison and his wife and children. They do work at home as well, such as stuffing envelopes. His wife is not involved at the building, but helps at home. Karn's, Dr. Dahle the psychiatrist and Citizen's Bank all recognized that this is a ministry for children, in need. This location is ideal for the ministry to get materials to the camps and back-yard ministries. They also do a release time ministry at Paxtonia Elementary School.

Mr. Morrison noted that the Zoning Hearing Board recognized that if the property would sell to a beauty salon for example, the change in use would be a concern, and other uses would not have such an easy time getting the off-site parking agreements. There is one monthly meeting consisting of 8 people, four of which carpool. One of the overflow lots is more than sufficient, and there are three willing to help.

There was no comment from the audience.

Mr. Guise made a motion to recommend approval of the plan subject to the comments as they have indicated they can comply with, and further recommend approval of the waivers, provided the applicant maintain the existing rolled curb. Mr. Newsome seconded the motion and a unanimous vote followed.

Special Exception #08-02
Southcentral EMS

Ms. Moran stated that Southcentral Emergency Medical Services (SCEMS) has submitted an application for a Special Exception to locate an Emergency Service Station at 1001 Peiffers Lane. The property is zoned CG, Commercial General District which allows the use as a special exception.

Ms. Moran stated that since the applicant is not the landowner of record, information should be provided, such as an agreement of lease, to demonstrate that the applicant has the legal right to make the application. Ms. Moran stated that the information provided says there will be at least two employees and an ambulance stationed at the location, however, it does not address parking.

Mr. Barry Calhoun was present representing SCEMS and the application.

Mr. Calhoun stated they will occupy a building that this 24x42. Mr. Lighty asked about a lease agreement. Mr. Calhoun stated he will submit a copy of the lease agreement shortly.

Mr. Lighty asked about parking. Mr. Calhoun stated there are about 16 spaces on the north side of the building. There are usually about five cars parked there, leaving ample spaces for two SCEMS employees. The ambulance would be parked along the side of the building.

Mr. Calhoun stated there are tentative plans to build a small garage beside the existing building. The purpose of that garage is to store the ambulance, protecting it from snow and ice, and also to keep the medications and drugs at the appropriate temperature.

Mr. Newsome asked where the other SCEMS stations are. Mr. Calhoun stated there is one on Poplar Street, near the Paxtonia Fire House.

Mr. Guise asked if the two staff people stay on-site, and if there is staff there 24 hours a day. Mr. Calhoun stated that there are two shifts, from 7:00 am to 7:00 pm, and 7:00 pm to 7:00 am. There are two units at the Poplar Street station, one of which will be moved to this location, so there will be two ambulances operating 24 hours a day in the Township. During the day, when both ambulances are busy, SCEMS moves its ambulance from the West Hanover station to the Lower Paxton Township station. Lower Paxton Township has 55% of the volume of calls.

Mr. Calhoun noted that this location is close to Susquehanna Township and Swatara Township, so they would get more calls, increasing their revenue.

Mr. Lighty was concerned about getting out of the station, up Briarsdale Road to Union Deposit Road, because that area is so busy. He asked if there are emergency interrupts at that signal. Mr. Calhoun stated he has spoken to Mr. Wolfe who indicated they will rush that. Mr. Lighty stated it is possible to go down Peiffers Lane to go under the interstate to Spring Creek and East Park Drive. Mr. Calhoun stated there are plans to reconstruct that section of highway, so they will be closing the Union Deposit Road bridge. Mr. Newsome noted that widening the bridge is part of the I-83 beltway improvements, but suggested there will be limited lanes during construction. Mr. Calhoun noted that

regardless of where the construction is in relation to the garage, EMS has to be very concerned. He also noted that even with construction, it will still be a faster response time than the 8-10 minutes it takes to get to that area from Poplar Street.

Mr. Syed asked about the use of the existing steel building, and the parking requirements associated with the building. Mr. Calhoun stated Nick Evanoff parks his trucks inside at night, so there is no problem with parking. Mr. Syed asked how many trucks Evanoff puts in the building, and how many employees he has that may park their vehicles. Mr. Calhoun stated he has never been inside the building when the trucks were there to know how many there are. The parking lot is striped for parking, but in the five times Mr. Calhoun has visited the site, there have been three vehicles.

Mr. Syed asked about the sirens being installed. Mr. Calhoun stated that they do not operate like a fire department, all communications are through pagers and silent tones. Mr. Calhoun noted he will meet the residents of the area to let them know what is planned. He stated that they have used the garage on Poplar Street for 51 years. They do not use sirens there until they get to the main roads.

Mr. Lighty cautioned that there appear to be lot lines where Mr. Calhoun indicated he plans a garage. Mr. Neff suggested that both lots are in common ownership. Ms. Moran and Mr. Calhoun will look into it before the hearing.

Mr. Newsome made a motion to recommend granting the Special Exception to the Zoning Hearing Board, subject to the applicant providing adequate demonstration of control of the property. Mr. Neff seconded the motion and a unanimous vote followed.

Special Exception #08-03
4300 Devonshire Road (Daycare)

Ms. Moran stated that the Township has received an application for Special Exception to change the pre-existing non-conforming medical use to a children's daycare center at 4300 Devonshire Road. A daycare use is not a permitted use in the R-1, Low Density Residential District. Article 805.F-2 states that a non-conforming use may be changed to a different non-conforming use only if approved as a Special Exception by the Zoning Hearing Board.

Ms. Moran stated that the applicant, Gary Grove, has submitted a narrative addressing the special exception approval requirements.

Mr. Syed asked if the non-conforming parking spaces could be brought into compliance.

Mr. Gary Grove, 2310 Williams View Drive, stated that there will be about 55-60 children in the daycare. Mr. Lighty asked about outdoor activity. Mr. Grove stated that there will be an outdoor play area, but it hasn't been designed yet, that will be done as part of the permitting process with the State. It will be totally fenced in. Mr. Lighty stated the traffic on both streets is terrible. Mr. Grove noted it will be fenced, as is required by the Pennsylvania Department of Public Welfare.

Mr. Lighty asked how much traffic will be generated by 55-60 children. Mr. Grove stated it will be much less than Dr. Papandrea's office, which had 24 exam rooms. Drop-off's take place between 7:00 and 9:30 am, and pick-ups between 3:30 and 6:00 pm. There are many siblings involved, so there will not be 55 cars for 55 kids.

Mr. Neff suggested that the majority of the traffic will be at the middle to the end of the peak times in the morning, and just prior to the peak time in the afternoon. To ease traffic conflicts getting in and out of the parking lot, Mr. Neff suggested the traffic come in off of Devonshire Road and out onto Colonial Road. Mr. Grove stated that a daycare has the advantage of being able to communicate with the parents who are there five days a week. Mr. Grove suggested it might be better to have Colonial Road be an entrance only. Mr. Newsome suggested there should be no left turns onto Devonshire Road from the parking lot.

Mr. Guise asked about the one-way designation to the front of the property. Mr. Grove noted that the signage was used by the medical office because that part of the driveway is narrow.

Mr. Guise suggested the applicant look at and address ingress and egress.

Mr. Newsome asked about the property lines and how they relate to the walkway, which appears to be on another lot. Mr. Grove stated he measured the property, but it has not been surveyed. By looking at the overhead versus the plot plan, there is a discrepancy, so that will be worked out.

Mr. Newsome suggested the plan presented to the Zoning Hearing Board should show the fencing. Mr. Grove stated that the next step will be permits, and the only changes that will necessitate a permit is the fencing. Mr. Newsome stated that the problem is that the site can't be fully enclosed with a fence, so the design will have to be carefully done, not only for the play area. He noted that a child was killed outside an elementary school, and small children can cover a good distance in an instant. Mr. Grove stated that there will be nothing on the Colonial Road side of the building.

Mr. Syed asked if the parking spaces could be brought inside the property lines. Mr. Grove stated that parking is existing, and they hadn't planned to change that area. The proposed drop-off will be the lower level or the east side of the building. Mr. Syed suggested the drop off location be shown on the plan.

Mr. Newsome agreed that the level of construction will not warrant much in the way of permit reviews, but there are certain requirements that must be met in order to obtain the special exception. Some of the things being discussed have an impact on the decision to grant the special exception. Fencing and traffic are not questions about construction, but rather the use of the property. He didn't think it was adequate to say it can be resolved later.

Mr. Grove noted that he has a daycare at 6000 Jonestown Road that was converted from a medical center to child care in 1996. That is on the corner of Jonestown and South Mountain Roads. Mr. Newsome noted that addressing the concerns raised at this level of review can lessen the impact of this change in use, make it easier to grant the special exception, and would improve the property.

Mr. Lighty stated there are seven requirements that the applicant has the burden of proving to the Zoning Hearing Board that he can meet. One of those is traffic, so it is important to address that. Mr. Lighty agreed that the property is a difficult one.

Mr. Neff asked if the Commission can recommend granting the special exception with a condition that a site plan be submitted. Mr. Guise didn't think the Zoning Hearing Board can require that. He noted that the Commission has the option of not making a recommendation either way. He further stated that this use appears to be equally or less objectionable than the prior use. The traffic will have to be addressed. He suggested that the Zoning Hearing Board should require right-in/right-out for both entrances.

Mr. Lighty stated that one of the requirements in the ordinance is to provide a plan showing proper site layout, internal circulation, parking, buffering, and all other elements of proper design.

Mr. Guise made a motion to advise the Zoning Hearing Board that the Commission has reviewed the special exception request, and finds it to be unobjectionable, and further recommends that the Zoning Hearing Board consider right-in/right-out at both entrances (Colonial Road and Devonshire Road) and that the Zoning Hearing Board carefully review the site plan submitted with the documentation. Mr. Newsome seconded the motion and a unanimous vote followed.

Text Amendment
Section 306.B.1.(b)
Communications Towers

Mr. Neff asked who requested or proposed the text amendment. Ms. Moran stated that Jeff Ernico of Mette Evans and Woodside, and Dennis White from T-Mobile were present on behalf of the amendment.

Mr. Neff asked why it only addresses the R-1 District.

Mr. Neff asked why the draft says it will be effective in five days after enactment, and cautioned that that language may create problems.

Ms. Moran stated that Staff has recommended adding language to the ordinance, so it will go back to the County for a second review before being adopted by the Board of Supervisors.

Mr. Newsome asked who identified the list of existing utility stations, and asked if there are really only five. Ms. Moran stated that Staff came up with that list, and there are five in the R-1 District. There are others, but the text amendment is only dealing with the R-1 zone.

Mr. Neff asked if this is about cell towers. Ms. Moran stated it is about communication antennae and towers.

Mr. Ernico stated he is representing T-Mobile, a wireless carrier. T-Mobile is trying to fill an area of coverage. The zoning ordinance, which has areas that towers are permitted, is inadequate to fill

that gap. There are several ways to achieve this, but the most appropriate way is to go through a text amendment. After the definition is added, the amendment will go back to the County Planning Commission. With the Township and the County Planning Commission's comments, it will go to the Board of Supervisors, who will decide if it is something they want to do. If it is, they will advertize for a public hearing, where they will adopt or not adopt the ordinance.

Mr. Ernico stated that his office has represented all of the carriers for about 10 years, and in the last 2 years, has done more text amendments than ever before. The time has come that the handheld devices have to be usable throughout the community, and there are gaps that have to be filled. Section 402.A has many requirements for the construction of towers, such as setbacks et cetera. The site they are interested in is on Spring Creek Road, and is one of the only ones that can actually meet the requirements because there are no homes nearby.

Mr. Guise asked if anything else would change or be diminished by the text amendment. Mr. Ernico stated there are certain areas where these uses are permitted, but that does not include R-1.

Mr. Guise suggested that it could be a use by Special Exception or Conditional Use, like it is in the CO, Conservation District, instead of a use by right. Mr. Ernico was not opposed to that, but did note they prefer less hoops, but that is a decision for the Township. Mr. White stated that the most important "hoops" are those related to health and safety, towers and antennae have to be designed to standards set by telecommunications industry, and those come under the seal of the drawing submitted at the time of the building permit application. There is a long trail of documentation relating to health and safety.

Mr. Neff asked the height of this antenna. Mr. Ernico stated the ordinance allows up to 100 feet, but this tower is not that high yet. Another carrier may want to collocate, so they do not want to change any other part of the ordinance.

Mr. Neff agreed that special exception may be a better way to go, so that each one can be looked at individually.

Mr. Guise stated that if an antenna meets 402.A.16.a, and is not more than 20 feet above the building, it would then be a permitted use. If it doesn't meet those requirements, currently it is not permitted, except as a special exception in the CO. Mr. Guise didn't think it would be appropriate to make it a permitted use in the R-1. He agreed that it a public utility substation is a good location for towers, but in the R-1, it should have the extra level of review. R-1 shouldn't have less onerous requirements than other zones.

Mr. Guise asked if there are public utility substations in other residential zones. Ms. Moran stated there are, such as in Linglestown Road near Greenwood Road (AR), near Leonard and Copperstone (AR), Katie Court and Dana Drive (GI), Blue Meadows Farm (RC), Colorado Avenue (R-2), Catalina Lane (R-2), and there may be others. Mr. Guise noted that if substations are a good place for these antennae, and he agreed that it very well may be, then it shouldn't be limited to just R-1. Mr. Lighty agreed.

Mr. Ernico stated he is looking at one particular site, which is basically unremarkable, and they are trying to narrow the focus of the change. Usually these text amendments are for municipal properties, or fire company or other public service or recreational properties. When you look at the substations in the Township, there is one site that will meet the requirements, and that is the one they are interested in. If the municipality wants to expand the amendment, either by special exception or a permitted use, that is its call. Mr. Guise noted that the Township's position is not to encourage cell towers, so the Commission does not want to expand the ordinance to allow more than what is asked for, but the ordinance needs to be logical and consistent.

Mr. Guise stated that the use is a conditional use in the LI and GI, and a special exception in the CO, and not permitted anywhere else.

Mr. Lighty asked if it would be better as a conditional use or special exception. He noted that the conditions could easily be predefined. Mr. Guise felt the special exception would be better. Mr. Ernico stated that a special exception goes before the Zoning Hearing Board, and the conditional use goes before the Board of Supervisors. Generally, board of supervisors likes to let zoning boards make these kinds of decisions.

Mr. Guise felt it would be fine to limit it to the R-1 zone, and only as a special exception. Even though it may be logical to expand to other zones, they are only asking for the R-1, and there may be undesirable or unforeseen effects on the other sites.

Mr. Lighty asked if there are other dead spots for other carriers. Mr. White was not aware of the other carriers holes, he is only representing T-Mobile. Mr. Ernico stated that is proprietary information, and occasionally he would know that answer, but does not for Lower Paxton Township. He also noted that more than 50% of emergency calls come from cell phones, so it is more of an issue now.

Mr. Lighty agreed to take what is offered, and make it a special exception not a permitted use. Mr. Newsome agreed as well.

Mr. Syed noted that in Hampden Township, they are putting towers on property owned by the municipality, and in exchange they allow the township to collocate their emergency communications. Mr. White stated that every carrier will accommodate a municipality that is approving its tower site.

Mr. Guise made a motion to recommend approval of the text amendment, as set forth with the addition of the definition of public utility substation as defined in staff's recommendation, with the proviso that antennae that do not meet 402.A.16.a, located on public utility substations only, be a special exception use in the R-1 zone. Mr. Grove seconded the motion and a unanimous vote followed.

Public Comment

There was no further public comment.

Commissioner & Staff Comment

Mr. Lighty stated that there is a meeting on Monday, July 21, 2008, at 5:30 pm regarding the Route 22 Improvement District.

Mr. Newsome asked about the intense use of the parking lot at the Colonial Park Mall near Red Lobster. It has been used for car sales, amusement rides, hot tub sales, and others. He asked if they get permission or permits to do these things. Ms. Moran stated that the Mall did get a conditional use for car sales. Mr. Newsome stated it has had four different uses in 18 days.

Adjournment

The next regular Planning Commission meeting is scheduled for August 13, 2008, at 7:00 pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned at 8:10 pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary