

LOWER PAXTON TOWNSHIP  
PLANNING COMMISSION

July 12, 2006

**COMMISSIONERS PRESENT**

Richard Beverly  
Betsy Sibert  
Roy Newsome  
Fredrick Lighty  
Dennis Guise  
William Neff

**ALSO PRESENT**

Dianne Moran  
Lori Wissler  
Chip Millard  
Jim Snyder, HRG

**Call to Order**

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:03 pm, on July 12, 2006 at the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

**Pledge of Allegiance to the Flag**

Mr. Neff led the recitation of the Pledge.

**Approval of Minutes**

Mr. Newsome made a motion to approve the minutes of the meeting held on May 10, 2006, as submitted. Mr. Beverly seconded the motion and the minutes were approved. Mr. Neff abstained from voting as he was not at the May 10<sup>th</sup> meeting.

**OLD BUSINESS**

**Preliminary/Final Subdivision Plan #06-02**  
**5710 Union Deposit Road**

Ms. Wissler stated this plan has been tabled since February 8, 2006. This plan involves approximately 4.68 acres of land located north of Union Deposit Road and east of the Central Dauphin School District property. The plan proposes to subdivide the land into eight lots. The property is zoned R-1, Low Density Residence District and will be served by public water and sewer systems.

The applicant has requested the following waivers: waiver of the requirement to submit a preliminary plan; waiver of the requirement that centerline grades shall not exceed 10% for minor and private streets, 12% is proposed; and waiver of the requirement that intersections shall be approached on all sides by a straight leveling area, the grades of which shall not exceed 4% within 60' of the intersection of the nearest right-of-way lines, 5% is proposed.

Ms. Wissler noted that the County comments were not included in the Commissioners' packets because the comments have all been addressed.

Mr. Paul Navarro, Navarro & Wright Consulting Engineers was present on behalf of the plan.

Mr. Neff asked if the steep slope restrictions apply to this site. Mr. Snyder stated the steep slopes were not delineated on the plan and he felt they should be shown because there may be some areas in the range of 30-50%. Mr. Neff asked if the plan can continue with this unknown information. Mr. Snyder stated that it is a comment that would have to be addressed and the ordinance would have to be followed. Mr. Navarro stated there are some areas with slopes of 25%, but a lot of those are not being disturbed in this plan. Mr. Navarro will provide the delineation, but felt the plan does comply with the ordinance. Mr. Navarro stated that sheet 2 of 7 shows to the east of the existing driveway a small pocket of steep slopes between contours 490 and 500, which is proposed for grading for the construction of the new cul-de-sac street. It is proposed to provide a slope stability analysis indicating that the area will be graded to a level of compaction for the placement of fill to stabilize the road area. Mr. Navarro felt that the other steep slope areas are not in the prohibitive slope range, but in the precautionary.

Ms. Wissler felt that if the comment was addressed it could move forward. Mr. Snyder agreed stating that the plan would not need to be seen by the Planning Commission because of this comment, it will not materially change the plan.

Mr. Neff questioned the compliance of the termination of the sight triangle as shown. Mr. Snyder stated PennDOT does not regulate sight triangles, it is a Township requirement, stating nothing can be put in that area to block vision. PennDOT will look at the sight distance and that calculation would need to be in accordance with PennDOT regulations since it accesses a state road, and an HOP would be required. Mr. Snyder did not see any problem with the sight distances. Mr. Newsome asked if the computation takes into account the change in grade. Mr. Snyder stated that a sight distance is measured at a distance of ten feet back from the edge of the pavement. Mr. Navarro stated the HOP has been submitted to PennDOT and they met with a representative from District 8 and a survey was completed to mark the sight distance to the west.

Mr. Lighty asked the applicant why he did not request a waiver of curbs and sidewalks on Union Deposit Road. Mr. Navarro stated sidewalks are required along one side of the cul-de-sac which was extended to the north boundary of Lot #3. PennDOT requested no sidewalks be put in their right-of-way. The length of sidewalk that would have been on Union Deposit Road has been extended around a portion of the cul-de-sac instead. Mr. Navarro was not opposed to putting the sidewalks along the entire frontage of the site, but it was removed at PennDOT's request.

Mr. Newsome felt it was desirable to have curbing at intersections to tie down and locate them, and felt the plan shown is appropriate. Mr. Navarro stated curbing will be provided to the end of the radius and tapered onto the shoulder.

Mr. Neff speculated that with the absence of sidewalks, the children living there would be bussed even given the proximity to the school. Ms. Wissler noted that when the school district did their land development plan the Township only required them to do sidewalks along Rutherford Road and not Union Deposit Road, because of the same request from PennDOT.

Commissioners agreed that the curbing would be good there, and sidewalks would not be safe in this location.

Mr. Guise stated that the plan as submitted will require a waiver for sidewalks. Mr. Lighty noted that there is an extensive walking path on the adjacent property linking to the schools. Mr. Neff felt it would be nice to have the properties interlink the communities for pedestrian traffic.

Mr. Navarro stated there is a stormwater easement from the cul-de-sac down to the boundary that abuts the property with the trail and asked if that easement could serve dual function. Mr. Navarro stated there are some topographical obstacles for that area, including the need for a bridge.

Mr. Navarro stated he is requesting a waiver of the sidewalk requirement along the frontage of Union Deposit Road.

There were no additional comments from Dauphin County, nor from the audience.

Mr. Guise made a motion to recommend conditional approval of Preliminary/Final Subdivision Plan #06-02 for 5710 Union Deposit Road, subject to delineation of the steep slopes that occur on the plan and making necessary changes as a result of the delineation of the steep slopes, and recommend approval of the following waivers: waiver of the requirement to submit a preliminary plan; waiver of the requirement that centerline grades shall not exceed 10% for minor and private streets,

12% is proposed; waiver of the requirement that intersections shall be approached on all sides by a straight leveling area, the grades of which shall not exceed 4% within 60' of the intersection of the nearest right-of-way lines, 5% is proposed, and waiver of the requirement to provide curbing to the extent shown on the plan, and sidewalks along Union Deposit Road (upon receipt of written request). Mr. Newsome seconded the motion, and the motion passed with a unanimous vote.

**Preliminary/Final Land Development Plan #06-10**  
**Colonial Village**

Ms. Wissler stated this plan was tabled at the April 12, 2006 and June 14, 2006 Planning Commission meetings.

The purpose of the plan is to resubdivide the tract into three lots. Lot #2 will be improved with 35 buildings for a total of 160 independent living residences. Lot #1 is to be developed in the future and Lot #3 will be transferred to the Sheesley Estate. The property, consisting of 30.4075 acres, is zoned R-R, Residential Retirement District and is located south of Interstate 81 and west of Colonial Road. The site will be served by public water and public sewer.

The following waivers were requested: waiver of the preliminary plan requirement; waiver if the requirement that driveways shall be located not less than 40 feet from an intersection; waiver of the minimum street width requirement of 36 feet for a minor street, 24 feet with a 4-foot pedestrian walkway is proposed; waiver of the street centerline radius of 275 feet; waiver of the street vertical curves which requires minimum sight distances for vertical geometry of minor streets; waiver of the sidewalk requirement for minor streets; and waiver of the vertical curb requirement for minor streets.

Mr. Paul Navarro, Navarro & Wright Consulting Engineers, was present on behalf of the plan.

Mr. Neff asked Mr. Snyder and Ms. Wissler to review the items that represent the June 30<sup>th</sup> change to the map. Mr. Snyder stated the applicant has addressed a fair amount of the comments, but there are still some comments to be addressed. The traffic study was not filed with the resubmission and therefore was not reviewed in time for this meeting.

Mr. Navarro stated the traffic consultant, H. W. Lockner, provided responses that prompted some changes to the plans regarding the southbound turning lane on Colonial Road.

Mr. Navarro stated that 20% of the residents would not be 55+. The plan now accounts for the additional traffic that would be generated by those users as well as the medical use. Mr. Navarro stated he has submitted the necessary information for Mr. Snyder to review. The stormwater management comments have been addressed.

Mr. Navarro requested the Commission take action on the seven waivers requested, and the other comments will be addressed before the plan goes to the Board of Supervisors. Mr. Lighty asked if the applicant is able to comply with all of the Township's, County's and HRG's comments. Mr. Navarro answered yes.

Mr. Snyder asked what the 85% speed was on Colonial Road. Mr. Navarro stated it is reflected in the study.

Mr. Snyder asked about the projected usage for Lot #1. Mr. Snyder stated the plan showed a 6,600 square foot medical building, but typical yields would have a much larger office building. If that is the intended use for that building, it will generate a much higher number of trips which may push past the 100-trip threshold. Mr. Navarro will add the volume for the maximum sized office building.

Mr. Newsome asked about the PP&L right-of-way. Mr. Navarro stated they have an executed agreement for placing overflow parking and street construction in their right-of-way. A copy of the agreement will be provided to the Township.

Mr. Newsome asked what mandates the age of the residents. Mr. Navarro stated under the Planned Communities Act, the Association is required to maintain a census of the residents. Typically these communities have a ratio of 90%. It is for the most part self regulated, but there also are tax ramifications if they fall below that level. Mr. Navarro speculated there could also be some oversight by the Township at the time of occupancy permit issuance. Ms. Wissler stated the Township is only made aware if there is a problem, and the Township has had no problems yet.

Mr. Guise asked about the table with the number of units. Mr. Navarro stated it is 160 units. The maximum density is 8 units per acre, and this plan show 5.8 units per acre.

Mr. Snyder asked about the driveways in the sight triangles, if the applicant will request a waiver or if they will address it another way. If a car is parked in a driveway located in the sight triangle, it is theoretically in violation. Lot 137 on Road D is an example.

Mr. Guise felt the plan should come back to the Planning Commission because of the traffic study. Mr. Guise also felt that the Commission should wait to make any recommendation on the waivers until it makes a recommendation on the plan.

Mr. Navarro stated a note could be put on the plan restricting parking at those 5 units, with a deed restriction. Those units have 2-car garages. Mr. Snyder questioned the practicality and the enforcement of that solution. Mr. Navarro stated that street parking will be permitted, and the streets have been widened compared to Meadowview. Mr. Navarro agreed it may be difficult to enforce, but the homeowner would be made aware of the restriction. Mr. Navarro added that the traffic would be controlled at the intersection with stop signs. Mr. Snyder suggested a waiver could be requested for a reduced sight triangle.

Mr. Newsome was concerned about the southbound traffic on Colonial Road approaching the intersection. Mr. Navarro stated the deceleration lane was lengthened to account for that.

Mr. Guise asked if the sight distances account for speeds of both 40 and 50 miles per hour. Mr. Navarro stated it was done for the posted speed limit. Mr. Snyder clarified that the sight distance meets for 35 mph but fails for 40 mph. Mr. Snyder speculated that the actual speeds are much higher than the posted speed limit. Mr. Guise asked if the 85% is of the actual speeds, and Mr. Lighty answered yes.

Mr. Snyder stated that according to the Township ordinances, as well as PennDOT's regulations, if the running speed or the 85 percentile is greater than 10 mph over the posted speed, then the higher speed must be used in the computation of sight distance. This plan will have a problem there.

Mr. Navarro will look at the 85 percentile again and the impact on the sight distance.

Mr. Neff stated he is very familiar with Colonial Road, and asked if turning left to go north, if there is any intention of removing the bank including the PP&L right-of-way. Mr. Navarro stated there will be some grading for the creation of the stormwater basin and the berm will reduce the obstruction of that bank. Mr. Navarro added that there is adequate sight distance in that direction. Mr. Neff argued that it does not seem as though there is adequate sight distance.

Mr. Neff stated he would not vote to approve this plan unless the plan addresses a single ingress/egress for lots 1, 2, and 3 off of Colonial Road.

Mr. Neff shared the latest version of a formula sight distance measurement table and form used by PennDOT. Mr. Neff pointed out that the sight distance is drawn at the centerline of the roadway, when it is in fact 2 feet off the cartway.

Mr. Neff stated Lower Paxton Township Police Department does not have a radar machine with a recording devise. Only PennDOT can do the determination of the 85<sup>th</sup> percentile traffic study, and any study that is greater than 12 months old is stale and must be redone. For traffic traveling northbound on Colonial Road between Devonshire Road and Linglestown Road, the posted speed is 35 mph, and the Township Police Department see speeds in the high 30's to low 40's. The traffic going southbound run in the high 40's to low 50's.

Mr. Neff noted that the PP&L easement department has not been contacted by the engineer for this plan and the process is lengthy. Mr. Neff felt PP&L should have the opportunity to express their concerns within their right-of-way. Mr. Neff pointed out that this application is not in the computer with the group at PennDOT that does the review, and this plan has been in the works.

Mr. Navarro stated the Highway Occupancy Permit has not been submitted. Mr. Lighty stated that does not generally take place until the plan is through the Township process. Mr. Neff asked if a preliminary review can be done because a lot of residents use this road everyday. Mr. Navarro agreed that they want a consensus that the traffic study complies with the Township ordinances. Once that is taken care of, it will then go to PennDOT. Mr. Neff agreed that the plan should come back to the Planning Commission before it can go forward to the Board of Supervisors.

Mr. Lighty noticed that a lot of the comments provided by HRG are identical to Staff's review comments. Mr. Snyder stated that they do independent reviews to get two sets of eyes looking over the plans, but also he looks more at the engineering matters while staff looks more at the zoning matters. The comments continue to be itemized until they are adequately addressed.

Mr. Newsome asked about the emergency access through the church parking lot. Mr. Navarro stated it is passable by fire trucks and will be a stabilized surface, either brick pavers or something similar. The church has signed an agreement for its use. Mr. Navarro added that it encourages pedestrian traffic from the community to the church.

Mr. Neff asked where the construction access will be. Mr. Navarro stated that Erosion and Sedimentation Plan that has been submitted to the Dauphin County Conservation District shows the main boulevard entrance to be used for construction vehicles as well as residents. Mr. Lighty noted that is not regulated by ordinance.

There were no additional comments from Dauphin County nor the audience.

Mr. Guise made a motion to table the Preliminary/Final Subdivision & Land Development Plan #06-10 for Colonial Village to allow the applicant time to submit the traffic study for the Commission's review and to address the other points discussed and

the other comments, and added that the waivers requested appear to be appropriate but the Commission will not make a final ruling until acting on the plan as a whole. Ms. Sibert seconded the motion and it passed unanimously.

**Preliminary/Final Land Development Plan #06-20**  
**Keystone Center**

Ms. Moran stated the Township has received a plan for the development of a two-story (with basement) general retail center and restaurant on Allentown Boulevard and North Mountain Road. The property consists of 3.75 acres and is zoned C-1, General Commercial District. The property is located at the northwest quadrant of the intersection of Mountain Road and Allentown Boulevard and is served by public water and public sewer.

On June 14, 2006 the Planning Commission tabled the plan to allow the applicant the opportunity to address the comments.

Ms. Moran stated that the applicant has requested the following waivers: waiver of the requirement to provide a preliminary plan; waiver of the requirement to provide sidewalk along Allentown Boulevard and North Mountain Road; and waiver of the requirement to provide a stormwater management plan.

Mr. Mark Eسس, developer for the plan, and Mr. Tony Trost of Dawood Associates, were present on behalf of the plan.

Mr. Trost stated he can address all of the comments without issue.

Mr. Lighty asked about the change in the size of the proposed restaurant. Mr. Trost stated that the original plan was to have the first floor split between some retail and the restaurant. The plan now shows the entire first floor for the restaurant.

Mr. Lighty stated that would change the parking calculations. Mr. Trost agreed stating that has been shown on this current plan.

Mr. Guise asked what kind of restaurant will be there. Mr. Trost stated it will be a sports bar. Mr. Guise asked if there will be adequate parking with the bar and the restaurant. Mr. Trost stated there is a separate calculation for the bar area versus the seating area. The plan does not show the limit to the number of seats in the seating area, but that will be provided.

Mr. Guise asked if there is shared parking with the hotel. Mr. Trost answered yes.

Mr. Neff asked if the owner is the same. Mr. Trost stated the entire parcel is owned by a condominium association.

Mr. Neff asked about the ingress/egress. Mr. Trost stated every access is right in/right out only. Mr. Neff asked when the HOP will be applied for. Mr. Trost stated the HOP has already been approved.

Mr. Neff asked about the restaurant sign in the triangle. Mr. Trost stated that is a blue highway directional sign.

There were no additional comments from the County nor the audience.

Mr. Newsome made a motion to recommend approval of the Preliminary/Final Land Development Plan #06-20 for Keystone Center, subject to the resolution of the comments, and the approval of the waivers as requested. Mr. Neff seconded the motion.

Mr. Guise questioned the parking calculations. Mr. Trost stated the 171 spaces is for all the uses. Mr. Trost stated he took the uses that were known: the retail and hotel uses and subtracted those from the 171. The parking calculation for bar area is based on the percent of the allowable occupancy. Mr. Trost figured out how many spaces were available for the restaurant and worked backwards to come up with an allowable occupancy of 200 for the restaurant. The size of the restaurant and bar were based on the availability of the parking spaces. Mr. Guise clarified that 5 (not 51) spaces were required for the storage use.

Mr. Snyder noted in the traffic study the restaurant is shown as 2,400 square feet and it should be 4,900 square feet. Mr. Trost will make the revision.

The Planning Commission voted unanimously to recommend approval of this plan.

**Preliminary/Final Land Development Plan #06-21**  
**Shuler All Pro Car Wash, Linglestown Road**

Mr. Lighty stated that there have been no revised plans received by the Township. The plan will have to be acted on at the August meeting.

Mr. Guise made a motion to table the Preliminary/Final Subdivision Plan #06-21 for Shuler All Pro Car Wash, Linglestown Road. Mr. Neff seconded the motion. The motion passed unanimously.

**NEW BUSINESS**

**Preliminary/Final Subdivision Plan #06-22**  
**Russell J. Klick Enterprises**

Mr. Lighty stated that the applicant has requested the plan be tabled.

Mr. Guise made a motion to table the Preliminary/Final Subdivision Plan #06-22 for Russell J. Klick Enterprises. Mr. Neff seconded the motion. The motion passed unanimously.

**Public Comment**

There was no public comment at this time.

**Commissioner Comment**

Mr. Neff presented copies of Title 25, Title 102. Mr. Lighty cautioned that these “greenbacks” of the PA Code are not necessarily up to date. Mr. Neff stated these are presented for general information.

Mr. Neff stated there is a new development off Goose Valley Road called Chelsey Falls. There are a number of problems associated with this development, such as sight distances, the new road extends into the existing road into Fairway Estates, et cetera. Mr. Neff presented pictures from 9 days ago of severe flooding pouring down onto Goose Valley Road. This developer was cited by the Dauphin County Soil Conservation District. This developer has been in violation of stormwater management for the past three months and was not doing anything until it rained. The road was so flooded that when the cars thought they were close to the centerline of the road, they were within 6 inches of going off the drop-off that is still not marked.

Mr. Neff stated he has witnessed a similar problem on Union Deposit Road at a construction site. It is apparent that there is a problem. Mr. Neff stated he spoke to Mr. Seeds and he is addressing it at the Supervisors level. Mr. Neff added that this is not in the Commission’s purview but it is something that is happening, and it affects the residents, streets, and stream quality in the Township. Maybe a new ordinance needs to be in effect to give the Supervisors power to come down on these people.

Mr. Lighty asked if Mr. Snyder noticed any deficiencies in the stormwater ordinance. Mr. Snyder stated the Act 167 studies that were done for Paxton Creek and

Spring Creek were updated and were accepted by DEP and municipalities were supposed to adopt them into their SALDO's (subdivision and land development ordinances). These will have infiltration and BMP applications.

Mr. Lighty asked about major run-off at construction sites. Mr. Snyder stated that temporary erosion and sedimentation control facilities are only designed for a 2-year storm, or low frequency or things that have a low probability of happening during the construction season. What probably happened is the controls are set up for a 2-year storm and then you get 4 inches of rain which is more like a 50- or 100-year storm. Those facilities are just not adequate. Mr. Neff stated there was absolutely nothing in place in these two instances. Mr. Snyder stated many plans have approved E&S plans, but may not be implementing them properly. These plans are not reviewed by the Township in detail, the Township defers to the County Conservation District. It is then up to the Conservation District to do the policing and enforcing. The Township does have ordinances in place and can enforce them, but that is not done.

### **Adjournment**

The next regular Planning Commission meeting is scheduled for August 9, 2006 at 7:00pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned at 8:30pm.

Respectfully Submitted,

Michelle Hiner  
Recording Secretary