

**LOWER PAXTON TOWNSHIP
PLANNING COMMISSION**

August 11, 2010

COMMISSIONERS PRESENT

Fredrick Lighty
Roy Newsome
Dennis Guise
Douglas Grove
Robin Lindsey

ALSO PRESENT

Dianne Moran, Planning & Zoning Officer
Drew Ames, Dauphin County Planning Commission
Steve Fleming, HRG, Inc.

CALL TO ORDER

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:00 pm, on August 11, 2010 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Guise led the recitation of the Pledge.

APPROVAL OF MINUTES

Mr. Newsome made a motion to approve the minutes of the July 14, 2010 meeting. Ms. Lindsey seconded the motion, and a unanimous vote followed.

Ordinance 09-16
Subdivision & Land Development Ordinance
Section 504, Flood Plain

Mr. Fleming stated the Flood Plain section of the Subdivision & Land Development Ordinance (SALDO) was revised. The changes are indicated in red. He noted the changes basically provide more detail. Mr. Lighty asked for an overview of the changes and why they are important. Mr. Fleming stated it is very important to the residents of the Township so they can get flood insurance. It also restricts activities within the FEMA designated flood plains, which also protects the residents of the area. It is not much different than the previous version, but it goes into more detail and defines certain situations better.

Mr. Lighty noted a correction on page 5-2, paragraph 2: omit "the" or "Lower Paxton". Mr. Guise stated that "legislature" should not be capitalized, or it should really say "General Assembly"

instead of legislature. Mr. Fleming stated that is language verbatim from the model ordinance. Mr. Ames did not object to either change.

Mr. Guise made a motion to recommend approval of the changes to Section 504 of the Subdivision & Land Development Ordinance, with the two stylistic changes as suggested by Commissioners. A unanimous vote followed.

NEW BUSINESS

Preliminary/Final Subdivision Plan #10-07 **Estates of Forest Hills, Ph. 7, Lot 141** **Burton H. & Carol A. Snyder and Leslie A. & Dana Packer**

Ms. Moran stated that the purpose of the plan is to subdivide Lot 141 equally, combining proposed Lot 141 A to existing Lot 139 (2438 Kensington Way) and combining proposed Lot 141B to existing Lot 142 (2442 Kensington Way). Proposed Lot 139 will contain 253,480 square feet and proposed Lot 142 will contain 159,543 square feet. The total tract area is 9.4817 acres. The properties are currently served by private wells and public sewers. No public or private improvements are proposed with this plan.

The applicant has requested the following waivers:

1. Waiver of the requirement to provide a preliminary plan.
2. Waiver of the requirement to provide a stormwater management plan.
3. Waiver of the requirement to provide an erosion and sedimentation control plan
4. Waiver of the requirement to provide elevation contours.
5. Waiver of the requirement to provide two permanent concrete monuments.

Ms. Moran stated that staff supports all of the waivers, except for number four. Mr. Lighty stated that HRG also does not support that waiver, but Mr. Miller from Public Works only objected to the waiver of the concrete monuments. Mr. Fleming explained that a typical subdivision requires two monuments, which would have been provided for the overall subdivision, but did not feel it was necessary to do two more for this lot line adjustment.

Mr. Newsome asked if waivers must be officially requested and justified in a letter. Ms. Moran stated that was submitted.

Mr. Jeffrey Staub, of Dauphin Engineering Company, was present on behalf of the plan.

Regarding the concrete monument waiver, Mr. Staub explained that in 2006 a lot addition plan was done for Mr. Snyder and the same waiver was requested, and recommended for approval by the Planning Commission and granted by the Board of Supervisors.

Mr. Staub explained that there are no public or private improvements planned with this plan. It is simply eliminating lot lines. The sidewalks shown on the plan are only for illustrative purposes.

The sidewalk in front of Lot 141 is the responsibility of the Forest Hills Associates, the developer for the Estates of Forest Hills, and there is financial security in place for those improvements. Since there are no improvements planned, that is the reason for the waiver of the elevation contours.

Mr. Fleming stated that partly justifies the request, but the other issue is meeting the steep slope ordinance, to indicate any steep slopes on the plan. There is significant grading on Lot 139 and Lot 142, and it is important to show the elevations. Mr. Staub stated he can show the steep slopes only. Mr. Fleming stated he wants to see all of the elevations. Mr. Staub stated he can do that, it is only a matter of turning on a layer.

Mr. Lighty asked if the applicant has received all of the comments, and if he has issue with any of them. Mr. Staub stated he did receive the comments. He questioned the County comment about signatures, and noted that they typically do not include both husband and wife. Mr. Fleming stated that if both are named as owners on the plan, they must both sign. Mr. Staub agreed to add more lines to the signature block.

Mr. Newsome asked if the lots were platted with the original Forest Hills subdivision, and if the requirements at that time called for topography. Mr. Snyder stated it was part of the original plan, and it was required. He added that the Township has numerous plans that show the topography, a preliminary plan plus seven phases. Mr. Newsome suggested that a reference to the original plat should satisfy the requirement. Mr. Staub stated he is not trying to get around something, he just didn't think it was necessary. Mr. Newsome agreed with Mr. Staub since there are approved plans on record, unless something has been done to radically change the topography of the land.

There were no comments from the audience.

Mr. Guise made a motion to recommend approval of the plan, and approval of four of the waivers, but not the waiver of the requirement to show elevation contours, subject to satisfying the comments. Mr. Grove seconded the motion and a unanimous vote followed.

Preliminary/Final Land Development Plan #10-08
Holy Name of Jesus Parish, New Worship Facility

Ms. Moran stated that the purpose of the plan is to permit the construction of a new 26,000 square foot worship facility, with a capacity for 1,400 seats, and related site improvements. The property is zoned CN, Neighborhood Commercial District, and is located north of Jonestown Road, east of North Mountain Road and west of Blue Ribbon Avenue. The property consists of 8.77 acres and is served by public sewer and public water.

Variances are required for encroachment into the rear yard setback and stormwater basin landscaping. The Zoning Hearing Board is scheduled to hear the variance request from Holy Name of Jesus on Thursday, August 26, 2010.

James Snyder of Snyder, Secary and Associates, and John DiSanto, representing the Church, were present on behalf of the plan.

Mr. Lighty asked about staff's site specific comment #1. Ms. Moran stated that it is informational only.

Mr. DiSanto presented the overall sketch of the property, showing the existing facilities, and the proposed facilities. The limit of work is behind the existing church, including the new church, reconfigured circulation patterns and reconstruction of parking lots, and new parking lots. The work to the access ways along Allentown Boulevard and the side street are future phase work.

Mr. Snyder stated he received the comments, which are relatively minor; many of which he has already addressed or are not applicable. None of the comments will change the plan. He noted they are pursuing an aggressive schedule and would like to move the plan forward.

Mr. Guise asked if the existing church will remain. Mr. Snyder stated it will remain, and in the long term will probably be used for operations internal to the school such as a library or computer room, or other types of common areas. It is not part of this plan.

Mr. Snyder explained that the 9-acre lot is the area of the plan. It is unique in that it has no frontage other than I-81, and Keller Street, which is an alley. It gets its access the same way it does today-through the other lots on the site. There will be no changes to access with this plan. They will use Blue Ribbon Avenue through an existing driveway, and there is a driveway to Sibert, and two to Allentown Boulevard.

Mr. Guise asked if the applicant will do a traffic impact study for this plan. Mr. Snyder stated that they will not do a full-blown traffic study. He explained that there are two masses on Sundays, one at 10:15am at the church, which seats about 900, and one in the gym, which can seat 350-400 people. This plan will eliminate the need for two masses in facilities that are not intended to be used as a church. There is no net impact, or if there will be, it will be very small. The other important note is that it takes place at 10:00 am on a Sunday.

Mr. Guise asked about parking. Mr. Snyder stated the Planning Commission may not have received it as part of their packet, but a parking assessment was done and provided to the Township to demonstrate that all the uses at maximum occupancy and simultaneous use will have sufficient parking to meet the zoning ordinance. The church itself requires 280 spaces, and the plan shows over 500. If and when phase 2 occurs, which is an improvement of the circulation and parking in the front of the church, the parking will still be adequate.

Mr. Guise asked about the height of the building. Mr. Snyder stated it does meet the height requirement, and he will note it on the plan.

Ms. Lindsey asked about the comment that says the access drive doesn't meet the required width. Mr. Fleming stated that the existing access drive goes out to Blue Ribbon Avenue and is only 20 feet wide. At the connection point, it is being widened out. The plan does not show the connection

point so Mr. Fleming could not review it. Mr. Snyder showed where the limit of construction is, and explained that they are connecting to an existing driveway, therefore the code does not apply to things that exist presently. He described the limits of the land development plan as being a self contained parcel. All of the internal driveways are sufficient width. Mr. DiSanto stated the concern would be with the busses. During the school year, there is only a one-way exit. The school children come in via the two entrances to Allentown Boulevard. No one is permitted to go behind the school and out that driveway. Mr. DiSanto stated it has been that way for at least 20 years. Mr. Fleming explained that the plan requirements call for connection to a public street, which this plan does not do. He added that the school will use an existing access way which does have insufficient width per the ordinance. Even if it is not used for school, it may be used for the other activities that take place there. Mr. DiSanto felt the concern should be a safety issue when the busses are exiting. The access has been sufficient for however long it has been there. He further stated that they do not want to go all the way to Blue Ribbon and tie into that street. Mr. Snyder stated that the site is going to be operationally the same as it is today.

Mr. Guise asked who owns the land where the driveway is located. Mr. Snyder stated that Holy Name owns the land. He explained that the parcel is unique in that there are seven parcels that are owned and controlled by Holy Name. There are internal lot lines that they are working around. Mr. Newsome asked if the parcel goes out to Blue Ribbon Avenue. Mr. Snyder stated it does not. Mr. Guise asked who owns the parcel that does go out to Blue Ribbon Avenue. Mr. Snyder stated it is under the same or similar ownership. One of the comments calls for a cross easement, but he is not sure if it is applicable to grant an easement to themselves, for purposes of operating as they always have. Technically, with all the internal lot lines, parking extends over property lines and access goes back and forth, but as a practical matter, it is all the church's land, part of one big campus.

Mr. Guise asked about consolidating the lots. Mr. Snyder stated they are considering that, but that will take longer than the land development plan. He also noted they have issues with easements.

Mr. Newsome stated it would have been helpful to have all of the campus shown, on at least one of the sheets. He noted they are developing a very complex large campus. The Township has required CGOH to show their entire campus when they make changes. Even though they are separate parcels, they all work together. Mr. DiSanto stated he thought that they are showing it all. Once the new facility is built, there is no more buildable land. The rest of the improvements to the campus only involve parking and some updates to the 30-year-old site. It is a matter of funding. The only other construction that will take place is to retrofit the existing sanctuary into the library and gathering rooms. He stated that they have shown the whole campus and the limit of the work. Mr. Newsome stated that the limit of the work is shown, not the limit of the campus, and campus meaning the total institutional use of all of the parcels of land. The plan shows one access to a side street to the east, and one that goes through a parking lot. That is supposed to be the access to this large facility. He stated he wants to see how the whole thing works. What is shown dumps traffic into a parking lot. Mr. Snyder stated that exists today. Mr. Newsome stated that road may exist, but the church building does not, it is vacant land right now. Mr. DiSanto stated it is used for parking. Mr. Newsome stated it is vacant land. Mr. Newsome stated the Planning Commission was given a plan for a rather large facility which does not show how the facility will be accessed. Mr. DiSanto stated that they generated a parking analysis as a result of one of the comments, and it was given to the Township. Mr. DiSanto

stated the Planning Commission is looking at the plan that does not include that information. Mr. Snyder stated he submitted a parking exhibit to Ms. Moran to demonstrate the overall compliance. The plan before the Planning Commission is a land development plan on an 8.7 acre property with sufficient overlap shown. Nothing is proposed to change outside of those areas. Mr. Newsome stated the whole thing will still have to work together. He repeated Mr. DiSanto's comment that they will be at build-out when this is complete. So what is being created is what the church has to live with, but it is also what the Township has to live with. What goes on with the entire thing is what the Township has to be concerned with. Mr. Newsome stated he has been to ball games there and has experienced the problems with parking and moving around the site. It is not real good now, and the applicant is not changing it with this plan. It is important to know how traffic will be handled, to get it across the parking areas, around the existing buildings to the new facility. There is access now, but not very good access. Mr. Newsome repeated his comment that he would like to have had the whole plan to review.

Mr. Lighty asked if the applicant has an issues with any of the comments that he needs to discuss. Mr. Snyder stated that many are minor, and over half of them do not apply. Mr. Lighty stated there are a significant number of comments. Mr. Snyder offered to go through them, but did not feel any of them would change the plan.

Mr. Lighty asked about the comment about a traffic analysis. Mr. Snyder stated that he has met with the Township and discussed the number of masses and the other information. He will provide the information. Mr. Snyder stated a traffic study is only necessary when there is an increase in peak hour trips. Ms. Moran stated that Mr. Snyder has told her that he would submit the data.

Ms. Lindsey asked if Mr. Fleming is okay with the access width going from 30- into a 20-foot width. She still has some concern, noting that all of the people that park near that, will naturally go out that way. Mr. Fleming stated that the justification given was that it sees limited use. He noted he will review that again, and consider how signage could help the situation. Spectators and visitors to the site will not be familiar with the site to use it properly.

Mr. Fleming stated that even though the rear parcel is the subject of the land development plan, parking is being developed on at least two other parcels, and while not expanding the church service capacity, the old facility will be redeveloped. There isn't enough information to answer those questions. He would recommend another meeting to discuss those items.

Mr. Guise asked about the variances. Ms. Moran stated there are two variance requests, under one docket. Mr. Guise asked if Mr. Fleming suggests the applicant come back to the Planning Commission, or just address the comments before the Supervisors meeting. Mr. Fleming stated that since the questions are technical in nature, they could be handled via correspondence or staff meetings. Mr. DiSanto suggested working those issues out with staff, since nothing is a major issue.

Mr. Lighty stated that normally when a plan has this many comments, the Planning Commission likes to see a cleaner plan, but he asked if Mr. Fleming saw any comments that are bigger issues which should come back. Mr. Fleming stated many of them are technical in nature, and he felt the applicant can address them and not materially change the plan.

Mr. Ames questioned the amount of parking shown versus the requirement, and if the 65 spaces which are shown in the setback creating the need for variance, are really necessary. Mr. Snyder stated that the setback variance is related to the building. Mr. Guise stated he thought that the more parking there is, the better. He noted that more people come in one car than they used to. Mr. Snyder agreed, noting that the ordinance calls for one space for every five seats, which realistically isn't enough.

Mr. Fleming stated he did not review the variance request, therefore, he cannot comment on those items.

Mr. Lighty called for comments from the audience. There were none.

Mr. Guise made a motion to recommend approval of the plan, subject to resolution of the comments and obtaining the zoning variances as discussed, and subject to the applicant meeting with Staff to resolve the numerous comments. Mr. Grove seconded the motion and a unanimous vote followed.

Preliminary/Final Land Development Plan #10-09
Sir Thomas Professional Suites, LLC
Lot 5C, Sir Thomas Court

Ms. Moran stated that the purpose of this plan is to permit the construction of a new 2-story medical office building, associated off-street parking, stormwater management facilities and sanitary sewer facilities. The lot is located within Sir Thomas Court west of Arlington Avenue, and north of Londonderry Road. The property is zoned BC, Business Campus District, contains 3.3657 acres and is served by public sewer and public water.

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

Joe Kenny and Jeff Staub were present on behalf of the plan.

Mr. Staub stated that this land development plan is next to the Pain Management Center. He has received comments from staff, HRG, Dauphin County, Shade Tree Commission, Public Works, Fire Company and the Sewer Authority.

Regarding HRG comment #3, signatures for the cross easement between lot 5C and 5D, Mr. Fleming stated that it could be handled with a signature block making the owners of the other lot a party to this plan, or by showing documentation giving permission to access the lot. Mr. Kenny stated he has an easement agreement prepared. Mr. Staub stated he will provide a copy of the access agreement to Ms. Moran. Mr. Fleming asked that a note be put on the plan indicating such. Mr. Kenny stated he is giving the access agreement to Mr. Staub. Mr. Kenny explained he wants to create a campus environment, but does not want to get into shared parking.

Mr. Staub asked about HRG comment #9, which mentions parking within the 10-foot buffer area. Mr. Staub asked if that refers to the parking under the building. Mr. Fleming asked if the exterior parking is already 10 feet from the building. Mr. Staub stated that it is.

Mr. Staub asked about the clear sight triangle comment. He noted that they are showing clear sight triangles for the main drive onto Sir Thomas Court, and the other drive is for the Pain Management access.

Mr. Staub stated that comment #28 needs some discussion. He explained that when Sacunas was built in 2004, and Pain Management was built, they both had stormwater facilities built that were to discharge to a drainage system that was supposed to be constructed by Olde English Gap Partnership, which was Community General Hospital, however that pipe and swale system along the north property line was never built. Then the Township required Pinnacle Health to hire a contractor to build that swale to carry stormwater away from Sacunas and Pain Management properties down to Spring Creek. The contractor that was supposed to do that work, did not complete it. He is requesting that that contractor be made to complete that work so that the discharge from this site can discharge into a drainage way planned six years ago and partially built two years ago. Mr. Fleming asked if the drainage way is there now. Mr. Staub stated he cannot tell if it is there or not. He added that it is not their responsibility to construct this. Mr. Fleming stated it is on this property. Mr. Staub stated it is, but it is within the easement that was part of the regional detention basin built. In addition to that, the storm system swale on the north property line was also to be built to accommodate the other lots which did not drain into the regional detention basin. That swale and storm sewer system wasn't built until three years ago. Mr. Fleming asked if it was on this property. Mr. Staub stated it is, within the pre-existing drainage easement, which has been recorded for 35-40 years. Mr. Fleming stated that his comment is not based on if the drainage way is built or needs to be built, or who builds it. There is no method of conveyance for the discharge from the subject site to Spring Creek, and the way it flows now it will have to cross private property. He stated he needs to see how the applicant intends to get drainage from the site to the creek, proposed or otherwise. Mr. Fleming suggested that the issue of who should build the facility is a matter between the current and previous owners. Mr. Staub stated that they are not interested in an easement to something that is not going to be built. He is asking for the Township's assistance if it is required to perhaps convince Pinnacle Health to complete the work agreed to 35 years ago. He noted the lots have been sold several times. Mr. Staub noted that if it comes down to it, Mr. Kenny can build the swale, assuming that all the design work have been done already. Mr. Fleming stated that if the swale was designed, installing it should be simple, there should be no review and no design work to complete. Mr. Staub stated it is important that the water be handled correctly.

Mr. Staub stated he had no other issues with the comments. Mr. Kenny stated that the International Building Code governs the construction. There is a comment about stand pipes, which are not actually required by the Code. Mr. Lighty stated that any code is a minimum, and the building could be built better than just the minimum. Mr. Kenny stated that his work is always at or above the standards, and his reputation speaks to that. He also noted that the drawings are for land development, and the construction drawings will include all the information necessary for construction.

Mr. Guise asked if the fire lanes will be marked. Mr. Kenny stated that the comment is about the minimum distance between the building and the parking to get a ladder truck in to the building. Mr. Staub noted that the Fire Chief, as part of his review of the plan will draw the fire lane on as he wants it. It wasn't done, but will be addressed.

Regarding the lighting plan, Mr. Grove stated the high stands seem to be fine, however the decorative lights do not appear to be a cut-off fixture. Mr. Kenny stated that most of the parking lot lighting will be full cut-off lighting, but he is trying to create some ambiance and attractive aesthetics with the decorative lighting, adding to the campus look. He is aware of the concern to not create light pollution, and he assured the Commission he will pay close attention to that. The decorative lights would not be cut-off fixtures, because it is not possible to have both. Mr. Grove suggested that it is, and referenced the State Street Bridge's new light fixtures, which appear similar, but have an internal shield or reflector, keeping the light shining downward. Mr. Kenny stated he is familiar with that, and when he designed the lighting for the building next door he chose a light with a prismatic effect to cut down on the harshness of the light. He agreed with the suggestion and will look into it. Mr. Grove stated it will aid in cutting the cost of electricity for those paying the bill.

Mr. Ames stated there is sidewalk on Sir Thomas Court and on the adjacent property, and asked if it is possible to connect the two. He noted pedestrian access is always a desire, even though there may not be much more pedestrian traffic other than getting to and from bus services.

Mr. Lighty called for comment from the audience, and there was none.

Mr. Newsome made a motion to recommend approval of the plan, and to grant the one waiver request, subject to the resolution of the questions raised and the comments generated by Staff, County and Engineer, and subject to working out the agreements with regard to drainage with Staff. Ms. Lindsey seconded the motion, and a unanimous vote followed.

Business Improvement District

The next regularly scheduled BID workshop meeting is August 16, 2010, at 5:30 pm. The Commission will review the materials for the Preliminary Plan, and take a second look at the overall map. If Commissioners have other items to discuss, Mr. Lighty asked that they be emailed to him or Ms. Hiner as soon as possible.

Wind Energy Subcommittee

Mr. Lighty stated there is nothing to report, and that the subcommittee needs to set a date for a meeting, after it receives the necessary data.

PUBLIC COMMENT

There was no public comment offered.

COMMISSIONER COMMENT

Commissioners had no further comments.

ADJOURNMENT

The next regular Planning Commission meeting is scheduled for Wednesday, September 8, 2010, at 7:00 pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, Mr. Newsome made a motion to adjourn the meeting. Mr. Grove seconded the motion, and a unanimous vote followed. The meeting adjourned at 8:26 pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary