

**LOWER PAXTON TOWNSHIP
PLANNING COMMISSION**

December 8, 2010

COMMISSIONERS PRESENT

Fredrick Lighty
Roy Newsome
Ernie Gingrich
Douglas Grove
Robin Lindsey
Richard Beverly

ALSO PRESENT

Dianne Moran, Planning & Zoning Officer
Leah Rowand, 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 December 8, 2010 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

PLEDGE OF ALLEGIANCE TO THE FLAG

Ms. Lindsey led the recitation of the Pledge.

APPROVAL OF MINUTES

Mr. Newsome made a motion to approve the following sets of minutes: October 13, 2010 Regular Meeting, October 25, 2010 Workshop Meeting, November 10, 2010 Regular Meeting, and November 15, 2010 Workshop Meeting. Mr. Grove seconded the motion, and a unanimous vote followed.

NEW BUSINESS

**Preliminary/Final Subdivision & Land Development Plan #10-11
Lower Paxton Firemen's Association, Inc.**

Ms. Moran stated that the purpose of this plan is to allow the construction of an addition and second story to the existing operations center of South Central Emergency Medical Services (SCEMS). The proposed addition would be 1,274 square feet. The property is currently zoned R-2, Medium Density Residential District and is located in Paxtonia on Poplar Street. The property is served by public sewer and private on-lot well.

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 report.
3. Waiver of the requirement to provide contour elevations.
4. Waiver of the requirement to provide sidewalks.
5. Waiver of the requirement to provide elevation datum.
6. Waiver of the requirement to provide existing natural features.

Ms. Moran stated she received a letter this evening that the applicant's are also requesting a waiver of the requirement to provide an erosion and sedimentation control plan, waiver of the requirement to provide curb, sidewalk, and roadway widening, and a waiver of the requirement to provide a detailed hydro-geological study.

On November 4, 2010 the Lower Paxton Township Zoning Hearing Board granted variances for the minimum side yard setback, the amount of building coverage and impervious coverage and buffer yard requirements. The Zoning Hearing Board also granted a special exception for the expansion of a non-conforming use on the property.

Mr. Barry Calhoun, CEO and Executive Director of SCEMS, and Frank Grottola, Act One Consultants, were present on behalf of the plan.

Mr. Lighty asked if Staff has a position on the newly requested waivers. Ms. Moran stated she only received them tonight, and hasn't reviewed them.

Mr. Lighty asked if Mr. Grottola has received the comments, and if he needs clarification or would like to discuss them. Mr. Grottola stated he does have a few questions. With regard to the waiver of the stormwater report, he noted the site is totally impervious, so he is not adding to that impervious coverage. He would like to work with the engineer on this issue. He added that they will remedy the plan by giving it a title, listing more waivers, and add a note on how to approach the stormwater. Act 167 has to be addressed, if not for the archives, for the Township's sake. Mr. Fleming stated they did discuss whether a waiver will be entertained, however, he will still need to see a report. At a minimum, they will need to show the discharge points, how the stormwater is being conveyed, and to make sure it is compliant with the Act 167 plan's requirements. He noted there are graduated levels of requirements based on the size of plans.

Mr. Grottola stated that staff comment #1 asks for cartway width, right-of-way width, and T-number for Poplar Street. He has gotten the T-number. The cartway width, to the best of their knowledge, varies in that section. It is all paved, and the property paves onto the road. The right-of-way is 15 feet, and that is on the plan. He will add the other notes.

Mr. Grottola stated he has submitted all of the waiver requests in writing, and apologized for the short notice, and he looks forward to feedback on the waivers.

Mr. Grottola noted they will remove #3 from the plan sheet. He noted the plan reads "Final Plan..." and asked Ms. Moran what the title should be. She answered that it should be a Preliminary/Final Land Development Plan.

Mr. Lighty advised Mr. Grottola to only discuss the comments he needed clarification on or that need some discussion.

Mr. Grottola stated there is nothing on the comments that he can't work out with the engineers.

Mr. Grottola stated that HRG comment #12 keeps coming up, which states that the proposed parking spaces do not appear to have adequate access to the driveways. He stated they checked that out today, and as per the zoning ordinance, they put parking spaces in on a 30° angle, and there is a 13'6" travel lane through there. The zoning ordinance requires a 12' lane. The 13'6" is probably in excess of what they had before. He noted it does not appear on the plan, but it will next time. The distance from the furthest point of the 9'x18' parking space to the building is 13'6".

Mr. Grottola stated the other comments he can handle in-house.

Mr. Lighty wanted to discuss waiver requests. He asked about contour elevations. Mr. Grottola stated the reason behind that request is the site is flat. He added that there is a comment about accessibility, and the building code does not require it, but it could be added. There is no public access to the site, and the employees have to be fit to staff an ambulance. Mr. Grottola added that there is language about accessibility if the accessible route is not at the same elevation or if the driveway is associated with the entrance. That is not the case for this site. If it is, the requirement is 2%, and this site is essentially flat. Mr. Fleming stated the zoning ordinance requires accessible parking. It needs to be shown on the plan, and the grade needs to meet the handicap accessible requirements.

Mr. Newsome stated the site might be flat, but when he looked at the site it was not raining. He is curious to know where the run-off goes. If there were contours shown on the plan, it would provide an idea as to where the water is going. He stated he does not support the waiver request.

Mr. Lighty asked for justification for the curbing and sidewalk waiver request. Mr. Grottola stated curb and sidewalk are usually located in the right-of-way, and the right-of-way of this property is blended with the paving of the road. He suggested it would create a hazard to stop and start. There is a residential lot to the east, and the fire house is to the west. Mr. Fleming stated he is asking for curb and sidewalk because there is curbing and sidewalk on nearby properties, even if not on the immediately adjacent properties. There are several outstanding questions regarding the ownership of the rights-of-way that are located around the property. If they determine where to put the sidewalk, it would be easier to determine if it were feasible. He added that there are still several access questions which are similar in nature. That determines where the sight triangle should be placed and the driveway should be located. There are questions that cannot be answered or a determination cannot be made without this information. Mr. Lighty asked if the problem is that the information is not available or if it just wasn't put together yet. Mr. Fleming stated it should be available. Mr. Lighty stated it is difficult to make a recommendation on the plan if there is missing information. Mr. Grottola stated

that if they are fortunate enough to find it, he could imagine a section of curb inside there, and if you've seen the site, the way the utility pole is set up and with the paper alley, it would create a hazard and would also create a channel for the stormwater, and he would be afraid of altering the flow. Because the lot is flat, the water goes towards the fire station's inlet on their property. He would not want to change something that works. Mr. Fleming stated he cannot respond when there is missing information. Once the information is shown, he can respond to these types of questions. Mr. Gingrich stated the information needs to be shown on the plan.

Mr. Lighty asked about the waiver request for showing elevation datum. Mr. Grottola stated it is the same answer as regarding the contours.

Mr. Lighty asked about the waiver request to providing existing natural features. Mr. Grottola stated it is asphalt. Mr. Fleming stated he would like to see the inlet mentioned, existing utilities, easements, et cetera. He explained that the existing features plan is the foundation for the proposed conditions.

Mr. Lighty asked about land dedication for recreation. Mr. Fleming stated a fee-in-lieu is appropriate.

Mr. Lighty asked about the erosion and sedimentation plan. Mr. Fleming stated he needs to see the backup information to see why it is not applicable. That would include the total disturbed areas, to make sure they are not required to do an E&S plan.

Mr. Lighty asked about the hydro-geological study. Mr. Fleming stated the site has an existing well, so the study is applicable.

Mr. Lighty asked if the applicant had any other questions. Mr. Grottola stated he will try to get the information so they can find out where the right-of-way boundaries are; even with that information it would be a poor decision to install sidewalks where there is currently asphalt.

Mr. Gingrich asked what the time line is for this project. Mr. Grottola stated there is an issue with a grant. Mr. Calhoun stated that construction is supposed to start between January and March. As long as they make a payment on a bill, that time will be extended five years, which they will pay on the bill. Mr. Newsome and Mr. Lighty asked for clarification. Mr. Calhoun stated that if March comes and the SCEMS has not made any payments on this project, they will lose the grant.

Mr. Gingrich stated there are too many things unanswered for the plan to move forward. Mr. Lighty agreed, noting there are at least three waiver requests that need significant answers. Mr. Newsome stated there are striking deficiencies on the plan, beyond the waiver issues. Mr. Lighty stated it is not a very big plan, but it still should be complete. Mr. Grottola agreed it needs some work before it is filed in the archives.

Mr. Tim Smith, Dauphin County Planning Commission, noted there is an adjacent lot, and suggested combining the two lots. Mr. Grottola stated they do not own the other lot.

There were no comments from the audience.

Mr. Gingrich made a motion to table the plan, in order to allow the applicant to make corrections to the plan. Mr. Newsome seconded the motion, and a unanimous vote followed.

Final Subdivision Plan #10-16
Autumn Oaks, Phase II

Ms. Moran stated that McNaughton has submitted a plan for Phase II of the Autumn Oaks plan. Phase II consists of 48 units (24 single family detached dwelling lots and 24 duplex units). The plan also includes one open space lot and one residual tract. The property will be served by public water and public sewer.

Ms. Moran explained that The McNaughton Company owns 313.47 acres of land off of Patton Road; 133.387 acres are located in the R-C, Residential Cluster District, 177.49 acres are located in the R-1, Low Density Residential District, and 2.55 acres are located in the CO, Conservation District. The residential cluster development is Autumn Oaks. The overall plan contains a 203-unit residential cluster development, 6 fee simple open space lots within the RC zone, 1 residual tract within the RC zone, and 1 residual tract north of the RC zone.

The 203 units of the cluster development will contain a mix of 92 single-family dwelling units, 40 duplex units, 47 villa units, and 24 townhouse units.

Phase II will contain the construction and dedication of the remaining 910 feet of nature trail and 18,107 square feet of easement associated with the trail.

The Board of Supervisors granted approval of the Preliminary Subdivision Plan for Autumn Oaks on August 5, 2008.

The following waivers were granted with the preliminary plan approval:

1. Waiver of the minimum street intersection separation requirement.
2. Waiver of the requirement to provide curbing and widening on Parkway West.
3. Waiver of the requirement to provide vertical curb. Slant curb is proposed.
4. Waiver of the requirement to provide Type C inlet grates in streets.
5. Waiver of the requirement to provide low flow channel and basin under-drain in basins.
6. Waiver of the requirement that driveways shall be located not less than 10 feet from a catch basin, drain inlet, or fire hydrant.
7. Waiver of the requirement that there be a maximum of 20 dwelling units on a cul-de-sac.
8. Waiver to allow the placement of islands within a cul-de-sac turnaround.
9. Waiver of the street cartway widths.
10. Waiver of the street horizontal curve requirement.
11. Waiver of the requirement regarding location of the sidewalk.
12. Waiver of the paved turnaround requirement.

13. Waiver of the requirement to reduce the street vertical curve sight distance.

Mr. Tim Mellott, Mellott Engineering, was present on behalf of the plan.

Mr. Lighty stated it doesn't appear that there are any changes from the preliminary plan to the final plan. Ms. Moran agreed and noted that Mr. Mellott brought a diagram of the master plan so the Commission could see what was going on in relation to the overall plan.

Mr. Mellott stated McNaughton is doing well with single-family dwellings right now, so they are pursuing this phase.

Mr. Lighty asked when construction is to begin. Mr. Mellott answered they would like to start right away. They are well underway for the E&S plan, and contractors have bid on the project already. This community appears to be very desirable. Mr. Lighty asked if the interest is just in this neighborhood or in general. Mr. Mellott answered that there had been a strong interest in townhomes and multi-family units, but right now there is a push for single-family dwellings.

Mr. Newsome asked if access to this phase is Autumn Oaks Drive. Mr. Mellott showed the Commission on the plan that Autumn Oaks Drive is constructed up to a certain point, and the rest will be done with this phase.

There were no additional comments from Dauphin County Planning Commission.

Mr. Lighty asked for comments from the audience.

Mr. Mark Levine, SWAN, asked the diameter of the cul-de-sacs. Mr. Mellott answered 120 foot diameter right-of-way, and 100-foot diameter paved cartway.

Mr. Newsome made a motion to recommend approval of the plan, as presented. Ms. Lindsey seconded the motion, and a unanimous vote followed.

Subdivision & Land Development Ordinance
Adopted November 1, 2010

Mr. Levine stated that he actually read the document, unlike some other people. He explained that the SALDO went to public hearing and SWAN had some comments, and rather than hold up the ordinance, it was suggested to consider SWAN's suggestions as amendments.

In the definitions, Mr. Levine stated that a subdivision should be for plans with 5 lots or less, and a development should be for plans with more than 5 lots. He noted that staff says 2 or more lots is a subdivision. He doesn't care about that, but when it comes to development, it is a matter of what the word is. A development can be an adjective or noun. He suggested it should be used as a noun, in addition to the current definition. Mr. Lighty stated the word as defined in the ordinance is how it is meant to be used throughout the ordinance. Mr. Fleming stated the definition reflects the Municipalities Planning Code (MPC)'s definition. He explained that subdivision is creating a new lot

or lots, and a development is about construction or building something new on undeveloped land. A plan can be a subdivision and land development plan, if it is doing both. Mr. Fleming stated that legally the definitions are correct. Mr. Lighty stated it is common for the public to refer to a subdivision as “the new development” but an ordinance is not the proper place to add vernacular wording. Mr. Levine spoke of his work in the electric industry, and suggested enhancing what is in the ordinance. Mr. Lighty stated the Township must follow what is in the MPC, which is the enabling document that allows municipalities to take certain actions, such as adopting a SALDO and zoning ordinance. It cannot go beyond its granted authorities.

Mr. Levine talked about roadway centerlines as they related to the electric industry. He noted that the centerline was actually in the center of a lane on a 5-lane road. He suggested that on roads that do not have centerline designated, you should go by the center of the paved cartway, or between opposing lanes of traffic. Mr. Fleming asked what is lacking in the current definition. Mr. Levine stated it does not define the cartway centerline. Mr. Fleming stated that is self-defining; centerline means mid point. Mr. Levine asked if it is defined in Lower Paxton’s SALDO. Mr. Fleming stated it doesn’t have to be. Mr. Lighty stated that PennDOT defines the term, and Lower Paxton incorporates PennDOT’s regulations. Mr. Fleming noted it is important to remember that the SALDO does not address existing elements, only proposed subdivisions and land development plans. Proposed plans are required to show the centerline on the plan. This is because of what has taken place over the last several hundred years, where streets were built over horse paths, the centerline of the right-of-way is not the same as the centerline of the cartway; that is a legitimate concern. However, that situation would not occur under a new plan.

Regarding Section 180-303.E.5.a, Mr. Levine suggested adding that if a plan is extended after its final approval, it must be updated to meet current regulations at the time of the second extension. Mr. Lighty explained that extension is not automatic, it is left to the discretion of the Board of Supervisors; the suggestion removes that. It would also take away the legal rights of the property owner. Mr. Fleming added that the Board is not required to grant the extension, they may grant it, or they may grant it with conditions, or they may deny it. Mr. Levine suggested it should not be discretionary on the second extension. As a side note, Mr. Lighty stated that PA Legislature enacted Act 46, automatically extending approvals until 2013.

Section 180-403. Mr. Levine suggested the plan should show the location of the street name signs. He explained it is important for utility companies, so they do not put their lines where the sign is going to go. Mr. Newsome asked how erection of street signs takes place. Mr. Fleming stated the developer pays the Township to install the signs. Mr. Levine asked how the Township knows where to put the sign. Mr. Fleming stated they follow Township guidelines which mirror PennDOT specifications. Mr. Levine asked how they know the sign will not hit an underground utility. Mr. Fleming stated they do a PA One-Call. Mr. Grove noted that PA One-Call is a requirement when digging or working underground. Mr. Fleming stated he has been involved with several sign placement issues, so he is certain that the sign shop personnel do this regularly. Mr. Levine suggested the sign be marked on the plan, so the utilities know where not to put their lines. Mr. Fleming stated the municipality does not tell the utilities where to place their lines.

Section 180-504.G. Mr. Levine suggested the word “possible” should be “practical”, and “shall” should be changed to “may”. He stated it is not practical to run a utility in a property line, then turn 90 degrees to run along the next property line. He stated this is very important. Mr. Fleming stated the reason for using the word “shall” is because the ordinance is written to address all situations. If a situation is found to be impractical or infeasible, the developer requests a waiver from that requirement based on the infeasibility. Mr. Levine stated if you change those two words you won’t need the waivers. There are too many waivers going on. Mr. Fleming stated if those two words are changed it becomes a suggestion and not a requirement. Mr. Grove stated it is written so that certain criteria are met, it is not meant as a suggestion. Mr. Lighty stated that if permissive language is used, the developer can do whatever he wants. The SALDO sets the standard, and if something is impractical for a certain project, they request a waiver, which is when due process is applied, and the Board of Supervisors has the responsibility to decide whether to allow it or not.

Mr. Lighty stated the notion that there are too many waivers is a misconception. It is a mechanism built into the system so the best possible product is achieved, and there is practical and reasonable governmental judgment applied to items that otherwise would be ridiculous.

Mr. Levine spoke about placement of utility poles. Mr. Fleming stated that the ordinance addresses main runs, which are public facilities that run along property lines; however, the service laterals are private service lines and are not part of this ordinance.

Section 180-507.C.1. Mr. Levine suggested adding LED, and that no mercury vapor lighting is permitted. Mr. Grove stated that the Township does not want to restrict the lighting fixtures to a certain product when technology is always progressing. As time goes on, the LEDs may get better, or another product may replace it. Mr. Newsome noted that LEDs do not produce enough heat to melt the snow.

Section 180-511.D.2. Mr. Levine stated wording should be added to require that a developer add to a dry system, in the amount equal to their frontage. Mr. Lighty stated that will contribute to a piece-meal problem. Mr. Fleming stated that this will lead to major infiltration and inflow (I&I) problems. There is huge benefit in doing a utility in long runs, rather than repeated excavations and pipe pieces. He also noted that sewer extensions are driven by development, not arbitrarily run.

Section 180-511.E.4. Mr. Levine suggested the sewage treatment plant may be a good use of the flood plain, as long as the water line is at least 10 feet above the limit of the 100-year storm. Mr. Fleming stated that would go against FEMA regulations. FEMA has just updated their requirements, and Lower Paxton will update its requirements based on FEMA’s changes. It is a goal to get essential services such as hospitals out of floodplains. Mr. Levine asked about Shipoke and the homes in Harrisburg along the river and along Cameron Street. Mr. Fleming stated the SALDO addresses future development within Lower Paxton Township. He noted that the regulation does not restrict the right to build, it limits the types of things that can be put there. Public service facilities are prohibited. Mr. Levine suggested that is why the height of the facility is important. Mr. Fleming stated that the 10 feet notion is arbitrary.

Section 180-512.B.2. Mr. Levine suggested changing the 1 year to 5 years to match the requirement for sewer. Mr. Fleming explained that a water system is not the same as a sewer system, and the Township cannot dictate where it is located. Water is regulated by the PUC, not the municipality. Mr. Lighty stated they are laid at different depths and there are separation requirements. Mr. Fleming agreed, but noted that the bigger issue is planning; the water company may have a 5-year plan, but it changes every year. Mr. Fleming stated that dry systems are not a good idea, from the standpoint of the integrity of the system. It is a system designed to be in the ground under pressure. Part of what holds it all together is the water inside. The older it gets, the more critical it becomes. The pipes will settle, shrink and shift over time, causing it to lose its integrity.

Same section, Mr. Levine suggested that in the event of reconstruction, if water is to the property, the property is required to hook up to public water.

Business Improvement District

Mr. Newsome asked if there will be a meeting prior to going to the Supervisors. Mr. Lighty would like to circulate the draft preliminary plan electronically, and take comments the same way. At that time, he would like to determine if another meeting is necessary, then take the plan to the Board.

Wind Energy Subcommittee

Mr. Lighty stated that the subcommittee members have received some background information to review, and hopes to have something to report by the January meeting.

PUBLIC COMMENT

There was no public comment offered.

COMMISSIONER COMMENT

There were no additional comments from Commissioners.

ADJOURNMENT

The next regular Planning Commission meeting is scheduled for Wednesday, January 12, 2011, at 7:00 pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned at 9:14 pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary