



*promoting sensible development with adequate infrastructure*

March 4, 2011

Lower Paxton Township Planning Commission:  
425 Prince Street  
Harrisburg, PA 17109

**Stray Winds Area Neighbors Testimony  
Re: Triple Crown Corporation's Proposed Modified Text  
Amendment**

Dear Planning Commission Members:

I am writing on behalf of the Stray Wind Area Neighbors ("SWAN"), a coalition of citizens and taxpayers from Centennial Acres, Colonial Crest, Colonial Village, Crums Mill Neighborhood, Quail Hollow, Club Estates, Club Estates Condos, Colonial Hills, Fairway Estates as well as private property owners and representatives from conservation, engineering, environmental and preservation organizations who have donated their time and services and provided invaluable advice on traffic, safety, land use and quality of life issues. (Enclosure 1)

We would like to formally acknowledge the work of Lower Paxton Township Supervisors and their staff as well as the Planing Commission, Parks and Recreation Board and the Zoning Hearing Board, in developing, implementing and maintaining high standards to afford a superior quality of life for Township residents. In addition, we applaud Triple Crown Corporation's ("TCC") efforts to meet with SWAN and create a dialogue for mutual cooperation and collaboration.

At a workshop session on February 14, 2006 with the Board of Supervisors, TCC presented a plan for the Stray Winds Farm (“SWF”) for up to 494 dwelling units which reflected a 20% density request by TCC. The plan had limited buffers, no improvements to McIntosh and Crums Mill Roads, no senior housing, and below-market townhouses. The Supervisors cited concern about the traffic, but noted that issue fell under the purview of Penn DOT. At that meeting, we stated that SWAN could not support TCC’s plan while the housing figures moved from 453 to 494, and possibly up to 745 units for a Traditional Neighborhood Development.

SWAN vigorously opposed the aforementioned application relating to Triple Crown Corporation’s request for a variance to develop Stray Winds Farms, Re: Application for Variance of Part 4 Open Space development Provisions Article 1117, Section 1177.06 Z(b) Density Determination in the R-C Cluster Open Space District-Yield- Plan for TCC.

SWAN and TCC worked on a compromise solution over an eight month-period from 2005 through 2006.

**SWAN supported TCC’s compromise plan on April 27, 2006 when it was presented to the Township.**

We believe the 2006 compromise plan represents an innovative social partnership that will help Lower Paxton grow smart. TCC addressed many of the concerns raised by those who live in close proximity to the farm, and agreed to attach the following reasonable conditions to the development of Stray Winds Farm:

- Specifically, TCC committed that 53% of the total number of dwelling units on the farm or lots 3 and 6 would be reserved for Age Restricted housing.
- Triple Crown agreed to provide natural buffers, build, construct and maintain an 8,400' bike and pedestrian pathway, and construct a 10 acre park.
- The company exchanged lower-end townhouses off of Paxton Church and Crums Mill Road with more desirable units. While we are anxious to move pedestrians off the road; especially during dawn and dusk hours, TCC has committed to additional LED lighting.
- TCC has also taken out additional land that was to be developed, pushed the amount of preserved open space in Lower Paxton Township up to 45% , and extended buffers on the Paxton Creek up to 150' on each side of the waterway.
- The Company's original plan contained a minimal land buffer on Paxton Church Road from Crums Mill Road back beyond Haven Croft. We asked TCC to insert a 50' to 70' buffer, plant evergreen trees, and move the development north. The Company agreed to SWAN's requests and lost three units in the process.
- TCC agreed not to seek condemnations for Hillsdale, Valley View and Woodcrest Roads and Woodcrest Circle, or build "as a right" on Hillsdale and Valley View Roads. TCC allowed SWAN to reconfigure the unit layout in lot 6 that abuts Valley View Road.

- SWAN is aware that additional impacts will occur as a result of development along Colonial Road. TCC has agreed to spend \$1.8 million dollars to address chronic traffic problems in the Township. TCC has also agreed to contour an already dangerous intersection at McIntosh and Crums Mill Roads as well as McIntosh and Colonial Roads, and the Company will be required to make other improvements to roadways within their boundaries as well as maintain internal traffic conduits.

SWAN provided detailed concerns to the Supervisors and Planning Commission relating to traffic congestion and safety challenges. We remain concerned about the ability of our roads to accommodate increased traffic during regular and peak periods now, tomorrow and into the future with increased development.

In the intervening years, legal challenges from individual land owners have occurred and postponed the implementation of this compromise plan.

The developer approached SWAN about alternative development plans. On September 20, 2010, SWAN discussed TCC's proposal to rezone the SWF from R-1 to R-2. It was an audience driven meeting, and it was clear that all segments of SWAN opposed R-2 for numerous reasons. The depth of the opposition was strong. In fact, a resolution from the floor to oppose rezoning SWF to R-2 passed unanimously.

On January 6, 2011, Triple Crown Corporation e-mailed SWAN about a proposed text amendment change to the Township's existing zoning ordinance. The company also stated that they planned to submit the proposal to the supervisors on Tuesday, January 11, 2011.

SWAN acknowledged that the proposal was an improvement over a blanket R-2 designation, but objected to the short notice provided and stated there were serious issues and potential problems with the proposal which required a timely evaluation process.

On Tuesday, January 11, SWAN officers met with Triple Crown.

And on January 17, 2011, SWAN's membership had a substantive discussion and dialogue after TCC's presentation at a special meeting.

On February 7, 2011 SWAN convened a membership meeting dedicated to TCC's proposed text amendment. SWAN voted on the following two ballot questions:

“Do you support the text amendment proposed by Triple Crown Corporation relating to the Stray Winds Farm”?

- 1) SWAN members voted 53-6 against the original text amendment.
- 2) "Would you support pursuing a compromise solution?"

SWAN voted 33-22 in the affirmative.

Numerous concerns were voiced in the meeting and captured in SWAN's testimony sent to the Board of Supervisors on February 8, 2011.

On Thursday, February 10, 2011, SWAN representatives met with TCC and began a dialogue about a possible compromise solution.

SWAN examined documentation relating to the surety bond required by the Township to ensure public improvements and other measures are guaranteed, including the details of the original park design as itemized in the Parks and Recreation Board's letter of June 14, 2007. (Enclosure 2)

TCC also committed to reinstate add 67 age restricted housing units or 15% of the entire project. At least east fifteen percent (15%) of the total number of dwelling units which can be constructed on the property shall be sold by the developer of the property to a person or persons fifty-five (55) years of age or older ("Age Restricted Transfers"). The developer will annually certify the Age Restricted Transfers to the Township until the total number of transfers is met, and in default thereof TCC acknowledged that the Township can issue a "stop work" order to TCC until compliance has been achieved.

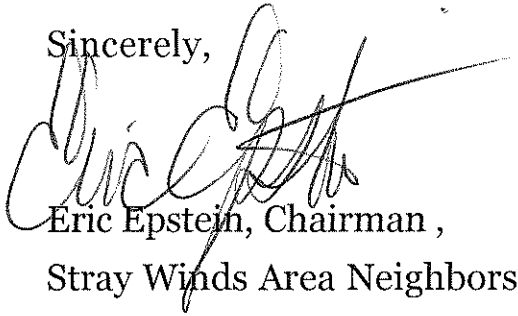
With the exception of the Age Restricted modification, **all elements of the compromise plan as identified on page 3 remain in tact.**

On February 28, 2011, SWAN reconvened and asked TCC to present the negotiated compromise amendment. We asked our members to vote on the following question:

"Do you support the modified text amendment proposed by Triple Crown Corporation relating to Stray Winds Farm"?

SWAN membership voted **in support of the modified text amendment** by a 30-22 vote.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Epstein", written over the typed name below.

Eric Epstein, Chairman ,

Stray Winds Area Neighbors

cc:

George S. Wolfe, Lower Paxton Township, Manager

Diane Moran, Lower Paxton Township, Planning and Zoning Officer

John DiSanto, Esquire, President, TCC

Mark DiSanto, CEO, TCC

**Enclosures**

# Enclosure 1

## **Mission Statement**

The mission of Stray Winds Area Neighbors is to monitor and provide leadership for responsible development in Lower Paxton Township in the interest of maintaining and improving the quality of life for all township residents. We advocate a desired balance of preserving natural resources, assuring sufficient infrastructure to support existing and planned development, promoting environmentally friendly development, and striving to achieve higher safety objectives for all development initiatives.

### **Statement of Values:**

**Scope:** SWAN was initially organized with focus upon defined development in the northwest quadrant of Lower Paxton Township. This will continue to be our primary focus. Our group will monitor and embrace development issues and initiatives throughout Lower Paxton Township and adjacent jurisdictions where these proposed development activities strategically impact upon our mission.

**Commitment:** We exist to present concerns, issues, and proposals to Lower Paxton Township and other affected jurisdictions. We will strive to effect consensus solutions but not shirk from taking resolute actions to preserve our mission.

**Preservation and Conservation:** We promote the goal of preserving open space and existing natural resources that support existing flora and wildlife. We also advocate responsible environmental improvements and innovation for sustainable development so that future township generations will be able to share in appreciating these natural resources.

**Teamwork:** We actively participate in a community partnership with township officials, local residents, environmental organizations, developers, and like-minded professionals to better plan for development and resolve issues. We feel our goals can be accomplished by working cooperatively with all of our constituents.

**Communications:** We encourage active and open communications with all of our stake holders and constituency ranging from a lone citizen to an entire neighborhood. We will actively attend pertinent citizen and township meetings/forums, and disseminate information through all means possible.

**Core Goals:**

SWAN is committed to the following core goals:

- Promote sound conservation of the Paxton Creek watershed, surrounding wetlands and wildlife habitats.
  
- Promote natural assets to enhance the quality of life and provide environmental safeguards .
  
- Promote safe communities through improved design for efficient management of traffic Promote sensible development with adequate infrastructure.
  
- Promote sensible development with adequate infrastructure.

# Enclosure 2

**LOWER PAXTON TOWNSHIP**

PARKS AND RECREATION DEPARTMENT

5000 COMMONS DRIVE • HARRISBURG, PA 17112

PHONE: (717) 657-5635 • FAX: (717) 657-5022

Web site: [www.friendshipcommunitycenter.org](http://www.friendshipcommunitycenter.org)

To: Lower Paxton Township Board of Supervisors

From: Parks and Recreation Board

Date: June 14, 2007

Subject: Stray Winds Farm

Persuant to the direction given by the Board of Supervisors, the Parks and Recreation Board met yesterday with Mark DiSanto and Pete Leone concerning the recreational facilities to be placed within the proposed park at the Stray Winds Farm development. The Parks and Recreation Board, Mr. DiSanto and Mr. Leone have come to agreement on the following items which are recommended by the Board:

1. The ten acre parcel delineated on the most recent map of the area (dated 3/21/07) will be accessible to the general public and the area will be available for programming by the Township for recreational activities (examples: playground program, sport or nature activity).
2. The area and facilities will be maintained as per the Mandatory Recreation Dedication Ordinance as interpreted by the Township Solicitor.
3. The eight foot wide and 8,500 foot long paved and lighted walkway with bridge should be constructed as a recreational facility maintained by the Neighborhood Association. The fitness circuit equipment associated with the walkway should also be installed.
4. A 30' x 60' pavilion and 25 space parking lot should be constructed at the approximate locations where indicated on the current park map.
5. The map area labeled for open play, tennis/basketball court, gazebo, and play equipment should be made level and seeded.
6. The play equipment should be installed at the approximate location indicated on the map.
7. The tennis/basketball court and gazebo should not be constructed.
8. The costs for these improvements have been supplied by Triple Crown Corporation on the attached page dated June 13, 2007. Once these improvement costs are subtracted from the original fee-in-lieu figure of \$1,032,700, the fee-in-lieu payment becomes \$356,094.
9. The construction of the park and facilities above will be completed within the first phase of development.

The Parks and Recreation Board understands that Triple Crown Corporation has entered into an agreement with SWAN concerning a riparian buffer along Paxton Creek. The

Board also recognizes the long-term need identified in the Township's Comprehensive Plan to begin the collection of easements along selected waterways leading to destinations such as the Harrisburg Area Greenbelt. The Paxton Creek has been identified by the Greenway Plan as a logical link to the Greenbelt, which would allow walkers, runners, and bicyclists access to Harrisburg and its suburbs on a 20 mile continuous loop.

In support of the Comprehensive Plan, the Greenway Plan Committee's work over the past year, and the draft Greenway Plan which specifically identifies this area for future pathways, the Parks and Recreation Board recommends acquiring a 50 foot wide easement near the west bank of the Paxton Creek, and from Paxton Creek to Crum's Mill Road near the north boundary of Triple Crown's property. The intent of the easement is to preserve the long-term future possibility, with the cooperation of future landowners nearby, of the establishment of an environmentally sensitive trail system for the enjoyment and health of the community.

If you have any questions or comments, please contact the Parks and Recreation Board through the Staff Liaison, Brian Luetchford.

Thank you for your consideration.