

MINUTES

PUBLIC HEARING – DECEMBER 1, 2010

LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS

A Public Hearing of the Lower Swatara Township Board of Commissioners, held at the Lower Swatara Township Municipal Building, was called to order at 6:00 P.M. by President Frank Linn, Sr.

Roll call was taken with the following officials in attendance:

- Frank Linn, Sr., President
- William L. Leonard, Vice President
- Thomas R. Clark, Commissioner
- Robert L. Loych, Commissioner
- Thomas L. Mehaffie III
- Ronald J. Paul, Manager/Secretary
- Peter R. Henninger, Township Solicitor
- Ryan Hostetter, HRG, Township Engineer
- Jean R. Arroyo, Recording Secretary

Residents and visitors in attendance:

- John R. Brubaker (625 Hoffer St.)
- Ron Lucas, Stevens & Lee
- Tim Sipe (KGH Properties)
- Matt Genesio (KGH Properties)
- Jeannie Dunaway (279 Selma Ave.)
- Sonja Miller (506 N. Lawrence St.)
- John Ziats (271 Selma Ave.)
- Petty Ginnovan (535 N. Lawrence St.)
- Robbin Barnes (328 Dauphin St.)
- Ron Honeycutt (328 Dauphin St.)
- Jon Wilt (1257 Longview Dr.)
- Bill & Emily Botterbush (505 N. Wood St.)
- Ruth & Ron Helwig (341 W. High St.)
- Peter & Lillian DeHart (523 N. Wood St.)
- Deena Rishar (510 N. Wood St.)
- Michelle Keeney, Norma Keeney, Ronald Keeney, Isaia Rogers (310 Dauphin St.)
- Phyllis Zimmerman (Patriot-News)
- John Tierney (3029 N. East St., Hbg.)
- Jo Ann Coleman (1332 Spring House Rd.)
- Paul Cook (Old Reliance Rd.)
- Mike Williams (Bryn Gweled Subdivision)
- Chris DeHart (LST Fire Dept.)

Mr. Paul stated the purpose of the Public Hearing is to receive public comment on a proposed ordinance that would amend the Township of Lower Swatara Zoning Ordinance to define the term “Student Housing”, permit Student Housing as a use by Special Exception in the Commercial Neighborhood (C-N) District, and establish criteria that must be met for Student Housing to be permitted as a Special Exception. Solicitor Henninger added that the Notice of the Public Hearing was properly advertised in accordance with the municipal planning code. KGH Properties, Inc. is the applicant for this request. The floor was then turned over to Ron Lucas, from the firm of Steven & Lee, who is the attorney for the applicant.

Attorney Lucas explained that his client is requesting an amendment to the text of the Lower Swatara Township Zoning Ordinance to allow student housing as a use by Special Exception in the Commercial Neighborhood District. The text amendment includes the definition of student housing, which is not in the present ordinance. The use would be permitted only by Special Exception. This means that if the ordinance is approved, the applicant would have to submit an application for Special Exception to the Zoning Hearing Board. This would need to be approved before a Land Development Plan is submitted. Attorney Lucas added his client is also proposing use regulations for the Special Exception criteria. The applicant would need to establish before the Zoning Hearing Board that it can meet all this criteria. The applicant in this case, KGH Properties, has an interest in developing student housing on property on West Main Street, between Wood St. and Lawrence St. (on the north side of Main Street).

Attorney Lucas added that the proposed ordinance was reviewed by the staff, the Township Planning Commission and the Dauphin County Planning Commission. Changes were recommended during the process, and revisions were made. The Planning Commission is recommending this ordinance for approval.

Mr. Lucas then explained the criteria that an applicant must meet, and must continue to meet, in order to be approved for a Special Exception for Student Housing: the development has to meet the requirements in the Residential-Multi-Family (RM) District; it must be a minimum of a 2 acre tract size; it must have public sewer and water; it must be within 1000 feet of the property line of a property owned or leased by an educational institution, college or university; the density is limited to a maximum of 12 student housing dwelling units per acre; there are no basement units permitted; there can be no more than 4 bedrooms in any dwelling unit and no less than 1 bedroom for every individual in a unit; off-street parking is required to be provided at the rate of one parking

space for each bedroom on the property and all parking spaces must be located within 200 feet of the dwelling unit it is intended to service; if there is 20 or more dwelling units in a complex, a full-time manager shall reside on the property; and a minimum of 20% of the net lot area must be set aside as permanent open space and cannot be used for stormwater management purposes, such as a detention basin.

Attorney Lucas then introduced the applicants, Matt Genesio and Tim Sipe of KGH Properties and stated they would be happy to answer any questions that arise this evening.

President Linn stated that the Board would like to receive, at this time, input from the public regarding this proposed ordinance. He noted that there will be no decision or vote on the ordinance this evening. He asked that anyone wishing to address the Board give their name and address, and be respectful.

Norma Keeney, 310 Dauphin Street, thanked the developer for addressing a number of issues raised over the last couple weeks. She added, however, that she is concerned about the change from 11 student housing units per acre to 12 student housing units per acre. She asked the validity of this change. Ms. Keeney also commented on today's flooding in the Eagle Heights area, including the cemetery lot where the farm is located. The leaves blocked the gutter, because there is no storm drain from Dauphin Street. She inquired about provisions for future storm sewers north of this development. President Linn agreed that he and Mr. Paul had looked at this area several months ago. The farmer is plowing too close to the road, and should allow more green area so the water doesn't flood across the road. This will be pursued with the farmer. Ms. Keeney said she appreciates that. However, when she had problems with the water pressure coming in through her basement, which is directly across from that field by the large culvert, she was told it was an act of God.

Matt Genesio asked to address Ms. Keeney's comment about the density change. He explained that the current section of the ordinance allows for 4000 square feet of lot area, which ends up being about 10.6, almost 11. What the proposed development shows is about 11.6. Mr. Genesio explained that the increased density was requested to better enable the developer to improve the area, since there will be some pretty substantial Penn Dot improvements required. The developer felt this was necessary in order to do the plan properly; the Planning Commission concurred.

John Ziats, 271 Selma Avenue, asked why the developer didn't pursue converting the vacant Meade Heights area and the Alice Demey School for student housing purposes. Mr. Ziats stated that he personally loves the fact that Middletown is the oldest town in Dauphin County, and the mansions are part of that heritage. He stated he would hate to see these demolished and replaced with new and modern development. Mr. Genesio responded that he believes both the Meade Heights and the Demey school properties are currently owned by the University. He also stated that plans are to keep the Coble mansion intact, and use it for the leasing office and the on-site manager's office.

Jeannie Dunaway, 279 Selma Avenue, stated that she was under the impression that the other two mansions sitting directly on West Main Street will be torn down as either part of this project or the project being proposed by Greenway. Mr. Genesis agreed that the one mansion included in his project is being proposed for demolition, since it is dated and not salvageable. Ms. Dunaway stated that this is a real shame, and encouraged the developers to keep the mansions as part of their projects.

Ron Keeney, 310 Dauphin St., inquired if there would be yet another red light installed in this area. He cited the existing traffic backups at rush hour, and stated that most of the students will inevitably be driving, not walking, to the campus. Attorney Lucas explained that it would be up to Penn Dot to make that decision. Mr. Paul added that this would be closely scrutinized during the planning process. He added that both of the developers who are interested in building student housing in this area were strongly encouraged to coordinate their projects and plans with Penn Dot.

Ruth Helwig, 341 W. Main St., expressed concern about the private roads and the access in and out of the project site. Attorney Lucas explained that the initial sketch plan did show access on High Street and Wood Street. However, feedback from the neighbors was a desire to keep traffic out of the neighborhood. Therefore, the current sketch plan provides that no vehicular traffic from the student housing project will be required to spill into the rest of the development. There will be one means of ingress and egress, and that will be via Main Street. There is an emergency access along Wood Street for emergency vehicles only.

Michelle Kenney, 310 Dauphin Street, asked why there is the need for that many additional student housing units when the Village of Pineford has lots of vacancies. Mr. Genesio explained that this decision was made after consultation with the admissions department at Penn State. Demographics played a big part in this decision, as well as the need for consolidated student

housing. Ms. Keeney responded that when students are peppered through the community, they are more likely to embrace and respect the people that live around them. When they are isolated in one area, problems occur. She stated that the Eagle Heights area is her home, and the home of the residents here this evening. When the developers have completed this project, they will leave the area and she and her neighbors will have to deal with the 500 students. Ms. Keeney stated that this is a residential and commercial area, and should remain that way.

Sonya Miller, 506 N. Lawrence stated that she moved here for the nice, quiet neighborhood. If this project is approved, it will be ruined by noise and traffic.

Peggy Guinovan, 535 N. Lawrence St., agreed that she has lived here all her adult life and had planned to continue doing so. However, she cannot imagine living in a small neighborhood with 500 college kids. She also expressed concern about two separate companies with two separate developments in this one small area.

Ms. Helwig also questioned what this project will do to the property values of existing homes in the Eagle Heights area.

Ms. Dunaway explained that she and her family have been here since 1947, and she is not happy with this proposal. She stated that she has seen first-hand the problems associated with the rental property next door. She asked the Board to consider the feelings of the older folks who live in this area.

Mr. Genesio asked to give the public a little background on his company. He explained that his firm has been developing housing for college students for about ten years. After each of the projects was completed, the surrounding community has actually been improved for the positive. He explained this particular project will include buffers between the student housing and the rest of the neighborhood. There will be an on-site manager available 24 hours a day, and an advanced security system. Mr. Genesio stated that he strongly believes this project will benefit the neighborhood.

Peter DeHart, 534 N. Wood St., questioned specifics on the buffers referenced. Mr. Genesio stated that while it is too early to provide details about this, the intent is to keep vehicular traffic out of the existing neighborhood. This will be done via some sort of shrubbery, gardening, or fencing, depending on more specifics of the plan and Penn Dot requirements.

Michelle Kenney pointed to her young son, and stated that she will not feel safe leaving her child out to play in a neighborhood with 500 people she doesn't know on a personal level. She also

expressed concern with how this development will negatively impact her water pressure, since she lives at the top of the hill. Ms. Keeney cited some concerns with a few students who presently live in the neighborhood, and asked how KGH expects to control the behavior of so many students. Mr. Genesis stated that it is not fair to discriminate against them because they are students. He stressed that a lot of potential problems will be mitigated by an on-site property manager.

President Linn asked if the Board members had any questions or comments. Hearing no comments, he reminded the public that a decision will not be made this evening. Mr. Ziats asked how long the Board has to make a decision on the proposed ordinance. Solicitor Henninger explained that, as advertised in the Hearing Notice, the proposed ordinance can be considered for action at the December 15, 2010 legislative meeting. Mr. Ziats suggested that prior to action, the Board check with the Borough of Middletown to see how its community feels about the student housing project KGH did at the old Mansberger School. Mr. DeHart added that since the developer has been claiming accolades from other communities, he would like to see these submitted so the residents can actually read them. Mr. Genesis agreed to provide the Township with contact information pertinent to these other completed projects.

Norma Keeney referenced Attorney Lucas' comments about filing for exceptions, and questioned this terminology. Attorney Lucas explained that the student housing use would only be permitted by Special Exception. He clarified that while there isn't anything special or exceptional about the use, this is the terminology used. Any applicant interested in pursuing a student housing project would be required to go before the Zoning Hearing Board to provide proof that all the specific criteria can be met. Solicitor Henninger further explained that certain uses are allowed by right in the Commercial Neighborhood District. Student Housing, however, would only be permitted by Special Exception, which would require very specific criteria to be met in addition to the normal criteria of this district. If an applicant's request for a Special Exception is approved by the Zoning Hearing Board, the applicant would then be required to file a Land Development Plan, which would need to go through the Planning Commission review process, and ultimately be considered for approval by the Board of Commissioners. In response to a question from Ms. Keeney about the changing of setback requirements, Mr. Paul explained that front, side, and rear yard setbacks will be a minimum of 40 feet.

ADJOURN:

Hearing no questions or comments, a motion was made by Commissioner Mehaffie, seconded by Vice President Leonard, to close the Public Hearing. The motion was unanimously approved, and the Public Hearing was adjourned at 6:46 P.M.

ATTEST:

Ronald J. Paul
Manager/Secretary