

MINUTES

LOWER SWATARA TOWNSHIP PLANNING COMMISSION

**REGULAR MEETING
OCTOBER 26, 2017 7:00 P.M.**

Meeting was called to order by Chauncey Knopp at 7:00 P.M. with the following present:

Chauncey Knopp, Chairman
Eric Breon, Vice Chairman
Kimber Latsha
Dennis Fausey
Peter Henninger, Solicitor
Erin Letavic, HRG
Alexa Korber, DCPC
Ann Hursh, LST Planning & Zoning Coordinator
Tonya Condran, Recording Secretary

Absent:

Paul Wagner

Others in attendance:

Adam Davis, BL Companies
Tim Clouser, Resident
Matt Genesio, College Town Communities
Tim Sipe, College Town Communities

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

Mr. Knopp asked if there was a motion to approve August 24, 2017 meeting minutes. Motion was made by Mr. Latsha to approve the minutes and seconded by Mr. Fausey. All were in favor. Minutes were approved.

NEW BUSINESS:

CAMPUS HEIGHTS ASSOCIATES 3, LLC – Zoning Map Amendment – Review and discuss for recommendation the request for consideration of an ordinance to amend the Lower Swatara Township Zoning Map as submitted by Stevens & Lee Lawyers & Consultants on behalf of Campus Heights Associates 3, LLC.

Matt Genesio with College Town Communities explained what he said they had been working on for the past (~) six months in the Eagle Heights area. They have been operating Campus Heights for six school years with phenomenal success with the increase of PSU

Harrisburg's enrollment. He went on to inform that in May 2017 they were able to purchase the townhouses on Gina Lane; and then they were able to approach the other neighbors to see if they were interested in selling. He was able to get all of them under contract. The subject tract is about 7 acres with 11 or 12 homeowners. This is the last 7 acres up on Eagle Heights which in all total about 23 acres. This is also the last portion that is not zoned CN (Commercial Neighborhood), everything else is zoned CN in which student housing is permitted as a special exception. They are asking for the last 7 acres to be rezoned (from RU – Residential Urban) to CN so they would be able to get the special exception granted. He went on to say that he designed this new phase keeping in mind all the comments that were given to him 4-5 years ago with the second phase of Campus Heights. Everything is one-to-one parking, which is in the Ordinance. They really liked the layout of Phase 2, where they pushed the buildings as far north as possible to be closest to the campus, making the parking to be on the perimeter and to the south; so they had the site (Phase 3) designed in a way that mirrored Phase 2. In doing that, they have to build over Dauphin Street which is a public road right now. So, in the plans, they have relocated Dauphin Street to line up to where Gina Lane is now. This will make that a four way intersection which they feel is better for vehicular flow. In the township's comments from the past, it was stated they would like a loop of public roadway, so he explained that is why they did it this way. He went on to say that this plan meets all the requirements that are in the Ordinance now.

Mr. Genesio added that he feels that public roads are not needed where it will be all private property, so he would like to eliminate all public roads.

Mr. Breon asked him what he would do instead.

Mr. Genesio replied that he was actually getting ahead of himself; he was simply trying to illustrate tonight that they can comply with the current Ordinance and this (plan) is something close to what it would look like. All they are here for tonight is to seek a recommendation from the Township and the County Planning Commissions to have the area rezoned; they would then schedule a Zoning Hearing. So he wanted to illustrate this plan to the Planning Commission to give an idea instead of him just trying to explain it without visual references.

Mr. Breon asked if anything was being done with N. Wood Street as part of this project.

Mr. Genesio said that N. Wood Street will stay where it is. He feels that in its current state, it couldn't handle the stormwater. So all they would do when they make the improvements is control the flow of the stormwater; he said they would be open to improving that in some manner.

Mr. Breon advised Mr. Genesio that the Planning Commission would be looking at what they would be doing to create solutions with the stormwater problems on N. Wood Street.

Mr. Genesio stated that they definitely would be making improvements; they were only going to make it better, they cannot make it worse. He said however that they are kind of beholden to the infrastructure that is downstream, so if there is a small pipe downstream, then there would be a bottleneck there and they could not redo the Borough's entire infrastructure.

Mr. Breon said point well taken.

Mr. Genesio said they could not stop the water from getting down there (intersection on Main Street), but they could try to slow it down.

Mr. Breon asked if they would come back with a conceptual drawing of how they planned on doing that with the Land Development Plan.

Mr. Genesio said yes.

Mr. Genesio then handed out papers that showed a conceptual design of what it looked like to get rid of Dauphin Street.

Mr. Breon voiced his concern of getting a ladder truck in there, if needed.

Mr. Genesio assured that they would be able to meet the turning radius needed for the fire department's ladder truck. He went on to reiterate that he strongly feels they don't need a public road up there. He feels there is a better way to do it. Mr. Genesio also assured that the fire trucks would always be able to get close to the buildings no matter what configuration is south of them. There will be plenty of really good drive aisles, whether it be a public road or a parking lot.

Mr. Latsha wanted clarification on what area exactly was being requested for rezoning.

Mr. Genesio said it was the entire illustrated area on the handout that he gave them. (It was the little area of "Eagle Heights" that was currently zoned as RU.)

Mr. Latsha asked what was there currently.

Mr. Genesio said there was 11 townhomes that they (CTC) own, and there were another 11 or 12 private residences, one of which is a rental.

Mr. Fausey asked if they were considering taking the entire corner on Main Street and Apple Avenue.

Mr. Genesio said they haven't gotten that far down in the discussion. He said they would like to consolidate the whole thing, they would not have to rezone that area because it is already in the CN district, which is why they have not included that area in on this request being presented tonight. But if this subject area is rezoned to CN and everything is good, maybe in January or February, if they can see that it would add more value, they will definitely talk to the owners of those houses. He feels it is just a little premature for CTC at this point. They would have to do a lot of redevelopment to make it a cohesive project, but it is definitely something they are considering.

Mr. Latsha asked if all of the build-out was in that space or just part of it.

Mr. Genesio said all of it would be in the rezoned space. The entire project would go into the space that is currently zoning RU. This is the reason he is here tonight, to ask for recommendation to approve the rezoning from RS to CN.

Mr. Breon asked if all the home owners in this area were locked in.

Mr. Genesio confirmed that all the home owners in the RU district are all under agreement. He added that they had already purchased the townhouses and they have 33 students in there right now.

Mr. Henninger explained that if the Planning Commission tonight approves this request, it then gets sent on to the Board of Commissioners. From the Board of Commissioners, depending on approval, it would then go to the Zoning Hearing Board for a Special Exception, and then it would come back to the Planning Commission for the actual plans.

Mr. Latsha asked if Student Housing is a permitted use in the CN district.

Mr. Henninger said it is by Special Exception.

Mr. Breon asked if they had purchased any of the cemetery property.

Mr. Genesio said no, they did not buy any of the cemetery property.

Mr. Henninger informed that it was the other project in Middletown Borough that bought some of the cemetery property.

Mr. Genesio went on to explain that part of the reason as to why they designed it the way they did, was that they had an agreement with the First Church of God (on W. High Street in the borough) that CTC would allow the church to use their parking lot in the event of overflow parking on Sundays or special events. So they wanted to have kind of a separate parking area for that. Their anticipation, based on how the current lots are used, is that parking spaces furthest from the buildings or campus, no one usually parks there. He also added that, at most, 50% of the students bring cars; there will be 336 beds here and 354 parking spaces, so only 200 spaces would be used at best. Because they will then have 150+ parking spaces left over, they wanted to be “good neighbors” with the church.

Mr. Knopp asked Mrs. Hursh if she had any comments she would like to add.

Mrs. Hursh said that she only had some general comments that were talked about already. She reiterated that they will need a Special Exception if the map amendment does go through. It would obviously have to be designed to the standards of the Zoning Ordinance for student housing. And it is consistent with the Comprehensive Plan.

Mr. Fausey asked Mrs. Hursh if she was against Dauphin Street being a through street.

Mrs. Hursh said that if we don't need extra paving, why put it in? She said that obviously there would have to be arrangements that the firetrucks and garbage trucks (etc.) could get through. She said she talked to Lester Lanman concerning the streets. If there is no public use back there, we don't necessarily need a public street.

Mr. Breon said the only question he had about that would be that if that does become a secondary access for Nittany Place for emergency vehicles, he would worry a little bit in bad weather.

Mrs. Hursh responded that they did talk about needing some sort of agreement that they would maintain it to township standards.

Mr. Knopp asked Mrs. Letavic for her comments.

Mrs. Letavic said she agrees philosophically it is consistent with the rest of the zoning changes that have been made in the area. Other than that she doesn't have any further comment since it is just for zoning.

Mr. Knopp asked Alexa Korber from Dauphin County Planning Commission for their comments.

Ms. Korber said they would have this going up in front of the next Planning Meeting which is November 6th and that is when they will do their official recommendation. They will be sure to get the comments out to everyone as soon as possible.

Mr. Knopp asked Ms. Korber if she could see anything negative right now.

Ms. Korber replied that just speaking as herself and not on behalf of the Dauphin County Planning Commission, she said she thinks it seems logical.

Mr. Knopp asked if there were any other questions from the Planning Commission. There were none.

Mr. Knopp then asked the Planning Commission what they would like to do with this proposal.

Mr. Latsha made the motion to recommend approval, Mr. Fausey seconded.

All were in favor.

Motion was passed.

BUDDY'S RUN SUBDIVISION PLAN – Review and discuss for recommendation the application for an 11-lot single family detached dwelling subdivision plan to be located between Morgan Drive and Stoner Drive as submitted by BL Companies on behalf of Tim Clouser.

Adam Davis with BL Companies introduced himself and the owner of the property Tim Clouser who was also here tonight. He explained that the project area consists of two existing lots, one located along Morgan Drive and the other locating along Stoner Drive. The total subdivision include two other parcels located along Morgan Drive and one along Stoner Drive which has an existing residence. There is an existing stream which is located on the northern part of the property which was delineated along with wetlands. There is also an existing gas-line and easement associated with that. With the new gas-line going in, there was additional right-of-way and easement attained from Sunoco.

Mr. Breon asked if the 16 inch and 20 inch line shown on the plan was what is going in.

Mr. Davis confirmed that was correct, they are currently working on that.

Mr. Davis went on to discuss the proposed improvements. It is an 11-lot subdivision; ten of the lots are to be along the proposed cul-de-sac off of Morgan Drive; the eleventh lot would

have access along Stoner Drive. One of the lots on Morgan Drive would be obtained to gain entrance into this new proposed subdivision.

Mr. Davis then spoke about stormwater management. There is a proposed facility located along the stream out of the floodway. Sanitary Sewer would connect into an existing manhole and water would connect into an existing water-main located in Morgan Drive.

Mr. Henninger stated that the Municipal Authority met last night and the sanitary hasn't been looked at yet.

Mr. Davis added that the lot on Stoner Drive will have an on-lot septic system because there is no sewer lines along Stoner Drive.

Mr. Breon asked if Lots 1 & 2 would have a big detention ponds in the back.

Mr. Davis said that they would have the stormwater management facility, so yes.

Mr. Breon commented on the slopes in the backyards.

Mr. Davis said that those houses would have walk-outs or exposed basements.

Mr. Breon then brought up the subject of trees. There are many trees in that area and he asked what they were planning on doing with those trees.

Mr. Davis replied that that was one of their waiver requests. They have a total of four waiver requests:

- Preliminary Plan waiver
- Request to accept a fee in lieu of land dedication
- Requirement of sidewalk along Stoner Drive waiver
- Tree preservation waiver

Mr. Breon asked for an approximate number of trees to be removed.

Mr. Davis said he did not know and could not even guess how many.

Mr. Breon then brought up the topic of sidewalks.

Mrs. Hursh said that technically that would not be a waiver, it would be a deferral.

Mr. Fausey asked Mrs. Letavic about the tree waiver request. He asked who determines what trees/shrubs are needed.

Mrs. Letavic informed that the Planning Commission can provide conditions to approve that waiver. One of her comments refers to this. She feels as a trade-off, it can be required that they put in additional landscaping above what it ordinarily required.

Tim Clouser, owner of the proposed development, said that in Morgan's Run there are virtually no trees at all. This proposed development as of now is heavily wooded. He said that his intent is to make this a very desirable location. One of the reason he looked at this location was because of the beautiful beech trees and he intends to preserve what it possible. He would like to keep it a wooded area. What they envision is a lot of old growth trees sporadically throughout the area.

Mr. Latsha asked if that (how many trees are being talked about) could be marked or identified within a range of reason or would that be too burdensome.

Mr. Clouser said he is most concerned with which trees are healthy and proper. He said to go in there now to try to determine that would not be feasible. They will have to determine that along the way in the process.

Mr. Breon said that he agreed with what Mr. Clouser said, but he doesn't like the idea of the Planning Commission just giving out a carte blanche waiver.

Mr. Fausey asked for confirmation that they are not going to "clear cut."

Mr. Clouser assured that they were not going to clear cut.

Mr. Latsha wanted to know what could be done to hold some accountability as far as the tree issue.

Mrs. Letavic responded that one way to resolve this would be to do a tree survey. In that, every tree would be marked that was larger than ordinance required, which in this instant would be a caliper of 6 inches or more measured at a height of 4 ½ feet above the existing grade. But in a densely forested area such as this, it would be cost-prohibitive to do that. So another way to control it would be to minimize the limit of disturbance, which is part of the E&S Plan.

Mr. Latsha then asked for a plan that was economically reasonable but consistent to what Mr. Clouser was saying.

Mr. Breon made clear what the ordinance said. Requirement of trees of a caliper of 6 inches or more not be removed within 15 feet of a proposed foundation.

Mr. Latsha said that was pretty rigid. He asked Mr. Clouser if he needed more time to come up with a plan.

Mr. Clouser reiterated that he would like to preserve as many mature trees as he could, but you cannot have big trees in a driveway or against a house.

Mrs. Hursh said that because it states the trees “cannot be in a road or sidewalk area or 15 feet from a foundation” a waiver is not needed for that. But a waiver would be needed for everywhere else.

Mr. Henninger also added that anywhere the sewer line is going, the trees will have to be removed. Anywhere there are stormwater facilities, the trees will have to be removed.

Mr. Latsha said that none of this sounds unreasonable. But just because we are being told that a lot of trees are going to be saved, how do we know that. So all he is asking for is a compromise to make sure a sincere effort is made to save some of the trees that are required to be saved by the ordinance. Mr. Latsha said he is willing to waive some of the requirements but he is not willing to waive carte blanche.

Mr. Breon agreed that the way the waiver has been requested is too broad.

Mr. Clouser said they could agree to at least one tree in every lot, although he would like to keep more. He also pointed out that just one tree in every lot is more than the neighboring development has. And until he has the streets and sidewalks in, there is no way to say which trees can stay or go. Also, they do not want the trees to hang over the houses; and people usually do want some yard. So each lot is going to have to be looked at individually as far as tree preservation goes.

Mr. Henninger thought that maybe depending on the health of the trees and consultation with Township staff, the home owner can maintain up to five trees in the front yard.

Mrs. Hursh asked if there is some kind Developer’s Agreement that can be done in an instance such as this.

Mr. Henninger said that in his 30-some years on the Planning Commission, he has never seen one done regarding trees. However, that isn’t to say it couldn’t be done; he is just not

familiar with something like this. He feels that something like this could be handled by a significant note rather than a Developer's Agreement.

Mrs. Hursh said that if they show areas where there won't have to be a lot of grading, they can show that no trees will be disturbed in that area. But these lots with the houses, driveways and infiltration pits, there will not be any area to keep trees in the front.

Mrs. Letavic had a couple comments she wanted to bring to everyone's attention. The engineer mentioned that this plan enables three property owners to gain some land, so that means they should be party to this plan and they should be signing off on it. Without knowing directly what their opinion is, Mrs. Letavic feels it would be difficult to make a recommendation tonight.

Mr. Clouser said that a variation of this plan was in front of the Planning Commission back in 2007. Because of the economy, they decided to table it because of not being able to sell lots at that time. At that time, they did have a plan that was signed by the neighbors and they all are still in agreement with that. This new revised plan is actually less lots than the 2007 plan, partly because of the pipeline. The cul-de-sac is a little shorter than before.

Mrs. Letavic added that we will need a roadway deed of dedication and it appears to be proper to request additional right-of-way along Stoner Drive. The lot with the big house on Stoner Drive (Bosnyak property) has substandard right-of-way frontage. So since this is technically a subdivision, this is the township's opportunity to gain additional right-of-way so that it would meet today's standards. Not necessarily street improvements, just rights along that frontage so that we'd have the proper 25 foot width.

Mrs. Letavic said the other thing that is a little unique is the stream that traverses the property. It does have an easement on it, but it doesn't meet today's standard. So, the recommendation is to expand that easement to 25 feet from edge of bank. She believes currently it is 20 feet total. She feels this is a good thing to enforce because of the MS4 Permit, streams are very valuable to the Township right now because there will probably be a lot of projects along the streams.

Mr. Knopp asked for any Dauphin County comments.

Ms. Korber asked who would be responsible for the maintenance of the stormwater easement about Lots 1 & 2.

Mr. Davis replied that it would be the individual lot owners.

Mrs. Letavic added that township staff have a responsibility now; from this step forward we need to coordinate stormwater maintenance with every property owner that has an easement on their property. DEP tells us we need to put BMPs (Best Management Practices) everywhere, so township staff has to chase those property owners to make sure they are being maintained. So when the BMPs are seen across property boundaries by the township, it creates some problems. The easements may need to be looked at with respect to joint maintenance responsibilities between property owners. When you have a channel that flows across two properties, both property owners are jointly responsible as opposed to one property owner being responsible for 50 feet and the next property owner being responsible for the next 50 feet.

Mr. Latsha asked if it is mandatorily disclosed when selling the lots. He also asked if it was on the deed.

Mr. Henninger said that if you have an attorney that represents you when you are purchasing a property, he will let you know. It will be on a title search. An experienced realtor would also point that out to their buyer. However, not all title companies and not all realtors will tell you that.

Mr. Latsha then asked how we enforce that against a land owner that doesn't take care of their responsibility.

Mr. Henninger said we have a duty under the MS4 program to say that they are not maintaining their stormwater facility as required under the Ordinance. Worst case scenario, we go in and fix it and then put a lien against their property.

Mr. Knopp asked what it typically costs to maintain a stormwater facility.

Mr. Henninger said that it is generally just mowing it, unless there are some erosion issues.

Mr. Breon pointed out that it has to be dried out enough to be mowed.

Mr. Henninger added that it is a retention not a detention.

Mr. Fausey pointed out that he owns a retention pond that takes care of 11 properties. He gave an example that the five-inch rain that we had recently destroyed his back bank so he is in the process of repairing it now.

Mr. Henninger stated that this issue is problematic and it is more of an issue for local municipalities because of the MS4 requirements, because in the end it is up to the township to make sure it is taken care of and properly maintained.

Mr. Latsha stated that he has heard enough this evening that unless we are going to do this is piecemeal, he feels we need to table this until the next meeting and we get responses back.

Ms. Korber said she did have one more thing. She asked if the gas lines are in the process of going in or is one already there.

Mr. Davis said there is an existing line there and then Sunoco is coming in and installing two more lines.

Ms. Korber said there is a thing called the National Pipeline Mapping System and they described a line in that area as not a gas line but a hazardous liquid line. She was wondering if they are the same thing.

Mr. Henninger said when it is labeled "Gas Line" it is referring to natural gas. When it is labeled as "Hazardous Liquid Line" it is referring to other petroleum products that are highly flammable or explosive.

Mr. Fausey asked what is required when requesting a fee in lieu of open recreation space.

Mr. Henninger answer that on smaller projects like this, the township has the option to accept a fee in lieu of land dedication because otherwise the calculation would be about the size the board table that would probably only be big enough for a horse-shoe pit that the township would have to maintain. So the "fee in lieu of" on an 11-lot subdivision is far more feasible.

Mr. Knopp asked Mrs. Hursh for her comments.

Mrs. Hursh said her comments were basically the same as Mrs. Letavic's and there would be no need to go through all of them if they were going to be tabling it.

Mr. Henninger said that his only comment would be on the sewer. With the one lot that will have an on-lot septic, the Authority has not looked at it yet but he is sure it will be on their agenda for next month.

Mr. Knopp asked for any other questions or comments from the Planning Commission.

There were none, so Mr. Knopp asked what they would like to do on this plan.

Mr. Latsha made the motion to table it until the next meeting and would like them to come back with a plan to consider in respect to the trees.

Mr. Breon seconded the motion.

All were in favor.

Plan tabled until next month.

OLD BUSINESS:

None

OTHER BUSINESS:

None

ADJOURN:

A motion was made by Mr. Latsha and seconded by Mr. Fausey to adjourn the meeting. Motion unanimously approved.

Meeting adjourned at 8:17 P.M.

Respectfully Submitted,

Ann M. Hursh
Planning and Zoning Coordinator