

## MINUTES

LOWER SWATARA TOWNSHIP  
PLANNING COMMISSION

REGULAR MEETING  
OCTOBER 24, 2013, 7:00 P.M.

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

Chauncey D. Knopp, Chairman  
Paul Wagner  
Kimber Latsha  
Christopher DeHart  
Leah Pearlman-Storch, Dauphin County Planning Commission  
Erin Letavic, Herbert Rowland & Grubic, Inc., Township Engineer  
Angela Yealy, Recording Secretary

Excused:

Eric A. Breon, Vice Chairman  
Brenda Wick, Planning and Zoning Director

Others in Attendance:

Chuck Hess, Forino Company, L.P., Campus Heights Associates I., L.P.  
Matt Genesisio, Campus Heights Associates I., L.P.  
Ambrose Heinz, Stevens & Lee, Campus Heights Associates I., L.P.  
Tim Sipe, Campus Heights Associates I., L.P.  
Tom Mehaffie, Township Commissioner

Residents:

Glenn & Sonja Miller  
Donald R. Burger  
Ruth & Ron Helwig  
Peggy Ginnovan  
Lin Coble  
Ken Stover

## MINUTES

A motion was made by Mr. Latsha and seconded by Mr. Wagner to approve the Minutes of the September 26, 2013 meeting.

Motion unanimously approved.

## **CAMPUS HEIGHTS ASSOCIATES I., L.P.** **REVISED LAND DEVELOPMENT PLAN**

The Planning Commission reviewed the Revised Land Development Plan for Campus Heights Village-Wood Street Access, submitted for Campus Heights Associates I.,

L.P., and prepared by Forino Company, L.P. Three waivers were previously recommended for approval.

A motion was made by Mr. DeHart and seconded by Mr. Wagner to table the Revised Land Development Plan.

Motion unanimously approved.

**MIDDLETOWN HOME**  
**PRELIMINARY / FINAL LAND DEVELOPMENT**

The Planning Commission Reviewed the Preliminary/Final Land Development Plan for the Middletown Home Access Driveways/Parking Revisions as prepared by Schlouch, Inc. The applicant has requested that the plan be tabled.

A motion was made by Mr. Latsha and seconded by Mr. Wagner to table the Preliminary/Final Land Development Plan.

**MIDDLETOWN AREA SCHOOL DISTRICT**  
**PRELIMINARY / FINAL LAND DEVELOPMENT**

The Planning Commission Reviewed the Preliminary/Final Land Development Plan for the New Middletown High School for the Middletown Area School District submitted by Raudenbush Engineering, Inc. The applicant has not submitted updated plans and they anticipate having a submission for the November meeting.

A motion was made by Mr. Latsha and seconded by Mr. DeHart to table the Preliminary/ Final Land Development Plan.

Motion unanimously approved.

**CAMPUS HEIGHTS ASSOCIATES, I., L.P.**  
**FINAL LOT CONSOLIDATION AND LAND DEVELOPMENT**

The Planning Commission reviewed the Final Lot Consolidation and Land Development Plan for Campus Heights Village II, submitted for Campus Heights Associates I., L.P., and prepared by Forino Company, L.P. One waiver has been requested.

Chuck Hess, Forino Company, L.P., stated that their plan was submitted three weeks ago and they have received a number of review letters generated from the Township Staff, Township Engineer, the Municipal Authority, Dauphin County Planning Commission, the Township Development Committee, and the Township Planning and Zoning Director. They reported that they brought a submission tonight to address all of these comments. They are asking for consideration to waive the requirement to submit a Preliminary Plan, and to consider providing a recommendation of conditional Final Plan approval. The proposed

Campus Heights II is located along Lawrence Street in between Nittany Village and the existing Campus Heights site. It is immediately adjacent to the Penn State Harrisburg campus. Since they have added additional property, they were able to create a public street or another extension of Lawrence Street which was recommended by the Fire Department Representatives, the Planning Commission and the Board of Commissioners. This was a primary focus for the existing residents along Dauphin Street to allow two means of access out Wood Street and the new Lawrence Street connection. Mr. Hess displayed both the architectural design plan. From the north looking from the Penn State Campus into the corner of the building will be the main entrance which will include a 1½ story atrium space. The atrium will occupy space for an onsite manager, lounge areas for students, and study rooms. This focal point will be an amenities area for all 46 units in the building. One of the 46 units is anticipated to be a model unit without anyone living in this unit, but there would be potential for someone to live in it. The applicant had requested to have a model unit available to show those who may be interested. Looking from the south into the courtyard there is about a 24 foot wide open space which was revised for emergency vehicle access. They eliminated three parking spaces at the request of the Township Development Committee, and they are thickening the sidewalk to handle a fire truck. The Fire Department connection is proposed along Lawrence Street, and the location was selected to mimic what was done at the original Campus Heights site.

Mr. DeHart stated that there are differences between both facilities as the first facility has three entrances and exits. The new facility originally had three entrances and exits in the plan and then had changed to only having two. They were asked to accommodate this change of flow to having a pull off, which would be a lower cost to the applicant. During a real fire, the students hurry to get out and move their vehicles out of the way. One entrance will now be blocked which will make it more difficult to get fire equipment in and allow students to move their vehicles off site at the same time.

Mr. Hess stated that they did not change the Fire Department connection location for a couple of reasons. It was not desirable to create a pull off in the area and the width of the roadway is proposed to be 32 feet. They have indicated a no parking area for a section of the road, and a fire truck could easily be pulled right up to the Fire Department connection.

Mr. DeHart stated if the Fire Department connection is off the passenger side of the apparatus on the pump discharge side, a 55 foot section of 5 inch hose will not curve right away and will block the entire entrance.

Mr. Hess stated that even with the fire truck parked at the connection, they feel that there is room for at least one car to pass, and there is the whole route through the site that can be utilized to get around a blockage. The apartment building itself will be sprinkled, and between each "pod" is a through hallway with nine different locations that access the courtyard. Inside each of these hallways, which are also stair towers, there is a fire line standpipe. They feel that the building is adequately protected and they did not think that they needed to move the Fire Department connection back into the yard or near the parking lot where there could be parked cars. Also, it was not desirable from the owners' standpoint

to have a pull off area created in what is basically the front yard of the building near the entrance to the atrium space.

Mr. DeHart stated that there are probably some alternatives that would be nicer for everyone. He is not happy with the configuration since they have condensed the site by shifting the buildings farther west.

Mr. Hess stated that the configuration change is to accommodate the request for a public street which requires a 40 foot setback that pushes the building back.

Mr. DeHart stated that with a 40 foot setback and a building height of 35 feet, the elevation will be too high for Fire Department access. He questioned how far a fire truck would be able to go in the courtyard.

Mr. Hess stated that the fire trucks would be able to pull back to the center of the courtyard. The fact that the building is sprinkled should greatly reduce the potential for the building to become fully engulfed by a fire.

Mr. DeHart commented that the biggest threat to the buildings would be the building on the west and the entrance on the Penn State side. If the outside of the building catches fire and the smoke is on the outside and moves up through the eaves into the building, it can become engulfed. Sprinklers do not totally protect the building. Earlier this week there was a fire on Gina Lane where tanbark caught on fire outside of the building and if it had happened at 2:00AM, the building would have been long gone.

Mr. Hess questioned if the fire truck connection is on the passenger side of the fire truck.

Mr. DeHart replied that the connection is on the passenger side. He commented that the Fire Department connection on Lawrence Street for the existing facilities is perfect, but the connections on the east side are not optimum as the fire department will have to go out on the road to block it. Mr. DeHart mentioned that the the Fire Department responded to 37 calls from the School House Apartments at 232 Ann Street in Middletown, owned by KGH Properties LP, since they opened back in 2010/2011. Mr. DeHart stated that they have had 17 calls to the new Campus Heights facility. In the same time frame, they responded to the Nittany Village student housing only one time. He is disappointed by the latest plan since they had to take away the southern entrance, and he understands that they are hurting for space.

Mr. Hess stated that the access was lost as part of the negotiating with GreenWorks to get the center lot as they wanted an exclusive driveway.

Matt Genesisio, Campus Heights Associates I., L.P., stated that they are under their density as they could add three more units but they are trying to accommodate many of the Township suggestions. They also want to build the safest building for students to live in as

that is often the first question the parents of the students will ask about the facility. Mr. Genesio stated that they tried to design this site with the comments that were generated during phase I, so they designed their site to keep the many underground pipes from the FDC's and hydrants out of the collapse zone.

Mr. DeHart stated that things have changed as there were three entrances and exits that emergency vehicles had access to and this site is reduced.

Mr. Genesio questioned what was done at Nittany Village as they only have two entrances.

Mr. DeHart replied that they only have two entrances and exits; however, there is an entrance behind the facility and the buildings are separated allowing emergency vehicles to drive between and all the way around the buildings. The parking area at Nittany Village is wider and not as tight of an area as the proposed second phase of Campus Heights.

Mr. Hess stated that the parking lots are designed according to the same Township standards, so he questioned that they are bigger at the Nittany Village site.

Mr. DeHart questioned the construction plan and phases for the new site.

Mr. Hess stated that the construction of Lawrence Street is a true priority, and would most likely be the very first thing constructed. They are hoping to get started this winter, so there is probably the inability to do any type of concrete or asphalt work. As long as they get this in a mud free stoned in condition such that it could be utilized for emergency access, this should appease the Township.

Ms. Letavic questioned if the stoned road would be able to be plowed to the degree that it could be utilized for fire truck access when there is snow on the ground.

Mr. Hess stated that while this is being constructed, the existing Lawrence Street will remain as the Dauphin Street connection. In that interim you would have two ways to access the site.

Mr. Knopp questioned if they were going to build around the present Lawrence Street.

Mr. Hess showed where Lawrence Street is currently located, how the new Lawrence Street was previously proposed, and what they are now proposing for the new Lawrence Street.

Mr. Genesio & Mr. Hess explained the construction process for the new Lawrence Street. Their priority is to build Lawrence Street to about 90% of completion as the remaining 10% would be paving including the base and the wearing courses. While they are building Lawrence Street they will be demolishing the rest of the houses. They will not be

touching the existing Lawrence Street or Dauphin Street, and it will be a two way street with work being done on either side of the street. They will be doing demolition, minor site grading, and some initial Erosion & Sediment control. They cannot do anything on top of the existing Lawrence Street and Dauphin until the utilities that are being relocated are fully constructed in the new Lawrence Street. Once the utilities are in and tested, there is a sewer interceptor and water supply lines that need to be moved. Once everything is complete and approved then everything will flow through the new section and the old section will be abandoned and removed.

Ms. Letavic questioned the exact time frames for the roads to be constructed, since they will need asphalt in order to be constructed in the proper order.

Mr. Hess stated that construction will begin in the winter months and asphalt will not be available until approximately April 15 when the asphalt plants reopen to follow PennDOT criteria. If they have a mild winter they might be able to get concrete on the curbs, but if it is a hard winter it will be tough on everyone's construction project. He believes that they can plan on enough contingencies, so that they can maintain some form of access through the site.

Mr. Latsha questioned how many comments they have received from the Township since their recent submittal.

Mr. Hess replied that collectively there were about 100 comments but some were just notes to add, details to clarify, and others were explanations that were needed.

Mr. Knopp questioned how many of the 100 comments were pertinent comments.

Mr. Hess replied that they are all pertinent, but there were no deal breakers, or anything that they could not address. Most were technical details, and there were no comments that would have changed the layout or realigned roads.

Mr. Knopp commented that there has not been time to review the plans, but the applicant is requesting approval tonight.

Ambrose Heinz, Stevens & Lee, stated that they are asking for a recommendation of conditional approval tonight providing that they address to the satisfaction of the Staff and the Township Engineer all the comments that were raised. They believe that they have satisfied the comments with the latest submission today, but they would still have to meet and have the Township Engineer and Staff accept this.

Mr. Knopp wants to make sure that this phase is done correctly and goes more smoothly than the last phase.

Mr. Heinz stated that the SR 230 issue was a PennDOT issue and really had nothing to do with the applicant.

Mr. Latsha wanted to confirm with the applicant that they are only asking for conditional approval subject to the Township having adequate time to review everything, and if there is an objection to anything it would not get approved. The applicant agreed to this.

Mr. Genesio stated that they had the comments addressed a week ago and they held them until their meeting with Township staff on Monday when they asked if they should submit these at that time. They were told that they could hold on to them as the Township preferred to review them once, but they had them ready to go. What was discussed on Monday was methodology of how to handle some of the comments. They brought the physical proof with them showing that the comments have all been addressed. Some of the comments state that they will need standard agreements with the Township, and standard Land Development agreements that will obviously be forthcoming. They expect to have the agreements and permits from Dauphin County prior to the next Planning Commission Meeting.

Mr. Latsha questioned if there is an access issue for the residents pending the construction.

Mr. Genesio stated that there will be emergency vehicle access only for the secondary entrance, but they will provide two-ways in and out of the site.

Mr. Latsha questioned what they perceived as the access problem that they tried to address.

Mr. Genesio stated that if they are doing construction with the existing Dauphin and Lawrence Street being under construction the 4 or 5 residents will be able to get out if there is an emergency on Wood Street. They are providing an emergency access for them. They have a couple of options with their preference being the use of Lawrence Street in its 80% or 90% complete form for emergency use only. They will not be open to public use on a daily basis.

Mr. Latsha questioned if the residents have two options currently, one option to exit the area during the construction phase, and an additional option in the event of an emergency.

Mr. Genesio stated that this same scenario was created about a year and a half ago by Nittany Village when the lower portion of existing Lawrence Street was closed prior to the new Lawrence Street being opened. They placed an emergency access that opened towards Penn State where in an emergency only, student vehicles could exit and emergency vehicle would have access to the site. They are trying to do something they feel is a little better and also works better with their construction schedule.

Mr. Hess stated that Lawrence Street is being relocated so there will be a time period for construction to enable this to happen. They do not see an access issue as the Penn State

access gate was available to the Fire Department. The gate is locked, but the Fire Department would be able to cut the lock and get through creating a third option if necessary. There will be a construction period for the residents with no way to move the road and keep it open at the same time. For the number of residents in the area, it would be more preferential to have them go out to the traffic signal versus using Lawrence Street. The work at the intersection of SR 230 and Lawrence Street is coming to a completion.

Mr. Latsha asked Ms. Letavic if there were any other significant issues that needed further clarification and should be discussed tonight.

Ms. Letavic stated that the stormwater basin at the Nittany Townhomes complex will be impacted by their driveway connection. The situation is where Gina Lane has a loop with townhomes which is a NPDES permitted site from a number of years ago. DEP and the Township approved the way the stormwater was handled on that site.

Mr. Hess stated that they are talking about a very small BMP infiltration basin in the front yard of the house. Gina Lane currently curves and the basin sits just outside of the curve. In order to have Gina Lane go straight out through, they will need to extend a pipe, excavate a little more volume, stay within the existing drainage easement, recreate about 14 feet of the existing infiltration, and recreate the volume that should have already existed. They went back to the design volumes, because the as built volumes were smaller than designed. These volumes were almost half as big as they were supposed to be, so they are improving the situation and creating it to how it should have been originally. This is a small minor detail that has already been addressed.

Ms. Letavic questioned if they have discussed this plan with the land owner.

Mr. Genesisio and Mr. Hess replied that this has already been negotiated with GreenWorks, the owners of the Townhomes. They had met with them a few times to get Lawrence Street worked out and this included the Gina Lane aspects.

Ms. Letavic questioned if the additional excavation for that site is included in the submitted plan set that she needs to review.

Mr. Hess replied that it is included as well as all the calculations.

Ms. Letavic asked that they explain how the street vacations are going to happen.

Mr. Hess stated that there will be a Developer's Agreement as part of the initial site construction which will spell out the time frame for the construction of Lawrence Street and the need for it to be mud free and in a passable condition for emergency vehicles. After it is built and ready to be dedicated, the old Lawrence Street will be processed and vacated. With the Township Solicitor on board, a Developer's Agreement, and financial security provided, there are more than ample protection measures on behalf of the Township. The

Township does not want to give away a road until they have a new road, so this will be in the agreement and is another layer of protection for the Township.

Mr. Knopp questioned if the mud free condition with stone on Lawrence Street could be plowed.

Mr. Hess stated that they have considered milling up the old asphalt from Lawrence and Dauphin Street which might be put down since it packs in hard. It would not be a hot asphalt mix but the old asphalt mix that grounds up and compacts really well. He believes that this would be better to plow than stone since it packs in tighter than stone. They will work around any utility manholes and valves which may get cold patch asphalt around them to prevent a plow from damaging any utilities.

Mr. DeHart questioned who would plow the road since it would not be the Township.

Mr. Hess stated that this would be addressed in the Developer's Agreement, and he believes the last agreement that he had seen indicated that within 24 hours after a snow event, it would have to be plowed.

Ms. Letavic questioned their projected schedule of when they expect to have all of their permits and when the plan would be recorded.

Mr. Genesio hopes to have land development approval and all permits from the County by November 20, 2013. Except for building permits, he plans on having everything needed to put a shovel in the ground. The NPDES application was submitted three weeks ago.

Mr. Hess stated that they have not received any preliminary comments yet, but they are trying to stay in touch with the Conservation District. They realize that this is a permit that is only needed right before breaking ground.

Mr. Genesio stated that his expectation is to have everything by the 20<sup>th</sup> of November which at that point they are going to be doing their hazardous material testing on the structures to be demolished by hand before they bring in the large demolition equipment. They will give the state their ten day notice, and they expect to be able to start demolition of the homes toward the end of December. Holidays could get in the way of this start day, but if they want to say that an aggressive start date of the demolition is December 15<sup>th</sup>, they will have that road completed within eight weeks as Lawrence Street will be their focus. The first three houses will be demolished initially. After they focus on Lawrence Street, they will continue to move west with the demolition. By February 15<sup>th</sup> they expect to be able to start on the main site and have their building pads ready by March 1<sup>st</sup> to start underground and foundation work. The design of the building allows them to stagger construction easily, so they will march in a counter clockwise motion down the eight and a half buildings doing the undergrounds and foundation work. They hope to start building walls toward the middle

or third week in March keeping the same clockwise motion with a completion date around the end of July. They hope to have their Certificate of Occupancy July 31<sup>st</sup> as students start to come August 1<sup>st</sup>. They just built 90,000 sq ft in 163 days which was 50% larger than this site with a much more difficult construction schedule due to the layout of the building. They did not start building walls until March 23<sup>rd</sup> and they had students move in on August 15<sup>th</sup>.

Mr. Latsha questioned when they are closing on the houses under agreement.

Mr. Genesio replied that he plans to have closings prior to Thanksgiving. He hopes to have everything ready to go before the Board of Commissioners at the November 20<sup>th</sup> meeting to request the final Land Development approval. Once he receives this, the bank will be on board and he can close on every house. Settlements should occur on November 25<sup>th</sup>, 26<sup>th</sup>, and 27<sup>th</sup>, if they receive the Land Development approval. Their construction schedule is tight, and they would like to have as much time as possible. They would also like to relieve the homeowners who have waited a long time for this to happen. This is why they are asking the Planning Commission to recommend conditional and contingent approval. If they receive conditional approval tonight, they will make sure that everything is addressed prior to going to the Board of Commissioners meeting. The only outstanding item would be the actual permit from the County, but agreements will be executed and every condition will be approved by the Township Engineer.

Mr. DeHart questioned if the Planning Commission has ever given conditional approval with so many stipulations in the past.

Mr. Knopp replied that they have approved plans with stipulations.

Mr. DeHart commented that this was not only one or two stipulations, and everything has not been reviewed.

Mr. Hess stated that it is an easy process, and that the applicant is fine accepting a recommendation conditional on their satisfying each and every comment that was presented. Until the staff and the Township Engineer confirms this, they will not go before the Board of Commissioners.

Ms. Pearlman-Storch mentioned that the recommendation from the Dauphin County Planning Commission for the street vacation will go to the Commission on November 4<sup>th</sup>. She has provided the Township and Forino Company with a staff letter which she can generally feel the temperature of the Planning Commission, but they will make their recommendation. It will only be a recommendation, so it is up to the Township if they feel comfortable with the agreement that has been set forth. The comments that she provided on the report are included in her copy to be addressed and none of these are major comments.

Mr. Hess stated that Ms. Pearlman-Storch's letter to the Dauphin County Planning Commission (DCPC) had a recommendation for approval of the street vacation, and

recommended that the new Lawrence Street should be built prior to the existing Lawrence Street being vacated.

Ms. Pearlman Storch stated that she will give a recommendation to the DCPC for approval of the vacation. There have been times in the past where they have not agreed with her recommendation.

Ms. Letavic stated that she does agree with Mr. Hess that out of the comments that were generated so far, they would not expect substantial changes to the plan as it is shown on the layout plan.

Ruth Helwig, a resident, stated that they have been fighting with this for three and a half years and their lives have been in limbo. They would like the Planning Commissioner to recommend approval of the plan in order for this to be over, and allow them to get their lives back.

Mr. Knopp questioned if they could add binder on top of the stone on Lawrence Street for the winter.

Mr. Hess replied that most of the asphalt plants in this area close typically in December, so the material is not available. According to PennDOT standards, there should be no paving from October 15<sup>th</sup> to April 15<sup>th</sup>.

Ms. Letavic question what would happen if their schedule gets delayed in a way that it truly could be built to binder course.

Mr. Hess stated that if weather conditions are positive and the asphalt plants open up earlier in the spring, they would ask for permission from the Township to put the binder down.

The Planning Commission agreed that this should also be added to the agreement as soon as possible, and the applicants agreed to address this.

Mr. DeHart questioned that if they would be able to reopen the road for two-way traffic if they were able to put the binder down on April 20<sup>th</sup>.

Mr. Genesio replied that they would do this with the permission of the Township as they had done in the past with the lower portion. They would assume that if they put binder course down, mounded up inlets and manholes, and installed temporary stop signs, this would be done with the Township's permission.

Mr. DeHart would like the Fire Committee to review the issue of the Fire Department connection in a meeting with the applicant to come up with something that is workable for everyone. He wants this meeting to be included as a stipulation.

Mr. Hess believes that this meeting would be mutually beneficial for both parties to sit down and discuss the options and come to an agreement. He stated the two stipulations are to pave Lawrence Street with binder course as soon as weather permits and to address the Development Committee regarding issues related to the Fire Department connection.

Mr. DeHart commented on the need to check with the Middletown Area School District to see if any school buses need access to this area. If you are going to shut off the road that would impact them, they need to be contacted.

A motion was made by Mr. Latsha and seconded by Mr. Wagner to approve the waiver to eliminate the Preliminary Plan procedure.

A motion was made by Mr. Latsha and seconded by Mr. Wagner to conditionally approve the Final Lot Consolidation and Land Development Plan with all of the stipulations discussed including the binder, the Fire Department connection, and all comments must be addressed.

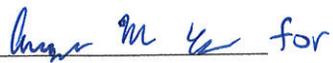
**ADJOURN**

A motion was made by Mr. Wagner and seconded by Mr. Latsha to adjourn the meeting.

Motion unanimously approved.

Meeting adjourned at 7:55 P.M.

Respectfully Submitted:

  
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Brenda K. Wick  
Planning and Zoning Director