

MINUTES

PUBLIC HEARING (STREET VACATIONS) -- MARCH 6, 2019

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 Jon G. Wilt.

Roll call was taken with the following officials in attendance:

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Michael J. Davies, Commissioner
- Ronald J. Paul, Assistant Secretary
- Christopher DeHart, Commissioner
- Elizabeth McBride, Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Ann Hursh, Planning & Zoning Coordinator
- Andrew Kenworthy, HRG

Residents and visitors in attendance:

(PLEASE SEE ATTACHED SIGN-IN SHEET)

President Wilt stated the purpose of this Public Hearing is to receive public comment on a proposed ordinance vacating the remaining portions of the rights-of-way of Dauphin Street and High Street and vacating a portion of the right-of-way of Lawrence Street and the right-of-way of Wood Street from the road system of Lower Swatara Township. Solicitor Henninger explained under the First Class Township Codes, a public hearing must be held in order to vacate public roads. This hearing was properly advertised, and notice was mailed to all abutting property owners. In addition, other property owners within the Eagle Height development were notified as a courtesy. Solicitor Henninger added that this ordinance has been advertised for consideration at tonight's workshop meeting, scheduled at 7:00 P.M.

Ambrose Heinz from Stevens & Lee, the attorney for the petitioner, Campus Heights III, introduced himself and added that with him tonight is Greg Dimovitz from C2C Design, who is the project survey coordinator. Attorney Heinz stated the Board is already familiar with this project, which already has a conditionally approved Land Development Plan and subdivision lot consolidation plan relating to the remaining northern third of the old Eagle Heights Subdivision located off Main Street, right next to the Middletown Borough. The proposal is to consolidate the properties within that site area for the purposes of the student housing project. The petition tonight is offered on behalf of the legal and equitable owners of the lots that are comprising this site. Campus Heights III owns several of the lots already in fee but also has agreements of sale with the remainder of the property owners. They have offered this petition to vacate certain various legs of the remaining rights of way that are up there.

The first leg is along the northern portion of the site, Dauphin Street right of way which connects between the Lawrence Street right of way that was dedicated by their client and relocated by an affiliate of their client back in 2015. This would run from the existing right of way of Lawrence Street to the existing right of way of Wood Street. Also impacted would be the northern property line south until it intersects with the old High Street right of way; they would be asking for vacation of the Wood Street right of way in that area. In addition, there is a leg of High Street that is connecting at Wood Street at the southeastern portion of the site that is technically still considered a public right of way. They are asking to vacate that as well since they own properties on both side of that and would consolidate that with the remainder of the site. Finally, based on discussions with staff at the end of last year, it was felt that since all these other rights of way would be vacated under this proposal, they would also vacate the northern leg of Lawrence Street which had been dedicated to the Township so that all of these would be interconnected with the two Campus Heights projects on either side of that, which would essentially become a private access drive.

Attorney Heinz added that if you look at the project as proposed and approved by the Board, the Wood Street right of way would terminate right at the property line, and the Lawrence Street right of way would terminate at the bottom of the property line that is shared with the neighboring Campus Heights project. The Dauphin Street right of way would go away as well.

Attorney Heinz added that Mr. Dimovitz can answer any technical questions from the Board or public about what is being proposed.

Commissioner DeHart asked if the only public road would be one block of Wood Street and Lawrence Street. Attorney Heinz noted this is correct. There is not currently a public right of way there now. There is a portion of an alley which connects to Gina Lane that was resubdivided and redone. There would still be connectivity there. It will not technically be public, but will not be a gated community. There will be site connectivity around the site as needed for municipal vehicles.

Commissioner Davies reference the drainage issues up there, especially on the Wood Street side, and stated he did see plans that this was dealt with. Attorney Heinz agreed this was dealt with during the land development phase.

Vice President Truntz stated that he realizes they are limited by the displays presented, but afforded members of the audience to come forward to view the presentation.

PUBLIC COMMENT:

Jim Zugay stated that he owns the property at 275 W. Main Street, which is the corner of Main and Wood. He explained that his family has owned that property for over 70 years. While a lot of these folks have been bought out, there will still be a remaining 15 – 17 properties left which are single family residential homes. He noted that drainage has gotten worse in that area; it is not fixed. They tried to bring it down the hill and divert it to two drainage areas towards the Campus Heights area. It is a swimming pool every time it rains there; it does not drain properly. Mr. Zugay stated that he is not saying he is not pleased with what they are doing with this project. However, when they built these projects, the new road which was brought in for the students to use when traveling to school is not the road they always take. They still come up Wood Street, the residential area, even though there is an ingress/egress into the campus housing. This is supposed to be used for authorized vehicles only, but is used constantly by the students, resulting in a steady amount of traffic going up Wood Street and into the area. Mr. Zugay suggested the possibility of a small gate which could be raised for emergency access. This would prevent the ease for the students to come up into the area and turn left into the campus. Mr. Zugay explained his concern is that they are going to place a parking lot somewhere in this plan when they re-do it, and Wood Street could become more of a traffic way for people to come in and out of this area. If Wood Street should become another point of access to a parking lot, it will be very detrimental to the existing residents there. He added that if there is a parking lot made, he would suggest a buffer so that Wood Street

will not become a traffic way to that parking lot. He commented that for the most part, the students are very good neighbors.

Ms. Hursh asked Mr. Zugay what parking lot he is referencing. Mr. Zugay explained he does not know; the students will have to park somewhere. Although Wood Street does not go into a parking lot now, his concern is there will be areas for parking and Wood Street will become a traffic way. Right now, it's not supposed to be a traffic way at all, but simply for the residential area. He stated he doesn't feel Wood Street should be an ingress/egress, since it is impacting the 15 residents.

Commissioner DeHart stated that he was the Fire Chief at the time Campus Heights I put in the emergency ingress. He had requested that. The red light is the main way out to make a left, and it is very difficult to make a left turn down on Route 230. PennDot controls that signal.

Commissioner DeHart referenced the drainage issues, and added the Board also tried to address these in the new plan and hopes this will help. Commissioner Paul agreed, and asked Ms. Hursh to verify that there are additional drainage controls built into that plan. She confirmed this is correct. Commissioner Paul noted that the water will still come down the street. The real problem is the size of the pipe under Route 230, going down through Middletown. Mr. Zugay agreed, but stated that two storm grates were put on one side and none on the other. He suggested the solution would be storm grates on the side where the majority comes down. Commissioner Paul explained that on the other side Mr. Zugay is referring to, that pipe will be connected to the inlet that is in the yard at the corner of West Main Street and Wood. Right now it discharges to the curb, but hopes are to contain that and direct it to one of the inlets on the backside of the two inlets on Route 230. Hopefully that will help. Commissioner Paul explained that some of the area Mr. Zugay is referring to would involve PennDot making drainage improvements.

Solicitor Henninger added the Township is hopeful with the University purchasing the soccer field area that it can work with the University to make improvements. It's not just water coming off Eagle Heights, but also coming from above. However, the developer of this plan has gone over and above what is required to be done under the ordinance to try to help with the runoff. The limitation is when it gets down to Main Street, and the size of the pipes. Mr. Zugay asked if there is a reason there is not a grate in front of West Main Street and Wood Street. He again asked why there was a second grate put on the opposite side and yet none on the left. Commissioner Davies recalled that PennDot was reluctant to augment the drainage inlets at that location, not feeling that it was proven that it was an issue. Mr. Zugay stated that after living here so long, he still

feels there is nothing that can be done up top that will help solve the issue unless there is grate put at the bottom to get rid of the water. Commissioner Paul asked Mr. Zugay to keep in mind that you can put a lot of grates in, but you still have to outlet that pipe. If it is already surcharging in the pipe that goes underneath Route 230, it will back up regardless.

Mr. Zugay again stated he wants the Board to be aware that this is a traffic way, and if they want to build this up, they should discuss this with the 15 residents. He again suggested a mini-gate for use by fire or emergency vehicles. This access is used constantly, and is not enforced.

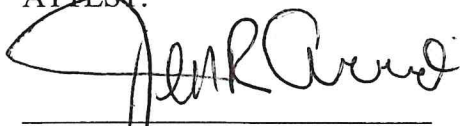
Mr. Zugay added that he doesn't expect the police department to enforce it.

Solicitor Henninger added that Carl Dupes, who owns two properties in this area, had called him on Monday to let him know he had spoken to the developer, Mr. Genesio about his concerns with traffic circulation, school buses, etc. Mr. Dupes indicated he is satisfied with the explanation provided to him, and wants the Board to know he is okay with the proposal.

CLOSE:

Hearing no other comments from the Board or public, a motion was made Commissioner Davies, seconded by Vice President Truntz, to close the Public Hearing. The Public Hearing was closed at 6:21 P.M.

ATTEST:

A handwritten signature in black ink, appearing to read "Jean R. Arroyo", written over a horizontal line.

Jean R. Arroyo
Township Secretary

PLEASE **PRINT** NAME CLEARLY

MARCH 6, 2019

PUBLIC HEARINGS (2)- 6:00 P.M.

BOARD OF COMMISSIONERS WORKSHOP MTG. - 7 P.M.

Name/Organization	Address/Contact Information
Michael Schwab	
Jason Wilhelm D&H	
Greg Dimonite C2C design	
Scott Conner	
Andrew Hinz Campus Heights	
Sandra Ringburg	
Don Schuch	
Richard Woodhead	29 Donald AVE
Mike Munro	
RON SECARY	SSA
Dave Feidt	
Theresa Kul	
Brad Sadler	
Laura Hayes	Press & Journal
Mike Conrad	
DAL MASSICK	101 Greenfield Dr.
Sharon Linta	Roseville Ave
Don Wagner	915 Oberlin Rd
Jon Cusy	
Elizabeth Murek	9 Bangor Rd 17057

PLEASE **PRINT** NAME CLEARLY

MARCH 6, 2019

PUBLIC HEARINGS (2)— 6:00 P.M.

BOARD OF COMMISSIONERS WORKSHOP MTG. – 7 P.M.

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