

## MINUTES

### LEGISLATIVE MEETING – JUNE 16, 2021

The June 16, 2021 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Jon G. Wilt.

The following officials were in attendance:

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Michael J. Davies, Commissioner
- Christopher DeHart, Commissioner
- Elizabeth McBride, Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Don Fure, Director of Codes and Planning
- Dominic Visconti, Chief of Police
- Shawn Fabian, HRG

Absent: Commissioner Ronald J. Paul

Residents and visitors in attendance:  
(see attached sign in sheet)

President Wilt welcomed everyone to the meeting and opened the floor for public comments.

#### PUBLIC COMMENTS:

Ed Halpern, 804 Nissley Drive, asked if it is correct that the policy of the Board has been not to favor new warehouses. He recalled all the “No Warehouses” signs around the Township a few years ago. Vice President Truntz explained these signs were put up by a private group, not the Board or Township. Mr. Halpern again asked the policy of the Board regarding warehouses. President Wilt explained plans are dealt with on an individual basis. Vice President Truntz agreed there cannot be a policy; legally, these requests must be addressed on a case-by-case basis in accordance with the zoning law. Mr. Halpern added the agenda references “redevelopment” of The Pond Retirement Village. He commented that what is sitting there now has not even been

developed. Solicitor Henninger explained there is an approved plan for that site. Mr. Halpern questioned who owns this property and how it is zoned. Solicitor Henninger stated he does not know the name of the owner. He explained it is zoned Commercial-Neighborhood in the front, and then there is an overlay district for Residential-Retirement. Brandon Conrad, representing the ELA Group, Inc., noted that the plan they are presenting does not include any warehouses.

Mr. Halpern asked the Board about due diligence; the site was first proposed to be 55+. He asked if it is correct that the plans were then changed to include rentals and alleviate that 55+ age requirement. President Wilt stated this had been requested, but the Board did not agree to any change in the age requirement. Mr. Halpern asked if Mr. Conrad could provide the name of their client. Mr. Conrad explained that he is a partner in a company that is under agreement to purchase the property. This is the feasibility period, so they are trying to decide whether to move forward with the purchase or back away. If they do purchase it, the plans are to come in and build a 55+ residential housing project. Mr. Halpern again asked the name of the current owner. Mr. Conrad stated the owner is Sierra Glen Partners. Mr. Halpern asked if this was the original owner. President Wilt stated he does not think so; this plan goes way back, even before the current commissioners were on the Board.

Dale Messick, Greenfield Drive, stated he attended the Municipal Authority meeting on Monday, at which time there was discussion about North Union Street being redone and bike lanes installed along the road. A question arose about adding bathroom facilities to the pump station. Mr. Krauter of HRG noted this would require heating, cooling, water and sewer service, cleaning and maintenance, etc. This would cost a few thousand dollars each year. Mr. Messick stated the Township has parks that are used frequently, and they have porta johns that can certainly be used by these bikers. Even adding a porta john at that pump station would be sufficient, since this is an expense that would have to be covered by tax dollars. Vice President Truntz commented that this was just a brainstorming idea rather than a proposal.

Patty Ruiz-Pronick, 604 Wilkes Drive, explained her property abuts the proposed retirement community, and she is opposed to it being rezoned for anything other than a 55+ use. She added that she feels most of her neighbors whose properties back up to that property feel the same.



## PRESENTATION RE: POTENTIAL DEVELOPMENT OF THE POND

Michael Huxta, Project Engineer of ELA Group, Inc., stated that also with him tonight is Brandon Conrad, CEO of Vistablock, the developing corporation that is interested in purchasing this property from the current developers. The previous plans for this site had four commercial lots along Fulling Mill Road that would provide 35,000 square feet of commercial space. In the back was one lot with 86 townhouse apartments that were age restricted to 55+. Mr. Huxta presented a sketch of what they would like to do with the property (see attachment). He explained that what they would like to remove some of the townhouses and replace them with four-story apartment buildings (C, D, and E) which would have parking on the bottom floor and three stories of apartments above. He added they would still like to provide commercial uses facing Fulling Mill Road, and then for the remainder of the four-story building provide apartments. This proposed plan can provide more than enough parking for all the uses provided on the site. Because commercial space is being changed to residential, there will be a reduction in the amount of average daily trips that were proposed with the previous plan.

Brandon Conrad explained the goal is to have the townhomes be occupied by 55+, and C, D, and E (with elevator service buildings and covered garage underneath the buildings) to also be 55+. G, H, and I would have commercial on the ground floor and residential on the top floor. Market studies show that there is a lot of demand for both 55+ housing and rental units. Therefore, hopes are to have G, H and I be general occupancy. Mr. Conrad stressed that tonight's presentation is to get the temperature of both the citizens and the Board. From tonight's comments, it appears that 55+ is a requirement. In that case, more analysis will have to be done. He added these will be very high-end buildings.

Commissioner DeHart asked the planned commercial uses. Mr. Conrad responded that ideas include a high-end restaurant, coffee shop, and a fitness center geared towards 55+. Commissioner DeHart stated that according to the original filed plan, one of the commercial uses in front was to be a fitness/community center for the whole community. Mr. Conrad agreed there would be a clubhouse in F, along with possibly a high-end fitness center that could be used by both those inside the community as well as those outside the community. In response to a question from Solicitor Henninger, Mr. Conrad agreed that G, H, and I would not be age restricted. He noted that the Township's ordinance for this use requires 80% to be 55+.

Commissioner DeHart asked if the roadways inside this development will be maintained by the owner. Mr. Conrad agreed they will be private roadways and will be plowed, repaired, and maintained by the owner. Commissioner Davies referenced J on the plan on the Fulling Mill Road frontage and asked what this represents. Mr. Conrad explained these are cottage storage units which are very nice garage-type storage units to be used by residents on the site. He noted all 68 townhouses will have either one or two car garages as well. Mr. Conrad added that the three units that are already there are not exactly to their taste, and will probably be revamped a bit.

Vice President Truntz referenced the commercial uses in the front, and asked what else is envisioned to be in put in there. Mr. Conrad responded he also foresees a dental office, medical office, hair or nail salon, etc. Mr. Huxta explained that his experience with previous projects show that a lot of commercial sites are siting vacant. 35,000 square feet is a lot of commercial space, so the plan is to reduce that to 12,500. Building F would have 5,000 square feet on the ground floor and then apartments above G, H and I would have 2,500 square feet in each building facing Fulling Mill Road. Vice President Truntz expressed concern with the parking there, and asked if workers, customers, etc. would be parking underground. Mr. Huxta explained that there is parking on the surface provided both in the front and on the side. More than 47 parking spaces are provided.

Mr. Conrad explained this property is a good location and already has sewer and water available. He stated density will be increased to make the best possible use out of the property. Keeping the development as compact as possible will also reduce the amount of impact on other vacant properties. Commissioner DeHart asked the original occupancy on the current plan. Mr. Conrad responded it shows 86 units. This new plan shows 238. Commissioner DeHart stated that more sewer capacity will be needed. Mr. Conrad agreed this will need to be looked at. He also confirmed that they did a QuikTrip generation from the ITE. Because the commercial use is being reduced from 35,000 square feet to 12, 500 square feet, there will be a reduction in a lot of trips in and out from commercial as opposed to residents that may make two or three trips a day.

Mr. Huxta presented renderings of these high-end buildings. Vice President Wilt stressed that they should be 55+. The only way this concept was ever approved was because of the age restriction requirement. He commented that others have come in over the years and



asked to change this but were denied. Vice President Truntz asked if a portion of this does not have to be 55+. Solicitor Henninger confirmed that legally, only 80% must be 55+. Mr. Huxta added that realistically, when a development is marketed at 55+, that is the age group that it tends to attract.

Commissioner Davies asked if the change of use on the Nissley Drive side includes any rezoning. Mr. Huxta noted there are no plans for rezoning. Solicitor Henninger asked if they see any modification to the overlay district. Mr. Huxta agreed this is why they are here tonight – to gauge the Board's feelings. The below 55 age would be near Fulling Mill Road, which is still zoned Commercial-Neighborhood which still does not allow regular residential. They would be looking for relief on that, or possibly a text amendment to move forward with that.

Commissioner DeHart asked if they had any similar developments elsewhere. Mr. Conrad stated that similar townhouse projects include Willow Run in Lancaster County. The builder they will use did a similar apartment building project called Wilbur in Lititz. Commissioner DeHart questioned the references made to high-end. Mr. Conrad explained this phrase is being used to make it clear that this will not be cheap housing. The goal tenant will probably be in the \$60,000 - \$90,000 income range. Two-bedroom size will be 1500 – 1600 sq. ft., three-bedroom size 1900 – 2000 sq. ft. As previously mentioned, there will be garages on the ground-floor. All the walking paths, the pond, etc. will be kept.

Commissioner DeHart questioned if this project would still be feasible if C is taken away, and other style homes are put there. Mr. Conrad responded that a four or six pack of townhomes could be put there. Commissioner DeHart explained that he is thinking of the neighbors who are right on the border of C. Mr. Conrad noted that a buffer could also be placed between Twelve Oaks and The Pond. Mr. Huxta confirmed that this area would definitely be buffered, and noted there are easements in the area that will also need to be considered. Mr. Conrad remarked that they are attracted to this project by the number of great employers along Fulling Mill Road who they feel are not serviced well by rental housing. Vice President Truntz again asked the percentage of residents permitted to live here who do not fit into the 55+ over category. Mr. Conrad explained that the zoning ordinance requires 80% of these residents to be 55+.

Mr. Conrad explained that their feasibility period for the property purchase expires this Friday. He added they really do like the project and want to keep the ball rolling. However, there was the possibility that they would come here tonight and be told that they could only do

townhomes and must still do the 35,000 square feet of commercial. That would not be financially feasible for multiple reasons, including the fact that they need to pay off the debt of the prior developer. Mr. Conrad stated he is aware that the Township is owed money too. These situations between developers and banks can take years. Mr. Conrad noted he believes this one is on the cusp of that since it is not a revenue producing asset for the developer right now and the bank has a huge mortgage. If there is a foreclosure or litigation proceeding, there will be a 3 – 5 year window where the property will not be developed and will be an eyesore.

Solicitor Henninger asked if the 80% age requirement will still be met if F, G, H and I are not age restricted. Mr. Conrad noted this is a good question. He calculated a 30% non-55+ figure if these were general occupancy. However, general occupancy could still attract 55+. Commissioner DeHart stated his opinion would be to take out C. Mr. Conrad calculated that taking this out would result in a 35% non-55+ figure. Commissioner DeHart noted that while he does not particular like apartments, they are restricted to 55+. C is closer to Fulling Mill Road, closer to the traffic, etc. He stated that he was on the Planning Commission when this plan went through in 2007, and it was felt strongly that it be retained as a 55+ community.

Vice President Truntz agreed that it looks like a good project, and stressed that the law only requires 80% to be 55+. He added it is important to have more time for the neighbors and community to come in and express these opinions on what is being presented. Mr. Conrad agreed that he would love to work with them. Commissioner Davies stated he feels the plan is viable, but questioned the multi-unit building that is right up against single family housing. This could create some contention with the existing residents in that area. If there is wiggle room in that, he noted he looks favorable on this plan.

Fire Chief Weikle expressed his concern that the two entrances on Fulling Mill Road are accidents waiting to happen due to the barriers. This will be a particular concern if emergency apparatus needs to get in there. Chief Weikle stated he would love to see the dividers taken out, as he sees no purpose in them. He added there is also confusion with drivers coming down Fulling Mill Road and thinking they are turning onto Nissley, but instead turning into the dead-end of the triangle going in. Either the entrance needs to move away from Nissley a bit, or a lot of signage needs to be placed. Chief Weikle also expressed concern with the lack of areas in the development to push and stack the snow. This will need to be addressed.



President Wilt again stated his feeling that the age restriction needs to be kept as much as possible, since that was the only way the original plan was approved.

Mr. Huxta thanked the Board for its comments tonight.

#### APPROVAL OF MINUTES:

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the Minutes of the June 2, 2021 Workshop Meeting. The motion was unanimously approved.

#### PAYMENT OF BILLS:

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve the Payment of Bills – Warrant No. 2021-05. The motion was unanimously approved.

#### TREASURER’S REPORT:

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to approve the Treasurer’s Report for May 2021. The motion was unanimously approved.

#### PUBLIC SAFETY REPORTS:

##### Police Department

##### *Activity Report for May 2021*

Chief Visconti provided a summary of the monthly statistics for May. There were 15 Part I crimes, 26 Part II crimes, 426 calls for service, 2 DUI arrests, 27 traffic citations, 7 non-traffic citations, and 29 warnings. There were 10 motor vehicle accidents, 9,259 patrol miles driven, and 867 foot patrol minutes. Commissioner Davies questioned the category titled “directed patrol”. Chief Visconti explained this is patrol he issues as a result of a request or concern from a Board or resident.

Commissioner DeHart questioned the status of speed patrol on Longview Drive. Chief Visconti explained the speed sign was put out there, and data was collected. Surprisingly, the results showed the speeding problem was not what was anticipated. The average speed was in the low 40 mph range. Commissioner DeHart suggested it be placed on Powderhorn Road next, which is getting heavy traffic due to the detour. Chief Visconti added there was a complaint

from a citizen that there are not enough signs on Powderhorn, specifically the upper end. An assessment was done, and one additional speed limit sign was put where the powerline is for northbound traffic, and another placed coming south right off Longview where the cul-de-sac is to the left. Vice President Truntz asked if the speed sign is still working correctly. Chief Visconti agreed it is and is a useful tool. Commissioner Davies asked if more than one of these would be useful. Chief Visconti responded that one seems to be adequate, since it is rotated for short periods of time.

#### Fire Department

Fire Chief Weikle presented the monthly statistics. During the month of May, there were 38 calls (181 year to date), and 29 responders with an average of 6 personnel per response. There were approximately 14 hours of time in service. There were 2 fire incidents, 9 Rescue and EMS incidents, 16 good intent calls, 10 false alarms, 1 special incident type. Mutual aid was provided to Highspire Borough (2), Hummelstown Borough (1), Middletown Borough (4), PA Turnpike (1), Steelton Borough (5), and Swatara Twp. (4).

Chief Weikle reported that some of the box systems are changing and are being reviewed. He explained that boxes are areas that are basically cut up into small sections which determine who responds to those areas via mutual aid. Hummelstown changed its box alarms to one box that covers the entire Borough and added one of the Township's fire trucks on; hopefully the Fiddlers Elbow bridge and Union Street work will be completed soon. Chief Weikle added that the City of Harrisburg has also changed some of its boxes and added the rescue as a second alarm and added the tanker in the event there is a water emergency in the southern portion of the City of Harrisburg. Commissioner DeHart asked that the box system information, when completed, be submitted to Ms. McBride so that the Township has a copy.

#### ENGINEER'S REPORT:

Mr. Fabian referenced his monthly report and provided updates, beginning with the Rosedale Manor Stormwater project. He and Mr. Washinger recently did a thorough evaluation of the progress of the construction and discovered that the progress on the punch-list items necessary before paving has really slowed down. There appears to be some issues with delays in concrete production and delivery. If they are unable to start pouring these concrete curbs, they really do need to start closing up some of the holes that are around the area. These are



problematic, and some are not coned very well. Pressure will be applied to the contractor to resolve this. Mr. Fabian added that he was initially told they had begun preparations necessary to start paving by June 28. He stated that from what he is seeing, paving will probably not occur until the end of July. Hopes are to stick to a three-month extension on that original substantial completion target, which would be mid-August. Mr. Fabian also reported that there was some outreach from PA DEP today; evidently, they received a complaint from Highspire Borough on the discharge ends of the project. DEP is trying to facilitate a meeting to discuss those outlet points. Ms. McBride asked to be kept updated on this item. Mr. Fabian added that the issues with the final change orders of the contract have been resolved and will go to the Municipal Authority for approval when finalized. Work continues by PPL on the outstanding streetlight repairs.

The detour plan was worked through for the Cockley Road Culvert Replacement work which will require routing drivers into Swatara Township. Mr. Fabian referenced the work on Spring Garden Drive, and reported that he had a walk-thru this morning with H&K to review the punch list for substantial completion. Final completion is still anticipated by the end of the month.

Mr. Fabian reported that a request was received to submit an Erosion and Sediment Control Plan for the Fulling Mill Road boat launch to Dauphin County Conservation District for its review. This was submitted and will be part of the GP-2 permit from PADEP. They are looking to have an approval letter from the Conservation District.

There was finally some movement in reimbursement for the MEII grant. This had been delayed for several months now since its submission due to department retirements and the covid situation. Ms. McBride was able to pursue this with their local government liaison who pushed the paperwork forward. Review was complete, comments were received, and Ms. McClain is working through what is necessary to get final reimbursement. Mr. Fabian added that DEP also seems favorable to the request to shift the leftover funds to PRP BMP-6 fieldwork for the stream restoration near this site. They are requesting more details on the statement of need on Township letterhead. This will be drafted for Ms. McBride's signature.

The evaluation of the Sunoco Pipeline Bonded Roads' Review was completed and provided to Mr. Washinger for staff review and comment. In response to a question from Commissioner DeHart, Mr. Fabian explained there are three main sections that he identified for

reimbursement as being realistic and defensible. These include North Union Street, the unbonded portion of Stoner Drive, and the bonded portion of Stoner Drive.

There was a request from farmer Paul Wagner to continue farming on the Shireman Park tract for the remainder of 2021. Mr. Fabian explained that there is a restriction in the DCNR grant that was used to purchase the property that at some point in time all farming would need to stop and a covered crop would be done. DCNR has agreed that farming may continue through 2021, but must cease by 2022. This was conveyed to Mr. Wagner.

SOLICITOR'S REPORT: None

MANAGER'S REPORT:

Ms. McBride referenced a quote just under \$40,000 to resurface the Shope Garden's basketball court. She added that no action is being requested tonight; this pricing came from Costars, but other bids will be sought.

Bids for the trash contract, which expires at the end of this year, will be going out within the next few weeks. Ms. McBride noted that GFL, the current hauler, has expressed interest in providing a bid. She added that she has received complaints regarding their service, but commented this is probably going to happen with any trash hauler. They have been responsive to her calls when she reports a complaint.

The Fire Department has received notice that the cell tower company would like to renegotiate their lease on the cell tower. The Fire Department's contract does allow them to rent that out. Solicitor Henninger added that although the Township owns that property, one of the agreements made with the Fire Department is that they will continue to obtain that rent. Commissioner DeHart stated that he thought the Fire Department owns that piece of property. Solicitor Henninger stated he will need to look into whether it was subdivided. In response to a comment from Commissioner DeHart, Solicitor Henninger confirmed that property taxes are paid on that portion of property, since it is not a municipal service that is being provided.

The Middletown Home will be holding its annual Pumpkin Festival in September, but the event will be held two days instead of just one day this year. Chief Visconti will be meeting with them soon to discuss coverage for the event, which will be paid for by the Middletown Home.



Ms. McBride reminded the Board that it had passed an Emergency Declaration in March of 2020 regarding covid. The Declaration indicates it will be lifted when the PA Governor lifts it. At the next meeting, the Board will be asked to officially lift the Emergency Declaration and declare that the Township is no longer under a state of emergency.

The Township has not had an account with PLGIT (Pennsylvania Local Government Investment Trust) for some time. Ms. McBride explained that she reopened an account to place the American Recovery Act money into when it arrives.

Ms. McBride reported that she had further discussion with resident Don Wagner regarding the possibility of Township welcome signs. Information will be forthcoming.

Future Meeting Dates:

President Wilt read aloud the list of future meeting dates:

June 23	7:00 P.M.	Zoning Hearing Board
June 24	7:00 P.M.	Planning Commission Mtg.
June 28	7:00 P.M.	Municipal Authority Legislative Mtg.
July 5	Independence Day Holiday – Twp. Offices closed for business	
July 7	6:45 P.M.	Board Public Hearing on wireless facilities ordinance
	7:00 P.M.	Board of Commissioners Workshop Mtg.

In response to a question from Solicitor Henninger, the Board agreed that it would like to have a representative from Cohen's Law Group, special council for the wireless facilities' ordinance, be available through Zoom for the July 7 Public Hearing. Commissioner Davies asked if this ordinance will be considered for approval the same evening. Solicitor Henninger agreed that it will be on the agenda of the July 7 Workshop meeting, held directly after the Public Hearing.

COMMITTEE REPORTS:

Public Safety Committee: no report

Budget and Finance Committee: Commissioner Davies – stated that he and Commissioner Paul will be discussing the budget process this year to determine if any changes should be made to the current procedure.

Public Works Committee – Vice President Truntz reported that the Department has been doing typical summer type work, including curb painting, crack sealing, mowing right of ways and thoroughfares, street cleaning etc. He also referenced a report today of an issue at the intersection of Swatara Drive and Pennsylvania Avenue where a depression or sinkhole has developed. This area seems to be prone to problems like this. Mr. Fabian explained he visited

the site with Mr. Washinger today, and no direct issues were observed in the evaluation of the piping network of both sanitary and storm sewer. Suez was contacted and did not discover any leaks. More investigation will need to be done to fully discover what happened. Solicitor Henninger agreed that he recalled issues there before. Mr. Fabian noted the area is coned-off for safety purposes.

Community Development: Commissioner DeHart – reported that MARA has been conducting interviews for a Director and is close to making a decision.

Personnel Committee: President Wilt – reported that interviews were held for the Planning and Zoning position, and the selected candidate is expected to begin employment on July 19.

#### UNFINISHED BUSINESS:

##### Resolution No. 2021-R-4 accepting Morgan Drive

The Board tabled Resolution No. 2021-R-4 which would accept Morgan Drive from Craig Morgan and Brian Morgan for dedication to the Township.

##### Appointment of alternate to COG

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to approve the appointment Don Fure as an alternate to the Capital Region Council of Governments (COG). The motion was unanimously approved.

#### NEW BUSINESS:

##### Preliminary Plan for Kinsley Residential Development

The Board tabled the Preliminary Plan for Kinsley Residential Development, PC#2021-02, 72.2 acres for 103 single-family lots located in the Residential Urban District, submitted by Snyder, Secary & Associates for DHK Residential, LLC. Project is located north of the turnpike and east of Stoner Drive.

##### Preliminary/Final Subdivision Plan for Thomas and Susan Coble

The Board discussed the Preliminary/Final Subdivision Plan for Thomas & Susan Coble, PC#2021-03, located at the corner of N. Union Street and Grandview Avenue. The purpose of this plan is to subdivide an existing 0.67 acre tract into two separate lots of 0.33 acres each. The plan was submitted by Burget & Associates, Inc. The applicant is requesting three waivers and one deferral: §22-404 –Preliminary plan, §22-403.1.A(2)(E)- Plan scale of 1"=10', §22-403.1.A(2) –



Plan size and §22-607 – Sidewalk -- Deferral of installing sidewalks until time of construction. The Planning Commission recommended approval contingent upon all outstanding comments on the HRG Review Letter #1.

Mr. Fabian first explained the waiver requests on the size and scale of the plan. They would like to deviate from the standard plan requirements on size and scale. Because they are going to a larger scale than required, the recommendation is to approve these waivers. Commissioner DeHart referenced the requested waiver to defer sidewalk, and asked about the curbing on the North Union Street side. Solicitor Henninger explained the request is to defer the sidewalk until construction, not to defer it indefinitely. When they go to develop, the sidewalk will need to be put in. As far as the curbing goes, Solicitor Henninger stated he does not believe they are requesting a waiver of curbing on North Union. Commissioner DeHart explained he just does not want anything to get missed. He noted there is existing curbing on the east side; the west side does not have sidewalks or curbing. Commissioner Davies stated that he is personally wary of deferrals, and tired of waivers. Commissioner DeHart added that Swatara Township, instead of deferring or waiving, requires the developer to pay into a fund; the Township then goes back and installs sidewalks where necessary.

Solicitor Henninger suggested it might be best to table the plan, since there is no requested waiver for curbing, and curbing is not shown on the plan. Joe Burget, Burget & Associates, Inc., explained that curbing will be put in whenever they go in to do the work, similar to the sidewalk. If a deferral of curbing needs to be put on the plan, this can be done. He noted that after seeing a comment from the engineer, he did add a note on the plan today stating that the curbs and sidewalks shall be required at the time each lot will be built upon within the Borough and the Township. Solicitor Henninger stated this would work. He recommended the Board make two separate motions. One would be to act on the first three waiver requests, which are fairly standard in nature. The second would be to grant the deferral of curbs and sidewalks until the time of construction, pending receipt of a deferral request for the curbing. Ms. McBride asked if it is possible that one lot will be developed, and then the other developed years later. Mr. Burget agreed this is quite possible. President Wilt recommended that once construction starts on one lot, curbing and sidewalk be put on both. Mr. Burget explained the problem is not knowing where the driveway is going to be placed. In response to a question from Commissioner DeHart, Mr. Burget agreed this work will require a HOP. This will actually end up being a state permit and requirement, and the state may even decide it does not want curbing there.

A motion was made by Commissioner DeHart, seconded by Commissioner Davies, to grant the following three waiver requests: (1) §22-404 –Preliminary plan, (2) §22-403.1.A(2)(E)- Plan scale of 1"=10', and (3) §22-403.1.A(2) – Plan size. The motion was unanimously approved.

A motion was made by Commissioner Davies, seconded by Vice President Truntz, to grant the deferral requests for installing sidewalk and curbing until the time of construction on the two lots, contingent upon receipt of the revised deferral request. The motion was unanimously approved.

A motion was then made by Vice President Truntz, seconded by Commissioner Davies, to approve the Preliminary/Final Subdivision Plan for Thomas & Susan Coble, subject to all outstanding comments. The motion was unanimously approved.

Application for Payment No. to H&K for Spring Garden Dr. Culvert Replacement Project

A motion was made by Vice President Truntz, seconded by Commissioner DeHart, to approve Application for Payment No. 3 in the amount \$16,708.77 to the H&K Group for the Spring Garden Drive Culvert Replacements Project. The motion was unanimously approved.

Improvement Guarantee Reduction #2 for Campus Heights III

A motion was made by Commissioner Davies, seconded by Commissioner DeHart, to approve Improvement Guarantee Reduction #2 for Campus Heights III in the amount of \$427,138.00, leaving a balance of \$192,695.00. The motion was unanimously approved.

Any other New Business:

Commissioner DeHart referenced the rock in the wall at the culvert near Fiddlers Elbow and North Union and observed there is now paint on it. He asked if this means it is ready to be removed. Mr. Fabian responded that he did have a meeting with UPS and asked that question but has not heard back yet. He agreed to pursue this and attempt to get a timeline for the work.

Solicitor Henninger announced that the Board will be adjourning and convening into a joint executive session with the Municipal Authority immediately upon conclusion of this meeting. The purpose is to discuss the outstanding Highspire litigation matter.

FINAL COMMENTS:

Commissioner DeHart thanked everyone for coming out and providing their input. He stated this is helpful to him in trying to make the right decisions.



Commissioner Davies thanked those involved in the hiring process for the Planning and Zoning position. It was a lengthy process, and the candidate chosen is very impressive.

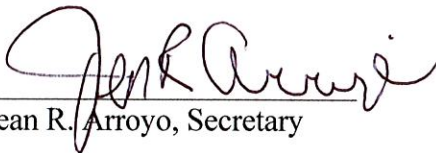
Vice President Truntz agreed that he appreciates everyone involved in the hiring process. He also expressed appreciation to those that came out tonight regarding The Pond. He asked everyone to spread the word among their neighbors, and then come out and let the Board know what they think. He again noted the law requires only 80% to be 55+, so the Board's hands are somewhat tied there.

President Wilt also thanked everyone who participated in tonight's meeting, and noted he looks forward to the new employee starting next month.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Vice President Truntz, seconded by Commissioner DeHart, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:29 P.M.

ATTEST:

  
Jean R. Arroyo, Secretary

**PLEASE PRINT NAME CLEARLY**  
**JUNE 16, 2021 LEGISLATIVE MEETING -- 7:00 P.M.**

[illegible]





# The Pond

on Fulling Mill

## BUILDING KEY

- A** Phase 1 Townhouses  
18 Townhouses  
36 Parking Spaces
- B** Phase 2 Townhouses  
50 Townhouses  
100 Parking Spaces
- C** Apartment Building  
40 Unit Residential  
40 Units, 2000 s.f. Commercial Ground Floor  
222 Parking Spaces
- D** Apartment Building  
40 Unit Residential  
40 Units, 2000 s.f. Commercial Ground Floor  
188 Parking Spaces
- E** Apartment Building  
40 Unit Residential  
40 Units, 2000 s.f. Commercial Ground Floor  
15 Parking Spaces
- F** Mixed-Use Building  
35 Units  
40 Unit Residential  
40 Units, 2000 s.f. Commercial Ground Floor  
598 Parking Spaces
- G** Mixed-Use Building  
40 Unit Residential  
40 Units, 2000 s.f. Commercial Ground Floor  
47 Parking Spaces
- H** Mixed-Use Building  
40 Unit Residential  
40 Units, 2000 s.f. Commercial Ground Floor  
25 Parking Spaces
- I** Mixed-Use Building  
40 Unit Residential  
40 Units, 2000 s.f. Commercial Ground Floor  
25 Parking Spaces
- J** Storage Units  
25 x 180 Building

## TOTAL UNITS

**Residential: 238 Units**  
Townhouses: 68 34 Parking Spaces Required  
Apartments: 170 255 Parking Spaces Required  
**Commercial: 12,500 s.f.**  
63 Parking Spaces Required  
**Parking: 395 Spaces**  
312 Parking Spaces Required