**M I N U T E S**

**LOWER SWATARA TOWNSHIP REGULAR MEETING**

**PLANNING COMMISSION AUGUST 26, 2021 7:00 P.M.**

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

Chauncey Knopp, Chairman Shawn Fabian, HRG

Dennis Fausey Don Fure, LST Director of Codes & Planning

James Young Kaylee Justice, LST Planning/Zoning Coordinator

Tonya Condran, Recording Secretary

Others present via Zoom:

Kimber Latsha Alexa Korber, DCPC

Peter Henninger, LST Solicitor Nate Gingrich

Chris DeHart, LST BOC Jeff Frekot, resident

Others present in person:

Judd Dayton, Snyder Secary Ron Secary, Snyder Secary & Associates

Brandon Conrad, The Pond Mike Huxta, ELA Group

Loretta Miller, resident Dave Miller, resident

Patty Pronick, resident Bill Pronick, resident

Dale Messick, resident Ron Paul, LST BOC

Barbara Florence, resident Jim Diamond, Eckert Seaman

**MOMENT OF SILENCE** – in memory of Eric Breon, Vice Chairman.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF MINUTES:**

Mr. Knopp asked if there was a motion to approve the July 22, 2021 meeting minutes. Motion was made by Mr. Fausey to approve the minutes and seconded by Mr. Young. All were in favor. Minutes were approved.

**OLD BUSINESS:**

**DHK Lot 2 LLC** (Jednota South), located south of Rosedale Avenue, west of the Airport Connector, Middletown, PA. Subdivision to correspond with zoning boundaries and construction of 419,000 +/- sq. ft. warehouse.

Judd Dayton, from Snyder, Secary, & Associates, came to the microphone and explained that they were here before and gave a brief synopsis of the plan. He said the plan has been revised to reflect the conversations from the last meeting. They have addressed all comments from the last submission. At this point, Mr. Dayton asked if there were any questions or comments.

Mr. Young stated that he drove past the site, and not only did they retain the retaining wall, but they left the shrine there and he feels that was very nice of them to do that to keep with the tradition of that property.

Mr. Knopp asked Mr. Fabian if he had any questions or comments.

Mr. Fabian responded that the bulk of HRG’s comments have been addressed. So what is left are the administrative comments and clean-up items, so it is nothing that has a substantial impact on the layout and the design.

Mr. Knopp asked Mr. Fure for any questions or comments.

Mr. Fure said that we are down to just one final item, the location for the fire department connection. He said we are working with Mr. Dayton from Snyder, Secary & Associates on this so this could just be a comment on the plan.

Mr. Knopp asked for any other questions or comments from anyone.

There were no other questions or comments.

Mr. Young made the motion to recommend approval of this plan to the Board of Commissioners with the stipulation that all outstanding issues identified by the Township Engineer and the Township Staff be resolved.

Mr. Fausey seconded the motion.

All were in favor, plan was approved.

**NEW BUSINESS:**

**Sketch Plan - THE POND ON FULLING MILL SUBDIVISION – Lot 5 –** 16.574 acres in zoning district CN (Commercial Neighborhood) at northeast corner of Fulling Mill Road and Nissley Drive. 75 Townhouse units and 117 apartment units in two buildings, each 4 stories in height, with a parking garage on the first floor and 3 levels of apartments above. As submitted by Vistablock LLC and ELA Group Inc.

Mike Huxta from the ELA Group came to the microphone to explain their proposed sketch plan. He introduced Brandon Conrad, the CEO of Vistablock LLC, who would be answering questions later.

Mr. Huxta went on to explain the project. The property is formerly known as The Pond on Fulling Mill and was created to be a 55+ community. Vistablock would like to take over this project, constructing townhouses but they also want to add apartment units. This will increase the density that they are looking for. The density increase will go from 8 units per acre to 12 units per acre because of the apartment buildings. The apartment buildings will have parking on the ground floor and three units above. To get the height that they need to be able to do that, they need to look for some zoning relief.

Mr. Knopp asked if instead of building 4 stories, can the parking be put underground? He feels they would have a better chance of getting it passed that way.

Mr. Huxta said this is what they did in the past for other developments, and they prefer this way to go about it and it is more economical to go about it this way. But he acknowledged that Mr. Knopp presented a good point but there would be more issues with stormwater, but he said that is an option they will keep in mind.

Mr. Fausey stated that originally The Pond was supposed to be 55+.

Mr. Huxta agreed and said they are still looking to keep it a 55+ retirement community.

Mr. Fausey said he was just curious why they have two- and three-story buildings for a retirement community.

Mr. Huxta said the apartment units will have elevators for people to be able to access their units and all townhouses will have a bedroom on the first floor.

Mr. Fausey stated that he noticed the waivers they are looking for are mostly zoning issues.

Mr. Huxta confirmed that. But said they wanted to present this to the Planning Commission as a Sketch Plan to get your feedback so as they move into Land Development, they could start working through some of the comments that may arise.

Mr. Fausey said he feels the biggest problems will be density and the market.

Mr. Young added that the height will be another issue. He said that we have waived the 40’ height restriction for warehouses because they need the clearance internally on that, but he feels it is a huge request for this project.

Mr. Huxta stated that this is the reason they wanted to present this to the Planning Commission first as a sketch plan. He stated they know they have a lot of work ahead of them. The purpose of this sketch plan is to get the feedback before they submit a preliminary plan and a final plan. He explained that the road structure in this site will not be changed, it will just be the interior layout of the site. Their plan is to put in apartment buildings along Nissley Drive.

Mr. Fausey said he agreed with Mr. Young on the height variance request. He says he feels there is not a hardship there so the height requirement will probably be a challenge for them. He feels a three-story would be better than a four-story building.

Mr. Young asked what their rationale was for the one-and-a-half car parking.

Mr. Huxta said a lot of places where they were, retirement communities only have one car. They have a lot of on-street parking, so they feel that one-and-a-half is acceptable for this type of community. And that is only for the apartment units. The townhouses will have enough parking for two cars. So, to be able to get this to work for the apartment buildings, there is not a lot of extra space for on-lot parking, but they have three or four surface lot parking lots scattered throughout the facility.

Mr. Huxta went on to say that they did receive the sketch plan review from HRG and a lot of the comments will be addressed in the Final Land Development Plan.

Mr. Fabian responded that he did see the response letter back to his review letter.

Mr. Knopp asked Mr. Fabian for any questions or comments.

Mr. Fabian said that a lot of his comments are spelled out in the Ordinance and will be able to be incorporated into the design as they progress through it.

Mr. Huxta added that because there is an active Land Development Plan, that is valid for this site, when they come back in, they are planning to submit a revised Land Development Plan to revise the plan that is already approved.

Mr. Knopp asked Mr. Fure if there were any comments from the public.

Patty Pronick from the Twelve Oaks development came to the microphone. She explained that her property backs up to The Pond. She feels this property is not zoned for rental properties; the previous plan was for homeowners not rental. She stated she has an issue with that. She feels rental units will drop her property value. She is also concerned about sewer and water issues that were not taken care of by the previous owner. Her concern is if where the sewage goes to can handle the extra volume. Another concern to her is the height. She stated that a lot of the residents in her area bought their properties because of the view and the trees. She was also concerned about the back taxes that are owed on this property. She feels it is wrong for the Township to change the Zoning so they can get their money back. She also feels there are issues with fire company access.

Laurie Castagna from the Twelve Oaks development came to the microphone. She asked if apartments fall under the Commercial Neighborhood (CN) District zoning or will this have to be re-zoned.

Mr. Henninger stated that this is an overlay district which is residentially prominent. There is no prohibition towards rental units, you could rent your house if you wanted to.

Mrs. Castagna said her question is about apartments and if they are permitted in the CN District.

Mr. Henninger replied that he believes apartments are permitted.

Mr. Knopp asked for any other questions, concerns, or comments from the public.

Barbara Florence from the Twelve Oaks development came to the microphone. Her concerns are with the volume, density, and traffic that will be created with this development. She asked if the residents will be permitted to park on Nissley Drive and if there is any restriction right now.

Mr. Fure said that would be a State HOP issue. He will investigate that.

Ms. Florence informed that getting in and out of Twelve Oaks from that corner is not good. She asked if there will be lights there. She said right now there are plenty of close calls regarding accidents there. She feels this all needs to be addressed.

Mr. Huxta informed that these issues are regulated by PennDOT, and the previous owner had the entrances approved.

Ms. Florence added that she has a problem with huge apartment buildings sitting right on Nissley Drive. She asked if they would consider moving the apartment buildings to the east side of the property closer to the Commercial buildings on Fulling Mill Road. She stated she believes the apartments would be an eyesore on Nissley Drive.

Mr. Huxta said he understands her comment and they are trying to work with the existing development that has already been constructed. So putting it to the east side would be difficult because there is not a lot of room there. There is already existing stormwater basins and infrastructure in place so that is why the areas for this plan were chosen.

Mr. Fabian added that there are some aquatic resources there as well.

Dave Miller from the Twelve Oaks development came to the microphone. He feels that this plan is very much of an over-reach. There are no four-story buildings in the Township. There are no three-story apartment buildings in the Township. He feels there is not a need to finish this development by adding apartment buildings. There was a lot of time spent approving this development. The only thing the previous builder did was pick a bad design for Lower Swatara Township or central Pennsylvania. The previous builder told Mr. Miller that it was a Colorado design that people will love. Three years later, they still haven’t sold. He said frankly the place is a mess right now and something needs to be done with it. Mr. Miller said he and his neighbors would be happy to pay for the bulldozer to go through there and plant corn there next year. He said he appreciates what they want to do with this property, but he doesn’t think they should do it at the expense of the existing neighbors that are already established. Again, he stressed that the apartment buildings are a clear over-reach. He feels that the 87 homes that were approved for that property already would work better for the rest of the neighborhood than what they are presenting tonight.

Mr. Knopp told Mr. Miller that they need to be able to make money and 87 homes are not enough to make money.

Mr. Miller said they appreciate growth in the Township but where there are existing neighborhoods, they need to speak out against it. He feels the apartment buildings right along Nissley Drive is just not a good idea. He said the turn lane also needs to be looked at again. He feels the turn lane coming east on Fulling Mill Road still has a clearance problem, and with adding 192 homes and several hundred more people in there, he does not feel this is a workable plan. Mr. Miller said sometimes unfortunately people come up with bad business plans, but it is not the Township’s job to bail them out.

Mrs. Castagna commented that when this was supposed to be owned units, several people from Twelve Oaks went down there and picked out their lots. She said she had her lot picked out and her plan picked out. That was when the original developer was there; but they have no idea what happened to that developer. Everybody was thinking of buying a place because they wanted to stay in the area, but if they are going to be rentals, she will not sell her home to move into a rental.

Jeff Frekot from the Twelve Oaks development spoke on Zoom. He stated that driving by this site is a fiasco. He said the sooner that property can get cleaned up the better.

Brandon Conrad, CEO of Vistablock, came to the microphone. He said he agreed with a lot of the things that were said tonight about the prior development. They found themselves in a difficult spot with this one in terms of the millions of dollars that were put into this project. To make the economics work, they cannot build 87 townhomes there. The amount of money that has already been invested and that the bank has, would either be sitting the way it is as an eyesore to Lower Swatara for at least five or more years, or Vistablock could come in and improve it. They met with the Lower Swatara Commissioners at a Workshop Meeting before they purchased it to ask about this project and ask what the appetite was for the increase in the density. The Commissioners responded that they get so many complaints about this old plot of land, and they would like a solution. Mr. Conrad said they provided their initial solution, and he hears what everyone is saying about it being too high and too dense, so they are prepared to compromise with their Twelve Oaks neighbors, but 87 townhomes will not work. He said they initially did have an apartment building on the northside, away from Nissley Drive, but unfortunately that would block views of the neighbors to the north, and they were cognizant of that. It cannot be put on the eastside because of the stream. It cannot be put along the front, or it would be blocking Fulling Mill Road. And then there is the actual pond to consider. He asked how the Twelve Oaks residents felt about cutting out the western-most apartment building and replace that with some townhomes; and then in the middle, keep that apartment building and maybe make it three floors. That would mean they would be building them with very little profit, but they don’t want to get into a situation where the neighbors on the northside are protesting the project. He said they would love to work with the Twelve Oaks neighborhood. He asked if there were any amenities they would like to see. He did confirm that they will be rentals, they all will have ground floor master bedrooms, the apartment buildings will have two bedrooms and a den. So, it will be a nice retirement community. He told the residents that he appreciates all their feedback and thanked the Planning Commission for the opportunity to be here tonight.

Mr. Knopp asked for any other questions or comments.

Mr. Miller came back to the microphone. He asked for clarification on what was just said. (At this point they went over changing the western-most apartments into townhomes, etc.) Mr. Miller then asked approximately how many apartments that ends up with.

Mr. Conrad replied that there are 51 units right now. He also informed that he has two partners in their company, and he is working to convince them to have fewer units in the apartment buildings with more common space for seniors to socialize, i.e., a big game room, a bar area, pool table, that type of community space. He also pointed out that Lots 1 through 4, along Fulling Mill Road, the prior developer was going to put a bank there and they plan on putting a clubhouse/community center there. But there is some thought of having the clubhouse/community center be in one of the two apartment buildings and then that would all be commercial along Fulling Mill Road. So, he said they are thinking of businesses that would benefit from a retirement community (high-end gym, physical therapy, restaurant, etc.). He said they do not own the property along Fulling Mill yet (Lots 1-4) because financially they need to know what they can do with the top part; but they are under agreement to buy it.

Mrs. Pronick asked if they were planning on putting apartments on top of the commercial buildings, as well.

Mr. Conrad said yes, that is their plan.

Mrs. Pronick responded that there will be even more apartments than what they are saying. So that will be more sewer problems, more water problems, more of all the problems mentioned before. She continued that there would be a lot more people, a lot more traffic, etc. She asked how many townhouses they were planning to build.

Mr. Conrad answered 72 townhouses.

Mrs. Pronick asked that since they decreased the number of townhouses and added 51 apartments in one building, how many apartments will be in the front building.

Mr. Conrad answered 66 apartments in one, 51 in the other.

Mrs. Pronick said that is a lot of people.

Mr. Conrad replied that if you actually look at suburban areas, 12 units per acre is higher than some areas, but they are getting 20 units per acre in Lancaster.

Mrs. Pronick stated that this property was originally planned for 87 townhomes. She said she understands that it is a financial issue to do that, but why do they as homeowners have to suffer because of a bad business decision. She said she was fine with the 87 townhomes for 55 and older but adding all these apartments is just not acceptable to her.

Mr. Young asked for clarification. He asked if he was understanding that if they took out the apartment building along Nissley, they would replace it with townhouses. He asked how many townhouses he would estimate to go in there.

Mr. Conrad answered that all of their townhomes are either 4 or 6 packs. He feels that two or three 6 packs would fit in that area. He also stated that he shares the frustration in terms of the 87 townhomes approved plan failing. So, they could either walk away from the deal, then they all lose money, the Township loses tax revenue, and the property sits there as an eyesore for not being maintained; or they could improve this property. He feels this development will improve the quality of life for people and improve land.

[An unknown resident] asked how it improves the quality of life for the people of Twelve Oaks.

Mr. Conrad responded that it would improve the lives of 100 or more people who are 55 and over who want to live near great jobs and great access to highways and everything else that is great about Lower Swatara. He said he understands that this happens in any development, there are going to be very wealthy neighborhoods with very expensive homes, and anytime you try to put homes in that aren’t as nice as those in that neighborhood, there is going to be tension. He assured the residents that he wanted to work with them to resolve that tension. He said he is hearing loud and clear that they are not going to get 192 units approved, and he understands that. But if they only build 87 townhomes, they lose millions of dollars.

[Unknown resident] said if it were 87 rentals, they probably wouldn’t make money, but she felt 87 privately owned homes may get them the money they need.

Mr. Conrad informed that they actually make more money off of rentals.

Mr. Miller suggested that they come back with the changes that were mentioned, so people could actually see it, and show the developed bottom area even though it is not theirs yet, people would then be able to start seeing what you are proposing. He feels it is getting too difficult to envision because of the changes that are being talked about without actually being able to see them. Mr. Miller said he understood that they would need to make some money on this, he wasn’t aware that they already owned the land, so he would like to see them be able to work on something that was more agreeable between them and the residents of Twelve Oaks.

Mrs. Florence added that a physical plan of what they discussed tonight would help her to understand as well because she is a visual person.

Mr. Conrad showed her a concept drawing of what the development (as presented tonight) would look like looking from Fulling Mill Road up Nissley Drive. He said they do have pictures of the townhomes; however, they do not have the pictures with them this evening. He said he thinks the residents will like them; they are not what are there now.

Loretta Miller of Twelve Oaks came to the microphone. She said that just from looking at the picture (displayed on the screen tonight) reminds her, and the rest of her neighbors, of the apartments at the Middletown Swim Club. She also said that when you say “apartments” to people who have put sweat equity into property for as long as they have, it’s appalling to them. She said that the 87 townhouses took them a while to get used to; but then when they saw those “3 ugly Colorado things that don’t belong in Pennsylvania”, it was even worse. She said the only thing that was worse was “the dirty Dairy Queen that we finally got rid of.” She continued that psychologically that is just not what they are here for, that is not why they bought their land, or why they moved to a rural area, it is going to create so much traffic. She was also concerned about where the sewage would be going.

Mr. Conrad said it was previously approved for 48,000 gallons per day, and he said they are under that. But he said that is getting pretty technical for him, so he leaves the sewer decisions to the Engineering Team.

Mrs. Miller went on to say that it is just too much. She said that when they heard about this, they were just sad because they have so much time and energy put into their properties. She said to drive by that area is an eyesore, but she said she would go over there and get her neighbors and take those three units down and plant corn and they would be happier. She continued that with all these proposed units, the traffic is going to get worse, and Nissley Drive is already “like a racetrack”.

Mr. Conrad replied that if the prior developer had built a sustainable product, he wouldn’t be here trying to increase the density.

Mrs. Castagna replied that that is not the residents of the Township’s issue. He [the prior developer] is responsible for the money that he owes the Township; not the residents who have to live near it and the zoning was approved for 87 townhouses. She continued that the residents are fine with 87 fifty-five and older townhomes. When they tried to change it from 55+ community, she said they fought against that because they do not want Section 8 housing to come in. She says she understands that is not what they are proposing to build now, but who knows what will happen 5 or 10 years down the road. She said she and her neighbors want to live there for the rest of their lives, but their property values will drop a lot. So, she asked what will happen when it is sold to the next owner, and they decide to put Section 8 in there. She was worried about being “stuck with that”.

Mr. Conrad responded that this is a “buy and hold” project for them. He is a local person, and he intends on being here for as long as he lives, and he said he intends to hold that property. It is not going to be a New York City firm that will be managing it, he said it will be his face that you will see.

Mr. Huxta said he had some responses to explain the plan and wanted to address some of the concerns:

* The first one was about fire access. When they met with the Board of Commissioners, the Fire Department was there and explained the issues they had with the plan. He said they intend to address those issues (LSFD wanted the islands removed for better access and wanted to know where they intended to push snow).
* Mr. Huxta advised that they will be keeping the streets as private owned, so the roads would be maintained by the property owner.
* Also, rentals have been addressed here a lot this evening. The way he feels about it is that a retirement community has people who have difficulty maintaining their property when they get older, so there will be a standard to maintain the property by the owner.
* There are a lot of issues with sewer that have to be resolved. They have been in contact with the Sewer Authority. The last plan had a lot of Commercial in the front. Commercial uses a lot more sewer and water. With this development, they will be using below the sewer capacity that was already allotted. He said they are not looking to increase the sewer flows.
* He explained to the residents that all of these issues must be resolved before the Township will give approval to start construction. It is still early in the Phase, so the issues are being looked into.
* Screening of the residents to the north was also addressed at the BOC meeting. He explained that they did have an apartment building proposed for the north side of the property, but one of the comments was that the building would block views for the neighbors up on the hill there. So, a request was made to fully screen the top north of the property, and that is what they intend to do. Since this property is downhill from the Twelve Oaks development, with the topography and with the screening, you won’t be having views blocked by a large building.
* Parking on Nissley Drive, he is not sure about. That would have to be addressed by the Township or PennDOT. He said they did a traffic analysis of what was previously planned with the Commercial units in the front and the number of residential units, and with the Commercial being reduced to what it is now, the traffic shows fewer daily trips than when there was more Commercial. So, this plan is less traffic than was originally planned with the previous plan. That will all be submitted to the Township when we go through the Land Development process.
* He stated he knows that a lot of people do not like the increased density. But with today’s thought process with development and communities, if you increase density on a lot like this, you are saving farmland somewhere else. There are always people who want to save farmland. They are looking at 12 units per acre, other places look for 16 to 24 units per acre. So, he said, it may seem like a lot here, but this is what is typical across the state right now.
* Section 8 housing has also been discussed here tonight. With the amount that people have to pay to develop something these days, Section 8 Housing just will not pay the bills. Anyone who moves in here, will have to pay the higher fees because these types of developments are very expensive to construct and maintain.

Mr. Knopp thanked Mr. Huxta for his comments.

Mr. Frekot asked if this was going to be a private community.

Mr. Huxta said yes.

Mr. Frekot asked if there would be a Homeowners Association (HOA) that they will pay fees to go towards snow plowing and yard maintenance.

Mr. Conrad said no, there will not be a HOA because there will not be any homeowners. But the owner of the whole property will have operating expenses like plowing, maintenance, mowing, etc. and those expenses will come out of the owner’s revenue. He explained how the business model works: tenants pay rent, and then that rent covers the mortgage, interest, taxes, and expenses to run the property.

Mr. Frekot went on to say that if there are 70-plus stand-alone homes and then the apartments. He asked if that was correct. And if they were all rental properties.

Mr. Conrad confirmed that they have 72 townhomes which will be leased to tenants and also the apartments. These all are rental properties. What convinced them to do it this way, was that they got a market study of this area, and they look at a 5-mile and then a 10-mile radius of rental housing demand, both generally and 55+, and there is a shortage of between 100-150 units for the 55+ rental community in this 10-mile radius. So, their thought process was that there is a sufficient amount of land to build this and, obviously, they take all the risks on the outset. They believe that the market study is right, and they will do it all in phases. So, if they do not get the lease-ups that they think, they will have to cut short the project.

Mr. Frekot said that “hopefully they have a different marketing firm than the folks that originally came up with this plan.”

Mr. Conrad stated that the estimate was that they will get twelve units per month leased up as they go forward. So, there are about 144 units that can be leased up in a year. Once it is built, they are estimating ten to twelve 55 and older tenants each month.

Mr. Frekot then said, for those tenants, he feels it is reasonable to expect their rent is probably going to increase over time for the increasing costs of cutting grass and removing snow.

Mr. Conrad answered that yes, the rents will increase over time, but not necessarily for the causes of snow and maintenance, which are built into their rent.

Mr. Frekot then asked about the frontage property on Fulling Mill Road.

Mr. Conrad informed that they call those Lots 1 thru 4, and the back portion is all one lot and they call that Lot 5.

Mr. Frekot stated that as he goes up to Target, and takes a left after the Sheraton, he is looking at the back of a commercial building. Who is going to rent a place that is facing the back of a commercial property? He says he “just doesn’t get that”.

Mr. Conrad explained that they have some walking neighborhoods or town centers, and that is sort of the model that they are trying to create. A lot of the residential units will be serviced by the commercial units there: there will be a coffee shop, a café, a restaurant, a nice gym, probably some offices.

Mr. Frekot interjected that he just feels this is a bad idea. He says he doesn’t see this township or the local market supporting any commercial business there. He feels commercial businesses coming in there will not be successful.

Mr. Conrad assured that if they could only do residential, that’s what they would do. The Township prefers to have commercial along Fulling Mill Road and he said they are trying to be good neighbors and build a commercial product. But he said yes, he agrees with Mr. Frekot, that commercial is far riskier than building residential apartments and townhouses because you are relying on three or four tenants.

Mr. Frekot insisted that the commercial development along Fulling Mill would fail.

Mr. Conrad asked if he was suggesting that they need more residential units to offset the commercial failure.

Mr. Frekot said he doesn’t see any business investing in going in there. The only business he said he could see going in there is a carwash.

Mr. Conrad said he hadn’t considered a carwash going in there; but, that would be hard to put apartments on top of.

Mr. Conrad continued with answering comments made on the rent. He said that is all driven by a market study and by market forces when it’s completed. So, the market study that they got now is projecting rents to be between $1400 - $2000. They are building different types of units: some are two-bedroom with a den; some are efficiency one-bedroom units.

Mrs. Castagna stated that according to Ordinance #595, it says that a minimum of 20% of the net lot area shall be set aside as permanent open space. She asked if there would be 20% set aside on this proposed project.

Mr. Conrad said they would have 50% open space on this project.

Mrs. Castagna argued that it can’t be, if that is only 16 acres, she doesn’t feel that 8 of those acres are open.

Mr. Conrad said that 8 acres are non-impervious.

Mrs. Castagna stated that the Ordinance says no portion of that open space shall be utilized for stormwater management facilities and shall be exclusive of steep slopes and right-of-ways.

Mr. Conrad assured her that they will completely abide by all of those requirements in the Ordinance. If they wouldn’t abide by the Ordinance, the Township would not allow them to develop. Every month that goes by, they lose a lot of money; so, they want to abide by the Ordinance and get through the system.

William Pronick of Twelve Oaks asked Mr. Conrad if they build high-end houses.

Mr. Conrad responded that they do not.

Mr. Pronick said it would be a good idea to make that Twelve Oak Estates and put some nice houses in there.

Mr. Conrad asked what the average lot size was in Twelve Oaks.

The residents answered that the average lot size was ½ acre.

Mr. Conrad said that at the most they could build then would be about 30 and the numbers would just never work given what the prior developer already did and what they had to pay for the land.

Mr. Conrad continued that part of the reason he came here tonight was to see if anyone had information about the farmland across from Nissley Drive, because it impacts their plans.

Mr. Pronick stated that is why he mentioned high-end houses, because he feels “if the guy is smart, that is what he would put in there”.

Mrs. Castagna informed that that land is under contract. It is subdivided by one-acre lots zoned Residential Agriculture (RA).

Mr. Young asked Mr. Henninger what the next step in the process will be and if there would have to be a text amendment.

Mr. Henninger answered that there is a graph text amendment that he has received that they would need in order to go forward. The process with the text amendment is it’s a proposed change to the Zoning Ordinance; it would come to the Planning Commission for specific review, and also specific review from the County Planning Commission, with recommendations then to go on to the Board of Commissioners (BOC), then the BOC would then hold a public hearing. Multiple public meetings would have to be held before acting upon, with at least one public hearing, then the BOC could grant or deny. So, there is a specific procedure to go through.

Jim Diamond, LST’s new solicitor, stated that he feels Mr. Henninger explained it well. The text amendment is a little different than some aspects of this; so, when they are doing the Land Development or they move on for a Zoning Variance, the rule is already in place. When a law is amended, which the BOC would do, that is a discretionary thing, so they decide whether or not it is in the best interest of the citizens. But it goes through a very deliberate process under the State Law Municipality Planning Code. After the Zoning is changed, then they would go through the Land Development process.

Mr. Knopp asked for any other questions or comments.

There were none, so Mr. Knopp thanked Mr. Huxta and Mr. Conrad for their presentation tonight.

Mr. Frekot had one more comment. He was not in favor of any zoning changes, and he feels the other residents of Twelve Oaks will not accept it either.

There were no further questions or comments.

**OTHER BUSINESS:**

The next Planning Commission Meeting will be scheduled for Thursday, September 23, 2021, at 7:00 P.M.

**ADJOURN:**

Before adjourning, Mr. Fausey gave a tribute to Eric Breon, LST Planning Commission’s Vice Chairman. He stated that Eric was a great friend to this commission, and he will be sorely missed.

A motion was made by Mr. Young and seconded by Mr. Fausey to adjourn the meeting. All were in favor.

Meeting adjourned at 8:20 P.M.

Respectfully Submitted,

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Don Fure, Director of Codes and Planning