

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
August 10, 2015

Minutes of the Regular Meeting of Township Council Held on, August 10, 2015 at 7:00 P.M., in the Township Administration Building located at 27 North Pennell Road

Present: M. Amoroso, L. Bradshaw, R. Carlson, S. Galloway, C. Quinn, and N. Shropshire

B. Clark and J. Damico, Esquire

1. OPENING

Acting Chairman Mr. Shropshire called the meeting of the Council to order at 7:02 P.M., and led recitation of the Pledge of Allegiance to the Flag. He noted that an executive session took place prior to the meeting to discuss real estate matters.

2. COMMENTS FROM THE PUBLIC

None

3. REPORTS

A. CHAIRMAN

None

B. MANAGER

Mr. Clark reported that the Public Works department cleaned up tree debris from 60 properties that had storm damage following the severe weather earlier in the month. These property owners took advantage of the program the Township was offering following the storm and called the Township and requested this service. At this point, Mr. Clark stated that all residential properties have been handled and the Public Works department is now focusing on cleaning up the trails in the Township.

Mr. Galloway motioned to amend the agenda in order to address items 5F through 5K first. Ms. Bradshaw seconded this motion and Council approved unanimously with a vote of 6-0.

5. NEW BUSINESS

F. Review of Zoning Hearing Board Applications: 2015-08—Trub: 18 Beechwood Avenue; and 2015-09—Rainey—22 Pine Tree Drive

2015-08: Mr. Clark explained that 18 Beechwood Avenue is zoned R-1 and surrounded by R-4 properties. He noted that the existing house on the property is already non-conforming. Mr. Clark reported that the property owner wishes to demolish the existing house and build a new house that would be “slightly less non-conforming” based on the requested dimensional variances. Council did not feel the Township solicitor needed to be present for this hearing.

2015-09: Mr. Clark reported that the applicant for 22 Pine Tree Drive wishes to build a free-standing garage that will encroach into the front yard. Zoning requires a setback of 50 feet and the applicant is requesting a variance to allow a setback of 36 feet. Council did not feel the Township solicitor needed to be present for this hearing.

G. Request for Waiver of Land Development Review: Nazarides—1010 W. Baltimore Pike

Mr. Clark explained that Mr. Nazarides owns the property on the cloverleaf that is in front of the former Denny’s. The structure is currently being renovated to become a Greek restaurant and he wishes to install a small shed (12’ X 20’) to store paper goods. Mr. Nazarides is requesting to waive land development approval because of the small size of the improvement. He noted that it would not cause a storm water management issue since some of the pavement was previously removed. Mr. Clark stated notices were sent to the abutting property owners, stating they could appear at this meeting if they had any concerns.

Mr. Quinn motioned to approve the request to waive land development review. Mr. Carlson seconded this motion and Council approved the motion unanimously with a vote of 6-0.

H. Request for Temporary Banner—Tyler Arboretum—Barren Road

Mr. Clark reported that Tyler Arboretum was making their semi-annual request to put a banner over Barren Road for Pumpkin Day. Due to the fact that Barren Road is a State road, the Township must approve this request in order for Tyler Arboretum to be allowed to hang the banner.

Mr. Galloway motioned to approve the request for temporary barren. Mr. Quinn seconded this motion and Council approved Resolution 2015-67 unanimously with a vote of 6-0.

I. Approval of Cooperative Bid—2015/2016 Salt Contract

Mr. Clark explained that the Township purchases salt for the winter season in two ways: through the State contract and through a cooperative agreement with 9 other municipalities. The current request is to approve the cooperative bid with the other municipalities. There was an increase of approximately \$6/ton. The total cost per ton will be \$62.85. Mr. Clark noted this was the low bid and recommended approval.

Ms. Bradshaw recommended approval of the cooperative bid and Ms. Amoroso seconded this motion. Council approved Resolution 2015-68 unanimously with a vote of 6-0.

J. Renewal of Insurance Coverage—Commercial Package

Mr. Clark explained that the current insurance renewal covers Township general liability, public officials' liability, equipment, auto, etc. Montgomery Insurance Company provided a renewal quotation of \$65,570. He commented that this was \$2,575 more than last year but still under budget. Mr. Clark recommended approval.

Ms. Bradshaw moved to approve the renewal proposal. Mr. Galloway seconded this motion and Council approved Resolution 2015-69 unanimously with a vote of 6-0.

A. Approval of Bill List

Mr. Kirchgasser read aloud the bill list presented for Council's consideration for approval for payment.

Mr. Galloway moved that payments under the August 10, 2015 Bill List be authorized for payment by the Finance Department:

GENERAL FUND		
A.J. Blosenski, Inc	June Recycling & Yard Waste	\$17,656.00
Arthur J. Gallagher & Co.	W.C. Downpayment & First Installment	\$176.82
	W.C. Downpayment & First Installment	\$4,165.14
	W.C. Downpayment & First Installment	\$5,196.59
	Recreation Share	\$284.88
		\$9,823.43
Kelly & Close Engineers	Professional Services 5/16-6/12/15	\$8,170.59
Independence Blue Cross	August Health Insurance	\$10,503.40

	Highway Share	\$7,612.78
	Cobra Share	\$821.40
	Recreation Share	<u>\$3,786.72</u>
		\$22,724.30
Charles A. Higgins & Sons	Street Light Maintenance	\$182.90
	Traffic Light Maintenance-Storm 6/23/15	\$61,185.83
	Traffic Light Maintenance	<u>\$206.80</u>
		\$61,575.53
Rose Tree Media School District	Tax Payment #2277 Linvill Road	<u>\$7,066.05</u>
	Total General Fund	<u><u>\$127,015.90</u></u>

RECREATIONAL ENTERPRISE FUND

The Travel Authority	Mackinac Island & Niagra Falls	\$9,161.92
Celebrity Limo	Various Trips	\$7,405.00
PNC Credit Card- To G/F	Softball Picnic	\$71.09
	Summer Camp	\$1,707.59
	PA Criminal Background Check	\$10.00
	Various Trips	<u>\$4,703.60</u>
		\$6,492.28
	Total Recreation	<u><u>\$23,059.20</u></u>

Ms. Amoroso seconded this motion and Council approved Resolution 2015-70
 unanimously with a vote of 6-0.

Mr. Galloway motioned to continue Agenda Item 4A to the August 24, 2015 meeting
 upon request of applicant. Ms. Amoroso seconded this motion and Council approved the
 continuance unanimously with a vote of 6-0.

Mr. Galloway motioned to continue Agenda Item 5A to the August 24, 2015 meeting upon request of applicant. Ms. Amoroso seconded this motion and Council approved the continuance unanimously with a vote of 6-0.

Mr. Galloway motioned to continue Agenda Item 5B to the August 24, 2015 meeting upon request of applicant. Ms. Amoroso seconded this motion and Council approved the continuance unanimously with a vote of 6-0.

Mr. Galloway motioned to continue Agenda Item 5C to the August 24, 2015 meeting upon request of applicant. Ms. Amoroso seconded this motion and Council approved the continuance unanimously with a vote of 6-0.

4. PUBLIC HEARING

- A. Conditional Use Application of Pennsylvania State University to add two buildings consisting of a residence hall and student union/dining hall on the college campus located at 25 Yearsley Mill Road pursuant to Sections 275-276.B(2) and (C) 1 of the Zoning Ordinance providing for permitted accessory uses to post-secondary schools as a conditional use within the I-2 Institutional District. (Tabled from June 22, 2015 Regular Council Meeting)
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Mr. Galloway motioned to open the hearing. Ms. Amoroso seconded this motion and Council approved unanimously with a vote of 6-0.

Timothy Sullivan, legal representation for Pennsylvania State University Brandywine Campus (PSU), noted that 4 witnesses presented at the July 13th meeting and 4 more would present at this time.

Mr. Damico noted that the applicant has granted the extension for a decision through August 31st but has not responded to the Township's request for a further extension through September 14th. Mr. Sullivan noted that the request for the September 14th extension was made early in the day. He presented the information to his client, who was considering the request at present. Mr. Shropshire emphasized that if the applicant did not agree to the further extension, PSU would risk Council not being able to render a decision at the August 24th meeting and the application would likely not be approved. He wanted to make sure the applicant was aware it would be proceeding at its own risk. Ms. Amoroso also emphasized this matter. Mr. Sullivan agreed and asked that he be permitted to proceed. Council allowed the applicant to proceed at its own risk.

Mr. Sullivan introduced Eric Ostimchuk, traffic engineer for the applicant, and submitted Mr. Ostimchuk's CV for the record. Mr. Damico requested Mr. Sullivan also provide a letter to the Township by the following day regarding the extension to August 31, 2015.

Mr. Ostimchuk went on to note that he is a professional engineer who specializes in traffic planning and design and has presented at hearings previously on similar matters. Mr. Sullivan offered Mr. Ostimchuk as an expert witness and there were no objections.

Mr. Ostimchuk explained he prepared a traffic study dated April 30, 2015 and reviewed the key points. He noted that the traffic study looked at the Rt. 352 access to PSU, Rt. 352 intersection with Yearsley Mill Road, and the Yearsley Mill Road access to PSU. The traffic study was conducted in September 2014 while school was in session and evaluated current and future conditions (with and without proposed use). His study determined that the proposed addition of the two buildings would actually reduce traffic. This is due to the fact that all current students are commuters and the proposed dormitory would allow for 250 students to live on campus. PSU currently has 1,490 enrolled students and is projecting these improvements will increase enrollment to 1,630; however, because 250 will be residents, the number of commuters will decrease from 1,490 to 1,380. He also noted that the addition of a dining hall would also help with mid-day traffic since students won't have to leave campus for lunch.

Mr. Ostimchuk reported that at the request of the Township's traffic consultant, he evaluated the projected affect if all additional students were commuters. Mr. Ostimchuk noted that there was not a discernible change in the data.

Mr. Ostimchuk stated that PSU is required to have a minimum of 481 parking spaces and that actual parking counts have a total of 607 utilized spaces. There are currently 877 parking spaces available.

Through questioning by Mr. Sullivan, Mr. Ostimchuk reported that PSU's proposed additions will not affect the health and safety of the Township and will have 3 access points onto the campus that would provide safe and efficient access to roads and not cause excessive volumes. He went on to state that the only access point scheduled to be altered is the Yearsley Mill Road access, which will be modified to allow for 2 way traffic and access for delivery trucks and emergency vehicles. Mr. Ostimchuk reported that the walkways and existing roads function appropriately and that the existing parking spaces surpass the minimal requirements by the Township.

Mr. Galloway asked if the students staying in the dormitories would be permitted to have vehicles on campus. Mr. Sullivan stated that would be addressed by a different witness. Mr. Ostimchuk noted, however, that the parking evaluation assured there was enough spaces if PSU allowed for residents to have vehicles.

Ms. Bradshaw asked if additional staff was accounted for in the study and Mr. Ostimchuk answered in the affirmative, noting he accounted for 25 additional staff members.

Mr. Damico asked if the traffic study should be introduced to the record and Mr. Sullivan answered in the affirmative.

Mr. Shropshire opened questions up to the public. Al Federico, Township traffic consultant, asked if the revised analysis was submitted and Mr. Ostimchuk answered in the negative.

Jennifer Hall, 400 Matrissa Ridge, inquired if there was a study conducted regarding the affect of the additions on evening hours. Mr. Ostimchuk stated the study was completed for peak traffic hours only, when most traffic occurs.

Mr. Sullivan moved to submit Exhibit A-5, the original traffic study that was not revised to reflect the more conservative approach. Mr. Clark asked if the revised study would be forthcoming and Mr. Ostimchuk stated he would have it to the Township by August 14th.

Mr. Sullivan presented his next witness, John Walker, Regional Director for Housing and Food Services for Pennsylvania State University. Through questioning by Mr. Sullivan, Mr. Walker explained that the student union would consist of a dining center, convenience store, wellness center, post office, Barnes & Noble book store, and student offices. He noted the dining center would be open to the entire campus and would be designed like a food court. It would also include a Starbucks and ice cream desserts from PSU's own creamery. Mr. Walker reported that the dining center would support campus with catering events and the majority of deliveries to the property would be for food services.

Mr. Galloway inquired about how students would pay for food. Mr. Walker explained there would be a dining plan consisting of 6 different levels to choose from with 2 specifically designed for commuters.

Mr. Galloway asked for information about the Wellness Center and Mr. Sullivan stated the next witness would address this.

Mr. Shropshire asked where deliveries would come from and Mr. Sullivan said they would access the campus from the Yearsley Mill Road entrance and go to the loading dock of the student union center, which is in between that building and the Tomeszko Building. He emphasized it would be sheltered from visibility.

Ms. Bradshaw asked how many commuters typically purchase meal plans. Mr. Walker stated that 40% of commuters do for the larger campuses but that this number really depends on the size of the campus. Mr. Galloway asked how many campuses in Mr. Walker's region have student union centers. Mr. Walker stated 6 of the 8 in his region have student union centers.

There were no questions from the audience.

Mr. Sullivan then reintroduced Kristen Woolever, Chancellor for PSU, and introduced Louis Sweigart, chief of police for PSU. Chief Sweigart was sworn in by the court reporter.

Based off of questioning by Mr. Sullivan, Ms. Woolever reported additional staff would be hired to handle students living at the residence hall. She explained a resident advisor would be in each wing and described this person as an upperclassman trained on how to deal with behavioral problems. In addition, 2 professional staff members would be hired to live at the dormitory full-time, year-round. These associates would be adults and trained for this type of position. Ms. Woolever noted that "quiet hours" would begin at 11 PM and that no alcohol or drugs would be permitted in the residence hall, regardless of age. In addition, the police force at PSU would also be increased.

Chief Sweigart stated that there are currently 3 full-time police officers working at PSU and that 3 part-time officers were just hired. Once the residence hall was opened, the police force would then move to operating 24/7 and several more officers would be hired. Chief Sweigart reported that his police force would be the primary enforcement for the campus, with the State police acting as back up.

Ms. Woolever stated that each student living on campus would be required to sign a contact about behavior and then would be held to this contract. She stated it is usual practice to issue one warning and then the student would be dismissed for further related problems.

Ms. Woolever reported that it is PSU's intention to allow the resident students to have vehicles on the property, but that no decision has been made on where these cars would be parked yet.

Ms. Bradshaw asked how the police force at PSU enforced violations. Chief Sweigart explained that the officers of PSU are fully sworn and trained at the Police Academy. He noted that these officers also have bachelor degrees. Any arrests made would be processed through the current district court office as part of the County judicial system. The police officers of PSU report to the Chancellor but follow the crimes code and vehicles code of the Township and State, in addition to PSU regulations and policies.

Mr. Galloway asked how disciplinary measures are handled and Ms. Woolever stated local campus student relations handle all disciplinary measures; however, if a decision is appealed, Main Campus reviews the matter. Ms. Woolever stated no decision by her campus has ever been appealed to the Main Campus level. She noted that there are minimal disciplinary matters at present but expected the number to increase slightly with students living on campus. Chief Sweigart commented that those types of matters differ from criminal matters and are considered two different processes.

Mr. Galloway asked if students will be allowed to have refrigerators and Ms. Woolever answered in the affirmative. Mr. Galloway asked who else besides the police officers would monitor the no alcohol policy. Ms. Woolever reported the 2 professional staff living at the residence hall and the RAs.

Ms. Hall asked if a student was dismissed for not following the behavior contract, would this mean they were dismissed from the university or just not allowed to live on campus. Ms. Woolever stated that decision has yet to be made and would most likely depend on the severity of the infraction. Ms. Hall asked if the police would patrol the woods of the property and Chief Sweigart answered in the affirmative. She then asked if the students would be restricted to certain parts of the campus in the evening and Ms. Woolever answered in the negative. Ms. Hall then asked if it would be prohibited to have flashlights in the woods. Ms. Woolever stated that if neighbors saw anything that concerned them, they should report it to the school. Mr. Sullivan noted that there are cross country trails throughout the woods and if the students were using these trails with flashlights, he didn't think that should be a problem; however, if they are shining the lights in the windows of houses, then the school should be notified.

Mr. Shropshire asked what the size of this campus was compared to other satellite campuses. Mr. Walker stated Abington is the largest and currently getting approval for housing as well. Berks is also larger, as is Harrisburg.

Chris Garriga, Meadowhurst Lane, asked if there was an increase in drunk driving when student housing was added to the other campuses. Mr. Walker stated there were no major issues when Berks and Altoona added dormitories. Mr. Garriga thought the policy prohibiting alcohol on campus was good but thought that would lead to students leaving campus to drink elsewhere and returning drunk. Ms. Woolever noted that they are not permitted to bring the alcohol back and Chief Sweigart stated if the students drive on campus drunk, it would also be a violation.

Mr. Sullivan then reintroduced PJ Close, engineer for the applicant, to address two issues from the last meeting. He asked Mr. Close to explain why the west wing of the dormitory has 4 floors while the south wing has 3. Mr. Close stated the building design went through an analysis that considered many factors, such as number of desired beds, topography/sloping, working within the natural constraints (i.e. tributary that borders lower side), etc. The desire was to have a low-impact design with a minimal footprint and minimal disturbance.

Mr. Close then showed a diagram labeled LP-1, and stated it shows how the slope falls steeply from the maintenance building to the residence hall. He explained the west wing is bent to go with the natural constraints and that he was unable to make the south wing the 4 story wing because it would exceed the 44 foot maximum height requirement and would not comply with Township code.

Mr. Sullivan asked why the dormitory was not put next to the library in the quad configuration and Mr. Close answered this decision was made for functionality and the aesthetics of the quad. He also noted that if the residence hall was placed there, the quad design would no longer exist. He stated that having the dormitory behind the quad was the best design.

Mr. Sullivan asked Mr. Close to discuss the visibility of the dormitory for residents of W. Forge Road. Using diagram SL-1, Mr. Close explained that the 4 photos shown are panoramic views from the properties of 94 Autumn Woods Lane and 58 Forge Road (the two closest properties along W. Forge Road), and face PSU. Mr. Sullivan moved for submission of the photographs as Exhibit A-6. Mr. Close stated that there is 305 feet between the residence hall and property line including a 100 foot buffering. He stated this complies with the ordinance. He also noted that the topography between these properties and the proposed dormitory is not flat and would therefore be conducive to hiding the residence hall. As the photos show, Mr. Close noted there was already good landscaping and fencing in place and that the main building cannot even be seen from the Autumn Woods property. For the West Forge Road property, Mr. Close stated that the evergreens and trees in place would make it difficult to see the residence hall.

Mr. Close then moved on to diagram SL-3, and stated this was a panoramic view of the campus quad from Rt. 352. He noted that from this view, you would barely be able to see the student union center. He also showed diagram SL-4, which was the view from 4 Wedgewood Lane facing PSU. He noted this included a 100 foot rise with existing trees. Therefore the residents here would not be able to see the dormitories either.

Mr. Sullivan asked Mr. Close to discuss the criteria for conditional use. Mr. Close stated that the project will be consistent with community development, as per Section 606 of MPC, and that it would also be consistent with the zoning code's statement of purpose. Mr. Close reported the expansion will conform to all land development ordinances with the exception of the requested steep slope modification. He noted the development would not have an adverse impact on the Township and that it will remain compatible with the I-2 zoning district. Mr. Close shared that the applicant worked hard to keep the goal and vision of the campus intact while still addressing the topography and buffering concerns, as well as concerns noted by neighbors. He reported the expansion would not detract or cause harm aesthetically to the neighbors and would be well-maintained.

Mr. Close went on to state that the site plan is effective for efficiency and the environment, as it would be LEED certified and designed to be low-impact with best practices utilized. In addition, there will be no negative impact on the public water and sewer. MTSA has confirmed there will be capacity available and the applicant will televise all internal, private lines to correct problems. Mr. Close reported this expansion would not impact public schools, fire and/or police in the Township. In addition, parking is being added by the loading dock to increase handicap parking

from 3 to 6. There will also be 7 spaces added by the student union center and 4 added to the Tomeszko building. All added parking spaces will not be visible from public streets and the loading dock will only be minimally visible from public streets.

Mr. Close reported that the applicant is utilizing effective stormwater management and is compliant with both PADEP and Township requirements. He stated there would not be an impact of noise or smoke emissions with the exception of during construction. Still, this will remain compliant with code. Mr. Close stated the applicant is working within the smallest footprint possible to preserve the woodlands and topography. He noted the environmental impact report has been completed. Mr. Comitta reviewed it and there were no problematic comments. In fact, Mr. Comitta reported the EIA report was "excellent," according to Mr. Close. Mr. Close stated Mr. Comitta requested additional narratives and the applicant would comply. Mr. Close went on to state that the landscaping plan is sufficient and the lighting plan meets Township requirements and was also reviewed by Mr. Comitta.

Kevin Matson, engineer consultant for the Township, noted that the Township requires 481 parking spaces but the university has 865 spaces to date, while demand only requires 607. Mr. Close confirmed this was correct. Mr. Matson stated that there is at least 200 additional spaces over what is needed, which creates a lot more impervious surface (approximately 1 acre). He went on to state the nature of Act 167 planning is to generate less storm water flow. He questioned if the additional 200 spaces was really needed. Mr. Close explained that functions and occasions on campus have a need for additional parking. While he understood Mr. Matson's line of thinking, Mr. Close felt that taking away parking would not be prudent since the spaces are necessary sometimes. Mr. Sullivan also noted that in the past, the parking was needed based on enrollment. Since the goal of the university is to increase enrollment in the future, Mr. Sullivan found it necessary to leave the parking as it stood currently. Mr. Matson stated that part of land development is to look at ways to safeguard the environment. Mr. Close reported that the impervious maximum allowed in the zoning ordinance currently is 35% and it will be less than 20% after the project. He stated this was a significant amount of open space.

Mr. Matson noted that noise studies could be affected by whether or not the residence hall windows opened. Mr. Sullivan reintroduced Mr. Krug, who testified at the last meeting. Mr. Krug, architect, stated that the dorms would have 1 large vision window that would not open, and the 12" vent windows that could open. He noted the dormitories would be air conditioned.

Mr. Galloway asked Mr. Walker if it was expected for the residence halls to "clear out on weekends." Mr. Walker stated it is hard to predict but that many students do tend to leave on weekends. Mr. Galloway asked what types of activities would be available on the weekend for the students that do stay. Ms. Woolever stated they were already increasing student affairs activities and they plan to have events on the weekends, including live entertainment.

Mr. Galloway asked what would be included at the wellness center. Ms. Woolever answered exams rooms with a nurse and receptionist. He then asked if there was a fitness center for the students staying on campus. Ms. Woolever stated that there is already a fitness center in the Commons Building but they would hopefully look to expand it in the future.

Mr. Flandreau asked when the Township should expect the revised EIA and Mr. Sullivan stated within the week. Mr. Sullivan then reviewed all of his exhibits and provided Mr. Damico with a list of each one.

Mr. Galloway motioned to continue the hearing to the August 24, 2015 meeting. Ms. Amoroso seconded this motion and Council approved the continuance unanimously with a vote of 6-0.

Mr. Shropshire asked Mr. Sullivan if he was aware of all the requirements needed by next meeting and Mr. Sullivan answered in the affirmative.

Mr. Galloway motioned to close the hearing. Ms. Amoroso seconded this motion and Council approved the continuance unanimously with a vote of 6-0.

6. ADJOURNMENT

Mr. Shropshire adjourned the meeting at 8:44 PM.

Respectfully submitted,



Amanda Allen, Recorder