

TOWNSHIP OF MIDDLETOWN
PLANNING COMMISSION MEETING

December 8, 2015

Present: Anthony Mirenda, William Moran, Susan Powell, Greg Reitze, Peter Schettler, and David Sharbaugh

Don Petrosa, Esquire

A. Call to Order

Chairman Mr. Sharbaugh called the meeting to order at 7:31 PM.

B. Approval of Minutes

Mr. Schettler motioned to approve the minutes for the October 13, 2015 and November 10, 2015 meetings. Ms. Powell seconded the motion and the Planning Commission approved unanimously with a vote of 6-0.

C. New Business

Final Land Development: Penn State University—25 Yearsley Mill Road—Applicant proposes a reverse subdivision in order to include 3 adjacent parcels owned by Penn State University as part of the main parcel. Applicant also proposes to construct 2 new buildings on the property: a 4-story dormitory containing 257 beds and a 2-story Student Union Building.

Review of the proposed zoning ordinance to amend Zoning map to rezone 21.4529 acres of land located on the northeast corner of the intersection of Old Forge and Yearsley Mill Road (formerly the Davis Tract).

Tim Sullivan, attorney for the applicant, explained that Penn State (PSU) was present for the Final Land Development, Reverse Subdivision, and amendment to the zoning map related to the construction of a 257 bed dormitory and Student Union building. He noted that because of how the requests relate, he would be presenting both agenda items simultaneously.

Mr. Sullivan went on to present a brief history of the project. He reported that the Preliminary Land Development Plan, Reverse Subdivision Plan, and conditional use application were originally filed on April 30, 2015. On June 9th, PSU presented these requests to the Planning Commission and received a recommendation for approval by unanimous vote. A public hearing took place to discuss the request in length during Council agenda meetings on

July 13th, August 10th, and August 24th. On September 28, 2015, Council unanimously approved the Preliminary Land Development Plan, Reverse Subdivision Plan, and conditional use application; however the conditional use application contained 16 contingencies. Mr. Sullivan reported the majority of the contingencies were related to the operations of the residential hall and student union building. Nevertheless, 4 of these contingencies affected the land development plan and are now part of the Final Land Development Plan. On October 30, 2015, PSU filed the Final Land Development Plan and Reverse Subdivision plan with the Township. Mr. Sullivan noted these were both virtually identical to what was presented to Planning Commission on June 9th, with the exception of the changes made for the 4 Land Development contingencies set forth by the Township in the conditional use application.

Mr. Sullivan reported these 4 contingencies as follows: Council requested and PSU agreed to grant a 10.3688 acre easement to the Township on the Davis Tract to be used for a stormwater management facility to control the Rocky Run tributary, which services a 1,400 acre watershed (the majority of which is not on PSU property); Middletown Township Sewer Authority requested and PSU agreed to grant an additional .2 acre easement to the easement already provided to MTSA in order for the Authority to expand the Yearsley Mill Pump Station; and Council requested that the 21 acre Davis Tract, which PSU acquired around 2013, be deed restricted with the exception of the construction of stormwater facilities by the Township and/or PSU. PSU agreed, contingent upon the Township agreeing to a fourth contingency, which was the Davis Tract be rezoned from R1-A to I2 in order to be the same as the rest of the campus. Council agreed. As a result, these 21 acres would basically serve as a buffer. It is also the reason for the 2nd agenda item for the current meeting.

Mr. Sullivan went on to report that the Township consultant review letters were "clean" with only minor details needing to still be addressed. He also noted that PSU needed to comply with several agreements, which have already been provided to the Township Solicitor for review.

Mr. Sullivan stated that PSU has now asked for a 2nd Waiver, regarding the recreation fee. He noted that PSU felt it was exempt from the fee because PSU is open to the public as a State University. Therefore, the library, walking trails, tennis courts, etc. are all able to be used by the community at large. Mr. Sullivan went on to state that the deed restriction agreement and 2 easements granted demonstrates that PSU went above and beyond requirements and should be granted the waiver for this reason as well. He commented that he spoke with both Mr. Damico and Mr. Clark about this request and neither of them expressed any objections.

Mr. Sharbaugh asked how Governor Wolfe's budget impasse may affect the project. Mr. Sullivan stated the vote for the resolution to approve funding for the dormitories was scheduled to be presented to the PSU Board of Trustees in November; however, the matter was tabled until the December meeting and is expected to pass. He felt this extra time provided

enough of a window for the State to hopefully work to a resolution of the issue so that funding existed. If it did not though, Mr. Sullivan expressed that by PSU moving forward with this project in terms of receiving the necessary approvals from Council, the Planning Commission and other Third Parties, the project would be ready to begin once the funding was approved. Mr. Sharbaugh thanked Mr. Mirenda for bringing that matter to the Planning Commission's attention.

Mr. Moran asked for a little more detail about PSU Brandywine, since he was not very familiar with the campus. Based on his questions, Kristen Woolever, Campus Chancellor, explained that PSU offers both 2 year and 4 year programs. Currently about 50% of the student population is enrolled in 2 year programs; with the remaining 50% enrolled in 4 year programs. It is the goal for the campus to increase the number of 4 year programs. Once the dormitories are operational, she expected both 2 year and 4 year programs to continue to be offered, and noted that the campus also has advanced degrees. She identified some of the 4 year programs, which included psychology, biology, human development, English, American studies, business, and engineering. There are plans for environmental science too. Mr. Sullivan commented that PSU also has a partnership with Delaware County Community College, which allows DCCC students to transfer to the University to finish their education.

Ms. Powell asked Mr. Petrosa for his opinion on the Recreational Fee waiver. Mr. Petrosa expressed that he took no issue, but that it was a matter for Council to approve. He expressed that while he did not think the stormwater easement was an argument for the waiver, he thought PSU had a point about the campus being opened to the public. Mr. Sullivan commented that Council just waived Granite Run Mall's waiver request due to their amenities. Mr. Petrosa noted he was not sure if it was a full or partial waiver, and that it may have been determined that the Mall met the requirements and did not need to pay a fee. Mr. Sullivan reported that an email from Mr. Clark on November 20, 2015 gave the impression that no waiver was paid.

Mr. Petrosa recommended the Planning Commission approve PSU's requests subject to satisfying all review comments and outstanding Preliminary Land Development Plan approval conditions.

Mr. Sullivan noted that Council also wanted to reserve the right to require additional landscaping to the Honors Garden section of the property. Instead of waiting until after the project to see if this would be necessary though, PSU has decided to move forward with adding this additional landscape during the project's construction.

Mr. Sharbaugh asked if there were any comments from the public. There were none.

Mr. Mirenda motioned to recommend approval of the Final Land Development Plan, Reverse Subdivision Plan, and the amendment to the zoning map for the PSU application,

subject to satisfaction of all Township review comments and outstanding Preliminary Land Development Plan approval conditions. Mr. Schettler seconded the motion and the Planning Commission approved unanimously with a vote of 6-0.

Mr. Sharbaugh adjourned the meeting at 7:55 PM.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Allen", written in a cursive style.

Amanda Allen, Recorder