

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
PUBLIC HEARING FOR ZONING AMENDMENT REQUEST
1675 & 1677 GRACE AVENUE
January 16, 2023**

The advertised Public Hearing before the North Lebanon Township Board of Supervisors was held this day at 7:06 PM at the Municipal Building located at 725 Kimmerlings Road, Lebanon, PA with the following people present:

Township:

Ed Brensinger	Chairman
Gary Heisey	Vice-Chairman
Arden Snook, Sr.	Treasurer
Tim Knight	Chief of Police
Amy B. Leonard	Henry & Beaver LLP
Cheri Grumbine	Township Manager
Lori Books	Assistant Township Manager

Escambia Properties LLC:

Derek Dissinger	Barley Snyder
Dan McGuire	Escambia Properties
Justin Kuhn, P.E.	Integrated Development Partners, LLC

Also, present was, Erika Sheibley, Recording Secretary, Emily Bixler, *LebTown* reporter, and members of the public.

PUBLIC HEARING - Zoning Amendment request from Escambia Properties, LLC

At 7:06 PM the regularly scheduled Board Meeting was paused, and the Public Hearing for a Zoning Amendment Request for was opened.

Solicitor Leonard opened the hearing and reviewed the legal advertising and publication date of the Zoning Amendment Request in the *Lebanon Daily News*. Solicitor Leonard then reviewed the Zoning Amendment Request.

The purpose of this hearing is to consider the Petition for a Zoning Amendment of the Escambia Properties, LLC, equitable owner of 1675 and 1677 Grave Avenue. The Petition for a Zoning Amendment requests the re-zoning of the real estate located at 1675 and 1677 Grace Ave from Rural Residential (RR) to Low Density Residential (R-1).

Solicitor Leonard explained the procedures of the Public Hearing.

Solicitor Leonard then turned the meeting over to the representatives of Escambia Properties, LLC to present their rezoning request.

Mr. Dissnger, started off by explaining what the permitted uses are in the RR Zoning and the R1 Zoning. He noted that both RR and R1 Zoning Districts do not allow for townhomes or

apartments. The owners of Escambia Properties are from Landisville/Mechanicsburg and are the equitable owners of the portion of property that is being requested to be rezoned. They do not currently own the property but are under contract to purchase the property.

The minimum lot size in RR is 20,000sq.ft. where the minimum lot size in R1 is 15,000sq.ft.

Only seven of the lots do not meet the 20,000sq.ft. lot size requirement which is why Escambia is requesting that the zoning be changed from RR to R1. The difference from the RR lot size to the R1 lot size is only about .10 of an acre difference.

The applicant then reviewed the history of zoning changes made to surrounding properties. Homestead Acres (south of the property) was rezoned from Agricultural to R1 in 1995 when the Minimum Lot size in the R1 development were only 12,000sq.ft.

The applicants believes that rezoning of portions of 1675 and 1677 Grace Ave is consistent with the Comprehensive Plan and past rezoning.

The portion of property located at 1667 Grace Avenue that is not included in the zoning amendment request would benefit if the Board approved of the zoning change. There are multiple apartments located on this property and their current on-lot septic system is failing. The rezoning would allow this property to connect to the township's public sewer system that would be extended as part of the proposed development.

Mr. Dissinger then turned the presentation over to Mr. Kuhns with Integrated Development Partners. The two main differences from the RR zoning to the R1 zoning are the lot sizes and the minimum lot width. Mr. Dissinger reiterated that the lot size for RR is 20,000sq.ft and the lot size in R1 is 15,000sq.ft. The minimum lot width in the RR zone is 125 ft in R1 it is 110ft. The 15ft lot width difference allows for it be financially feasible to make the connection from Manor View Drive to Grace Ave.

The rezoning would permit the creation of 27 R-1 single-family lots, which includes a one acre portion of the Ridilla Property (1677 Grace Ave).

The applicant finished their presentation and asks the Board if they have any questions.

Supv. Snook requested that the applicant explain the difference in number of lots from the current RR zoning to the R-1 zoning. If the property would remain zoned as RR and developed with the connection to Manor View Drive to Grace Ave, they would lose about 5 lots.

Solicitor Leonard asked the applicant if they are aware of any residential properties in the RR zoning that was rezoned to R1 and the applicant informed her that he was not aware of any that were rezoned.

Solicitor Leonard informed the applicant of multiple developments that surround their property that are currently Zoned RR.

Lots 6 through 13 are above the minimum lot requirement for R1. These lots are larger than the

RR zoning lot minimum and would abut existing RR.

The seven lots that are under the 20,000sq.ft would abut the current R1 zoning district.

Solicitor Leonard noted that this property could be developed in its current zoning.

Solicitor Leonard pointed out that earlier Mr. Kuhn's stated that if it remains RR they would only be able to develop 22 lots, 5 fewer lots than in the R1 zoning. She questioned why.

Mr. Kuhn informed everyone it is because of both the lot size and lot width. However, this would not be economically feasible from the current developer's standpoint.

Solicitor Leonard noted that the developer believes it is not economically feasible however it is physically feasible to develop this property without the zoning change.

The public hearing was then opened to comments from the public.

Jeannine Gates – Resident on Hunters Chase Ln: Was told when purchasing house this property in question would never be rezoned and never be built on. They were also told that about the development that is currently being built. She wants to know how far from the powerline will the property be and buildings. She also asked why they need to connect onto Manor View Dr, what is the benefit?

Mr. Kuhn – The property lines will not change; the property will still abut up against the backyard of the homes along Hunter Chase Ln. There would be several hundred feet from the house and the property lines along Hunters Chase Ln. The benefit to homestead by extending Manor View Drive would allow for another entrance/exit to the development.

Atty Anderson Greer, representing Karen Mihalik resident of Hunters Chase Ln: Acknowledged county is growing and also stated they can develop the land in its current zoning. Change only being requested to provide more of a profit for the developer. Atty Greer presented the Board with a petition of 66 signatures from residents who are opposed to this request for a zoning change. People want to preserve a little bit of open space, not the whole county but a little bit of it.

The petition was entered as an Exhibit for the hearing.

Kathleen Wolfe – township resident: She does not live in a developed area. However, she lives right next to this area. She has an animal rescue. She has a lot of vandalism and people breaking in and harming her animals. These new homes would allow more kids access to her rescue. She also has concerns about the traffic as she already has difficulty pulling out of her driveway onto Grace Ave.

John Wolfe – township resident: There was a subdivision plan submitted in the early 2000s for this development that involved more lots than the proposal we saw tonight. What would prevent them from using that one instead of the one that they are showing tonight if the rezoning was approved by the Board? Mr. Dissinger: stated this plan would have expired from 2000. We can't use someone else plan.

Jere Putt – 1505 Jay St – I have a farm; I don't like people running around on my farm. I didn't

want the Homestead Acres Development to be approved but it was. Everyone wants open space, but no one wants to pay the taxes. I agree with the applicant wanting to develop their property.

Alexandria Neiman – township resident 1137 Hunters Chase Ln: There are no sidewalks in Homestead. People have to walk on the road. There should not be an increase in traffic. With more people means the school will be over crowded and more police officers would need to be hired. We paid for a premium lot because of the farm field behind us that would now be developed decreasing the value of the homes along Hunters Chase. Is there a time for breaking ground on this?

Mr. Dissinger: There is a sidewalk ordinance, the proposed development would be required to install sidewalks. At the earliest it would be 2024 if the property is rezoned. The development would increase the school tax revenue. These homes would not devalue the neighboring homes on Hunters Chase Lane.

David Wissinger – 1320 Twigg Ave: I moved in over 22 years ago. Bryan is a very nice guy. His word is gold.

Dennis Williams – 1325 Twigg Ave: Twigg Ave ends in a cul-de-sac. Under current zoning or new zoning will the through road connect to Twigg. Mr. Kuhn's responded, no, that portion of the Perry tract is not being rezoned.

Gary Marks - Original Developer of Hunter Chase Ln: We worked with the Perry, Artz, and Cikovic Families to allow stubs; sewer, water, gas, and street connections for the property in question. It was always intended for Manor View Dr to be a through road not just a stub.

Sherry Gardner – 1141 Hunters Chase Ln: We purchased our property in 20004 and we were told that the farm would be developed, and the stub road would be a through road. We have had over 30 species of birds in your yard, but it was only after we had put plantings in the yard to attract them. There is a lot of speeding through the development. We had a pipe bomb in our yard when we moved in. I like where I live and I like the Perry's as neighbors, they are good neighbors. There was a time when I couldn't get home because the entrance to the development was blocked. I like the idea of having a second entrance into the development especially for emergency responders.

Nick Gardner – 1141 Hunters Chase Ln: I like having the Parry's as a neighbor they are a good neighbor. We are one of the oldest homes in the development, as there were only 3 other homes built when we moved here. It was very quiet when we moved in, but it got louder as the development grew. For the traffic I don't like the way people drive now, but I don't see the proposed development increasing the traffic at all. It wouldn't increase traffic coming into Hunters Chase as they will leave and go straight to Grace Ave, but it could increase with traffic coming out of Hunters Chase Ln. I will be sad when the stub road gets extended because that's were all the kids in the development go to learn how to ride bikes since there are currently no sidewalks in the development. I feel bad for the people that will have to look out their window and look at houses now instead of a field. But it is Bryan's property and I feel like he should be able to with it what he wants to, if done properly. I can see both views.

Michelle O'Donnell – Buck Run - Daughter of the Perry's: When I grew up the Homestead Acres Development was a field too. Times have changed, kids don't want to be outside all the time. While the kids won't have the room to play, they will have other kids to play with. My father has come over to my development to help plow people out that he didn't even know. My mom and I

have scoured the development to help find the owners of a dog. The sense of neighbor is there, adding these additional homes is not going to take away anything from that current sense of neighbor that exists already, if anything it is going to add to it.

Joseph Perry – Son of the Perry's: I grew up while the development was being built. I understand why they wouldn't want to lose their view. I have a question for Mr. Kuhn – do you think that the traffic for the front half of Homestead Acres will be relieved a little because if there is an additional entrance/exist? Mr. Kuhn: Absolutely. Joseph Perry also stated it would be easier for the police to evacuate the development quicker because of the additional road.

Rick Hass – 1119 Hunters Chase Ln: A few years ago, the power lines went down and they took out two pools and a roof. My main concern is will there be a safety issue with the powerlines.

Mr. Kuhn: the homes are not allowed to be built in the right-of-way of the power lines. This already goes through multiple developments. This right-of-way is supposed to be large enough that if the poles fall nothing will be in their path.

Randy - Township resident Hunters Chase Ln : I don't think the access point out to grace is beneficial. If Grace Avenue is blocked it still does not provide a way to access the development. Big fear is of the unknown. Most of us were told that this land would never be developed. A zoning amendment request was denied by the board in the 1990's what's different from then? I am opposed.

Daniel Rivera –1139 Hunters Chase Ln: I am worried about stormwater run-off. Where is the water going to run too, is my basement going to flood, if so, who is paying for it? Mr. Dissinger stated as part of the Land Development process we are required to meet the newly adopted Stormwater Management Ordinance adopted by the township.

Mr. Kuhn: under the current process we must comply with rate control which is we cannot increase the post development run off from the pre. We must perform volume tests as well. We would use stormwater basins and infiltration beds.

John Tobis 1153 Hunters Chase Ln: what is the right-of-way width of the power lines? Mr. Kuhn: they are about 185 Ft.

John Tobis 1153 Hunters Chase Ln: So the property lines will come up to my property lines? Mr. Dissinger: The property lines currently come up to your property. The property lines are not changing.

John Tobis 1153 Hunters Chase Ln: is the through road going to run where the lane currently is?

Mr. Kuhn: the lane goes under the power, the road is about 75 ft on the other side of the power line right-of-way, about 200 ft closer to Grace Ave

John Tobis 1153 Hunters Chase Ln: what do you think these lots are going to sell for? Mr. Dissinger – for the lot itself around \$120,000.00

Dennis Boltz – 1156 Hunters Chase Ln: we moved in over a decade ago and we were not told

about the road being extended and the farm being developed. Mr. Boltz also asked questions about land being developed that was not owned by the applicant nor pertained to the zoning amendment.

Resident – no name given, questioned what the township is going to do for the current area residents. She asked why this rezoning is being looked at again when it was not approved back in 1995.

Sol. Leonard – There was a petition to rezone this property in the 90s and the Board at that time denied that petition and now it's a new developer. When a new developer comes in and there is a new equitable owner, they are permitted by law to request the township rezone it. There is no limit on how many requests there are to rezone a property.

Solicitor Leonard confirmed this Board is NOT adopting a zoning amendment tonight, there is no zoning amendment ordinance advertised for tonight. This is a public hearing for the Board to hear the public and get information so they can know what the developer's position is, applications position is, and what the public's position is. The Board is not going to take action on this matter tonight. If the Board decides to take action on this petition it will be done at a later date. If they decide to grant the petition, that can only be done by the Board adopting a Zoning Amendment Ordinance. If that happens, it's going to be advertised, it's going to be on the website.

Bryan Perry – Owner: stated he has owned this property for 35 years and appreciates everyone coming out tonight. When they moved in the only lights visible were the radio station tower lights over at Ebenezer and the substation lights across the street. They understand losing their view. When Mr. Marks farm was rezoned to R1 he worked with him to create the stub streets. He did try to rezone to R1 in the 90s but back then the lot sizes were much smaller, like the ones in homestead acres. We proposed a denser subdivision and a connection to Twigg Ave. We are not connecting to Twigg Ave this time. These are going to be nice homes like the surrounding homes, they are not constructing townhomes. They are not rezoning the west portion of the property it will stay RR and abut RR zoning. The portion being rezoned will abut R1. The kids play out in our front yard, and we are happy about that. This development will not have as big of an impact on you as the Homestead Acres Development had on us. I had the engineer take a lot off from what is proposed, as it was too close to the waterway. We are not taking the forest down or building in the wetland area.

Alexandria Neiman - township resident 1137 Hunters Chase Ln: If the homes are half a million dollars, then their property will be worth more.

Karen Mihalik resident of Hunters Chase Ln: Voiced her concerns about stormwater. We already have water issues and have concerns of stormwater issues becoming worse for the neighborhood.

Paul Schwab-: is any portion of this property developing within the wetlands? Mr. Kuhn: No, we are not building on wetlands.

Paul Schwab- why don't you put a cul-de-sac there? Mr. Dissinger: we are not allowed to put on there because of the number of homes.

Nick Gardner – 1141 Hunters Chase Ln: agreed that there are water issues with the homes along Hunters Chase Ln.

Doug Shirk – 1149 Hunters Chase: wouldn't it be better to get a variance for the 4 lots than request a total rezoning for the property? Mr. Dissinger : No, it is harder to get a variance than rezoning.

Sol. Leonard – the current zoning ordinance does not allow for any residential use other than single-family detached dwellings in R1 and RR.

Laurie Sprandel – 1107 Hunters Chase: She voiced her concerns with the increased traffic and with stormwater run off.

The hearing was then turned over for Board comments.

Supv. Heisey : explained that the Board is supposed to sit here and listen to everyone's concern. He thanked everyone for coming out tonight and confirmed he listened and wrote down everyone's comments relating to this rezoning request.

Sol Leonard: The purpose of the public hearing tonight was to allow the Applicant to present their rezoning request and allow the public to give input. No zoning Ordinance Amendment had been advertised for adoption at this time, and the Board of Supervisors have indicated they would take the matter under advisement and that any future action on the requested Zoning Amendment would occur only at a public meeting. No ordinance in this township is adopted without being advertised.

Public Hearing Closed at 8:50 PM.

Respectfully Submitted,

Erika Sheibley
Recording Secretary