

The meeting of the Towanda Borough Planning Commission was held on Tuesday, February 15, 2011 at the Towanda Municipal Building, 724 Main Street, Towanda, PA.

Members present: James Lacek, Evelyn Sherburne, Erin Groves, Larry Kacyon, Jimmy Lacek, Shannon Clark, and Mark Christini

Members absent: Keith Long, Ed Ulatowski

Officials present: James Haight, Zoning Officer; Leonard Frawley, Borough Solicitor; Thomas Fairchild, Borough Manager; Dennis Phelps, Executive Director of Trehab.

Public Hearing

A listing of visitors is attached.

The meeting was called to order at 5:30 p.m. by Mr. Lacek. He noted this is a public hearing regarding the request for Special Exception for a 35 unit housing development in an R-1 zoned district, proposed by Trehab, on the property of the old Mulberry Street School and adjoining property.

Mr. Haight stated that Trehab had submitted a zoning application for a multi-family housing development in an R-1 residential district. This application was denied by Mr. Haight. Mr. Phelps, on behalf of Trehab, then requested a special exception be approved. A large scale development is one of the special exceptions listed in an R-1 district and does meet the requirements.

Mr. Phelps explained to those in attendance that Trehab is working in conjunction with state legislators to try to meet the needs of the residents in the area in light of the Marcellus Shale development. Rents have doubled and tripled in the area in the past couple of years and will continue to rise and affordable housing is needed. He stated that Trehab together with Department of Housing and Urban Development would provide some of the funding for the project; approximately 70 percent of the funding would come from investors, Enterprise Foundation, a non-profit entity, who would receive tax credits over the next 10 to 15 years. The townhouses would be geothermal and some solar energy may be used as well. There would be some two bedroom and some three bedroom townhouses as well as some single story properties. Mr. Phelps explained that part of the rent from these townhouses would be set-aside and after fifteen (15) years, that money which could be 60% to 70% of the purchase price could be used by the tenant as a down-payment on the purchase of the townhouse. The project is estimated to cost between \$9 and \$10 million dollars. Tenant rates would be based on a formula used by HUD.

Mrs. Groves asked if taxes would be paid on the fair market value during these fifteen years? Mr. Phelps stated he was not certain about the response to taxation. He noted the rents would be below market rates and therefore there may not be enough income for payment of taxes. Of the projects Trehab has funded in this area, North Towanda housing does not pay taxes however the Golden Eagle property does pay taxes

as does two properties in the "valley" area. The rents are income based and although he didn't have the exact formula with him he thought that the income for a family of three would be approximately \$30,000. Mr. Phelps noted that credit records and criminal records of each potential tenant is taken into consideration. Good tenants are chosen for the housing and there is a property manager. If there is a problem with a tenant, it is corrected. Mr. Christini stated there seems to be more authority for Trehab to check into a tenant than the standard landlord. Mr. Phelps stated this seemed to be true.

Mr. Lacek noted there were three letters received from interested neighbors who were not able to be here tonight. The first was from Eric Kershner who has lived at the intersection of Fifth and Mulberry. He stated he feels "this type of housing would have a negative impact on resale values. The project would result in increased traffic and population; increased costs probably in the form of higher taxes for all residents in the Boro as a result of the many systems tapped to support such a structure, e.g. water/sewer, road maintenance/repair, police coverage costs and fire protection costs in the form of additional equipment etc." He is asking the Planning Commission to deny the request for a special exception. Mrs. Groves read the second letter from George & Aimee O'Connor who reside at 8 Fifth Street. They state they are life long residents of Towanda Boro, are aware of the hard work and tough decisions Boro Council is faced with. They have a "HUGE" issue with the proposed location of the project. Safety is the first concern. They state that their daughter was hit outside of their home by someone who ignored the STOP sign a few years ago. They feel if a housing facility is added you are looking to add 50+ cars on a street not set up for traffic. They also note that Mulberry Street ends in a cul-de-sac. Also, there are children who play in the playground at the old school as well as riding bikes in that area. They also feel that 35 units and an average of 3 people per unit would be over 100 people is excessive to put in a boro that is already crowded. They left a telephone number if anyone would like to contact them to discuss this further. The last letter was from Karen Vischansky who lives at 406 Bridge Street. She states that she is opposed to building the 35 multi-family dwelling as the area is crowded already and if it was built it would pose a hazard to driving, parking, the safety of the neighborhood and the safety of the children who live and play in the area.

Dr. Bart Young was the first of the visitors to speak. He noted that his aunt and uncle used to live where George and Aimee O'Connor now live and after the school was built they had to contend with constant water problems. He was also concerned with what these buildings would look like. Mr. Phelps told him they would be similar to the Oakridge buildings in N. Towanda. They would be mostly 2-story buildings on a little over 4 acres. Mr. David Burleigh of 125 Charles Street stated he was concerned about his property value decreasing as a result of "a commercial endeavor in a residential area". Nicole Valoroso lives at 208 Western Avenue and is concerned with the access to this property as well as the traffic on Mulberry Street. They have no off-street parking and therefore have to park on the street. She asked if anyone had done a study on what the impact this development would have on the value of the nearby properties. Mr. Phelps stated that the properties would be moderate income properties with two of the townhouses being low income to satisfy regulations. In his experience, the majority of people who rent these properties are older people who are looking to "down-size". Mel

Ackley, also of 208 Western Avenue is concerned about the taxes after this development is built. Mr. Christini asked Mr. Phelps if it was the intent of the development to pay taxes; Mr. Phelps stated this is still a question but their full intent is to pay taxes if the income is generated from the development. Mrs. Cora Park lives at 12 Fifth Street and she is concerned with the traffic and the number of children living on Fifth Street. She also noted there is a lot of traffic near the intersection of Fifth and Pine Street near Teeter's garage and at times that area is one-way because of the cars parked on the street. She asked if there was another access to the development and asked if it was built if it would be fenced. Mr. Matt Horton of 103 Charles Street states he walks out his front door and sees one housing development; he doesn't want to walk outside his back door and have to look at another one. How much housing development is being done in the Boro? Mr. Scott Hall of Bridge Street noted that for the past five (5) years there has not been traffic as a result of the school not being used. Now it is proposed to have approximately 70 cars added to night-time traffic and a very dense population in a small area. Mrs. Kathy Guffey of 130 Charles Street is concerned with the noise aspect. Mr. Richard Mosier asked what would prevent someone from buying "their" townhouse in fifteen years and then selling it to someone who would raise the rents; we would be right back where we started. Mr. Phelps said he could not tell what would happen in the next 10 or 15 years but the plan is to go forward and maintain a good housing development. When asked where the 70-100 people live now that would live in this development it was noted that in the North Towanda development those people were all residents of Bradford County. The development is targeting people who work making \$9 - \$10 an hour.

Mr. Haight stated that a request was made for a special exception. Reviewing the ordinances and zoning that the Planning Commission has to deal with, the applicant, Trehab, has met the requirements for a special exception. They could make a recommendation to the Zoning Hearing Board with conditions for approval. Water retention issues, ingress and egress, etc. would be a concern for the County Planning Commission.

Mr. Frawley stated Mr. Haight had reviewed the proposal and the conditions were met for a special exception. That is the only thing the Planning Commission has to determine. Under a special exception, according to Mr. Frawley's explanation of the law states that in this instance, a large residential development meets the conditions for a special exception, the burden of proof moves to the protestors. They must show there is a substantial risk to safety, health and the general welfare. There is always traffic in a large development. The Planning Commission can suggest certain conditions be met to the Zoning Hearing Board but it is up to them to approve.

Mrs. Groves stated her biggest concern is the taxes; she does not feel the development should have a free ride. Mr. Christini suggested that possibly the Sixth Street that was adopted years ago be opened up. It is 50' wide and would be two lanes. Mr. Ralph Park felt a privacy fence should be put around the development, whether actual fencing or landscaping. Mr. Kacyon felt shrubbery should be on the Mulberry Street side.

Mrs. Groves asked Mr. Phelps if he had ever met with dissension regarding his proposed developments. He noted that Trehab works with the communities. There was a similar situation in North Towanda but they met with the neighbors and companies in the surrounding area. He would encourage people to go up to the North Towanda site and look around the area. It was noted that that area is not as residential as this proposed area. Mr. Phelps noted he met with Wellsboro last night with a similar proposal and they embraced the project.

It was also noted that at this time the school pays no taxes for the property. Mr. Christini feels that based on the projected cost of the project, after completion of the project it would generate about \$50,000 in borough taxes. Mr. Scott Hall asked if anyone had done a traffic study. Mrs. Groves noted that it is very obvious the Planning Commission is struggling with this. Change is inevitable and everyone learns to live with one another. Mr. Lacek has asked twice for a motion for approval of this and no one is rushing to make it. The Commission is looking at their job, which is to approve if it meets all the requirements of a special exception but also trying to find a way to make the neighbors happy with suggestions for conditions.

Mr. Frawley stated that tax issue is a "red herring issue". The traffic study is not a requirement needed for approval. This would be up to the protestants to have this study done if they feel there would be a substantial safety issue or hazard. The proposed use of Sixth Street would have to be constructed by Trehab.

Mrs. Groves made a motion, seconded by Mr. Kacyon to approve the use of the Special exception and to send to the Zoning Hearing Board with conditions that an additional egress and ingress be constructed; fencing or landscaping be constructed and a letter to Trehab sent stating they will make a good faith effort to pay taxes on the property. The motion was passed unanimously.

The Public Hearing was adjourned at 6:57 p.m.

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The Planning Commission meeting was immediately called to order. Mr. Christini noted that the Code Revitalization is being considered by Mr. Haight, Mr. Fairchild and Mrs. Harris, Borough Secretary.

Mrs. Groves made a motion, seconded by Mrs. Clark that the minutes of the November 16, 2010 meeting be approved. The motion passed.

Mrs. Clark made a motion seconded by Mrs. Groves to adjourn the meeting. Motion passed.

Respectfully submitted,

Helen L. Wilcox