

Lawyers: Scott can't win



Press Enterprise/M.J. Mahon

WORK is shown on the Lion's Gate housing development, as seen from the air Wednesday afternoon in Scott Township.

Lion's Gate attorneys say student fight would bleed taxpayers



Press Enterprise/Keith Haupt

ATTORNEY Sean Summers talks about the Lion's Gate project Wednesday in the Press Enterprise offices in Scott Township.

By **MICHAEL LESTER**
Press Enterprise Writer

SCOTT TWP. — Lawyers for the Lion's Gate project say taxpayers will be stuck with hundreds of thousands in legal bills if the township attempts to block college students from moving to the site.

Scott Township, which has a \$1.2 million annual budget, would be financially over-matched in a lengthy court fight, said an attorney for the developers.

"You can do the math," said Lion's Gate lawyer Sean Summers of York. "As of a couple weeks ago, we had \$20 million in the project. Twenty million is a lot of money to anyone. All this money was loaned based on us filling those apartments. "People's financial lives are at stake."

As of the end of July, the township had spent just over

\$12,600 on legal bills this year, \$5,600 more than projected at the beginning of the year, township Secretary Eric Stahley said.

But those bills relate to other township legal disputes in addition to Lion's Gate.

'Stalking' students?

Scott officials have made it clear they don't want students moving into the apartments, but they have not publicly revealed a strategy of how they will keep them out.

Residents who live near Lion's Gate have filed a pair of lawsuits to force the township to keep students out.

"The township can do whatever it deems necessary," Summers said. "From a practical standpoint, I don't know what the township thinks it's going to do."

"If they're going to stalk some student and follow them

from an apartment building to class?"

Summers dismissed the residents' suits as an attempt by student landlords in Bloomsburg to stifle competition, citing past comments by Sante D'Ambrosio.

In addition to living near Lion's Gate and being among the group suing the township over Lion's Gate, D'Ambrosio owns student rentals with partner Matt Zoppetti in Bloomsburg.

"The law doesn't allow you to bring lawsuits like that for that reason," Summers said. "If they did, just imagine how many times Walmart would be suing Target, or vice versa."

Summers added the deadline to file lawsuits objecting to Lion's Gate expired over two years ago. The residents didn't file their suits until construction at the site was well under way.

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Gate 'Their lease requires certain behavioral standards'

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"This ordinance (for Lion's Gate) passed in 2008," Summers said. "What would you think if someone came today and said, 'I'm going to file a lawsuit, and I'm going to object to (the Press Enterprise) being here.'"

"You'd think, 'Where were you two years ago when this building was being built? Why are you waiting all this time?'"

"To me, just from an outsider's standpoint, this is an apartment building in a college town. It had to cross someone's mind that there might be some students there. To me, it's just disingenuous to think otherwise."

But residents claim the developers misled the township by selling the project as housing for families and young professionals, then marketing to students.

No 'frat house'

Lion's Gate investors include GMI Investments of Reading and Kinsley Construction of York.

Kinsley's website says it has worked on over 100 education construction projects, including student housing for York College and Rowan University in New Jersey.

Summers said the township has "never, never suggested we can't put students in (Lion's Gate)."

Instead, he predicted the township will "hang its hat" on an ordinance that would



Press Enterprise/Keith Haupt

ATTORNEY JILL NAGY talks about the Lion's Gate project Wednesday in the Press Enterprise offices.

limit to one the number of students who may live in each apartment.

"One of the frustrating parts in this case, aside from what we consider the frivolous nature of the lawsuits, is that we're putting together a nice project for the community," Summers said.

"This isn't a frat house. This is something where you need security to get into the building — key cards. It's a very secure area. Their lease requires certain behavioral standards you'd expect from any reputable project."

Security guards are not planned for the Lion's Gate property, the lawyers said.

No separation

Summers estimated that

Lion's Gate has finalized lease agreements for about 40 of the 104 apartments within two of the complex's four buildings, and roughly half of those have college students moving in.

Meanwhile, work on the other two buildings, which contain 128 apartments, won't be completed until later this fall, said Jill Nagy, another Lion's Gate lawyer.

The lawyers said they knew of no plans by Lion's Gate to separate students, families and young professionals by building.

Nagy said Lion's Gate is confident this broad range of tenants can coexist in the same building with the help of the Texas-based property management company Lion's

Gate hired, Asset Campus Housing.

"They have a good track record with mixing up the occupancy," Nagy said.

'Hanging' lawsuits

Lion's Gate's original plans called for up to 11 buildings with 648 apartments, about three times the number of apartments than are in the existing four buildings.

Lion's Gate has not scaled back its plans, Summers and Nagy said.

It wanted to gauge interest before constructing all of the buildings. If demand grows for more apartments, Lion's Gate will construct more buildings, they said.

"It's hard to sit here and say we're going to build this on this date and this on this date when we have this litigation hanging over our heads," Summers said.

Before any more buildings are constructed, though, Lion's Gate would start adding businesses to the Tower Road complex — possibly a restaurant and a bank, Nagy said.

Nagy added that Lion's Gate also does not have a time frame for the 105 townhouses it had planned near the apartments. And it does not have any definitive plans for the old Ridgway's building it purchased along Central Road.

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