

Minutes of the April 22, 2003 Meeting

The meeting was called to order at 7:30 p.m. by Chairman Waybright. Present were Supervisors Weikert, Bowling and Gregor, Ron Horton, Carol Merryman, Henry Heiser, Bob Sharrah, Carl Bankert, Kim Patrono, Scott Hartwig, Cathy Yeck, Joanna McGuire, Mike Galassi, Clarence Andrew, Jim Paddock, Marty Hill, Dan Frey and reporters from THE GETTYSBURG TIMES and EVENING SUN. Mr. Shealer was absent. The meeting was tape recorded.

Mr. Gregor made a motion to approve the Minutes of the previous meeting with the following correction: road inspection was scheduled for April 18, 2003, not May 18, 2003, as the Minutes stated. The motion was seconded by Mr. Weikert and carried.

Mr. Heiser reported that **James Delaney** refused to pick up the certified letter that he mailed to him in regards to his ongoing zoning violation at his property on Herr's Ridge Road. He recommended that Chief Sease personally serve the letter to Mr. Delaney tomorrow.

Mr. Heiser also reported that he met with Mr. Horton about ten days ago regarding the **Nichols/Kern** drainage easement. He added that he left that meeting with a surveyor's draft and needs to have the easement on the draft reduced to writing. He will see Attorney Campbell about having that done.

Mr. Scott Hartwig, 98 Meadow Lane, expressed concerns about the proposed Patriots Choice subdivision. He stated that there is a stream behind his home that usually prevents flooding at his and his neighbors' houses and he is concerned that if anything in the development changes that water course in any way, it could have a profound impact on the homes at the north end of Meadow Lane. He added that there is standing water in the field six months out of the year. He also stated that everyone in his development is on private wells and they are concerned if there will be an impact on them. Chairman Waybright stated that the proposed subdivision will be served by public water from GMA so there should be no affect on their wells. He added that the Township is also concerned about the stormwater run-off and will make sure that it is done right.

Mrs. Cathy Yeck, 53 North Ave., also expressed her concern about flooding and told the Board that they had flooding in 1996.

Mrs. Joanna McGuire, 32 Meadow Lane, stated that the property behind their house is always wet and she asked that open land be left for the wildlife that lives there.

Mr. Martin Hill, Woodhaven Building and Developing, stated that they are waiting for a response from the Supervisors on a request from John White, their attorney, on revising the plans for the Martin, Barnes and Leonard properties that were tentatively approved under the TND Ordinance. Mr. Heiser stated that he would contact John White and schedule a workshop meeting with the Supervisors and Mr. Hill on that request.

Sixeas Furniture Sketch Plan was on the agenda, but no one from Sixeas was present. Chairman Waybright stated that they would move on with the agenda in case someone does show up later to discuss this item.

Mr. Dan Frey and Mr. Bob Sharrah presented the **Patriots Choice Preliminary Plan**, on behalf of Joseph A. Myers, owner/developer. Mr. Frey reported that they appeared before the Township's Planning Commission on April 10, 2003 and at that meeting were handed Mr. Horton's comments dated April 8, 2003. The comments were reviewed and the Planning Commission recommended denying the plan based on items 6,7,8,12, and 13. He stated that two of those items deal with this plan complying with the Comprehensive Plan and their position is that the current Comp Plan predates the Zoning Ordinance, and as long as the plan complies with the Zoning Ordinance, they should be permitted to proceed. The other items deal with storm water run-off and their position on these items is that preliminary approval can be granted contingent upon compliance prior to final approval. Mr. Gregor asked Mr. Sharrah to review the modifications to the SALDO

dealing with storm water. Mr. Sharrah showed the four proposed basins on the grading plan. He also stated that waivers to specific paragraphs in Section 504 were previously granted that allows his storm water plan to stand as designed. Mr. Sharrah stated that he believes that his design is equal to, or better than, the criteria that is set forth in the ordinance, with regard to protection of downstream properties. He added that some of the waivers had to do with anti-seep collars, slopes of embankments, etc. which in the past, had been lumped together. He added that the Township's ordinance is very detailed. Chairman Waybright stated that there are some neighbors present who are concerned about the run-off. Mr. Sharrah stated that the detention ponds will help the problem because they can hold a lot of water. Mr. Horton reported that item 5- NPDES permit is still outstanding. Mr. Frey went through Mr. Horton's April 8, 2003 comments. He stated that they will address items 1 through 5. Items 6 and 7 have been discussed. Item 8 asked for PennDOT's decision on whether or not a traffic study is needed. Mr. Frey stated that he feels that the Township should be going to PennDOT, not the developer. Items 9, 10 and 11 plans have been submitted to CTA and GMA and will be done prior to final approval. Item 12 they understand that they have to do. Item 13 Mr. Sharrah feels that they have shown that. Items 14 and 15 they understand that they have to do. Mr. Horton added that the Planning Commission also had concern about County Planning comment #12 dealing with the conservation of the wooded area along the railroad tracks. Mr. Heiser stated that he does not feel that item 6 dealing with the Comp Plan is a issue. His understanding is that the Comp Plan is a planning tool that does not have any teeth. Mr. Sharrah stated that they did think about tree preservation on this plan by placing the larger lots in the wooded area so that more of the trees can be saved. Mr. Sharrah added that they could have done 12,000 sq. ft. lots over the entire parcel and, the owner could cut all of the timber off of the land tomorrow, if he wanted to. Mr. Sharrah stated that the larger lots are meant to act as a transition into the Ridgewood development. Mr. Jim Paddock asked if there is any way the developer would make some commitment that a reasonable width of the tress would be preserved along the railroad tracks and a certain percentage of trees preserved on the lots, preferably between the lots. He added that he feels that everyone would benefit, including the homes in Ridgewood and the scenic railroad. Mr. Frey stated that he would have to talk with Mr. Myers and sit down with Mr. Sharrah about the tree preservation and that it is something that they can talk about. Mr. Gregor pointed out that item 8 was still outstanding. Mr. Horton stated that there is some criteria in his review letter, and with 100 new homes, they will be close to meeting the criteria. He added that he felt that it was appropriate for PennDOT to decide if a traffic study is needed because of the amount of traffic that is already on Boyd's School Road. Mr. Frey stated that, unless the law has changed recently, the Township can not require them to do off-site improvements. Mr. Frey stated again that the Township should be the one to talk to PennDOT. Mr. Horton stated that he would be more than happy to meet and talk with PennDOT.

At 8:23 p.m., Chairman Waybright adjourned the meeting for an Executive Session to discuss a legal issue with Mr. Heiser.

At 8:39 p.m., Chairman Waybright reconvened the meeting and reported that the Board discussed legal issues regarding subdivision approval with Mr. Heiser in Executive Session.

Mr. Frey stated that he is going to recommend to the owner/developer to keep a buffer of up to 50 feet on the rear lots. The buffer would be placed as a controlled facility under the responsibility of the Homeowner's Association. **Mr. Gregor referenced Mr. Horton's April 8, 2003 letter and indicated that the developer has agreed to address items 1, 2, 3, 4, 5, 9, 10, 11, 14, and 15 . The developer has also agreed that items 12 and 13 will be addressed in due course. Mr. Gregor made a motion, contingent on the aforementioned items being addressed, to approve the Preliminary Plan for Patriots Choice, the motion was seconded by Mr. Weikert. Mr. Heiser reiterated that Mr. Frey will speak to Mr. Myers about the tree buffer on the rear lots and the Township will talk with PennDOT regarding the need for a traffic study. The motion carried.**

Mr. Kim Patrono and Mr. Bob Sharrah presented a **Preliminary Plan for Cannon Ridge**, on behalf of S & A Homes, owner/developer. Mr. Patrono reported that the Planning Commission took action on this plan at their last meeting pursuant to a review letter from Mr. Horton dated October, 25, 2002. The Commission did deny

the plan. Mr. Sharrah proceeded to review the comments on the 10/25/02 letter. Mr. Sharrah reported that Sewage Planning has been approved for the first 18 lots (Item 1). Item 2 talks about an interim pump station and that is in the works and they realize that they have to reach a consensus with the Authority. Item 3 talks about storm water management and Mr. Sharrah reported that he and Mr. Bankert met with Mr. Horton in this regard. He stated that he took from the meeting, that Mr. Horton was leaning toward Best Management Practices, but personally he feels a little bit nervous about that. He feels that the design, while not in strict compliance with the ordinance, meets the intent and spirit of the ordinance. Mr. Sharrah stated that it is his opinion that the discharge will not be increased and that is outlined in his report. Mr. Sharrah stated that the existing and man-made features are on the landscaping plan. Mr. Sharrah stated that every lot labeled with an H is a homeowner's association lot and although not labeled, lot H5, in the middle of the townhouses is a community property lot. Mr. Patrono added, that through prior negotiations, the developer will be contributing into the Township's Park and Rec fund. Mr. Sharrah will spell out that lot H5 is an active play area. Mr. Sharrah stated that he believes that they meet the parking requirements by providing two car garages and room for one car in the driveway. There is also a comment regarding the Comprehensive Plan, but they feel that the Zoning Ordinance controls the development. Mr. Patrono stated that the storm water management seems to be a sticking point and he offered to supply an independent review or they will accept whatever the Township wants, providing that the liability would stay with the Township. Mr. Horton stated that he did not touch on the final plan requirements in his 10/25/02 letter. He stated that one concern is with water pressure. Mr. Sharrah stated that the developer is working with other developers in the same area and GMA. Mr. Sharrah stated that he feels that they already comply with Act 537 for Phase I, that goes to the east. Mr. Weikert asked Mr. Patrono to explain the storm water again. Mr. Patrono explained that they have hired an engineering firm to review the recommendations of both Mr. Horton and Mr. Sharrah and he had hoped to have the report tonight, but it was not available yet. He added that if the Township wants to go with Mr. Horton's recommendations, they will do that, but the liability would stay with the Township. Mr. Horton stated that he has no recommendations on Mr. Sharrah's design other than it does not meet the ordinance. Mr. Patrono stated that Mr. Sharrah believes that the design does meet the ordinance and this is something that we have to get past. Mr. Horton stated that the preliminary plan does require an NPDES permit and E&S Plan approval. Mr. Sharrah begged to differ, and stated that they will not move earth without those permits. Mr. Horton stated that he feels that having a third-party review the storm water is setting a bad precedent. He did state that this is something that they can work out for final approval. Mr. Horton stated that he will work with Mr. Sharrah and he feels that they are close. Mr. Paddock stated that he has had a concern with this project because of the backyards backing up to Herr's Ridge Road and he asked that they preserve what is already there to buffer the backs of the homes from the road. Mr. Patrono stated that S & A's position is to leave the existing vegetation and it will be up to the homeowner what they do with them. Mr. Bankert also agreed to add some pine trees to the red cedars that are shown on the landscaping plan where they know that the existing vegetation can not be saved. **Mr. Gregor made a motion, seconded by Mr. Bowling and carried to approve the Preliminary Plan for Cannon Ridge contingent upon Mr. Sharrah and Mr. Horton working out the storm water management concerns.**

Mr. Mike Galassi stated that he feels that the laws should be upheld and not waived just because the developers come in with lawyers because the laws are written for the protection of the residents. He stated that there can't be that many gray areas in the ordinances. Chairman Waybright stated that, unfortunately, there are gray areas.

The Board reviewed six **Certificates of Appropriateness** for Lots 17, 18, 19 and 20 in the Roselawn development for single-family dwellings, a 40' x 46' warehouse addition for Adams Electric Cooperative on Biglerville Road and a single-family dwelling at 15 Vista Larga Drive for Charles Burkell. Mr. Weikert asked if the Township's ordinances address the amount of impervious surface that is permitted on a lot because the Adams Electric parcel is almost completely covered by buildings and pavement. Mr. Horton stated that he would have Mr. Bower check on that before the building permit is issued. **Mr. Weikert made a motion to approve the Certificates of Appropriateness contingent upon Mr. Bower checking on the limits of impervious coverage on the Adams Electric application before issuing the building permit, seconded by Mr. Gregor and carried.**

Mr. Gregor reported that he had spoken to Mr. Bower before the meeting and he indicated that **Jay Sixeas, Sixeas Furniture**, probably would not be coming to the meeting. Mr. Weikert asked if the question was about building setbacks because their building is located on a corner lot. Mr. Horton reported that they have two frontages and that pretty much prevents them from adding on without Zoning Hearing Board approval. Chairman Waybright stated that he feels that it is a zoning issue unless Mr. Sixeas has an approved plan somewhere. **Mr. Weikert made a motion to table, seconded by Mr. Gregor and carried.**

The Manager/Engineer's Report was reviewed. Mr. Weikert asked Mr. Horton if he had any input on the discount fireworks sales. Mr. Horton reported that the gentleman came in and spoke to Mr. Bower and he was briefly involved in the conversation. He added that his concern was whether he had enough parking, whether a driveway permit was needed and if sewer and water was available. Mr. Horton stated that he did not feel that he needed a land development plan for what he was proposing. Mr. Horton reported that the PEMA paperwork was submitted for reimbursement for the President's Day snowstorm in the amount of approximately \$10,000.00 and the Township may receive up to 75% of that.

The Zoning Officer and Assistant Secretary's reports were reviewed.

Mr. Gregor reported that the Zoning Update Committee's next workshop is scheduled for April 23, 2003 at 7:00 p.m. to review the revisions to the text and if approved by the committee the text will pretty much be up to date. Also, if tomorrow night is the last meeting, there will be some housekeeping needed, and then the draft will be presented to the Board in the very near future. Mr. Gregor stated that he feels that a workshop should be held with the committee, Supervisors, Mr. Heiser and Mr. Bucovetsky to go over the draft and to get everyone on the same page. Mr. Gregor also reported that he (as a member of Public Safety committee) received a call from Chief Sease and he reported that he had been approached by Hamiltonban Township to provide police services because they will be having a vacancy. Chief Sease has given them a proposal to provide a part-time officer. Hamiltonban will provide the car.

Mr. Bowling expressed a concern about the construction sign just west of Willoughby Run Road that blocks the site distance from the intersection when you are in a higher type vehicle.

At 9:39 p.m., Chairman Waybright adjourned the meeting for an Executive Session to discuss a personnel issue.

At 10:34 p.m., Chairman Waybright reconvened the meeting.

The bills were paid. Expenditures for this meeting totaled \$25,797.60 from the General Fund.

There being no further business, the meeting was adjourned at 10:43 p.m. by motion of Mr. Weikert, seconded by Mr. Gregor and carried.

Carol A. Merryman, Asst. Secretary

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