

February 14, 2023
Chambersburg, PA 17202
Regular Meeting

The Greene Township Board of Supervisors held a Regular Meeting on Tuesday, February 14, 2023 at the Greene Township Municipal Building, 1145 Garver Lane, Chambersburg PA 17202.

Present: Todd E. Burns	Gregory Lambert	Lindsay Loney
Travis L. Brookens	Dan Bachman	
Shawn M. Corwell	Kurt Williams	

Visitors: See list

The Chairman called the meeting to order at 7:00 pm, advised that the meeting will be recorded for accuracy purposes and visitors were asked to sign in.

The Minutes of the Regular Meeting held January 24, 2023 shall stand approved as presented and become part of the official record.

The Chairman opened the floor for public comment and asked that those speaking please state their name and address for the record. Michele Jansen (257 Westover Way) stated that many of those in attendance this evening were also at the Planning Commission meeting last evening. She expressed that people are very upset about the proposed development along Ragged Edge Road. Many people chose their home to invest in because they believed that the type of housing that is there now is what they would be surrounded by. There were a few stories of people moving away from apartment complexes because they were looking for a development in a more rural area. She argued that this would destroy the character and community of the neighborhood. Ms. Jansen reported that there were also major concerns about the roadways and an increase in traffic, as well as a lack of security and safety. She pointed out that Ragged Edge Road already has issues with traffic and this would make it worse. She stated that the parcel of land across the road from this one is also up for sale and they tout "possibly for the building of apartments". She expressed appreciation that the Board will be looking at a proposed ordinance to remove certain uses from the R1 district later in the meeting. She added that from what she understands the zoning has been the same since the '70s and established neighborhoods like hers have grown since then, making it worthy of a second look. She closed by stating that she believes neighborhoods like hers add a lot to the social and economic stability of the Township and County and disrupting the neighborhood would be detrimental to that stability. Ron Jones (185 Colonial Drive) stated that he has lived in North Guilford for 54.5 years, and during that time he has seen a precursor of what this will look like. He recalled that North Guilford changed dramatically following the construction of the 60 multi-family units to the west of St. Johns Church. The traffic on Highland and Colonial increased so much that they created a neighborhood watch and a state policeman was assigned to help control traffic as well as other issues. The increased traffic also triggered the need for a stop sign at the corner of Hillen and Highland. He noted that this proposed development is more than 11 times the size of that one. Lloyd Beers (137 Harvest Lane) spoke out in support of holding a Public Hearing for the proposed ordinance to amend the zoning. He reviewed the Township's 2019 Comprehensive Plan and made note that the zoning map was reconfigured between Guilford Township and Greene Township to maintain consistency along the southern border. While he is supportive of the changes being proposed for the R1 district, he would also like the Board to consider population density. There is no real provision to control population density, and in the case of the proposed apartment complex, 9% of the Township's population would be living in one area. Mark Caster (139 Summer Breeze Lane) expressed his concern with the impact the proposed development could have on water supply. He also brought up the issue with traffic on Walker Road at the I-81 bridge. The traffic is already bad and this will only make that worse, as more people will travel Walker Road to get to the Norland Avenue shopping area. Mr. Caster asked why the zoning can't be changed now while the plan is tabled. He pointed out that the applicant could have had the plan ready last night, but they chose to postpone it. Peter Wallick (275 Westover Way) stated his yard is on the corner of the "L" of the proposed development. During times of heavy rain, his yard gets swampy. The proposed development shows parking along his back yard, and if the developers do not have adequate runoff, his yard will be flooded. He also expressed concern about sinkholes; he has had two in his yard and blasting will increase that problem. Scott Melego (141 Heritage Road) expressed his frustration that the developer seems to have submitted an incomplete plan and is now asking for an extension with what appears to

be “no end-point”. Kathy Diller (137 Colonial Drive) recommended adding “tiny home parks” to excluded uses in the R1 district. Barb Guthrie (1626 Walker Rd) stated that they fought exit 17 because of the increased traffic; this new development would only make the traffic worse. There is nothing in the comprehensive plan that talks about increasing police or fire departments. Daniel Remington (181 Summer Breeze Lane) stated that he and his wife just moved from Washington state last year. They had to put their pool project on hold because of this plan. He is concerned that the developer will be able to resubmit the plan over-and-over and is hopeful that item 4 on the agenda will stop that. The Chairman clarified that item 4 does not address resubmittal of the plan; it only addresses what is and is not permitted in the R1 zoning district. The Solicitor explained why the hearing is being rescheduled. When the Township receives a plan, it is reviewed by the Engineer, Planner, Zoning Officer and County. By practice, the Township produces comment letters, which are given to the applicant for them to react. As of yesterday, not all comments had been delivered to the applicant, which is why the applicant requested to be tabled and offered the Township an extension of the time to begin the Conditional Use Hearing process. In response to the comment letters, the applicant is expected to revise their plans. When the hearing process begins, the applicant has to prove they meet the zoning ordinance. The Solicitor explained that if the ordinance change is passed, it will only prevent townhouses, mobile home parks and garden apartments in the R1 zone in the future. The applicant for this project has already submitted, so they are subject to the ordinance as it existed when they applied. Meredith Dunn (257 Rolling Lane) requested that when the Public Hearing is rescheduled it be a 7:00 pm meeting instead of a Noon one. Kathy Diller asked if it could be held at a different location with a larger auditorium. Sherri Diller (134 Colonial Drive) asked why the initial application was accepted if it was not complete. The Solicitor responded that the Municipalities Planning Code has a provision specifically for conditional uses that if a hearing is not held on an application within 60 days, the plan is automatically approved. We can argue that the application is deficient and not hold a hearing, but the applicant would have a good argument later on that the application was deemed approved, which removes it from the Supervisors’ hands completely. During the hearing process, any significant deficiencies in the plan would be caught by the Board and the plan denied, if appropriate. Dave Giordano (Mt Laurel, NJ) stated that in 2011, a lot of towns were putting up projects like this and later found out that they were involved with an organization called International Committee for Local Environmental Initiatives (ICLEI). The United Nations works through ICLEI to build these towns and gain control. His concern is that this could be an ICLEI project. Peter Wallick asked if the fire companies in the area have sufficient hook and ladder trucks to rescue people from the third floor. Supervisor Corwell responded that there are ladder trucks in the area that do reach three stories, but they are not in Fayetteville. The Fayetteville Volunteer Fire Department’s Chief is planning to attend the hearing to comment on that issue. At this time, public comment was closed and the Chairman moved on with the meeting.

The Zoning Officer (ZO) reported that the Township has received much input over the last several weeks concerning the density of development that is permitted in the R1 zoning district by virtue of conditional use. The Township Zoning Code was enacted in 1973 and mobile home parks, townhomes and apartment buildings have always been permitted as conditional uses in the R1 district. The Code is a fluid document, which is constantly changing over time, and it has been suggested that some changes are now needed. The Township Planner, Tim Cormany, reviewed the Zoning Ordinance, and provided a memo to the Board suggesting that the more dense developments be removed from the R1 district. Townhomes, mobile home parks and apartment buildings are permitted in the R2 district, so there is ample area in the Township for those structures. The Solicitor read the title of the proposed Ordinance and stressed that the important component of Mr. Cormany’s memo is “the continued inclusion of traditionally higher density residential options within a low density residential district increases the probability of conflict and incompatibility between adjoining properties”. The Solicitor then explained the process of amending the Zoning Ordinance. Supervisor Corwell made note that during public comment, it was suggested to add tiny homes as an excluded use. However, if that change were made now the Public Hearing could not be scheduled tonight, and he believes it is important to get the process started quickly. Supervisor Brookens agreed and added that there are some other items that could also be looked at, but it would be best to do that at a later date and get this done now. The Chairman elaborated on the fluidity of the Code and pointed out that the Board does try to stay abreast of changing environments and has been successful over the years. Some specific examples that have been addressed include warehousing within Greene Township and solar farms. Density thresholds is something that is being discussed within the R2 and Highway Commercial districts. In the early 2000’s, traffic impact fees were implemented, which are fees paid by developers for transportation and infrastructure upgrades

required due to those developments. The Chairman summarized the last paragraph of Mr. Cormany's memo. He closed by saying that these are very good reasons to seriously consider this amendment and schedule the public hearing. Berni Frate (184 Sherwood Drive) asked why conditional uses are permitted in the first place. The Solicitor explained the difference between permitted uses, conditional uses, special exceptions and accessory uses. Conditional uses are uses that are allowed but may require a higher level of scrutiny to ameliorate any issues. This allows the Board to place reasonable conditions through a hearing process before that use can be allowed. Brad Wenger (159 Heritage Road) asked if the Supervisors can deny the plan or if it will still be allowed because it is a conditional use. The Solicitor responded that the answer is maybe; at the Public Hearing, the developer makes a case and if enough deficiencies are pointed out, the case could be made to the Board that the use is not compatible to the zone and does not meet the Ordinance. He advised that the residents hire council versed in land use to represent them at the hearing. Mr. Wenger asked if the final decision falls on the Supervisors or if it could go to a higher level. The Solicitor responded that the decision falls on the Supervisors, and that decision is appealable to the Court of Common Pleas, Franklin County. A resident on Highland Circle inquired if there is a definition of garden apartment; the ZO responded that it is defined in the Code. Peter Wallick inquired how the impact on traffic is assessed. The Chairman responded that the developer would be required to have a traffic scoping study done. On a motion by Supervisor Corwell, seconded by Supervisor Brookens, and a vote of 3-0, the Board unanimously voted to schedule a Public Hearing for Proposed Ordinance 2023-1 to be held at the Greene Township Municipal Building, located at 1145 Garver Lane Chambersburg PA 17202, on March 28, 2023 at Noon.

The ZO presented the monthly Zoning Office Report for January 2023. The report shall stand approved as presented and become part of the official record.

The ZO presented the Mann Investment Storage Plan for re-approval. The Plan was previously approved by the Board in April 2022, but a mistake was recently discovered on sheet 3. Initially the Plan called for screening to be provided with opaque fencing, but it was revised to allow vegetative fencing instead. A note on sheet 3 was overlooked and still made reference to opaque fencing. Therefore, that sheet needed to be changed and the Plan reapproved. The Township Planner and Engineer both reviewed the updated plan to confirm nothing was inadvertently changed other than the note regarding screening. On a motion by Supervisor Brookens, seconded by Supervisor Corwell, and by a vote of 3-0, the Board unanimously voted to grant approval of the Mann Investment Storage Plan as presented.

The ZO presented the Washabaugh 1 Lot Final Subdivision / Lot Addition Plan located in the R1 district off Letterkenny Road, just south of Blakewood Drive. The Plan proposes to subdivide a portion of the Washabaugh property, which will be conveyed to the Mummert property. A single-family dwelling will then be constructed on the Mummert property. All required agencies have been notified of the Plan. The Greene Township Municipal Authority approved the Plan. Water will be supplied through an on-lot well. A Right of Way and Maintenance Agreement has been provided for the shared driveway and has been reviewed by the Township Solicitor. The Township Engineer commented that a small infiltration basis is proposed to satisfy the water quality requirements and must be constructed before occupancy. He recommended approval of the Plan. On a motion by Supervisor Corwell, seconded by Supervisor Brookens, and a vote of 3-0, the Board unanimously voted to grant approval of the Washabaugh 1 Lot Final Subdivision / Lot Addition Plan.

The Chairman announced that he would like to advertise for the receipt of bids for the following 2023 contracts: bituminous materials, crushed aggregate and paving and road equipment rental. He noted that the paving and equipment rental contract will need modified from previous years. On a motion by Supervisor Corwell, seconded by Supervisor Brookens, and by a vote of 3-0, the Board unanimously voted to authorize the advertisement of the receipt of sealed bids for the following 2023 contracts: bituminous materials, crushed aggregate and paving and road equipment rental. Those bids shall be received no later than April 11, 2023 at 3:00 pm Eastern Prevailing Time and will be opened at the regular meeting on April 11, 2023 at 7:00 pm Eastern Prevailing Time.

The Chairman presented a letter from Kaplan Stewart Attorneys on behalf of Metropolitan 4, LLC regarding the Conditional Use Application. The letter provides an extension of review time until May 23, 2023. The Chairman acknowledged the need for a larger space to hold the hearing and the Fayetteville Volunteer Fire Department has been contacted about using their community center. Supervisor Corwell responded that he spoke with them this afternoon and the Community Center is available; it holds between 200 and 300 people. Supervisor Corwell added that while the applicant has extended the review time through May, he believes the hearing should be held a week or two after the March 13 Planning Commission meeting. Supervisor Brookens agreed and recommended holding it on a different date than a regular meeting and at an earlier time, possibly 6:00 pm, to allow ample time. The Chairman agreed, and the Solicitor stated that week would work with his schedule. Alex Dunn (257 Rolling Lane) asked if it would be available to view online, and the Chairman responded that the Township does not have the technology available to do that. Brad Seltzer (157 Summer Breeze Lane) asked if one week following the Planning Commission meeting would be enough time for the revised Plan to be reviewed by all of the agencies that need to review it. The Solicitor responded that the revised plan must be submitted in enough time for the Planner and Engineer to review it prior to the Planning Commission meeting, which would be approximately two weeks before. If the Public Hearing is one week after the Planning Commission meeting, that would be three weeks until reviewed by the Board. The revised application will be available and posted to the Township website as soon as it is received for the public to view. The Chairman recommended that the Hearing be rescheduled for March 22nd and warned the audience that this may not be done in one hearing. Due to the complexity, there could be additional hearings after this one. The Solicitor added that the hearing process would proceed more expeditiously with fewer objectors. He explained that every objector has the opportunity to cross-examine each witness. They also have the opportunity to present their own evidence and the applicant has the opportunity to cross-examine them. The more objectors there are, the longer the hearing process will be. Therefore, it is better to have an attorney represent all of the objectors collectively. Brad Seltzer expressed that this has been very upsetting and people want to speak out about how they feel. The Solicitor responded that at the end of the Public Hearing process, the Board must make time for public comment and that would be the time for that emotional commentary. The actual presentation of the case is better done on the law rather than on emotions. Michele Jansen explained that she worded her argument the way she did because she feels the “harmonious use of the neighborhood” can be a legal argument and a reason to deny the use. Rodney Reichard (397 Rolling Court) asked how the Public Hearing will be conducted. The Solicitor explained the difference between a Public Hearing on a proposed ordinance and a Conditional Use Public Hearing; a Conditional Use Hearing is very much like a court hearing and the Board of Supervisors sit in a quasi-judicial capacity. The Board has up to 45 days to issue a decision after the final Conditional Use Hearing. Dale Myers (398 Rolling Court) asked if there was a time limit for the applicant to file an appeal. The Solicitor responded that the Supervisors’ decision has a “mailing date” attached to it and that must be within 45 days of the final hearing date. The applicant has 30 days from the mailing date to file an appeal. Ms. Dunn asked if the hearing date would be postponed again if the applicant does not submit a revised plan before the hearing date. The Solicitor responded that the hearing will be held on what is submitted at that time. It was previously postponed because they did not have the comment letters, but they will have them all by the next hearing date. Mr. Melego inquired if the hearing is only for Greene Township or if residents from Guilford and representatives from the fire departments and utility suppliers should come. The Chairman stated that those companies have been notified and should be prompted to come. The Solicitor advised that would be best coordinated with hired council. On a motion by Supervisor Corwell, seconded by Supervisor Brookens, and a vote of 3-0, the Board unanimously voted to schedule the Conditional Use Public Hearing for the Metropolitan 4, LLC for March 22, 2023 at 6:00 pm at the Fayetteville Volunteer Fire Hall (101 W Main St, Fayetteville PA 17222).

The Chairman explained that through the enactment of the 2002 Uniform Construction Code, each municipality is tasked with appointing a representative to the Uniform Construction Code Board of Appeals. That Board is responsible for hearing any appeals made regarding the Uniform Construction Code. This past year, an appeal was filed and the current member was not able to serve. The Supervisors have been looking for a new appointee to take his place. Matt Runyon, a Certified Building Code Official, is willing to serve in that capacity. The Chairman highly recommended he be appointed. Supervisor Corwell and Supervisor Brookens both agreed he would be an excellent representative. On a motion by Supervisor Corwell, seconded by Supervisor Brookens,

and by a vote of 3-0, the Board unanimously voted to appoint Matt Runyon as the Greene Township Representative to the Uniform Construction Code Board of Appeals for 2023.

Supervisor Corwell presented two quotes from Fayetteville Contractors for asphalt repairs to the property on Horst Avenue. He explained that the Township owns a maintenance building on Horst Avenue that is being leased to Menno Haven. The blacktop at the parking lot entrance is breaking up and in need of repairs. While looking at that repair job, it was noted that the road at the entrance is cracked and will most likely break up when cut to repair the parking lot. Fayetteville Contractors is able to provide a better price if both repairs are done at one time. The price to repair the parking lot is \$6,770 and the price to repair the south side of Horst Avenue is \$6,115. The Engineer reviewed the prices and feels they are fair. On a motion by Supervisor Brookens, seconded by Supervisor Corwell, and by a vote of 3-0, the Board unanimously voted to approve the quote from Fayetteville Contractors to repair Horst Avenue in the amount of \$6,770. On a motion by Supervisor Corwell, seconded by Supervisor Brookens, and by a vote of 3-0, the Board unanimously voted to approve the quote from Fayetteville Contractors to repair the maintenance building parking lot in the amount of \$6,115.

Supervisor Corwell explained that each year the Township gives a donation to the Cumberland Valley Animal Shelter, which is located along Letterkenny Road West in Greene Township. The Shelter provides a great service for the area, and has always worked well with the Township. He informed the Board that he received a call today that Nancy Gardner passed away. Nancy served as the Shelter's President for over 20 years. Supervisor Brookens commented that it was very sad news to hear; Nancy worked closely with the Township for many years. The Chairman also expressed his condolences. On a motion by Supervisor Brookens, seconded by Supervisor Corwell, and by a vote of 3-0, the Board unanimously voted to approve the annual donation to the Cumberland Valley Animal Shelter in the amount of \$17,500 as budgeted.

Supervisor Brookens stated that each year the Township provides a donation to each of the community associations within Greene Township. The funds are to help with the maintenance and upkeep of the facilities. He explained that the Township has been doing this for many years, prior to the Township having its own park. At one time, this was the recreation for Greene Township. He added that the budget for 2023 allows for \$7,000 for each of the four organizations and \$1,500 for the Ragged Edge Swim Club. On a motion by Supervisor Corwell, seconded by Supervisor Brookens, and by a vote of 3-0, the Board unanimously voted to approve and release the annual recreation donations as budgeted for 2023.

The Solicitor had no additional comments this evening.

On a motion by Supervisor Brookens, seconded by Supervisor Corwell, and by a vote of 3-0, the Board unanimously voted to approve and authorize the payment of invoices as follows: check numbers 30974 through 31004 and seven ACH transactions to be paid from the general fund, check numbers 3896 through 3898 to be paid from the liquid fuels fund and check number 2283 and 2284 to be paid from the electric light fund.

The Chairman adjourned the meeting at 8:50 pm.

Respectfully submitted,

Secretary/Treasurer