

The Greene Township Planning Commission met Monday, September 9, 2024, at 7:00 p.m. in the Township Municipal Building, 1145 Garver Lane, Chambersburg, Pennsylvania. Present: William Green, Chairman; Ralph “Kip” Feldman, Rich Fogal, Brian Kuhns, and Brooke Wenger, Members; Daniel Bachman, Zoning Officer; Gregory Lambert, Township Engineer, and Tyler Beaston, Solicitor.

VISITORS

See attached list.

CALL TO ORDER

Chairman Green called the meeting to order at 7:00 p.m. and advised that the meeting will be recorded for accuracy purposes.

APPROVAL OF MINUTES

On a motion by Member Wenger, seconded by Member Kuhns, and by a vote of 5-0, the Board unanimously voted to approve the minutes of the August 12, 2024, meeting as presented.

PRIVILEGE OF FLOOR

Prior to opening the floor for public comment, the Solicitor read a Public Statement from the Board of Supervisors (attached) regarding the Scotland Campus in order to clarify some questions. The Zoning Officer explained that the Township received an inquiry on August 15, 2024 asking about a shelter type facility for families seeking refuge at the Scotland Campus. He responded to that inquiry on August 19th with a letter of determination, which provided that the proposed use was not permitted in the R1 Zoning District. The Municipalities Planning Code allows for an appeal process where anyone can appeal a decision made by the ZO through the Zoning Hearing Board, and at this point, he has not received any response from the submitter of the inquiry. The Chairman opened the floor for public comment and asked that if speaking, to please state name and address for the record, as well as limiting comments to 3 minutes. Mr. Tom Foliano of Scot Greene Estates questioned the wording of the public statement where it says, “unaccompanied minors who are coming into the United States who “*may*” be seeking to be united with their families and/or guardians,” and stated that “may” is not definitive, and asked what happens if they arrive here and they are not seeking to be united with their families? He also asked about the wording of the Public Statement where it reads “Greene Township has responded in due course to those zoning inquires stating that the proposed use is “*not consistent*” with the uses permitted in the R1 Zoning District” and asked if “not consistent” means they can’t do it? The ZO stated that is what his letter said. Ms. Joan Smith of South Main Street, Chambersburg expressed her concern that the Chambersburg Mall could possibly be used as housing for families seeking refuge. The ZO explained that the mall is located in a Highway Commercial (HC) zoning district, and if the use was requested there, it would have to be considered thru the Zoning Hearing Board as a special exception, which would require a legal process, a notice in the newspaper, a posting notice, and the Zoning Hearing Board could place conditions on the approval if they deemed it necessary. The Solicitor explained that the Municipalities Planning Code provides that a municipality that has zoning is not permitted to explicitly prevent or preclude any specific type of use, which is illegal and unenforceable. Any type of use must have some avenue for a proposed use to be permitted somewhere within a municipality that has zoning. Mr. Foliano asked if higher authorities could overrule the determination of the municipality, and The Solicitor explained that if an applicant does not like the determination of the Zoning Hearing Board, they can appeal to the Pennsylvania State courts. The ZO explained that the municipality has jurisdiction over state property, but not over federal property, and the Zoning Regulations would not apply to federal

property. Mr. Jamie Boardman of Mower Road asked if this could be done by eminent domain and the Solicitor explained that eminent domain is something that is done by a government that is a taking of property generally for a public purpose, and it would be the responsibility of the government to demonstrate that the taking was for whatever the public purpose was.

REVIEW MONTHLY ZONING OFFICE REPORT FOR AUGUST 2024

The Zoning Officer (ZO) presented the Zoning Report for August 2024 for informational purposes, and it was approved as presented and will become part of the official record.

MOUNTAIN RIDGE LANDSCAPING - 1 LOT FINAL LAND DEVELOPMENT PLAN

The ZO presented the 1 Lot Final Land Development Plan for Mountain Ridge Landscaping located off Sunset Blvd. East. What's proposed is construction of a 2,400 square foot equipment storage building with attendant parking on a one-acre lot located in the Highway Commercial (HC) Zoning District. The Franklin County Planning Office reviewed the plan with no comment; Greene Township Municipal Authority as well as Guilford Water Authority did not review the plan because there is no connection to public utilities proposed at this time; Sewage planning was previously approved for this lot; Franklin County Conservation District has deemed the Erosion and Sedimentation controls adequate; and the Traffic Engineer reviewed the plan and estimated that the project will create 1 new peak hour trip for a total Traffic Impact Fee of \$2,754.00. The ZO reviewed the Planners comments (attached) which noted that a lighting plan would be required, and the off-street loading area and outdoor storage areas should be identified on the plan. The Engineer reviewed his comments (attached) and questioned where the incoming material will be stored and how it will be protected from stormwater runoff, as well as how the location will affect parking and circulation. He also asked for more detail on the Infiltration Basin as far as depth and specification of material, as well as more detail as to how the roof runoff from the building will drain into the infiltration basin. The Engineer recommends approval of the plan upon the developer satisfactorily addressing his comments. Mr. Joe McDowell with Martin and Martin explained that the purpose of the storage area for the next several years will be for purposes of operating his landscaping business such as to store his vehicles, small equipment, and excess material left over from projects. The current goal is to level the site with gravel, but the building itself will not happen for several years which is the reason no sewer & water connections are proposed at this time. He also explained that the roof leaders will be added to the plan showing that they all drain to the infiltration basin. On a motion by Member Feldman, seconded by Member Wenger and by a vote of 5-0, it was recommended that the 1 Lot Final Land Development Plan for Mountain Ridge Landscaping be forwarded to the Board of Supervisors subject to the comments of the Planner and Township Engineer.

ADJOURNMENT

On a motion by Member Fogal, seconded by Member Kuhns and by a vote of 5-0, the Planning Commission motioned to adjourn the meeting at approximately 7:40 P.M.

Respectfully submitted,

Ralph (Kip) Feldman, III, Secretary

GREENE TOWNSHIP PLANNING COMMISSION