

August 23, 2016  
Scotland, PA 17254  
Public Hearing &  
Regular Meeting

The Greene Township Board of Supervisors held a Public Hearing and Regular Meeting on Tuesday, August 23, 2016 at the Township Municipal Building, 1145 Garver Lane, Scotland, PA.

Present:

Todd E. Burns  
Travis L. Brookens  
Shawn M. Corwell

Daniel Bachman  
Diann Weller  
Welton Fischer

Visitors: See list

The Chairman called the Meetings to order at approximately 7:00 P. M..

The Chairman stated a Public Hearing was to be held regarding a proposed ordinance regarding various amendments to both the Township's Zoning Ordinance and Subdivision and Land Development Ordinance. He asked the Township Planner, Tim Cormany of Martin & Martin, Inc., to begin his presentation of the proposed amendments. Mr. Cormany reviewed several of the items to be considered beginning with those to the Zoning Ordinance. He stated the Township Zoning Hearing Board had questions in past years regarding "non-conforming uses or structures" which needed clarification. The use/structure can expand up to 30% but any more would need to go before the Zoning Hearing Board. He stated the definition of "expansion" can have many ways to describe it so this proposed amendment would enable the Township to look at a total proposed expansion. Also added language that clarified 30% which would be the total over the lifetime of the use/structure; would not allow an expansion every few years and keep adding 30% each time. The next amendment dealt with "convenience stores" be added as a permitted use. When the Transitional District and Interchange Overlay District were being considered at a meeting earlier this year, it was suggested allowing convenience stores as a permitted use in the Overlay District. Therefore, a description of convenience stores and then where they may be located was proposed to be added. Convenience stores would be a permitted use in the Overlay District but not in the Transitional District. Mr. Cormany then referred other items to the Zoning Officer or Township Solicitor for further comment. The Solicitor stated that in Chapter 85 the Township language was not changed since adoption but the MPC (Municipalities Planning Code) had changed, therefore, the Township changed to be consistent and the same as the MPC. In discussion it was noted the (Franklin County) Conservation District always looked to the Township in the past for enforcement. The Township Engineer could enforce but State law states it must go to the Conservation District; removed that sentence and will impose enforcement to Conservation District or PA DEP. The ZO stated he had provided a copy of the proposed ordinance to the Franklin County Planning Commission. The Township Planning Commission reviewed at their August 8 meeting and recommended acceptance as presented. Glenn Shetter, in attendance at this Meeting, addressed the Board stating that as a resident of the Township and former member of the Board of Supervisors, when the Overlay District was first mentioned at the time it was rejected and the Township would be remiss if the volume of traffic was not

addressed prior to a convenience store being located in the Overlay District. He further noted the Township really needs to look at the traffic that will be created by a convenience store. The Solicitor noted that the construction of Parkwood would help to alleviate traffic on Kohler Road. Supervisor Brookens noted that fast food establishments could create more traffic than a convenience store. It is difficult to say exactly what impact there would be at this time; it will be the responsibility of the developer to show how traffic will be handled when a plan is submitted. Mr. Cormany noted that those persons previously who were pushing for convenience stores were thinking that traffic would be more quick on-off from I-81 rather than local traffic but also stated that amount of traffic should still be considered for a use. Supervisor Corwell noted that Mr. Shetter had some good points and it will need to be reviewed and it would be difficult to say at this time; the Township Engineer has been reviewing ways of alleviating traffic. It is a difficult situation with the Township boundary line with the Borough of Chambersburg being so close to this area and having to deal with heavy additional traffic due to the construction being done just within the Borough limits. The Chairman stated that a traffic study had been done previously and it showed that Parkwood would be needed and other factors would be necessary; it is in the process. Supervisor Brookens stated that it still needs to be determined who is responsible for that section (Kohler and Walker Roads). Mr. Cormany noted that a traffic signal at that intersection would not be the answer due to the close proximity of lights at Norland and at I-81; items in that area would need to be reconfigured.

The Chairman closed the Public Hearing at approximately 7:21 P.M.. Supervisor Brookens asked the Solicitor if all notices were in order and the Solicitor noted confirmation of the notices being advertised. The Solicitor further stated that advertisement of the approved ordinance would be done automatically as required under the MPC when the matter involves either zoning or subdivision.

There were no further public comments offered regarding this matter; also, no further comments were presented by any Board Member. On a motion by Shawn M. Corwell, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted to adopt Township **Ordinance No. 2016-6** regarding proposed amendments to the Township Zoning Ordinance and Subdivision and Land Development Ordinance.

The Township Secretary informed the Board that only one sealed bid had been received for the *2016 Striping and Marking*. The Chairman read the bid as received, said bid being received from Midlantic Marking, Inc., and the total amount of the bid was read as \$260,159.70. The Chairman recommended to reject the sole bid due to the price quoted as being much higher than anticipated and having no other bids to compare with and to re-advertise for sealed bids. Supervisor Corwell asked the Township Solicitor if that were to occur again (receiving only one bid) what options would the Township have and the Solicitor stated the Township could reject all bids if the Township feels the price is too high. Supervisor Corwell asked if the Township did not receive any other bids, would they be able to negotiate and the Solicitor stated he would need to check into that question. The Board then briefly discussed when to advertise for the re-bid acceptance date. On a motion by Shawn M. Corwell, seconded by Travis L.

Brookens, and by a vote of 3-0, the Board unanimously voted to reject the sole sealed bid from Midlantic Marking due to the fact that only one bid was received and also authorize the re-advertising to accept Sealed Bids for *2016 Striping and Marking* to be received no later than 3:00 P.M., prevailing time, Tuesday, September 13, 2016, at the Township Municipal Office Building, 1145 Garver Lane, Scotland, PA; then to be opened and read aloud at the Supervisors Regular Meeting at 7:00 P.M., prevailing time, at 1145 Garver Lane, Scotland, PA.

The Minutes of the Public Hearing and Regular Meeting held August 9, 2016 shall stand approved as presented and become part of the official record.

There was no public comment offered.

The Township Secretary presented Township **Resolution No. 16-2016** to the Board for consideration to approve the disposition of certain Township records according to the requirements of the Municipal Records Manual of the Commonwealth of Pennsylvania, Historical and Museum Commission, Bureau of Archives and History. A copy of the Resolution was forwarded to the Township Solicitor for his review and he stated all appeared to be in order. On a motion by Travis L. Brookens, seconded by Shawn M. Corwell, and by a vote of 3-0, the Board unanimously voted to adopt Township **Resolution No. 16-2016** for the disposition of certain Township records.

The Township Solicitor noted that at the previous Board Meeting (August 9) he had informed the Board of a request from the attorney for Ken Stake to terminate his Letter of Credit (LOC) by agreement to withdraw the plan with subsequent information. Following discussion and review of the request at that Meeting, at the Solicitor's suggestion/recommendation, the Board chose to hold the item over to this Meeting until the Township Engineer had an opportunity to inspect the site and review of the LOC. The Solicitor stated the (subdivision) plan was never recorded and the Engineer had inspected the site and there are some monies remaining in the escrow account that would need to be considered to be refunded. The Solicitor stated that when the document was received it was thought that something had been recorded at the Court House but research shows nothing has been filed so there would be no reason not to consider this subdivision withdrawal. The time period to record is way overdue and the site plan was withdrawn as well. The Zoning Officer stated the document asked the LOC be returned; former Project #15-013; LOC was issued by BB&T as an Irrevocable LOC #10015579526 in the amount of \$142,905.45. The Solicitor stated the LOC is what started this process; when Ken Stake went to the bank and was going through with a former partner on this project and Mr. Stake decided not to pursue the project after the partner backed out. Following review and consideration of the request, on a motion by Shawn M. Corwell, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to grant the request to withdraw the Ken Stake Subdivision Plan, Project #15-013, and also to release the Letter of Credit issued by BB&T in the amount of \$142,905.45. The Solicitor stated the applicant had asked if they could receive something in writing such as a copy of the Minutes when approved but the Solicitor stated a letter should be issued from the Township.

The Zoning Officer presented a 2-lot Final Subdivision/Lot Addition Plan for Tri-State Homes; property located along Black Gap Road across from Smith's Implements in the R-2 (Medium Density Residential) zoning district; lots were laid out in the 1960's. Tri-State Homes wishes to divide a center lot and convey each half to adjoining properties. The Solicitor noted that when an addition to be conveyed is offered to adjoining owners and they do not wish to take it, they are under no obligation to accept; any time there is a lot addition it must be willingly accepted by an adjoining owner. The ZO stated the same people own all lots involved, therefore, there would be no issue as noted by the Solicitor which was satisfactory to the Solicitor's concern. The ZO reviewed the *Approval Checklist* with the Board, each Member having received a copy for their review: Franklin County Planning Commission – reviewed with no comment (8.8.16); Greene Township Municipal Authority – N/A; Sewage Enforcement Officer – non-building waiver forwarded to PA DEP (8.16.16); Township Planner and Engineer comments attached; plan was staff reviewed on behalf of Township Planning Commission, had no comments, and recommended approval as presented (8.23.16). Supervisor Corwell inquired if there was a common driveway and the ZO stated that only one driveway is shown; single family dwellings are proposed and one is under construction at this time. Following review and consideration, on a motion by Travis L. Brookens, seconded by Shawn M. Corwell, and by a vote of 3-0, the Board unanimously voted to approve the 2-lot Final Subdivision/Lot Addition Plan for Tri-State Homes as presented.

The Township Solicitor had no further comment to present at this Meeting.

On a motion by Travis L. Brookens, seconded by Shawn M. Corwell, and by a vote of 3-0, the Board unanimously voted to authorize the payment of invoices as follows: Check Numbers 24545 through 24585, one online payment, two credit card payments, and one direct deposit, inclusive, to be paid from the General Fund; Check Numbers 3283 through 3286, one online payment, inclusive, to be paid from the Liquid Fuels Fund; and, one online payment to be paid from the Electric Light Fund.

There being no further business before the Board for this Meeting, the Chairman adjourned at approximately 7:48 P.M..

Respectfully submitted,



Secretary