

January 24, 2017
Scotland, PA 17254
Regular Meeting

The Greene Township Board of Supervisors held a Regular Meeting on Tuesday, January 24, 2017 at the Township Municipal Building, 1145 Garver Lane, Scotland, PA.

Present:

Todd E. Burns
Shawn M. Corwell

Gregory Lambert
Daniel Bachman
Diann Weller
Welton Fischer

Visitors: See List

The Chairman called the Meeting to order at approximately 7:00 P. M. and informed all those in attendance the Meeting was being recorded.

The Minutes from the two (2) Public Hearings and Regular Meeting held January 10, 2017 shall stand approved as presented and become part of the official record.

Supervisor Shawn Corwell noted receipt of the 2016 Annual Incident Report of Pleasant Hall Volunteer Fire Department (PHVFD) Fire Police and reviewed said Report. He stated each year PHVFD submits an annual report to the Township; each incident noted the Township in which it occurred with a fair amount in Greene Township. Supervisor Corwell stated they are doing a good job for the Township and as a final note, many of the incidents listed were (auto) accidents. The Report shall become part of the official record.

The Chairman asked that the record show that Supervisor Travis Brookens is absent from this Meeting.

The Chairman noted consideration of an appointment to the Township Vacancy Board for year 2017. He explained the individual appointed would be needed if a Board Member could no longer fulfill his term and if there was no one available or conflict of remaining two (2) Board Members could not unanimously agree on a candidate, then the Vacancy Board would appoint and if that would not occur, then there would be a court order. He stated that William Greene, currently serving as a member on the Township Planning Commission, was willing to serve on the Vacancy Board for year 2017; therefore, the Chairman recommended the appointment of William Green for year 2017. Supervisor Corwell agreed that Mr. Green was a good recommendation; is involved in the Township and community and understands the process of matters being presented through various Township meetings, etc. On a motion by Shawn M. Corwell, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to appoint Mr. William Greene to the Township Vacancy Board for year 2017.

The Township Secretary presented Township **Resolution No. 5-2017** to dispose of certain Township records according to the guidelines as set forth in the PA Municipal Records Manual and noted it was another quite lengthy listing of records for disposal. Supervisor Corwell noted the Secretary has been doing a good job in the handling of record disposal with the use of the State Manual. He noted the age of some records and the work has been progressing to review records, requirements of disposal or retention, and that he appreciates

very much the work being expended in the disposal of records. On a motion by Shawn M. Corwell, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to adopt Township **Resolution No. 5-2017** for the disposal of certain Township records according to the guidelines as set forth in the PA Municipal Records Manual.

Supervisor Corwell presented the *Greene Township 2017 Emergency Operations Plan (EOP)*, identified as Township **Resolution No. 6-2017**. He stated that each year the Township reviews its EOP; reviewed this year by he and Mike Balsley. It was also forwarded to Department of Emergency Services for their review and stated they had no comments. He noted there were some minor changes as to verbiage. The Chairman stated he had also reviewed the EOP and had no comments. On a motion by Todd E. Burns, seconded by Shawn M. Corwell, and by a vote of 2-0, the Board unanimously voted to adopt the *Greene Township 2017 Emergency Operations Plan (EOP)*, Township **Resolution No. 6-2017**.

The Zoning Officer presented and reviewed the 2016 Annual Zoning Office Report, each Board Member having received a copy. He noted the Report included three (3) years (2014, 2015, 2016) for comparison; number of permits issued has been consistent; single-family dwelling units have increased; no multi-family dwellings constructed these three years; fees based on construction value of project. He concluded by noting the Township is continuing to grow but growing at a reasonable rate. The Chairman inquired as to the number of signs and if they were for commercial use and the ZO stated he was correct (new business signs). The ZO noted that since the 2004 (State) Building Code went into effect quite a few permits have been issued by the Township due to this fact; i.e. renovations or other matters that would not have required a Land Use Permit prior to the Building Code; only needed due to the Code. Supervisor Corwell stated it is a steady growth when taking into consideration the need for utilities, etc; good that the Township is growing but not too fast. The ZO also noted the 48 new (single-family) dwelling units in 2016 would most likely bring more people to schools, use of roadways, etc. Following review, the 2016 Annual Zoning Office Report shall become part of the official record.

The Zoning Officer presented correspondence and colored aerial photos regarding a request for the Board to consider submission of a formal application for zoning map amendment received from Thornell IV B LLC. The request is to change the current zoning of R-1 (Low Density Residential) to HC (Highway Commercial) for Lots 1 through 4 of the Greene Acres Subdivision property located on the southeast corner of Lincoln Way East (SR 0030) and Anthony Highway (SR 0997), Fayetteville. The ZO offered the following background information for the Board: three separate requests already received in 2005, 2007, 2008, and most recently in 2011; three initial request for rezoning to HC were denied by the Board in place at the time; part of process prior was to forward to Township Planner and Township Engineer and the Planner did not approve due to not meeting neither the Township nor County Comprehensive Plans. The ZO noted to the Board that this is just a request to see if the Board would entertain a motion to review. The Chairman asked the Township Solicitor to briefly outline the process of a rezoning request. The Solicitor stated the Board is not required to entertain a motion or any type of request; entirely legislative. If the Board would choose to accept a formal application it would first go before the Township Planning Commission for

discussion and consideration to the extent to which it confirms to both the Township and County Comprehensive Plans. After the Planning Commission's review it would return to the Board of Supervisors for their review and consideration and would not have to be rezoned in the manner requested. It could be rezoned a portion or another way or denied. Again, he emphasized the Board is not required to consider rezoning; no time frame, etc. Mr. Adam Hager, Project Manager for the Applicant, stated the applicant had contacted him to see if the area could be rezoned from residential to commercial; one concern would be traffic along Route 30; not conducive for residential use, however, felt it would be ideal for some type of commercial development. He stated the first step would be to request the rezoning and find out whether the Board would even be willing to entertain the request. He understood the Township Comprehensive Plan was due for renewal and would like to begin looking at this area as a commercial site. He noted the site is not suitable for a warehouse or business using tractor trailers; first step is to find out whether they could pursue the rezoning. He stated his client has already removed a run-down house, leveled ground and planted grass greatly improving the area; again noted area not conducive for residential use. Mr. Josh Mummert, ReMax Realty, addressed the Board noting the area is approximately a two-acre site currently with four lots; not a large site, not suitable for residential use nor a high use commercial but best suited for a small commercial use at this time. Mr. Jeff Crampton, applicant/owner of the property, noted that after working on site for a week or more he was able to best observe what would be best suited for the area. The Solicitor noted the previous individuals had indicated how small the tract is and one area of concern would be to ensure they are not asking for "spot zoning"; too small of a tract. The Solicitor suggested to the applicant and others that if the Board would be interested in allowing the request to advance, they contact an attorney to obtain legal advice as to whether, by Code definition, if the request could be considered as to "spot zoning". The Chairman agreed with the Solicitor and concurred because he stated that one of the Township's responsibilities is to administer and apply its zoning regulations, looking at the boundaries of the zoning districts, and concern with using property lines for boundary which could change. He further stated the following comments and concerns he has: (1) Township is in the process of having the Township Planner and Township Engineer review its current plan; process will probably continue to later this year; (2) use of the property; asking the Township to consider a zoning change of highway commercial and extending across the highway; inquired if the applicant and/or others had a specific use in mind for the property; reason for inquiring as such is that it is easy for them to see no high traffic use (i.e. large trucks, etc) at this time, however, if this area is rezoned, the Township cannot restrict a use if it meets the zoning district requirements. The ZO noted an example of this would be the new zoning would permit beauty salons or a convenience store; any use allowed in that district could not be restricted. Mr. Hager stated they only contemplate commercial use that generates low traffic and noted they would have to submit site plans, etc. The Township Engineer inquired if the intention for the four existing lots to be combined into one tract and Mr. Hager confirmed same. The Solicitor inquired if the applicant owned enough land if their legal advisor stated they needed more area to pursue the request and not be subject to "spot zoning". Mr. Hager stated there is a wetlands to the rear that could not be developed. The ZO inquired as to the depth of the four lots noting minimum lot depth is 250 feet. Mr. Crampton noted one lot is 274 feet and another is 250 feet; Lot 4 appears to be the shallowest with a depth of approximately 195 feet. The ZO stated the minimum lot size for commercial is 40,000 square feet and that one of the primary concerns from the previous requests was access to Anthony Highway and Route 30; both are PennDOT

highways; he also noted the residential area directly behind these lots. Supervisor Corwell stated that one of his biggest concerns is also for the traffic; would need permits from PennDOT; a very busy intersection with Rutter's; again stating very concerned about the traffic. Brief discussion ensued as to zoning in the surrounding area and the previous use and structure located on this site. Supervisor Corwell asked the ZO if the County Plan had been updated yet and the ZO stated it was unknown at this time. The Chairman offered further comments to those in attendance as follows: can appreciate the comments of the lots note conducive for residential use; on personal note, deeply appreciates the work the applicant has done to the property to date; as to the request for rezoning, he noted the number of previous requests and the positions he held at the Township when hearing them and major numerous concerns voiced, traffic being one of the largest part of those concerns; the intersection even though signalized is misconfigured and already has lots of traffic issues and seems to have quite a few accidents in that area; further, another major concern of him was changing the zoning to commercial that if this section was rezoned you now have a residential development directly behind this area; since the previous requests that area has been built out so more and more properties would be affected; other concerns included the traffic and "spot zoning" issue and need a clear, definite opinion on "spot zoning"; at least two previous requests involved a larger area; ingress and egress to the lots being very small on Route 30 especially with Bronson Road across from the lots as well as the different traffic lanes. The Engineer also commented as to the cul-de-sac street to the rear would not want to encourage it being used to handle traffic from the site. He further noted that at the last (public) hearing conducted, the persons at that time were not able to offer a good means of ingress/egress and could not obtain a commitment from PennDOT. The Chairman asked those in attendance what has changed with their request compared to the previous ones, perhaps they were not ready to answer and stated the Township was not certain they were ready to hear a rezoning request; many questions need addressed; Township Comprehensive Plan is in the process of being updated and perhaps it would be better at that time to consider a request. Mr. Mummert asked if they could be involved with that process and the Chairman stated that public input is obtained but perhaps there were other matters to consider as well. Mr. Mummert again asked if they could all work together with the Plan or specifically at the meetings to which the Chairman again replied the update of the Comprehensive Plan is held by public hearing(s) to gain input; not all parts of it will be detailed but public input is welcome. The Solicitor again suggested the applicant and others seek someone who could give enough guidance as to solving the various concerns and issues raised during this discussion. The Chairman stated that so everyone was clear as to the issues, they included traffic, size of lots, "spot zoning", access (ingress/egress), etc. The Solicitor stated the "spot zoning" issue is not something the Township states but the law states it is illegal and that is one very important issues that must be dealt with. Supervisor Corwell stated he agreed with the Chairman's comments and noted that when he worked with PennDOT recently, they definitely looked over the regulations and that frontage was one large issue; he stated one of his major concerns also is traffic. Mr. Hager stated it is going to be a challenge for them but not impossible. The Chairman stated zoning is taken very seriously by the Board and Planning Commission; want to make absolutely sure they are doing the right thing regarding zoning. Mr. Mummert stated they were asking to proceed to which the Solicitor stated they did not need their (Board) permission to proceed but you can still submit a formal request. The Chairman stated that even though the Board may not be interested at this Meeting, it does not mean the requesting party cannot come at a later time with a request. Glenn Shetter, noted that when

considering the previous requests, there were not many residents in the immediate vicinity but now there are and any commercial zoning would have a greater impact on them. The Chairman stated the Board must now consider whether to do nothing, vote either way, or table the matter. Supervisor Corwell asked the requesting party how much time they would need to gather more information and Mr. Hager noted they had already completed some of it and could perhaps get more. The owner suggested they get more information and meet again informally. The Chairman stated the Board was not really interested in hearing this request unless the requesting party returned with something more substantial. The Solicitor commented that his initial reaction from what he was seeing and hearing at present that the requesting party was looking at "spot zoning" and needed to pursue further. Following this lengthy discussion, on a motion by Todd E. Burns, seconded by Shawn M. Corwell, and by a vote of 2-0, the Board unanimously voted to table the request to consider submission of a formal application for zoning map amendment submitted by Thornell IV B LLC.

There were no Subdivision and/or Land Development Plans to be reviewed at this Meeting.

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

On a motion by Shawn M. Corwell, seconded by Todd E. Burns, and by a vote of 2-0, the Board voted unanimously to authorize the payment of invoices as follows: Check Numbers 25022 through 25053, one direct deposit, and two credit card payments, and three online payments, inclusive, to be paid from the General Fund; Check Numbers 3317 through 3321, and one online payment, inclusive, to be paid from the Liquid Fuels Fund; and, Check Number 2105 and one online payment, inclusive, to be paid from the Electric Light Fund.

There being no further business before the Board for this Meeting, the Chairman adjourned at approximately 8:05 P.M..

Respectfully submitted,

Secretary