

October 25, 2011
Scotland, PA 17254
Regular Meeting

The Greene Township Board of Supervisors met in regular session Tuesday, October 25, 2011, at the Township Municipal Building, 1145 Garver Lane, Scotland, PA.

Present:

Charles D. Jamison, Jr.
Todd E. Burns
Travis L. Brookens

Gregory Lambert
Daniel Bachman
Diann Weller
Welton Fischer

Visitors: See list

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

The Minutes of the October 11, 2011 Public Hearing regarding a Conditional Use Permit request from Earthnet Energy, LLC shall stand approved as presented.

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Township Engineer, Gregory Lambert, presented correspondence from James Maun of William A. Brindle Associates, Inc. on behalf of their client, Eric Bender, requesting a refund of remaining plan review escrow for Eric Bender/Final Subdivision of Land for Robert Jacobs, Project#11-010; property subdivided located off Scotland Road. Mr. Lambert stated \$1,500.00 had been submitted as the original escrow; \$552.00 was expended for reviews, inspections, etc; balance of \$948.00 being requested as refund payable to Mr. Eric Bender. Mr. Lambert stated that due to all outstanding review expenses being paid and no further reviews required, he would recommend a total of \$948.00 be refund to Mr. Eric Bender. Following review and consideration, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to approve the request for refund of remaining plan review escrow in the amount of \$948.00 and be forwarded to Mr. Eric Bender for the Final Subdivision of Land for Robert Jacobs, Project #11-010.

Township Engineer, Gregory Lambert, presented correspondence from Jim Nicklas, Power of Attorney for Margaret Nicklas and on behalf of same, requesting a refund of remaining plan review escrow for Reginald/Margaret Nicklas Subdivision, Project #11-013; property subdivided from Nicklas estate off Route 30. Mr. Lambert stated \$1,500.00 had been submitted as the original escrow; \$528.00 was expended for reviews, inspections, etc; balance of \$972.00 being requested as refund payable to Margaret Nicklas. Mr. Lambert stated he would recommend the remaining balance of \$972.00 be refunded as all review fees have been expended and paid as well as any other pertinent expenses. Following review and consideration, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted to approve the request for refund of remaining plan review escrow in the amount of \$972.00 and be forwarded to Margaret Nicklas for the Reginald/Margaret Nicklas Subdivision, Project #11-013.

Township Engineer, Gregory Lambert, presented several road Deed of Dedications noting there are now residents on those roads that are presently not owned by the Township and are ready to be presented and accepted by the Township especially for maintenance *this* winter season. Two roads presently owned by Trinbar, LLC being offered for dedication are located in Greene Acres development with 70% occupancy along the two roads, one identified as Beverly Boulevard (approximately 0.7354 acre) and the other as Grace Ann Court (approximately 0.1492 acre) which will be used as a temporary turn-around. The Engineer recommended that both roads/deed-of-dedications be accepted. Supervisor Burns asked if a maintenance bond could be posted and the Engineer stated 'yes' he would recommend it but he did not have the actual amount required at this time. He would recommend the bond be posted at 15% for 18 months. Following review and consideration, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted the Deed of Dedication for Beverly Boulevard submitted by Trinbar, LLC be accepted as part of the Township roadway system and that a 15% of construction cost maintenance bond will be posted for a period of 18 months, which will be calculated by the Township Engineer. Further, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted that Grace Ann Court Deed of Dedication be accepted as presented and that a 15% of construction cost maintenance bond will be posted for a period of 18 months, which will be calculated by the Township Engineer.

The next Deed of Dedication presented by the Township Engineer is for two roads located in Grandpoint Crossing development submitted by Columbia Builders, Inc.. The first identified as Cornwall Road (approximately 0.8025 acre) with 50% occupancy, and the second identified as Hartford Drive (approximately 0.1500 acre) which will be used as a temporary turn-around. The Engineer noted that both roadways were placed as one Deed of Dedication and would recommend a maintenance bond for both roadways. Following review and consideration, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted the Deed of Dedication for Cornwall Road and Hartford Drive from Columbia Builders, Inc. be accepted and that a 15% of construction cost maintenance bond be posted for a period of 18 months, which will be calculated by the Township Engineer.

The Zoning Officer presented a request from Vince Elbel, Township S.E.O., for Paul Nolt, public sewer extension/tap-ins on Greene Street. The ZO noted a plan submitted by Mr. Nolt of 0.92 acre proposing 7-unit townhome; public water and sewer to be provided for 7 edu's. Following review and consideration, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted that Township **Resolution No. 11-2011**, from Vince Elbel, Township S.E.O., for Paul Nolt, public sewer extension/tap-ins for Greene Street, be approved as presented.

The Zoning Officer informed the Board of receipt of a Conditional Use Permit request for installation of solar energy conversion system at 2779 Grandpoint Road submitted by Mr. Jeffrey Hager. The ZO stated that a public hearing was required and would need to be set within sixty (60) days from date of receipt. Following brief review and consideration, on a

motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted the Conditional Use Permit request from Jeffrey Hager for installation of solar energy conversion system be scheduled for December 13, 2011, at 7:00 p.m., at the Greene Township Municipal Building, 1145 Garver Lane, Scotland, Pennsylvania.

The Zoning Officer presented an 18-unit Final Land Development Plan for Second State Enterprises; property located off Doron Drive in the Highway Commercial (HC) zoning district; propose 3 apartment buildings with 6 units each. The Zoning Officer reviewed comments as outlined on the *Approval Checklist*, a copy of which was distributed to each Board Member for their review, as follows: Franklin County Planning Commission – reviewed at preliminary with no comment (6-1-11); Greene Township Municipal Authority – approved (10-14-11); PA DEP module approved (5-3-11); Guilford Water Authority – approved (10-7-11); Franklin County Conservation District – ‘adequate’ (10-17-11); Planner correspondence stated no additional comments; Township Engineer noted the Final Plan appears to be in conformity with previously approved Preliminary Plan and would recommend approval and he further recommended the amount of security for stormwater improvements be provided prior to the release of the Final Plan; Township Planning Commission reviewed the Plan at their September 12, 2011 Meeting and recommended approval subject to outstanding comments that have since been addressed; proposed development located in the TSA-3 district therefore a transportation impact fee total of \$19,668 will be required; recreation impact fee total of \$9,000 required. The Zoning Officer noted the ‘fill’ placed due to Phillaman Run and stated he had spoken to engineer and developer and will forward information to FEMA. The Chairman inquired if that would be a condition and the Township Engineer stated the garden apartments can be constructed in a flood hazard area. The Solicitor inquired if they were proposing to build in a floodplain management area and the Engineer stated it is not a ‘mapped’ area; would be on the new map being proposed but today’s map is what is in effect. The Solicitor stated today’s map would be in effect and new not in effect until January 18 (2012). The Zoning Officer stated the property is in a flood hazard area and the Applicant submitted an application to FEMA; FEMA has the letter for addition to the map. He further stated that FEMA wants to see metes and bounds and apparently the Applicant did not sign the application that went to FEMA. He stated that by the Township Zoning Ordinance, they could not build garden apartments in the flood hazard area until FEMA approves the map amendment and until that document is received from FEMA, they could not build. The Chairman directed the Zoning Officer to contact the Applicant and inform him that either he submit the FEMA letter or request an extension. The Chairman stated that action could not be taken on this issue at this Meeting and the Solicitor concurred that an extension of time be submitted. Following review and consideration, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted the Second State Enterprises 18-unit Final Land Development Plan be tabled until such time the Township receives a letter from FEMA.

The Zoning Officer presented a 1-lot Final Land Development Plan for JSJ, LLC (aka Stouffer Mechanical); property located off Opportunity Avenue in the Highway Industrial (HI) zoning district; propose construction of two (2) structures. The Zoning Officer reviewed comments as outlined on the *Approval Checklist*, a copy of which was distributed to each

Board Member for their review, as follows: Franklin County Planning Commission – reviewed with no comment (7-26-11); module previously approved by PA DEP (7-26-11); Franklin County General Authority – approved both water and sewer (9-28-11); Franklin County Conservation District noted as ‘adequate’ (10-19-11); Township Planner had no further comments following revisions and pending satisfactory completion of non-plan related items listed in his September 1 correspondence, the plan appears to meet all applicable Township requirements; Township Engineer noted this plan has been revised to reflect his previous comments and would recommend approval of the plan as well recommend a bond for stormwater improvements be required in the amount of \$61,665.90 and recommend that amount of security be provided prior to release of the final plan; plan was reviewed by the Township Planning Commission at their regular meeting held September 12 and would recommend approval subject to comments which have been addressed; a transportation impact total fee of \$30,060 (20 trips @ \$1,503 each in TSA-2) required. Following review and consideration, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to approve the 1-lot Final Land Development Plan for JSJ, LLC with condition that a stormwater bond in the amount of \$61,665.90 be posted before the plan is released from the Township and upon issuance of a Land Use Permit, the transportation impact fee of \$30,060 be posted.

The Zoning Officer presented a 1-lot Final Subdivision/Lot Addition Plan for Roberta Happel; property located off Allen Drive in the R-1 (Low Density Residential) zoning district; propose eight-foot strip of land (approximately 0.3 acre) of Happel to convey to adjacent property owner; existing structures will not be affected by conveyance regarding setback requirements. The Zoning Officer reviewed comments as outlined on the *Approval Checklist*, a copy of which was distributed to each Board Member for their review, as follows: Franklin County Planning Commission – reviewed with no comment (9-26-11); Form B forwarded to PA DEP (10-11-11); Township Planner noted that pending Township approval of PA DEP Non-Building Waiver Request, earlier comments had been satisfactorily addressed and plan appears to meet all applicable Township requirements; on behalf of Township Planning Commission plan was staff reviewed by Township Zoning office and recommend approval (10-25-11). Following review and consideration, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted the 1-lot Final Subdivision/Lot Addition Plan for Roberta Happel be approved as presented.

The Zoning Officer presented a 1-lot Final Subdivision/Lot Addition Plan for Melvin Diem and David Hurst; property located off Rice Road in the AR (Agriculture Residential) zoning district; propose strip of land (approximately 0.3 acre) conveyed from Diem to Hurst. The Zoning Officer reviewed comments as outlined on the *Approval Checklist*, a copy of which was distributed to each Board Member for their review, as follows: Franklin County Planning Commission – reviewed with no comment (9-30-11); Form B acknowledge by PA DEP (10-7-11); Township Planner reviewed plan and found the revisions have satisfactorily addressed the plan related comments and pending Township and SEO approval of the PA DEP Non-Building Waiver request, the plan now appears to comply with all applicable Township subdivision requirements (10-24-11); Township Engineer reviewed plan and found

it to conform to Township Subdivision Ordinance and would recommend approval (10-24-11); on behalf of Township Planning Commission plan was staff reviewed by Township Zoning Office and recommended approval (10-25-11). Following review and consideration, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted the Melvin Diem/David Hurst 1-lot Final Subdivision/Lot Addition Plan be approved as presented.

The Zoning Officer presented a 1-lot Final Subdivision Plan for Deborah Bartl and Guilford Water Authority (GWA) needing re-approval for recording purposes. The Chairman asked if the plan had left the office and the ZO stated 'yes'. The Chairman inquired if there had been any changes and the ZO stated he had reviewed the plan and found no changes and the plan will be re-stamped for recording purposes. The ZO stated the original plan had been approved in May 2011 and after the plan was released, the surveyor wanted to record an agreement with the plan but because of problems with the right-of-way agreement, the time to record had expired. The ZO noted a right-of-way agreement is usually noted on a plan but this particular one was quite lengthy. Following review and consideration, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted the Deborah Bartl/Guilford Water Authority (GWA) 1-lot Final Subdivision Plan be re-approved for recording purposes.

The Township Solicitor stated that on one of refund requests, he noted the Applicant's son, Mr. Jim Nicklas, had signed the request letter acting as her Power of Attorney. He stated the Township needs to have a copy of the Power of Attorney for final payment release. The Township Secretary noted her recent conversation with Mr. Nicklas that the refund check would be made payable to his mother, Margaret Nicklas, but that he wanted to pick up the check when it was ready. The Solicitor stated that was fine but the Township would still need a copy of the Power of Attorney and directed the Secretary to contact Mr. Nicklas and request the copy.

On a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to authorize the payment of invoices as follows: Check Numbers 17025 through 17062, inclusive, to be paid from General Fund; Check Number 1459 to be paid from the Electric Light Fund; and, Check Numbers 1991 through 1998, inclusive, to be paid from the Liquid Fuels Fund.

There being no further business before the Board for this Regular Meeting, the Chairman adjourned at approximately 7:38 P. M..

Respectfully submitted,

Secretary