

October 25, 2016
Scotland, PA 17254
Public Hearing &
Regular Meeting

The Greene Township Board of Supervisors held a Public Hearing and Regular Meeting on Tuesday, October 25, 2016 at the Township Municipal Building, 1145 Garver Lane, Scotland, PA.

Present:

Todd E. Burns
Travis L. Brookens
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.. He welcomed all those in attendance, noted there was a sign-in sheet and asked if they had not signed it when they arrived to please do so before leaving.

A Public Hearing was being held at this time to consider a Conditional Use Permit (CUP) Application from SpiriTrust Lutheran for the proposed construction of the Luther Ridge Skilled Care. The Zoning Officer began by reading the legal notice regarding the request. He further stated the Township had received a CUP Application from SpiriTrust for their property along Black Gap Road used as a retirement community. They propose construction of a skilled care facility on the campus. In addition, a land development plan was received in connection with the request. Copies of the Application and other pertinent information was provided to the Supervisors at this Meeting. In addition, the request information was sent to the Franklin County Planning Commission who had no comment. Also included in the Supervisors' packets (for this Meeting) were comments from review of the plan by the Township Planner and Township Engineer. The Township Planning Commission reviewed the request at their October 3 Meeting and recommended approval of the request. The ZO displayed the plan showing the entire Luther Ridge campus and location of the proposed skilled care facility and noted the presence of the Township Planner, Tim Cormany, at this Meeting as well as the engineer for the project, Mr. Craig Smith of RGS Associates, to answer any questions that may arise during the review of this request. Mr. Smith addressed the Board stating they are proposing a 55,300 square-foot building with several wings and an eventual total of 55 beds. An existing entrance will change, will have an emergency access, one-story building that will match what is existing presently. He stated that Supervisor Corwell had visited the site and was very helpful as to safety features such as emergency access and fire suppression, as well as the Building Code. The stormwater will be handled by three separate sites as part of the project and a narrative was provided to the Board for their information and review. Supervisor Brookens referred to the plan on display and inquired as to the broken line shown, if this was a future phase and Mr. Smith stated it was; future development for 15 of the 55 beds. Mr. Cormany commented that this request is just an expansion of a current Conditional Use and just needs the necessary approvals from local and other agencies as appropriate. He further noted he had also included comments regarding the land development plan with one comment in particular regarding screening. He stated a line of existing vegetation will be removed and due to the slope of the property, those properties to the west would be able to see up the hill and the

proposed building. The Chairman inquired as to outdoor lighting and Mr. Cormany stated it was not necessary for Conditional Use but will be part of the land development process relative to a new section in the Township Ordinance. The Township Engineer commented that the expansion is within the element of what the Zoning Ordinance provides; property is large enough to accommodate the proposal; stormwater was reviewed and discussed at the last (Supervisors) Meeting as well as the waivers presented at that same Meeting with the waivers proposed actually exceeded Township requirements; namely, one (stormwater) basin actually exceeds 1-1/2 times what is required; applicant has been aware of issues downstream and has been very pro-active in handling them; these basins will actually improve runoff and will be making no detrimental effects; recommending approval of the Conditional Use Permit request as presented. The Chairman then opened the Hearing for any comments by those in attendance. An unidentified resident who stated she lives next to the proposed construction site asked if there was any other information available with the Agenda and had some comments and concerns she wished to ask. Resident Ron Worley referred to the "letter" they received that spoke of a right-of-way and wondered what that was about. The ZO reviewed the letter the man spoke of but could not find any reference to a right-of-way. The lady asked when construction would begin, how construction traffic would get to the site, through Luther Ridge property or use Smoketown Road; where is access going to be for all this construction. Mr. Smith stated construction traffic will utilize Luther Drive. The lady then asked if the (proposed) facility will extend up to Smoketown Road and Mr. Smith stated it would not. Mr. Smith further explained by referring to the plan displayed that construction near the residences will be 30 feet but towards the back it will be approximately 120 feet away from adjoining properties. Mr. Leonard Speers, resident on Blackberry Drive, asked the Board if this would be the time to make a request to them and the Chairman stated it would. Mr. Speers stated there is a row of trees from one corner of Luther Ridge's property and requested if they would extend that row of trees to block the view of the proposed construction; it is a direct view from his property. Mr. Smith stated they could add some screening nearer the construction site because the land further up near the Speers property will continue to be agriculture; the request can be presented at the land development plan process. Supervisor Corwell inquired if there will be screening between the proposed new building end and the first lady's property. The lady stated they have pine trees on their property and there are pines on Luther Ridge property and behind the inn as well. Mr. Ron Worley stated that Luther Ridge removed trees earlier in the year and stated that when he asked about the removal, he was informed they were not but they were (removed). The Maintenance Director of Luther Ridge addressed Mr. Worley's statement by informing him that Luther Ridge was not the owner of the property at the time this occurred; it was the owners of the property who previously lived at that location before selling the area to Luther Ridge. Glenn Shetter noted to the Board that perhaps they need to explain to those in attendance that this is a *Conditional Use* hearing and the *design* is part of the land development plan process. The Chairman noted that what Mr. Shetter had stated was correct and thanked him. Mr. Speers asked if the public would have voice again regarding this matter and the Township Solicitor stated they would at the land development process the public will have an opportunity to voice concerns, requests, etc. Mr. Speers asked what the time frame would be when the land development plan would be discussed. Mr. Smith stated the first step would be to wait and see if the Conditional Use request is approved and then proceed from that point. The ZO explained that copies of the plan were issued to the appropriate reviewing agencies

and if there were any comments from those agencies, they would be forwarded to the applicant to be addressed. He stated a definite time frame could not be given but probably would not be placed on an Agenda (Supervisors Meeting) until after all comments have been addressed. The Chairman stated that if the Township had a contact number (for Mr. Speers), they could contact him to advise when the land development plan was to be reviewed and discussed. Supervisor Brookens in referring to sewer capacity asked Dewayne Del Grande of the Municipal Authority (Sewer) who was in attendance at this Meeting if he thought there would be any issue. Mr. Del Grande stated there will be questions (i.e. hydraulic overload, etc) and that Chapter 94, Title 25, does give exceptions, but felt sure there would be comments.

There being no further public comment, the Chairman closed the Public Hearing for this Conditional Use Permit Application request at approximately 7:32 P.M..

The Board then considered the Application as submitted and all public comments received. Supervisor Corwell stated he believed it is an expansion of the existing property. The Chairman noted the proposal is in line with what is existing and the issues of landscape screening and lighting are to be considered when it is moved to the land development phase. Supervisor Brookens agreed with both previous comments and also noted the Township will review the screening and lighting issues at the land development stage. Following their review, discussion, consideration, on a motion by Shawn M. Corwell, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to approve the Conditional Use Permit Application submitted by SpiriTrust Lutheran for the Luther Ridge Skilled Care Facility with condition that during the land development phase, the outdoor lighting and landscape screening be presented at that time.

The Minutes of the Regular Meeting held October 11, 2016 shall become part of the official record.

There was no other public comment offered at this Meeting.

The Township Engineer presented a proposal from Adam Klein, Esquire, of Smigel, Anderson & Sacks, LLP for eminent domain counsel services relative to the Routes 997/11 Intersection Improvement Project. He stated it is at a point with the 997/11 project where they have reached out to resolve all the rights-of-ways through agreements to purchase in kind and down to three (3) properties that have not responded. The project has to move forward and needs to get done and a way to proceed with these three properties must be done through eminent domain. In order to proceed in that manner the Township would need (legal) counsel which PennDOT has provided three (3) names that provide such services. The Engineer spoke with two; one did not seem too interested but the second, Adam Klein and his firm, did seem interested and submitted a proposal of services. The Engineer stated he was seeking action by the Supervisors at this Meeting to move forward with "DT" letters advising the property owners the Township has hired legal counsel and inform the property owners they should seek counsel as well. The Solicitor noted that in the process of eminent domain once the documents are filed with the court that property is the Township's and only then need to consider compensation which would automatically be approved by the court. Supervisor Brookens commented the project definitely needs to be kept moving forward. The Chairman noted that a grant was

received for this project location to finish the intersection improvements and that many properties were affected. The Engineer stated they began with 14 and successfully dealt with 11; project began 4 years ago; final design is completed. The Chairman stated the Township has been in touch with the 3 property owners; PennDOT has explained the process to the owners many times and advised them to move forward. He further noted that eminent domain can be conceived as negative but this is basically to keep the process and project ongoing and the owners can complete their parts any time during the process. The Engineer stated the eminent domain process is paid through the grant and not by Township funds. He further noted the project is way under budget and that up to \$4,000 is provided in the grant for this process. The Solicitor stated that even though PennDOT expects the Township to do all steps of the project, they (PennDOT) have the final say. Following review, discussion, 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 accept the proposal from Adam Klein of Smigel, Anderson & Sacks, LLP for eminent domain counsel services relative to the Routes 997/11 Intersection Improvements Project and authorize the Chairman to sign the proposal on behalf of the Board of Supervisors.

Supervisor Corwell stated that each year the Township provides donations to four fire companies that are volunteer; donations are given twice a year and this is the second half (for this year). In addition there is a letter sent with each donation noting the Second Class Township Code requires the Township to receive information as to how the donations are spent. He stated the donation amounts have not changed for this year and are as follows: Fayetteville Volunteer Fire Department - \$27,258; Franklin Fire Company No. 4 - \$18,753; Pleasant Hall Volunteer Fire Department - \$7,500; and, West End Fire & Rescue - \$7,500. Supervisor Brookens inquired if there had been any problem with receiving a response as to how the donations were spent. Supervisor Corwell stated the fire companies are given until March to respond and they have been submitting a response rather quickly. Supervisor Brookens commented they understand the process and Supervisor Corwell affirmed the companies understand. 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 release of the second half (2016) fire company donations to Fayetteville Volunteer Fire Department, Franklin Fire Company No. 4, Pleasant Hall Volunteer Fire Department, and West End Fire & Rescue as presented.

The Chairman stated that on a yearly basis the Township makes a donation to the Cumberland Valley Animal Shelter for the services they provide to the Township; an item that is budgeted yearly; usually this time of year it is provided; recommended amount for 2016 is \$16,000. He continued by noting the Shelter certainly provides an excellent service to the residents of the Township; undeniable what they do for this Township and also the Dog Park located on their property which was a combined effort by the Borough (of Chambersburg) and the Township. Supervisor Corwell stated he agreed with the Chairman's comments and noted he had been at the Shelter recently at their Open House and the Shelter is very full with both cats and dogs. He further noted that not only does the Township benefit but the entire County as well and would agree to the donation. Supervisor Brookens stated he would agree as well with the other Board Members and further noted that although it is not required, that perhaps the Township could request a detailed account of the monies provided since it is Township funds; not to infer anything negatively, just to ensure that the funds are being used properly.

On a motion by Shawn M. Corwell, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to authorize the release of the \$16,000 annual donation to the Cumberland Valley Animal Shelter and with that donation request an account of expenditures utilized by the donation.

The Zoning Officer presented a request from Vince Elbel, Township Sewage Enforcement Officer (S.E.O.), for a sewer tap-in for the Pantelis Katsaros property at 6062 Molly Pitcher Highway and displayed a plan showing the proposal. The ZO stated the Township had received a planning module as part of a proposed subdivision of an existing dwelling and subdivision of Lot #1. The module is for two (2) edu's and has been signed off by the Greene Township Municipal Authority and the Borough of Chambersburg. The Chairman inquired if there was a private drive shown on the plan that goes to the rear and the ZO stated 'yes'. 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 adopt Township **Resolution No. 20-2016** from Vince Elbel, Township Sewage Enforcement Officer, for sewer tap-in for property of Pantelis Katsaros, 6062 Molly Pitcher Highway.

The Township Engineer presented a request for bond reduction submitted by the Fayetteville Volunteer Fire Department for their 1-lot Final Land Development Plan. The Township had originally received a bond in the amount of \$28,265.48 for storm water improvements and the Plan was approved, however, since that approval the plan has not been recorded which is to be considered later on this Agenda by the Board to be re-approved for recording purposes. The project has been finished and Fayetteville is requesting a reduction of the bond. The Engineer stated he has visited the site and found the storm water piping as a type of bypass to a large swale behind the structure has been satisfactorily completed and can be removed from the bonding obligation. All that remains is installation of the subsurface infiltration piping and trench which will be placed after the building pad and framing for the building is completed. The required 60 feet of 48-inch perforated infiltration pipe and stone are presently on site such that all that remains is the cost of the pipe installation which the Engineer estimates at \$2,600, with 10% contingency, he stated he would recommend a reduction of \$25,405.48 of the original \$28,265.48 or a new security amount of \$2,860. Following review and consideration, 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 for bond reduction for the Fayetteville Volunteer Fire Department 1-lot Final Land Development Plan in the amount of \$25,405.48 and the Township will retain \$2,860 as the new security.

The Zoning Officer presented a request for waiver of Greene Township Code 67-18.A., *Sewer Connection Allocation*, and, 67-18.C.(2), *Multi-Family Dwelling Connections*, submitted by James Maun, Project Manager from William A. Brindle Associates, Inc., on behalf of the Highlands of Greenvillage (Washco Developers). The ZO read correspondence from Mr. Maun which explained the reason for the waiver request which included noting the developer has credit for 23 sewer tap-ins previously paid. Mr. Maun addressed the Board stating the request was basically self-explanatory; they were requesting a waiver of the current Ordinance; and, stated this will complete a certain section (of the development). Mr. Adam Shaool of Washco Developers stated they plan to start building in 4 months and have completed in 24 months after that. Mr. DeWayne Del Grande of the Sewer Authority stated the Authority currently has 94

allocations from the State and Washco would only have until March if they wished to renew their 23 connections. Supervisor Brookens asked Mr. Del Grande if the previous 23 connections would come out of the 94 allocations to which he replied 'no'. Supervisor Corwell inquired that if the waiver(s) were approved at this Meeting, then Washco would be able to go back to the Sewer Authority and renew their connections. Supervisor Brookens informed Mr. Shaool and Mr. Maun that the waiver should have come before the Board before the sewer connections were obtained. The Chairman asked Mr. Del Grande to explain the renewal process to which Mr. Del Grande noted that it is \$35 to re-apply and basically would be stamping the plan with a six-month time period on these permits. The Chairman asked Mr. Shaool how long Washco had all 23 permits and when they had received the first 8; Mr. Shaool thought it to be approximately a year ago. He stated the thought was to obtain the permits slowly and then have all 23 to build at once. The Chairman noted his concern that the first allocation was obtained over a year ago but nothing was done and now they have to do a renewal and plan to start construction in 4 months. Mr. Shaool stated this will be the last 3 buildings in this phase and asked the Board if they desired a letter or something similar to ensure the construction would begin as stated. He noted the bank would not give consideration for funding until the taps were received. The Solicitor asked if the land development plan had been approved and Supervisor Brookens confirmed he was correct. Supervisor Brookens cautioned to Mr. Shaool that he could lose the permits already received and emphasized the time frame to be met. The Solicitor stated that because the Township is in a moratorium as to taps, only a limited amount are released to the Township at any given time and also cautioned Mr. Shaool of the chance of losing taps if not used in a timely manner. Following review, discussion, and consideration, 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 for waiver of Greene Township Code 67-18.A., *Sewer Connection Allocation*, and, 67-18.C.(2), *Multi-Family Dwelling Connections*, for the Highlands of Greenvillage.

The Zoning Officer presented a request for waiver of Greene Township Code 85-54.E., *Only One Driveway for Residential Lot*, for property of Kirk and Rebekah Crouse, 3206 Baltusrol Drive. The ZO referred the Board to their copies of the request letter which stated at length and in detail the reasons for the waiver request as well as a sketch of the property showing the proposed location of the driveway, and a copy of Section 85-54.E. from the Ordinance. The ZO had provided notes on the copies of the waiver request letter which noted that Section 85-54.E., restricting a residential lot to one driveway, was added to the Ordinance on 5-26-15; 85-54.E. was then amended on 1-12-16 to allow one driveway per street frontage. Mr. Crouse was in attendance at this Meeting and addressed the Board by outlining the background for this request. He stated that Lot 125 on Baltusrol Drive was purchased in Fall of 2014 and wanted to begin construction in 2015; however, there was quite a bit of slope involved and had already brought in 120 loads of fill. They have lived in Scot-Greene for eight years and there were other houses that had multiple driveway entrances and were not aware of the Ordinance being amended. Supervisor Brookens asked Mr. Crouse what the width of the driveway was but although Mr. Crouse was unsure at this time he stated it would be just wide enough for vehicles. Supervisor Brookens informed Mr. Crouse the Township Ordinance allows for a maximum of 27 feet for one driveway but could not go above that width. Mr. Crouse explained the direction of proposed travel on the driveway as sketched would be such that a vehicle would enter on the left side and exit on the right side. There were no further comments or questions exchanged

between the Board and Mr. Crouse at this time. The Chairman noted the difficulty of the lot with its irregular shape, slope conditions, etc and commented this situation lends itself to granting a waiver and noted that the Ordinance had been amended late in the development of this lot. Supervisor Corwell stated he had visited the lot and noted that it is a difficult lot. Supervisor Brookens asked the Township Engineer if he had any issues with the waiver request. The Engineer stated he would agree with comments regarding the configuration of the lot, being irregular in shape, unique, and has potential for a waiver. The Chairman asked the Engineer if storm water pipes were required under both entrances and the Engineer did not believe so at this point. Mr. Crouse stated he did not see any and was going to keep a significant slope because he does not want any water problems. Mr. Crouse then asked the Board as to the next steps he would need to take and the ZO informed Mr. Crouse that he would need a second driveway permit if the waiver were to be granted which would entail Mr. Crouse coming to the office and making that application. Following review and consideration of the request and all comments offered, on a motion by Travis L. Brookens, seconded by Shawn M. Corwell, and by a vote of 3-0, the Board unanimously voted to grant the request for waiver of Greene Township Code 85-54.E., *Only One Driveway for Residential Lot*, for the Kirk Crouse property at 3206 Baltusrol Drive with condition that the new driveways do not exceed the Township regulation of 27 feet width total for both driveways.

The Zoning Officer presented the 1-lot Final Land Development Plan for Fayetteville Volunteer Fire Department for consideration of re-approval for recording purposes and stated the Plan was originally approved but the time period for recording had expired. He stated that once the plan is re-approved, the Fire Department could post the reduced bond and record the plan so they can move forward with their building project. He stated the plan had not left the office. On a motion by Shawn M. Corwell, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to re-approve the Fayetteville Volunteer Fire Department 1-lot Final Land Development Plan.

The Zoning Officer presented a plan amendment for a second scale addition for IESI PA Blue Ridge Landfill; propose to add a second scale adjacent to a current scale; amended original plan just to reflect the proposed second scale; all previous comments have been addressed. The ZO reviewed the *Approval Checklist*, a copy of which was distributed to each Board Member, as follows: Franklin County Planning Commission reviewed with no comment (8.31.16); Township Engineer and Township Planner – review comments have been satisfactorily addressed and would recommend approval (10.21.16); Greene Township Planning Commission – reviewed at October 3 Meeting and recommended approval subject to comments being addressed which have been. The Engineer stated his comments were very minor and the plan was minor in nature; impervious areas match and flow to facility located at the southeast of the site. The Chairman asked the applicant's engineer if this involved the energy proposal and the engineer stated that was constructed earlier. Supervisor Corwell referred to the site plan and asked if the parking shown was for two additional employees. Mr. McDowell stated that originally it was shown as eight spaces but this part of the plan only needs for scale operator so only two spaces were needed. Following review and consideration, on a motion by Shawn M. Corwell, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to approve the IESI PA Blue Ridge Landfill Plan Amendment for Second Scale Addition as presented.

The Chairman presented and reviewed the proposed *Greene Township 2017 Preliminary Budget* noting it was very similar to budgets adopted in previous years regarding revenues, expenditures, items of service, etc. There were very minor changes but no changes in proposed services in 2017 so Township residents can expect the same level of service in the coming year as they have received in the past. The proposed *Budget* in the General Fund is \$4,644,100 and with the addition of State funding in the amount of \$648,438, for a total of over 5 million dollars. The Chairman noted there is no real fluctuation in revenues; does not expect any major change in revenue sources for 2017; State funding has slowly increased over last two years. He noted with expenditures there is no real gain or loss; holding the same as previous two years; *no property tax again for Greene Township!* He stated this Board takes pride as those in the past of continuing a tradition of not levying any property taxes. Supervisor Brookens commented that it is always a 'fun' task of trying to create the budget from year to year; revenues seem to be steady which allows the Township to continue services and development of Park and recreation ambitions such as trail system in the Park, etc. The Chairman noted that in 2017 the Township is planning some very amiable projects in the Park and improvements to road projects. He stated that when reviewing budget items the Board must keep in mind the various mandates being handed down by both the federal and/or state agencies such as the MS-4 which involves storm water; changing regulations; researching for grant monies and being successful in receiving. The Engineer added the traffic signals as another unfunded mandate. Following review and consideration, on a motion by Shawn M. Corwell, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to adopt the *Greene Township 2017 Preliminary Budget* to be available for thirty (30) days in the Township office during regular business hours, recommend the *Final Budget* be considered for approval on December 13, 2016, at 1145 Garver Lane, Scotland, PA, at 7:00 p.m., prevailing time, and also authorize the Township Secretary to advertise the *Preliminary Budget* as required by the Second Class Township Code.

The Township Solicitor had no further comments to offer 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 24754 through 24772, seven (7) credit card payments, one direct deposit, one online payment, inclusive, to be paid from the General Fund; Check Numbers 3294 through 3300, one online payment, inclusive, to be paid from the Liquid Fuels Fund; and, Check Number 2092 and one online pay, 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 8:38 P.M..

Respectfully submitted,

Secretary