

February 11, 2014
Scotland, PA 17254
Regular Meeting

The Greene Township Board of Supervisors met in regular session Tuesday, February 11, 2014 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 J. Fischer

Visitors: See list

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

The Minutes of the Regular Meeting held January 28, 2014 shall stand approved as presented.

The Chairman noted the presence of two (2) students attending the Meeting as required for their Civics class. He welcomed the students and informed them if they had any questions during the Meeting, they should feel free to ask during, or after the Meeting if preferred.

The Chairman asked Supervisor Shawn Corwell to present the next item on this Meeting's Agenda regarding Records Retention and Disposition Schedule. Supervisor Corwell stated the Township Solicitor had brought to the attention of the Supervisors that they needed to have a Resolution in place regarding records retention. The Solicitor then addressed the Board that the Pennsylvania Historical and Museum Commission is the official reference guide that states retention requirements and this proposed Resolution states the Township will follow those guidelines noting the Township does not presently have a written policy. 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 adopt Township **Resolution No. 5-2014**, identified as the Municipal Records Retention and Disposition Schedule.

The Chairman asked Township Engineer Gregory Lambert to present the next item on this Meeting's Agenda regarding proposed speed limit of 25 mph on Bronson Road. Mr. Lambert stated the Board had discussed previously establishing a speed limit on Bronson Road and his recommendation was 25 mph by resolution because the roadway is located in a residential district and by State law, the Township could adopt that speed limit by resolution. He noted he had performed the necessary study and the criteria was met to establish 25 mph. 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. 6-2014** establishing a speed limit of 25 mph on Bronson Road.

The Chairman noted receipt of a quote from Foster F. Wineland, Inc. to purchase one (1) new 644J Loader Bucket to be used at the Compost Facility for loading purposes. The Chairman stated there is currently a large bucket and it is more difficult trying to load small vehicles. The quoted price submitted is \$7,973. 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 purchase one (1) new 644J Loader Bucket from Foster F. Wineland, Inc. as quoted in the amount of \$7,973.

The Township Engineer presented a request for refund of remaining plan review escrow for Howard Meminger Lot Addition, Project #13-025, in the amount of \$1,087.50. He stated the Board had approved the lot addition on Mount Union Road in December. An original escrow of \$1,500 was submitted to the Township; \$412.50 was expended in review fees; letter of request was received from Mr. Meminger requesting a refund of the remaining balance of \$1,087.50. The Engineer stated that no amount needed to be retained by the Township, therefore, he would recommend a refund of the full remaining \$1,087.50 with the check to be made payable to Howard Meminger. 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 refund the remaining plan review escrow for Howard Meminger Lot Addition, Project #13-025, in the amount of \$1,087.50 with the check to be made payable to Howard Meminger.

The Township Engineer presented a request for refund or remaining plan review escrow for Daniel and Tricia Bland, 1-lot Final Subdivision/Lot Addition, Project #13-026, in the amount of \$1,087.50. He stated the Board had also approved this plan in December and the property is located along White Church Road. An original escrow of \$1,500 was submitted to the Township; \$412.50 was expended in review fees; letter of request was received from the Blands requesting a refund of the remaining balance of \$1,087.50. The Engineer stated no amount needed to be retained by the Township, therefore, he would recommend a refund of the full remaining \$1,087.50 with the check to be made payable to Daniel and Tricia Bland. Supervisor Brookens asked if it was a coincidence that this was the same amount as the previous one and the Engineer stated that both were minor plans and original amounts were the same. 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 grant the request for refund of remaining plan review escrow for Daniel and Tricia Bland, 1-lot Final Subdivision/Lot Addition, Project #13-026, in the amount of \$1,087.50 with the check being made payable to the Blands.

The Board reviewed the Fayetteville Volunteer Fire Department Fire Police Monthly Report as submitted and it was consensus of the Board to accept the Report and it become part of the record.

The Zoning Officer reviewed the Monthly Zoning Office Report noting no hearings for the Zoning Hearing Board, no new Applications for Conditional Use Permit requests, permits issued and fees received were very nominal for the month; three (3) Land Development Plans for review at this Meeting. It was noted the Monthly Zoning Office Report be accepted as presented and become part of the record.

The Zoning Officer presented written correspondence regarding a request for extension of time to abate a zoning violation received from Brett and Patience Groomes, 1257 Black Gap Road, Fayetteville; a copy being provided to each Supervisor for their information and review. The ZO stated he had visited the property in October, found chickens and horses on the property and found the property did not meet the setback requirements for animal housing. He reviewed a summary he had prepared for the Supervisors outlining the Groomes' violation noting the dates and actions (i.e. receipt of complaint, certified letters attempted through postal delivery and then hand served by Township officials, Mr. Groomes contact with Township, Mr. Groomes informed to submit letter to Township Supervisors, no letter received, matter turned over to Township Solicitor, Solicitor sent letter to Groomes). The ZO then stated the violations continue to this date and the Solicitor had responded to a letter from the Groomes. The Groomes stated to the Board they had made inquiry with the Township prior to purchasing the property and made measurements with the realtor. The Solicitor stated the property is narrow and informed the Groomes they could not meet the required 150 feet setback under the Township Code. Mrs. Groomes stated they had checked with the Township and there is question from where the distance should be measured. The Chairman stated the Ordinance clearly states the setback requirements. Mr. Groomes stated that at the time he checked the (Township) web site it was not easy to navigate but it is now much better. Mrs. Groomes stated they are trying to find homes and it is very costly to house the animals somewhere else. The Chairman asked the Groomes if they had a plan as to how to resolve the issue. Mrs. Groomes stated they have spent a lot of time trying to find housing and that they had sent a letter to the Township but received nothing until the letter from the Township Solicitor. Mrs. Groomes stated she had brought the letter personally to the (Township) office so it would not get lost again in the mail. The Chairman asked Mrs. Groomes as to the dates of their letter. Discussion ensued as to the Township's certified letter to the Groomes but not picked up and was returned as unclaimed. Supervisor Brookens asked if a previous zoning request to the Zoning Hearing Board for this property had been under another name and the ZO stated 'yes'. Supervisor Brookens asked if the request was for horses, the ZO stated at that time it had been for deer. The Chairman asked if the request had been denied and the ZO stated that was correct. The ZO gave an outline of the process as to how violations are handled by the Township. Supervisor Brookens asked the Groomes if they were looking for time to move out of their residence and not find homes for the animals and Mrs. Groomes stated 'yes, they are actively trying to sell the house and look for another location because they can't find housing for the animals'. He stated to the Groomes the Township wasn't looking to cite them and go before the District Magistrate but there is a violation and it could not be ignored. He stated he was not comfortable with the requested six months and would rather shorten it and see what is happening in that shorter timeframe. Mrs. Groomes noted that a neighbor close to their property has chickens and asked what they (neighbor) had to do to have them. The Chairman stated he was not aware of this specific but the Township could check to see if they were in violation as well. The Chairman asked the Groomes if they knew of the option of requesting a variance from the (Township) Zoning Hearing Board and asked the ZO to explain the process. The ZO stated the Groomes had mentioned other neighbor(s) may be in violation and if they would provide addresses, the ZO would follow up. The ZO stated the Groomes have two (2) options: (1) bring the property into compliance; (2) request and be granted a variance from the Zoning Hearing Board. He informed the Groomes

that if they had questions regarding a variance request, they could stop by the office and he would explain further. Supervisor Brookens noted if the horses or animals had been at the property prior to the Township Zoning Ordinance being enacted in 1972, the use would have been classified as 'non-conforming'. Supervisor Corwell inquired as to how many horses the Groomes had and Mrs. Groomes stated two full size and one small. The Chairman stated he was in agreement with Supervisor Brookens in that he would be willing to grant some time but not as long as the Groomes had requested, not assess to selling of home, but grant some time to find relief. He stated the Township's goal is to have the property in compliance. The ZO noted the initial violation letter regarding the chickens and asked the Groomes if they had been removed from the property and the Groomes stated 'no'. The Board briefly discussed as to what time they would consider granting the Groomes and it was suggested perhaps three months. Supervisor Brookens asked the Solicitor if any request was submitted to the Zoning Hearing Board it would delay the time and the Solicitor stated that was correct. Following a lengthy review and discussion regarding this 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 for time extension for zoning violation for the Groomes until May 13, 2014 which at that time the applicant should have the property in compliance or seek other measures to bring the property into compliance such as a Zoning Hearing Board variance.

The Zoning Officer presented a request for waiver of Greene Township Code 85-51.A, *Requirement to Install Sidewalks* for Cumberland Valley Business Park Parcel 3-89-19 Land Development Plan as submitted by Gail Abbott, Civil Engineer at Dennis E. Black Engineering, Inc. The ZO read the letter received; said property located off Coffey Avenue and located in the HI (Heavy Industrial) zoning district. The letter noted there is no pedestrian traffic and that other adjacent properties have been granted waivers for the same issue and that there is a four-foot wide flat strip along the street frontage that would allow for sidewalks if the Township would require in the future. Supervisor Brookens noted that heavy industrial development does not promote pedestrian traffic and that other similar requests have been granted. 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 grant the request for waiver of Greene Township Code 85-51.A., *Requirement to Install Sidewalks* for Cumberland Valley Business Park Parcel 3-89-19 Land Development Plan with the condition that in the future if sidewalks are required to be installed on adjacent properties, this property would be required to install sidewalks.

The Zoning Officer presented a request for waiver of Greene Township Code 85-51.A, *Requirement to Install Sidewalks* for Cumberland Valley Business Park Parcel 3-89-20 Land Development Plan as submitted by Gail Abbot, Civil Engineer at Dennis E. Black Engineering, Inc. The ZO stated it was a similar request as the previous item, it is near the previous property noted, same reasons for request as previous. 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 grant the request for waiver of Greene Township Code 85-51.A, *Requirement to Install Sidewalks* for Cumberland Valley Business Park Parcel 3-89-20 Land Development Plan with the condition that in the future if sidewalks are required to be installed on adjacent properties, this property would be required to install sidewalks.

The Zoning Officer presented a 1-lot Final Land Development Plan for Cargill Animal Nutrition office expansion; said property located along Overcash Avenue in the HI (Heavy Industry) zoning district. The ZO stated the Zoning Hearing Board received and reviewed an application for variance for this construction and granted the setback relief. 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 (1-14-14); Franklin County General Authority approved (1-14-14); Franklin County Conservation District noted ‘adequate’ (2-6-14); Township Engineer and Township Planner previous comment have all been addressed (2-10-14); new addition will not generate any new traffic therefore a transportation impact fee will not be required; Township Planning Commission reviewed at their regular meeting held February 10, 2014 and recommended approval. The Engineer stated he had reviewed the plan, there will be no change in stormwater runoff, therefore, he would recommend approval of the plan as it is presented. 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 Cargill Animal Nutrition office expansion 1-lot Final Land Development Plan as presented.

The Zoning Officer presented a 1-lot Preliminary Land Development Plan for Cumberland Valley Business Park Parcel 3-89-19 noting it was the same as the previous plan reviewed, that it will occur in two phases; it is a preliminary plan; noted the Engineer’s comment to address the driveway easement concern; stormwater bond to be determined at the final plan submission; noted the Planner’s comment 6 on his summary regarding building height being indicated has been placed on the plan. 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 (9-25-13); module previously approved; Franklin County General Authority approved (9-19-13); Franklin County Conservation District noted ‘adequate’ (2-6-14); Township Engineer and Township Planner comments were attached (2-10-14); transportation impact fee required (TSA-1, 14 trips = \$21,042; Township Planning Commission reviewed at their regular meeting held February 10, 2014 and recommended approval subject to the Engineer and Planner comments being addressed and a waiver granted. The Engineer noted the placement of truck entrance driveway and stated that LIDA had reserved a parcel for a driveway but the temporary driveway may encroach on potential future development of a parcel and it was moved so their driveway would be put on the new future road. The Engineer stated the language for the driveway easement needed revised before being placed on the plan. He stated it has been done and would now recommend approval of the plan as presented. Supervisor Brookens noted the future street was eventually planned to go out to Coffey and the Depot took back some of the land. The Engineer stated it is hoped it will be developed. Supervisor Brookens inquired if the impact fee was to be put against ‘credit’ and the Engineer stated there is no impact fee for a preliminary plan but at final and the fees may change after ordinance amendments. Supervisor Brookens asked the Solicitor if the fees would change if new rates were implemented and the Solicitor stated they would not unless the plan changed. The Solicitor stated that whatever is approved in the preliminary stage and if the plan is not changed and they would receive final approval, the fees would be according to current fees now during preliminary; he stated again, fees would be those currently in effect unless the plan is

changed. 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 Cumberland Valley Business Park Parcel 3-89-19 1-lot Preliminary Land Development Plan and establishing a transportation impact fee of \$21,042 that will carry to the final land development plan.

The Zoning Officer presented a 1-lot Preliminary Land Development Plan for Cumberland Valley Business Park Parcel 3-89-20 noting it is an adjacent property to the previous item on this Agenda; property located in HI (Heavy Industry) zoning district and to be developed in three phases; access to Opportunity Avenue. 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 (9-25-13); module previously approved; Franklin County General Authority approved (9-19-13); Franklin County Conservation District approved (2-6-14); Township Engineer and Township Planner comments were attached (2-10-14); transportation impact fee required (TSA-1, 14 trips = \$21,042; Township Planning Commission reviewed at their regular meeting held February 10, 2014 and recommended approval subject to the Engineer and Planner comments being addressed and a waiver granted. The Engineer stated he had initially reviewed the plan in October 2013 and then reviewed this revised plan, found all previous comments had been addressed in this submitted plan, therefore, he would recommend approval noting a stormwater bond would be determined on the final plan. The Chairman inquired as to the property between the two buildings if it was a utility easement and the Engineer stated ‘yes’, it was drainage for some utility easements. The Chairman noted the developers had missed an opportunity to have shared parking and shared driveway. 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 Cumberland Valley Business Park Parcel 3-89-20 1-lot Preliminary Land Development Plan and establish a transportation impact fee of \$21,042 and at the time of final land development plan all requirements of the Township must be met at that point.

The Solicitor had no further comment to offer.

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 payment of invoices as follows: Check Numbers 21082 through 21128 with one (1) on-line payment, inclusive, to be paid from the General Fund; Check Number 3088 with two (2) on-line payments, inclusive, to be paid from the Liquid Fuels Fund; and, Check Number 2030 to be paid from the Electric Light Fund.

There being no further business before the Board for this Meeting, the Chairman adjourned at approximately 8:03 P.M..

Respectfully submitted,

Secretary