

May 25, 2010
Scotland, PA 17254
Regular Meeting

The Greene Township Board of Supervisors met in regular session Tuesday, May 11, 2010, at the Township Municipal Building, 1145 Garver Lane, Scotland, PA.

Present:

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

Daniel Bachman
Todd Dusman
Gregory Lambert
Diann Weller

Visitors: See list

The Chairman called the Regular Meeting to order at approximately 7:00 P. M.. He welcomed four (4) Boy Scouts of Troop 136 and their Assistant Leader in attendance at this Meeting and informed them if they had any questions during the Meeting, to feel free to ask.

The Minutes of the May 11, 2010 Regular Meeting stand approved as presented.

Resident Tom Martin, 3291 Portrait Way, requested to address the on-going problems occurring in the development known as "Portrait Run". Mr. Martin stated the HOA is saying the bond has not been cashed and Mr. Martin is questioning if there even is a bond; then, on the other side is the bank who won't release any funds. Mr. Martin stated that mud is sliding more and more on a lot and now the HOA is slowing up on all benefits that residents are entitled to in the development (little or no snow removal this past winter; lawn mowing; repairs to lots; mud issues, etc). Mr. Martin asked the Board if there were any plans to get the re-grading done which the Chairman deferred to the Township Engineer, Greg Lambert. Mr. Lambert stated the Township retains a bond of approximately \$120,000 to complete the required public improvements (i.e. stormwater detention; installing sidewalks; grading of lots). He stated a bank has taken over the properties and he has had several conversations with their representative. A quote has been obtained from R & D Contractors and Mr. Lambert has spoken with the contractor who is quite anxious to get started on the necessary work. Mr. Lambert stated the bank has been placed on notice that something needs to be done or the bond will be "called". Mr. Martin informed the Board that the bank rep is blaming the Township and Mr. Lambert stated he will talk with the bank rep again. The Chairman asked the Engineer if the current bond would cover all outstanding work and Mr. Lambert stated it would include the large hole which is included in R & D's proposal. The Chairman asked the Engineer to gather what needs to be done yet and look to see if the electrical boxes, etc are covered. Mr. Lambert stated that everything will not be done by July when the bond is due. Mr. Martin noted the area that is filling up and the neighbor has a sink hole but the water is still running over the sidewalk and the area is still sinking. He stated it has been washed out twice and is continuing to do so. The Chairman stated the Township will continue working on the problems and do its best to resolve the issues. Mr. Martin thanked the Board for taking the time to listen to him and for endeavoring to resolve the problems in the development.

Resident Glenn Shetter noted a conversation he had recently with the Township regarding a property in the area of his development that is not being maintained (mowed). The Solicitor stated the property is in bankruptcy court and the Township cannot legally do anything. He stated it is entirely different when a property is placed in bankruptcy as opposed to just foreclosure. An unidentified person in the audience asked “didn’t the Township have an ordinance regarding high grass and wouldn’t that solve the problem”, to which the Solicitor responded the bankruptcy court does not have to listen to the Township. He further explained that even if the Township could mow the grass, it most likely wouldn’t be reimbursed the costs, plus the Township could possibly be held liable for entering onto the property. The Solicitor explained that once the property went to bankruptcy court, it became a federal issue and no local or state regulation can override.

On a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted the amendment passed by the Board of Supervisors at the Regular Meeting held May 11, 2010 regarding the Township’s Section 125 Plan be adopted and shall be further identified as (a) *Amendment Number Five*; and, (b) also identified as Township **Resolution No. 11-2010**” in order to be consistent with previous Amendments as such to/for this Plan.

The Chairman stated the Township Emergency Operations Plan (EOP) had been recently updated by Michael Balsley to include the various federal regulations which had not been in our previous EOP. He further stated he had reviewed and found one minor item to be added. He noted upon approval by the Board of Supervisors, the EOP will then be forwarded to the County and then to PEMA for approval. 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. 12-2010** be adopted for the Township Emergency Operations Plan (EOP) Update.

The Chairman noted the Township’s intention to purchase a plow and roll-off dump body which both are available under the CoStars Program. The dump body will be for the hook loader at a price of \$25,954. The plow is for the truck also with the dump body used for the winter season, at a price of \$9,172. Following review and discussion of the items, 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 Township to purchase both a plow at the price of \$9,172 and a roll-off dump body at a price of \$25,954, both available on State Contract under the CoStars Program.

The Chairman stated that staff had been working for some time on various amendments to the Township Code; forty-five (45) days are required for County to review the proposed amendments before the Township may consider action. Comments were offered by both Supervisor Brookens and the Township Solicitor. Following review and discussion, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted the Township Secretary to advertise a public hearing to consider adoption of various amendments to the Township Code to be held July 27, 2010, beginning at 7:00 P.M., at the Township Municipal Building, 1145 Garver Lane, Scotland, Pennsylvania.

The Chairman stated that Alex Rohrbaugh is very interested in serving on the Township's Zoning Hearing Board. Mr. Rohrbaugh is a Greene Township resident and currently is employed as a Planner for the City of Hagerstown. The Chairman noted the various issues occurring more frequently regarding current Members. On a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted that Alex Rohrbaugh be appointed to the Greene Township Zoning Hearing as an Alternate Member.

The Board reviewed the Fayetteville Volunteer Fire Department Fire Police Monthly and Year-to-Date Reports and noted the larger print on this report of which the Board is most appreciative. The Chairman stated during his review of the Reports that the Fire Police have been very busy. It was the consensus of the Board the Monthly and Year-to-Date Reports shall stand approved as presented.

The Zoning Officer reviewed a request for refund of fee for an *Application for Land Use Permit* submitted by Dennis Jacobs and Deborah Kuester, 129 Mt. Union Road, Fayetteville. The applicants decided very shortly after making application not to construct a proposed structure and requested the \$5.00 fee previously paid. On a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted to refund \$5.00 for the *Application for Land Use Permit* to Dennis Jacobs and Deborah Kuester, 129 Mt. Union Road, Fayetteville.

The Zoning Officer read correspondence from Hearthside Homes on behalf of their clients' home construction at 5685 Whinstone Way, Chambersburg, requesting a waiver of the Greene Township Code 85-54.A, *Maximum Driveway Width*, for a width of 31 feet. The ZO noted for the Board's information there are two (2) driveways on that street that are wider than what the Code requires; one driveway was added some time later and the other driveway was not paved when the occupancy inspection was done. Mr. Stephen Souder, Superintendent, of Hearthside Homes, stated the width of the driveway comes out the width of the garage and was aware of State restrictions on driveway width but was not aware the Township had limits. The Chairman stated the proposed amendments will allow wider driveways than the current regulations. Mr. Souder noted this home is being constructed with a three-bay garage and the problem of backing out of the garage if the driveway width is decreased as required by the current regulation. Supervisor Burns voiced his concern of "where do you stop" with granting this type of waiver; considering what if more than 3 bays are constructed (i.e. 4, 5, etc). He also noted the issue of paving past the right-of-way and the homeowners may have wider on their property, turn-arounds, etc. The Board and staff discussed the various aspects of the current regulations, proposed amendments, and the present waiver request (i.e. garages that may or may not face the street; width of driveways; front yard setback requirements, etc.). Supervisor Brookens added his same concern with Supervisor Burns' comments and inquiring as to what the Board is willing to accept regarding these types of requests. Resident Glenn Shetter commented and reminded the Board that in the recent past what was done with a Summer Breeze (Lane) driveway issue and the Chairman noted the contractor was quickly made aware of the Township regulations and was made to comply. The Chairman stated the driveway could not exceed the width of the garage and the right-of-way must be 24 feet with 10-foot radius. The Board and staff discussed at

length this waiver request. Following their discussion, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted that the waiver request of Greene Township Code 85-54.A, *Maximum Driveway Width*, be denied for the 31 feet and the Township will allow 27 feet in width at the curb line and back to the edge of the right-of-way and from the right-of-way to the home the 31 feet may be maintained. Mr. Souder asked if the Township would help him to design this pattern. The Chairman stated the homeowner be informed the Township allowed 7 feet and if that was not satisfactory to them they must understand they could not occupy the home until the approved dimensions are met. The Zoning Officer informed Mr. Souder the Township Engineer and he would visit the site to be sure there wasn't any misunderstanding or error so the project would not cost more by having to be done more than once. Mr. Souder thanked the Township for their willingness to assist him because he said they are not as busy as before and wish to cut any unnecessary costs.

The Zoning Officer presented a request for review time extension received from Curfman & Zullinger Surveying, Inc. on behalf of Valley Quarries, Inc. regarding their 1-lot Final Subdivision Plan; requesting sixty (60) days; current time expires May 31, 2010. The ZO noted the original plan indicated shared driveways which needs to be revised and when that revision was completed, he requested the revised plan be forwarded to Township engineer for review and consideration by the Board of Supervisors. Following review of the request, on a motion by Travis L. Brookens, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted the request for review time extension for Valley Quarries, Inc. 1-lot Final Subdivision Plan be granted an additional sixty (60) days from the current deadline of May 31, 2010.

The Zoning Officer presented a 15-lot Final Subdivision Plan for Salem Heights; consists of residential lots; property located along Letterkenny Road. He indicated on the plan the shaded areas were shared access for three (3) lots each. A previous issue of concern of the Board of Supervisors was with regard to these shared accesses and the ZO stated that PennDOT has issued HOPs (Highway Occupancy Permits) for the shared driveways. The ZO reviewed the comments on the *Approval Checklist*, a copy of which each Board Member received, as follows: Franklin County Planning Commission – no comment for the Final Plan; Greene Township Municipal Authority – approved with required sewer bond of \$292,600 (5-14-10); planning exemption granted by PA DEP (8-28-08); Guilford Water Authority – not applicable (wells); PennDOT issued HOPs for the entrances onto Letterkenny Road (state roadway) (4-23-10); Franklin County Conservation District noted 'adequate' (7-1-09); comments from Township Engineer and Planner were attached to the *Checklist* with a recommended stormwater bond in the amount of \$3,700 (5-10-10); the Township Planning Commission reviewed the Plan at their May 10 meeting and recommended approval subject to public sewer approval, all comments being addressed and the appropriate fees being paid at the required times; transportation impact fee – TSA-1/\$2,065 per unit; recreation impact fee - \$500 per unit (15) for a total of \$7,500. A member of the audience asked what type of sewer was planned for all the proposed homes and the ZO stated they would be connected to public sewer. The person then asked if the developer has to pay for all the extra homes referring to previous issue with the public sewer system. The Township Solicitor informed the person that the Municipal Authority (sewer) has rules regarding his inquiries. The person continued

by asking the same question(s) several more times about tap fees, costs, etc, stating his concern with the capacity and what could happen with more connecting, and the Chairman informed him of who is responsible for tap fees and again stated that is a matter for the Sewer (Municipal) Authority. The Board voiced their surprise that PennDOT would issue permits for the shared driveways due to the curve in the roadway and asked if there were any particular comments on the permits issued relative to this matter. The Chairman reviewed copies of the permits and saw no special comments. Following discussion and review, on a motion by Todd E. Burns, seconded by Travis L. Brookens, and by a vote of 3-0, the Board unanimously voted the 15-lot Final Subdivision Plan for Salem Heights be approved with condition: the plan not be released from the Township until such time the recreation impact fee of \$7,500 is paid and the transportation impact fee of \$2,065 per unit is paid at the time of application for land use permit.

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 15423 through 15451, inclusive, to be paid from the General Fund; and, Check Numbers 1819 through 1821, inclusive, from the Liquid Fuels Fund.

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

Respectfully submitted,

Secretary