

March 24, 2009
Scotland, PA 17254

The Greene Township Board of Supervisors met in regular session Tuesday, March 24, 2009, at the Township Municipal Building, 1145 Garver Lane, Scotland, PA.

Present:

Charles D. Jamison, Jr.
Todd E. Burns
Glenn O. Shetter

Daniel Bachman
Diann Weller
Gregory Lambert
Welton Fischer

Visitors: See list

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

The Minutes of the March 10, 2009 Regular Meeting stand approved as presented.

The Chairman recognized David Harris, Scout Troop 138, and also a Greene Township resident, present in the audience. Master Harris addressed the Board stating he was working towards a merit badge for "Citizenship in the Community" and that part of the requirement was to attend a meeting such as this. The Chairman welcomed David to the meeting and stated if he had any questions, he should feel free to ask.

Vice Chairman Burns presented the next item on the Agenda; that being the consideration of a Right-of-Way Agreement with Allegheny Power regarding poles in the former Northwood Mobile Home Park. Mr. Burns stated there are several poles and lines within the former Park that will be abandoned and this Agreement would take care of that matter. The Township Solicitor had reviewed the Agreement and was satisfied with it. On a motion by Todd E. Burns, seconded by Glenn O. Shetter, and by a vote of 3-0, the Board unanimously voted to authorize the Township entering into the Right-of-Way Agreement with Allegheny Power for the poles in the former Northwood Mobile Home Park and further authorize the Chairman to sign said Agreement on behalf of the Township.

The Chairman stated the law requires the Township Pension Plan be re-stated; the Township had received a new re-stated copy which needs the appropriate signatures and returned to the consultant who will then forward it to the Internal Revenue Services, as required. On a motion by Glenn O. Shetter, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted to authorize the appropriate signatures to the Township Pension Plan.

The Chairman stated he had reviewed and compared the submitted box alarm changes for West End Fire & Rescue with the list submitted in 2008. During his review he noted only a few box alarms that had been shifted and some other corrections (i.e. additions, deletions, etc) as necessary; there were no drastic changes. He then reviewed those various changes with the Board as they were noted on the submitted list. Following review, on a motion by Todd E. Burns, seconded by Glenn O. Shetter, and by a vote of 3-0, the Board unanimously voted the box alarms for West End Fire & Rescue be approved as presented.

The Chairman asked the Township Engineer, Greg Lambert, to present the next item on this Agenda. Mr. Lambert stated he was asked at the last Supervisors Meeting to contact the previous Members of the TCIP Committee regarding serving on the Committee and scheduling a meeting. He stated he had contacted past Members (8 sitting and 2 alternates) noting that since the Committee had met previously, one Member was deceased and another Member asked to be made an alternate. Mr. Lambert also stated the Township Solicitor had informed him that Member Glenn Watson could not serve on the Committee due to him currently serving on the Township Zoning Hearing Board. Therefore, 2 Alternates could move up and the Committee would still need another Member. Mr. Lambert stated current Alternates, Lance Kegerreis and Roger Mellott, had been contacted and both had agreed to serve as full Members. The Committee would still need an alternate and another full Member. Mr. Lambert stated Mr. Terry Wagner had agreed to act as Chairman of the Committee and Members of the Committee had expressed an interest in the scheduling of a meeting; therefore, Mr. Lambert stated a meeting could be scheduled and the process begun. On a motion by Glenn O. Shetter, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted to approve the recommendation of moving the current two Alternates to being permanent Members and authorize the Township Engineer to seek candidates for one new Member and one other Alternate; further, the Board authorized the Township Engineer to schedule a meeting of the TCIP Committee to be held Wednesday, April 8, 2009, at 9:00 a.m., at the Township Municipal Building.

The Township Secretary presented a request for refund from Mr. Derick Newton, Orchard Road, for a well permit application noting there had been a duplication of payment when both he and his wife had made application. On a motion by Todd E. Burns, seconded by Glenn O. Shetter, and by a vote of 3-0, the Board unanimously voted to authorize the request for well permit refund due to duplicate payment to Derick Newton on Orchard Road.

The Assistant Zoning Officer presented a request via correspondence (appropriate copies distributed to Supervisors) received by the Township from TRG, Inc. which included an HOP (Highway Occupancy Permit) Application for a proposed site for a Rutter's store at the intersection of Rts. 997 (Black Gap Road) and 30 (Lincoln Way East, Fayetteville) at Bronson Road. TRG was requesting the Township to sign the HOP Application for Rutter's Farm Store #5. Mr. Lambert (Township Engineer) noted two issues to be considered: (1) TRG/Rutter's is seeking the HOP; Township must give Awareness Letter for Township to comment; (2) Township gets permit because they are responsible for traffic control. Mr. Lambert suggested this matter be tabled to review the concerns. The Chairman stated the descriptions of work as noted were not correct and noted his initial review indicated some very viable concerns. He further noted the anticipated daily traffic flow and also noted the conditions of the present roadway (Township roadway, Bronson Road). Mr. Lambert stated a land development plan has not even been submitted and that is needed for the Awareness Letter. Supervisor Burns also noted that the Township is listed as the "Applicant". Following discussion, on a motion by Glenn O. Shetter, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted the request from TRG, Inc. on behalf of Rutter's Farm Stores for the Township to sign the HOP Application be tabled until the Township is able to obtain answers to their concerns. Mr. Lambert stated he would contact the project engineer.

The Assistant Zoning Officer presented a request via correspondence for waiver of Greene Township Code 85-54.A (Maximum Driveway Width) received from Chris Matthews and Tracey Guyer property, 430 Raleigh Avenue. The landowners request extending the current 19-foot driveway to 27 feet by extending a current 8x10-foot 'bump out' the entire length to the street, increasing the current 2-lane driveway to 3 lanes, if the request was granted. Ms. Guyer noted they currently have 3 vehicles and with the current 'bump out' they do not have enough room to park a (currently owned) larger vehicle and wish to have a full 3-lane driveway. Supervisor Shetter asked if there was any reason why a longer bump out could not be made and Ms. Guyer stated that frequently they have out-of-town guests who stay for an extended time and they need the parking since they cannot park along the street in Greene Township. The Board discussed the request and the Chairman stated that if approved the Township would go on site and indicate the roadway right-of-way. Ms. Guyer stated that if granted they would like to have the driveway extended soon due to the paving company arriving in several weeks and would be paving the entire driveway with no seam being made later. Following discussion, on a motion by Todd E. Burns, seconded by Glenn O. Shetter, and by a vote of 3-0, the Board unanimously voted to deny the request for waiver of Township Code 85-54.A (Maximum Driveway Width) at 430 Raleigh Avenue and authorize the Board to meet on site and assist on laying out the driveway.

The Assistant Zoning Officer presented a request via correspondence for waiver of Greene Township Code 85-54.A (Maximum Driveway Width) received from Mark Reiff for property he owns at 160 Summer Breeze Lane. The AZO stated that during an occupancy inspection it was noted the driveway was wider than what had been originally approved. The AZO stated that prior to construction of the dwelling, he had spoken to the builder regarding the driveway width but when the driveway was completed it was found to be larger than permitted. Supervisor Shetter stated it was most upsetting when the builder had already been informed of the driveway width and then blatantly built the driveway larger than allowed. Mr. Lambert also noted this builder had done the same thing across the street at another construction site. The Chairman asked how long this person has been building in the Township and the AZO stated this was probably the second home that he is aware of in the Township. The AZO stated that CCIS (Commonwealth Code Inspection Service) issued an occupancy permit to the Township and the Township is holding and it is not known at this time if this home is occupied. Following discussion, on a motion by Glenn O. Shetter, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted the request of Mark Reiff property at 160 Summer Breeze Lane for maximum driveway width waiver be denied and that Mr. Reiff be advised in writing that he has thirty (30) days to bring the property into compliance and the Township will assist him to be sure it is in compliance. Supervisor Shetter asked that if that was the only problem, could an occupancy permit be issued and it was noted that an occupancy permit would not be given if the property is not in compliance.

The Assistant Zoning Officer presented correspondence received from William A Brindle Associates, Inc. on behalf of Washco Developers for the Highlands of Greenvillage Plan requesting an extension of Phase 2 Preliminary Plan Approval. The AZO stated the Preliminary Plan approval will expire April 2009 (original approval by Supervisors was April

28, 2004) and noted there have been changes to Township ordinances since that preliminary approval. Supervisor Shetter voiced concern with granting such a request for extension and also concerned that it would set a precedent. The Board discussed the 5-year time period for plan approvals and the Township Solicitor stated that it is State law that 5 years is limit. Supervisor Burns also noted the changes to ordinances; namely, stormwater is a big concern. The Solicitor stated the stormwater plan was changed by the State, via mandate state-wide, through the County. Following discussion of the concerns regarding this request, on a motion by Todd E. Burns, seconded by Glenn O. Shetter, the Board voted the request for extension of Preliminary Plan Approval deadline for Highlands of Greenvillage has been authorized to be denied. Before the final vote, the Chairman asked if the Preliminary Plan expires and the Solicitor stated the motion should be to deny the extension and Supervisor Shetter asked if anything further had to be done and amended his motion. The final Burns/Shetter motion/second was unanimously voted by 3-0 with the Board denying the request for Preliminary Plan Approval extension for Highlands of Greenvillage.

The Assistant Zoning Officer presented a request for review time extension of ninety (90) days from Martin and Martin, Inc. on behalf of Capital Estates, Phase I; current time expires March 27, 2009; Township has received revised plan and currently under review. Following consideration, on a motion by Glenn O. Shetter, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted the request for review time extension for Capital Estates, Phase I, be granted an additional ninety (90) days commencing March 27, 2009, forward.

The Assistant Zoning Officer presented a request for review time extension of ninety (90) days from Dennis E. Black Engineering, Inc. on behalf of Salem Heights, Phases I & II; current time expires April 1, 2009. Following consideration, on a motion by Todd E. Burns, seconded by Glenn O. Shetter, and by a vote of 3-0, the Board unanimously voted the request for review time extension for Salem Heights, Phases I & II, be granted an additional ninety (90) days commencing April 1, 2009.

The Assistant Zoning Officer presented a request for Conditional Use Permit which requires a public hearing to be scheduled and conducted to consider the request. The request is from Acorn Land Development, LLC, for property identified as Poetry Estates, a 105-unit development, and located off Woodstock Road; propose single family homes with garden apartments and townhomes. The AZO stated that garden apartments and townhomes are permitted only by Conditional Use for the zoning district this development is proposed to be located within. Following consideration, on a motion by Glenn O. Shetter, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted the Public Hearing to consider Conditional Use Permit for Poetry Estates be set for May 12, 2009, at 7:00 P.M., at the Greene Township Municipal Building, 1145 Garver Lane, Scotland, PA.

The Assistant Zoning Officer presented the 781-lot Preliminary Subdivision Plan identified as Woodland Hills noting the current deadline for said Plan is April 8, 2009. He stated that when the Supervisors granted the last extension for this development, they determined it would be the last extension unless there was positive indication the project was

moving forward. Since then a revised plan was received and distributed for review and noted comments from both the Franklin County Conservation District (FCCD) and Greene Township Municipal Authority (GTMA). FCCD commented the existing plan was not consistent with what was submitted previously and GTMA denied the Woodland Hills Preliminary Plan moving forward because of capacity issues presently being faced. The Township Engineer stated that FCCD had noted the NPDES had to be submitted to Harrisburg and has not heard from to date. The AZO noted this would be the last Supervisors meeting before the latest extension would expire. The Chairman asked if there was anyone present who wished to speak on behalf of this request/development. Several persons from the audience wished to speak as follows: Charles Smith and Bill Schnoor of HRG Engineers, Curtis Varner of S & A Homes. Mr. Smith stated these persons were present to represent the plan and request preliminary approval. The Chairman stated the letter presented from GTMA indicated their denial for this plan and could not see the need to discuss the matter further. Mr. Smith stated they had obtained an approved planning module from DEP and a note was placed on the plan that states there is no guarantee of capacity at any time and still would like to ask for preliminary approval. The Chairman thought there was a moratorium handed down by DEP and Mr. Smith requested the plan be kept until capacity is approved. The Chairman asked when the plan was submitted and the AZO stated it was begun April 28, 2006. The Franklin County Planning Commission had approved subject to all other agencies' approvals. Mr. Smith stated the comments from GTMA's engineer have been addressed; S & A has been told not to construct any homes at this time. The Solicitor informed the Board they could give approval if they so desired; they would have the power but are not required to (give approval). The Chairman noted correspondence that had been submitted previously from the developer's engineer that they had requested nothing be done regarding this development; Mr. Smith stated he was not aware of such a letter. Mr. Lambert asked if the developer had a NPDES permit and if FCCD comments had been satisfied. Mr. Smith stated 'no', only an 'e and s' adequacy for the preliminary plan. Mr. Schnoor stated the plans that were submitted to the Township were 16 pages but the plans approved by FCCD was 20 pages for 'e and s' and further noted the design had not been changed. Supervisor Burns asked what progress had been made previously and Mr. Smith stated that all signature blocks were completed and previously received approvals from GWA (Guilford Water Authority), GTMA, and Township engineer. The AZO noted the letter that was from before was just an "advisory" letter and did not reflect action by the GTMA Board. At this time, each Supervisor reviewed the correspondence dated March 20, 2009 from GTMA. The Solicitor stated that unless something had been received later than March 20, 2009, what was stated in that correspondence from GTMA on March 20, 2009, that action is what the Board of Supervisors has to consider. Mr. Smith again stated that preliminary approval is acceptable because they can wait out the system capacity. Supervisor Shetter asked if either granting preliminary approval or a request for 90-day extension and Mr. Smith stated that would be an alternative if the request was not approved. Mr. Schnoor again stated the plans are the same as reviewed and Mr. Smith noted the number of copies that have been submitted and distributed. Mr. Schnoor stated the "progress" required was that the signature blocks were satisfied. The Solicitor asked if there were other conditions that had not been met and Mr. Smith noted the 'e and s' adequacy and land development plan revision. The Solicitor asked if there was some reason why the preliminary plan was not submitted and also asked why a delay occurred from

the time the signatures were gotten. Supervisor Shetter also asked when a 90-day extension was previously granted, why the developer would wait until one week before the expired time to appear before the Board. Curt Varner of S & A Homes noted this was a very large development and also noted economic conditions and a slow-down placed on this plan. The Solicitor stated that if this was the same plan that was submitted previously and if there were no changes made to the 2007 plan, still asked why a delay. Mr. Smith and Mr. Varner both concurred the reason for the delay is not because there were changes being made to the plan, no engineer activities on this plan since 2007, the reason is market driven. Mr. Lambert asked if Harrisburg was holding up anything and Mr. Smith stated there have only been two phone conversations and no written comments. Mr. Lambert asked if any comments could change the "core" of the plan and Mr. Smith felt that if that would happen then they feel the plan could hold but if they need to change then they would; they would make any changes that would be needed. Mr. Lambert noted the difficult task of trying to deal with certain DEP person. Mr. Smith stated they have tried to anticipate what might be needed. The Chairman asked if this land is for sale and Mr. Varner stated 'yes' and stated he (Mr. Varner) felt that if approved the land would be more suitable for purchase. The AZO stated that someone had contacted the Township Zoning Department and asked when it (the plan) would be presented to the Supervisors and they were told when GTMA approved and that was why the plan was not presented before and why the GTPC recommended approval subject to GTMA approval. Mr. Schnoor presented proof of approval from GTMA dated 2005. Mr. Schnoor noted the required comment from GTMA be placed on the plan that capacity was available but warned it could change. The Chairman asked for motion and noted that due to GTMA comment, the Supervisors could not approve anything while capacity could not accommodate noting the Borough Wastewater Treatment Plant could not accommodate anything of size and only perhaps a lot or two. The Solicitor stated the plan was submitted with the assumption that public sewer would be available but right now public sewer is not available and this plan could not comply. Supervisor Shetter and the Chairman both noted that this development is under same problem a previous denial at this meeting due to time frame involved and with changes to Township ordinances. Mr. Smith stated there was hope that there would be a release for public sewer and were attempting to finalize the preliminary and address things with final plan. Supervisor Shetter and the Chairman both voiced concern with the time that has already lapsed noting the 'track record is not there' and are personal opinions but up to the Board for final say. Following this lengthy discussion and consideration, on a motion by Glenn O. Shetter, seconded by Todd E. Burns, and by a vote of 3-0, the Board unanimously voted the Woodland Hills 781-lot Preliminary Subdivision Plan be denied because of the letter from GTMA (Greene Township Municipal Authority) denying sewer approval.

The Assistant Zoning Officer presented a 1-lot Final Subdivision/Lot Addition Plan (Revision) for Thomas R. Kriner; plan previously approved by the Board in January 2009; plan was revised and submitted to Township; property access will be onto Rice Road; revised plan has been reviewed by Township Zoning staff and recommended approval. On a motion by Todd E. Burns, seconded by Glenn O. Shetter, and by a vote of 3-0, the Board unanimously voted the Thomas R. Kriner 1-lot Final Subdivision/Lot Addition Plan (Revision) be approved as presented.

The Township Solicitor stated the Township will have to send a written denial regarding earlier items and stated zoning staff could consult with him regarding same.

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The Township Engineer noted as a reminder of the meeting to be held Thursday morning at 10:30 a.m. with Mr. Jim Maun (Wm. A. Brindle Associates) for Deer Crossing regarding site distance.

On a motion by Todd E. Burns, seconded by Glenn O. Shetter, and by a vote of 3-0, the Board unanimously voted to authorize the payment of invoices via Check Numbers 13945 through 13993, inclusive, to be paid from the General Fund; and, Check Numbers 1640 through 1644, inclusive, to be paid from the Liquid Fuels Fund.

Before adjourning the meeting, the Chairman asked David Harris if he had any questions, if he was able to learn about governmental public meetings, was able to get enough information towards his badge, etc. The Solicitor stated that any government body must act the same for citizens noting some of the same subject items appearing at this meeting. Master Harris stated it was an interesting meeting. His mother asked why it mattered where a driveway was placed or the size of it if it's a person's own property; Supervisor Burns answered by noting there are regulations regarding setback requirements, etc, and if everyone were allowed to do as they pleased, there would be a 'sea of asphalt'. Mrs. Harris stated she had learned things she hadn't been aware of before attending this meeting with her son.

Mr. Chris Matthews asked if an additional permit is required if the builder had obtained an original permit and was informed he would only need to get if not already gotten or had increased size.

There being no further items or comments before the Board for this meeting, the Chairman adjourned at approximately 8:44 P.M..

Respectfully submitted,
