

OCTOBER 20, 2005 SUPERVISORS' MEETING:

The Mount Joy Township Board of Supervisors met this date in regularly scheduled session at 7:30 p.m. in the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, Pennsylvania, with Board Chairman James Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, Samuel Dayhoff, and Harold Kirschner; Solicitor Walton V. Davis; Zoning Officer Dave Crouse; Treasurer Robin Crushong; News Reporters Jarrad Hedes (*Gettysburg Times*), and Charles Schillinger (*Evening Sun*); and Brenda Constable, Secretary.

Citizens in attendance were: Matt & Kathie Nye; S. G. Marinos; Dave Updyke; Jerry Althoff representing the Planning Commission; John McAlister; Jeremy & Barb Onorato; Jerry Maloney; Dave Stair representing Barton Breighner; Jack & Betty Myers; John Leino; Bob Sharrah representing the Branhams, Onoratos, and The Links; Steven Zeigler; Elsie Morey; Jack McLatchy; Dean Shultz; Charles Suhr representing GCW Properties; Gary Wesner; and Rick Klein representing The Links At Gettysburg.

Board Chairman Waybright led everyone with the Pledge to the Flag.

Minutes:

Mr. Chantelau moved, seconded by Mr. Scott, to approve the minutes of the September 15, 2005 meeting as presented. Motion carried.

Public Comment:

1. Dick Owings: Mr. Owings announced that he retired on October 19, 2005 from his full time employment and would be moving out of the area. Due to his retirement he submitted a letter to the Supervisors resigning from the Township Planning Commission, Agricultural Land Preservation Board, the Act 209 Traffic Impact Fee Advisory Committee, and the Red Rock Municipal Authority effective immediately. Mr. Owings thanked the Supervisors for their foresight and unselfish decisions to preserve the lifestyle of the Township and urged the citizens to continue to support the Supervisors in their decisions to keep Mount Joy headed in the right direction for the future. Mr. Waybright and fellow Supervisors, presented a plaque to Dick, thanking him for his years of dedicated service to the Township.
2. Speros Marinos of 201 Civil War Lane. Informed the Supervisors that he would be holding a private WWII combat simulator on October 21, 22, and 23, 2005 with less than 70 participants. He also noted that the Golden Menu Restaurant is now a pile of rubble and there is a standing water problem, discarded tires, etc. and would appreciate the rubble cleaned up. He also stated that it was his understanding that the property was sold at Adams County Tax Claim or Sheriff Sale. The Supervisors responded that they would look into notifying the owner on record and have the mess cleaned up.
3. Carol Newhart, 720 Plunkert Road. With regard to the proposed townhouse development along Route 97, she noted that the Planning Commission would be recommending that a text amendment to the zoning ordinance be considered in order to allow townhouses in the SFR1 district. She asked the Supervisors consider the consequences if this were done. She stated that she was aware that land would be preserved somewhere in the Township by allowing this, but has doubts as to whether or not it is worth it. Population would be increased 2 to 3 times versus development of single family homes, which is what is currently allowed by right. She thinks the Supervisors should stick with the plan as what was in the Comprehensive Plan to allow townhouses in MDR only. She added that traffic would

be a big concern with being closely located to the intersection at Lake Heritage and the Outlet Malls. She does not feel that the preserved land in exchange for townhouses would be a good trade-off because of increased traffic for the local citizens, particularly farmers with equipment, etc.; schools by raising taxes; police and fire service, etc. She felt that a traffic light at the intersection of White Church Road and the proposed access road to the development would be better for the citizens to pay for rather than the long term cost to maintain everything that goes with development. She also pointed out the historic importance of being close to Gettysburg and what affect it could have on this.

Executive Session:

Mr. Waybright called for an Executive Session at 7:45 p.m. this date.

Meeting Reconvened:

Mr. Waybright reconvened the Supervisors' meeting at 8:10 p.m. this date with all in attendance as listed above. Mr. Davis noted that two issues were discussed during Executive Session: 1) replacement of a professional advisor who would no longer be able to serve the township; and 2) the potential acquisition of a piece of real estate. No decisions were made and no action would be needed at this time.

Treasurer:

Mr. Scott moved, seconded by Mr. Chantelau, to approve the Treasurer's report for the month of September and part of October as presented. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Scott, to approve the bills to be paid for the month of September and part of October as presented. Motion carried unanimously.

Subdivision/Land Development Plans:

1. Richard Munshour/Dean Shultz: proposed 2-lot addition subdivision at 1650 and 1621 Baltimore Pike respectively. Planning Commission recommends approval, as well as approval of a Planning Waiver & Non-Building Declaration. Mr. Dayhoff moved, seconded by Mr. Scott, to approve the Preliminary Plan for the subdivision of lot additions and the Planning Waiver & Non-Building Declaration. Motion carried unanimously.
2. Fairview Farms – Barton Breighner, Owner: proposed 17-lot subdivision at 545 Hickory Road. Mr. Dave Stair of Loss-Stair Engineering represented Mr. Breighner. It was noted that the Planning Commission recommended denial of this plan due to 66 comments from HRG and 29 comments from County Planning. It was also noted that the applicant had requested an extension of time, but the request was not received until after the Planning Commission meeting. Mr. Stair stated that they [the applicant and engineering firm] were uncertain about the time frame for action on the plan. He added that he had been in touch with HRG regarding their comments, that they were working on addressing the comments and would need an extension of time to continue. Mr. Waybright commented that there were too many comments and that *all* needed to be addressed. Mr. Dayhoff commented that the Supervisors had a lot to deal with and there were other plans on the table that are complete; the Supervisors should not drag this one along. If the plan is revised, then it is a new plan and would need to be resubmitted.

Mr. Dayhoff moved, seconded by Mr. Chantelau, to deny the extension request and reject the plan based on all comments received from HRG dated September 8, 2005 and County comments dated August 30, 2005. Motion carried unanimously.

3. White Church Road Site "Westminster" – Keystone Custom Homes: proposed subdivision on White Church Road at Meadow Brook Golf Course. Applicant requests an extension through November 30, 2005. Mr. Davis explained that the applicant's attorney was mixed up on the time line and that the extension request is actually a shorter time period than the original deadline of December 12, 2005. He spoke with the attorney and a revised extension request would be forthcoming. Mr. Scott moved, seconded by Mr. Chantelau, to table the request until a revised date is received from the applicant. Motion carried unanimously.
4. Branham, Michael & Nancy: proposed two-lot subdivision at 2475 Taneytown Road. Planning Commission recommends approval as a Preliminary/Final. Mr. Scott moved, seconded by Mr. Chantelau, to approve as a Preliminary/Final Plan. Motion carried unanimously.
5. The Links AT Gettysburg – Garrison Falls Phase IIA: proposed final subdivision plan for 28 lots at 601 Mason Dixon Road. The Planning Commission recommends approval contingent on satisfying all HRG comments relative to the preliminary plan review. Mr. Bob Sharrah and Mr. Rick Klein were present to discuss and review this plan. HRG comments on the revised preliminary plan were reviewed, noting that all comments were addressed and consideration of the Final Plan could be given. HRG comments dated October 10, 2005 were reviewed relative to the final plan, noting one issue with regard to a detention pond retaining a permanent pool of water. Mr. Sharrah noted that this area has a lot of infiltration and a pond would not be needed. If it were to remain a pond rather than infiltrate, a fence would be needed.
Mr. Chantelau moved, seconded by Mr. Dayhoff, to approve Garrison Falls Phase IIA Final Plan contingent on placing a note on the plan stating that a fence would be put in place if the area referenced in HRG comments remained a pond. Motion carried unanimously.
6. Onorato, Joseph & Barbara: proposed two lot subdivision at 358 Orphanage Road. Planning Commission recommends approval with contingencies. It was noted that an extension was granted through January 13, 2006. Mr. Bob Sharrah and Mrs. Onorato were present to review this plan. There was a discrepancy with regard to the deed, whether it is one or two properties. It was noted that in 1982 a two-lot subdivision was approved. Lot 1 is a panhandle lot (which is not allowed under the current ordinance) and now the applicant wants to subdivide by making a lot addition from Lot 2 (A & B) to Lot 1. This proposed subdivision would make Lot 2 in compliance with the current ordinance requirement for road frontage, but Lot 1 (with the lot addition of 2B) would still not have enough road frontage as required. However, the 1982 subdivision was never deeded separately. Since that time, the ordinance changed. This raised the question as to when the subdivision is effective, when it is approved or when it is deeded. Via §508, if a lot is not deeded off, then the subdivision never occurred. Five years later, the ordinance changed so now the applicant must follow the new ordinance requirements. Mrs. Onorato stated that the original tract was from a five-lot subdivision (Burns Estate) and she has the remaining two lots. The Supervisors stated that if the applicant can come up with a plat showing information on a five lot subdivision, then the two lots would be okay as presented for further subdivision. Mr. Davis stated that the plan itself is what is needed to verify the subdivision. If this can not be produced, then the applicant would need to ask for a variance for a lot approval with not enough road frontage. Mr. Sharrah questioned if the Supervisors would oppose it if it goes to a

variance. The Supervisors responded probably not. No further discussion or action was taken at this time.

Road Report:

Mr. Chantelau moved, seconded by Mr. Dayhoff, to approve the Road Report as presented. Motion carried unanimously.

Zoning Officer Report:

Mr. Scott moved, seconded by Mr. Dayhoff, to approve the Zoning Officer's Report as presented. Motion carried unanimously.

Building & Grounds Report:

Mr. Waybright moved, seconded by Mr. Chantelau, to approve the Building & Grounds Report as presented. Motion carried unanimously.

Correspondence:

Secretary Constable noted receiving the following correspondence:

- WRRMA August minutes
- Land Use Assumptions Report for Straban Township's Traffic Impact Fee Study

Committee Reports:

Personnel: As recommended by the Personnel Committee, Mr. Chantelau moved, seconded by Mr. Scott, to approve the issuance of health insurance and offer dental and vision coverage to full-time employees. The insurance would be with Capital BlueCross, PPO Plan 250 with standard card plan Rx, Dental Plan 3 and Vision Plan 2 with the Township paying 100% of health insurance to all full-time employees, 85% towards their family coverage, and 85% towards dental and vision coverage, leaving 15% to be paid by the employee. Motion carried with Mr. Dayhoff abstaining.

Finance: Nothing to report.
Planning, Land Use & Zoning: Nothing to report.
Building & Grounds: Nothing to report.
Roads: Nothing to report.
Public Safety: Nothing to report.

Agricultural Land Preservation: Mr. Waybright moved, seconded by Mr. Scott, to approve the monthly report. Motion carried unanimously. Mr. Dayhoff announced that the Ag Land Preservation Board and the Supervisors would be holding a public information meeting on Thursday, October 27 at 7:30 p.m. to inform the public about the referendum on the General Election Ballot regarding the borrowing of \$2 Million to continue with Round II of the Township's Preservation Program.

Recreation Advisory Board: Mr. Chantelau moved, seconded by Mr. Scott, to approve the monthly report. Motion carried unanimously. The Supervisors noted the appointment of Harry Tassou as Chairman and Audrey Weiland as Vice Chairperson.

Act 209 Traffic Impact Advisory Committee: Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve the monthly report. Motion carried unanimously.

Other Business:

Well Ordinance Amendment:

Mr. Dayhoff moved, seconded by Mr. Scott, to authorize the advertisement of intent to adopt the Well Ordinance Amendment at the November meeting. Motion carried unanimously.

Monocacy River Watershed Stormwater Ordinance:

Mr. Scott moved, seconded by Mr. Chantelau, to authorize the advertisement of intent to adopt the Monocacy River Watershed Stormwater model ordinance as the storm water management requirements for the Township at the December meeting. Motion carried unanimously.

Sewage Module Extension:

Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve an extension for review of the Sewage Planning Module for The Fields of Gettysburg development, Colbier Farms, LLC applicant, to January 20, 2006 in order to allow additional time for the applicant to pursue an alternative sewage disposal service through WRRMA. Motion carried unanimously.

Committee and Board Member Resignation:

Mr. Scott moved, seconded by Mr. Chantelau, to reluctantly accept the resignation of Richard "Dick" Owings from the Township Planning Commission, Agricultural Land Preservation Board, Act 209 Advisory Committee, and the Red Rock Municipal Authority, effective October 20, 2005. The Supervisors wished Mr. Owings the best in his retirement and new relocation in Iowa. Motion carried unanimously.

Zoning Text Amendment For SFR1:

As a follow up from last month's meeting, GCW Properties, represented by Charles Suhr, Attorney, informed the Supervisors that they had presented their conceptual sketch plan to the Planning Commission, along with a yield plan, for the allowance of townhouses in SFR1 zoning district along Route 97, south of Lake Heritage. The Supervisors noted that the Planning Commission was open to the concept of a text amendment to allow townhouses in the SFR1 district under conditional use approvals providing that the following issues could be satisfied and are included in a draft proposed text amendment:

- a) How many more acres are remaining in SFR1 district and would be open for townhouses; and what restrictions could be used to limit this type of use in this district;
- b) Consider Conservation Design development and whether this would be a better alternative;
- c) Alternative means to a water tower should be considered;
- d) Safe emergency accesses, entrance and exit, should be required;
- e) Buffering and/or screening along a main highway should be required;

- f) Rear access roads and driveways should be required, as already stated in the zoning ordinance (110-86.D. and E.)

Mr. Charles Suhr, Attorney for the applicant, prepared a draft ordinance for the Supervisors consideration. He noted that conditional uses would need to be put on it. Mr. Jerry Althoff, representing the Planning Commission, also noted that the Commission would like the Supervisors to look at the MDR (Mixed Dwelling Residential) district to see what is available for townhouses with sewer access, as what the Comprehensive Plan suggests.

Mr. Jerry Maloney, citizen, commented that there is a potential savings of land preserved in the RR (Rural Residential) or AC (Agricultural Conservation) district, but questions whether it is worth the trauma to the Township with more development. If TDRs (Transfer Development Rights) are not used, then the farmer could come back to preserve land. He feels that it is cheaper to by land and rights than to develop. Mr. Waybright asked Mr. Suhr if there were any thought to using Conservation by Design. Mr. Dayhoff stated that the developer would not make out with Conservation by Design because it would not be a benefit to them in SFR1; there would be no additional increase in density. This current proposal would preserve approximately 300 acres elsewhere in the Township. Mr. Althoff suggested if TDRs were used, the developer should be obligated to pay for the TDR. Mr. Dayhoff stated that turnover is higher in townhouses and this would generate more realty transfer tax. Mr. Maloney stated that the density would still be more.

Mr. Davis commented that the items discussed now is what should be discussed at a Public Hearing. In the past, with text amendments, the Supervisors usually held a work session to go over the amendments before sending it out for review and a Public Hearing. Mr. Waybright asked if the Supervisors wished to consider the text amendment at this time.

Mr. Dayhoff moved, seconded by Mr. Waybright, to consider a text amendment to the zoning ordinance, with Mr. Suhr to propose a draft to the Township solicitor and engineer for review and comment, then the Supervisors would set up a workshop to discuss it. Motion carried with Mr. Scott opposing.

New Business:

2006 Budget:

Mr. Chantelau moved, seconded by Mr. Dayhoff, to tentative adopt the 2006 Budget as presented. It was noted that the tentative budget would be available for public inspection from October 27 through November 16, with intent to adopt the 2006 Budget on November 17, 2005. Mr. Waybright commented that Robin Crushong did an enormous amount of work to put this budget together and did a very good job. All Supervisors concurred. With no further discussion, the motion carried unanimously.

Adjournment:

With no further business to come before the Board, Mr. Dayhoff moved, seconded by Mr. Scott, to adjourn the Supervisors' meeting at 9:25 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary