

**Mt. Joy Township
Planning Commission Regular Meeting
Tuesday, April 8, 2014**

Meeting Minutes

Present: Eleanor Dehoff, Chairman; Terry Scholle, Vice-Chairman, Curtis Hawkins, Fred Lang, Randy Bailey, Engineer; Sheri Moyer, Secretary; Susan Smith, Solicitor

The Mount Joy Township Planning Commission met this date, as publicly advertised, at the Mount Joy Township Building located at 902 Hoffman Home Rd., Gettysburg, PA 17325.

Call to Order: Starting Time: 7:00 pm

Chairman Comments: Ms. Dehoff expressed the Planning Commission condolences to Supervisor Updyke and his family at the passing of his wife on March 20, 2014.

Public Comment: None.

Approval of Minutes: Approval of the March 11, 2014 Meeting Minutes. Mr. Lang moved, seconded by Mr. Hawkins, to approve the Meeting Minutes as presented. Motion carried unanimously.

Preliminary/Final Plans: Mr. Sharrah representing the Links at Gettysburg presented The Villas at the Retreat – Phase III Preliminary/Final Subdivision Plan. Mr. Sharrah pointed out the club house, recreation area, outside pool and the corner of what was then called Lot No. 4 which has a condominium building. Mr. Sharrah further explained that the plan they are looking at was originally to have 15 condominium buildings on it which now they are going to individual housing. All houses will face Charles Street or a court (there are 2 courts). Mr. Sharrah said to reference both the County's and the Zoning Officer's comments you will see there is a walking trail existing. It will end up being revised slightly but be assured there is something there and it will remain there. Mr. Sharrah stated that it will be put on the plan. A question about the roads was raised as to whether they will be dedicated to the Township and Mr. Sharrah stated that they are to remain private roads and will be maintained by the HOA. All will be bituminous with the exception of the two courts which will be brick pavement.

Mr. Bailey advised the Commission to refer to the seven modifications listed in both his letter dated April 7, 2014 and also the Township Zoning Officer's letter dated April 7, 2014. There were three zoning modifications and four engineering modification. Ms. Smith said they are looking to see if the requests are reasonable and support the relief from the strict implementation of the requirement.

Modification from ZO regarding minimum right-of-way width of 50 feet. Mr. Sharrah presented that they do not have 50 feet on a portion of Charles Drive. That means that there should be 25 feet on each side of the center line. In this case there are some instances where it is 20 feet. The developer has to present that they can get an emergency vehicle through the

roadway. Mr. Sharrah indicated that they will provide that information on the revised plan. Mr. Lang moved, seconded by Mr. Hawkins, to approve the modification of the minimum right-of-way width of 50 feet as presented. Motion carried unanimously

Modification from ZO regarding minimum cartway width for private streets shall be 24 feet. Mr. Sharrah explained that this is not at all locations. The bulk of Charles Drive is 24 feet wide. The courts are 20 feet wide. Mr. Sharrah stated the road does narrow where the connection to the parking lot to a 14 foot lane because it is used for emergencies only. Mr. Bailey said that they do take exception to the access to the community building because it is going to be utilized by residents as access to the community building and that 14 foot width may not be adequate. Mr. Kline stated that he agreed and that Mr. Sharrah is going to make that 24 feet before it goes before the Board of Supervisors. Mr. Lang moved, seconded by Mr. Hawkins, to approve the reduction of cartway in the two courts to be 20 feet wide and also the modification of the access to the community building also being a width 20 feet as presented. Motion carried unanimously.

Modification from ZO street lighting as set forth in AASHTO. Mr. Sharrah stated that they are requesting relief from that standard because from past experience the lighting is too bright. The modification is to put individual residential pole (6'-8' tall) dusk to dawn lights in front of every house. The homeowner is responsible for maintenance of the lights and the HOA with enforce the maintenance. Mr. Bailey said the Township is requesting that the light placing be located on the plan. Mr. Sharrah stated that they have a generic house on every lot so the lighting may be different due to the style of the house built. Mr. Lang moved, seconded by Mr. Scholle, to approve the modification of the lighting with the stipulation that the plan depict the general location of the lights for each of the properties on the plan as presented. Motion carried unanimously.

Modification from SALDO going from a two-step process to one step (preliminary/final subdivision plan). This is a request to have this plan combined as a preliminary/final. The MPC said you do a two-step process. The SALDO states that it is a two-step process. However, if all of the recommendations/modifications are complete at the time of the preliminary plan submission they can request it to be a preliminary/final plan. What Mr. Kline is asking for is that this be considered a preliminary/final plan (one step submission). Mr. Bailey stated that Phase III was previously approved under another plan process what is happening here is a change of use and indicated that from the engineering standpoint they do not see any problems going from the two-step process to a one-step process. It's an 11 unit residential plan. Mr. Sharrah indicated that nothing is being dedicated to the municipality and it is the last phase of this community. Mr. Lang moved, seconded by Mr. Hawkins, to approve the modification to combine the two-step process to a single process as presented. Motion carried unanimously.

Motion from SALDO regarding private streets. Ms. Smith explained that at one time the Township concluded that the Township did not want to have private streets because of the concerns that private streets get in disrepair and the municipalities had to take them over and make the repair. A decision was made that the Township would not have any private streets. This project is all private streets. Mr. Kline stated that the Home Owner Association is

responsible for maintenance of the streets. Mr. Lang moved, seconded by Mr. Scholle, to approve the modification to have private streets as presented. Motion carried unanimously.

Motion from SALDO regarding the requirement for curbing. Ms. Dehoff noted that they are asking for relief from curbing along with the proposed streets. Mr. Sharrah stated that it consistent with most of the rest of the community. There is some curbing out on the Savannah Drive but that is the only place. The last part of what was approved is identical to what they are asking for here. Mr. Sharrah also stated it is better for water run off by not forcing you to connect that water run off to a storm drain and pipe it allows it to be absorbed by the grass. Mr. Lang moved, seconded by Mr. Hawkins, to approve the modification from the requirement for curbing as presented. Motion carried unanimously.

Motion from SALDO regarding requirement for sidewalks. Mr. Sharrah stated that most of the properties have grass right out to the streets. He presented the walking trail plan and pointed out there is an inter-connecting pedestrian walkway. Mr. Kline explained that there are walking trails that link all throughout the community. Mr. Kline indicated that within a week or two at the most the whole community will be linked together from Garrison Falls all the way to green #14. Mr. Sharrah explained that the walking trail plan will be incorporated on the preliminary/final plan. Mr. Bailey said that the only exception from an engineering point is their recommendation that sidewalks be put in for the facilities to the community building is that that be incorporated and specific to the recommendation. Mr. Kline indicated that the residents also use the golf cart trails all year long. Mr. Hawkins moved, seconded by Mr. Lang, to approve the modification for sidewalks with the condition that sidewalks be put in for the basketball court, bocce ball court, volleyball court and tennis court to the community building and connected to the other trails as presented. Motion carried unanimously.

Recommendation to the BOS for approval of the plans with the recommendations of the Zoning Officer and the Engineer. Mr. Sharrah stated that IF the Planning Commission chooses to make such a motion they would recommend the BOS approve the plan conditioned on Mr. Sharrah satisfying the comments in both the Zoning Officer and the Township Engineer's letter. Mr. Lang moved, seconded by Mr. Hawkins, to recommend the Board of Supervisors approve the plan conditioned on Mr. Kline (the applicant) satisfying the comments in both the Zoning Officer and Township Engineer letters as presented. Motion carried unanimously.

Public Comment: (Three minute maximum per person) None.

Other Business: Carroll Crum – DEP Non-Building Waiver

This is the first plan being processed under the new SALDO process which was approved last year. It is a recombination plan so they are not creating any new lots which is why it falls under the minor subdivision process. They are not creating any infrastructure. The Non-Building Waiver is before the Commission because the Pennsylvania Sewage Act requires that the Planning Commission provides comment and recommendation on the planning module. In this case since there is no planning module they are asking for the non-building waiver. It is a minor subdivision plan with no improvements which will go before the Board of Supervisors for approval. The Planning Commission must concur with the Non-Building Waiver

application/declaration by signing and dating. Mr. Scholle moved, seconded by Mr. Lang, to approve concurrence and agreement with the Non-Building Waiver as presented. Motion carried unanimously.

Public Comment: (Three minute maximum per person) None.

Training by Susan J. Smith: Ms. Smith stated that one of the duties of the Planning Commission is to review and give comment on ordinances and amendments to ordinances. The review period for a new ordinance is 45 days and for an amended ordinance is 30 days. Following those review dates the Board of Supervisors will hold a public hearing on the proposed ordinance or amended ordinance. Ms. Smith described what a substantial change to an ordinance would be. A substantial change is one that in relation to the legislation as a whole results in a significant disruption in the continuity of the proposed legislation or an appreciable change in the overall policy. Ms. Smith went on to outline the review considerations. When reviewing a proposed ordinance or amendment the Planning Commission should think about if it is in the public interest. If there is an issue as to interpretation preference should be given to private property rights over regulation. If the Planning Commission is not sure how to interpret something you give relief to the property owner. The Planning Commission also needs to make sure the language is not vague. If one member interprets it one way and another member a different way this ordinance is vague. Ms. Smith explained the MPC procedures for the enactment of an ordinance, the review period, properly advertise the public hearing and holding the hearing that if the procedures are not followed correctly this raises a due process violation and the consequence could be that the ordinance is without legal effect.

Next Month's Training will be to walk through the review process when reviewing a submitted plan.

Adjournment: With no further business to come before the Board, meeting was adjourned at 8:45 pm. Next meeting will be Tues., May 13th.

Respectfully Submitted,

Sheri L. Moyer
Secretary