

AUGUST 19, 2004 SUPERVISORS' MEETING and PUBLIC HEARING:

The Mount Joy Township Board of Supervisors met this date in regularly scheduled session at 7:00 p.m. in the Township Municipal Building, 902 Hoffman Home Road, Gettysburg, PA, with Chairman James Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, Harold Kirschner, and Samuel Dayhoff; Solicitor Walton V. Davis; News Reporters Staci George (*The Gettysburg Times*) and Erin Negley (*The Evening Sun*); Treasurer Robin Crushong; and Secretary Brenda Constable.

Others in attendance were: Eileen Holmes; Jerry Althoff representing the Planning commission; Chris Hoover and Todd Grim representing Beyland Inc.; Speros Marinos; Nancy Brown, Denise Shelleman and Wendy Beauchat, Esq. representing the Gettysburg Village Factory Stores/Delancey Gettysburg Associates; Stephen and Paula Spatz; John McAlister; and Rick and Bonnie Klein.

Chairman Waybright led everyone with the Pledge to the Flag.

Minutes:

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the minutes of the July 15, 2004 meeting as presented. Motion carried unanimously.

Public Comment:

1. Speros Marinos presented a copy of a letter to the Supervisors that he had sent to DEP relative to movie filming that took place on his farm at 201 Civil War Lane from July 29 through August 1, 2004. He noted that some nearby residents assumed that the blasts were from the Clapsaddle Mine/Quarry and he wanted to clarify that this was not the case.
2. Paula Spatz commented that the entrance into White Road to Heritage Drive is flooding. Mr. Waybright responded that he had notified the Township Road Superintendent of this problem and that he is looking into different ways to address this.

Meeting Recessed:

Board Chairman Waybright recessed the meeting at this time in order to convene a Public Hearing, as publicly advertised, to accept comment with regard to proposed Ordinance No. 2004-02.

Public Hearing:

Board Chairman Waybright convened a Public Hearing at 7:10 p.m. for the purpose of accepting comment, written or oral, relative to a proposed ordinance revising terms used in the Zoning and Subdivision and Land Development Chapters of the Code of Ordinances replacing the term "building permit" to "land use permit".

Mr. Waybright opened the floor for public comment. Mr. Davis noted that no public comment was given.

Adjournment of Public Hearing:

With no public comment, the Public Hearing adjourned at 7:14 p.m. this date.

Meeting Reconvened:

Mr. Waybright reconvened the Supervisors' Meeting at 7:14 p.m. this date with all in attendance as listed above.

Treasurer's Reports:

Mr. Chantelau moved, seconded by Mr. Scott, to approve the Treasurer's Report for the month of July and part of August presented. Motion carried unanimously.

Mr. Kirschner moved, seconded by Mr. Dayhoff, to approve the bills to be paid for the month of July and part of August as presented. Motion carried unanimously.

Subdivision/Land Development Plans:

1. Beyland, Inc. – Deer Chase Lot 22: Proposed subdivision of two (2) lots along Miller Road. It was noted that this plan review has been extended through September 16, 2004. The Planning Commission recommends that HRG be instructed to start the process of listing all non-compliance issues, per the Supervisors' action of June 17, 2004.

Mr. Chris Hoover of Hoover Engineering and Todd Grim, developer, were present to review this plan. Mr. Hoover acknowledged the following issues that need to be addressed:

- Three (3) separate environmental permits are needed from DEP. He stated that two (2) permits have been received, one for the widening of Miller Road, and the second, for a driveway permit. The third is for the crossing of utility lines across the wetland; this one has not yet been issued because of bog turtle screening. He further added that originally, they were going to bore under the wetlands but after DEP's review, they now need to bore through the wetlands, which is why the bog turtle search is needed.
- County Conservation District approval is needed for an E&S Plan in order to update the NPDES permit. Mr. Hoover stated that he has a meeting next Wednesday with Rusty Ryan from the District.
- HRG comments have been addressed and revisions were sent to them this week for their review.

Mr. Althoff of the Planning Commission noted that their recommendation was for the Supervisors to move forward with notifying HRG to develop a list of non-compliant issues, as per the Supervisors' action of June 17, 2004, so that if Beyland, Inc. did not meet all issues, the Board would be ready to act on the plan.

Mr. Scott moved, seconded by Mr. Chantelau, to instruct HRG to develop a list of non-compliant issues so that if Beyland's efforts fail, they would be ready to act on the plan. Motion carried unanimously.

Road Report:

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

Zoning Officer's Report:

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

Building & Grounds Report:

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

Correspondence:

Mrs. Constable noted the following correspondence received:

- WRRMA June minutes
- Request from the Adams County Transit Authority for financial assistance

Committee Reports:

Personnel:	Nothing to report.
Finance:	Nothing to report.
Planning, Land Use & Zoning:	Nothing to report.
Building & Grounds:	Nothing to report.
Roads:	Nothing to report.
Public Safety:	Mr. Waybright noted that he and Mr. Dayhoff met with the Road Superintendent regarding a County Hazardous Mitigation Plan. He notified the Supervisors that the Township should have input on this plan and when the plan is complete, they would need to approve it. By accepting the Plan, the Township would qualify for federal funding and technical assistance from state and federal hazard mitigation programs.

Agricultural Land Preservation: Noted receiving the monthly report.

Mr. Dayhoff noted that the Committee is looking at placing a sign on all preserved farms. They are asking schools to do this as a project where they would come up with the design. The Committee is looking for direction by the Supervisors as to what type of signs they feel would be appropriate, and how elaborate they should be. Mr. Dayhoff presented some examples of signs that currently being used in Maryland. Further discussion was with regard to cost, type, color, etc. The Supervisors agreed that a generic type sign would be good for along the road, and then create a more elaborate one with the farm name and information on it, which would be placed at the farmstead.

Announcements:

- Mr. Waybright noted that he attended the Chamber of Commerce breakfast last week and much of the discussion was related to development. Someone there noted that the average single family home in 2002 cost approximately \$119,000, and in 2004 the average cost is now \$189,000.
- Mud College Open House on Saturday, August 21 and Sunday, August 22 from 2:00 - 4:00 p.m.

Other Business:

Ordinance No. 2004-02:

Mr. Chantelau moved, seconded by Mr. Kirschner, to adopt Ordinance No. 2004-02 as follows:

ORDINANCE 2004 - 02

AN ORDINANCE OF THE TOWNSHIP OF MOUNT JOY, ADAMS COUNTY, PENNSYLVANIA, AMENDING SECTION 86-47.B. (ADMINISTRATION AND ENFORCEMENT) OF ARTICLE VIII (ADMINISTRATION, ENFORCEMENT AND PENALTIES) OF CHAPTER 86 (SUBDIVISION AND LAND DEVELOPMENT) OF THE CODE OF ORDINANCES OF MOUNT JOY TOWNSHIP BY ADDING A REQUIREMENT TO OBTAIN A LAND USE PERMIT, DELETING THE WORDS "BUILDING PERMIT OFFICER", "BUILDING PERMITS" AND "BUILDING PERMIT" AND REPLACING THEM WITH "ZONING OFFICER", "LAND USE PERMITS" AND "LAND USE PERMIT", RESPECTIVELY; AND, AMENDING SECTION 110-20 (DEFINITIONS) OF ARTICLE II (TERMINOLOGY) BY ADDING A DEFINITION OF THE TERM "LAND USE PERMIT" AND OF THE TERM "CERTIFICATE OF OCCUPANCY or LAND USE CERTIFICATE OF OCCUPANCY", AND BY AMENDING THE DEFINITION OF THE TERM "PERMIT".

The Board of Supervisors of Mount Joy Township hereby enacts and ordains as follows:

Section 1. Subsection B. of Section 86-47 (Administration and Enforcement) of Article VIII (Administration, Enforcement and Penalties) of Chapter 86 (Subdivision and Land Development) of the Code of Ordinances of Mount Joy Township is hereby amended to read in its entirety as follows:

B. No land development shall occur within the Township unless a "land use permit" (as defined in the Zoning Ordinance Chapter of this Code) has first been obtained from the Zoning Officer. The Township Zoning Officer shall require that applications for land use permits contain all of the information necessary for him to ascertain that, and he shall not issue any land use permit until he determines that, the site and plan for the proposed improvements or development does not violate the provisions of this chapter. The Township Sewage Enforcement officer shall require that applications for sewage disposal system permits contain all the information for him to ascertain that, and he shall not issue any sewage disposal permits until he determines that, the site for the proposed system complies with the provisions of this chapter.

Section 2. Section 110-20 (Definitions) of Article II (Terminology) of Chapter 110 (Zoning) of the Code of Ordinances of Mount Joy Township is hereby amended to delete the terms "Zoning Permit" and "Construction Permit", add the terms "Certificate of Occupancy, or Land Use Certificate of Occupancy "Land Use Permit", and to define the term "Permit" in its entirety, as follows:

CERTIFICATE OF OCCUPANCY, or LAND USE CERTIFICATE OF OCCUPANCY – see, *PERMIT, supra.*

LAND USE PERMIT – see, *PERMIT, supra.*

PERMIT – as used in this chapter, a permit is a document issued by the Zoning Officer indicating that a proposed use, development, building, and/or structure is, to the best knowledge of the Township staff, has been planned to be in compliance with all land use ordinances. It authorizes the applicant to proceed with said use, development, building, alteration, addition, structure, or other activity that is regulated by this chapter. In the case of a "land use certificate of occupancy", the document indicates that the completed use, development, building or structure has been established in compliance with all land use ordinances, to the best knowledge of the Township

staff. A permit issued pursuant to this chapter does not signify compliance with or adherence to any requirements for construction of improvements regulated by the Pennsylvania Construction Code Act, the Uniform Construction Code, or their amendments, alterations and/or replacements. A building permit as defined herein may also be known as a "Land Use Permit" in forms and other documents published by the Township.

Section 3. The remainder of §110-20 shall be unaltered by the addition of the definitions added pursuant to Section 2. hereof.

ENACTED AND ORDAINED this 19th day of August, 2004.

TOWNSHIP OF MOUNT JOY

Attest:

/s/
Its Secretary

/s/
Chairman

/s/
Supervisor

/s/
Supervisor

/s/
Supervisor

/s/
Supervisor

Motion carried unanimously.

Modification of Conditional Use Decisions – Delancey Gettysburg Associates, L.P.:

Mr. Davis noted that a Public Hearing was held on July 15, 2004 where public comment was taken with regard to an application filed by Delancey Gettysburg Associates, L.P., formerly the Boyle Group, to modify the Conditional Use Decisions affecting the Gettysburg Village Outlet Center, dated May 6, 1998 and April 19, 2001 relative to the hours of operation of the Center; April 19, 1999 relative to the hours of operation for restaurants in the Center; and May 6, 1998 relative to security provisions at the Center. A deliberation meeting was held after the public hearing and Mr. Davis prepared a proposed decision, based on the deliberations.

Mr. Dayhoff moved, seconded by Mr. Chantelau, to accept the modifications of Conditional Use Decisions, dated May 6, 1998, April 19, 2001, and April 15, 1999 as presented. Discussion following the motion: Mr. Davis noted that the proposed Decision was set up with the following sections: Background, Findings of Fact, Conclusions, and Decision. He then read the proposed Decision, noting that this is a change of a modification to previous Conditional Use Decisions and is not an ordinance. He further noted that this would be effective immediately but there would then be a 30 day appeal period. With no further discussion, the motion carried unanimously.

New Business:

WRRMA Sewer Improvements:

A request was received from White Run Municipal Authority for assistance with the planning process for improvements to the northern section of the sanitary sewer system within portions of Straban and Mount Joy Townships. WRRMA is eligible to receive reimbursement under the DEP Act 537 Planning

Assistance Program but requires a letter from the Township stating that WRRMA is the Township's designated agent for the sewage facilities planning. Mr. Dayhoff suggested that the Township ask WRRMA to also request assistance for extending sewage facilities to the western side of Route 15.

Mr. Scott moved, seconded by Mr. Chantelau, to send a letter to WRRMA supporting their efforts and to consider including the western side of Route 15, between Route 15 and Rock Creek. Motion carried unanimously.

Abutting Property Owner Notification Letter:

The Planning Commission requested the Supervisors to consider an ordinance that would notify property owners, after the date of submission of a proposed subdivision or land development plan, that activity maybe occurring on an abutting property, as well as posting the affected property. The Supervisors felt that a policy, rather than an ordinance, would be better for this. Mr. Davis questioned if this would be done for all plans submitted. Mr. Althoff responded yes. Further discussion was held with regard to what administrative time and cost would be to do this.

Mr. Scott moved, seconded by Mr. Chantelau, to table this issue in order to get additional input from the Zoning Officer and Solicitor. In addition, the Supervisors asked the Planning Commission to draft a letter and policy for the Supervisors review. Motion carried unanimously.

Executive Session:

Board Chairman called and Executive Session at 8:10 p.m. this date.

Meeting Reconvened:

Board Chairman Waybright reconvened the Supervisors meeting at 8:35 p.m. with the following others in attendance: Supervisors William Chantelau, George Scott, Harold Kirschner, and Samuel Dayhoff; Solicitor Walton V. Davis; and Brenda J. Constable, Secretary. Others in attendance were: News Reporters Erin Negley and Staci George; Eileen Holmes; Jerry Althoff; and Rick & Bonnie Klein.

Mr. Davis stated that the purpose of the Executive Session was to discuss an upcoming Zoning Hearing on August 26, 2004 regarding the Clapsaddle , or Phillip Justice Hearing.

Final Public Comment:

Mr. Rick Klein, Owner of The Links At Gettysburg, L.L.C., invited the Supervisors to an open house at the Planned Golf Community on September 18, 2004.

Adjournment:

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Dayhoff, to adjourn the Supervisors' Meeting at 8:45 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable
Secretary