

## **SEPTEMBER 19, 2002 SUPERVISORS' MEETING:**

The Mount Joy Township 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 George Scott, Will Rogers and Bill Chantelau; Solicitor Walton V. Davis; News Reporter Alex Gayhart (*The Gettysburg Times*); and Secretary Brenda Constable.

Citizens in attendance were: David L. Yingling; Carroll C. Crum; B.J. Herring; John Allen; Beverly Boyd; Mike Gebhart, Cedric Moore, and Michael Takacs of First Capital Engineering representing English Gettysburg Congregation of Jehovah's Witnesses; John Wega; Eileen Holmes; John McAlister; Jack McLatchy; Harold J. Kirschner; Elsie D. Morey; Ellie Bennett; Millard Basehoar; Nicky and Pam Cool; Richard A. Klein; John R. White.

Chairman Waybright led everyone with the Pledge to the Flag.

### **Minutes:**

Mr. Chantelau moved, seconded by Mr. Scott, to approve the minutes of the August 15, 2002 meeting as presented. Motion carried unanimously.

**Chairman's Statement:** None was given.

### **Public Hearing:**

Chairman Waybright announced that a Public Hearing will be held at this time, as publicly advertised, for the purpose of accepting public comment, written or oral, relative to proposed amendments and supplements to the "Planned Golf Community" section of the Zoning Ordinance. The Supervisors' Meeting recessed at 7:03 p.m.

### **Meeting Reconvened:**

Board Chairman Waybright reconvened the Supervisors' Meeting at 7:35 p.m. this date with all in attendance as stated above.

### **Public Comment:**

1. John Wega – regarding the recent Zoning Board Hearing relative to the proposed soccer fields for South Penn Soccer Club. He questioned if information such as County comments, applicants' application, etc. is available to the public or not. He stated that the applicant was not prepared to answer questions during the hearing because they had not received the County comments until that night. However, the public already had these comments that they had received from the County Planning Office. He felt that this information was not "easily" made available to anyone prior to the hearing. Mr. Davis responded that the Township Zoning Officer works for the Supervisors and not the Zoning Hearing Board. The Zoning Hearing Board may have instructed Mr. Little to keep this information until the hearing. However, the applicant should have access to this information when it is made available. He further added that the public could also see it; it is not required but it makes good sense to make it available. Mr. Davis then explained the duties and responsibilities of the Zoning Hearing Board.

2. John Allen – also commented on the recent Zoning Board Hearing. He felt that the tone of the Board was not good and that everyone was made to feel very uncomfortable. Mr. Allen stated that after just sitting through a public hearing by the Supervisors, it was a much more relaxed atmosphere and he liked the way the dialogue was conducted, adding that this was not the way the Zoning Hearing Board conducted themselves. Mr. Davis further explained the differences of a hearing by the Zoning Board versus a public hearing by the Supervisors. The Zoning Hearing Board is a quasi-judicial board and must run their hearings similar to a courtroom setting. If people wish to speak, they must make the Board aware that they wish to give testimony and also be sworn in. The Supervisors' public hearings are normally for the purpose of accepting public comment, so there would be a more open type setting, where questions and answers can be exchanged.

### **Treasurer's Report:**

Mr. Scott moved, seconded by Mr. Chantelau, to approve the Treasurer's Report for August and September as presented. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Rogers, to approve the bills to be paid for August and September as presented. Motion carried unanimously.

### **Subdivision / Land Development Plans:**

*(Secretary Constable had to leave the meeting at this time and Mr. Waybright recorded the minutes.)*

1. Ackerman, Betty L.: subdivision of two (2) lots totaling 12.026 acres at 450 Mud College Road. Planning Commission recommends approval as a Preliminary/Final with the following contingencies: waiver of the two (2) foot contour intervals and accept as shown on the plan; add the Agricultural Disclaimer; proper road frontage to be shown as measured from the setback line. Cecilia Dunchack was present representing Ms. Ackerman. A revised plan was presented showing all of the contingencies as being met. Mr. Chantelau moved, seconded by Mr. Rogers, to approve as a Preliminary/Final Plan. Motion carried unanimously.
2. McDonald, Teddy P.: subdivision of two (2) lots totaling 10 acres at 251 Roberts Road. Planning Commission recommends approval as a Preliminary/Final with the following contingencies: review by the County Conservation District; metes and bounds on dedicated right-of-way must be provided. Mr. McDonald was present to answer any questions. Mr. Scott moved, seconded by Mr. Chantelau, to approve as a Preliminary/Final Plan. Motion carried unanimously.

*(Secretary Constable returned to the meeting at this time)*

3. Crum, Carroll C.: subdivision of one (1) acre as a lot addition to David L. Yingling property at 111 Harney Road. Planning Commission recommends Preliminary/Final approval with the following contingencies: use of lot shall be stated as a note on the plan; sanitary facilities, if any, on the existing Yingling lot must be shown; a memorandum should be filed in the Record Book in the County Recorder of Deeds Office stating that the property shall be considered one (1) single tract for subdivision purposes and that said tract shall not be further subdivided without resubmission for subdivision purposes; a new deed is to be filed encompassing both parcels with the County Recorder of Deeds and a legal description should be written to the dedicated right-of-way line.

Mr. Scott explained the reasons as to why the Planning Commission was asking for exceptions for HRG comments 2, 3, and 6. Comment 2: show a plot of entire existing tract boundary for Lot 1 – the property extends into Maryland. Comment 3: show right-of-way dedication for Lot 1 – there is no change for any road frontage. Comment 6: show driveway sight distance – the driveway is not being changed from its current use.

Messrs. Crum and Yingling were present to answer questions on this plan.

Mr. Waybright moved, seconded by Mr. Scott, to approve as a Preliminary/Final with conditions as stated above. Motion carried unanimously.

Mr. Waybright moved, seconded by Mr. Scott, to approve the Request for Planning Waiver & Non-Building Declaration. Motion carried.

4. English Gettysburg Congregation of Jehovah's Witnesses, Inc.: land development plan for a place of worship and parking lot at 1274 Highland Avenue Road. The Planning Commission recommends approval as a Preliminary/Final with the following contingencies: evidence of approval from Penn DOT for connection/discharge to their right-of-way should be required; evidence of approval from County Conservation District is needed; and applicant must agree that the Plan be reviewed by HRG for final approval with regard to all required permits.

Mr. Scott gave an overview of the Commissions position on this plan.

Michael Tackas of First Capital Engineering, Mike Gebhart and Cedric Moore were present to answer questions.

Mr. Rogers moved, seconded by Mr. Scott, to approve as a Preliminary/Final contingent on satisfying HRG comments 2, 3, and 4 (letter dated September 11, 2002) as mentioned above. Motion carried unanimously.

#### **Road Report:**

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

#### **Building Permit/Zoning Officer's Report:**

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

#### **Building & Grounds Report:**

1. Fuel Tank quotes – Sam Dayhoff, Coordinator, stated that he had not yet received any quotes for fuel tanks. Only one company, PWI, could do this work and he is waiting on information from them.
2. Mud College Schoolhouse parking area – Mr. Dayhoff stated that he had received three (3) quotes to purchase “grassy pavers” for the parking areas at the schoolhouse as follows:

- |    |   |             |
|----|---|-------------|
| a) | JMD Company<br>5401 Progress Blvd.<br>Bethel Park, PA 15102     | \$ 9,985.50 |
| b) | L/B Water Service Inc.<br>169 Ebony Road<br>Ebensburg, PA 15931 | \$11,025.00 |



turn around without having to go around the Plotica's house. Mark Lewis, HRG engineer, stated that this would comply with the Township's Ordinance requirements. All parties agree to do this. In addition, Long Road would not be vacated. Mr. Chantelau asked what the reason was for not vacating the road. Mr. Waybright stated that Mr. Danner would not consent to this.

With no further discussion, Mr. Waybright moved, seconded by Mr. Chantelau, to proceed with putting in a half circle as stated above. Motion carried unanimously.

**Public Safety:** Mr. Waybright announced that he had attended a Watershed Alliance of Adams County (WAAC) meeting for the "Rock Creek Watershed" working group on September 18. The next meeting will be held on October 16, 2002 at 7:00 p.m. at the Mount Joy Township Municipal Building.

**Agricultural Land Preservation:** Mr. Dayhoff noted that the Formulation Committee has its first draft of the Ag Land Preservation Program for the Township. He invited the Supervisors to attend their next meeting on October 14, where they would be discussing deed of easements. The committee is interested in any questions and/or thoughts that the Supervisors would have.

### **Other Business:**

#### The Links At Gettysburg – Zoning Amendment:

Attorney John R. White presented a revised Ordinance, as a result of the public hearing held this date, amending and supplementing the "Planned Golf Community" provisions of the Township Zoning Ordinance, adding courtyard cluster homes.

Mr. Chantelau moved, seconded by Mr. Scott, to approve and adopt the following Ordinance as presented. Motion carried unanimously.

#### ORDINANCE NO. 2002 - 04

AN ORDINANCE OF THE TOWNSHIP OF MOUNT JOY, ADAMS COUNTY, PENNSYLVANIA, AMENDING AND SUPPLEMENTING THE "PLANNED GOLF COMMUNITY" PROVISIONS [ARTICLE IV, SECTION 110-28.A. (38.1.)] OF THE MOUNT JOY TOWNSHIP ZONING ORDINANCE, NO. 91003, ADOPTED NOVEMBER 7, 1991 (CHAPTER 110 OF THE MOUNT JOY TOWNSHIP CODE OF ORDINANCES), TO ADD COURTYARD CLUSTER HOMES PROVISIONS AND TO SET FORTH THE REQUIREMENTS PERTAINING THERETO, AND TO ADD DEFINITIONS FOR THE TERMS "COURTYARD" AND "COURTYARD CLUSTER"

BE IT ENACTED by the Board of Supervisors of Mount Joy Township, Adams County, Pennsylvania, and it is hereby ENACTED, ADOPTED AND ORDAINED by the authority of the same, as follows:

**SECTION I:** ARTICLE IV., Section 110-28.A. (39A.) (Planned Golf Community, added May 17, 2001, by Ordinance No. 2001 - 2) (the "PGC Ordinance") of the Mount Joy Township Zoning Ordinance, No. 91003, adopted November 7, 1991 (Chapter 110 of the Mount Joy Township Code Of Ordinances), is hereby amended and supplemented by the addition of the following provisions and requirements regarding ~~Single Family Detached Clustered Residential Lots~~Courtyard Cluster Homes, to be numbered and included as §110-28. A. (38.1) (c) [3] [h] in the Mount Joy Township Code of Ordinances:

[h] Courtyard Cluster Homes. Notwithstanding any other provision of the present Article to the contrary, Courtyard Cluster single family homes shall be permitted in a PGC, provided that the overall PGC density limitation set forth in §110-28. A. (38.1) (c) [1] [g] hereinabove is not

exceeded, each Courtyard Cluster Homes section of a PGC is specifically labeled and delineated as such in and upon the Land Development Plan, and the following minimum standards are met:

1. Minimum Required Setbacks Between Structures:

- a. Front to Front: 40 feet
- b. Front to Side: 15 feet
- c. Front to Rear: 60 feet
- d. Side to Rear: 15 feet
- e. Side to Side: 10 feet
- f. Rear to Rear: 40 feet
- g. Corner to Corner- 10 feet

2. Maximum Structural Separation: A minimum of ninety percent (90%) of the homes located in a Courtyard Cluster homes section of the PGC shall have a 30 feet or less separation distance from an adjacent home, and all of such homes shall have a 50 feet or less separation distance from an adjacent home..

3. Minimum Structural Setback from a Lot Line: 5 feet

4. Maximum Building Height: Three (3) stories, not to exceed 45 feet

5. Parking Requirements:

a. Parking (other than temporary parking for deliveries or by emergency vehicles) within a Courtyard shall be prohibited; and

b. At least one (1) ~~( )~~ guest parking spaces within a Clustered Courtyard Homes section of a PGC shall be provided for every two ~~(2)~~ homes located therein. In this regard, each driveway leading to each Courtyard Cluster home's two (2) car garage shall be counted as two (2) guest parking spaces. In addition, the number of available off-street parking spaces within a Clustered Courtyard Homes section will be credited toward the total number of required guest parking spaces.

c. Each Clustered Courtyard Home shall, at a minimum, have a two (2) car garage.

6. The design intent of Clustered Courtyard Homes is to group single family detached housing to preserve open spaces, creating courtyards and landscaped pocket parks as a means to enhance the overall atmosphere of the housing development and community life, and to encourage neighborliness. At least eighty percent (80%) of the homes within a PGC's Clustered Courtyard Homes section must be clustered around, and accessible from, a Courtyard (recognizing that it is not physically possible, due to topographic and boundary and/or lot lines configurations, to cluster and locate each and every Clustered Courtyard Home immediately around a Courtyard).

7. Within and relative to a PGC's Clustered Courtyard Homes section(s), and only within and relative to such section(s), the PGC "Private Streets" provisions hereinbelow [§110-28. A. (38.1) (c) [5] [k] ] shall be modified by the addition of the following, as follows:

(A) In order to accommodate innovative design and lay-out, and permit flexibility relative thereto, Private Streets or Private Streets-Access Drives (as defined in §110-20 of the Zoning Ordinance) shall be permitted which terminate at a Courtyard on one end and a public road or Private Street on the other end, without the necessity of a cul-de-sac; provided, however, that no more than thirty-five (35) clustered, single family detached homes shall be

permitted in and along such a Private Street or Private Street Access Drive unless such Private Street or Private Street Access Drive is connected to a public road or another Private Street via an emergency access; in the event that more than such number of homes is proposed in and along such a Private Street or Private Street Access Drive, emergency access (with appropriate sub-base and planted over in grass) to and from another public road or Private Street shall be provided, the location and design of which emergency access shall be subject to the approval of the Township's Engineer.

SECTION II: ARTICLE IV., Section 110-28.A. (39A.) (Planned Golf Community, added May 17, 2001, by Ordinance No. 2001 - 2) (the "PGC Ordinance") of the Mount Joy Township Zoning Ordinance, No. 91003, adopted November 7, 1991 (Chapter 110 of the Mount Joy Township Code Of Ordinances), is hereby amended and supplemented by the addition of the following definitions of "Courtyard" and "Courtyard Cluster", to be included as parts of §110-28. A. (38.1) (b) [PGC Definitions.] in the Mount Joy Township Code of Ordinances:

Courtyard. A common area (owned by a property owners' association), accessed by an Access Drive, and containing a landscaped central plaza area, around which Clustered Courtyard single family residences (constructed on lots owned in fee simple by the homeowners) are located, and from which privately-owned driveways to each Clustered Courtyard home radiate.

Courtyard Cluster. A cluster of single family detached homes, not to exceed nine (9) homes per Courtyard, constructed in and upon lots (owned in fee simple by the homeowners) around and accessed from a Courtyard [which shall also include the detached single family homes fronting on the Private Street or Access Drive leading to a Courtyard or Courtyards, subject to the eighty percent (80%) limitation set forth in §110-28. A. (38.1) (c) [3] [h] 6. hereinbelow].

SECTION III: Where the rules, regulations, requirements, definitions and/or limitations within the present Ordinance conflict with or are inconsistent with any other dimensional limitations provisions of the Ordinances of Mount Joy Township (including the PGC Ordinance), the contents of the present Ordinance shall apply and prevail with regard to a PGC's Courtyard Cluster section(s).

SECTION IV: This Ordinance shall be effective five (5) days subsequent to enactment in accordance with the provisions of Pennsylvania's "Second Class Township Code", as amended.

ENACTED AND ORDAINED into an Ordinance this 19th day of September, 2002.

MOUNT JOY TOWNSHIP  
ADAMS COUNTY, PENNSYLVANIA

ATTEST:

MOUNT JOY TOWNSHIP  
BOARD OF SUPERVISORS

\_\_\_\_\_  
Brenda J. Constable, Secretary  
(SEAL)

By: \_\_\_\_\_/s/\_\_\_\_\_  
James W. Waybright, Chairman

By: \_\_\_\_\_/s/\_\_\_\_\_  
William J. Chantelau, Supervisor

By: \_\_\_\_\_/s/\_\_\_\_\_  
William C. Rogers, Supervisor

By: \_\_\_\_\_/s/\_\_\_\_\_  
George L. Scott, Supervisor

Watershed Alliance of Adams County:

As requested by the Watershed Alliance of Adams County, (WAAC), Mr. Scott moved, seconded by Mr. Rogers, to appoint Bill Chantelau, as supervisor representative, and Jay Little, as representative, to the WAAC Rock Creek Working Group. Motion carried with Mr. Chantelau abstaining.

Gettysburg Village Factory Stores (GVFS):

The Supervisors received a plan showing a temporary cul-de-sac to be constructed at the south end of Main Street at the GVFS, as a result of the Conditional Use Decision of June 5, 2002. This plan was reviewed by Mark Lewis, HRG engineer, and stated that this design meets the requirements of the Decision. However, he did suggest that stop bars be placed on the pavement adjacent to the stop signs. Mr. Bob Sharrah, surveyor, stated that this could be done. Mr. Davis asked if building was to start soon. Mr. Sharrah responded yes.

LeRoy & Millard Basehoar Subdivision Plan:

Attorney John R. White, representing the Basehoars, addressed a comment of HRG's, letter dated September 19, 2002, regarding the 50' right-of-way line position on Plunkert Road (see minutes of August 15, 2002 meeting). He pointed out that if the Basehoars were to do what Mr. Lewis recommends, then Plunkert Road would intersect with Roberts Road at a different alignment on one side, rather than continuing on a straight thoroughfare. In addition, there is a trailer along Plunkert Road, just past the Roberts Road intersection that would be in the way. The Supervisors agreed to sign the Basehoar plan as is and not insist on this recommendation from HRG.

**New Business:**

Comprehensive Plan Public Hearing:

The Supervisors set the date of Tuesday, December 10, 2002, at 7:00 p.m. for the Public Hearing on the Comprehensive Plan.

2003 Budget Workshop:

The Supervisors set the date of Tuesday, October 1, 2002 at 7:00 p.m. for a budget workshop.

**Executive Session:**

Board Chairman Waybright called for an Executive Session at 9:15 p.m. this date.

**Meeting Reconvened:**

Board Chairman Waybright reconvened the Supervisors' Meeting at 9:22 p.m. this date.

Mr. Davis stated that during Executive Session, discussion was held on a strategy regarding enforcement notices that were served on Gettysburg Village Factory Stores, and he gave legal advice on such.

**Adjournment:**

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

Respectfully submitted,

Brenda J. Constable  
Secretary