

December 30, 1999

The Mt. Joy Township Supervisors held a special meeting at 7:30 PM December 30, 1999 in the Township Building located at 902 Hoffman Home Road, Gettysburg. The purpose of the meeting was to consider the final land development plan for Gettysburg Village Factory Stores and Festival Center as proposed by Delancey Investment Group. All Supervisors, Dayhoff, Waybright and Scott, were present as well as Township solicitor Walton V. Davis and Township secretary Bonnie L. Koontz.

Public Comments:

Dean Shultz - Wanted to point out that a building permit is required (sec. 35-8) for any man-made changes, including grading. He feels the ordinance is being violated. Also, there must be documented proof that any agency involved (PaDOT, DEP, etc.) has given an approved permit (86-13b). He knows it is often the policy to give final approval subject to conditions; until conditions are met, he feels the plan is not approved. The building permit (35-9b) is subject to the issuance of all state and federal permits. Another concern in regard to the PaDOT permit, as it is based on the condition relative to Heritage Drive, if the process falls through, what happens then? Will the permit be issued? Subject to modifications? He hopes the Township has a well documented agreement.

Ralph Taylor - One must come to the Township building to see the Delancey land development plan. Yesterday he asked if a 7-Eleven land development plan had been delivered, or if anything else had been delivered and was told "No". As December 10 was the last written submission, there are still items missing, including the final approval of the (Barlow) fire chief.

Mary Taylor - The Santorum letter holds the Supervisors to an obligation. If they sign off on the (Delancey) plan, they are lying to and defying a U.S. senator. She will make sure that he (the senator) knows it.

Eileen Holmes - They (the Delancey Group) have pulled the wool over our eyes. Nothing is as it was five years ago.

Announcements:

Road Superintendent William "Bill" Miller has resigned. The positions will be advertised for applications to review. Also, William Chantelau has resigned from the Township Planning Commission due to taking on the duties of Supervisor. Anyone interested in serving on the Planning Commission should submit a letter.

Old Business:

Delancey LDP - Rob Hudson, representing engineering firm Herbert, Rowland & Grubic, Inc., said that nothing has changed since December 16, 1999. All but four review

comments have been satisfied: 1) Highway Occupancy Permit 2) an agreement regarding traffic signal maintenance 3) posting of financial security and 4) a land development plan for the 7-11 store.

Dayhoff asked about right-of-way easement and was answered that this is part of the PaDOT submission. Scott said that all the parties involved had been contacted. Michael Wachs and Gary Freiberger said that all have signed off; Wachs adding that easements for drainage and slope were needed from Coddington and Burns. There was a feeling from the audience that many more were involved. Scott said that these were picked from a potential list; the Township engineer knew it would be fewer. HOP's were needed from Steinour and Flynn. A piece of frontage from Yinglings is being deeded to PaDOT. 7-11 will give frontage to widen the road and has been given an HOP for the driveway.

Ralph Taylor inquired about Dunham and Miller but was declared by the Chairman to be out of order.

Dayhoff inquired as to the status with White Run Regional. Wachs responded that White Run has an easement on Burns and Coddington which they are turning into an HOP.

Scott asked about sewer permits and Freiberger said this was a part of the July 29 submission.

Atty. Davis said that the 7-11 had to have a separate land development plan to do things other than the roadway improvements. Until the interior changes on 7-11 are approved, the situations is that people can pull into the 7-11 and never get back out. By approving the plan in its current form, if 7-11 never gets approval, they (7-11) could say Mt. Joy Township in effect condemned their property Whether 7-11 ever changes is not a part of the conditional use process. If the Township can get indemnity if 7-11 never changes, then the Township would be covered. Another alternative would be to approve the Delancey land development plan contingent upon the 7-11 approval being on hand, or forget about 7-11 altogether.

Scott asked if the Township could make an occupancy permit unattainable unless this condition is met. There was discussion as to whether it would be a SALDO or zoning matter to change the conditional use decision.

Wachs and Sharrah expressed willingness to offer indemnification. Sharrah said he is about 75% done with the 7-11 plan and explained the drawings he had brought along. Dayhoff asked how much the canopy would be moved and was answered five feet.

The Supervisors and Township solicitor went into an executive session at 8 PM. The meeting was recalled to order at 8:27 PM.

Atty. Davis stated that the executive session discussion concerned the Delancey land development application; also, the Supervisors wanted advice on indemnity, what's part of

the conditional use and what's part of SALDO. Atty. Davis drafted a motion regarding possible conditions to approve the land development plan. Motion by Dayhoff as follows:

I move that the Delancey land development plan dated 02/23/99, revised 11/30/99, be approved subject to the following items which must be provided prior to signing of the plan:

- Issuance of all required highway occupancy permits
- A maintenance agreement for traffic control devices
- Approval by the Township of the amount and form of financial security for improvements
- Execution of the general development agreement as approved by the solicitor of the Township
- Execution of the escrow agreement which addresses the improvements for which the Township is secured.
- An indemnity from the applicant in favor of the Township for any loss occasioned to the 7-11 site due to highway improvements.
- And any other approval or permit from any body having jurisdiction over any of the planned improvements.

This approval does not supersede the Conditional Use Decisions made in relation to this proposed development. Motion seconded by Waybright.

Scott said that the item regarding the maintenance agreement for the traffic signal devices should be amended to read "as approved by the Township solicitor". Motion by Dayhoff to include the amendment in the motion, 2nd by Waybright.

Scott continued by saying that there were recommendations from the Planning Commission that should be attached as conditions. 1) The developer must specify remedies and collateral for damage to wells. Dayhoff said this is stated in the conditional use (of 05/06/98). 2) The developer must provide plans with preservation and restoration of the barn. Sharrah said there are multiple places which show the barn preserved. 3) The developer must provide mitigation for all homes with underground propane tanks. Atty. Davis said this is a liability without Township involvement. 4) In six months conduct a review to see that traffic is working. The conditional use decision says this will be done after full build out. Scott would like to see this happen at six and twelve months after phase I, as residents feel it can't be improved anymore. 5) All traffic improvements shall be built before occupancy. 6) Developer will show the use does not create a safety hazard. Scott further added that after the completion of phase I, in twelve months, do a traffic study. Following discussion, motion by Dayhoff, 2nd by Waybright to include a second amendment to the motion as follows: " This approval is further given pursuant to the applicant's consent to perform a traffic study at a peak period of the same area as studied for the Conditional Use Decision within twelve (12) months of the opening of the initial construction". Motion, including both amendments, carried unanimously.

Attorney Davis further said that in a deed of dedication from Sites and Williams, certain lands were dedicated to the Township, but never formally accepted.

Public Comments:

Dean Shultz - Asked if the Township had checked with PaDot to see if they would accept the deed of dedication involving property along PA 97. Davis said that he has been told PaDot will accept.

Mary Taylor - Asked where it is located on PA 97. Davis answered that it is on the north side of Rt. 97 from Heritage Drive to White Road.

Scott said that their (Delancey Group's) plan is contingent on having this; it is a "housekeeping" matter. Dayhoff said this should have already been done. Scott added that it should be done yearly. Motion by Waybright that it be resolved to accept the deed of dedication from Sites and Williams, 2nd by Scott, carried unanimously.

Motion by Scott that it be further resolved to transfer the deed of dedication affecting Rt. 97 to PaDot and authorize the necessary officers to sign the paperwork to do this, 2nd by Dayhoff, carried unanimously.

Motion by Scott for adjournment at 9:03 PM, 2nd by Waybright, carried unanimously.

Respectfully submitted,

Bonnie L. Koontz
Secretary