

**JANUARY 27, 2003 PUBLIC HEARING – ZONING ORDINANCE AMENDMENT TO THE “PGC”
(Planned Golf Community):**

The Mount Joy Township Board of Supervisors met this date at 7:00 p.m., as publicly advertised, in the Mount Joy Township Municipal Building at 902 Hoffman Home Road, Gettysburg, PA 17325 with Board Vice-Chairman William Chantelau presiding. Others in attendance were: Supervisor William Rogers; Solicitor Walton V. Davis; and Secretary Brenda J. Constable.

Additional attendees were: Attorney John R. White representing The Links At Gettysburg Land Company; Richard Klein, Owner of The Links At Gettysburg Land Company; Keenan Rice of MuniCap, Inc.; and Nate Betnun of Legg Mason.

This Public Hearing convened at 7:50 p.m., after waiting for a quorum of the Board of Supervisors. Noted for the record was: Chairman James Waybright was unable to attend due to illness, and numerous attempts were made to contact Supervisor George Scott for his presence at this Hearing. (*Mr. Scott did join the Public Hearing at 8:15 p.m.*) Also noted was that no public was in attendance. Attorney John R. White presented a Proof of Publication for the advertisement of this Public Hearing.

Solicitor Walton V. Davis noted that this was the time and date set for a Public Hearing to consider zoning amendments to the “PGC” (Planned Golf Community) section of the ordinance. These amendments have been reviewed several times at previously advertised workshops, changes were made as a result of these workshops, and now is the time for public comment or any final questions/comments by the Supervisors.

Mr. Rogers stated that he had no further questions.

Mr. Chantelau had the following questions, referring to the draft ordinance that was provided to all in attendance:

Pg. 5 – “Property Owners’ Association”: what is the legal requirements, if any, by the Supervisors’ approval of the Association By-laws and everything else pertaining to the Association? Mr. White responded that the Supervisors have no legal requirements. However, its engineer put this provision in the Ordinance because the Supervisors required it, in the original adopted PGC Amendment. The thought was that, originally, the supervisors wanted the opportunity to review documents to make sure that that were complete. Mr. Chantelau stated that he was thinking of a similar situation, the Lake Heritage Association, and the Supervisors have no involvement with this. Mr. White stated that the Supervisors could take the position that they reviewed the document and has no comment. But again, this is in the Ordinance at the Township’s request.

Pg. 7 – [iii] states “shall” throughout the paragraph. Mr. White responded that this is not a change from the PGC original adoption. Mr. Davis stated that this started out with open space, and the Association was going to be responsible for maintaining open space. The engineer is making sure that we have this type of control. Mr. Chantelau was okay with this, assuming that the engineer and Solicitor looked at this.

Pg. 8 – [h] last paragraph: typo “he” should be “be”.

Pg. 9 – [ii] ... the applicant shall provide evidence ... to ensure the proper long-term professional operation and maintenance of the PGC's community and/or public sewage disposal and drinking water systems. Suggests an insertion of ...“certified” professional ... For example: the SEO (Sewage Enforcement Officer), etc., in the event that some type of certification is to be given by people who run the Township. Mr. White stated that both community water and sewer are going to be permitted, noting that Mr. Klein has permits from DEP. He can't retain permits unless the Commonwealth certifies them; this would be redundant in the Ordinance. Jim Watson is the sewer person and he runs these types of things. Mr. Rogers questioned if he would be approved. Mr. Davis stated that a “professional” is someone who is specially trained.

Mr. Chantelau then continued with a second question for section [ii], second sentence: In the event ... Is it only then that the following sections [A] [B] would come into effect? Mr. White responded yes. The Links project would not involve WRRMA (White Run Regional Municipal Authority). They were approached at one time, but they [WRRMA] responded no. Mr. Chantelau commented that we [the Township] couldn't do anything about that.

Pg. 10 – [iii] ... applicant shall be required to demonstrate that the PGC's proposed community water and sewer systems will comply with the pertinent regulations of the Pennsylvania DEP ... Does DEP have requirements for this to be signed off? Mr. White responded yes, noting that this is an ongoing thing; always monitoring. Mr. Chantelau questioned what effect would there be with two sewage authorities in the Township. Mr. White stated that this would not be an “Authority”. Mr. Davis stated that we would have two “operations”. Mr. White explained that the requirements of the standards and construction or operations are the same whether owned privately or by someone like WRRMA. Mr. Rogers questioned whether the SEO would be involved, or just the engineer? Mr. Davis stated that the SEO has no authority over this, only DEP.

Pg. 21 – [viii] Swimming pools ... permitted by right ... Mr. Chantelau recalls visiting the courtyard clusters in Maryland and sees no place for a swimming pool. Mr. Klein responded that The Links has more open space and pools could be there. They would be more compact in size and not the typical size.

[ix]: Is it necessary to repeat the pool things again? Mr. White clarified that [viii] refers to cluster homes and [ix] refers to other types of dwellings.

Mr. Chantelau stated that all of these sub-sections, i.e. [viii] and [ix] are under the section of cluster homes. Mr. Davis stated that some lots technically did not fit the cluster definition and it is possible to have a cluster with a larger lot. Mr. Rogers added that all the lots are not a footprint of exactly the same; some would be a variation.

Pg. 24 – [4][a] Additional open space requirements. ...preservation ... either (1) the formation of a property owners' association or (2) the recording of the deed covenant required pursuant to ... Mr. Chantelau questions that “either” or “required” tells him that the applicant may or may not have a Power of Attorney if in the PGC and can it be addressed in the deed? Mr. White responded no, they have an option. One of the changes in the amendment, per the Township's request, was that there would be one (1) master owned property association; the ordinance provides for that. There is an option to maintain the open space in perpetuity. This amendment gives the developer flexibility. The exercise of flexibility is at the discretion of the Supervisors. Land shifting can't happen without the Board's knowledge. All changes/substitutions must come back to the Supervisors. Mr. Chantelau questioned if the master association agreement covers the entire community; i.e. the property owners, maintenance association, etc.? Mr. White responded yes.

This would be a sub-association for various communities under the Master Association. The Township wanted one (1) overall organization to address any questions or needs.

Pg. 26 – [e]: A minimum fifty-foot-wide golf course(s) errant ball easement ... Who maintains this? Mr. White responded that the Homeowners Association does.

[f]: Regarding landscaping requirements – Who enforces this? Mr. White responded that this is depicted in the master landscape plan that would be submitted to the Township with the subdivision plan. Mr. Rogers questioned if there is an architect control committee. Mr. White responded yes. Mr. Klein is in the first phase of review; he hired Gary Shafer as the local consultant. For now, the Wormalds are doing this. There will be another consulting firm for the future.

Pg. 28 – [xii]: Regarding speed-calming measures. Will school buses go in there? Mr. Klein responded yes; the speed calming measures refer to brick pavers. He is considering the affordability of doing this to all streets.

Pg. 33 – [6]: Development and application procedures and requirements. [a] middle of paragraph ...demonstrate, to the satisfaction of the ...Supervisors, likely compliance ... rather than full, actual compliance, ... What do the Supervisors do here? Mr. White explained that this is the stage of the zoning application; the conditional use application stage. The PGC is planned as a conditional use in zoning. To get the zoning approval, the applicant doesn't have to show actual compliance. The applicant would have to go through the land development stage, which is usually after the conditional use stage. Mr. Davis commented that too many times, a decision can't be made until it is known if it is "likely" to comply, etc.

Pg. 34 – [f][I]: mentions septic systems and drain fields. Is septic field the same as drain field; part of the community? Mr. White responded no, they are private. Mr. Davis stated that neighbors may have them, but should not be too close. Mr. White stated that in the PGC, its self cannot be, but may be adjoining.

Mr. Chantelau had no further questions or comments.

Mr. Chantelau asked Mr. Scott if he had any questions. Mr. Scott responded no.

Mr. Chantelau questioned if there was anything else that the applicant had to say. Mr. White responded no. However, he commented that they have worked through the zoning ordinance amendment with the Supervisors and Zoning Officer, and the advertisement states that the Supervisors would adopt this ordinance amendment at this Public Hearing. He is hopeful that the Supervisors would do the responsible thing to proceed with adopting this ordinance amendment.

Mr. Rogers questioned if there were any changes to be made. Mr. Chantelau responded that there was only a typo; all questions were answered. Mr. Chantelau questioned the Supervisors as to what they wished to do, noting that the applicants are looking for a motion to adopt tonight.

Mr. Rogers moved, seconded by Mr. Scott, to approve the amendment for the PGC as presented, with the correction of the typo as mentioned. Mr. Chantelau asked for discussion on the motion. There was none. The motion carried unanimously.

Mr. Davis suggested that when this Ordinance is sent to the General Code publisher, that they be instructed to restructure it so as to make it easier to site sections, without so many sub-sections. Mr. Rogers recommended that Mr. Davis have a cover letter to General Code with regard to reviewing the document.

Adjournment:

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Rogers, to adjourn the Public Hearing at 8:30 p.m. this date. Motion carried.

Respectfully submitted,

Brenda J. Constable
Secretary