

## **MARCH 17, 2005 SUPERVISORS' MEETING:**

The Mount Joy Township Board of Supervisors met this date in regularly scheduled session at 7:30 p.m. in the Mount Joy Township Municipal Building, 902 Hoffman Home Road, Gettysburg, Pennsylvania, with Board Chairman James W. Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, Harold Kirschner, and Samuel Dayhoff; Solicitor Walton V. Davis; Treasurer Robin Crushong; Zoning Officer Fran Lorenzo; News Reporter Charles Schillinger (*The Evening Sun*); Jarred Hedes (*Gettysburg Times*); and Brenda Constable, Secretary.

Citizens in attendance were: Wendy Beauchat, Esq., Denise Shelleman, Nancy Brown, Andrew Kleeman, Fred Gorove, and Bob Sharrah, all representatives for Delancey Associates – Gettysburg Village Factory Stores; Jerry Althoff representing the Planning Commission; Terry Taylor representing James Hitz; John McAlister; Eileen Holmes; Mike and Nora Keller; Allen Haar of Stambaugh Ness; Mike Sneeringer, Littlestown Fire Chief; Tim Redding, Adams County Surveyors; Barbara Neth, WRRMA; Cpl. Michael Reiley, PSP; Marcia Brown, Township Auditor; John R. White, Esq. and Rick Klein representing The Links At Gettysburg.

Board Chairman Waybright led everyone with the Pledge to the Flag.

### **Minutes:**

Mr. Chantelau moved, seconded by Mr. Scott, to approve the minutes of the February 17, 2005 meeting as presented. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Kirschner, to approve the minutes of the March 10, 2005 Special Meeting as presented. Motion carried unanimously.

### **Public Comment:**

1. Cpl. Michael Reiley of the Pennsylvania State Police gave a recap of statistics for 2004. He noted that a total of 335 calls were made in Mount Joy Township. Of those calls, 134 were criminal, 75 accidents, and 1 fatal. There were 92 calls at the Gettysburg Village Factory Stores with 38 false alarms, and the majority remaining was retail theft from out of state individuals. 12 D.U.I.s and 126 miscellaneous. Mr. Waybright thanked the PSP for their coverage in the Township and noted that a few months ago the Road Crew had an incident where the PSP were very helpful in assisting the crew in order to complete a project in a safe manner.
2. Marcia Brown, Township Auditor, gave the 2004 Auditors' Report, noting that the Township's books and records are in good order. The Auditors provided guidelines for the preparation of written procedures for the Mud College Schoolhouse funds.
3. Tim Redding of Adams County Surveyors suggested that the Supervisors consider an amendment to the Agricultural Conservation district language in the Township's Zoning Ordinance, allowing larger lot consolidation. The Supervisors asked Mr. Redding to submit a proposed change in writing, and they would consider it.
4. Mike Sneeringer, Fire Chief of the Littlestown Fire Company, asked the Supervisors to consider approval of a change in Box Card areas for Box 20-6, 20-5, and 20-4. The only changes had to do with moving boundary lines within each box area. Mr. Scott moved, seconded by Mr. Chantelau, to approve the change of Box Cards as presented. Motion carried unanimously.

**Treasurer's Report:**

Mr. Scott moved, seconded by Mr. Kirschner, to approve the Treasurer's Report for the month of February and part of March as presented. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Scott, to approve the bills to be paid for the month of February and part of March as presented. Motion carried unanimously.

**Subdivision/Land Development Plans:**

1. Branham, Michael & Nancy: a sketch plan was presented by Mr. Bob Sharrah, on behalf of the Branhams, to inquire if the Supervisors would consider an easement or right-of-way for a septic system to another lot other than the one that would have a new home built on it. The Supervisors discussed and reviewed the Act 537 Sewage Facilities Plan, as well as the Township's ordinances, and everything states that only an "on-lot" septic system is allowed. All Supervisors concurred that an easement or right-of-way would not be allowed.
2. Hitz, James & Susan: proposed three (3) lot subdivision at 1125 Harney Road. This plan was tabled from the February meeting. Mr. Terry Taylor of Worley Surveying was present to represent the Hitzs. Mr. Taylor noted that all HRG and County comments have been met; however, approval from the County Conservation District is still needed. Mr. Taylor also noted that due to the discovery of a zoning requirement as to what the proper road frontage should be, this plan has been revised to address 300' rather than 220' of road frontage for each lot. Discussion was also held with regard as to when to collect recreation fees.  
Mr. Dayhoff moved, seconded by Mr. Scott, to approve a request for waiver for preliminary procedure and accept as a Preliminary/Final Plan contingent on receiving Conservation District approval and that recreation fees are to be paid at the time the Land Use Permit is applied for. Motion carried unanimously.
3. Delancey Gettysburg Associates – Gettysburg Village Factory Stores: proposed land development plan for a 9-screen movie theater. Mr. Bob Sharrah was present to represent Delancey Assoc. He noted that any action on this plan would depend on whether or not the Supervisors approve the proposed Ordinance No. 2005-03. The Supervisors tabled this matter until later in the meeting.

**Ordinance No. 2005-03:** Text amendment to the Zoning Ordinance for the "Specialized Village Shopping Center" zoning district, table of off-street parking area. Mr. Scott moved, seconded by Mr. Dayhoff, to adopt Ordinance No. 2005-03 as follows:

**Ordinance No. 2005 – 03  
MOUNT JOY TOWNSHIP, AN ORDINANCE AMENDING THE  
TABLE OF OFF-STREET PARKING REQUIREMENTS OF MT. JOY TOWNSHIP,  
ADAMS COUNTY, PENNSYLVANIA,  
BY REDEFINING THE PARKING REQUIREMENTS FOR THE  
SPECIALIZED VILLAGE SHOPPING CENTER**

The Board of Supervisors of Mt. Joy Township does hereby enact and ordain as follows:

**Section 1. Add the following to the Table of Off-Street Parking Requirements:**

Under the listed use of "SVSC" – Number of Off-Street Parking Spaces Required:

"All uses in the SVSC, except hotels, 4.3 per 1,000 square feet of building footprint, plus 8 bus spaces"

**Section 2. Add the following footnote labeled as footnote 2 to the above requirement:**

“It is the intent of the Supervisors that this ordinance shall supersede the stated bus parking requirements of the Conditional Use Approval of The Boyle Group pertaining to bus parking within the Gettysburg Village Outlet Center of May 6, 1998, as amended or modified.”

**Section 3. Add the following to the Table of Off-Street Parking Requirements:**

Under the listed use of “Theater or auditorium” – Number of Off-Street Parking Spaces Required:

“1 per 3 seats, except 1 per 4 seats if parking is shared with 5 or more retail or office uses, *except within the SVSC*”

**Section 4. This Ordinance shall be effective immediately.**

Attest:

\_\_\_\_\_/s/\_\_\_\_\_  
Its Secretary

\_\_\_\_\_/s/\_\_\_\_\_  
Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
Supervisor

\_\_\_\_\_/s/\_\_\_\_\_  
Supervisor

\_\_\_\_\_/s/\_\_\_\_\_  
Supervisor

\_\_\_\_\_/s/\_\_\_\_\_  
Supervisor

Motion carried unanimously.

Delancey Gettysburg Associates – Gettysburg Village Factory Stores: Mr. Scott moved, seconded by Mr. Dayhoff, to approve and sign the Sewage Facilities Planning Exemption and submit to DEP. Motion carried unanimously.

Supervisors reviewed HRG comments dated March 9, 2005. WRRMA submitted a letter stating that there is adequate capacity to serve the proposed 9-screen movie theater and that service would be provided upon receipt of applicable tapping fees. They also noted that no overload exists or is projected to occur over the next five years.

Mr. Scott moved, seconded by Mr. Chantelau, to approve a waiver request for preliminary plan submission.

Mr. Dayhoff moved, seconded by Mr. Scott, to approve as a Preliminary/Final Land Development Plan contingent on approval from County Conservation District and satisfying HRG comments. Motion carried unanimously.

**Road Report:**

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

With recommendation from Anthony Graham, Road Superintendent, Mr. Kirschner moved, seconded by Mr. Chantelau, to approve the release of remaining funds in the escrow account for the Blue and Grey development in the amount of \$3,391.50. Motion carried unanimously.

With recommendation from Anthony Graham, Road Superintendent, Mr. Chantelau moved, seconded by Mr. Scott, to approve by Resolution, an Agility Agreement between the Township and PennDOT for a five year period, and to authorize the Chairman and Secretary to sign said Agreement. Motion carried unanimously.

**Zoning Officer's Report:**

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

**Building & Grounds Report:**

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

**Correspondence:**

Mr. Waybright noted receiving an Agricultural Security Area Application from Paul Frey, 65 Hickory Road, Littlestown.

**Committee Reports:**

Personnel: With recommendation from the Personnel Committee, Mr. Scott moved, seconded by Mr. Kirschner, to appoint the following to the Recreation Board:

Audrey Weiland	-	5 year term
August Schwab	-	4 year term
Albert Atkinson	-	3 year term
Harry Tassou	-	2 year term
Sam Dayhoff	-	1 year term

Motion carried unanimously.

Finance: Nothing to report.

Planning, Land Use and Zoning: With recommendation from the PLU&Z committee, Mr. Chantelau moved, seconded by Mr. Dayhoff, to recommend advertising a Well Ordinance, as presented, with the intent to adopt said ordinance at the April 21, 2005 meeting. Motion carried unanimously.

Building & Grounds: Nothing to report.

Roads: Nothing to report.

Public Safety: Mr. Waybright noted that the Public Safety Committee members would be meeting with the fire companies that serve Mount Joy Township in the future to discuss future needs, etc. of the Township.

Agricultural Land Preservation: Noted receiving the monthly report. With recommendation from the Ag Land Preservation Board, Mr. Chantelau moved, seconded by Mr. Kirschner, to authorize the Board to proceed with a Request for Appraisal on the fifth ranked farm. Motion carried unanimously.

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Sign for Preserved Farms: With recommendation from the Ag Land Preservation Board, Mr. Chantelau moved, seconded by Mr. Kirschner, to authorize the expenditure of \$150 per sign from the Township general fund account. Discussion: Mr. Dayhoff presented a sample of what the sign would look like, which would be donated by the Township and placed on each preserved farm. If the sign is ever damaged, the cost to replace it would be the responsibility of the landowner. The ALPB is asking to purchase six signs at this time. With no further discussion, the motion carried unanimously.

### **Announcements:**

Mr. Waybright recognized Dave Maring, Chief of Barlow Fire Company. Mr. Maring discussed three issues:

- a) Pre-emption strobecom detector lights on the traffic signals at the outlet mall. He stated that the strobecom lights are not working properly. When the fire company approaches the bottom of the exit ramp, the lights should be activated and that is not happening. The Supervisors stated that they would notify Anthony Graham, Road Superintendent, and would instruct him to make regular checks to make sure that they are working property. Mr. Maring added that Barlow Company had a piece of equipment with this system on it and would donate it to the Township to use for testing.
- b) Phase II at the Gettysburg Village Factory Stores: having problems with the hydrant system. Currently, the fire company can not get in the pump house when they arrive on the scene. Once they do have access, they need to keep someone there so that they can turn the pump off. Nancy Brown of the GVFS asked that the fire company make a call to the mall and they would then have someone come to be at the pump house. She added that they (Delancey) are looking at altering this set up during Phase II of the buildout. Mr. Maring asked for a direct line into the tank. Ms. Brown stated that she would check into this request. Ms. Brown and Mr. Maring, along with Jim Waybright and Sam Dayhoff (Public Safety Committee) will meet to discuss this issue. Mr. Sharrah gave Mr. Maring a copy of the land development plan.
- c) The Links At Gettysburg – Mr. Maring asked for updated land development plans or maps. He also asked when the hydrants would be updated. Mr. Rick Klein responded that the updates would take place with the proposed condominiums are approved. Mr. Chantelau suggested that as development builds out, updated information should be given to the fire company.

### **Other Business:**

#### TGI Fridays Restaurant:

Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve the submission of a Land Use Permit from Delancey Gettysburg Associates for the TGI Fridays Restaurant, contingent on satisfying six outstanding items as listed in the Conditional Use Application of The Boyle Group, dated April 15, 1999:

1. All bus and recreational vehicle parking shown on the plans submitted with the application must be deleted, with such parking being maintained in area as shown on the plan submitted for the May 6, 1998 decision;
2. The internal ring road around the area of the entire "hospitality" area (being the proposed standard restaurants and the proposed hotel) must be better established to provide more direct access by large vehicles to and from the emergency entrance/exit without any interference of parking stalls;
3. Discourage standard restaurants from being used after the closing of the retail stores in the SVSC and after customary dining hours, as taverns, the hours of operation of the standard restaurants

shall not extend beyond midnight of any given night; *Note: the issue of restaurant hours was modified from the original CUP in May 2004.*

4. No outside storage, and no garbage storage and collection points may be constructed or used unless screened with landscaping and enclosed with sidewalls with doors made from brick or wood materials;
5. No deliveries or pick-up of any nature may occur at the eastern most restaurant by vehicles with an overall length of 30 feet or longer, except between the hours beginning at 9:00 p.m. and ending at 9:00 a.m. immediately thereafter, prevailing time; and; *Relates to the "eastern most restaurant", is not relevant to the TGI Friday construction on the western-most pad.*
6. Nothing in this decision may be deemed to be final approval of the architectural scheme of the proposed uses or of the landscaping plan.

Motion carried unanimously.

Mr. Kirschner moved, seconded by Mr. Scott, to approve a request from Gettysburg Village Factory Stores' to use the GVFS emergency entrance for ingress/egress of contractor traffic only during the construction of the TGI Friday's restaurant. Mr. Scott asked GVFS representatives how they plan to keep the general public out of this area. Mr. Kirschner amended his motion and Mr. Scott seconded the amendment, to amend the motion to include GVFS's submission, in writing, as to how they will monitor and control this situation. Motion carried unanimously.

#### Planned Golf Community Ordinance Amendment:

Mr. Rick Klein of The Links At Gettysburg, presented a draft Ordinance for the Supervisors' review and consideration of adoption amending and supplementing sections of the Township Zoning Ordinance, Planned Golf Community. Attorney John White and Rick Klein were present to discuss this proposal, and Allen Haar, Financial Consultant. Mr. White explained that the amendment would create an increase in density in exchange for a contribution to the Township's Agricultural Land Preservation Program. The Supervisors stated that all issues would need to be dealt with at the land development stage of the process (i.e. fire, water and sewer, etc.) Mr. Klein stated that he was willing to give a one-time check of the total amount to contribute when the Plan is approved. After a lengthy discussion, it was proposed that Mr. Klein would make a contribution to the Mount Joy Township Agricultural Land Preservation Program based upon each 10% increase in overall project density that is approved. The contribution amount for each 10% increase in density shall be established from time to time by resolution of the Supervisors. Mr. Dayhoff moved, seconded by Mr. Chantelau, to instruct Mr. Davis to review and "tweak" the proposed ordinance as presented, and to authorize the Secretary to advertise a public hearing for May 19, 2005 and notify the County and Township Planning Commissions for their review. Motion carried unanimously.

#### Act 209 Traffic Impact Fees:

Mr. Dayhoff moved, seconded by Mr. Chantelau, to table discussion and/or action on the Act 209 Resolution at this time and to set up a workshop in the future to review more information to see if the Supervisors wish to pursue this project. Motion carried unanimously.

#### PSATS – Voting Delegate:

Due to Mr. Kirschner not being able to attend the annual PSATS convention in April, Mr. Chantelau moved, seconded by Mr. Scott, to designate Sam Dayhoff as the Township's voting delegate at the PSATS annual convention. Motion carried unanimously.

## **New Business:**

### **Ordinance No. 2005-04 – Conservation By Design Amendment:**

Mr. Chantelau moved to table adoption of this Ordinance due to comments given during the Public Hearing this date. Due to lack of a second, the motion died.

Discussion: Mr. Scott pointed out that this proposed ordinance amendment has already been discussed many times prior to this hearing and meeting, specifically the issue of a yield plan, and this proposed ordinance is what the consensus of what the Supervisors would be agreeable to. It was noted that this concept would only be allowed in the Rural Residential (RR), Agricultural Conservation (AC), and Single Family Residential 1 (SFR!) zoning districts. The Supervisors then reviewed the proposed ordinance, noting a few changes:

- a) the heading of the Ordinance should include “SFR1” after ...RR, AC,...
- b) §110-154.B. - add Village (V), Village Historic (VH), Mixed Density Residential (MDR), and Single Family Residential 2 (SFR2) to the last sentence as not being applicable...
- c) §110-154.C.(6) – add the sentence “A mobile/manufactured home shall not qualify as a conservation by design development.”
- d) §110-154.D.(2) – add “(f) Impervious coverage – as limited for compliance with the Stormwater Management Ordinance (Code Chapter 81).
- e) §110-154.F. Table of Permitted Uses by District – change SFR 1 & 2 as Permitted to “SFR1 Permitted, SFR 2 Not Permitted.

Mr. Dayhoff moved, seconded by Mr. Kirschner, to adopt Ordinance No. 2005-04 as amended.

### **ORDINANCE NO. 2005 -04**

AN ORDINANCE AMENDING THE CONSERVATION DESIGN DEVELOPMENT PROVISIONS OF CODE OF ORDINANCES OF MOUNT JOY TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA BY REPEALING EXISTING SECTION 110-154 AND REPLACING IT WITH SECTIONS 110-154 A. THROUGH F. WHICH PROVIDE FOR THE USE OF CONSERVATION DESIGN DEVELOPMENTS IN THE RR, AC, AND SFR-1 ZONING DISTRICTS, PROVIDING STANDARDS FOR SUCH DEVELOPMENTS, PRESCRIBING THE USES FOR AND METHODS FOR PRESERVING THE CONSERVED SPACE, AND AMENDING THE TABLE OF USES AND THE TABLE OF DIMENSIONS IN ACCORD WITH THE ORDINANCE.

(See Ordinance Book for full text)

Motion carried unanimously.

### **Transfer Development Rights:**

Discussion of TDR language in the Township Ordinance was tabled until next month.

## **Executive Session:**

Board Chairman called for an Executive Session at 11:15 p.m. this date.

## **Meeting Reconvened:**

Board Chairman reconvened the Supervisors' Meeting at 11:30 p.m. with the following others in attendance: Supervisors Bill Chantelau; George Scott; Sam Dayhoff; and Harold Kirschner; Solicitor Walton V. Davis; Zoning Officer Fran Lorenzo; and Brenda Constable, Secretary. Also in attendance was Jerry Althoff, Planning Commission.

Board Chairman noted that Executive Session was held to discuss a personnel issue.

**Salt Shed Roof:**

Mr. Dayhoff moved, seconded by Mr. Scott, to instruct Mr. Davis to begin the process to file suit against Premier Construction Company for default of contract relative to the salt shed roof. Discussion: Mr. Dayhoff noted that he had received a price quote to put the old steel on the ceiling of the shop building. Mr. Davis advised the Supervisors to keep the old steel in case it is needed as evidence in the court case. With no further discussion, the motion carried unanimously.

**Zoning Map Changes:**

The Planning, Land Use & Zoning Committee was instructed to review the current zoning map and if any changes are needed, a recommendation should be brought before the Supervisors for consideration.

**Computer & Printer Purchase:**

Mr. Chantelau moved, seconded by Mr. Dayhoff, to approve the purchase of a desktop computer for the Zoning Officer, and new printers for the Secretary and Zoning Officer. Discussion: Mr. Chantelau noted that a large printer was originally budgeted for use with GIS system, but it has been decided that this large printer is not needed so there is enough money in the budget to purchase desk printers. With no further discussion, the motion carried unanimously.

**Adjournment:**

With no further business to come before the Board, Mr. Scott moved, seconded by Mr. Dayhoff, to adjourn the Supervisors' Meeting at 11:35 p.m. this date. Motion carried unanimously.

Respectfully submitted,

Brenda J. Constable  
Secretary

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