

EAST MANCHESTER TOWNSHIP
Board of Supervisors
January 14, 2014

Present: Chairman Steven H. Gross, Jr., Vice Chairman David L. Naylor, Supervisor Barry E. Rudisill, Attorney Andrew Miller, Dave Gentzler, Manager/Secretary/Treasurer, Engineer Byron Trout, Zoning Officer Jon Beck, Recording Secretary, and 15 citizens.

At a regular meeting held at the township building, Chairman Steven H. Gross, Jr., called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the Flag of the United States of America.

Chairman Gross disclosed that the Board met for its reorganization meeting on January 6, 2014; no minutes were presented from that meeting. The majority of the Board members met with Chief Stevens and representatives of Manchester Fire Company on January 10. No minutes or action taken.

Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to approve the minutes of the meeting of December 10, 2013. All members voted aye; motion carried.

Public Comments

Nothing at this time.

Emergency Services Report

Mt. Wolf has presented its year-end report. Chief Stevens presented his report. His year-end report will be available by the next meeting.

Special Request

Rob Danner – Codorus Creek Water Trail – no one was present. Mr. Gentzler noted that grant applications were received that could apply to this project. Mr. Trout and Mr. Gentzler will continue to research this option. Vice Chairman Naylor suggested checking with the family that might be interested in donating funds to this end. Supervisor Rudisill has a concern with flooding in that area.

Rezoning request for 245 and 285 Steamboat Boulevard – Jim Barnes, Holly and Associates, was present on this request to rezone 20 acres from R-1 to Industrial. Mr. Beck noted that all proper paperwork has been filed; the Board needs to authorize this request to be sent to YCPC and the EMT Planning Commission.

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to pass this rezoning request to YCPC and EMTPC for their comments. All members voted aye; motion carried.

Correspondence

Sewer Authority Resolution 2013-10 – no one was present; no discussion.

Solicitor's report – Attorney Andrew Miller

- Subdivision and Land Development Ordinance Amendments – no discussion
- 60 Mt. Hebron Road Ag Security Area Request – signed documents will be recorded
- Green Ridge Street Adoptions – no discussion

- Head Shop Drug Paraphernalia Ordinance – draft has been submitted to and discussed with the police department; some changes have been made. The police feel that, with these changes, they can enforce the ordinance. Mr. Miller feels it's wise to keep this ordinance out of the zoning ordinance to relieve the Zoning Officer of enforcement issues. Of note for the changes, possession language was removed. **Motion by Chairman Gross, second by Vice Chairman Naylor, to authorize Mr. Miller to advertise this ordinance for adoption at the February meeting. All members voted aye; motion carried.**
- Mandatory Connection Ordinance – extends the mandatory connection requirement to areas served by York Water. The ordinance was sent to and reviewed by one representative of the York Water Company, who provided comments. Still waiting for a response and comments from another YWC representative. After that response, Mr. Miller will present the ordinance to the Sewer Authority for review and comments.
- 445 Blossom Drive Ag Security Request – this is the Brady Barnes subdivision that the Board recently approved. Does the Board want to hold a public hearing or hold the request for six months and have it deemed approved? Mr. Barnes is fine with waiting. Will wait.
- Executive Session requested to discuss River View Road. Oh, goody.

Engineer's report – Byron Trout

Inspections – CVS Surety Reduction request – **Motion by Vice Chairman Naylor, second by Chairman Gross, to reduce the surety for the CVS plan by \$4,587.00, leaving a balance of \$26,025.75. All members voted aye; motion carried.**

Motion by Supervisor Rudisill, second by Chairman Gross, to reduce the surety for Green Ridge by \$108,413.54, leaving a balance of \$5K. All members voted aye; motion carried.

Plan reviews

Correspondence

WIP and Chesapeake Bay Plans – next meeting scheduled for January 29. Information regarding the Township's contribution might be available after that meeting.

Secretary/Treasurer/Manager's report – Dave Gentzler

Sewer Authority – minutes on file; no questions or discussion

Recreation Board – minutes on file; no question or discussion

Public Works Director – no questions for the Director

Resolution 2014-2 Fee Schedule – **Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to adopt Resolution 2014-2, the Fee Schedule. All members voted aye; motion carried.**

Zoning Officer – question from Supervisor Rudisill on the denial of the expansion of Thornton Chevrolet. Mr. Beck has no updated information or requests by the applicant.

Question from Mr. Chairman Gross on the PPL pipeline – suggested that Mr. Gentzler set up a meeting between the people proposing the PPL gas pipeline and the Board of Supervisors and staff to get some information on this proposed pipeline. Information and concern will allay fears of the residents affected by this project. Will do.

Junk Yard License – Carl Castle has requested this license. **Motion by Chairman Gross, second by Supervisor Rudisill to approve the application by Carl Castle for a junkyard license. All members voted aye; motion carried.**

Land Development/Subdivision –

465 Zions View Road – North York Development LLC – Mr. Chairman Gross excused himself from the Board, as this plan is his family's plan, and he is a one-sixth owner of that property. He turned the meeting over to Vice Chairman Naylor.

Gary Frederick, North York Development, and Jim Snyder, representing North York Development, were present to discuss the subdivision and land development plans that were originally dated August 30, 2013, and most recently revised January 6, 2014. These plans involve Lot 2 of the Chairman Gross property and Lots 6 and 9A of the Kinsley property.

Mr. Snyder gave an overview – the subdivision is centered around providing access via an extension of Gia Drive. The Planning Commission recommended approval in November 2013 with a few minor conditions. *Items outstanding* – sewer authority signatures; HOP note to be added; E & S approval; surety to be posted; two notes from Attorney Miller's letter dated 9/22/13 (5 year note and six-month waiver note).

Waivers requested – preliminary plan; plan sheet size; plan sheet scale; sidewalks on eastern side of Gia Drive; rec fees.

Discussion of the Land Development Plan – 93 acres or so – proposed is one building, a 1.2 million-square-foot distribution building with truck docks on both sides, and trailer storage to be built if necessary. Access will be via Bartlett Drive and also Gia Drive. Bartlett Drive is proposed as a public street; also could be connected to Zion's View in the future if desired. There are two storm water facilities on site; landscaping and lighting proposed as required. The Planning Commission recommended approval with conditions. *Outstanding items:* sewer authority signatures; E & S Plan approval; bonding to be submitted; two notes from Attorney Miller's letter – plus offsite improvement note; add planning code number on plan; storm water approval; traffic impact study resolution.

Several waivers are requested: max storage depth of storm water management facility; storm water management facility located 20' within building setback; preliminary plan; utility profiles; plan sheet size; sidewalks on one side of Bartlett Drive Extended (subject to the six-month note).

The Developer's Agreement is in the works. Which improvements are being done now and which are covered by the six-month notes? Charlie Suhr, attorney for the developer, addressed the developer's agreement, which is going back and forth between the attorneys. Regarding Zion's View Road – road widening along this plan's frontage; curbing; drainage facilities; relocating utility poles, install pavement base drain; signs as required. These would be done pending PennDOT's approval; with that approval, the Township must decide if it wants the improvements to be done; if the Township says go ahead, the improvements will be done. It was noted that if PennDOT requires that the Township make more improvements beyond this frontage, the Township must decide to either do those improvements or to not do those improvements. The problem, of course, would be the cost of those improvements. The Board members do not want the language in the agreement to state that the Township will be responsible for improvements above and beyond the site frontage. Should the agreement be amended to state that the Township will not be responsible for those costs? Would the Township be able to postpone any suggested improvements until another project is in the works? A meeting is scheduled with PennDOT tomorrow to try to get a feeling for this contingency. If PennDOT's requirements are really outrageous, could the developer pay a fee in lieu of those improvements? The developer would rather not go in with an open-ended option

for the improvements. Unfortunately, it won't be known what PennDOT wants until the last minute. Mr. Miller suggested that the Township build in the option to request a fee in lieu of the improvements, if those improvements are outside the scope of the plan.

Regarding the sidewalks – if the sidewalks are in the ROW, the sidewalks would be in the HOP. If not in the ROW, the sidewalks would not be included in the HOP.

Regarding the Bartlett Drive improvements – after the extension will be a gravel drive for emergency access to the other end of the site. The Board would actually like to see Bartlett Drive be extended to the cul-de-sac. This would be in keeping with past actions required by the Board. The developer feels that this is unnecessary, as it would involve between 600' and 700' of road that would not be used. There might have been a bit of a misunderstanding between the Board and the applicant/developer on this issue. Discussion was held on what each party's understanding was at which point in this process.

Mr. Miller noted that the Agreement states that the developer is responsible for the extension up to the cul-de-sac. The Board needs to decide where that cul-de-sac should be located.

Discussion was held on the Zion's View Rd improvements and ROW and sidewalk location. Mr. Trout is concerned about the drop-off next to the sidewalk.

There will be a six-month note on the plan for sidewalks on Zion's View.

Security for each plan will be submitted separately.

Part of Gia Drive will be vacated, per Mr. Suhr.

Rec fee of \$1,200 for the LDP. The applicant had previously requested a waiver of the rec fees for the LDP; that waiver was withdrawn at tonight's meeting.

The developer will provide a schedule for the completion of the improvements.

Zion's View improvements – the Township would like to see a time line for submitting the application.

For Section 12, please add language dealing with nuisances during construction and performance standards. The applicant will do.

Change escrow to \$7,500 per plan. The applicant will do.

Add language to Section 10; Mr. Miller will handle this.

Acknowledge that the developer will submit application to PHMC and that no building permit will be issued without a letter from PHMC.

Storm water pipe easements have been submitted to Attorney Miller.

E & S Plan update – perhaps because of the size of the project and the extent of the storm water provisions, this plan was sent to DEP for review. The applicant was told that comments will be forthcoming in a "couple of weeks." It's been sixty days. Mr. Trout's contact person will check the progress.

Infiltration on Basin 2 is still questionable. Mr. Trout is concerned that the soil won't cooperate. What if it doesn't work as the applicant thinks it will? What happens? Should there be something in the Agreement? There is a provision for this in the ordinance; will that cover it? What if DEP says they can't use the basin at all? Good to think ahead.

Traffic study indicates that a light is warranted at the intersection of Willow Springs and Canal Road. Another developer has indicated a willingness to provide funds for a light at Bartlett and Willow Springs; the Township would prefer a light at Espresso and Canal. Mr. Frederick asked if there's an outstanding obligation for a light at Willow Springs and Canal. No. The applicant will propose language that obligates them for a \$300,000 contribution for some improvement to Canal Road.

Also, deeds of dedication must be completed for the ROW area

Mr. Frederick thanked the Board and Staff for the extended conversation and attention to

detail during this process.

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to *table* the North York Development LLC subdivision plan and the land development plan until the Board's scheduled second meeting on January 22, 2014, pending satisfactory resolution of the open items discussed above. All members voted aye; motion carried.

Motion by Vice Chairman Naylor, second by Supervisor Rudisill, to review the plans on January 22, with the plans being due to the Township on January 17. All members voted aye; motion carried.

Chairman Gross took control of the rest of the meeting.

Supervisor's comments

Vice Chairman David L. Naylor – no comments

Supervisor Barry E. Rudisill – any update on the pole building with spouting/drainage issues? Mr. Trout will check it tomorrow. Also, Canal Road utility cuts are better. Any news on the extension of Espresso Way to Canal? On hold due to the weather. Changes to the school board's LERTA program; Mr. Miller will handle this.

Chairman Steven H. Gross, Jr. – is there anything in the ordinance about outside storage in the industrial zone? He mentioned a location, saying that the parking lot is mostly outside storage; Mr. Beck will investigate.

Motion by Supervisor Rudisill, second by Vice Chairman Naylor, to pay the bills as presented. All members voted aye; motion carried.

Motion by Chairman Gross, second by Vice Chairman Naylor, to recess to Executive Session. All members voted aye; motion carried. At 9:33 p.m., the Board retired to Executive Session.

The meeting reconvened at 9:58pm. There was no further action or discussion.

Motion to adjourn by Chairman Gross , second by Supervisor Rudisill. All members voted aye; motion carried. The meeting adjourned at 10p.m.

Respectfully submitted,

Dave Gentzler
Secretary/Treasurer/Manager

Julie B. Maher,
Recording Secretary