

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS
AUGUST 11, 2009**

Present: Chairman Steven H. Gross, Jr., Vice-Chair David L. Naylor, Supervisor Barry E. Rudisill, Township Secretary/Treasurer/Manager Terry R. Gingerich, Engineer Byron Trout, Attorney Andrew Miller, and Zoning & Codes Enforcement Officer Katrina Rife

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

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

The minutes of 7/14/09 were accepted per motion from David L. Naylor, seconded by Barry E. Rudisill and carried unanimously.

Steven H. Gross, Jr. disclosed that since the July 14th meeting, they have not met or conducted business.

Public Hearing for adoption of Floodplain Ordinance 2009-2

Attorney Andrew Miller explained the ordinance amending Chapter 57 of the Township Code. He also confirmed the public advertisement was placed as required. This ordinance will conform with Federal and DEP regulations. York County Planning Commission and East Manchester Township Planning Commission have reviewed.

At 7:04pm, Steven H. Gross, Jr. opened the hearing. James Arex thanked those involved for looking out for residents. There were no other comments from anyone.

7:05 closed hearing

Barry E. Rudisill motioned to adopt ordinance 2009-2 and David L. Naylor seconded. Steven H. Gross, Jr. added that this was basically dictated down from top. Motion carried unanimously.

Public Comment

- Trevor Rentzel representing Union Fire Co. presented a report on July. They responded to 40 calls averaging 8 firefighters per call. 18 of the 40 were in East Manchester Township. They will be attending the York County Convention in Wrightsville / Hellam.
- Joel asked about the discussion he heard from Dave Gentzler regarding abandoning the township section of Shady Lane and returning it to adjoining owner, Kohr. He thinks this is going way down slippery slope with this process. We have an issue now with an entity wanting a section of roadway. He believes if Shady Lane is abandoned it is opening a door for PPL and setting a precedent of giving roadways back; gives them more ammunition. Steven H. Gross, Jr. and David L. Naylor stated they are not in favor. Barry E. Rudisill mentioned that Dave Gentzler did talk to him about it, but he is not in favor. In past did on Dellinger Road, but in exchange for Dellinger got better deal. PPL not going to quit. Do not give ammunition. Need Wago Road open and maintained. Joel also commented that the road crew is doing a fantastic job with mowing and road maintenance, township looks great.
- Darryl Albright asked about the no parking signs for High St/Board Road in front of school property. Terry R. Gingerich answered that signs are up including stop signs, same as in

Borough with limited no parking times.

- Mark Shroyer representing Eagle Fire Co reported 18 calls for July, 125 total for year. Knox Box ordinance proposal was reviewed by Chief. They also will be attending York County convention. \$2,500.00 estimate received to allow siren to be heard upon activation.
Trevor noted that Union has invested in an alert system siren and strobes.
- non-resident comments - none

Special Request

Leg Up Farm Lou Castriota, Jr. mentioned that the project has officially started. They are planning to open May 2010. He is asking for a reduction in the township permit fees. Any savings will be directly put toward the children's needs. Steven H. Gross, Jr. mentioned a discussion between he and Katrina Rife, which they anticipate \$8,000.00 will cover the township costs for the project. A motion by David L. Naylor to reduce the \$16,674.00 by one-half was seconded by Steven H. Gross, Jr. and carried unanimously. Barry E. Rudisill noted that once the driveway was cut, he was already contacted with a complaint on entrance location.

Subdivision/Land Development

Matthew Allen of Bohler Engineering and representing JC Bar Properties on a 30-page final land development plan Job No. MD082038, dated 12/08/08 revision 5 dated 7/17/09 for a 13,000 sq ft CVS pharmacy at N. George Street Ext. on an approx 3-acre parcel. Zoning Hearing Board approved special exception for 2nd use of either a fast food restaurant or bank.

A prior lot consolidation has been approved for this project.

Planning Commission in April recommended approval by the Supervisors. The last few months have been taken to address the outstanding items.

Matt – We are proposing full movement access along N. George St. at the signal with Beshore School Rd creating the 4th leg of the intersection serving this property and the future 2nd user of this site. We are also proposing an access point off of Brickyard Road. At one point it was a full movement, during the plan review process it was brought down to an in only off of Brickyard. The stormwater management is done through 2 stormwater basins. One stormwater basin on the SE corner of the property and a prior retention are up on the NW corner of the property. There will be a change; we are proposing the water off N. George St. working with the municipal authority there to ask them to move it over to Brickyard. The Planning Commission response letter, I'd be happy to go over those one at a time.

Per a review of the amended 7/17/09 Planning Commission action report: underlined indicates status as of this meeting

per Gordon L. Brown & Associates, Inc. letter of 3/13/09:

The following comments relate to the Township Subdivision and Land Development Ordinance:

2. The following information should be provided on or with the plan:

D. Surety for required improvements (s.6.1.1.C(1)m.2). –OPEN OPEN, will provide

E. Right-of-way widths for the adjoining streets as well as bearings and distances for all right-of-way lines (s.6.1.1.B(1)g). It is not apparent what the Brickyard Road right-of-way is aligned with. –OPEN for bearings and distances – ok, labeled on plan

F. Erosion and Sedimentation Control Plan approval (s.6.1.1.C(1)i). –OPEN ok, YCCD letter

4. Every effort should be made to provide for the projection of access to the surrounding property from the Beshore School Road – North George Street intersection (s.8.5.1.H). – OPEN OPEN

Matt asked if he should do now or wait till end. Attorney Andrew Miller responded that there may be waiver request regarding this comment, handle at end to allow to go through other comments.

8. Stormwater Management Plan comments shall be provided by separate letter (s.6.1.1.C(1)j). - OPEN OPEN, technical comments addressed need financial security
9. A note should be provided on the plan that Township Driveway Permits are required for the proposed entrances. –OPEN ok, note on cover sheet
10. Street cross-sections should be provided for both North George Street and Brickyard Road that show proposed improvements and existing conditions (s.6.1.1.C(1) b and s.8.6). –OPEN ok. added to sheet 22
11. A copy of the Highway Occupancy Permit applications shall be provided to the Township (s.3.4.1.D).OPEN OPEN, filed need resubmitted to PENNDOT

per York County Planning Commission letter of 4/22/09:

These comments refer to the East Manchester Township Subdivision and Land Development Ordinance:

1. The following information should be shown on or provided with the plan:
 - B. Any required erosion and sediment control plan approval (s.6.1.1.C.1.i). –OPEN ok

Transportation Comments:

2. The PennDOT Highway Occupancy Permit (HOP) application prepared for the proposed Driveway #1 intersection with North George Street (SR 0181) *shall* receive a “review of awareness” from the YCPC Transportation Department. The HOP application must be signed, stamped and dated as proof of our review. PennDOT District 8-4 will not accept a HOP application without this evidence of our review. ok, was reviewed for PENNDOT submittal
3. Vehicle parking should be prohibited along both site access drives. To enforce this prohibition, “No Parking” signs should be installed along both sides of these drives and all pavement edges where parking will be prohibited. The intended placement of these signs should be shown on the plan. ok
4. To ensure that larger vehicles (i.e., trucks) can enter and exit the loading and dumpster areas easily, we recommend that truck turning movement templates overlays be provided at each site access point. The Township Engineer should review these diagrams to ensure that sufficient area is provided at these points for large vehicle circulation. ok, added to sheet 30
5. An access inlet or inlets should be shown on the site plan for the future fast food restaurant proposed for this development project. ok, a manhole provided for connections
6. The Safe Stopping Sight Distance (SSSD) measurements calculated for the traffic impact study should be shown on the site plan. – to be added to the HOP drawing, added to HOP and sheet 5
7. The site plan shows a pavement arrow for the store’s drive-through service at the northeast corner of the site. Considering this marking’s distance from the “drive-through” area, we recommend that signing directing motorists to this area should be placed here, as well. No

requirement - adequate

8. Township Officials and the developer should confer with Rabbittransit Officials to determine to place a transit stop (unless one has already been placed in the vicinity) with stop amenities (e.g., a bench or bus shelter) on this site. The officials should contact Richard Farr, Executive Director of Rabbittransit, for further information. No response from Rabbit – have 3 routes 14E G, & S with existing stop at N. George and Loucks St (1/2 mile) not safe for bus stop in this area
9. According to the revised plan (dated April 7, 2009), the developer has designated site driveway #2 as the entry-only driveway. Hence, all right turns from either fork of the “Drive Thru” lane should be prohibited. “No Right Turn” signing should be installed at each of the driveway mouths, besides the “Stop” and “Do Not Enter” signs already shown on the plan. added

Traffic Impact Study Comments:

10. Page 6 - In the Existing Transportation section, the issue of transit service to this site should be addressed in the study. Please refer to Comment 8 for further information about this issue. See 8
11. Page 46 - Our staff is not questioning the validity of the analysis conducted. Regardless, it does not matter what percentile of queue blockages of the Record Club of America’s (RCOA) access can occur based on the analysis. The analysis shows that such blockages of that site’s access will occur regularly. We question whether PennDOT, through its HOP process, would approve such a design, even though the RCOA site is underutilized presently.

We understand from the study text that the developer is presently discussing the impacts of the proposed CVS improvements with the RCOA property owners. However, according to the study, this issue still has not been resolved. This is a pre-existing condition, not making situation any worse increase stacking 7’ on Saturday peak hour does not change impact that currently exists obviously PennDOT will look at as well. Received comments from PENNDOT and it is not a concern of theirs

Considering these issues, our staff offers the following:

- * Township Officials may wish to consider not taking action on the plan until the discussions/negotiations between the developer and the owners of the RCOA property have been completed. These actions should be submitted as plan documentation for Township review. If design adjustments are warranted, then the plan should be revised accordingly, before Township approval.
The correspondences provided in the study appendices addressed the possibility of a common access for both the CVS and RCOA sites. In the interest of employing access management measures along North George Street (SR0181), our staff concurs with this proposal and the site redesign to accommodate it. The building envelope for the CVS store could be repositioned southward/eastward to accommodate the redesign/positioning of Driveway #1, without sacrificing the proposed number of vehicle parking spaces.
- However, if a solution cannot be reached here and the left turn lane is constructed as proposed, when the time comes for redevelopment of the RCOA site, Township Officials should consider redesign and/or relocation of both RCOA access points away from the “zone” where the left turn lane is proposed in the north approach (i.e., southbound traffic movement) of North George Street (SR0181).

12. Appendices - In the Turn Lane Analysis, the study consultant states that a right lane is not required for North George Street (SR0181) approach to Driveway #1 on or before the study horizon of 2019. Though none qualify for such a lane to be installed, the 2019 P.M. peak hour count *approaches* the warrant threshold. Thus, we recommend that the Township monitor traffic conditions here to determine when such a lane should be installed. We suggest that the developer dedicate right-of-way for such a lane to be installed in the future. Shown that in 2019 not warranted, find that the length of turn lane would take back half of Brickyard section, it is not possible due to location of Brickyard, so dedication of right-of-way does not make sense

Planning Commission comments:

- q Bob explained last month's motion on # 4 action referred to Board of Supervisors. Any recommendation will only consider the other comments.
- q Note: there had been discussion on the rezoning of the RCoA tract west of the railroad to Commercial from its current Industrial at the Comprehensive plan meetings. The comprehensive plan should be revisited around 2015 or so.
- q Owner/user to regulate internal traffic activity once in use. This comment is in response to many of the York County Planning Commission transportation comments.
- q Many open items, but realize they are the bigger items such as E&S, stormwater, HOP, etc. and are dependent on others and cannot be completed at this point. Note for Board of Supervisors request for action – reduce to 2 or less open items.

Solicitor Comments:

- o Stormwater Facilities Agreement OPEN
- o Development and Financial Surety Agreement. OPEN

Attorney Andrew Miller – Unless if you have any specific issues that you want to address, we could now address the access at the traffic signal at N. George Street, let you make your waiver request, put whatever on the record you want on the record regarding that and then we can discuss it and you can make a decision from there. And then we can go back and incorporate any of these prior conditions in any final motion that you make.

Jack Hurley, applicant's attorney – By way of clarification I think Andy is referring to SALDO ordinance section 8.8.3.b.4 which says that to the extent possible no driveway shall exit onto an arterial road. Andy wrote me a letter back in May stating the township is referring to that section is that we will be required to put a public road across the corner of CVS property so that the driveway to the CVS property does not directly exit onto N. George Street, an arterial road. Our position is that this is really not a waiver situation because the way the ordinance reads it says to the extent possible the driveway shall not exit onto an arterial street. Our position is that it is not possible for our client to not have our driveway exit onto N. George St. The fact is that if you look at the parcel and what surrounds the parcel, we have the RCA property on two sides and then we have Brickyard Road which we determined and the township has made clear they do not want full turning radius in and out of CVS property off Brickyard Road. So really all we are left with is N. George St as an access for the property. What we've done is aligned our driveway with signal, so in effect we've eliminated any of the safety concerns which would normally exist if you have a driveway directly onto an arterial road without a signal, which I think, is the intent of your ordinance. The reason that is in there is because the township does not

want a number of driveways coming right out onto N. George Street for example for safety reasons, so you are trying to minimize those, but in this case we actually have a signal here for our traffic. So there really is no safety issue, the reason for that section does not apply here. So for that reason we think we are within the exception of the ordinance as it is not possible for us to exit onto another street and for that reason that section does not apply. So it really is not a waiver situation requesting, our interpretation is that section is not applicable to this plan; so therefore, we have the right to access directly onto N. George Street. In response to the letter Andy wrote to me kind of outlining the township position, I prepared a letter, which I mailed to him on July 30th and copied Terry, which I believe he distributed.

Steven H. Gross, Jr. acknowledged he read that letter.

Jack – I went to great lengths to try to cover all the different issues that arise out of this access situation and request for a public street. I'd be glad to review that with you but I think things are laid out pretty clear. Bottom line is to require a public street here running across the CVS corner for the sole purpose of technically getting around that issue of not directly accessing out onto N. George Street creates a bigger safety for us on the CVS property than would be created if we come right out onto N. George Street because of all the reasons I laid out in the letter there is not an ability for traffic easily to get past the traffic from the RCA property, the Industrial property, to get out onto N. George Street is that public street is put through a corner. I can go through the letter in more detail but I think it is pretty clear.

Attorney Andrew Miller – If you guys have any questions for Attorney Hurley at this point feel free to ask those, if not I will have Byron Trout address some of his issues in response to some of the comments from the applicant.

Steven H. Gross, Jr. (looking to other 2 Supervisors) – no questions at this time, go ahead Byron

Byron Trout explained the proposed lay-out he worked on to allow the proposed access to line up with Beshore School Road to alleviate what we feel is a traffic congestion with proposed CVS and existing RCA entrance.

Attorney Andrew Miller – just to give you the background I think that you will need to make a decision from my earlier letter from May 18th. One of the concerns is in the township's future Transportation Map and comprehensive plan Beshore School Road is shown extending through that intersection and serving the Record Club property which I think is at the heart of the issue in this case is whether or not the developer not is required to construct that public street which would eventually be connected to an adjoining property but would also serve the CVS by allowing them to tie their driveways into that local street and thereby alleviate the need to have a driveway directly into an arterial street. There are 2 main applicable provisions under the ordinance, 8.8.3.b.4 which Attorney Hurley spoke about which says to the extent possible no driveways would enter onto an arterial street. What Byron is going to present and had discussed already is he made a proposal to them of a configuration that would allow that local access street to be installed and their driveway to come off the local access street and into the CVS, so I think it is the township engineer's and staff's position that those driveways can be accessed from a non arterial street in that way. I think you've all at previous meetings seen that

overlay proposal from Byron. The other provision that is a concern in the ordinance is it does provide that the adjoining landowner if the adjoining property is undeveloped the landowner is given 2 weeks notice prior to going to the Planning Commission of the proposed development of the property and the layout of the street configuration. There hasn't been any indication, although RCA may know that this property is being developed, there hasn't been anything included in the record that they have notice of that or participated in this at all. That goes back to one of the County transportation comments that they had suggested that Record Club be brought into this discussion so that the Board is clear what their intentions are or what their concerns would be with the access that is created there.

Jack – Can I address that one because that is not in your letter so I didn't respond in writing to that. The section that you are referring to about notifying the adjacent landowner refers to a situation where a developer is coming in with a planned street that is going to be part of the new development and notifying the adjoining the adjacent property owner so the streets can be tied into the adjoining property that is not currently developed. We don't have a plan of streets here; we have a single parcel with two users. There are no streets proposed, no streets planned here, all we have is a driveway so we don't feel that section is applicable at this point.

Attorney Andrew Miller – And again that goes back in part to the County's transportation comments and the recommendation that the developer meet with RCA to discuss this issue, which was in their comments going back to the March Planning Commission meeting where those were incorporated into the minutes. And with that Byron has addressed the latest correspondence we got and responses received from the developer with respect to the traffic that could be generated by the adjoining land and then also with respect to the ability to engineer that site to provide that street access from the existing traffic signal. So Byron if you want to address what is in the letter that you've prepared for the record.

My letter addresses the TRG and Bohler Engineering comments letter dated July 30th. TRG concentrates on the Record Club parcel of 60 acres however they do not take into account that the property is currently split by an active railroad and approximately 1/3 of the site currently has access to the existing Steamboat Blvd., which would greatly reduce the number of truck trips TRG has proposed. Also the study did not take into account the possible wetlands on site and does not consider the actually developable area of the parcel that is on the West side of the existing railroad tracks and basically TRG is relying on the truck traffic being 821 trips. I don't think it is an accurate analysis to consider based on the existing site

Matt – If you still look at 40 acres of developable Industrial property cut numbers from that letter, take one-third of it off you are still looking at significant truck volume that when you look further in the letter you will see that it takes 1 truck to block the first CVS entrance, 2 trucks to block the second entrance. Two trucks at that signal blocks both CVS entrances. Whether you are talking about 40 acres or 60 acres of Industrial traffic it is still a significant truck volume coming out that entrance.

Byron Trout – They used the trip generation manual to come up with these numbers it is an acceptable practice: however, I don't think it is an accurate practice as far as looking at an actual count that would be coming out that entrance. Traffic that would be going to the North could use a second entrance that would come onto CVS that would limit them to a right in right out. As far as you referring to a second truck blocking your second entrance, you are looking at

my layout. My sketch plan that I did also considers that in the future that if the street is every extended through RCA, that second entrance would come out align with your entrance in the rear and not that second entrance. That was just a quick sketch plan to prove we could come up with an alternative location. To say that your blocking, what's blocking, if you have one truck there based on your layout, you are blocking your entrance also.

Steven H. Gross, Jr. – to move this along instead of discussing trucks and ...(garbled) I have a question for you

Jack Hurley – Can I just make one ...(garbled) I just received a letter. It was sent to the RCA property owner at the time of the Zoning Hearing Board hearing on the special exception which specifically talks about the development of this property and how it is going to be developed and that was sent directly to the RCA property owner.

Steven H. Gross, Jr. – to put this in a nutshell and get it rolling, we would like to see Beshore School Road get extended and you guys don't want to see it. Ok. We did not just pull that idea out of our heads. Several years ago the residents of this township said we want you to redo our comprehensive plan and redo our future roads map. The Township went to great lengths, we hired C. S. Davidson: John Klinedinst was here for a whole year, we had monthly meetings, they were all open to the public, some residents came and said this is what we want our Township to look like in the future. We followed that process very thoroughly. I don't recall any of you gentlemen coming to those meetings. This is what our residents told us they would like to see. To follow that up anyone who has been past the property in the last 3 weeks can see the great expense that has gone into public improvements by GIANT on the other side of Beshore School Road. Asking for public improvements, asking for additional right-of-way is common procedure. The school district did it; the school district built some new roads up here. GIANT is doing it; everyone who comes in we do ask for these future improvements that are based on firm planning that we, the Supervisors and residents of the township, have come together and said this is what we would like to see. So why should the three of us choose your plan over what the residents of the township have told us they want to see in the future?

Jack – My short answer to that would be if the Township wants to put a street through this property, then the Township should condemn the right-of-way across the property to put a public street in, and so once that is done then obviously the street is dedicated and put in place and whoever comes in to develop the remainder of the property can do it in a way where they would not get the interference with their proposed development like we see here with the CVS development. From our point of view, we feel like this particular project is burdened by 60' right-of-way running through the corner of a 3-acre property to serve 60 acres and the consequences it is going to probably prevent this construction to take place. CVS would not commit.

Steven H. Gross, Jr. – The first thing you gentlemen did was to come in and ask for two commercial uses on the same property, so you were planning to maximize usage of the property ahead of time, which is fine. And everything, I believe, you have asked for in the past has been pretty well approved, but this is one issue with public improvements where we are asking for some compromise on, and I believe the Board even took a very generous position to have Byron Trout prepare something very similar so we could negotiate on and agree to come up with

and move this project along. I fail to see; maybe it is just me, why we can't come to agreement on this. Why we want to go through the schematics and excuse my language, bullshit of 800 trucks coming in and out of here and all this other stuff. Future development is going to happen and we are trying to have a positive influence on it. We already have up the street a little further, where there are too many entrances. We are trying to generate all the traffic toward the traffic light up so that everyone benefits in the future not just your client, not just somebody in the future but everybody. And I don't understand why we can't get together on this especially after Byron had a plan. Byron, you had a plan that the Board authorized you to present to them several month ago that accommodates our concerns and still allows them to use their parcel the way they presented it, am I correct?

Byron Trout – yes and that plan ca be easily modified to address their other concerns.

Steven H. Gross, Jr. – So my question is why can't we find a happy medium here to move this project along and help your side out and help the residents, Who I am going to tell you that the residents of this township have told me they are very tired, and I don't want you to take this personally, but the development coming in and doing what they want to do and not following the plans of what the Township has in place and making public improvements and plans for the future. So they are the people that are going to vote for me when I'm up for re-election I've got to listen to them.

Jack – I understand that. We did have a meeting after Byron presented the proposal, we had an administrative meeting, I know Andy was there, I think Terry was there and I am not quite sure who else was there, but we did respond to that proposal. We had a number of points we presented in writing, of course, I don't have those with me this evening, but the jist of it was that we were agreeing to provide an access easement to serve as a joint driveway to the RCA property. But we wanted that to be put in place in future when the RCA property was developed and the most important thing was we wanted some rezoning, in the future, not now to permit the RCA property to be used primarily for retail purposes so we would not be faced with Industrial truck; our biggest concern is somebody puts a truck terminal back there, somebody puts a giant warehouse or more than one and we just have endless tractor trailers. So we were saying, ok if we can get more of a retail mix because it is not unusual in a shopping center to have a common access point by several retailers, and you have that on N. George Street a couple of places, so We don't have a problem with that kind of retail to retail mix of traffic. Our problem is the Industrial nature of the RCA property, so we didn't make a proposal to compromise, that was kind of rejected out of the hand seeming that the developer was trying to strong arm the Township in how the Township was to rezone the RCA property is wasn't our intent to do that. Our intent was to say, let's have a joint access drive conditioned on RCA coming in in the future when they come in and using this a retail piece of property primarily, obviously on the other side of RRX remaining industrial, we are open to some other negotiations on that that would allow other portions to be industrial but maybe use some of these secondary access points, not coming through our property, that was the sticking point.

Steven H. Gross, Jr. – anyone else have something to say I don't want to be doing all the talking

Barry E. Rudisill – Everything you said I could agree to this point, that it doesn't make good planning sense to agree to rezone the property to the rear as Commercial or retail and expect

that given the locale off of George Street that anyone would develop that in a retail nature. That is why it is zoned Industrial; I mean, access is one thing, but the visibility of retail behind Record Club doesn't make good sense.

Jack – They have a lot of frontage along N. George Street that would be prime retail space.

Barry E. Rudisill – The traffic study that has been ..(garbled) would be for the street that we are asked and be installed there would serve the property in the rear in the event that would be developed. Now the commercial property along the street of Record Club I guess that is what you are referring to as retail, I don't see any problem with the possibility of that being rezoned in the future, but it is right along George Street so it makes more sense.

Attorney Andrew Miller – I would just point out as well under the Zoning Ordinance, in Commercial or Industrial, bus and truck terminals as well as wholesaling and storage are permitted uses, so really in Industrial there are additional uses like manufacturing that may generate truck traffic, but some of the primary generators of truck traffic would be allowed whether that property is Commercial or Industrial so maybe even some of the discussion of rezoning is missing some of the point here. I think one of the other points to at least have on the record and for everyone to understand is the traffic signal is a public improvement; it is being paid for by other property owners and the maintenance cost will fall, in part I believe on the Township in the future. This property owner is asking for the full benefit of that public improvements and exclusion of anyone else from using a fourth of that public improvement, which I think can be a concern for the Township as well in this situation.

David L. Naylor – lay out our options

Attorney Andrew Miller – If there is a waiver request on the table, obviously the Board can grant that waiver request with modifications which could alleviate the need to do the public improvements there, in other words, create the local street access from the traffic signal for the immediate time. The Board could grant a modification to that waiver request that would require only the dedication to that right-of-way in that section so that if there's future development there, that future developer can come in and make those improvements at their costs and at that time CVS would have the opportunity to come in and make comments to the plan and any access changes that would occur as a result of the plan. If that waiver request isn't on the table, then the Township' choice is, I believe, to hold the developer to the terms of the ordinance and the Township's engineer has presented a plan that makes it feasible to have driveway access that would not be into the arterial street. That will require the developer to complete the construction of the local street at this time and develop it to those standards but that is the choice for the developer to make. Whether they want to do and install a public street into that traffic signal now or whether they want to request a waiver from that requirement and dedicate right-of-way so that can be done in the future to continue Beshore School Road. I think the other condition that would be required in that is, that at a very basic level, and at a first step, they cannot put any improvements within the setback area that you may need in the future for that public street, in other words they can't construct at a very basic level, they can't construct anything in that area that is going to be impeding any expansion or continuing of the road.

Jack – And in our position to respond to that as I said before, we don't believe a waiver is necessary, we think we are within the exception to the exception so to speak to the ordinance, so we don't see a waiver request on the table here.

Attorney Andrew Miller – ok, so then the Board's decision at this point is to either deny the plan outright based on outstanding conditions that have been discussed, in the access issue, the failure to comply with provision of the ordinance related to access or to grant a conditional approval conditioned on improvement of that access to a public street standard with driveways to CVS coming off of that public street and comply with the ordinance requirements for a street.

Jack – We would like a chance to respond.

Barry E. Rudisill – I concur with the way Attorney Andrew Miller laid out our options there and since they don't feel they are required to request a waiver, then I think our options are pretty well laid out proceed with the request for the street to be installed.

David L. Naylor – that kind of narrowed our options

Kenneth Eckerd, attorney representing Timberlodge Tavern Inc. requested opportunity to address the Board. He appreciates what seems to be a heartfelt response with respect to the CVS application. My client is Timberlodge Tavern Inc., a corporation in existence since mid 60's. It originally owned the Timberlodge Tavern, which was the restaurant that preceded the Kirby's that is there now. Timberlodge Tavern Inc. was owned by Ray Boileau who was the sole shareholder. In 1994 Ray Boileau on behalf of Timberlodge came before this Board and I saw some names that were familiar, Mr. Gingerich, Mr. Rudisill's name and on behalf of Planning Commission and Board of Supervisors back then. He sold this tavern to Mr. Drivas, and Mr. Drivas' son is here tonight. As part of that deal apparently, maybe the Drivas' could not afford didn't need or didn't want the property and so Mr. Boileau on behalf of the Timberlodge came before this Board and requested subdivision approval. This subdivision was approved and there was nothing on the subdivision plan. Now I wasn't there and you gentlemen have the institutional memory as to what may have been said at the time, but there is nothing reflected on plan about putting a road through this property. This particular lot that Timberlodge owns is landlocked in the sense that in order to gain access, Timberlodge retained right to go across the restaurant property to get into it. It is not used for anything and hasn't been used for anything for quite a while.

Steven H. Gross, Jr. – Just so we are clear this is the lot where there is like a white pole building?

Kenneth – Yes, it is the lot that you want to put the road over or part of. It is a lot that is still owned by Timberlodge Tavern. After Timberlodge Tavern Inc sold the restaurant; it only owned one thing – that was this lot. It owned the lot for 10 years and then Ray Boileau died in 2004. Ray Boileau only had one thing that he owned in his name alone and that was the shares of Timberlodge Tavern Inc. In his will he left it to his widow Audrey, who is here, Audrey would you stand so the Board can see there is a face behind this land that we are talking about. Audrey wears many hats; she is the Executrix of his estate, the sole shareholder of the corporation, the officer of the corporation, and everything revolves around selling this property.

They are trying to sell this property for five years. We finally entered into an agreement with CVS to develop this property to close out the estate and corporation and so forth and now we have this issue come up about the township wants to put access to the RCA property. I've heard some issues here, from Mr. Miller, some concerns that perhaps Record Club wasn't given proper notice for these proceedings in order to have the opportunity to object. The Record Club has owned that property since 1970 and what have they done with it? What have they done with it in the last 5 years when we had the greatest spurt in the economy? They have done nothing. It is owned by some outfit out of state, so what we are doing is handcuffing Mrs. Boileau, CVS, and the citizens of East Manchester Township to some out of state owner of RCA who hasn't participated in these proceedings or hasn't expressed any interest in what happens here. They apparently don't care. And yet it is your responsibility, and I appreciate it, your responsibility as the representatives of the citizens under the police to promote the health, safety and welfare of the community. Part of this proposal is to put a CVS pharmacy in, right now there is a Rite Aid pharmacy up the street, there used to be an Eckard pharmacy across the street. Rite Aid bought out Eckard; there is one pharmacy. How many of you need to get prescriptions, where do you get your prescriptions? If there is no competition, what do you pay for your prescription? So doesn't it make sense as representatives of the community, that you try and encourage competition and that's the way we hold down price. So that's part of the consideration; I realize there are safety concerns. This issue with respect to permitting access from industrially zoned properties to this entryway is a deal breaker. CVS says they are going to walk away from this deal; they didn't bring all these suits in here, by the way, I'm not in a suite because I am not here to talk about the law, I represent my client and it is a hot day. It is a deal breaker, they will walk away from this if they can't get some assurance that there are not going to be tractor-trailers driving by their property impeding the safety and access to their property. Now they have also indicated that, I guess, they are prepared to go with litigation, and frankly no one wants to do that.

Steven H. Gross, Jr. – Are we threatened with litigation? I need to clarify this; you just said that we are threatened with litigation in a public meeting; that's the first I heard that, I thought that we were still trying to negotiate settlement here to come up with a happy settlement for everybody. Now what is it Andy, are they threatening us with litigation?

Attorney Andrew Miller – that's what's been said now, so far that hasn't been in any of the correspondence

Jack – Why don't I speak to that particular issue? I don't think litigation has been mentioned in any correspondence. I don't think that is something that is on the table currently, but of course if the plan is denied, then we have the right to appeal. If that is litigation, then certainly if we have the plan denied, we will appeal the denial.

Steven H. Gross, Jr. – just so you are clear, and I have it in the minutes now, none of your correspondence that I have read or you're stating here tonight you are not proposing litigation we are still have a friendly discussion here.

Jack – that's what we are doing

Steven H. Gross, Jr. – ok, I just wanted to make sure

Ken – and I'm addressing the issue of the welfare of the community as well as my client's interest. My client's interest is to sell this property and settle this estate.

Steven H. Gross, Jr. – Do you live in the township?

Ken – I do not live in Township, but I do represent a party who has owned property in the township a long, long time. As a part of this community

Steven H. Gross, Jr. – I agree, and I have a question for you because you brought that up, you said that we only have one pharmacy we don't have price competition so therefore we have that's not right, so summarize what you said. If memory serves me right, the Timberlodge or Kirby's now is the only place in the township that has a public liqueur license and has been for a number of years. Now isn't that no competition, too.

Ken – In other words, we have no place in the township with liquor license?

Steven H. Gross, Jr. – No place open to the public that has a liqueur license in the township other than the Timberlodge/Kirby's whatever you want to refer to it now. I believe that is the only place in the balance of the township that has a liqueur license to sell beers on the counter and sandwiches and things like that. We have a beer distributor.

Ken – that probably doesn't fall under the health or safety part of your job..... (garbled two talking at same time) ... don't agree with you

Steven H. Gross, Jr. – ...(garbled, two talking at same time) ...enough competition, so maybe we need another Kirby's instead of another pharmacy, I don't know, I'm just asking you.

Ken – that may be true, but probably more of your residents need prescriptions than they do rely upon having to drink(garbled – much background comments and laughter)..... I appreciate your heartfelt position that is part of your planning function. Something should be done with the RCA property and by having an access there it would aid in the development of the RCA property – I would agree with that, I understand that. The problem is you don't own the RCA property, someone else does. They haven't done anything with it; they had the opportunity. We are here talking about stifling the development of a property because somebody at RCA might do something in the future, and they haven't in how many years? And that just doesn't make a lot of sense, and I don't see how that helps when you talk about the welfare and health of the community when we can have a pharmacy there that can serve their needs.

Steven H. Gross, Jr. – I have a follow up question and sometimes gentlemen agree to disagree. I wasn't here in '94, but I was here recently and I can't give you the dates when they put the red lights on George Street, and I was part of that and I do know for a fact that the state did approach their property about having access at that red light at that time and if memory serve me correctly and speaking from memory here, your client declined to have access at that time and did not choose to participate in having the light there at that time. So to say that nothing has happened since '94 I don't think the facts would prove that.

Ken – could you perhaps clarify for me

Terry R. Gingerich – Ray came in one day and we discussed this. When they put the traffic light in at Beshore School Road I know that property did not have access. I discussed it with Ray as asked Do you want access to that property and he said at that time he did not.

Ken – was there a cost component to it?

Terry R. Gingerich – not that I am aware of because those lights were paid for by a grant so there was no cost to it. Ray had access to the property thru the Timberlodge at that point, but he was asked if he wanted access to that property. I will say one thing, Barry do you agree or disagree with me; we had a future roads map in place in this township long before the 1990's. We started that in the 1980's and that particular road map did show Beshore School Road going through that property. That future road map had continued same way since the late 80's, early 90's. Bob Nace is also on the Planning Commission and hopefully he will support me on that also. Barry and Bob agreed.

Ken – Well if the Township wants to put a road through there we don't have a problem selling to the Township.

Terry R. Gingerich – You have to realize that future roads map was put together planning for the future what is going to happen with this township. And when a plan comes in, every developer should look at comprehensive plan, see what is in that comprehensive plan and that future roads map is in the comprehensive plan and they should have looked at that and I don't know if they did or didn't; that was one of my questions that I was thinking about.

Ken – You may want to address that to them because I am not the developer. I am simply here on behalf of Mrs. Boileau who is trying to close out an estate and this is the party who is looking to buy the land and it seems like a good use for it. I can understand why they are concerned about tractor-trailers maybe coming in the future if there is Industrial property. I understand all those things and appreciate the Board's position with respect to wanting to make some plans for the future use of this property. But it just doesn't look like this guy is doing anything and so we all may be spinning our wheels and in the meantime missing an opportunity to have a pharmacy there for the hope that maybe he will do something there in the future, and that's all I have to say. Thank you for your patience with me.

Terry R. Gingerich – And I am only the Township Manager; I am no longer an elected official.

Ken – I understand, I saw your name and know you were involved somewhere along there.

My name is Susan Gross and I am Mrs. Boileau's daughter and I did live in township for a long time although I don't now. I don't have anything with me to document this but I am sure I can provide it; we have copies of letters that Ray wrote to this township and to his state representatives indicating his concern with the fact that his access was about to be denied to his property. I have those letters

Terry R. Gingerich – And that was at the point when the traffic light was going in and that's because PennDOT regulates that and we do not.

Sue – That may be the case, but the point is

Terry R. Gingerich – Wait a minute, let me explain myself. When that traffic light was put in, that's why we approached Ray about the access to that property because I knew that if Timberlodge would get sold off, that property did not have access.

Sue – But he was unaware. As it stands right now curb was put through that property; they have no access to George Street from the lot that my mother retained, but he was unaware that that was going to occur when he said he didn't need access to the light. He did not know they were going to put a thing across there and he couldn't get out onto George Street. With that said, and that's kind of irrelevant, I just wanted to clarify that. The point I wanted to make is this: I understand that it is your responsibility to promote responsible and fiscal planning parameters for the area, but a couple of points occurred to me and I am not an attorney; I am just somebody who lived here, grew up in the area, and my Mother retained property in the township. Here's my point, first of all there is already access to that property to George Street, to the other property that joins the property my mother owns; is there not access to George Street? (Drivas driveway) So this is not new access, this is merely moving the access to another place within the property, which these folks have agreed to absorb the cost of, I believe. So first of all they are not asking for new access; they are merely asking for permission to move access, that is point one. Point two, as I said, I grew up here; I was born in this area and have lived here since 1953 until I was an adult. The Record Club and the property that Mother currently owns have not been developed, nor has it been used, nor has it generated its potential in taxable revenue for this township for quite some time. Frankly, I think you were somewhat generous when you said since 1970, I think it might have been a little earlier than that since the Record Club sat vacant. It looks like crap. I doubt anybody in this township would say to you guys, 'whoo hoo, that area is really attractive' as people enter our township. I certainly wouldn't, it looks awful and it also has a negative impact on the current tax base while my mother's tax is somewhat what I believe to be somewhat outrageous for that piece of property. I have no way of knowing what the Record Club's is, but I can assure you that this is nothing other than improvement and I can't imagine that it wouldn't have a positive impact on the tax base. With the development of the GIANT and this potential development, it may make that Record Club property more attractive to someone who is interested in developing if you generate an appropriate amount of traffic and demonstrated the viability of Commercial or Industrial application there. Thirdly, this woman has property that is virtually useless to her through no fault of her own, Ray is not here, he can't speak to that, so she owns property that is virtually useless to her. I would be interested in knowing what your future plans that you are very committed to are for her property as well as for the Record Club and when you expect to see that come to submission if this plan is denied and the property can't be sold. Thank you.

Jason Mitchell of JC Bar Properties requested to address the Board.

Steven H. Gross, Jr. – I am going to wrap this up in 10 minutes so I will say that now, so go ahead.

Jason – My name is Jason Mitchell of JC Bar Properties. I am the Director of Development. We are the preferred developer for CVS and I want to clarify one thing up front, CVS is not buying this property, we are taking care of the land development. We are leasing the property

to Benderson Development, they have representatives here as well. I just want to say that from CVS's point of view, we understand where you are coming with this idea. The problem we have is we operate a retail facility that caters to families: mothers, grandparents, fathers with kids and you are proposing to put tractor-trailer traffic through that parking lot. Our major concern #1 is safety, #2 after a couple months of that people are going to stop going there, so the business is going to fail. Throw out these studies of how many trucks are going through there, I don't care if it is two, if it is blocking our travel lane, it makes is very, very hard for our people to get in and out of the property, especially getting out because the trucks are going to line up on that side of the road and we are going to try and merge in with the trucks. So on our end it is more about the safety and viability of business. Benderson can talk about the viability of the development as a whole and putting the road through. You were talking earlier about having a friendly discussion about ideas or negotiate. We came in and met with staff, on a number of occasions, talked about various ideas, we presented our own idea that we think is actually a very good idea and I want to be clear that at no point in time did we ever say 'the Township has to rezone that to Commercial for retail' in order for us to agree. All we are saying is, or what we were saying at the time is, if in the future it gets rezoned, then we would be more than happy to discuss it with you because with the marriage of two commercial properties, it makes sense in that situation. I would hope as a practical matter, you could look at this and understand that pushing truck traffic through the corner of our parcel with our traffic trying to merge with it, isn't smart or safe

Steven H. Gross, Jr. – I did say I was going to bring this discussion to an end. Is there anyone who hasn't spoke on this issue before?

Elliott Miller of Coldwell Banker explained that he went to the very first zoning meeting at the Township when they wanted to zone the Record Club Commercial and asked to not do it because of the Industrial tenant there at that time. He expressed that he was concerned that if it was zoned Commercial, they would lose tenant.

I have never spoken before. My name is Kim Fiedler, I am with Benderson Development Company and just a quick description of Benderson; we have a 50-year history, we have property in 33 states, we are an active developer usually in the top 10 of private developers around the country. We are under contract to purchase these properties and we will have a lease directly with CVS. I have watched as we've gone through the process, I've seen a very reasonable plan put forth that benefits the taxpaying residents of this community. I've seen the flexibility on the part of CVS to come up with alternative plans. I know there was discussion that Jason referred to where the engineer and some other people on the Board looked at alternative plans, but there were a number of alternative plans produced and I think that shows a spirit of compromise by CVS and the developers. I understand your concern and commitment to the residents in the master plan. Having been in the business for a long time I have personally been involved in the approval of about 60 pharmacy projects in 5 states and never really run across this situation before. I understand you can still be true to the residents of your community if you make modifications to your master plan. I think the heart of that comes down to the fact that there is a project on the board a very responsible project right now that can be approved by you and come into reality in a very short time, and the burden for the future access for that property to be put on whatever developer that decides to develop that property. And we certainly, and CVS would be receptive to working with that developer in the future to produce a plan that could benefit all parties. It goes back to the fact that CVS is willing to make a multi-

million dollar investment in this community and into this site and they are not going to move forward if there's the possibility that that project could be endangered by this truck activity. You know from past experience yourself; all it takes is one accident for a community to realize all the things that they should have done. CVS has enough experience to know that they don't even want to be in the position of even having one accident, so this is about safety. I really hope that you will approve this plan. I think there is opportunity and time to work out some future plan for the back property. I think the suggestion for it becoming retail of like kind use minimizes or eliminates the concern CVS has regarding truck traffic and I think that makes a lot of sense to the township because that is the highest and best use for the property and probably produces the most amenities for the people of the township, so hope you will have an open attitude and hope you will support the project.

Steven H. Gross, Jr. – we still have three minutes left for anyone that hasn't spoken. Ok, seeing none.

Attorney Andrew Miller – I just want to make sure before and I am going to request that we go into, since there has been a threat of litigation or a threat of appeal at least from the decision. We have quite a few Open issues on this plan, I am going to ask to take you into Executive Session just for a couple minutes so we can go over those or I can go over a few of those with you. But before we do that, I just want to be clear, the developer did receive a draft of the Developers agreement and the Stormwater facilities agreement, so those would be conditions on any potential plan approval as well. Also an issue came up when we reviewed the plan earlier in the week, Byron, with some of the utility relocations stated on the plan relocation to be done by another party. Has that been corrected on the plan?

Byron Trout – The note utility poles to be relocated by others is shown on plan. Byron and Matt checked plan – it was found and pointed out.

Attorney Andrew Miller asked the Township Manager of an escrow deficiency. Want to make that also known as Open item and condition of any potential approval.

At 8:32pm. Steven H. Gross, Jr. called for recess to Executive session.

At 9:03pm, Steven H. Gross, Jr. reconvened the meeting with a request to explain in more detail ownership of the properties.

Jason Mitchell of JC Bar explained that currently they are owned by their existing respective owners, being Timberlodge Tavern and Drivas. Benderson plans to purchase the property, CVS will lease from Benderson. JC Bar is a CVS representative and does not own or lease.

After discussion and deliberation with consideration of prior comments and recommendations from township staff, Planning Commission, Township Engineer, York County Planning Commission, Sewer Authority, and public as well as applicant and/or applicant's representatives, a motion by Barry E. Rudisill, to conditionally approve as final plan subject to the following conditions:

- The applicant/owner shall post surety for site improvements in accordance with SALDO s. 6.1.1.C(1)(m) and 10.1. The applicant shall execute a development agreement with the Township that sets forth a schedule for the completion of any public improvements and provides terms governing the posting and enforcement of financial surety in accordance with SALDO s. 10.1.5. Any changes to the proposed schedule shall require the consent of the Township. Upon acceptance of streets or other improvements by the Township, the applicant/owner hereby agrees to provide a maintenance guarantee in accordance with SALDO s. 10.8.
- The applicant shall provide for access from the traffic signal at North George Street and Beshore School Road via a local access stub street configured as a continuation of Beshore School Road in accordance with SALDO s. 8.8.3.B(4). The street shall be designed and dedicated as a public street in a way that adjoining lands may connect to it in order to access the traffic signal at North George Street as required by SALDO s. 8.5.1, 8.6.2.C and 8.6.3.C. Driveways to the Project shall enter and exit from this local access street, rather than directly accessing North George Street. The proposed layout shall be reviewed by the Township Engineer and, when acceptable and in compliance with the SALDO, shall be approved by the Board of Supervisors. The applicant did not request a waiver from SALDO s. 8.8.3.B(4), despite being advised a waiver would be needed for a driveway to enter an arterial street.
- The adjoining landowner shall be given written notice of the proposed street layout proposed by applicant to satisfy the preceding condition on the plan in accordance with SALDO s. 8.5.1.H. The applicant presented evidence the adjoining landowner was notified of the zoning hearing for the proposed second use on applicant's property, but no evidence was presented that the adjoining landowner was notified by the applicant of the pending land development plan as required by SALDO s. 8.5.1.H.
- The applicant shall show street cross-sections for North George Street, Brickyard Road and local access street from the North George Street traffic signal on the plan in accordance with SALDO s. 6.1.1.C(1) in order to show compliance with the street design standards of SALDO s. 8.6.
- The applicant shall obtain stormwater management plan approval from the Township Engineer and submit copies of the approved stormwater management plan to the Township in accordance with SALDO s. 6.1.1.C(1)(j) and the Township Stormwater Management Ordinance.
- The applicant shall execute a stormwater management agreement approved by the Township Solicitor for the maintenance of stormwater management facilities following completion of development as required by the Stormwater Management Ordinance s. 703(B).
- The applicant shall show all utility line relocations at the intersection of Beshore School Road and North George Street to be completed by the applicant, not other parties.

- The applicant shall be issued a final Highway Occupancy Permits (HOP) by the Pennsylvania Department of Transportation for the required highway improvements at the intersection of Beshore School Road and North George Street as required by SALDO s. 5.3.2. The HOP application shall first be submitted to the Township Engineer for review and issuance of a letter of awareness to PennDOT.
- The applicant shall show the safe stopping sight distance measurements from the traffic impact study on the site plan.
- The applicant shall pay all outstanding review fee bills and shall deposit additional money into escrow for future review and inspection fees of the Township.

David L. Naylor seconded motion and stated that it was commented by the speakers tonight that the Township Supervisors are the bad guys on this plan and every time a developer comes in and says that for example if we don't approve and build the new GIANT people are not going to eat, this plan the people aren't going to get drugs. I don't perceive that as reality. I think a lot of our problems here tonight have to do with the developer refusing to compromise. We came up with an alternative plan on our own time and engineer's time to develop that plan to no avail. To develop or purchase a property with 25 permitted uses and it is surrounded by Industrial property, what do you think is going to happen with the Industrial trucking when you buy a property surrounded by industrial uses? I just don't get it. I hope the residents feel that we are not the bad guys in this situation.

Steven H. Gross, Jr. – I would just echo your comments that every time a plan comes before us whether its these gentlemen or other gentlemen with these other plans we just don't do this the sky is going to fall. And I got to tell you when I leave here; the residents of the Township have a different opinion. And yes, they are not here tonight and I do have to interact with them on a daily basis and they are the ones I need to listen to.

David L. Naylor - I wish you good luck with this situation and I feel for your situation, but I think every thing will work out here.

Steven H. Gross, Jr. called for question. Motion carried unanimously.

2.08.17

Starbucks land development plan -

Dan Creep and David Koratich of LSC Design with Ed Mulligan of Starbucks presented Final land development plan for 2 truck parking areas project # 2009.0064.00 dated June 24, 2009, revision 2 dated August 5, 2009, and a request for waiver of 3.5 SALDO preliminary plan

Planning Commission 7/28/09 report was reviewed:
per Gordon L. Brown & Associates, Inc. letter of 7/9/09:

The following comments relate to the Township Subdivision and Land Development Ordinance:

2. Note 9 from the previously approved land development regarding future traffic signal improvements should be provided on this plan (s.6.1.1.C(1)I). – OPEN for solicitor's

review – working with Attorney Andrew Miller to resolve, have a note on plan agreeing to contribute to one of 3 potential sites, construction costs not design and permitting, will be a proportionate fee. Terry R. Gingerich explained sites: Canal/Susquehanna Trail, Espresso/Canal, and Bartlett/Willow Springs. Barry E. Rudisill asked if escrow money for light? Attorney Andrew Miller-no, this note has more detail for calculations and collection

3. The following information should be provided on or with the plan:
 - C. Erosion and Sedimentation Control Plan approval by the York County Conservation District (s.6.1.1.C(1)j). – OPEN received approval
 - D. Financial Surety (s.6.1.1.C(1)m). –OPEN OPEN
4. Stormwater Management Plan comments will be by separate letter (s.6.1.1.C(1)j).-OPEN OPEN

Planning Commission Comments:

- q lighting issue to be evaluated – bulbs are not to be seen from offsite, hoods as in note 10 to be utilized. LD8 shows fixture and shield
- q parking, zoning/site data note 11 – expand note to include reference to in the event that future needs for car parking may occur and this area needs to be utilized for such, the trailer area will be altered accordingly. LD2 note 11
- q Per Chief Stevens of Union Fire Company – utilize a siren activated switch on the gate or have manned 24/7 to allow emergency access to rear of building – prefer switch due to past incident OPEN plan to install if permitted by Federal regulations regarding food services

Solicitor's Comments:

- Ø Review traffic signal note and clarify what specific costs
- Ø add to the end the following “, which contribution shall be payable within 90 days of receiving written notice of construction from the Township.”

After discussion and deliberation with consideration of prior comments and recommendations from township staff, Planning Commission, Township Engineer, York County Planning Commission, Sewer Authority, and public as well as applicant and/or applicant's representatives, a motion by David L. Naylor to conditionally approve as final plan subject to the following conditions:

- The applicant/owner shall post surety for site improvements in accordance with SALDO s. 6.1.1.C(1)(m) and 10.1. Upon acceptance of streets or other improvements by the Township, the applicant/owner hereby agrees to provide a maintenance guarantee in accordance with SALDO s. 10.8.
- The applicant shall obtain stormwater management plan approval from the Township Engineer and submit copies of the approved stormwater management plan to the Township in accordance with SALDO s. 6.1.1.C(1)(j) and the Township Stormwater Management Ordinance.
- The applicant will install a siren-activated switch on the entrance gate in order to provide emergency access to the rear of the building. This condition may be waived by the Township if such emergency access is prohibited by any Federal or State laws or regulations applicable to food manufacturers.

And the requirement to submit a preliminary plan is waived per SALDO s. 3.5.

Motion was seconded by Steven H. Gross, Jr. and commented that he is glad this is being corrected. He has heard comments about parking trailers on grass. Motion carried unanimously.

Joel mentioned that the police have had problem and concern over parking on Bartlett.

Solicitor's Report – Attorney Andrew Miller

- Request Executive session after meeting for Rentzel Heights
- SALDO and Zoning ordinance amendment – schedule a review 9/23/09. Have County Planning Commission comments. David L. Naylor requests to include Knox Box ordinance. Attorney Andrew Miller suggested it be a stand-alone ordinance.

Engineer's Report – Byron Trout

- § Surety reduction for Chestnut Valley 3A \$220.00 for signs, 3B & 4 per Byron Trout recommendation. Motion by David L. Naylor, Steven H. Gross, Jr. carried unanimously
- § MS 4 application to reapply. Need \$250.00 to send. Motion by David L. Naylor, seconded by Steven H. Gross, Jr. and carried unanimously
- § Brylea paving
- § Rentzel Heights – for Executive session
- § traffic studies are being worked on
- § Chestnut Valley street adoption, punch list for adoption, wearing courses are not on.
Attorney Andrew Miller must be done prior to 9/1
Steven H. Gross, Jr. motioned for consideration of adoption providing Byron Trout's punch list is met by 9/1. Resolution 2009-13 for consideration on 9/28 special meeting at 12:00noon. The cost for advertising a special meeting to be paid by developer. David L. Naylor seconded motion, which carried unanimously.

Correspondence

- York Haven Borough letter expressing concerns over Wago Road closing
- Northeastern Sr. Center thank you for \$2,000.00 donation letter
- Strinestown Fire Co. thank you letter
- Conewago Township request to review traffic issues for Orchard Business Park expansions
- York County Rail Trail donation request of \$500.00 – will consider with budget preparation

Manager's Report – Terry R. Gingerich, Manager

- § Northeastern Sewer Authority – note: received grant
- § Recreation Board – no report
- § Zoning Officer – no questions
- § Public Works Director– no questions
- § Tax exoneration per Kathy Emswiler - JJP Four LP \$7.60 approved per motion by David L. Naylor, seconded by Barry E. Rudisill and carried unanimously

Supervisors' comments

Barry E. Rudisill

- Hartman property update. Attorney Andrew Miller sent a letter outlining agreement that was discussed. Now up to Northeastern York County Sewer Authority.
- Long Road storm water pipe still not installed. Byron Trout had met with Todd Gosnell who is waiting for C&F to proceed.

David L. Naylor

- Sunset traffic light, Byron Trout spoke with Dan from TRG who is waiting for PennDOT to calculate and was told next month.

Steven H. Gross, Jr.

- no further comments

David L. Naylor motioned to pay bills as submitted. Steven H. Gross, Jr. seconded motion, which carried unanimously.

Public Comments

- Trevor Rentzel asked of the address for middle school - 4855 Board Road Mt Wolf
- Joel asked if Kinsley obtained 550 Canal Rd demo permit – Katrina Rife-yes

Steven H. Gross, Jr. called for recess to Executive session at 9:51pm.

Reconvened at 10:30pm

Northeastern School district will be funded \$150,000.00 from recreation fund per motion from Steven H. Gross, Jr., seconded by David L. Naylor and carried unanimously.

Adjournment per motion by Barry E. Rudisill at 10:35pm.

Respectfully submitted,

Terry R. Gingerich
Township Manager/Secretary/Treasurer