

**MINUTES
NORTH LEBANON TOWNSHIP BOARD OF SUPERVISORS
FEBRUARY 21, 2005**

The regularly scheduled meeting of the North Lebanon Township Board of Supervisors was held at 7:00 PM at the North Lebanon Township Municipal Building, 725 Kimmerlings Rd, Lebanon, PA with the following people present:

Kenneth C. ArtzChairperson
Dawn M. Hawkins.....V-Chairperson
Edward A. BrensingerTreasurer
Cheri F. GrumbineTwp Manager
John LeahyNLT Detective/Sergeant
Frederick S. WolfHenry & Beaver, LLP

Also in attendance was: Sarah Hendrick of the Lebanon Daily News, Al Winn of the Patriot News, Theresa George, Twp employee, and at least 24 other individuals.

The meeting convened at 7:00 PM and the pledge to the flag was done. Chp Artz explained there is a Public Hearing scheduled for 7:30 PM for a Zoning Amendment request. The meeting will begin and continue until that time. At 7:30 PM the regular meeting will cease and Solicitor Wolf would begin the Public Hearing.

CHIEF OF POLICE REPORT – John Leahy

A.)Calls For Service – December 2005

Det. Leahy provided the following report for the month of January:

1. Calls for Service totaled 264
2. 40 Criminal arrests
3. 62 Traffic arrests
4. 42 Court dates
5. 39 Warnings
6. 21 Burglar Alarms
7. 6 Assault or aggravated assault
8. 9 Domestic situations
9. 1 DUI arrests
10. 21 Police Assists
11. 8,468 Miles logged on the cruisers

Suv Hawkins asked Det Leahy if he knows what category the incidents are listed under when the Officers responds to calls out of the Twp. He replied that those types of calls are listed under “Police Assists”. She mentioned she had seen a bomb threat listed and did not recall hearing about any in the Twp. She is aware of all the bomb scares the City Municipal building has had recently. Dect Leahy stated that the category she is mentioning could be several different kinds of threats. It may not have been an actual bomb threat.

B.) DA Award of Merit – Officer Behney

Dect/Sgt Leahy reported to the Board one of the NLT Officer had received an award from the DA’s office.

Award of Merit – Officer Behney (con't)

On 1-15-05 Officer Greg Behney was recognized for “Excellence in Prosecuting Criminal Cases Award” for the County Of Lebanon. This is an award, which recognizes Officer Behney’s prosecution of his cases. Chp Artz stated he is very glad to hear about this award. Suv Hawkins agreed asking John if he knows what the criteria was in order to be considered for this award. Dect Leahy said he is not sure what guidelines are used for this nomination. In addition to the Award, Officer Behney received a \$500 training grant that he may use for any type of training he chooses.

C.) Mt Lebanon Campmeeting Campground Burglaries

Suv Brensinger told John he would like to commend the Police Dept for their prompt resolution on all the burglaries that have occurred recently at the Mt Lebanon Campgrounds. The Twp Road crew was involved in helping to retrieve some of the items that had been taken to various pawnshops, which is the reason he was aware of this issue. Suv Brensinger told John even if the case is not completely solved, he is happy to see the quick work that has occurred to date. Dect Leahy reported that there have been 4 arrests as a result of this case. Suv Brensinger said he is sure the residents were very happy with the quick responses. John agreed they were very happy with the results of the investigation. Most of all the items that had been stolen were returned and the items not returned, to date, will be returned soon.

COMMENTS FROM THE PUBLIC**A.) Steve Dresch – Charlotte St**

Mr. Dresch told the Board he would like to have an update to the Charlotte St issue. He had attended the last meeting and addressed the Board with several concerns he had about the NL Business Park and the isolation of his property. Sol Wolf asked Chp Artz if he might address this question?

Sol Wolf told Mr. Dresch that he had contacted Paul Lundberg, Attorney for the Business Park. The 2 of them discussed the issues that Dresch had mentioned to the Board previously concerning the private lane to the Dresch property. Sol Wolf told Dresch that he should be receiving a letter, maybe tomorrow, that says the Twp has no jurisdiction on the issues he keeps coming to them and talking about. The issues of snow removal, maintenance and access to and from his property will have to be addressed between he and the Business Park. Sol Wolf also introduced the issue to Attorney Lundberg about Mr. Dresch being interested in maintaining the area if Dresch has it on paper that he has the right-of-way privileges.

Dresch questioned what about Charlotte St? Sol Wolf replied there is only a short distance of Charlotte St that is in NLT and the rest of it is in Cleona. This street has never been opened or taken over by the Twp. The same is true for Cleona. Sue Bowman, who owns property on Charlotte St is very much opposed to any of the municipalities taking any ownership of Charlotte St. That fact, again, takes the Twp out of any of these issues. It is between the property owners and the Business Park. Dresch said so then I can just keep using it. Sol Wolf repeated the Twp could not tell him that, one way or the other.

Dresch – Charlotte St (con't)

Dresch reworded his remark saying if he continues to use the private lane, no municipality could come and arrest him for using it. Sol Wolf agreed saying that the Twp has no jurisdiction over the right-of-way or his use of it.

Mr. Dresch said he has another question. Springtime is approaching and he was wondering if anyone knows if the land around his property will still be used for agriculture? Sol Wolf said the Twp has no jurisdiction over what is done with the land. It is zoned Industrial and they are able to use however they want to. Suv Brensinger added his thought that it would benefit them to allow the farmer to plant a crop rather than remain in weeds all summer. However, it is up to the owners. Dresch said his concern is the water that is now contained on this land and the fact that before there was not water. The threat of West Nile Virus is a concern to him. Any types of chemical spray they might use to control weeds are of concern to him also. He would think the Twp would be concerned about that also. Sol Wolf mentioned the stormwater design that has been completed. Those questions Dresch would have to direct to Leb Co Planning.

Dresch said he would like to discuss the tractor-trailer still using 31st St. The trucks are running in and out using 31st St and the street is not designed for that type of use. Sol Wolf said as far as he knows the trucks are not supposed to be using that street. Mgr Grumbine said she had spoken to Valspar and they claimed their drivers are not using 31st St. for access. Suv Brensinger said he is aware of 1 truck using the street and it is Dresch's neighbor, Mr. Shindel. Dresch said Shindel does not have a tractor-trailer. Suv Brensinger stated there is evidence that there are trucks running up into the yards in that area. He said there are signs posted stating all deliveries are to be using 25th St. Sol Wolf said this issue is something the Twp can handle. The only problem is the Twp has to catch the truckers using the road. Mr. Dresch thanked the Board for their time.

APPROVAL OF MINUTES

MOTION: Was made and seconded to approve the minutes from February 7, 2005. Unanimously carried.

APPROVAL PAYROLL, PAYMENT OF INVOICES, FUND BALANCES

MOTION: Was made and seconded to approve payroll, invoices for payment subject to audit. Unanimously carried.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Living Waters Chapel Land Development Plan**

This plan had been received December 9, 2003 and illustrates an addition to the existing church with revisions/improvements to the existing storm water management facilities on the property. Living Waters Chapel agreed to make improvements to their existing storm water management facilities in order to correct a water run-off problem at the intersection of the Living Waters Chapel driveway and Jay St. The County Engineer had approved the alterations to the existing storm water facilities along with our Roadmaster, Ed Brensinger.

Living Waters Chapel Land Dev Plan (con't)

The Planning Commission recommended approval at their 2-14-05 meeting. County Planning has also provided a letter dated 1-14-05, recommending the plan approval.

Suv Brensinger explained there had been a problem with water run-off going down the driveway and pooling there at the end of the driveway. Inlets will be created to control the water that drains from the driveway and the run-off will be piped into the lake. This eliminates the water lying on the driveway and running across Jay St.

MOTION: Was made and seconded to approve the Final Land Dev Plan for the Living Waters Chapel. Unanimously carried.

B.)Ketchum Minor Subd Plan

The Ketchum Minor subd Plan was submitted 8-31-04 and illustrates a one-lot subdivision for single-family residential purposes. The proposed lot #1 contains 29,996 SF in area and is to be improved with a single-family dwelling, driveway access onto Miller St, storm water management facilities and associated improvements. The remaining lands are to retain 29,986 SF in area and all existing structures and improvements. The Authority has approved all sewer-related issues and has received DEP approval on the planning module. The Park & Recreation agreement has been signed and the fee has been paid. The Board is being asked to approve the signed agreement. The Planning Commission recommended approval during their 2-14-05 meeting. County Planning recommended approval through a letter dated 2-3-05. Mgr Grumbine told the Board she also is recommending approval with the condition that bonding be placed with LCPD.

Chp Artz questioned if this property was located close to the Nature Barn? Mgr Grumbine told him it is between Josephine Ann Dr and the first curve on Miller St. Suv Hawkins asked if this had been one large lot and they divided it? Suv Brensinger said that is correct. Suv Hawkins said it appears that everything is in order. Suv Brensinger pointed out that John Poff, of Brian G. Hockley & Assoc. was present to answer any questions. Mr. Poff told the Board if there were any questions he would gladly answer them. The Supervisors indicated there were no questions. Suv Brensinger thanked Mr. Poff for attending.

MOTION: Was made and seconded to approve the Ketchum Minor Subd Plan located on Miller St. Unanimously carried.

MOTION: Was made and seconded to approve the signed Park & Rec agreement with the Ketchums. Unanimously carried.

C.)Zoning Administration Report from LCPD for 2004

We have received the annual report from the Lebanon County Planning Dept as a result of the zoning work they have completed as our Zoning Enforcement Agency for the year 2004. The annual report provides comparisons of their responsibilities for NL Twp as well as 17 other municipalities.

Zoning Administration Report from LCPD for 2004 (con't)

Mgr Grumbine has also provided a chart with the history of these permits since 1989. She has also requested a report from the Code Dept for permits and fees they received in 2004 and will provide the information to the Board when received.

D.) Zoning Amendment Petition – 15th Avenue & E Cumberland St

A Zoning Amendment Petition has been received from Eight-E Limited Partnership (Randy Ebersole). The request is to change from R-2 (High Density Residential) to C-2 (General Commercial) for a .28-acre lot on the southwest corner of 15th Ave & E Cumberland St. The Board is being asked to set a date for a Hearing. After a date is set we will request that Leb Co Planning Dept and our Planning Commission provide a recommendation. The property will then be posted and the surrounding neighbors will be notified by letter stating the date and time of the Public Hearing. A discussion followed between Sol Wolf and the Supervisors about the appropriate date for the required Public Hearing. Mgr Grumbine reminded the Board that in the month of April there is only 1 meeting, due to the Hershey Convention. That would move the date to May 16, 2005. Sol Wolf indicated that he was satisfied with that date for the Public Hearing. The Supervisors were in agreement with May 16, 2005 to schedule this Hearing.

E.) 2005 Tire Collection Program

The annual Lebanon County Tire Collection will be held on Friday April 22 from 8 a.m. to 6 p.m at the Lebanon Expo Center. NLT is once again participating in the program. Any residents is able to take 12 auto tires or 2 large tires, free of charge. Should someone go over the limit or the funding is depleted, a charge of \$2 per auto tire or \$15 per large tire will be assessed to that resident. Tires should not contain water, be unburned, not excessively dirty and taken off the rims. For more information call Phil Hall @ the Penn State Lebanon County Extension Office (270-4391).

Suv Brensinger confirmed that the Twp had committed to funding for this program. Mgr Grumbine responded yes it is included in the 2005 Budget. Chp Artz commented that the Program seems to be helping as far as keeping the roadsides cleaned up.

F.) Letter from DEP and PADOT – GLRA Traffic Information

The Twp received a copy of the letter from DEP to PADOT regarding the recent traffic study for the requested increase in daily volumes for the GLRA. The intersection at Rte 72 and Heilmandale Rd is one of the improvements that will be made by the GLRA has been approved by PADOT . The letter indicated “Since northbound left-turn volume consists of some GLRA traffic and there will be additional GLRA traffic, the Authority (GLRA) will be responsible for adding a northbound Rte 72 left-turn lane.”

The letter also asks if it is PADOT’s opinion that the left-turn lane on northbound Rte 72 will have to be completed prior to accepting any additional trash traffic or if the GLRA can accept the additional trash truck traffic while this improvement is being made. As of this date, Mgr Grumbine has not had any correspondence from PADOT regarding their response to this specific question.

Letter from DEP and PADOT – GLRA Traffic Information (con't)

A letter dated February 8, from PADOT to DEP stated that PADOT “has determined that the traffic impact study was supplied in accordance with the Commonwealth of PA, Transportation Impact Study Guidelines for Municipal Waste Facilities.... The study was reviewed and found to be complete as requested. The roadway improvements identified in the Final Report are required to mitigate the impacts of the proposed expansion. All HOP (Highway Occupancy Permit) submissions are required to conform to PADOT District 8 policies and regulations”... Mgr Grumbine told the Board this is informational only, at this time. She has received no additional information since these last 2 contacts. Suv Hawkins asked if the Twp had received a copy of the traffic study. Mgr Grumbine replied, no, we do not have that information. Suv Hawkins mentioned a turning lane would be nice but she feels a traffic light would be better.

Suv Brensinger told Suv Hawkins that the GLRA is researching the subject of a traffic light for this intersection. She said she had read through this material but had not seen any mention of a traffic light. Suv Brensinger said the GLRA is interested in going a little beyond what is being required of them and are investigating some funding for this particular issue. He then questioned Mgr Grumbine if she is aware of the citizen group receiving any of this information about the traffic studies. She told him no she is not aware as there is no notation on the photocopy list for the Citizens group at the end of the letter.

Martin Barondick asked if he heard correctly that a traffic light is being considered for the intersection of Heilmandale Rd and Rte 72? Suv Brensinger replied the GLRA is looking into the issue of a traffic light. Barondick asked if there would be a Public Hearing about this traffic light? Suv Brensinger said this area would have to comply with all of PADOT’s regulations and criteria. Barondick voiced his opinion of PADOT’s traffic studies and designs. He mentioned the “mess” at the top of the hill (25th St, Tunnel Hill Rd & Rte 72). He said he does not put any faith into PADOT’s surveys. Barondick asked if Suv Brensinger really thinks a traffic light is necessary? Suv Brensinger answered that he thinks the GLRA’s concern is the trash haulers pulling out onto Rte 72, going at a slower rate. Barondick said if this keeps going we will have traffic lights all the way to Jonestown! Suv Brensinger responded by saying all the Board keeps hearing about is how the traffic needs to be slowed down. Having traffic lights will certainly slow the traffic down, said Brensinger.

******* PUBLIC HEARING 7:30 PM *********Ordinance No. 1-2005**

Sol Wolf started the Public Hearing at 7:30 PM, which had been the advertised time for the Hearing. He explained the various requirements involved with scheduling the Public Hearing. The petition that has been filed, by Dick Snyder Group LLC (equitable owners), is requesting a property be re-zoned from Industrial (I) to High Density Residential (R-2). An agreement has been entered into with the current owners (Harlan D. & Rosalie Bross), which is subject to the rezoning of the property. The property involved is 34.13 acres at the southwest corner of Weavertown Rd and Narrows Dr. Al Crump Jr. of Reading represents the applicant. Mr. Crump and a representative, Dan Errett, from the Engineering group are present this evening to review the intended use for this property.

Bross Estate Public Hearing (con't)

The notice of the Public Hearing this evening had been advertised in the Lebanon Daily News and “Proof of Publication” has been received. The actual item for consideration from the Board of Supervisors would be Ordinance No. 1-2005. Surrounding property owners were contacted by mail and Lebanon County Planning had been notified in order to receive a recommendation from their department. The NL Planning Commission and the Municipal Authority have both been notified of this request. The NL planning Commission has met and discussed this request. They have provided a written recommendation to the Supervisors, which explain their reasons for recommending a denial to this request. There were 4 different factors listed: 1) the amount of development already taking place in this particular area and the amount of the existing R-2 areas available for development in the Twp 2) the amount of additional traffic that would be generated 3) the need for additional Twp services in an already tight budget 4) the additional burden this would place on the School District. This recommendation is now a part of the record for the Supervisors consideration. Also received was correspondence from Julie Cheney, of the LCPD, which states 1) the proposed rezoning is adjacent to and will expand an already existing R-2 district 2) given the location of the Union Canal Elementary School it is appropriate to expand nearby residential districts to maximize utilization of existing school facilities 3) the proposed area is to be served by Public water and sewer services 4) the proposal is consistent with land use concepts as established by County and NLT Comprehensive Plan. The County Planning Dept is recommending approval of the rezoning.

A part of this record will also be correspondence from Scott Rights of Steckbeck Engineering Assoc. regarding the sewer service. The comments from Steckbeck Engineering was provided to the potential developer and copied to the Twp indicating concerns about the availability of sewer capacity. The letter also outlines the requirements the developer would have to meet if it is determined this development would not have capacity available. During the last Municipal Authority meeting the Engineer had discussed this area as being one of the restricted areas for sewer services. The possibility of replacing the existing line with a larger line to service the area was discussed. The Municipal Authority did not have the Engineer explore any of this questionable information, as they did not feel it warranted the expense of the Engineering costs for what was still a questionable project by the developer.

Sol Wolf described the procedure he would be following for tonight’s comments with this Hearing. The applicant will be given the opportunity to present the proposed plan, the purpose of their request, the reasons for their request, and to identify the land and use of the land in question should this request be granted. After the presentation of the applicant, the floor will be opened to comments from the public or anyone who has comments on this issue. Sol Wolf asked that anyone who wants to speak first raise their hand, be recognized and state your name and address for the record. He suggested we start in the front of the room and proceed seat by seat so that anyone wishing to speak has the opportunity to do so. We will proceed through the whole room before anyone has the opportunity to speak a second time. Also, Sol Wolf asked the public to keep in mind what has already been said by other speakers and not repeat what has already been said. If in agreement with a statement that has already been made, just indicate your support of the previously made comments.

Bross Estate Public Hearing (con't)**Al Crump Jr.**

Mr. Crump introduced himself and Dan Errett, of Lake Roeder & Hillard, as the Engineer for this proposed project. Mr. Crump asked Mr. Errett to give a description of the property.

Errett: The area contains 34 acres between Weavertown Rd and east of Narrows Dr. He pointed to a map and indicated the area being requested for the zoning change from I to R-2.

Crump: Is a concept plan being prepared?

Errett: Yes

Crump: The current owner actually owns 2 tracts of land in this area, correct?

Errett: Correct.

Crump: Please point the areas out.

Errett: He pointed to tract 1, which is already zoned R-2

There were some comments made from the rear of the room indicating they could not hear what was being said and could not see the map. Sol Wolf invited anyone in the rear of the room to move closer to the front where there were available seats.

Crump: Indicate the area that is in question for rezoning.

Errett: This area or tract 2.

Crump: What is this area zoned currently?

Errett: Industrial

Crump: Requested to rezone to what classification?

Errett: R-2

Crump: Is this consistent with the other tract of land?

Errett: Correct.

Crump: Where is the Union Canal School located?

Errett: The school is located here.

Crump: At this time this particular lot does not have direct access onto Weavertown Rd, correct?

Errett: The Industrial zoned portion does not touch on Weavertown Rd.

Crump: Would there have to be an easement across the R-2 portion to access the Industrial zone? Correct?

Errett: Correct.

Crump: How many acres have been requested to be rezoned to R-2?

Errett: 34 acres.

Crump: Have there been traffic studies for Weavertown Rd?

Errett: A comparison was done between the tract being developed as Industrial and if it would be developed as Residential.

Crump: What were the results of the comparison?

Errett: Based on the traffic generation by the Institute of Traffic Engineers 71 peak trips would be generated if developed Residential use and 247 if developed as Industrial uses. The Industrial quote would be of a generic use of the property.

Crump: In an Ind zone what is the height requirement for a structure?

Errett: For an Ind structure, 75 feet.

Crump: Are there tanks and mechanicals structures accompanied with Ind plants, the height limits are what? Is it 125 Feet?

Bross Estate Public Hearing (con't)

Errett: That is correct, 125 feet.

Crump: As a residential structure, what would be the maximum height of a building?

Errett: It would be 35 feet.

Crump: What about the amount of noise generated by Ind operation compared to a residential neighborhood, considering the school as a neighbor?

Errett: The noise would be significantly louder. The trucks and activity moving in and out of the plant would be additional noise.

Crump: Do you feel use as a Residential use would be more consistent with the area surrounding the school?

Errett: Absolutely, yes.

Mr. Crump stated there is no further information for their presentation at this time. Sol Wolf asked the Board if they have any questions on the presentation before the Public is asked to give their questions/comments.

Suv Hawkins said she had a few questions for Mr. Crump and Mr. Errett. Her first question related to the figures quoted for traffic trips during peak hours. How was the figure of 71 trips for a Residential area arrived at? The plan shows 70 homes and yet you are saying at peak time there are 71 trips. How can that be? Most homes have 2 working individuals. Mr. Errett said the figures quoted were based upon the peak hour trips only, which is afternoon hours. The peak hours are quoted in the afternoon because that is when everything hits the intersections at one time said Mr. Errett. Suv Hawkins said she is hesitant to agree with the numbers quoted. When discussing the Ind numbers she said they would be coming to and going home from work. There would be no lingering overnight numbers. When the noise issue was discussed, Suv Hawkins observed there is nothing in place right now to interfere with any noise. It is just open fields. What are the exact peak hours that are used for this study? Errett stated it is from 4 –6 PM. She observed the school children are gone from the school by those hours.

Sol Wolf reminded the Public that the front row would start with their comments and then continue in sequence as each person wishes to speak. Also state your name and address for the record.

Jere Putt –1505 Jay St

Mr. Putt stated that recently he had tried to have his property rezoned and had been turned down by the Supervisors because they felt there was too much developing in the Twp already. He can't see why this request should be approved especially since it is for R-2 and not R-1, as his request had been. Putt said he cannot understand why the Supervisors allowed phases of the Marks development and Homestead Acres development to move forward but denied him the opportunity to develop. In his opinion this request for developing should not be permitted.

William McMichael – 811 Kimmerlings Rd

There has been a lot of approvals for farmland to be developed however Mr. Putt was denied his request to develop his farmland.

Bross Estate Public Hearing (con't)

If this project gets approval, as he thinks the applicant wants it to, a “can of worms will be opened that will stink”. This approval would be a pure case of discrimination as far as he is concerned, stated McMichael.

Linda Arnold – Penny Lane

Ms Arnold asked if the entrance to the development could be pointed out on the display map. She would like to know if there is also an entrance from the proposed development onto Weavertown Road? There are 2 entrances that were pointed out to her by the Engineer. Ms Arnold then questioned where the Townhouses would be located. She was told there are no Townhouses in this proposed development. It was clarified that she was asking where the existing Penny Lane Townhouses are located in relation to the proposed developing. Suv Brensinger explained that it was pointed out on the map. Her next question was about proposed “screen barriers” to separate the properties. Mr. Crump stated there is a lot of open space planned for this area and would provide a good “buffer zone”. When considering the actual types of physical barriers, the planning process would not be at that point at this time. Mr. Errett stated once again this planned community would be for single family and single family only. Crump explained that should this request for a zoning change be approved, they would have to come back with a detailed plan for the area.

Ms Arnold said she feels it is unfortunate that they are discussing destroying more farmland to create more homes. She is questioning where the people would come from to live there in the first place. Another of her concerns would be that a traffic light would probably have to be installed at Weavertown Rd. She told the Engineer that she also does not agree with the traffic statistics that were quoted previously. Suv Hawkins remarked that the layout of the plan for this proposed development is not for through traffic. The road is located within the development itself. The noise that is generated would not be very great.

Pat Strain - 29 Penny Lane

Ms Strain asked for confirmation that the development proposed single-family dwellings only. Her question is what is the price range of the homes? Mr. Errett said he is not certain about the prices however he does have a sample picture of the types of homes that would be constructed. Ms Strain stated the rumor was that these would be low-income homes. Mr. Crump stated emphatically that these homes are NOT low-income type housing. A minimum estimate would be \$185,000. The prices would be reflective of any increases involving sewer issues. Ms Strain questioned the farmland to the south of the proposed area. Is this to remain Agricultural? She was told the land is used for Agricultural purposes but is actually zoned Industrial. Suv Hawkins confirmed the Industrial zone continues all the way out to Rte 422.

Bruce Sattazahn – 2024 Weavertown Rd

Mr. Sattazahn stated he agrees with the previous remarks made in reference to Jere Putt’s request being shot down.

Bross Estate Public Hearing (con't)

Sattazahn continued onto say he felt if any of these rezoning requests should have been approved it should have been Henry Smith on Water Street. Developing had surrounded the Smith property. His request also had been denied. His question is how could that request be shot down and this request be approved? The zoning across the street from Union Canal had been changed a while back and 50 homes will going in there, Seyferts' development is adding homes and several new homes coming down Narrows Drive. Sattazahn remarked on the traffic problems existing now at Weavertown Rd and Narrows Dr and Rte 422. The approved proposed homes are not even involved in the traffic as of yet. According to Sattazahn it is not conceivable that this request be approved and add even more traffic.

Kathy Sattazahn – 2024 Weavertown Rd

Ms Sattazahn told the Board that she is very close to the area that is being requested for rezoning. She took the opportunity to walk the neighborhood and discuss the issue with any neighbor that were home. The end result is a petition that was drawn up and signed from several of the neighboring residents. There are 60 signatures on the petition for neighboring property owners. The people who signed the petition are in favor of having the area remain zoned as it is, as the NLT Planning Commission has indicated.

Ms Sattazahn stated she is also a teacher at Union Canal School. She engaged some of the teachers in conversation to see what they felt about this issue. She is providing a second petition signed by the staff at Union Canal urging that the area remain as it now is. That petition has 32 signatures on it. The concern of the teachers is the already large numbers in the classrooms and they are not in favor of the numbers increasing even more. The petitions were provided to Sol Wolf . Sol Wolf said the petitions would be made a part of the record from this Public Hearing. Suv Hawkins asked about Cornwall-Lebanon's response. Mgr Grumbine replied the Board had asked for a specific response from Cornwall-Lebanon and they did not provide any communication at all.

Bette VanWinkle – 2175 Weavertown Rd

Ms VanWinkle proceeded to the front of the room to have a closer look at the provided map. She questioned the access road into the development. The second road depicted on the plan is located directly in front of VanWinkle's home. She wanted to know if they are aware of the fact that Weavertown Rd and Narrows Dr intersection is probably one of the most dangerous intersections in the County, according to Van Winkle. She informed everyone that many years ago she had donated some land to provide improvements to the intersection hoping it would make the area safer. Her question is how much is this development going to increase the amount of traffic for this intersection?

Mr. Errett explained the point that they are trying to make is that currently this area is zoned Industrial. He remarked he is curious why the school people would rather see the area Industrial as opposed to Residential. With an Industrial zone there would probably be tractor-trailer trucks using the roadways. Ms VanWinkle said she feels this proposed development is placing too many additional vehicles in an already dangerous area located too close to a school.

Bross Estate Public Hearing (con't)

In VanWinkle's opinion, even if it were to remain Industrial, the traffic would not be as much as what this proposed plan would bring into the area. She told Errett he could tell her she is wrong but she really does not agree with him. VanWinkle said she is struggling to understand why anyone, would attempt to bring in more vehicle traffic around this school area when it is already heavily traveled. She lives there and she sees the amount of traffic and the way the motorists drive in this particular area. She feels this fact should be considered heavily before allowing this re-zoning to be approved.

Don Seyfert – 2125 Weavertown Rd

Mr. Seyfert said he also lives directly across the street from this area. In his opinion this re-zoning is a great idea. He totally disagrees with the Sattazahns. If the people who signed the petition are so concerned let them raise the money and purchase this parcel of property. His only negative thought is the High Density request. There would be nothing to stop these people from coming back with a Townhouse community or trailer park submissions. An affidavit should be signed that single-family dwellings only would be accepted. Mr. Crump said they would definitely be willing to sign an affidavit for single-family only.

Jere Putt questioned why are you going for an R-2 zone? Mr. Crump replied it would be consistent with the zoning in the area. He said an R-2 zone is not being requested because of the type of home. It is because the lot size would be smaller. Errett commented that in the "world of planning" it is more desirable to keep areas consistent and not spot zone. Mr. Seyfert stated he would not like to see Industrial settle on this parcel. He added that the residents who live on Penny Lane would not like Industrial either if it comes to the neighborhood. Another thing he thinks needs to be improved upon is the access to the proposed development. Seyfert said he thinks this re-zoning should be approved and it should be Residential. It should NOT be denied because the Twp thinks it would be overflowing the school. The school district should have to seek a remedy to their problem, not the Twp's.

Ammon Gibble – 245 Narrows Dr

Mr. Gibble said he felt the traffic numbers mentioned were questionable. He said there would be a definite traffic problem at Narrows Dr and Rte 422. A traffic problem already exists. The direction these proposed people would travel is unknown to Gibble. He said he does not think anyone can predict the travel patterns but there is already a definite traffic problem in this area. When everyone discusses Industrial they talk about big trucks. Gibble stated not all Industry has big trucks. There are other things involved in the Industry trade too. His personal opinion is that R-2 should be denied. If anything is considered, perhaps R-1. The R-2 zoning lets the whole zoning book too open. R-1 means that you must have 15,000 square feet per lot. R-2 the lots are able to be as small as 2500 sq ft, which would be acceptable for a trailer court.

Gibble started to speak about the sewer line issues. When his property was connected and after that when the school was built and connected the sewer line was only large enough at that time to accept flow from a limited number of properties, at that time. Since that time the Sewer Authority has extended the line to Sun Dr and homes in that area.

Bross Estate Public Hearing (con't)

If this re-zoning is to happen Gibble feels additional funding needs to be provided, by the developer, to ensure sewer capacity. He would not like the existing sewer customers to have to become financially responsible for additional sewer customers resulting from this proposed development.

Sol Wolf stated that the Municipal Authority would agree with the remark about financial responsibility. The Authority does not have money to spend and would not want to have to come up with funding options either.

Martin Barondick - New St

Barondick said he agrees with Mr. Sattazahn that if anyone deserved a rezoning approval, it should have been Henry Smith. He said Henry was turned down flat and it has left a bad taste in a lot of poor working people's mouths. He does not feel this should be approved either.

Todd Finley – 875 Narrows Dr

Mr. Finley said he has to agree he would rather see an R-1 zone as opposed to an R-2 zone. He understands that the developer is trying to cram as many homes as possible into the area. He repeated he would rather an R-1 area be approved which would provide more spacious lots. Also hearing the concern about the sewer line, he wants the Authority to research any sewer problems for capacity.

Paul Schwab – Hunters Chase Ln

Mr. Schwab said he was in agreement with the others who said that Smith and Putt were denied, this should be denied also. Schwab told the Board they had told Putt we have enough housing going on in the Twp and that was only 6 months ago. Things are no different now.

Pam Parr – 806 Patmar Dr

Ms Parr said she had attended many Supervisors' meetings where water pressure problems were being discussed. Looking at this proposed plan to hook an additional 70 homes to the water system, what does that mean for water pressure? She told the Board there is a problem with water pressure now, in her opinion. What does that mean when 70 additional homes are connected to public water? Sol Wolf said he does not know the answer to that question, as these homes would be connected to the waterline that runs down to Rte 422. Some discussion took place about the new waterline that had been installed, the existing waterline and which waterline any new homes would be connected to.

Kathy Sattazahn – Weavertown Rd

Ms Sattazahn said she wanted to clarify that she had been speaking on her own behalf. She was not speaking for the school or on behalf of the teachers at Union Canal Elementary.

Bross Estate Public Hearing (con't)

Ms Sattazahn also wanted to mention when she had been “door knocking” it was repeated to her that the ideal situation would be for the land to remain as it is now as farmland. If Industrial should come in the school will still do all right but the ideal scenario would be for it to remain as farmland.

Jere Putt – 1505 Jay St

Mr. Putt questioned where the posting had been done for this property? When he applied for a zoning request a large sign was posted at the end of his lane. Where is this property posted? One of the neighbors told him the property had been posted at the curve of the property. Right on Weavertown Rd. Several other members of the public agreed there is a sign on the property.

Sol Wolf at this time addressed the Township Manager and the Supervisors asking if they have any comments or questions. Mgr Grumbine started with a few questions. She questioned the 2 entrances to the development noted on the plan. Also Mr. Errett indicated there were 2 tracts of land. Tract #1, is that to remain the Krall property? Errett pointed to the existing Krall tract and stated that there is to be no developing or changes to the tract at this time. Mgr Grumbine then asked if the 1 road shown would not be happening until the time the Krall property is developed? Mr. Errett stated the road would definitely go through. For safety reasons the area must have 2 roads. The rest of the tract would not be developed. Mgr Grumbine asked if there would be an agreement with the owner of that tract. Errett confirmed yes there would be an agreement.

Suv Brensinger

Suv Brensinger said he noticed there are plotted lines on the Krall tract. You are saying this is not a part of the proposed development. Mr. Crump explained that is pictured only to show “good planning”. It demonstrates good planning for any future developing. Suv Brensinger then confirmed this area is already zoned R-2, correct? Crump and Errett both agreed it is. Brensinger said so the possibility of developing that area is already ready to go, with proper plan submittal. Suv Brensinger asked what the marketing price of the 35 acres of Industrial land is? Mr. Crump replied the price attached to the agreement is \$625,000. Is this price the marketed price for Industrial use asked Suv Brensinger? Brensinger asked if Mr. Crump was aware of whether or not the school district had inquired about purchasing this land. Crump replied he was not aware of that if it had in deed happened.

Chp Artz said he had a question about the school issue. The school district would have no room for expansion, should they need to expand their facilities. He said he had tried to get input from the school district but he did not receive any return communications from the school district. Mr. Errett did agree the school appeared to be “a little bit hemmed in”. Chp Artz confirmed that the request is for R-2 zoning. He said he would be more favorable with an R-1 request. Crump told Chp Artz that they would certainly agree to sign an affidavit or any document that the Supervisors would like. He then asked if this group had received any direction from the Municipal Authority on sewer issues? Mr. Crump said he had talked to the Engineer for the Municipal Authority several weeks ago. He had indicated to him that there are conveyance concerns within this area but he thought the issues would not be insurmountable.

Bross Estate Public Hearing (con't)

Due to the fact that a study has not been completed, the Engineer could not say anything for certain but he indicated the issues were not anything that could not be resolved. Chp Artz stated that he would not be comfortable with having the existing sewer customers be charged any additional fees. The costs would all be on the developers.

Suv Hawkins said she would like to have a clarification of what is involved with Industrial zoning. Does it also include medical facilities or is it just manufacturing activities? Suv Brensinger and Artz replied they could not answer properly without having the zoning Ordinances in front of them to refer to. She said she is thinking there could be other uses for an Industrial district other than “smoke belching” plants. There are other uses available that are not as invasive to the environment, said Suv Hawkins. She continued onto say she has many thoughts on this request. She told Mr. Seyfert she does agree with him when he mentioned the school issues and problems are not problems for the Twp. They are the problems the school district must address. Suv Artz said he just does not understand how she can say it is not our problem. He said we are able to control the problem. Suv Hawkins said it is the problem with the school and they must handle the issues they must address. If it means they have to build another school that is their problem. Suv Hawkins replied they have their job to do and we have our job to do. Suv Brensinger said he disagrees with part of what Suv Hawkins just said. As a taxpayer he would not want the school taxes to increase. Suv Hawkins said that what she has just said does not mean she does not have reservations about this request. She is very conscious of the fact that if the request is granted there is no guarantee of what the actual plan submission would show.

Mgr Grumbine asked if there had been any thought given to an institutional type setting for this area? Mr. Crump replied the Snyder Group did not as they are involved with residential building only. Crump then added that he does not know if that use would be permitted in an Industrial zone. Mgr Grumbine stated that she feels, personally, that a professional setting is more appropriate with the school setting. Crump said he does not know if something like that would be considered Industrial or Commercial. He said if that type of structure would go on this property, it would be someone else doing it. The Snyder Group does only Residential housing.

Ammon Gible – Narrows Dr

Mr. Gible questioned if the developer, whoever that might be, will be the only builder? Or will this project be opened up to several different builders? Mr. Crump replied it would be one builder. Gible asked if all the houses would be the same in appearance. This particular builder, according to Crump, innovated NOT having all the buildings look the same. When asked where the builder is from, he answered Berks County.

Sol Wolf announced the Hearing would now be closed. The Public Hearing was ended at 8:25 PM. Everyone has had the opportunity to add whatever he or she wanted to the discussions. He continued onto say the Ordinance is now before the Supervisors for them to take action. Mr. Crump asked if he could take a few minutes to sum up some of what had been discussed here this evening.

Bross Estate Public Hearing (con't)**Mr. Crump**

Mr. Crump started his remarks saying that when there is an open area everybody seems to want to keep it that way. What should be considered for this area is what it would look like as homes as opposed to an Industrial site. If the area were to be developed as Industrial, and everybody seems to think in the worst case scenario, think of the hundreds of employees that could be entering and exiting an Industrial site daily. In considering the location is right next to a school, good planning would tell you that it would be more appealing as homes. Even though everybody would rather see this area remain as an open field forever, the reality of the situation is that if it is not Snyder Group developing this area, it will be someone else constructing something. The land will not remain a barren area forever. He said he sympathizes with the gentleman whose rezoning request was denied. However each request for rezoning needs to be looked at as individual situations. His denial should not have a bearing on a decision for another request. It is consistent with the area surrounding it and the school is located there. Residential is really the only classification that fits this area, in Crump's opinion. Traffic problems will be increased with an Industrial setting also. What needs to be determined is what is considered good planning is for this area. In Crump's opinion it "cries out" to be a residential zone.

Mr. Crump said that his client and himself would be willing to sign any type of agreement stating that this submission would be for single-family homes. He told the Board his client is not the type of person to go back on his word, once his word is given. A binding agreement would be acceptable to himself, his client and any future clients for this area. If the Board would like to delay their vote until an agreement and all the paperwork could be completed, that could be worked out. If the Board feels the area should be re-classified as R-1, something could be worked out that way also. Crump said he just does not want this to go "down" tonight because of the fear that townhouses or something other than single-family homes would be constructed. Mr. Crump thanked the Board for their time this evening and for their consideration on everything that had been discussed.

Jere Putt – 1505 Jay St

Mr. Putt asked to speak to the Board. Mr. Putt stated that everything Mr. Crump had just mentioned was exactly the same as his situation had been when he had made application to rezone his property. County Planning had recommended approval and the NLT Planning Commission recommended denial. He had requested R-1 also. His proposal would have created less of a traffic problem than this request will create.

Chp Artz spoke to his fellow Board members. The proposal for rezoning is before them. When asked if there are any more questions both Suv Brensinger and Hawkins indicated they had no more questions. He asked them for their decision or to comment on their feelings about this request.

Suv Ed Brensinger

Suv Brensinger started his comments by addressing the traffic concerns of the residents. The area residents spoke about Narrows Dr but he has concerns about the intersection on Weavertown Rd.

Bross Estate Public Hearing (con't)

As the Roadmaster for NLT, he is aware of the traffic flow there. Quite a bit of the traffic is generated by the municipality located to the east, Jackson Twp. The approval of the Arbor Gate Community, by Jackson Twp, set up a path from their community to Wal Mart or Lebanon City. The quickest route for these people is to travel Weavertown Rd. He is also aware that Narrows Dr is heavily traveled. There is no denying this area has traffic problems. Located on Rte 422 is a parcel of Commercial property. Should this area ever be developed, Suv Brensinger said he is sure a traffic light will have to be installed. The power lines run through this area as well as the 16" gas line that runs through the area to service AES across town to South Lebanon Twp. Again NLT was "dumped upon" for services to another municipality.

Sewer capacity concerns were discussed. Mr. Gible, when discussing the sewer capacity, failed to mention the additional trailer homes that are planned for Countryside Mobile Home Park. The Seyfert development and the development (Narrows Glen) directly across the street from the Union Canal School are all plans that have been approved. These developments will also add traffic to the area. He feels a sewer capacity problem will soon exist if one is not existent at this point in time. Suv Brensinger said the last comment he would like to make was that he wishes the owner of this property would have rezoned a few years ago, at the same time that they had rezoned the property across from the school. Had this request been presented at that time, it would not have met with the resistance it is receiving currently. In just a few years public sentiment has changed drastically about open space and developments. Another factor he wanted to mention is that an Industrial tract will not financially impact the Twp the way another residential development would. Suv Brensinger said he would like to make a motion that this rezoning request for a change from Industrial (I) High Density Residential (R-2) be turned down.

Suv Hawkins

Suv Hawkins said she has been making a few notes as some of the different remarks were being made. She wanted to make one thing perfectly clear and that is that she would NOT make a decision or denial based on a previous decision that had been made for a different request. Nor would she ignore the fact that the reasons for the past denials are very present in this particular request. She continued onto say there are reasons that the zoning is the way it is and at this point she is not convinced there is a good reason to change it. She said she is in agreement with Suv Brensinger that this request should be denied.

Mr. Crump thanked the Board for their time and told Chp Artz it is obvious it is already 2 of the 3 that have said no. There is no need for him to respond.

MOTION: Was made by Suv Brensinger and seconded by Chp Artz to deny the request to rezone from Industrial to R-2 for the Bross Estate property located off Narrows Dr. Suv Hawkins agreed with this vote making it unanimously carried to deny the request.

Chp Artz

Chp Artz said he did not have the opportunity to express his thoughts on this issue. He felt there were many problem issues that this request presented. All of which had been mentioned here this evening.

Bross Estate Public Hearing (con't)

One of Chp Artz's big concerns is closing in the school with no option of expanding, if and when those needs arise. Also of concern was the request of R-2 as opposed to R-1. The sewer and water capacities are another concern. Chp Artz said he is in total agreement with his fellow Supervisors about the denial of this request.

***** RECESS *****

Regularly scheduled Supervisors meeting resumed at 8:37 PM.

TOWNSHIP MANAGERS REPORT - Cheri F. Grumbine**G.)Expansion to Building -Loss of Sand Volleyball Court during Construction**

As part of the expansion project for the municipal building we are looking into providing additional parking areas. One of the areas for possible additional parking is on the west side of the building. Currently this is the area where the sand volleyball court is located. The Park & Rec Board has reviewed the idea of relocating the sand volleyball court as quickly as possible. The Park & Rec Board asked that it be announced that should the volleyball court be used for additional parking as part of the 2005 expansion project, the use of the volleyball court will not be available at the Community Park. The sand volleyball court at Lions Lake will remain in use.

H.)GLRA Representative Stipend

A MEMO has been forwarded to the Twp requesting approval to allow our appointed Representative to receive an increase in their stipend from \$25 to \$30 for monthly GLRA Authority meetings. Mgr Grumbine is asking the Board to approve this increase, which will then be handled by the policy previously established by the Board.

MOTION: Was made and seconded to approve a stipend increase from \$25 to \$30 for the Twp Representative's attendance at the GLRA Authority meetings. Unanimously carried.

I.)Handicapped Accessibility – N 8th Ave Sporting Fields

Mgr Grumbine told the Board the Twp office received verbal word that Grant funding will be awarded to the Twp for the sporting fields area located on N 8th Ave. The Grant funding will be used to create a handicapped walking path from the parking area to the various sports fields. This notification was verbal and a written notification will be sent to the Twp office in the near future.

SOLICITORS REPORT - Frederick Wolf**A.)Boundary Line with Bethel Twp**

Sol Wolf reported that both municipalities have now signed the agreement between Bethel Twp and NL Twp! After many, many months of dealing with this issue it is now, finally, ready to present to the courts.

Boundary Line with Bethel Twp (con't)

After submitting all the documentation to the judge he will then review all the information and set a date for the signing of the documents. Sol Wolf had a preliminary meeting with the judge assigned by the court to handle this issue. He has indicated to Sol Wolf that it would be more preferable to him to have a notice placed in the newspaper that on a specific date this would be presented to the judge for signatures. This would prevent the court from having to deal with complaints from the public about not having an opportunity to make comments on this issue. Sol Wolf stated he would resolve the procedure this week and then let the Board know what is decided.

B.) Spruce Park Determination – Real Estate Transfer Tax

Sol Wolf has now received all the information from Cornwall-Lebanon School District's attorney. The sewer lien, transfer tax, all penalties and costs accrued along with Attorney fees will be filed tomorrow at the courthouse. The property owner will have 20 days to respond to the filing by making payment or to request a hearing.

C.) Mechanic Street Property

Sol Wolf said we are still waiting for a legal description from the surveyor. The description refers to the portion of Mechanic St that the Twp had widened.

D.) Hardick Property Clean Up – Progress Report

Mr. Hardick's contractor contacted Sol Wolf to let him know that he was ready to begin the project. Friday morning the work started and Friday afternoon LCPD shut down the job due to the fact the building permit had expired. Another problem was the building size applied for by the previous contractor was smaller than the building, which is being constructed. At this point County Planning has placed this issue on their priority list. It will also be noted on the permit that this building is to be used for personal use only, not commercial use. Hopefully by next months meeting this issue will have been resolved.

E.) Act 537 Plan – On Lot Systems

As a part of the Twp Act 537 Plan (a DEP approved Plan for how sewer will be implemented throughout the Twp), DEP has required the Twp begin a program for properties that still have on-lot systems. The property owners will be required to have their septic systems pumped out every 3 years. The Supervisors had decided to ask County Planning to conduct this program, as they were able to receive Grant money to administer this program. The County Commissioners have authorized County Planning to implement this program for NLT. A preliminary draft of an Ordinance was provided, which will be amended. Sol Wolf advised the Supervisors to throw out the information. The revised Ordinance will be provided by the end of the month. Information has been made available to the public through the Twp Newsletter and on the Twp website. A meeting will be planned and held with any haulers who wish to participate in this program. This meeting will be held at LCPD around March 7 sometime. A representative from the Twp will also be in attendance.

Act 537 Plan – On Lot Systems (con't)

Sol Wolf told the Supervisors if any of them wish to attend he would be sure to get the definite date and time to them. He explained some of the details of the program and some of the requirements that will have to be met. A Public Hearing and adoption of an Ordinance will be required to implement this program. County Planning will be in attendance at this Hearing. Gordie Sheetz, who is the sewer enforcement officer, and Earl Meyer, Director of LCPD and a Twp Representative will be in attendance to answer any questions.

Sol Wolf discussed setting the date for the Public Hearing. It was difficult to establish a date for the Zoning Amendment so he is unsure what time frame to set for this Public Hearing. March is too early because all the information is just being gathered and April there is only 1 Supervisors meeting. May is the date set for the rezoning request. Sol Wolf anticipates LCPD's presentation would take approximately an hour. He thinks that this is an issue that would need to be planned for on an individual basis. He recommended the Supervisors start thinking about the date they would like to set for this issue and the Public Hearing. At this point it looks like June might be the month. Suv Brensinger questioned if there is a time deadline that they are governed by. Sol Wolf stated the program is to be in place this year. County Planning has indicated they would like to have the program operating for at least 6 months. There are many items that need to be done by LCPD in order to contact all the people they have to contact.

Suv Artz said he would not be able to make the June meeting. Mgr Grumbine said she felt this could probably be scheduled for the same date as the rezoning hearing. Suv Hawkins agreed that June is not a good month as both she and Suv Brensinger both have graduating seniors and that is graduation night. Some discussion followed about having the 2 Hearings during the May meeting. Sol Wolf suggested having both Hearings advertised for the same time. That way everyone would be present and there is no way of knowing how long each issue will take. He told the Board they do not have to decide tonight. Suv Hawkins questioned the haulers meeting Sol Wolf had talked about. Is that something that the haulers must attend if they wish to participate in the program? Suv Brensinger replied if they wish to do good business they would be smart to participate in the program.

Paul Schwab – Hunters Chase Ln

Mr. Schwab asked what exactly had brought all this about? Sol Wolf explained that DEP has mandated that every municipality that has any on-lot systems, must implement a program that regulates having the septic systems emptied and maintained on a regular basis. The municipality is charged with implementing and maintaining information on the on-lot systems. Schwab said his point is he is sorry he had to move away from having a septic system. He feels he should have stayed with a septic system because he feels sewer is very expensive. Now you are telling these people they have to spend money to maintain their septic systems? Sol Wolf stated the Twp has no option as DEP is mandating this program. This mandate was handed down 3 or 4 years ago and now DEP is saying get this program activated. Sol Wolf explained this is why the Twp opted to have County implement the program. They are able to secure Grant money to get the program up and running. Schwab asked what this is going to cost the Twp? Sol Wolf stated it would not cost the Twp anything because we have asked County to handle this program. If the Twp does not get on board with County, the Twp will not be eligible for the 85% Grant funding that LCPD is able to receive.

Act 537 Plan – On Lot Systems (con't)

Suv Hawkins told Schwab the problem is that although Schwab was a responsible property owner and maintained his septic system, there are too many individuals who do not maintain their systems. Suv Brensinger added that Schwab does not know the number of failing systems located in our Twp. Jere Putt asked where the Twp is going with the sewer. He said earlier it had been mentioned there is a problem with the sewer. Where is the Twp going with this sewer? Suv Brensinger said it all goes to Derry Twp as that is the only plant around here that will accept it. Sewer taken from the septic systems must be taken to a facility that is licensed and permitted to accept it. Suv Hawkins said she thinks he is confusing two separate issues. Public sewer and sewer that is emptied from a septic system are treated differently. Schwab asked how many on-lot systems there are in NL Twp? He was told approximately 1,000 systems. Suv Brensinger said NLT is fortunate that we are not like some of the surrounding Twps that have no public sewer at all.

Bill McMichael – Kimmerlings Rd

Mr. McMichael asked if the homeowner is responsible financially for having the tank emptied? Suv Brensinger replied that is true the homeowner assumes that expense. McMichael asked how much that type of service costs? Suv Brensinger said he would think probably about \$100 per time. He added that the cost would probably go up, as the hauler will now have to be licensed. Schwab said you mean they have to get licensed to be a part of this program? Suv Brensinger stated they already are required to do some paperwork. McMichael asked if these people have to be certified? He was told yes they do. It was explained that any hauling business could participate in the program but they have to fulfill the requirements for licensing and certification. Sol Wolf said that he wanted to repeat that the Twp has no choice in this matter. DEP has mandated that this program be implemented.

Jere Putt – 1505 Jay St – Comments on Rezoning Issues

Mr. Putt remarked that along Jay St, on both sides of his property, there are residential homes located on Agricultural lands. If the Twp is so worried about tax money, these homes should be zoned residential. That way the Twp would be receiving the tax base for residential zoning. Why were those lots approved when they are located in an Agricultural zone? Chp Artz stated the homes had been approved under requirements established for Agricultural zones. He explained that within an AG district there are a certain number of lots that could be subdivided off the main tract. Putt said he understands that the lots were subdivided off the original tract but why were the lots not rezoned to Residential at that time. Suv Brensinger told Mr. Putt the assessment of those properties, in an Ag zone, would not bring in any more tax money then if they had been zoned Residential. Putt disagreed with this statement. Suv Brensinger tried to explain the homes were assessed on the value of the structure whereas his Ag land is assessed and his structures are also assessed. There is a big difference.

Mr. Putt next questioned why the Marks land in Homestead Acres has one section that is still zoned Ag instead of Residential. Sol Wolf asked Putt what area he is referring to. He said he is talking about the area where all the newer developing is taking place. Putt said he is curious how Marks got around this and was able to keep this area Agricultural and still develop it. Chp Artz asked Putt to show them on the zoning map the exact area he is referring to.

Jere Putt - Comments on Rezoning Issues (con't)

Putt pointed out an area that had been a part of the former Arnold farm. While looking at the area that Putt was indicating Mgr Grumbine stated that it must have been missed by the cad system when the zoning map was being updated.

Putt's next question was how Marks got approval as this area contains wetlands. Suv Brensinger said the area is not a part of the wetlands although it is located close to it. Putt said the creek would have to be crossed to get access to the area. Putt said he thinks the wetlands should have been thought about before the land was rezoned. He said he is well aware of the fact the sewer location determined this decision.

Mr. Putt said he would like to know what is going to happen when someone walks through the door with a plan submission for the Cikovic farm. The farm had been rezoned to R-1. Does that mean that person could put as many homes as he wants in the area? Putt asked how this area was able to be rezoned Residential without showing the types of homes that would be placed in the area? He went on to say that when he applied for his property to be rezoned he had to provide information about the types of homes. Mgr Grumbine told the Board that when the new Ebenezer School was built, a planned layout for the area was submitted to the Twp. Putt insisted that he does not understand how they can just walk in and submit a plan for this area.

Chp Artz told Putt his understanding of zoning is that when your land is zoned appropriately, you are able to submit what is listed in the zoning requirements. Mr. Putt said he understands that. He also understands this was a "deal" for having the school built. In Mr. Putt's opinion, it all depends on who you are and whom you know, whether you get approvals or not. He feels the Cikovic "deal" was done behind "closed doors". He continued onto say he knows that neither Dawn nor Ed were on the Board at that time. Ken said no they were not but he was and he cannot remember exactly how that plan went through at that time. Putt said it really makes him angry that this rezoning was approved and then the Twp comes to him and tells him to try to control his manure odors.

Mr. Putt started mentioning the Intensive Ag Committee he had sat on. He said there were a lot of things discussed with storage and smells etc. When the Ordinance was adopted and signed, Putt claims, there are a lot of requirements listed in the Intensive Ag Ord. that were not agreed to by the Committee. Now he has his farm for sale. When potential buyers see the Intensive Ag Ordinance, they are scared off by the contents of the Ordinance. A potential buyer is not interested when they have to invest money and then might be turned down by the Supervisors. Putt said he also tells them the neighboring property is zoned R-1 because he does not wish to make another problem. He told the Board that he gets denied for rezoning but then there is stuff, such as the Cikovic farm being rezoned, going on.

Chp Artz asked Mr. Putt if he is referring to the Ag Security Committee that the Twp had. Putt replied he is referring to the Intensive Ag Committee. Artz told Putt that would not affect the Ag lands. It would only affect the Intensive Ag operation. Putt replied that he is considered an Intensive operation and it definitely affects him trying to sell his farm. When he gets an interested buyer they have appear in front of the Board with plans, said Putt. One of the interested buyers wanted to construct an additional building for more pigs. When he saw all the Residential areas around the farm he told Putt he was not interested.

Jere Putt - Comments on Rezoning Issues (con't)

Mr. Putt remarked, "So now I'm stuck". He said, it seems to him, that it depends on who owns the property as to whether or not rezoning to Residential would be approved. Chp Artz responded that he could only speak for himself. As long as he has been a Board member, he has tried to never allow that to happen.

Martin Barondick and Jere Putt told the Board that they feel there was "deal making" that went on during the planning and construction of the new Ebenezer School. Chp Artz responded not with the Twp. There was not. Mr. Barondick shared his feelings about the new Ebenezer School and all the negative thoughts of a lot people in relation to the whole new/old school issue.

Mr. Putt said that is another thing that disturbs him. He was told the reason he was turned down for rezoning is that there is enough developing in the Twp. Yet, when Isaac Martin presents plans for developing he is given approval. Chp Artz asked which phase is he referring to. Putt said right after he received his denial another phase for Homestead Acres was approved. Sol Wolf stated what he recalled being said during both Mr. Smith and Mr. Putts' request for rezoning was that there is enough land with appropriate zoning to develop, and is not yet developed, without having to rezone other areas for residential developing. Mr. Putt indicated his disagreement with Sol Wolf's remark by saying "They never said that". Putt continued onto say maybe that is what the Board meant but it is not what was said.

COMMENTS FROM BOARD MEMBERS/ TWP MANAGER/PUBLIC**A.) Suv Dawn Hawkins**

Suv Hawkins said she would like to commend Officer Behney on his award. Also she wanted to thank all the residents who showed up tonight for the meeting. Suv Hawkins told Mr. Putt she is very sorry that he feels the way he does. She said she cannot explain why things happened the way they did in the past when she was not sitting on the Board. She stated there are many areas located in the Twp that are already zoned for development, which have not yet been developed. She repeated she is sorry if he feels he has been wronged in the past. She can only hope that in the future when things are decided and done it will be to benefit the Twp.

B.) Suv Brensinger

Suv Brensinger said he feels he needs to rebut some of what Mr. Barondick had said about Mr. Smith and his property. It has been made a known fact that the farm has been sold. Barondick asked what is going to be done with the property? Brensinger said that he does not know however the point is that Mr. & Mrs. Smith were able to sell their farm and now are able to move on. Evidently they were happy with what was offered for the property. He told Mr. Putt he could understand how he feels about having a buyer who walked away because he was not able to do with the land what he had planned. It is his hope that Mr. Putt is able to find a buyer for his property. Suv Brensinger said it was his choice to place a hog farm there and it has worked out for him, with the exception of a few glitches. Mr. Putt said he would like to know why public sewer and water availability was made in the area.

COMMENTS FROM BOARD MEMBERS/ TWP MANAGER/PUBLIC (con't)

Chp Artz said he could explain that. The Twp always establishes a right-of-way in the event there are utilities to be placed in the area at some point in time. This is employing good planning strategies for any future uses of any area in the Twp.

Suv Hawkins said there were many issues not brought up tonight when discussing developing such as the additional Police power that is needed, emergency services such as fire services. These all things, which inflict expenses for the Twp. Industrial uses pretty much take care of themselves and do not look to the Twp for many of these services. She repeated there were many issues not even touched upon this evening.

As there was no more business to conduct or discuss the meeting adjourned.

Respectfully Submitted,

Theresa L. George
Recording Secretary