

# **March 8, 2011 - Antrim Township Board of Supervisors**

## **MINUTES OF THE ANTRIM TOWNSHIP SUPERVISORS**

### **REGULAR MEETING**

**March 8, 2011 7:00 p.m.**

The Antrim Township Board of Supervisors held a regular meeting on Tuesday, March 8, 2011 in the Antrim Township Municipal Building, 10655 Antrim Church Road, with the following present: Chairman Sam Miller, Vice Chairman James Byers, Supervisors Rick Baer, Fred Young III and Curtis Myers. Others attending the meeting included Solicitor John Lisko, Brad Graham, Township Administrator, Sylvia House, Zoning Officer and Tom Davis, Public Works Director.

Chairman Miller called the meeting to order at 7:03 p.m. The meeting opened with a word of prayer followed by the Pledge of Allegiance.

Chairman Miller called for Public Comment.

Kurt Gipe of 2201 Hoffman Road addressed the Supervisors and stated that he lives near the intersection where the talk has been saying it is a dangerous intersection and there are sight issues. He has been following the discussions and to re-route Hykes Road to Countryside Drive is a bad idea because there will be extra cars going through on the North side of the development there. He also mentioned that heading South on Hykes Road and turning left onto Countryside Drive would not work either. Mr. Gipe also mentioned that making Hoffman Road a one-way road would be the worst option because there would be safety issues with people walking along the road and would adversely affect those living on Hoffman Road. Mr. Gipe suggested that maybe we could install microwave sensors at the intersection to detect the traffic in the dip and consider re-aligning the road to the south. Supervisor Byers arrived at this time – 7:06 p.m. Mr. Gipe also suggested re-grading the road and taking away part of the dip. Robert Wertime also added a comment about the dangerous intersection and suggested taking the hump off south on Williamsport Pike. He also suggested removing part of the farmer's field and they could use the fill from shaving off the hump and fill from the farmer's field to fill in the dip. The Supervisors acknowledged both residents and thanked them for their suggestions and said they will take them into consideration.

A Myers/Young motion passed 4-1-0 (Byers abstained) to approve as written the regular meeting minutes from February 22, 2011.

A Baer/Myers motion passed with unanimous vote to approve the bills on the Treasurer's reports dated March 8, 2011.

Sylvia House, Zoning Officer addressed the Supervisors regarding a modification request from Antrim Commons Business Park, Lot 9. Administrator Graham noted that this has been talked about being tabled but the Supervisors can decide if they would like to table it or not. Chairman Miller stated that Dewberry has said the modification is inadequate for an industrial road and they recommend not doing this until we enter into an agreement with ATAPCO. Mrs. House stated that there are actually three modifications that they are asking for here. It was decided that we would table this until later in the meeting.

A Baer/Young motion passed with unanimous vote to approve a final plan for Drive Carts, a Land Development Plan on Buchanan Trail West.

A Baer/Young motion passed with unanimous vote to approve a final plan for Antrim Commons

Business Park lots 2,3,5 and 6 amended; a Commercial Subdivision on Antrim Commons Drive.

A Miller/Baer motion passed with unanimous vote to approve a Request from Planning Waiver – Non-Building Declaration be sent to DEP for Antrim Commons Business Park lots 2,3,5 and 6 amended; a Commercial Subdivision on Antrim Commons Drive.

Don Kornfield addressed the Supervisors regarding a request for Nottingham Meadows. There is a restriction on the plan that only Creative Investments can build and develop the lots at Nottingham Meadows but a developer wants to enter into an agreement to purchase some of the lots. Interfaith Housing Alliance is a builder and developer of single and multi-family affordable housing. They have worked in Franklin County building a 32 unit senior apartment complex and in Cumberland County developing 39 lots. Supervisor Young questioned if the Home Owner's Association is active at Nottingham Meadows. Mr. Kornfield responded that they are active but they only have say in the common areas there. Chairman Miller questioned what the average price is of the housing that Interfaith Housing Alliance is proposing to build there. Representatives from IHA responded that the average price would be \$160,000.00. The Supervisors questioned how many lots are left out there and how many IHA is proposing to buy. A representative from Creative Investments responded that there are 50 lots left and IHA is proposing to buy 18 lots.

A Miller/Baer motion passed with unanimous vote to approve the request from Nottingham Meadows to sell 18 lots to Interfaith Housing Alliance with a requirement that all the deeds are noted with the notes that are on the plan.

An item on the agenda to discuss a letter from Lester Musselman regarding access to Antrim Commons was tabled for now. It was discussed that this would probably be between ATAPCO and Mr. Musselman.

Sylvia House, Zoning Officer addressed the Supervisors regarding renewing a Letter of Credit for Paulmark Estates in the amount of \$59,100.00 that is set to expire on April 21, 2011. The developer is requesting to renew the bond for the same amount due to the economy.

A Myers/Miller motion passed with unanimous vote to approve renewing a Letter of Credit for Paulmark Estates for the same amount of \$59,100.00 due to the economy, as long as we receive the new LOC by noon on Thursday, April 20, 2011.

Brad Graham, Township Administrator addressed the Supervisors regarding the amount that was budgeted for 2011 for the Park Facilities Grants of \$32,000.00. Mr. Graham would like the Supervisors to give authorization to confirm giving out grants for the full amount of \$32,000.00 that was budgeted for 2011, for letters to be sent to potential grant recipients and a press release to be sent to the newspapers. Mr. Graham also noted to the Supervisors that the American Legion Building Fund returned their 2010 grant check in the amount of \$2,000.00 and we have issues with the Greencastle Midget Football turning in their paperwork late.

A Baer/Miller motion passed with unanimous vote to authorize giving out Park Facilities Grants for the full amount of \$32,000.00 that was budgeted for 2011, for letters to be sent to potential grant recipients and a press release to be sent to the newspapers.

Mr. Graham also addressed the Supervisors regarding a request we received from the Greencastle Flyers Running Club to use the Antrim Township Community Park to host the Covered Bridge 5 Mile Challenge on April 9, 2011. They are requesting use of the park pavilion and assistance with traffic control for the five mile course that will be on several Township roads.

A Miller/Baer motion passed with unanimous vote to approve the request from Greencastle Flyers Running Club to use the Antrim Township Community Park and park pavilion and to provide

assistance with traffic control along the five mile course to host the Covered Bridge 5 Mile Challenge on April 9, 2011.

Mr. Graham also addressed the Supervisors regarding awarding the bids for Antrim Township Community Park for the installation of the Tennis Court, Basketball Court and appurtenances. Mr. Graham stated that we only received one bid from David H. Martin, Inc. in the amount of \$177,900.00 and he is recommending that the Supervisors accept this bid.

A Baer/Byers motion passed with unanimous vote to award the bid for the Antrim Township Community Park for the installation of the Tennis Court, Basketball Court and appurtenances to David H. Martin, Inc. for a total cost of \$177,900.00.

Item D on the agenda under Township Administrator to discuss the park field use, reservation and fee policy will be tabled until the next meeting.

Mr. Graham also addressed the Supervisors regarding the Joint Meeting that was supposed to be scheduled for next Tuesday with the Borough of Greencastle and the G-A School District is now being postponed and scheduled for April 19<sup>th</sup>. The Supervisors stated that we probably need to propose a different date because most of them will not be here on this date because that is the week of the PSATS conference. Mr. Graham also noted that instead of the Joint meeting, we will be having a worksession at 4:00 p.m. Mr. Graham noted that one of the items we may discuss is roads and the other is the sale of the water system.

A Myers/Baer motion passed with unanimous vote to recess the regular meeting at 7:30 p.m. to conduct a public hearing.

**\*\*\*\*PUBLIC HEARING\*\*\*\***

Chairman Miller called the Public Hearing to order at 7:30 p.m. for the purpose of hearing testimony on changes to the Antrim Township Zoning Map and changes to the Zoning Chapter.

Chairman Miller asked all of those present that if they wish to testify or offer comments concerning the matters before us to please stand and raise their right hand to be sworn in.

All those wishing to testify and offer comments were sworn in at this time.

Chairman Miller stated that we will first hear from the Applicant Antrim Business Park.

Pat Coggins from ATAPCO addressed the Supervisors and gave a presentation on their request to make a minor adjustment on their property line to change the zoning on some of the existing Highway Commercial III zone to Industrial zone. Mr. Coggins stated they would like to make a split line down the middle of the property and make a clear split with what is Highway Commercial and what is Industrial. They pulled HC III from the southern line to the north and from the western line further to the east making those areas Industrial. Mr. Coggins explained that they did this because the types of users they are seeing are more Industrial. Mr. Coggins noted that Highway Commercial III users are retail users and restaurant establishments or office and flex office users who require convenient accessible areas. These changes would lend themselves to a more Industrial User instead of a Commercial user. Supervisor Byers stated he is okay with the property at the on ramp but he does not want to see anymore Industrial land at Antrim Commons especially with planning more Industrial land towards Hykes Road. He would rather see office buildings here instead of warehouses. Chairman Miller also added that he thought the same thing with the Industrial. There should be more jobs to the acre because they normally would have higher paying jobs to help benefit our local economy and they are the ones that would be buying housing. Mr. Coggins responded that even with this Zoning change, they have 75 acres of available land for those types of uses and they do not drive the economy in Central PA and on I-81. Mr. Coggins added that there is not a big demand for office buildings in terms

of jobs and one job that they were chasing was the Macy's warehouse job that would have employed 1,300 jobs that would have included 150 white collar positions and it ended up going to West Virginia. Tim Hogan also added that Norfolk Southern is behind the ATAPCO property and an Industrial use would be complimentary to what they are proposing. Chairman Miller asked how many acres would be changed. Mr. Hogan responded that there would be 43 acres. Mr. Coggins added that Mr. Bonnell's house would be five acres and providing an additional ten acres of green space. Chairman Miller asked if any lots have been sold yet. Mr. Coggins responded no they do not have any sold yet but they are in negotiations with a potential buyer and they have sent out RFP's to a potential user. Chairman Miller asked why they were in a rush if they don't have a buyer at this point. Mr. Coggins responded that they have an RFP out to a potential user that would have job numbers of between 400 – 1,000 jobs. Supervisor Byers asked about the area at the on ramp and if that would be better kept as Highway Commercial zoning. Mr. Coggins responded that it would not make sense because it is too far from access to the highway. Sylvia House, Zoning Officer added that we have seen users come and go because we haven't been shovel-ready. Supervisor Byers did not agree with this and said we have to think about zoning changes 20 to 30 years down the road. Chairman Miller asked about the Musselman property. Mr. Coggins responded that there are a lot of impacts that they need to understand and this is a discussion between two private property owners. Tim Hogan also added that there needs to be a discussion as to the location of the road, etc. Mr. Coggins also stated there are other factors that would have to be considered here.

Lester Musselman presented testimony and stated that they zoned it completely to the property line for Highway Commercial and thinks it should stay there. Mr. Musselman also added that if you look at K-Mart and Wal-Mart on Rt. 40 & Salem Avenue in Hagerstown, they are off of the main road and you have to get off the main road to see them and here it is visible from Rt. 11 and 81. Mr. Coggins responded that it is going to be a collection of smaller businesses of a higher and better value. Mr. Musselman replied that it was originally asked to be zoned as Highway. Mr. Coggins responded that this was done before ATAPCO bought the property. Supervisor Baer asked about the proposed 200 square foot building at the end of the cul-de-sac and if they could put in a parking lot. Mr. Coggins responded that our regulations would make them treat the entire lot as Highway Commercial III and the first user out there is going to be a larger Industrial user. Mr. Hogan added that there is a visibility issue with commercial users; customers don't have tremendous brand loyalty and the more doors they have to pass the less likely they are to come to your business. He also added that all the businesses want to be on the corner. Mr. Coggins

added that it is too far off the beltway. Chairman Miller asked once someone makes a Zoning change request; from start to finish what is the length of time we have. Solicitor John Lisko responded that we have 90 days from the last public hearing to take action. Sylvia House, Zoning Officer stated that we have a minimum 45 day review process and we need to notify the County and post notices to the surrounding property owners. Mr. Hogan stated they are putting a lot of money into infrastructure and having the right zoning makes it successful. Mrs. House stated that this went to the Planning Commission last night and they were in favor of re-zoning and would allow for better zoning along Rt. 11.

Mike Still asked if they are just asking to move the line. Mr. Coggins responded that they are asking to move the line to the back of the property and right now the line is crooked. Mr. Hogan stated that the previous property owner asked for it to be zoned this way.

Robert Wertime asked if everyone in the room understood where the Highway Commercial and Industrial Zoning would be in relation to I-81. Mr. Coggins responded that there is a limited access line and it would be convenient to Rt. 11. Mr. Wertime asked if this is what they were trying to re-zone as Industrial or keeping Highway Commercial. Mr. Coggins responded that this part we are keeping

## Highway Commercial

Chairman Miller announced that we will now take testimony on the changes to the Zoning Chapter specifically Section 150-29 (B) entitled "Fireworks sales establishments in accordance with the following standards." Sylvia House, Zoning Officer stated that the second Section 150-29 (B) changes were brought before the Board several months ago to make those standards more relaxed and if any users come in then they would have to ask for a conditional use. Mrs. House asked if the Supervisors would like her to go through the changes one by one to reiterate what the items were or if they recall them from the last meeting. Supervisor Young asked if she could just give us the major differences between the current ordinance and the requested changes. Mrs. House responded that previously in the Zoning ordinance we did not have fireworks sales specifically listed so any fireworks sales company could come and develop anywhere where a retail user could and then we created conditions so they could only be a conditional use in the Highway Commercial zoning district so they could no longer go just anywhere that a retail business could. When the Ordinance was adopted previously it was too stringent for fireworks sales establishments. Mrs. House stated that the main changes were as follows:

1. Current ordinance requires them to be on public water and to have a fire hydrant and we reworded it to say that if they were on a well then it would have to have a proper storage unit that would supply adequate fire suppression.
2. The front setbacks and all the setbacks were over-regulated and we reduced them down to 50 feet in keeping with Highway Commercial standards.
3. An item was added that each fireworks sales and storage business shall conform to all applicable laws and regulations with regards to federal, state and local laws. If any of these regulations conflict then the most stringent requirements shall apply.

Chairman Miller added the current Ordinance was so stringent because public came in here and they did not want fireworks sales in the Township and we are their voice and their representation.

Mike Still was sworn in at this time. Mr. Still asked what if Maryland and West Virginia decide to change the rules and they sell to PA residents and how do we stop this. Chairman Miller responded that is irrelevant and the people spoke and we did what the public asked at the time. Vice Chairman Byers stated that his concern is that there are some places in Highway Commercial where this could take place and it's close to existing buildings and homes and just because one place is looking we shouldn't make these changes. Mrs. House added that the sales that are permitted are not considered to be explosives and they are much safer. Mr. Still asked where the previous store was being proposed. Chairman Miller responded that it would have been at Mason Dixon Road right on the corner of Mountain View Drive behind Earl's store.

Sylvia House, Zoning Officer concluded that this Ordinance change also went to the Planning Commission and they were in favor of approving the changes.

Chairman Miller asked if there were any other questions or comments. Since there were no other comments or testimony, Chairman Miller asked for a motion to adjourn the public hearing.

A Young/Byers motion passed with unanimous vote to adjourn the public hearing at 8:10 p.m.

The regular meeting was reconvened at this time.

Solicitor John Lisko advised the Supervisors that both of these have to be voted on as one item.

Ed Wine with ATAPCO asked can't these two sections be split up and be voted on separately. Solicitor Lisko responded that they cannot be split up since they were written and advertised as one change.

No decision was made on the Zoning and Ordinance changes at this time.

Sylvia House, Zoning Officer addressed the Supervisors regarding the three modification requests for Antrim Commons Business Park, Lot 9. The first modification request is for §125-45 (U) which refers to the slope of the crown on all streets. Our ordinance requires a 4% cross slope but a 2% is standard engineering practice. Dewberry and Martin & Martin recommended granting the modification for the 2% cross slope.

A Miller/Young motion passed with unanimous vote to approve a modification request for Antrim Commons Business Park, Lot 9 for §125-45 (U) to allow for a 2% cross slope; instead of the 4% slope required by our ordinance.

Mrs. House addressed the Supervisors regarding the second modification request from §125-45 (R)(2) which refers to the standards for the cul-de-sac design. This would allow for a larger cul-de-sac. They are requesting that the total pavement diameter be 112 feet and the right-of-way diameter to be 140 feet to allow uniformity throughout the development. Martin & Martin and Dewberry have recommended granting the modification due to the high volume of truck traffic coming through this area.

A Young/Miller motion passed with unanimous vote to approve a modification request from §125-45 (R)(2) to allow a total pavement diameter be 112 feet and the right-of-way diameter to be 140 feet to allow uniformity throughout the development with the condition that a snow easement be included.

Mrs. House addressed the Supervisors regarding the third modification request from §125-55 that addresses the thickness of the pavement and the materials used for the different courses of the pavement. Originally this modification was made for Antrim Commons Phase I and we had generic traffic counts and the paving specs at that time were more than what was required elsewhere. We had this reviewed and recommended for approval by Martin & Martin. The request now is for Antrim Commons Business Park, Lot 9 for the cul-de-sac road. Armada drive and Antrim Commons Drive were requested previously and modifications were granted. We sent this request to Dewberry and they quoted Hillis and Carnes, engineer for the developer that this design only has a ten year life and the sub-grade materials are inadequate. Dewberry is recommending we need to ask for a maintenance agreement for the road because Penn-Dot uses a 20 year life span. Dewberry recommends granting this modification but recommends that we get a maintenance agreement because it would protect us in the future. However, the Planning Commission recommends granting the modification without the agreement. Tim Hogan commented that most states have a trade association for asphalt standards. Chairman Miller stated that he spoke to Dewberry and they said it would be prudent to require that all future requests to follow the Ordinance until we come up with a proper Ordinance. Miller thinks we need to require developers to make the improvements because it's not fair to our taxpayers. Tim Hogan added that the traffic study that was done stating there would be 1,000 tractor trailers a day was extremely high and the cul-de-sac road is going to take a lot less traffic. He also noted that the previous roads that were granted the modification 75% of the road was not placed on the natural soils. They also used 2" of crushed shale and it was undercut and they used PA2A stone. These roads have a better base than the natural soil. Sylvia House gave the specifics on the modification request.

Robert Wertime commented that if there is a geo-tech engineer getting ready to send a letter that they should provide the letter to the Township with rough equivalents to the Cadillac road that the Township requires. Supervisor Myers commented that he doesn't feel an engineer was involved. Solicitor Lisko added that they want the Township to accept these streets and we are not going to accept these roads until they meet our specifications and he thinks we should have Dewberry out there instead of Joe McDowell. Lisko stated that if the road fails then we don't accept it and we have a maintenance bond that is good for eighteen months.

A Young/Baer motion passed with unanimous vote to grant the modification from §125-55 for Antrim Commons Court as recommended by Dewberry and the Planning Commission.

Ordinance #320: A Young/Baer motion passed 3-2-0 (Miller & Byers opposed) to accept the Ordinance as proposed and recommended by the Planning Commission for changes to the Antrim Township Zoning Map and the Zoning Chapter.

Chairman Miller called for public comment. There was none.

A Young/Baer motion passed with unanimous vote to adjourn the regular meeting at 8:55 p.m.

Respectfully Submitted,

Mary A. Klein

Secretary