

May 24, 2011 - ANTRIM TOWNSHIP SUPERVISORS

MINUTES OF THE ANTRIM TOWNSHIP SUPERVISORS

REGULAR MEETING

May 24, 2011 7:00 p.m.

The Antrim Township Board of Supervisors held a regular meeting on Thursday, May 24, 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, and Sylvia House, Zoning Officer. Supervisor Fred Young III arrived late to the meeting. The Antrim Township Planning Commission attended this meeting for the purpose of a Conditional Use Hearing at 7:30 p.m. The Planning Commission members in attendance were Chairman Lester Musselman, Larry Eberly, Richard Walck, Delbert Myers and Solicitor Deborah Hoff.

Visitors: See the attached list.

Chairman Miller called the meeting to order at 7:00 p.m. The meeting opened with a word of prayer followed by the Pledge of Allegiance.

Chairman Miller called for Public Comment.

Dennis Rife addressed the Supervisors and said he was here with his wife Renee and he owns several farms on Stone Bridge Road. He has applied for a permit to build a poultry building and he has complied with soil conservation and obtained an NPDES permit. Mr. Rife asked that once Dewberry is satisfied with his plan and before he gets approval from the Township, he would like permission to start moving dirt to get ready for the contractor to construct the building. He also noted that he has already met with Mary Ann Shaffer from the Conservation District and she is okay with everything. Solicitor Lisko responded that he can't move any dirt until he receives the final approval from the Township. Sylvia House, Zoning Officer said Mr. Rife just wants to get the land prepped for the Stormwater and E & S Controls.

A Miller/Baer motion passed 4-0 (Young had not yet arrived) to approve Dennis Rife to begin moving dirt to get the land prepped for the Stormwater and E & S Controls after stormwater approval and prior to final approval of his plan to build a poultry building.

A Baer/Byers motion passed 4-0 (Young had not yet arrived) to approve the bills on the Treasurer's reports dated May 24, 2011.

A Baer/Miller motion passed 4-0 (Young had not yet arrived) to approve as written the regular meeting minutes from May 12, 2011.

A Baer/Myers motion passed 4-0 (Young had not yet arrived) to approve as written the worksession meeting minutes from May 17, 2011.

Visitors Nick Layton and Kyle Rider addressed the Supervisors regarding Eagle Scout projects that they would like permission to do in the Township. Kyle Rider from Boy Scout troop #99 was the first to address the Supervisors.

Supervisor Young arrived at this time – 7:08 p.m.

Mr. Rider asked for permission to build a campfire ring of 48" in diameter and 20" high surrounded by 4-6 long log benches at the Martin's Mill Bridge park. He noted he will place a weed barrier covered by drainage gravel around the ring and base of the benches to eliminate having to mow around the

campfire ring. He will also provide signage and he is asking the Supervisors for material support in the amount of \$350.00.

A Myers/Byers motion passed with unanimous vote to approve financial support in the amount of \$350.00 and material support with a donation of gravel and weed barrier to Kyle Rider for his Eagle Scout project to build a campfire ring of 48" in diameter and 20" high surrounded by 4-6 long log benches at the Martin's Mill Bridge park.

Nick Layton addressed the Supervisors next regarding the Eagle Scout project he would like to do in the Township. Mr. Layton stated that he would like to build 6-8 handicap accessible picnic tables for the Antrim Township Community Park. The cost for each table would be approximately \$160.00. Supervisors Baer & Myers both stated that we are in need of some regular picnic tables for the new pavilion at the ATCP. They asked if he could possibly make some of these regular picnic tables. Mr. Layton said he could probably do this.

A Myers/Baer motion passed with unanimous vote to approve financial support in the amount of \$350.00 towards the construction of two regular picnic tables and approve the construction of six handicap accessible picnic tables for use at the Antrim Township Community Park to Nick Layton for his Eagle Scout project.

Item A under Plans on the agenda for Olde Sycamore Estates was tabled as we did not hear from DEP.

Item A under Plan/Bond expirations for Antrim Commons Business Park Lot 9 was requested to be tabled because representatives from ATAPCO could not attend tonight's meeting.

A Miller/Baer motion passed with unanimous vote to renew a Letter of Credit in the amount of \$89,714.00 that is set to expire on June 15, 2011 as long as the new one is received no later than noon on June 14, 2011 or staff shall be authorized to pull the Letter of Credit unless the improvements have been completed and approved by our engineer.

A Miller/Baer motion passed with unanimous vote to accept the release of a bond in the amount of \$60,500.00 that is set to expire on May 30, 2011 for Shadow Creek Phase IV, upon completion of the project and inspection by our engineer.

Brad Graham, Township Administrator addressed the Supervisors and noted that at last night's ATMA meeting, they approved the bid for Lift Station #3 and the purchase of an emergency generator. Mr. Graham also reminded the Supervisors about the worksession next Tuesday night will include a presentation from the Besore Library that will start at 4:00 p.m. Mr. Graham also asked the Supervisors to contact their Senators to oppose the amended language in SB283.

A Byers/Miller motion passed with unanimous vote to approve the park facilities grant to the Greencastle-Antrim YMCA for start-up costs in the amount of \$3,000.00.

Supervisor Young addressed the rest of the Supervisors regarding three boy scouts, Ryan Carty, Ken Horesj and Benjamin Stouffer, that will be earning their Eagle Scout awards on Sunday, June 5, 2011. He would like the Supervisors to approve preparing proclamations for them. He also thinks we need to make a plaque to put on the dugouts that Ryan Carty built at the ATCP for his Eagle Scout project. Supervisor Baer thinks we should do a separate ceremony for the plaque presentation to Ryan Carty.

A Young/Miller motion passed with unanimous vote to approve preparing proclamations for the three boy scouts, Ryan Carty, Ken Horesj and Benjamin Stouffer, that will be earning their Eagle Scout awards on Sunday, June 5, 2011

Mary Klein, Township Secretary asked Supervisor Young what the projects were that the boys did to earn their Eagle Scout awards so they can be included in the proclamations. Supervisor Young

responded that Ryan Carty did the dugouts at the ATPC, Ken Horejs constructed a bridge over the environmental center at Wilson College and Benjamin Stouffer constructed an arbor and a sign at his church. Supervisor Young noted that he will e-mail this information to Ms. Klein so she can prepare the proclamations.

Since we were waiting for the conditional use hearing to start at 7:30 p.m., we had a few minutes to wait so Chairman Miller called for public comment.

Resident Bob Smith addressed the Supervisors regarding a drainage ditch that is blocked up on Browns Mill Road. He said it is piling up and running out onto the road in the area of Zeger's pond right past Rhodes Grove. Brad Graham, Township Administrator responded that this is a state road so it is probably a Penn-Dot issue but he will check into it and address it with them.

The Planning Commission was in attendance at this time for the conditional use hearing and called their meeting to order at 7:29 p.m.

A Byers/Young motion passed with unanimous vote to recess the regular meeting for a hearing at 7:30 p.m.

****Conditional Use Hearing****

Chairman Miller called the public hearing to order at 7:30 p.m. for the purpose of hearing testimony from Augusta Partners LLC and Keystone Novelties.

Chairman Miller swore in those present who wished to testify during the hearing at this time.

Chairman Miller stated we will first hear from the Applicant Augusta Partners and Keystone Novelties.

Brian Shaub, the owner of Keystone Novelties addressed the Supervisors and the Planning Commission and stated he is proposing to put a consumer fireworks store on a property owned by Augusta Partners. Mr. Shaub handed out a drawing to the Supervisors and Planning Commission members of what the building might look like. Mr. Shaub stated he would meet all state and local codes. They are proposing 91 parking spaces but they could put up to 100 of them in. Mr. Shaub said he already owns the property previously owned by the Poe's. He noted that the proposed store does not border any residential district and they will have a 20,000 gallon tank for a fire suppression system. He also said the State puts regulations on a fireworks store and requires them to carry \$5M in liability insurance. Mr. Shaub said his proposed store can meet the State restrictions and the employees will be trained in HazMat. He also said there will be no fire allowed in the store and there will be no demonstrations. Mr. Shaub feels he can meet our local ordinance. Merle Holsinger, the P & E for Augusta Partners stated they will have good visibility and will be close to Route 11.

Mr. Shaub stated he currently owns three other fireworks stores and he has met with the local fire officials in those areas and he has told them that if there would happen to be a fire at one of these locations, he does not want them to go in the building to try and save the contents. He does not want them to put their lives in jeopardy. The building is designed to contain the fire and the sprinklers will put the fire out.

Lester Musselman, Planning Commission Chairman, asked if there are any PA residents that are able to buy fireworks from your store. Mr. Shaub responded that yes there is a section of the store just for PA sales and these are the types of fireworks that you can already buy in tents and local grocery stores. Mr. Shaub noted that a PA resident could obtain a permit from the Township for backyard displays and then they would be able to shop the entire store. Mr. Musselman commented that he thought this was illegal. Mr. Shaub responded that PA allows small ground and hand held fireworks and sparklers. Mr. Musselman asked if they manufacture the fireworks at the store. Mr. Shaub responded that no they do not manufacture them and the only manufacturer is in China.

Delbert Myers, Planning Commission member asked what provisions they have for tractor trailers? Mr. Holsinger responded that they will get deliveries with tractor trailers and they will be able to pull in and back out. Mr. Shaub responded that they get very few truck customers at their other stores and they will make deliveries to stores but it's not designed for tractor trailers.

Planning Commission Solicitor Deborah Hoff asked what the lot area of the parcel is. Mr. Shaub responded that it's three acres. Mrs. Hoff thought the setbacks would have to be 250 feet. Sylvia House, Zoning Officer stated that this was changed to 50 feet. Mrs. Hoff also asked about whether there would be screening around the building. Mrs. House also responded that this was changed in the Ordinance. Mrs. Hoff also asked about display fireworks. Mr. Shaub responded that we don't handle these and there would be nothing non-conforming to our Ordinance.

Vice Chairman James Byers asked how many parking spaces there would be. Mr. Shaub responded that there would be about 100 parking spaces. Mr. Shaub noted that there are 57 & 72 parking spaces at his other stores and he feels this will be more than enough for the new store. Mr. Byers responded that he is sure he will have truck customers and wants to know if the entrance is going to handle them. Mr. Shaub responded that yes the entrance will handle them.

Delbert Myers, Planning Commission member also asked why they have so many parking spaces and are they required. Mr. Shaub responded that those were what worked with the design and they were not required.

Vice Chairman James Byers asked if there was a scenic easement. Mr. Shaub responded that yes there is a 100 foot scenic easement. Tom Burke added that they are working with the State to try and make this a green space.

Supervisor Curtis Myers asked if the fire suppression would fail then is the building made of steel. Mr. Shaub responded that yes it would be a steel building but the fireworks do not detonate.

Chairman Sam Miller asked which property they already own. Mr. Shaub showed Mr. Miller on the map and stated it is the larger property, not the smaller one. Mr. Miller also

asked what kind of signage they would have? Mr. Shaub responded that the sign would be on the building and he has discussed the Zoning Ordinance with Sylvia House and he is going to comply with our Ordinance for signage. Mr. Holsinger added that you can see both sides of the building.

Supervisor Fred Young asked that with all this discussion about fire suppression, how often does a fire happen in a fireworks store? Mr. Shaub responded that he does not know the statistics but that he has never had a fire in any of his stores. Mr. Shaub also added that they will have a security officer on site for the seven days prior to July 4th and the three days prior to New Year's Eve and they will be checking customers for lighters, matches, etc. Mr. Shaub also added that fumes from a gas pump are far more dangerous than a fireworks store.

Vice Chairman James Byers asked about selling to PA residents and how we could issue permits. Sylvia House, Zoning Officer responded that our Ordinance requires them to be licensed, bonded, etc. Mr. Byers stated he is not in favor of issuing permits for this.

Mr. Shaub added that he hopes this project will help develop this area. Supervisor Young asked if they have any other prospects for this parcel. Tom Burke, owner of the parcel of land, responded that he has spoken with hotels, Sheetz and a pharmacy that might have an interest but they needed a road and he thinks this project will change the aesthetic value of the property.

Vice Chairman Byers asked if all the merchandise will go through the back door. Mr. Shaub showed Mr. Byers on the drawing that the garage door in the back left-hand corner of the building is where the merchandise will be brought into the building.

Chairman Miller asked if there was any other public comment. There was none at this time.

A Young/Baer motion passed with unanimous vote to recess the hearing at 7:59 p.m.

The Planning Commission reconvened their meeting at 7:59 p.m.

A Young/Miller motion passed with unanimous vote to reconvene the regular meeting at 8:00 p.m.

A Musselman motion died for lack of a second to wait until their next meeting to make a decision on the fireworks store application.

Delbert Myers stated he was hung up on the tractor trailer parking and he thinks we need a provision for this or he can't approve it.

Mr. Shaub responded that the 3rd and 4th of July are the only days this might be an issue. Delbert Myers also asked about curbing. Mr. Shaub responded that they are not required to have curbing.

An Eberly/Walck motion passed 4-0 (Wenger was absent) to approve the conditional use application for a fireworks store for Augusta Partners and Keystone Novelties as presented with an amendment to designate the western most strip in the parking lot for tractor trailer spaces.

Vice Chairman Byers said you mentioned you have talked to fire departments and emergency management officials and do your trucks have a certain placard? Mr. Shaub responded that yes if they are over 1,000 lbs. then they must have a placard.

A Myers/Young motion passed with unanimous vote to approve the conditional use application for a fireworks store for Augusta Partners and Keystone Novelties per the recommendation from the Planning Commission.

The Planning Commission adjourned their meeting at 8:09 p.m.

Supervisor Curtis Myers addressed the rest of the Supervisors and asked if the Board could reconsider their decision on the concession stand at the park. Myers stated the park is finished and he thinks it's a crying shame that the park won't be finished and we have five ball fields that won't be used if we don't have a concession stand. Myers thinks we need to re-bid it out because he thought using the Vo-Tech was a good idea but it will take too long. He thinks it could turn into a 2, 3 or even 4 year project. Myers thinks we could use the Vo-Tech for other stuff out at the park.

A Myers motion to rebid the project died for lack of a second.

Vice Chairman Byers mentioned that maybe we could get this built through CoStars. Byers mentioned that this is something new that he learned about at the PSATS conference and he would like two weeks to look into this because the building would already be pre-designed. Brad Graham, Township Administrator mentioned that he remembers hearing about this at the PSATS conference as well and we would utilize the construction contracts through Costars. Supervisor Young added that we are six months from losing the DCNR grant. Byers added that he wasn't opposed to the restrooms on the concession stand but the bid amount of \$140K was way too high.

A Myers motion to move forward on a concession stand within one week to find out if it can be done through Costars, if not re-bid the project died for lack of a second.

The Supervisors directed Brad Graham, Township Administrator to check into the Co-Stars program. They also mentioned if they choose to re-bid the project and CoStars is not an option then they would go with a face block, shingle roof and no cupola building that was bid through Centura Associates previously. They also want the bid packets to include that the project must be completed by November 30th.

Chairman Miller called for public comment.

Mike Still addressed the Supervisors and said he thinks the usability of the park will increase with a concession stand. Mike Montedoro also added that the Little League came in pre-season and had issues since there was no concession stand and a lack of lighting at the park.

Brad Graham, Township Administrator announced that he needs an Executive Session to discuss personnel and litigation and no further action will be taken after the Executive Session.

A Miller/Myers motion passed with unanimous vote to adjourn into Executive Session at 8:29 p.m.

A Miller/Young motion passed with unanimous vote to adjourn the Executive Session and resume the regular meeting at 9:04 p.m.

A Miller/Young motion passed with unanimous vote to adjourn the regular meeting at 9:05 p.m.

Respectfully Submitted,

Mary A. Klein

Secretary