

**WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING**  
**Minutes of October 2, 2018**

The regularly scheduled meeting of the Board of Supervisors was held at the new West Hempfield Township Municipal Building, 3476 Marietta Avenue. Chairman David Dumeyer and Board members, Edward Fisher, Kent Gardner, Robert Munro and Naomi Martin were present. Also in attendance were: Township Manager Andrew Stern; Chief of Police Mark Pugliese I; Public Works Director Dale Getz; Zoning Officer Dwayne Steager; and Judy Carrier, Recording Secretary. Brenda Baumbach, Finance/Personnel Director, was not present at the meeting.

I. CALL TO ORDER.

Chairman David Dumeyer called the meeting to order at 7:30 p.m. and led with the Pledge of Allegiance.

II. ANNOUNCEMENT.

Chairman Dumeyer announced an Executive Session was held prior to tonight's Board meeting at which time decision was made to promote Marie McDonald to Assistant Zoning Officer and Katie Gotshall to part-time Administrative Assistant.

III. APPROVAL OF MINUTES.

A. September 4, 2018 regular meeting.

- ❖ **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *approve* the Board's September 4, 2018 regular meeting minutes as presented. Motion carried, (5-0).

IV. COMMUNICATIONS.

A. BOARD OF SUPERVISORS

1. Kent Gardner reported LIMC will meet at East Lampeter Township on October 10<sup>th</sup> at 8:00 a.m. There will be a presentation about the trail from New Holland into Lancaster City using the old Goat Path.

B. TOWNSHIP MANAGER.

**INTERNAL MATTERS**

1. **Paving:** Druid Hill and Malleable Roads were paved in September by our contractor. We are not happy with either and have been in contact with the contractor and PennDOT (as it is to be paid with liquid fuels money). We await a resolution.
2. **Hempfield RecCenter / Increased Funding:** On Friday, September 21, 2018, Hempfield RecCenter's Director and several Board members presented their

2019 draft budget to representatives from each member municipal and the school district. A copy of their presentation is attached. We are currently contributing \$2.12/resident. They are seeking an additional \$1.46/resident to cover necessary capital improvements in 2019. **I am seeking feedback from the Board on Hempfield RecCenter's request. *The Board concurred with the agreement, as is, with the request for additional funds. This will be made part of next year's budget discussion and will be dependent upon determinations made by the other member municipals.***

3. **Hempfield RecCenter: Parks:** I have been working with Hempfield RecCenter throughout 2018 on a plan to partner with them for the maintenance and programming of our Township parks. As you know Hempfield RecCenter has added a few programs in our parks this past spring and summer and hopes to do more next year. It appears at this point that our part-time summer public works employees may not be returning next year. Contracting this work out would more than double our costs. Partnering with Hempfield RecCenter would provide a reasonable solution with benefits to both of us. **I am seeking Board support to continue in this direction. *The Board concurred and requested a draft agreement.***
4. **Park Pavilion Rentals:** Several months ago I had included a preliminary report on park pavilion rentals. This report showed that more than half of our rentals are by non-residents. Included in this report is a summary of rental fees for other municipalities in the area. At present we charge \$35 for a pavilion rental for residents and non-residents. For budgeting purposes, I'd like to increase this amount to \$40 for residents (for Lake Grubb this would include Mountville residents) and \$80 for non-residents. I'd also like to limit non-residents from reserving parks more than 90 days in advance. **I am seeking Board feedback. *The Board concurred and this will be a budget discussion.***
5. **Eby Chiques Road.** The project should be complete by our meeting. At the time of this memo we were awaiting the final line painting. We will also be looking at additional guard rails as we are concerned that the wider and smoother road may result in faster driving.
6. **Planning Commission.** Reminder that the terms for Ron Beam and Larry Groff both expire December 31, 2018 of this year. I have received one letter of interest from Joel Wamsley to serve.
7. **MS4 Annual Report.** Our 2017-2018 MS4 annual report has been submitted to DEP on time. Thank you to Kara Kalupson at Rettew and Dwayne Steager for their work on this.
8. **MS4 PRP.** While we have not yet received our letter from DEP, others in the County have begun to receive theirs. My warnings of what I anticipated from DEP are coming to fruition – basically that we cannot parse out areas of the Township as we had originally been instructed to do. As discussed with the Board

previously, we intend to turn our letter over to our environmental attorney immediately upon receipt in order to begin the appeal process.

9. **Newsletter.** The fall newsletter is being finalized and should be printed/mailed within the next couple of weeks.
10. **Streetlights.** Last year I expressed concern about street light fees. Our current ordinance is not current and is a bit confusing with multiple districts and varying fees. I have reviewed this with our Solicitor and we are recommending an amendment which cleans up the ordinance and establishes one district for the Township with consistent fees. A draft is attached for your review.

#### NEW MUNICIPAL BUILDING

1. **New Building.** We continue to work with the contractors to finalize punch list items – the list is getting smaller! I have not included financials in this report as we are still finalizing change orders, credits owed to us, and return of retainage. We remain well under budget.
2. **Sale of Old Township Building.** The auction will be held November 8 at 3pm.
3. **Open House.** Our open house for the new building will be Saturday November 3, 2018, from 10am to 2pm. Please join us if you are available.

#### EXTERNAL MATTERS

1. **Stony Battery at Corporate Blvd.** We have received numerous complaints about standing water in the swale along Stony Battery Road, north of Corporate Blvd. I have been working with the LCCD to resolve this. The responsible party is UGI. On September 25, 2018, Dwayne, Dale, and I met onsite with Veronica Robbins from LCCD and a representative from UGI. UGI accepts responsibility and intends to correct the situation as soon as they can.
2. **Feral Cats.** We have had multiple complaints from residents in two areas of our Township about residents feeding and attracting dozens of feral cats. We have advised that there is nothing we can do and have referred them to the Humane League and SPCA.
3. **Property Maintenance.** We have had several recent issues with property maintenance which we have been unable to address as we have not adopted the necessary code. One is residential and the exterior of the property is in horrible condition. Another is a commercial facility which has turned off their fire alarm monitoring. **Would the Board consider adopting the International Property Maintenance Code as a tool we have for the worst offenders when we have no other tools to use? Dwayne Steager was asked to obtain a copy of the Code for the Board to review.**

PERSONNEL

1. I am requesting an executive session after the meeting to discuss personnel issues.  
*Executive Session was held prior to tonight's Board of Supervisors meeting.*

OUTSIDE BOARDS AND COMMITTEES

1. **CLC-COG.** I attended a meeting of the CLC-COG at East Lampeter Township on Wednesday, September 26, 2018.
2. **LIMC.** The next meeting will be October 10, 2018, 8:00 am, at East Lampeter Township.
3. **LASA.** Reminder LASA Annual Meeting October 25, 2018, 5:45 pm.

CORRESPONDENCE

1. **PA Liquor Control Board.** We have received notice that Cooper Booth Transportation has applied for a liquor license. It is my understanding that they receive beer wholesale for distribution to local convenience stores.

C. TREASURER'S REPORT: SEPTEMBER 2018 FINANCIALS.

General Fund	\$ 3,336,680.09
Sewer Fund	\$ 273,779.19
Refuse Fund	\$ 436,363.17
Street Light Fund	\$ 47,678.61
Fire Hydrant Fund	\$ 48,792.80
TDR Fund	\$ 593,656.73
State Liquid Fund	\$ 973,736.97
Police Pension Fund	\$ 6,815,758.17
Non-Uniform Pension Fund	\$ 2,331,224.66
Recreation	\$ 40,663.91
Highway	\$ 953,025.82
Post Retirement	\$ 25,347.62
Health Care (HRA)	\$ 25,724.41
Fulton Bank	\$ 642,916.16
Total All Funds August 2018	\$ 16,545,348.31

D. DEPARTMENT REPORTS: POLICE, PUBLIC WORKS, ZONING/LAND USE, FIRE.

Written reports were received from the Police, Public Works and Zoning/Land Use and Fire Departments.

1. **POLICE:** Chairman Dumeyer noted several positive comments have been received.

2. PUBLIC WORKS: Dale Getz reported Eby Chiques Road is open!
3. FIRE: Columbia reported purchase of two fire trucks under a \$1.3 million contract due to downsizing from three fire companies to one.

E. GUESTS.

- Clark Moser of Scout Troop 90 presented a proposal for his Eagle Scout Project to place a macadam or concrete path in Ironville Park from the pavilion to the parking lot for easier handicapped accessibility. Following discussion regarding stormwater and consideration for an alternate type of surface, Dale Getz was asked to advise which end of the pavilion would best for the path and provide information and assistance with mixing and application of materials used. The Board also determined that designation of a handicapped parking space is warranted. The Board was very pleased with the proposal and noted there are a lot of improvements that can be made out there.

F. RESIDENTS.

- Frank Burkhart, 1037 Spring Run, reported that the Board is going to see improvement adjacent to his farm on the pipeline. There is a good bit of work being done between Marietta and his farm which involves bringing in compressors and shifting of gas lines. He recommended contacting Texas Eastern for further information regarding the gas service if desired.
- Peter Miele, Primrose Lane, reported water run-off in his back yard is getting worse and asked for suggestions and help from the Township.

V. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES.

**BRIEFING ITEMS:** None

**AGENDA ITEMS:**

- A. Saint Francis Animal Hospital - WHTPC 07-18 (90 Days 1/3/19 time extension)**  
**Final Land Development Plan**  
**Location: 308 Primrose Lane**  
**Zone: C-1**  
**Size: 1 acre/43,560 ft.<sup>2</sup>**

The applicant submitted a Final Land Development Plan to develop the parcel and construct a small animal hospital, dog exercise area, parking, access drive and associated improvements. Dr. Joseph Robuccio, Owner, and Brian Cooley, D.C. Cohn Associates were present.

**REQUESTED MODIFICATIONS**

**a. Section 305 – Preliminary Plan Processing**

The applicant has requested a modification of the requirement to process a preliminary plan and in the alternative, proceed directly to final plan.

The Township engineer has recommended approval of this modification based upon the justification provided with the condition that the applicant satisfy all preliminary and final plan requirements to the satisfaction of the Township.

**b. Section 403 – Traffic Impact Study**

The applicant has requested a modification of the requirement to submit a traffic impact study. The applicant indicated that the proposed development will generate a negligible level of traffic during the AM and PM peak hours. In the alternative, the applicant has provided a traffic impact assessment.

The Township engineer has recommended approval of this modification based upon the justification and alternative provided with the condition that the applicant pay a fee-in-lieu of a Traffic Impact Study.

**c. Section 602.K.6 – Improvement of Existing Streets**

The applicant has requested a waiver of the requirement to widen Primrose Lane an additional one and a half (1.5) feet. The applicant indicated that the increased width would not benefit the existing street network or vehicular maneuverability. No alternative is provided.

The Township engineer has recommended approval of this waiver request based on the justification provided and the condition that the following note is added to the plan: “The West Hempfield Township Subdivision and Land Development Ordinance (SALDO) requires construction of Curbs, Sidewalks, and Road Widening at all locations where the property abuts a public street. Upon owner’s request for modifications, the obligation to complete the Road Widening at such locations has been deferred by the Township subject to the condition that the Board of Supervisors may, at any time at the Board’s sole discretion, direct that such improvements be constructed and completed in accordance with the applicable standards required by the Township at the time of such direction by the Township, at the sole expense of the owner of the property at the time of such direction by the Township. The owner of the property shall be required to complete such construction, as directed by Township Officials, within six (6) months of the date of notice to do so.”

**d. Section 602.P.2 – Driveway Width**

The applicant has requested a modification of the requirement to provide a maximum non-residential driveway width of twenty-four (24) feet at the street right-of-way line. The applicant indicated that twenty-five (25) feet is the required width of parking lot aisles and the proposed layout is required for a garbage truck to maneuver to the on-site dumpster. In the alternative, the applicant has provided a twenty-five (25) foot wide driveway with a twenty-five (25) foot intersection curve radii which is thirty-five (35) feet wide at the street right-of-way line.

The Township engineer has recommended approval of this modification based upon the justification and alternative provided.

**e. Section 602.Q.2 – Street Intersections**

The applicant has requested a modification of the requirement to provide a one hundred fifty (150) foot minimum distance between centerlines of street openings onto the opposite side of existing streets. The applicant indicated that due to the existing sewer main and the access drives on the adjacent property, it is not feasible to line the access drive up with either access drive on the other side of Primrose Lane. In the alternative, the applicant has placed the access drive intersection between the two (2) access drive intersections across Primrose Lane.

The Township engineer has recommended approval of the modification request with the condition that the applicant provide and meet the minimum required safe stopping sight distances.

**f. Section 602.R – Clear Sight Triangle**

The applicant has requested a modification of the requirement to provide a one hundred (100) foot clear sight triangle. The applicant indicated the traffic from the project site is minimal and that adequate sight distance is provided to the east and west. In the alternative, the applicant has provided a fifty-three (53) foot clear sight triangle.

The Township engineer has recommended approval of the modification request with the condition that the applicant provide and meet the minimum required safe stopping site distances and the applicant remove the one hundred (100) foot clear sight triangle shown on the plan.

**g. Section 609.E.8 – Street Trees**

The applicant has requested a modification of the requirement to provide street trees along the frontage of Primrose Lane spaced no less than forty (40) feet nor more than sixty (60) feet apart. The applicant indicated that street trees could not be placed west of the driveway along the frontage due to the proposed stormwater easement and that two (2) trees have been provided in the interior parking lot island near the street frontage. In the alternative, the applicant has provided one (1) street tree on the east side of the driveway and one (1) tree set back from the street frontage on the west side of the driveway.

The Township engineer has recommended approval of the modification request based upon the justification and alternative provided with the condition that the applicant adds a note to the plan requiring maintenance and/or replacement of trees within one (1) year.

## **STORMWATER MANAGEMENT**

### **a. Section 122-43.L – Minimum Floor Elevation**

The applicant is requesting a waiver of the requirement that minimum floor elevations of all structures shall be two (2) feet above the 100-year water surface where ponding may occur. If the basement or underground facilities are proposed, detailed calculations addressing the effects of the stormwater ponding on the structure and waterproofing and/or flood-proofing design information shall be provided for review and approval. The basement floor elevation is proposed to be lower than the basin bottom elevation. In the alternative, the applicant is proposing a structurally designed cast-in-place concrete retaining wall along the north and east side of the basin to prohibit stormwater flow. In addition, the applicant proposes to use Superior Walls for the building foundation as an alternative method to damp-proofing.

The Township engineer has recommended approval of the modification request based upon the justification and alternative provided.

### **b. Section 122-47.C.a.2 – Basin Interior Side Slopes**

The applicant is requesting a waiver of the requirement that basin interior side slopes shall be no steeper than 3:1. In the alternative, the applicant is proposing a structurally designed retaining wall along the north and east side of the basin to maximize space.

The Township engineer has recommended approval of the modification request based upon the justification and alternative provided.

### **c. Section 122-48 – Volume Control**

The applicant is requesting a waiver of the requirement to provide volume control measures so that the post-development runoff volume shall not exceed the pre-development runoff volume for all storms equal to or less than the 2-year, 24-hour storm event. In the alternative, the applicant proposes water quality measures in lieu of infiltration on the site due to the underlying geology and poor infiltration test results.

The engineer has recommended approval of the modification request based upon the justification and alternative provided.

### **Action Required:**

- **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *approve* all waivers and plan deferments as presented listed on Rettew Associates Review letter dated September 25, 2018, read and discussed, for Saint Francis Animal Hospital, 308 Primrose Lane. The motion passed (5-0).



## **PREPARATION OF STUDIES**

### **Section 403.B – Contribution in Lieu of Preparation of Studies**

The applicant is requesting relief of the requirement that the fee in lieu of the preparation of a traffic study requires the applicant to provide a contribution that is \$150 per square feet of gross leasable building floor area in a commercial land development. The proposed building is 5,265 square feet which equates to \$7,897.50. The proposed alternate standard is the proposal from a traffic engineering firm in the amount of \$5,000 for the preparation of a traffic study.

A waiver of a traffic study was previously submitted as part of the initial submission of the land development plans. In support of the traffic study, a traffic assessment was provided by the traffic consultant. The existing, surrounding road networks are adequate for the proposed use. The total AM Peak Hour trips is 19 and the total PM Peak Hour trips is 19. The proposed use will generate a negligible level of traffic during the AM and PM peak hours, and will not create a significant impact on the surrounding road network.

### **Action Required:**

- **Motion:** Moved by Edward Fisher and seconded by Robert Munro to *approve* the proposed alternate standard of \$5,000 in lieu of preparation of a traffic study for Saint Francis Animal Hospital, 308 Primrose Lane. The motion passed (5-0).

### **B. Saint Mary's Coptic Orthodox - WHTPC 10-18 (90 Days 10/30/18)**

#### **Preliminary/Final Land Development Plan**

**Location:** 770 Summit Drive

**Zone:** TV

**Size:** 4.76 acres/207,346 ft.<sup>2</sup>

The applicant is proposing to develop on the site a House of Worship on property already owned, located in the Traditional Village zoning district. The use is permitted by conditional use approval on July 3, 2018. Storm water facilities are included in the plan. James A. Durkelberger, Light-Heigel Associates, and Michael Mikhail were present on behalf of the applicant.

## **REQUESTED MODIFICATIONS**

### **SUBDIVISION AND LAND DEVELOPMENT**

#### **a. Section 305 – Preliminary Plan Processing**

The applicant has requested a modification of the requirement to process a preliminary plan and in the alternative, proceed directly to final plan.

The Township engineer has recommended approval of this modification based upon the justification provided with the condition that the applicant satisfy all preliminary and final plan requirements to the satisfaction of the Township.

- **Motion:** Moved by Kent Gardner and seconded by Robert Munro to *approve* modification of the requirement to process a preliminary plan, Section 305, Preliminary Plan Processing, with the condition that the applicant satisfy all preliminary and final plan requirements to the satisfaction of Township staff. The motion passed (5-0).

b. **Section 403 – Traffic Impact Study**

The applicant has requested a modification of the requirement to submit a Traffic Impact Study. The applicant indicated that there will not be a significant difference in the church membership or traffic. In the alternative, the applicant has provided a fee-in-lieu of a Traffic Impact Study.

The Township engineer has recommended approval of this modification based upon the justification and traffic assessment provided with the condition that the applicant pay a fee-in-lieu of a Traffic Impact Study.

- **Motion:** Moved by Kent Gardner and seconded by Robert Munro to *approve* the request for modification of the requirement to submit a Traffic Impact Study based upon the justification and traffic assessment provided with the condition that the applicant pay a \$7,000 fee-in-lieu of a Traffic Impact Study. The motion passed (4-0-1) with Edward Fisher abstaining.

c. **Section 404.A.1 – Plan Scale**

The applicant has requested a modification of the requirement to provide a plan at a scale of one inch equals twenty feet (1"=20') or one inch equals fifty feet (1"=50'). In the alternative, the applicant has provided a plan scale of one inch equals forty feet (1"=40').

The Township engineer has recommended approval of this modification request based on the justification and alternative provided.

- **Motion:** Moved by Kent Gardner and seconded by Robert Munro to *approve* Section 404.A.1 – Plan Scale based on Rettew Associates letter dated September 20, 2018 and revisions dated October 1, 2018. The motion passed (5-0).

d. **Section 602.P.2 – Non-Residential Driveway Width (*New Request This Submission*)**

The applicant has requested a modification from the maximum non-residential driveway width requirement of twenty-four (24) feet. The applicant proposed the additional width for dual exit lanes to expedite departure and alleviate back-up in the parking lot. In the alternative, the applicant has provided a thirty-six (36) foot wide non-residential driveway. The traffic volumes do not warrant dual exit lanes.

The Township engineer has recommended that the Township deny this waiver.

***The Request For Waiver Was Withdrawn.***

## STORM WATER MANAGEMENT

### a. Section 122-46.D.a.4 – Minimum Pipe Diameter

The applicant is requesting a waiver of the requirement that all storm sewer pipes subject to vehicular loading outside a public street shall be a minimum diameter of 15-inches. In the alternative, the applicant is proposing 12-inch diameter pipes under the private access drive and parking lot.

The Township engineer has recommended approval of this modification request based on the justification and alternative provided.

### b. Section 122-48-Volume Control

The applicant is requesting a waiver of the requirement to provide volume control measures so that the post-development runoff volume shall not exceed the pre-development runoff volume for all storms equal to or less than the 2-year, 24-hour storm event. In the alternative, the applicant proposes water quality measures in lieu of infiltration on the site due to the underling geology and poor infiltration test results.

The Township engineer has recommended approval of this modification request subject to the following conditions:

1. Submission of a geological evaluation that addresses Sections 122-43.Q.4 and 122-43.Q.5.
2. Issuance of the NPDES Permit which shall constitute satisfaction per Section 122-2.g.6.b.
3. Addressing the stormwater management comment regarding water quality calculation for BMPs in series.

- **Motion:** Moved by Kent Gardner and seconded by Robert Munro to *approve* the Storm Water Management waivers Section 122-46.D.a.4 - Minimum Pipe Diameter and Section 122-48-Volume Control Revisions #1, 2 and 3 based on Rettew Associates Letter dated September 20, 2018 and revised October 1, 2018. The motion passed (4-0-1) with Edward Fisher abstaining.

## FINAL LAND DEVELOPMENT PLAN APPROVAL

- **Motion:** Moved by Kent Gardner and seconded by Robert Munro to *approve* the Final Land Development Plan for St. Mary's Coptic Orthodox Church with the condition that all outstanding comments be addressed to the satisfaction of the Township staff. The motion passed (5-0).

### C. JNJM Properties - WHTPC 09-18 (90 Days 10/29/18)

#### Final LD/SWM Plan

**Location:** 1820 Franklin Road

**Zone:** C-2

**Lot Size:** 5.805 acres/252,865.8 ft.<sup>2</sup>

The applicant is proposing an 18,481 ft.<sup>2</sup> expansion of its existing facility with the addition of a new warehouse building and attendant improvements and storm water

facilities. This proposal includes requests for waivers. Michael Saxinger, Saxinger & Associates and Jeff Nikolaus and Jeff Moyer, JNJM properties, were present at tonight's meeting.

## **REQUESTED MODIFICATIONS**

### **SUBDIVISION AND LAND DEVELOPMENT**

#### **a. Section 305.A – Preliminary Plan Processing**

The applicant has requested a modification of the requirement to process a preliminary plan and in the alternative, proceed directly to final plan.

The Township engineer has recommended approval of this modification based upon the justification provided with the condition that the applicant satisfy all preliminary and final plan requirements to the satisfaction of the Township and the plan needs to be titled as a "Preliminary/Final Land Development Plan."

#### **b. Section 403.A – Traffic Impact Study**

The applicant has requested a modification of the requirement to submit a traffic impact study. The applicant indicated that the traffic generated by the proposed warehouse will be minimal. In the alternative, the applicant has provided an abbreviated traffic impact study.

The Township engineer has recommended approval of this modification based upon the justification and alternative provided with the condition that the applicant pay a fee-in-lieu of a Traffic Impact Study.

#### **c. Section 602.K.6.a – Improvement of Existing Streets**

The applicant has requested a waiver of the requirement to widen Franklin Street (S.R. 3036). The applicant indicated that the proposed project will have a minimal impact on Franklin Street and that the increased width could increase traffic speeds and stormwater runoff on Franklin Street. No alternative is provided.

The Township engineer has recommended approval of this waiver request based on the justification provided and the condition that the following note is added to the plan: "The West Hempfield Township Subdivision and Land Development Ordinance (SALDO) requires construction of Curbs, Sidewalks, and Road Widening at all locations where the property abuts a public street. Upon the owner's request for modifications, the obligation to complete the Curbs, Sidewalks, and Road Widening at such locations has been deferred by the Township subject to the condition that the Board of Supervisors may, at any time at the Board's sole discretion, direct that such improvements be constructed and completed in accordance with the applicable standards required by the Township at the time of such direction by the Township, at the sole expense of the owner of the property at the time of such direction by the Township. The owner of the property shall be required to complete such construction, as directed by Township Officials, within six (6) months of the date of notice to do so."

#### **d. Section 602.M – Curbing**

The applicant has requested a waiver from the requirement to install curbing along Franklin Street (S.R. 3036). The applicant indicated that the curbing would disrupt

the existing sheet flow drainage pattern on Franklin Street and create a greater impact on the neighboring property. No alternative is provided.

The Township engineer has recommended approval of this waiver request based on the justification provided and the following conditions:

1. The following note is added to the plan: “The West Hempfield Township Subdivision and Land Development Ordinance (SALDO) requires construction of Curbs, Sidewalks, and Road Widening at all locations where the property abuts a public street. Upon the owner’s request for modifications, the obligation to complete the Road Widening at such locations has been deferred by the Township subject to the condition that the Board of Supervisors may, at any time at the Board’s sole discretion, direct that such improvements be constructed and completed in accordance with the applicable standards required by the Township at the time of such direction by the Township, at the sole expense of the owner of the property at the time of such direction by the Township. The owner of the property shall be required to complete such construction, as directed by Township Officials, within six (6) months of the date of notice to do so.”
2. The proposed curbing at the entrance is set back to account for any future widening.

**e. Section 602.N – Sidewalks**

The applicant has requested a waiver from the requirement to install sidewalk along Franklin Street (S.R. 3036). The applicant indicated that there is no existing sidewalk in the vicinity of the project and that the installation of sidewalk would disrupt the natural drainage pattern and create a point source discharge.

The Township engineer has recommended that the Township deny this waiver.

**f. Section 602.P.2 – Non-Residential Driveway Width (*New Request This Submission*)**

The applicant has requested a waiver from the maximum non-residential driveway width requirement of twenty-four (24) feet. The applicant indicated that a twelve (12) foot width painted one-way travel lane will be provided to direct exiting vehicles and that the proposed width is needed to prevent trucks from running over the curb. In the alternative, the applicant has provided thirty and eight tenths (30.8) foot wide non-residential driveway for exiting trucks.

The Township engineer has recommended approval based on the justification and alternative provided. The access requires a PennDOT Highway Occupancy Permit.

**g. Section 606.D – Utility Easement Width (*New Request This Submission*)**

The applicant has requested a waiver from the minimum utility easement width requirement of thirty (30) feet. The applicant indicated that the waterline easement adjoins the right-of-way of Franklin Street (S.R. 3036) and Columbia Water has approved the easement width. In the alternative, the applicant has provided a sixteen (16) foot wide easement for the waterline extension. The Township engineer has recommended approval of this waiver based on the justification and alternative provided.

- **Motion:** Moved by Edward Fisher, seconded by Kent Gardner and passed by the Board (5-0) to *approve* waivers and deferments as listed in Rettew letter dated September 20, 2018 with those waivers and deferments being:

Section 305.A – Preliminary Plan Processing;

Section 403.A – Traffic Impact Study, with the condition that the applicant pay a \$1,500 fee-in-lieu of a Traffic Impact Study;

Section 602.K.6.A – Improvement of Existing Streets – Deferment;

Section 602.M – Curbing – Deferment;

Section 602.N – Sidewalks – Deferment;

602.P.2 – Non-Residential Driveway Width - Approve waiver to allow for 30.8' foot driveway;

606.D – Utility Easement Width - Approve utility easement based on the 16 foot proposal.

## STORM WATER MANAGEMENT

### a. Section 122-48.A.2.c.

The applicant has requested a modification of the requirement to have a maximum loading ratio for infiltration facilities of 3:1 for impervious area and 5:1 for total drainage area.

The Township engineer has recommended approval of this modification based upon the justification and geologic report provided.

- **Motion:** Moved by Edward Fisher and seconded by Robert Munro to *approve* waiver of Section 122-48.A.2.c. loading ratio of Stormwater Management Ordinance. The motion passed (5-0).

## FINAL LAND DEVELOPMENT PLAN

- **Motion:** Moved by Kent Gardner and seconded by Robert Munro to *approve* the Final Plan for JNJM LLC with the condition that all outstanding statements be satisfactory to the Township staff. The motion passed (5-0).

### D. 3733 Marietta Ave - WHTPC 11-18

#### Sketch Plan

**Location:** 3733 Marietta Ave

**Zone:** TV

**Lot Size:** 8.22 acres/358,063.2 ft.<sup>2</sup>

The applicant is proposing to combine and develop the parcel into 36 townhouses and 44 apartments. These lots will be served by public water and sewer. Storm water facilities are included in the plan. Steven Gergley, Harbor Engineering and Ben and Gary Seacrist, representing the developer, were present at tonight's meeting to get general feedback and

comments from the Board. Edward Fisher stated he likes the concept of the architectural face. Discussion points included amenities at the intersection, emergency entrance, busses going off Marietta not obstructing traffic, and common open areas. The Board suggested they try to meet with the fire department regarding emergency access. At close of discussion, the Board thanked them for taking the time an informative discussion.

**E. Good Transport Services**

The applicant received approval of a land development plan in 2000 (Plan # J209-75, Project WHT 00-12, November 6, 2000). The applicant did not complete all improvements from that plan. They would now like to complete the gravel parking area shown on that plan. The PA Municipalities Planning Code, Section 508(4)(ii), provides protection from changes in ordinances for five years from the date of plan approval. As the five years has expired for this plan, the Township technically should require the applicant to update their plan based on ordinances which have changed since 2000. The most significant change is our Stormwater Management Ordinance. The applicant is seeking a waiver from the Board in order to proceed with the plan as originally approved and not be required to update it. Staff has met with the applicant and based on the work to be done we are satisfied that the originally approved plan is acceptable to the Township.

**Action Required:**

- **Motion:** Moved by Edward Fisher and seconded by Robert Munro to *approve* a waiver from requiring the plan to be updated to meet the new Stormwater Management Ordinance with the condition that staff inspect the stormwater facility and any maintenance needed is completed. The motion passed (5-0).

**F. Robert and Donna Musyt**

Minor Land Disturbance Storm Water Management Agreement  
509 Goldfinch Drive

**Action Required:**

- **Motion:** Moved by Edward Fisher and seconded by Robert Munro to *approve* signing the Stormwater Management Agreement and Declaration of Easement, "Appendix G" between Robert J. Musyt and Donna Muyst and West Hempfield Township. The motion passed (5-0).

VI. UNFINISHED BUSINESS - None

VII. NEW BUSINESS

a. Acknowledge Receipt of 2019 MMO.

- **Motion:** Moved by Kent Gardner and seconded by Robert Munro to *acknowledge* receipt of the 2019 Pension MMO worksheet as presented. The motion passed (5-0).

VIII. ORDINANCES AND RESOLUTIONS.

a. Resolution 13-18: Disposal of Township Administrative Records

- **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *adopt* Resolution 3-18: Disposal of Township Administrative Records. The motion passed (5-0).

IX. APPROVAL OF PAYABLES.

FUND	AMOUNT	CHECK #'S
Payroll and Taxes	\$ 196,761.72	EFT
General Fund	\$ 264,479.63	30716 - 30824
Fulton Bank		
Sewer Fund		
Refuse Fund	\$ 37,125.36	2640 - 2646
Street Light	\$ 5,092.61	426 - 430
Fire Hydrant		
WHT Escrow	\$ 509,444.92	226 - 227
State Fund	\$ 19,633.16	3254 - 3260
<b>Total</b>	<b>\$ 1,032,537.40</b>	

- **Motion:** Kent Gardner moved, seconded by Robert Munro, to *approve* payment of all bills between September 1 – September 30, 2018 and any residuals. Motion carried (5-0).

X. GOOD OF THE ORDER.

- **Upcoming Meeting:** Thursday, November 8, 2018, Regular Board of Supervisors Meeting at the new Municipal Building, 3476 Marietta Avenue, 7:30 p.m.

XI. ADJOURNMENT

Chairman Dumeyer asked for a motion to adjourn the regular meeting at 9:40 p.m.

- ❖ **Motion:** Kent Gardner moved, seconded by Edward Fisher, to *adjourn* the regular Board of Supervisors meeting at 9:40 p.m. Motion carried (5-0).



Respectfully submitted,

*Andrew B. Stern*

Andrew Stern,  
 Township Manager