

MINUTES

BOARD OF SUPERVISORS REGULAR SESSION

NOVEMBER 18, 2009
6:30 PM

The Silver Spring Township Board of Supervisors met in a regular session on Wednesday, November 18, 2009 at the Township Building, 6475 Carlisle Pike, Mechanicsburg, Pennsylvania.

Chairman LeBlanc called the meeting to order at 6:30 pm and the Pledge of Allegiance to the Flag was given.

Supervisors present: Chairman Jan LeBlanc, Vice-Chairman Mary Lou Pierce-McLain, Supervisor Vince DiFilippo, Supervisor Jackie Eakin, and Supervisor Nancy Konhaus Griffie.

Staff members present: Mr. William S. Cook, Township Manager; Ms. Terri A. Martini, Assistant Township Manager; Mr. Steve A. Stine, Esquire, Township Solicitor; Mr. Bony R. Dawood, PE, Township Engineer; Mr. James R. Sadler, Chief of Police; and Ms. Kathy K. Kramer, Assistant Secretary.

Others present:

Joyce & Jerry Booz
Nate Spade
Patricia Kuhn
Delores Sunday
John Rowland
G. Diener
Dave Lenker
Rachel Manning
Susan Martz

J. Funkhouser
Valerie Green
Kathi Pifer
Creedin Sunday
Wayne Stevenson
L. Spenard
Marlin Wood
Dave Weihbrecht
Libby Gibson

PETITIONS AND COMMENTS

Mr. Lionel Spenard commented on the stormwater runoff along White Birch Avenue. The Board requested that required modifications to be made to the two residents' driveways be extended until June 1, 2010. After that date, the Township will re-grade that portion of the driveway located within the Township right-of-way in order to restore proper drainage flows.

Mrs. Delores Sunday shared her concerns regarding Link-Belt Mid Atlantic construction. Staff will arrange to meet with Mr. Rick Bailey from Link-Belt to confirm the work completed and a schedule for the work remaining and inform Mrs. Sunday of the status of the project.

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Mr. Wayne Stevenson questioned the progress of the Texaco Road and Rt. 114 Intersection – Mr. Bony Dawood will meet with the contractor for a progress report.

REPORTS

POLICE

Nothing additional.

ENGINEER

No additional report.

TREASURER REPORT

Ms. Kathy Kramer read the Treasurer's report for the month of October 2009 and by agreement, the report was filed subject to audit.

EMERGENCY
MANAGEMENT
COUNCIL

Nothing additional.

RECREATION
ADVISORY COUNCIL

Nothing additional.

APPROVAL OF
EXPENDITURES

On a Pierce-McLain/DiFilippo motion, the Board of Supervisors approved the expenditures since October 28, 2009.

The motion carried.

OLD BUSINESS

ASSOCIATED PRODUCTS

Staff reported that the Zoning Hearing Board's decision in May of 2003 for temporary outdoor storage of portable toilets at the Long Lane property was denied due to lack of a demonstrated hardship. It was also noted that the original zoning of the Associated Products East Road property (1961) was residential single.

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United Water has provided a cost for expanding its water distribution system in the area of concern. Potential funding options were discussed. It was reported that DEP does not perform well testing for residential properties, however this service can be obtained from the County. Board is reviewing the Odor Prevention Plan provided by DEP. The staff will ask DEP if it intends to remain active in its monitoring of odor complaints. Additionally staff will contact Mr. Paul Nelson regarding his future intentions for resolving issues raised.

4 BOURBON RED DRIVE –
DRAINAGE ISSUES

The Board considered and discussed the report from the Township Engineer and the video of the stormwater drainpipe located between 4 and 6 Bourbon Red Drive. The Board approved the replacement of the drain contingent upon the participation of all parties affected. If the parties agree to the replacement, the Township would be responsible for all work within the right-of-way and the remaining costs of the work would be split between the owners of the respective properties.

LOT 1, RIDGE HILL ROAD,
2009-7F – IMPROVEMENT
GUARANTEE
ESTABLISHMENT

On a Pierce-McLain/Eakin motion, the Board of Supervisors established the Improvement Guarantee of \$19,209.30 for the Lot 1, Ridge Hill Road, final subdivision plan, 2009-7F, in a form acceptable to the Township Solicitor.

The motion carried.

114 ASSOCIATES,
LD2009-1P – HIGHWAY
OCCUPANCY PERMIT
LETTER OF
ACKNOWLEDGEMENT

It was reported that the applicant requested that no Board action be taken at this time.

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ARNOLD FUEL OIL
MECHANICSBURG
TERMINAL, LD2007-1F –
LETTER OF CREDIT
REDUCTION REQUEST

On a Pierce-McLain/Eakin motion, the Board of Supervisors approved a reduction in the Letter of Credit to \$320,263.80 for the Arnold Fuel Oil Mechanicsburg Terminal, final land development plan, LD2007-1F.

The motion carried.

EMPLOYEE PENSION
FUND MANAGEMENT

By general consensus, the Board authorized staff to schedule interviews with PNC and Roof Advisory Group before the Boards December 9, 2009 workshop meeting.

SUBDIVISION PLANS

DENNIS E. & R. NAOMI
REHM, 2009-11F

Planning Exemption Request

Since no representative of the Dennis E. & R. Naomi Rehm final subdivision plan, 2009-11F, was present, on a Pierce-McLain/Eakin motion, the Board of Supervisors tabled action on this plan and Planning Exemption Request. The following comments must be addressed:

ZONING ORDINANCE OF 2009 (ZO:)

1. [ZO:202.5] – Maximum Number of Permitted Dwellings
Identify the number of dwelling rights retained by each parcel as subdivided.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF
2008: (SLDO:)

2. [SLDO:304.06] – All final plans as recorded shall be submitted in electronic format compatible with AutoCAD 2000®.
3. [SLDO:402.01.2 & 403.04.2] – Provide complete lot line descriptions for each of the lots.

4. [SLDO:402.01.4 & 403.01] – It appears the word residual is misspelled on Sheets 1 and 2. It also appears that the Township reference in the title block is misspelled. Please review and revise as appropriate.
5. [SLDO:402.03.4 & 403.03] – Provide existing features within two hundred (200') feet of the subject tract.
6. [SLDO:402.04.12, 403.04 & 608.01] – Please provide a monument at the northeast corner of Residual Lot 1 and provide a plan note indicating when markers and monuments will be set.
7. [SLDO:402.05.2, 403.06.3 & 613.01] – A Sewer Facilities Plan Revision (planning module or Exemption) is required for adoption by Silver Spring Township and approval by the Department of Environmental Protection. A non-building declaration may be submitted.
8. [SLDO:402.05.10, 403.05 & 610.02] – Provide evidence of PNDI notification and response. Also, provide the location of wetlands within the subject tract or provide testimony from a reputable source that no wetlands were found.
9. [SLDO:402.06.4, 403.06 & 602.17.8] – Provide a note regarding Highway Occupancy Permit requirements to the effect, "Pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), as amended, a Highway Occupancy Permit will be required before any improvements are initiated within a State Highway."
10. [SLDO:403.01] – Prior to recording, the plan must be reduced to 18" x 24" and be legible. Submission of a single proof set for a legibility review prior to recording is required.
11. [SLDO:403.04.1] – Provide the centerline description for all existing streets (i.e., Rich Valley Road).
12. [SLDO:403.06] – All original seals, signatures, and notarizations shall be provided on each copy of the final plan prior to being recorded. Copies of sealed, signed, and notarized plans will not be permitted for recording.

13. [SLDO:403.06.2] – It appears as though the Township Engineer Review Statement has been included on the plans twice. Please review and revise as appropriate.
14. [SLDO:403.07] – All applicable fees shall be paid prior to plan recording.
15. [SLDO:610.01] – Add a note that includes the reference source (FEMA FIRM number) and that indicates a 100-year floodplain does not exist on the subject tract.
16. The plan must be certified by the surveyor.
17. The plan should note whether there are floodplains or wetlands present on the site (Section 402.03.4).
18. The plan must be reduced to 18" x 24" for recording purposes.

GENERAL COMMENTS

Based on the number and nature of the comments contained within this letter, we reserve the right to generate additional comments based on subsequent reviews of the subdivision plan.

The motion carried.

LEE SOUDER
SUBDIVISION, 2009-12F

Mr. Dave Weihbrecht, of Alpha Consulting Engineers, Inc., discussed the Lee Souder final subdivision plan with the Board of Supervisors.

On a DiFilippo/Pierce-McLain motion, the Board of Supervisors approved the Lee Souder final subdivision plan, 2009-12F, with the following waivers and comments:

WAIVERS:

1. [SLDO:402.03.4] – Existing Features
The applicant is granted relief from the requirement to provide existing features within 200 feet of the site. The applicant's justification for the Waiver request is stated as follows: "No public improvements are proposed. All existing features on the site and direct adjacent site have been indicated."

2. [SLDO:402.03.6] – Locations of Individual Trees
The applicant is granted relief from the requirement to provide the location of trees with a minimum trunk diameter of 18". The applicant's justification for the Waiver request is stated as follows: "No earth disturbance to any treed areas is proposed."
3. [SLDO:402.05.11, 403.05 & 617] – Carbonate Assessment Report
The applicant is granted relief from the requirement to provide a Carbonate Assessment Report. The applicant's justification for the Waiver request is stated as follows: "No improvements are being proposed by this plan."

ZONING ORDINANCE OF 2009 (ZO):

1. [ZO:222.8] – Minimum Setback Requirements
Provide all minimum required setbacks (e.g., off-street parking, off-loading and outdoor storage) on the Plan to demonstrate that proposed features such as parking and loading comply with the setbacks with the exception of the variances granted under Docket No. V 2009-17. *The residential buffer strip is no longer shown. Please review and revise as appropriate.*

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 2008 (SLDO):

2. [SLDO:304.02] – EMC review and approval is required.
3. [SLDO:304.06] – All final plans as recorded shall be submitted in electronic format compatible with AutoCAD 2000®.
4. [SLDO:402.02.11 & 403.02] – Provide a plan note identifying all existing non-conforming structures/uses. In addition, provide a plan note listing each variance granted in detail and the conditions of the decision rendered under Docket No. V 2009-17. *It appears that all non-conformities as identified in the "Narrative Statement In Support of Request for Variance" have not been included under General Note #16 located on Sheet 1. In addition, there are other non-conformities such as the existing house on Lot 1, the existing shed on Lot 3, etc. Please review and revise as appropriate.*

Please revise General Note #15 located on Sheet 1 to include the Zoning Hearing Board's conditions as detailed in its Decision for Docket No. V 2009-17.

5. [SLDO:402.04.14 & 403.04] – The requested waivers shall also reference the Final Plan SLDO Section that applies (i.e., 403.03 – Existing Features). Please review and revise as appropriate. In addition, the applicant shall complete all waiver statements upon final action by the Board of Supervisors and prior to recording the plan.
6. [SLDO:402.05.2, 403.06.3 & 613.01] – Sewer Facilities Planning Exemption is required for approval by the Department of Environmental Protection.
7. [SLDO:403.04.3 & 607] – (a.) Provide locational dimensions for easements with sufficient detail to provide easy on-site location. Easements which do not follow property lines shall be located by a centerline metes and bounds description. *It appears that the proposed access easement description is incomplete. Please review and revise as appropriate.* (d.) Show and provide easements for the extension of public water.
8. [SLDO:403.06] – All original seals, signatures, and notarizations shall be provided on each copy of the final plan prior to being recorded. Copies of sealed, signed, and notarized plans will not be permitted for recording.
9. [SLDO:403.07] – All applicable fees shall be paid prior to plan recording.
10. [SLDO:613.03] – Provide notification from the Silver Spring Township Authority of the existing ability to provide sanitary sewer service, approval of the design plans and acceptance of Performance Guarantees.
11. [SLDO:614.02] – Provide notification from Pennsylvania American Water of the existing ability to provide water service, approval of the design plans, and acceptance of Performance Guarantees.

GENERAL COMMENTS:

12. The plan should be certified by the surveyor.

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13. The variance for exceeding the maximum 60% lot coverage on Lots 4 and 5 (Section 222.7), should be noted on the subdivision plan.
14. An agreement should be established for the use and maintenance of the proposed access easement.

The motion carried.

Planning Exemption Request

On an Eakin/Griffie motion, the Board of Supervisors approved the Lee Souder Planning Exemption Request for the final subdivision plan, 2009-12F.

The motion carried.

OTHER PERTINENT
BUSINESS

EVERGREEN II, PHASE 5 –
2009-3F

Mr. Dave Weihbrecht, of Alpha Consulting Engineers, Inc., discussed the duplicate lot numbers in the Evergreen II Phase 5 final subdivision plan with the Board.

On a Pierce-McLain/Eakin motion, the Board of Supervisors reapproved the Evergreen II, Phase 5, final subdivision plan, 2009-3F with amended lot numbers.

The motion carried.

Mr. John Rowland questioned the status of the Appalachian Trail Overlay Zone Ordinance draft. Mr. Cook explained that the County is researching the municipal boundary lines in the area of the Trail and that the Ordinance review by the County has been tabled until more clarity is available. Mr. Rowland also questioned the Certified Commercial Investment Member's Analysis report. The Board summarized his report explaining that Mr. Sultzbaugh recommended that the Township purchase the existing commercial buildings along Willow Mill Park Road and Flowers Drive. The full report will be available on the Township's website. The Board agreed to retain Mr. Sultzbaugh on an "as needed" basis.

Supervisor Eakin requested that the Board's agenda be posted on the Township's website.

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Supervisor Eakin also questioned the installation of electric poles at Delta Pointe and who made the decision not to install underground utilities. Mr. Steve Stine will examine the conditions associated with the plan.

On a Pierce-McLain/Griffie motion, the Board authorized a payment request for the Texaco/Hogestown Roads Intersection project as submitted by Leon Wintermyer, Inc. in the amount of \$75,480.80.

The motion carried.

On a Pierce-McLain/Eakin motion, the Board of Supervisors authorized the advertisement of the Board's intent to appoint Zelenkofske Axelrod to perform the 2009 DCED audit.

The motion carried.

ADJOURNMENT

There being no further business or comments to come before the Board, the meeting was adjourned at 8:27 pm by general consensus.

Recorder: _____
Kathy Kramer

APPROVED: _____
Chairman

Secretary