

The Greene Township Board of Supervisors held a Public Hearing and Regular Meeting on Tuesday, October 13, 2020 at the Greene Township Municipal Building, 1145 Garver Lane, Chambersburg, PA 17202. (Note: Due to COVID-19, all persons maintained an additional distance during this meeting.)

Present:

Todd E. Burns	Gregory Lambert
Shawn M. Corwell	Lindsay Loney
Daniel Bachman	Kurt Williams

Visitors: Glenn Shetter, Michael Runyon, Donald Franzwick

The Chairman called the Meeting to order at 7 p.m. He welcomed everyone and noted that copies of the Agenda were available at the back of the room. He also asked visitors to complete the sign in sheet and informed everyone that the meeting would be recorded for accuracy purposes.

At this time, the Chairman opened the Public Hearing scheduled for this date, time and place to review and consider a Conditional Use Application (Application) submitted by HR Recycling, LLC. To begin the Hearing, the Township Zoning Officer (ZO) gave a brief overview of the application. He read aloud the legal notice that was advertised in the Public Opinion on September 28th and October 5th. The property is located at 201 Sunset Boulevard West, Chambersburg PA 17202 and is in the Light Industrial (LI) zoning district. The applicant proposes the operation of a recycling facility, which is considered a conditional use in the LI district. The ZO noted that the Franklin County Planning Commission (PC) received a copy of the Application and provided a letter dated September 25th, which gave a favorable opinion of the Application. Included in the packets is a letter from the applicant's planner, Byers & Runyon Surveying, dated October 12th, written in response to the Township Engineer's & Planner's comments on the original Application. The Application was presented to the Greene Township Planning Commission (PC) at their meeting held on September 14th, and the PC recommended approval subject to the comments being addressed. A copy of the Township Planner's most recent review (dated October 13th) and a copy of the Township Engineer's most recent review (dated October 13th) are also included in the packets. The ZO made note that he spoke to the local DEP inspector, and he indicated that a facility such as this is regulated by a permit by rule, similar to the Township's compost facility. The state provides guidelines that need to be met, but they do not issue a permit like they would for a landfill facility. The ZO mentioned that some of the concerns DEP would have regarding a facility like this would be litter blowing from the site, rotors, etc; the regulations for facilities such as this are minimal.

The Township Engineer addressed the Board and reviewed his comments that were provided to the PC after his initial review of the Application. He stated that most of the comments were addressed in the most recent round of revisions. However, comment #4 regarding the 100 foot West Penn Power Company right of way has not been addressed. The Engineer indicated that this is not really a Conditional Use item, but when he drove by, he noticed that there is a lot of equipment in the right of way and wanted to make sure that the applicant was aware of the right of way. The Engineer also noted a concern he has with the drainage at the northeast corner of the lot. The drainage comes out the back of the property, off of the Jaindl site, towards Sunset Boulevard. He acknowledged that a Conditional Use is not really a stormwater intensive review, but from what he understands, DEP is going to require some type of NPDES permit for this facility, and the Township should be kept abreast of how the stormwater is being dealt with. The applicant's Planner, Mr. Michael Runyon (Byers & Runyon Surveying), indicated that when he was on site, he looked at the stormwater and noted that it has been that way for a long time. He acknowledged that when he was there, there were a lot of containers on site

and described it as “congested”, but if the applicant can address the Township’s comments he doesn’t see why the business couldn’t continue.

Mr. Glenn Shetter (Chairman of the PC) informed the Board that an issue with site access was raised at the PC meeting. The access to the right of the operation is not on their property, but they appear to be using it. Mr. Shetter inquired if there was an agreement for that property to be used as part of the Conditional Use. Mr. Runyon responded that the applicant has been told that he needs to move his equipment off of the Whitfield property. As of now, the Whitfield property is not part of the Conditional Use. The Solicitor asked where the applicant was this evening. Mr. Runyon replied that he had text him earlier and said he couldn’t make it to the Hearing. The ZO pointed out that the letter received from Byers & Runyon’s office on October 12th stated that the outdoor storage activity will be removed from the adjoining Whitfield property. Mr. Runyon responded that he did tell the applicant that it needed to be moved and was hoping it would be done before the meeting, but he has not been out to see if anything has been moved. The Chairman asked how much notice the applicant has had to move his property; Mr. Runyon replied approximately two weeks. The ZO noted that the Parking and Circulation Plan has been revised to reflect the access on the neighboring property.

The Chairman inquired where on the property the operation actually occurs; it appears that there are containers scattered all over the property. Mr. Runyon responded that when he was on site, all of the recyclables were located in the rear of the building, part in and part out of the building. He indicated that there should probably be some sort of fencing to contain any debris that may blow around. The ZO inquired if the southern property line had been marked yet for the applicant to be able to see exactly what was on the neighboring property; Mr. Runyon responded that it has not been, but the applicant does know approximately where the line is. Supervisor Corwell asked if the applicant has any plans of future expansion. Mr. Runyon responded not that he is aware of. The Chairman asked if the operation accepts any metals for recycling. Mr. Runyon answered that the only metals accepted are household metals, such as aluminum cans; no scrap metals, such as car parts, etc. The Solicitor noted that the Board could make it a condition of approval that the recycling facility cannot accept scrap metal.

The ZO pointed out that West Penn Power Company has a 100 foot right of way along the property, and if any fence is to be placed in that area, permission would need to be granted by the power company. Mr. Runyon acknowledged that West Penn Power will probably not allow a fence in the right of way; he just went through this with another plan he was working on. The Chairman made note that based on where the operation appears to be occurring at this point, the entire site would need to be fenced in. That leaves the question of ingress and egress; the property could potentially be gated. The Solicitor asked what happens when a truck carrying mixed recyclables pulls onto the site. Mr. Runyon stated that what he observed when he was on site was that the truck pulls in on the west side of the property, unloads into the back of the building, and exits on the west side of the property. It appears that the materials are sorted inside the building, but he cannot speak for what occurs at that point. He indicated that his client was supposed to be here to answer these questions, but he does not know the answers. The Solicitor asserted that the applicant should be here to explain the operations, and it is disappointing that he is not here. He recommended that the Hearing be continued within 45 days. If the Board is going to have conditions for approval, it is better for the applicant to be present to accept or reject those conditions on the record. The Chairman concurred with the Solicitor’s suggestion. Following review and consideration, on a motion by Todd E. Burns, seconded by Shawn M. Corwell, and by a vote of 2-0, the Board unanimously voted to extend the Public Hearing for the Conditional Use Application submitted by HR Recycling, LLC to Tuesday, October 27th at noon.

The Chairman closed the Public Hearing at 7:33 p.m. and then convened the Regular Meeting.

The Minutes of the Regular Meeting held September 22, 2020 shall stand approved as presented and become part of the official record.

The Chairman opened the floor for public comment. Mr. Donald Franzwick (3780 Mountain Shadow Circle) informed the Board that he was there to express his concern with the Township Noise Ordinance complaint procedure. He stated that the Township must not have taken pets into consideration when the Noise Ordinance was written, because there is one Ordinance for Dogs and Cats and another for Noise created by humans. He mentioned that recently he has called the state police twice. The first time they did not come out, and the most recent time they did respond because he said they were disturbing the peace. The police informed him that there was nothing they could do and suggested that he use earplugs. Mr. Franzwick pointed out that when he files a complaint with the Township and has to disclose his name, he puts his wife, himself and his property in harm's way because the violator will know who filed the complaint. He indicated that he filed a complaint with the Township four weeks ago, and was told that the property owner has not picked up the notice. Mr. Franzwick suggested that the Township should hand deliver complaints, because we have "taxpayer paid vehicles". He further suggested that the Township should have an investigator assigned to these complaints. In response, the Chairman pointed out that the Township does have a Dog and Cat Nuisance Ordinance on the books and that is the only means at this time to regulate that type of activity. He noted that the Township does not have its own police force, and further explained that Greene Township has not imposed property taxes to its residents in over 40 years, and therefore has no funding to contribute to those types of services. The Township Office does not have the capacity or ability to receive a phone call in the middle of the night and go investigate a complaint. When the Ordinance has been followed in the past, it has been effective. The Chairman informed Mr. Franzwick that the Township is in the process of re-writing the Noise Ordinance, and the Public Hearing for that will be held Tuesday, November 10th at 7 p.m. He invited Mr. Franzwick to come that evening to provide input and be a part of that process. The Chairman sympathized with Mr. Franzwick's frustration, pointing out that at times he deals with issues with his neighbors as well. The ZO informed Mr. Franzwick that the reason violation letters are sent through Certified Mail is so that there is a record of when the notice was received. If the letter is not picked up, he, or one of the Supervisors, has hand served it in the past. However, that is "hit or miss", because most people don't answer the door. In most cases, the Township has a Constable hand serve the letter; they are much more resourceful and flexible in their means to serve the letter. Mr. Franzwick noted that the lady in the office has been very helpful in working with him and said she will call him as soon as she is notified that the letter has been picked up from the Post Office. The Chairman pointed out that by sending letters Certified Mail, there is a record of when the notice was received, and that would be a benefit if the issue was brought before the District Court. The Solicitor asserted that Noise Ordinances are especially difficult to enforce and to draft, because the Township has to balance the rights of its residents; it has to balance the right of one resident to go to bed at 10 p.m. and another to work on his car at 10 p.m. The Township tries to write the Ordinance with the best balance possible, and no law can identify every particular situation that will arise. Mr. Franzwick thanked the Board for hearing his comments and concerns.

Supervisor Corwell presented an amendment to the lease agreement with Norfolk Southern. He informed the Board that the Township has had an agreement with Norfolk Southern for several years, and it is for approximately 1.62 acres at the Township Park. Norfolk Southern is proposing an increase of the annual lease payment to \$1,200 (from \$830), and they are also requesting an updated Certificate of Insurance. Supervisor Corwell noted that Welton Fischer has reviewed the amendment, and Strickler Insurance has provided a Certificate of Insurance at no cost to the Township. Following review and consideration, on a motion by Shawn M. Corwell, seconded by Todd E. Burns, and by a vote of 2-0, the

Board unanimously voted to authorize the signature of the Amended Lease Agreement with Norfolk Southern.

Supervisor Corwell presented a quote from U.S. Municipal for a 10 foot Falls Plow with end markers, rubber deflectors, and mushroom shoes. This price quoted is \$11,323 and is CoStars pricing. He informed the Board that while putting the plows on the trucks, it was discovered that one of the plows has a hole in it. It could be repaired, but it is pretty well rusted and should be replaced. Following review and consideration, on a motion by Todd E. Burns, seconded by Shawn M. Corwell, and by a vote of 2-0, the Board unanimously voted to authorize the purchase of the 10 foot Falls Snow Plow from U.S. Municipal in the amount of \$11,323 off the CoStars Contract.

Supervisor Corwell presented a quote for a Trimble Geo 7X Field Data Collector. He indicated that it is not a CoStars quote; however, it is hard to find three companies that sell this particular piece of equipment. Supervisor Corwell explained that it is a GPS tracker that can be used for mapping, mainly for MS4, but it can be used by other departments as well. It can be used to map piping along the roads, road signs, etc. He noted that the Township does have one currently, but it is reaching the end of its life; the software changes over time and the equipment then becomes obsolete. The total price of \$9,270 does include the software. Following review and consideration, on a motion by Shawn M. Corwell, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to authorize the purchase of a Trimble Geo 7X Field Data Collector in the amount of \$9,270 as presented.

The Engineer presented a request for release of the Mann Investment Stormwater Bond in the amount of \$20,548. He reminded the Board that a year ago, a plan was approved for Mann Investments to construct storage units at the point of Main Street Fayetteville and Route 30. The construction is complete, and the stormwater facilities are complete in accordance with the plan. The Engineer recommended a full release of the bond. Following review and consideration, on a motion by Shawn M. Corwell, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to release the Stormwater Bond for Mann Investment in the amount of \$20,548 as presented.

The Engineer presented a request for a bond reduction for the Grand Point Crossing Phase II-A (Drine LLC). He indicated that this is the phase of the Grand Point Crossing Development that is along Grand Point Road. The phase drawing was recently approved by the Board. The developer has completed excavation for the road, installed sewer and water, installed curbing, and put black face down. He is now seeking a reduction in the bond amount for the work he has completed. The Engineer noted that he did go out to the site with the developer and performed an inspection. After completing the inspection, he is comfortable reducing the bond by \$164,240.45. The original bond amount was for \$279,440.70, so that would leave \$115,200.25. The Engineer indicated that the amount withheld includes: \$4,000 for replacement of cracked mountable curb, \$6,400 for the parging of the inside of four (4) inlet boxes and the remainder for wearing course. Supervisor Corwell pointed out that there have been issues with the inlet boxes in some of the newer developments. The Engineer responded that the box detail isn't the best. He indicated that the developer has put full depth sealer behind the pipes, which is a detail that has been lost in the past. The Chairman asserted that the Township needs to update the detail on the inlet boxes. The Township has had to replace most of the inlet boxes that have been put in over the last 14 years due to faulty construction. He noted that the detail needs to be more specific of what materials the developers are permitted to use, as well as what sizes they may use. Following review and consideration, on a motion by Shawn M. Corwell, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to reduce the bond amount for the Grand Point Crossing Phase II-A (Drine LLC) in the amount of \$164,240.45 from the original bond amount of \$279,440.75. The Township will retain \$115,200.25 for future work to be completed.

The Chairman announced that the next item on the agenda is a Driveway Waiver Request for a Second Driveway from Thomas Findley. He observed that Mr. Findley was not present at the meeting, and noted that is disappointing because there are questions regarding the waiver. He recommended that the request be continued to a later date when Mr. Findley can be present to answer those questions. The ZO indicated that he had been in contact with Mr. Findley and came to find out that he is no longer the owner of the property. He sold the property, but is aware that request was on this evening's agenda. On a motion by Todd E. Burns, seconded by Shawn M. Corwell, and by a vote of 2-0, the Board unanimously voted to table the Driveway Waiver Request for a Second Driveway from Thomas Findley, pending a request for the waiver to appear on a future agenda.

The ZO presented the Monthly Zoning Office Report for September 2020, a copy of which each Board Member received. There were 2 ZHB applications received. The first application was received from Hammaker East (118 Siloam Road), requesting approval for expansion of the nonconforming use at their asphalt emulsion plant. The proposal consists of the removal of eight (8) existing storage tanks to be replaced by twelve (12) new storage tanks. The second application was received from David H. Martin Excavating (4961 Cumberland Highway). They had received prior approval from the Zoning Hearing Board (ZHB) for expansion of their nonconforming use. As part of that approval, the office was to be expanded by approximately 5,500 square feet. The applicant wishes to alter the previous approval for construction by making the office space larger. Both of those hearings will be next Tuesday, October 20th. No new Conditional Use Permit applications were received. The ZO reported that 28 land use permits and 2 driveway permits were received during the month of September. The total zoning fees for the month were \$2,169.

On a motion by Shawn M. Corwell, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to authorize the payment of invoices as follows: check numbers 28995 through 29026, three ACH transactions and three credit card transactions to be paid from the general fund, check numbers 3671 through 3672 to be paid from the liquid fuels fund and check number 2214 and one ACH transaction to be paid from the electric light fund.

There being no further business before the Board for this meeting, the Chairman adjourned at approximately 8:12 p.m.

Respectfully submitted,

Treasurer/Assistant Secretary