

MINUTES

BOARD OF COMMISSIONERS

LOWER ALLEN TOWNSHIP

REGULAR MEETING

June 11, 2007

The following were in ATTENDANCE:

BOARD OF COMMISSIONERS

TOWNSHIP PERSONNEL

John T. Titzel
Lloyd W. Bucher
Peddrick M. Young, Sr.
H. Edward Black
Dan Christ

Thomas Vernau, Manager
Jan Faust, Assistant Manager
Nancy Dietel, Finance Director
Daniel Flint, Community Development
Frank Williamson, Public Safety Director
Danna Lutes, Township Secretary
Chief Charles Snyder, LAT Police Dept
Christopher Yohn, EMS Captain
Rodney Mumma, LAT Fire Chief
Steven P. Miner, Solicitor
Trudy Metzel, Recording Secretary

President TITZEL called the Regular Meeting of the Board of Commissioners of Lower Allen Township to order at 7:30 p.m. followed by an opening prayer and the Pledge of Allegiance. He announced Proof of Publication was available for review.

AUDIENCE PARTICIPATION: ANY ITEM ON THE AGENDA

President TITZEL asked if anyone in the audience would like to address any item that appears on the Agenda.

There was no response.

CONSENT AGENDA

President TITZEL asked if any Commissioner, Staff member or anyone in attendance would like to have any item(s) on the Consent Agenda removed for further discussion:

Vice-President BUCHER requested **Ordinance 2007-09** amending the park and playground regulations in Chapter 151 and vehicles and traffic regulations in Chapter 209 with regard to parking at Peter's Field be removed from the Consent Agenda for further discussion.

Commissioner BLACK moved to approve the items on the Consent Agenda, as amended, those items being:

1. Warrants Journal of June 8, 2007 in the amount of \$53,964.38.
2. Awarding a contract for construction on the LACP Boat Launch Project – Rebid to Kinsley Construction, Inc. in the amount of \$46,905.00.
3. SLD Docket #2006-09, Revised Final Land Development Plan for Westport, Lot 11, 4550 Lena Drive, contingent upon the following:
 - a. Erosion and Sediment Pollution Control approval from Cumberland County Conservation District.
 - b. Sewage Planning approval or exemption from the Pennsylvania Department of Environmental Protection and Lower Allen Township Authority.
 - c. Providing financial security for improvements and executing the Developer’s Agreement.
 - d. Executing the Standard Stormwater Facilities and BMP Maintenance and Monitoring Agreement.
4. Executing the Developers Financial Security Agreement with BHH Partners for SLD Docket #2005-22, Heights of Beacon Hill, Phase 3, establishing an improvement security amount of \$855,309.67 and an expiration date of May 1, 2008.
5. Executing the Standard Stormwater Facilities and Best Management Practices (BMP) Maintenance and Monitoring Agreement with BHH Partners for SLD Docket #2005-22, Heights of Beacon Hill, Phase 3.
6. Executing the Developers Financial Security Agreement with Asbury Atlantic, Inc. for SLD Docket #2006-17, Bethany Village West Cottages, establishing an improvement security amount of \$526,158.00 and an expiration date of April 1, 2010.
7. Executing the Standard Stormwater Facilities and Best Management Practices (BMP) Maintenance and Monitoring Agreement with Asbury Atlantic, Inc. for SLD Docket #2006-17, Bethany Village West Cottages.
8. Approve Payment Application #2 for ECI Construction, LLC in the amount of \$417,113.65.

9. Approve Payment Application #2 (plumbing) for Silvertip in the amount of \$10,602.00.
10. Approve Payment Application #2 (HVAC) for Silvertip in the amount of \$14,535.00.
11. Approve Payment Application #1 for Heere Bros., in the amount of \$27,871.65.

Commissioner CHRIST seconded the motion. Motion carried 5-0.

AUTHORIZE STAFF TO ADVERTISE ORDINANCE 2007-09 AMENDING THE PARK AND PLAYGROUND REGULATIONS IN CHAPTER 151 AND THE VEHICLES AND TRAFFIC REGULATIONS IN CHAPTER 209 WITH REGARD TO PARKING AT PETER'S FIELD

Vice-President BUCHER requested **Ordinance 2007-09** be amended to read Peter's Field instead of Pete's Field throughout the Ordinance.

Vice-President BUCHER moved to authorize Staff to advertise **Ordinance 2007-09** amending the park and playground regulations in Chapter 151 and the vehicles and traffic regulations in Chapter 209 with regard to parking at Peter's Field as amended. Commissioner CHRIST seconded the motion. Motion carried 5-0.

APPROVE THE ADJUDICATION FOR ZONING ORDINANCE AMENDMENT DOCKET NO. 2007-01, AN APPLICATION FILED BY HIGH ASSOCIATES, L.T., WHICH PROPOSES AMENDING CHAPTER 200 OF THE CODIFIED ORDINANCE OF LOWER ALLEN TOWNSHIP TO PERMIT FREESTANDING EATING ESTABLISHMENTS IN THE C-3 PLANNED BUSINESS CENTER DISTRICT, AS STATED IN PROPOSED ORDINANCE 2007-06

Vice-President BUCHER moved to approve the adjudication for Zoning Ordinance Amendment Docket No. 2007-01, an application filed by High Associates, L.T., which proposes amending Chapter 220 of the Codified Ordinance of Lower Allen Township to permit Freestanding Eating Establishments in the C-3 Planned Business Center District, as stated in proposed Ordinance 2007-06. Commissioner YOUNG seconded the motion.

Commissioner CHRIST advised of a typographical error in the adjudication. Advertising was on May 9, 2007 not 2003.

Call for the question was made.

Motion carried 5-0, with the correction.

APPROVE ORDINANCE 2007-06, AN ORDINANCE AMENDING, CHANGING AND MODIFYING THE CODIFIED ORDINANCE OF LOWER ALLEN TOWNSHIP, 1997, BY AMENDING CHAPTER 220 TO PERMIT FREESTANDING EATING ESTABLISHMENTS BY CONDITIONAL USE IN THE C-3 PLANNED BUSINESS CENTER DISTRICT

Commissioner CHRIST moved to approve **Ordinance 2007-06**, an ordinance amending, changing and modifying the Codified Ordinance of Lower Allen Township, 1997, by amending Chapter 220 to permit freestanding eating establishments by conditional use in the C-3 Planned Business Center District.

Roll Call Vote:	Commissioner Young:	Aye
	Commissioner Black:	Aye
	Commissioner Christ:	Aye
	Vice-President Bucher:	Aye
	President Titzel:	Aye

Ordinance 2007-06 was approved by a 5-0 vote.

APPROVE RESOLUTION 2007-19, A RESOLUTION APPOINTING A COMMUNITY SERVICE OFFICER (CSO) TO THE PUBLIC SAFETY DEPARTMENT

Commissioner YOUNG moved to approve **Resolution 2007-R-19**, a Resolution appointing a Community Service Officer (CSO) to the Public Safety Department. Commissioner BLACK seconded the motion. Motion carried 5-0.

ANY BUSINESS PERTINENT TO THE TOWNSHIP. DISCUSSION WILL BE LIMITED TO FIFTEEN (15) MINUTES PER PERSON

Tim Morrison identified himself to the Board.

Mr. Morrison advised the Board that he and his family moved into Allendale Estates six years ago. Until six months ago, parking was not an issue. There are two “No Parking” signs on Glenfinnian Place. It is cul-de-sac community and Mr. Morrison sees no reason for the signs. It is the general consensus of the neighborhood also.

Approximately a week ago, Mr. Morrison’s sons were home from college and one was parked 30-40 yards from the “No Parking” sign and received a ticket. Mr. Morrison’s wife wrote a check for the ticket, mailed it to the Chief of Police with a note to call the Morrison’s to discuss the issue. To date, they have not received any response from the Township.

Mr. Morrison would like to see what could be done to have the “No Parking” signs removed from the street. The “No Parking” signs are scattered throughout the neighborhood; at one spot the signs are 10-feet apart on the same side of the street. There is no where for visitors to park. They park at Lower Allen Park and walk the half-mile to visit.

Mr. Flint advised that it is the design of the neighborhood. It is the Country Lane design with no curbs or shoulders and is designed to have no parking. The "No Parking" signs originally were not random, but as development occurred, builders tended to remove the signs and not replace them resulting in placement of the signs appearing to be random.

Mr. Morrison inquired if all the neighbors signed a petition could the signs be removed. Mr. Miner advised that he is not certain if removal of the signs would change the recorded subdivision plan, or if there is a public safety concern. There is not a petition procedure just to remove the signs.

Mr. Morrison stated that there are no signs along Rt. 114 through Lisburn and there are no curbs. Mr. Vernau advised Mr. Morrison that Rt. 114 is a state road and is not a planned community.

Vice-President BUCHER stated that the streets in Allendale Estates were constructed to what was called the Country Lane concept. Everyone in that neighborhood bought their home with the condition that there would not be any street parking. The Country Lane design is part of the approved subdivision and the Township can not arbitrarily allow parking.

Extensive discussion ensued.

Mr. Vernau advised Mr. Morrison that the issue will be discussed and researched, and someone from the Township will contact him with the findings.

ADMINISTRATIVE SERVICES

Approve Disability Benefit Award From The Volunteer Fire Service Awards Program (VFSAP)

Commissioner YOUNG moved to approve the disability Benefit Award from the VFSAP for James W. Back. Vice-President BUCHER seconded the motion. Motion carried 5-0.

Discussion RE: Employee Recognition

Mrs. Faust advised the Board that two employees are being recognized for years of service and one for a Performance Award.

This will be an agenda item for the July 9, 2007 Board of Commissioners meeting.

COMMUNITY DEVELOPMENT

Discussion RE: Zoning Hearing Dockets

Mr. Flint advised the Board that two Dockets were heard in May:

Docket 2007-05, -- Gerald Powell, 19 Courtland Road

Construction of a carport two-foot from the lot rather than five-feet.

The variance was approved.

Docket 2007-06 -- Patrick Espinoza, 38 Oneida Road

Special exception for a home occupation family daycare. All the criteria was met for the special exception, but the Zoning Hearing Board had concerns because the Applicant was going to use the are in the Gettysburg Road right-of-way for the drop-off area for the children rather than having a separate are on the property. The Zoning Hearing Board felt they did not have jurisdiction to grant a variance because the use would extend into the PENNDOT right-of-way.

The special exception was not granted. However, the Zoning Hearing Board gave the Applicant some direction to try to work with the Township and/or PENNDOT to get some sort of approval or recognition of using the area in the right-of-way for that drop-off and then again request a special exception.

Mr. Flint advised that there are three Dockets for June:

Docket 2007-07-- Stacy Buxton, 1 Commercial Drive

Commercial property at the corner of Carlisle Road/Warwick Road/Commercial Drive. Previously a gas station, then an ice-cream shop and now a salon.

This request regards the location of a storage shed. The back of the building is at the 10-foot setback, which is the requirement for the primary building. However, the setback for a shed is 15-feet for commercial structures. The owner wants to put the shed behind the building with no visibility from the street, but it would encroach into the 10-foot setback line by a few feet. It would still be more than 5-feet from the lot line. It would meet the requirements for a residential shed but not a commercial shed. The shed cannot be higher than the building.

There is no requirement for screening in the ordinance, but the Zoning Hearing Board could require screening in the property.

The adjacent property owner has been notified of the Zoning Hearing Board hearing.

The Board agreed with Staff's recommendation to let this Docket stand on its own merits.

Docket 2007-08 – Keith Peiffer, 1025 Audubon Road

Retail operation for strawberries.

For security purposes, the owner wants to fence the area around the growing field. Because of Audubon Road frontage, the fence would be limited to a 3-1/2 foot fence. The Applicant is requesting a 6-foot fence. The Applicant is proposing a chain-link fence with green vinyl coating.

The Board agreed with Staff's recommendation to let this Docket stand on its own merits.

Docket 2007-09 – Brenda Clarke, 32 Sussex Road, Cumberland Park
Construction of a carport two-foot from the lot line. This is similar to and in the same neighborhood as the Docket approved last month. The Applicant stated a medical hardship.

The Board agreed with Staff's recommendation to let this Docket stand on its own merits.

Discussion RE: Release of Improvement Security for Sidewalk Construction in The Manor at Fair Oaks, Phase 2

Mr. Flint advised the Board that a reduction of improvement security for sidewalk or release of Letter of Credit with Richard Hart would be an agenda item for the June 28, 2007 Board of Commissioner's meeting.

Authorize Staff to Prepare and Advertise an Ordinance Establishing Parking Restrictions

Mr. Flint advised the Board that several traffic studies have been completed, recommended to the Manager and approved. An ordinance is required to institute the changes at:

1. Carlisle Road at Warwick Road
2. West Shore Dirve near Cedar Cliff Drive
3. Gettysburg Road at Rana Villa Avenue

Commissioner BLACK moved to authorize Staff to prepare and advertise an ordinance establishing parking restrictions at the three stated locations. Commissioner YOUNG seconded the motion. Motion carried 5-0.

MANAGER

West Shore Recreation Letter Regarding Skate Park Feasibility Study

Mr. Vernau reminded the Board that New Cumberland Borough and the West Shore School District opted-out of the feasibility study. The re-calculation according to the letter received would cost Lower Allen Township an additional \$515.06 in addition to the \$1,484.45 the Commissioners previously approved.

Extensive discussion ensued.

Commissioner BLACK moved to authorize the basic \$1,484.45 and if necessary pay the additional \$515.06 for a total contribution to the feasibility study for a skateboard park for West Shore Recreation Commission of \$1,999.51. Commissioner YOUNG seconded the motion. Motion carried 5-0.

RECESS TO EXECUTIVE SESSION

The Regular Meeting of the Board of Commissioners recessed to Executive Session at 8:20 p.m. to discuss:

1. Upcoming police retirements.
2. SEO Appeal 2007-01, the application of David and Nancy Hoang for review of the Sewage Enforcement Officer's decision regarding an on-lot sewage disposal system malfunction at 3503 Simpson Ferry Road.

RECONVENE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

The Regular Meeting of the Board of Commissioners reconvened at 9:46 p.m.

SUSTAINING ACTION OF THE TOWNSHIP SEWAGE ENFORCEMENT OFFICER IN THE HOANG MATTER AND FURTHER DIRECTING THAT THE SITUATION ON THE HOANG PROPERTY CAN ONLY BE REMEDIED BY THE IMPLEMENTATION OF A DEP APPROVED SEWAGE DISPOSAL SYSTEM

Commissioner BLACK moved that the Commissioners of Lower Allen Township are sustaining the action of the Township's Sewage Enforcement Officer in the Hoang matter, and further directing that the existing situation on the Hoang property can only be remedied by the implementation of a DEP approved sewage disposal system. Commissioner YOUNG seconded the motion. Motion carried 5-0.

Mr. Miner noted for the record that adjudication would be drafted in line with Commissioner BLACK'S motion.

OTHER BUSINESS

Mrs. Faust reminded the Board of the employee picnic on Wednesday at LACP.

ADJOURN

The Regular Meeting of the Board of Commissioners adjourned at 9:53 p.m.

ATTENDANCE REGISTER

An Attendance Register is made part of the record.