

STRABAN TOWNSHIP PLANNING COMMISSION

Alan Zepp, Darrin Catts, Patt Kimble, Roy Weaner, Sharon Hamm

MEETING OF: August 27, 2014, 7:00 p.m.

The Straban Township Planning Commission met this date, as publicly advertised, at 7:00 p.m. in the meeting room of the Straban Township Municipal Building, 1745 Granite Station Road, Gettysburg, PA 17325 with Board Chairman Alan Zepp presiding. Others in attendance were: Vice Chairman Darrin Catts, Member Secretary Patt Kimble, Member Sharon Hamm, Township Solicitor John S. Phillips, Traffic Engineer Jodie Evans, Township Engineer Erik Vranich, and Zoning Officer Earl Baer.

Others in attendance: Wendy Fulton, The Keith Corporation; Teresa Sparacino, Delta Development Group; Dave Lazas, ATAPCO Properties; Robin Fitzpatrick, Adams County Economic Development Corporation; Jonathan Cox, Rhoads and Sinon LLP; Rick Klein, Representative-Discovery Gettysburg; Randy Phiel and Jim Martin, Adams County Commissioners; Paul and Christine Kellett, property owners in Township; Marcie and Fred Kammerer, residents; George Kimble, resident; Sandra and Lawrence Martin, residents; George Mauser, resident; Elaine McKnight, resident; Skip Strayer, resident; Carrie Stuart, resident; Scott Pitzer, resident; Frank Ruth, resident; Tony Sanders, resident; Robin Crushong, resident; Robert Spangler, resident; Vanessa Pellechio and Abbey Zelko, Gettysburg Times; and Mark Walters, The Evening Sun.

Minutes:

Ms. Hamm moved, seconded by Ms. Kimble to approve the June 25, 2014 minutes as presented. Motion carried unanimously.

Land Use Reviews (Preliminary/Final Plans):

Hampton Inn – Prel./Final Subdivision/Land Development Plan (Rt. 30/Shealer Rd)

KPI Technology, in a letter dated August 18, 2014, requested an extension of time to finalize their negotiations with the current property owners and allow time to finalize outstanding comments and permitting items relating to the land development plans for the proposed project to March 3, 2015. **Ms. Hamm recommended approving the extension of time to March 5, 2015 which is after the March monthly Board of Supervisors meeting in order to allow applicant time to clean-up the outstanding items/conditions. Mr. Catts seconded. Motion carried unanimously.**

Gettysburg Station – Final Land Development Plan (York Rd. – south side Rt. 30 – btwn Peebles and Giant Shopping Centers)

RGS Associates, in a letter dated August 19, 2014, requested an extension of time to process the land development plans for the proposed project to December 24, 2014. **Mr. Catts recommended approving the extension of time to January 8, 2015 which is after the January monthly Board of Supervisors meeting in order to allow applicant time to clean-up the outstanding items/conditions. Ms. Kimble seconded. Motion carried unanimously.**

Tractor Supply – Prel./Final Land Development Plan – (east side of Smith Rd. approx. 500 feet north of Rt. 30) – Must Act by 11/05/14

Ms. Fulton (The Keith Corporation) requested conditional approval of the resubmission of plans dated July 29, 2014.

Mr. Vranich (Wm. F. Hill and Associates, Inc.) reviewed the outstanding remaining conditions (items 1-12) outlined in the Wm. F. Hill and Associates, Inc. Letter dated August 15, 2014. These unresolved items are access easement and/or grading or maintenance agreement(s), outside agency approvals (i.e., PennDot, GMA, and Adams County Conservation District), utility involvement/work and approval letter with PPL, Storm Water Management Maintenance and Maintenance agreement and finalized financial security.

Mr. Zepp moved, seconded by Ms. Kimble to table the recommendation for conditional approval of the Tractor Supply Prel./Final Land Development Plan. Motion carried unanimously.

Mr. Zepp noted that the Township is not holding up the process or progress of this plan moving forward.

Straban Township – Prel./Final Land Development Plan (1745 Granite Station Road) – Must act by 10/17/14

Mr. Vranich presented an overview of the Prel./Final Land Development Plan proposing construction of a new accessory building and associated driveway/maneuvering area. He noted that comments were received from Adams County Office of Planning and Development in a letter dated July 18, 2014 and approval from the Adams County Conservation District dated July 2, 2014.

A waiver, in the Wm. F. Hill and Associates, Inc. Letter dated June 20, 2014, requested relief from SALDO 117-41.C, requiring sidewalk for all non-residential developments. Due to lack of any sidewalks on Granite Station Road and location of said property a waiver is requested.

Mr. Catts moved, seconded by Ms. Hamm to recommend approval of waiving SALDO 117-41.C for the Straban Township Prel./Final Land Development Plan. Motion carried unanimously.

Ms. Hamm inquired as to any impact on parking. Mr. Vranich stated that the Township will have additional parking in existing gravel area near the new accessory building.

Planting of seven (7) new trees on property site is required. Mr. Vranich asked who specifically will provide best input (i.e., placement) on this topic. Ms. Hamm recommended input from the Straban Township Maintenance Staff.

Mr. Vranich cited Storm Water Management Maintenance and Monitoring Agreement, Owner's signature, and a Landscape plan and signature and seal of a Registered Landscape Architect are the only outstanding items. These items are referenced in the Wm. F. Hill and Associates, Inc. Letter dated June 20, 2014.

Mr. Catts moved, seconded by Ms. Kimble to recommend conditional approval based on the outstanding items (SWM, owner's signature and Landscape plan/signature/seal) cited by Mr. Vranich. Motion carried unanimously.

Nolt's Mulch Productions – Prel./Final Land Development Plan (3587 Old Harrisburg Road) – Must act by 11/19/14

Mr. Zepp noted that an EMAIL dated August 27, 2014 was received requesting to table discussion this month at the Planning Commission meeting on the Land Development Plan to next month's meeting.

Mr. Catts moved, seconded by Ms. Hamm to table this review/discussion of the Land Development Plan until next month. Motion carried unanimously.

Appearances:

None

Old/New Business:

Agricultural Security Area Advisory Review

Mr. Zepp read the cover page of the Straban Township Agricultural Security Area Advisory Committee Letter which was earmarked for the August 2014 Planning Commission. The Agricultural Security Area #3 Seven-Year Review is to consider change of ownership of 1900 and 1650 Old Harrisburg Road and the addition of a new parcel of land to be included under this program under the name of Daniel Conley, Gerald Conley and Ronald Conley (d/b/a/ Amos Conley Farms). The property located at 865 Good Intent Road also changed owners to Frederick J. Horak and Joan M. Horak. Mr. Zepp noted that approval from the Adams County Office of Planning and Development in a letter dated August 25, 2014 voted unanimously to recommend approval of these modifications/additions.

Mr. Zepp moved, seconded by Mr. Catts to recommend approval of these three modifications and one addition to the Agricultural Security Area #3 Seven Year Review list located in Straban Township. Motion carried unanimously.

Future Impact of Development on Route 30

Ms. Evans (McMahon Transportation Engineers & Planners) read the following suggested position statement on traffic signals on Route 30.

SUGGESTED POSITION STATEMENT ON TRAFFIC SIGNALS ON ROUTE 30

Straban Township desires to not take any actions that would deteriorate traffic operations, and desires to improve them if possible, on Route 30 between U.S. Route 15 on the east, and the border with the Borough of Gettysburg on the west. In order to achieve those desires, the Township (with the concurrence of the Adams County Office of Planning and Development and the Pennsylvania Department of Transportation) is striving to develop a road parallel to and south of Route 30 known as Camp Letterman Drive. Camp Letterman Drive is constructed in part, and is shown on various maps and plans for its remaining portions.

In order to encourage the development of Camp Letterman Drive by property owners and developers seeking to improve properties to the south of the subject section of Route 30, and to discourage access from Route 30 in lieu of Camp Letterman Drive, the Township takes the position that it will not approve, and will not apply for, any new traffic signals in that section of Route 30.

Excepted from the above position is a traffic signal in the area of the intersection of Route 30 and Hunterstown Road. The prior position of the Township (approved on July 1, 2013) on a signal at that area is now restated to be as follows:

Straban Township will consider an approval of, and an application for, a traffic signal at the intersection of Hunterstown Road and Route 30 if and when property owners and/or developers can present an agreement and acceptable plan of construction that will result in a realignment of Hunterstown Road so that it meets Route 30 at a ninety degree (90°) angle, and where such realignment is directly across from a road access on the south of Route 30 that will connect with the proposed location of Camp Letterman Drive.

Mr. Catts moved, seconded by Mr. Zepp to recommend adopting the position statement. Motion carried unanimously.

Ms. Hamm commented that if we continue to allow lights along Route 30, Camp Letterman Drive will never happen.

Tax Increment Financing (TIF)–Gettysburg Crossing – Proposed Redevelopment Area

Mr. Zepp opened the topic mentioning that one of its Planning Commission members was absent this evening – Mr. Weaner. He then opened the floor to Mr. Catts who read the following statement:

Planning Commission Meeting 8-27-14

At the June 25, 2014 Straban Township Planning Commission meeting, a vote was held on determining if a blighted condition existed in regards to the proposed Gettysburg Crossing commercial development.

As soon as the meeting was opened, a statement was read from the members of the Planning Commission emphasizing that the decision being made was not to be interpreted as support for, or opposition to the project before us. The decision was only pertaining to the current existence of a blighted condition on the property in question.

This determination was to have been made at the May meeting of the Planning Commission, but was delayed at the request of the developer. The developer stated that they would be providing updated traffic numbers to support their request for the blight determination.

When the old business portion of the June meeting arrived and the prepared statement was read, the floor was opened for submissions and or discussion. After discussion, a vote was called for. The vote was 3 in favor of adopting a resolution creating the requested TIF district and 2 opposed. The vote was duly recorded and the meeting was closed.

Immediately after the meeting was adjourned, there was some confusion among the board as to the validity of the vote. The board consulted with its solicitor, who advised that the vote was inappropriate due to one member not being present at the previous hearings on the matter. The meeting was reopened by vote and the previous vote was nullified. Another vote was called for, with the aforementioned member abstaining. The second vote was properly conducted and it resulted in a tie vote with 2 members approving and 2 opposing. According to Roberts Rules of Order, a tie vote is deemed a disapproval of said motion.

The vote on this subject, eventually, was properly conducted at the June Meeting and should not be the subject of further discussion. The disapproval vote conducted in June is the one that should be recorded.

If this body, and the Township it is a part of, allows further debate on a previously decided subject, it will bring the appearance of impropriety. What would stop all further entities either commercial or private citizens from just asking this body to vote again next month after they receive a disapproval? What would stop all previous denials from requesting this body to vote again on their project hoping for a different result? The first vote taken was duly recorded and once that one was deemed inappropriate, the second vote should be treated with the same accord.

The Planning Commission has spent a considerable amount of time to reach the point that we were at during the June meeting. The members had attended several workshops, hearings, and meetings to become educated on the subject at hand so that they could render an appropriate decision. The statement was made that we were not speaking about our support or lack thereof for the entire project, just to the existence of a current blighted condition. The result of the June Planning Commission was not supportive of creating the requested TIF district, and that's the vote that needs to be recorded.

Once this body and the Township it represents permits votes to be repeated because the applicant wasn't pleased with the result, it allows the appearance of impropriety. With any form of government, the appearance of impropriety is enough to be disruptive, whether it actually exists or not. That point is exaggerated in our smaller form of government. We have almost come to expect that sort of behavior from some of our larger government entities. However, Straban Township and certainly this Planning Commission should hold itself to a higher standard and not allow this appearance to tarnish its reputation and ability to properly represent its constituents.

Respectfully submitted,



Darrin Catts, Vice Chair



Sharon Hamm, Member

Mr. Catts requested that the above statement be entered into and part of the official minutes.

Mr. Zepp solicited comments from Mr. Phillips ((Phillips & Phillips) on possible guidance/direction. Mr. Phillips stated that the Township took the lead to continue for a decisive answer at a subsequent meeting

because the Planning Commission had a split vote at the June Planning Commission Meeting. It is correct that the tie/split vote would denote that the result remain status quo. The second vote desired to give a specific answer instead of trailing off to no decision. Mr. Phillips stated that if the Planning Commission does not want to take further action, the vote is recorded and no redevelopment area and blight exists. The Applicant can take a different tactic and ask the County to take the lead on this process.

Ms. Kimble agreed with Mr. Catts on Roberts Rules of Order to let the vote from the June Planning Commission meeting stand as a tie with everything remaining status quo.

Mr. Zepp stated that the previous vote stands and no Resolution for establishing a Redevelopment Area as blighted is passed.

Ms. Hamm closed the topic by reading the last line of the opening statement from June Planning Commission meeting "Our question, plainly stated this evening is "Does this redevelopment area meet the criteria within the blight definition of the TIF act?"

Public Comment:

None

Adjournment

Mr. Catts moved, seconded by Ms. Kimble to adjourn the meeting at 7:40 p.m. Motion carried unanimously.

NEXT MEETING: SUPERVISORS: October 6, 2014
PLANNING COMMISSION: September 24, 2014

Respectfully Submitted,

Tina M. McNaughton
Secretary