

**New Garden Township
Board of Supervisors
Public Hearing and Subdivision/ Land Development Meeting
November 9, 2009**

Public Hearing

Supervisors Present

James Neal, Chairman
Stephen Allaband, Vice Chair
Robert Perrotti
Bob Norris
Barclay Hoopes

Others Present

Carmen Raddi, Manager
Neil Land, Esq.

I. CALL TO ORDER

Chairman Neal called the hearing to order with a pledge to the flag and announced that the public hearing was called for three ordinance changes.

II. HEARING

A. Ordinance to add a definition for the terms “Age Qualified Community” and “Age Qualified Unit” and by the addition of special area and bulk regulations pertaining to age qualified communities in the Unified Development Zoning District- Solicitor Land stated that the ordinance change was advertised pursuant to the MPC and reviewed by the County. Supervisor Norris stated that he cannot support the change as he strongly believes that by not requiring conditional use, as opposed to the allowed use by right, it takes away from the Township negotiating any benefit and may leave the Township with unforeseen responsibility. He supports the age qualified but not as a use by right.

B. Ordinance amending the zoning map by changing the current zoning designation of certain parcels from UDZ Unified Development Zone to H/C Highway Commercial- Supervisor Norris stated that he is in support of the change.

Vice Chairman Allaband questioned if the zoning change would cause a property owner a change in assessment. Solicitor Land stated that by rezoning the property there would not be a reassessment unless a building permit was issued.

C. Amending the zoning ordinance by deleting Section 200-45.A.(12) in its entirety, by deleting Section 200-45.A.(13) in its entirety, by adding a new Section designated as Section 200-45.C.(4), by deleting Section 200-45.B.(6) in

its entirety, by making Planned Commercial Development a Conditional Use in the Highway Commercial (HC) zoning district, by deleting Section 200-35.A.(8) in its entirety- Supervisor Hoopes stated that there is a typo on page 3 at number 5 should be “rear” not “year”. The Solicitor is to make the change. Supervisor Norris stated that it is a good change to the ordinance. Solicitor Land stated that it has been reviewed by the County and published and is appropriate for the Board’s consideration.

D. Public Comment

Mr. Rick Longo stated that he represents St. Anthony’s which is affected by the rezoning and has requested that if properties are developed they would be required to follow all regulations as they are concerned of runoff from other parcels.

The hearing was closed and adjourned to an executive session.

Land Development/ Subdivision Meeting

I. CALL TO ORDER

Following the executive session for possible litigation Chairman Neal reconvened the meeting 7:50pm. The Chairman announced that Betty Gordon and Warren Reynolds are to be the newest members of the Board and congratulated them.

II. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

With none the Board moved to discuss New Business.

III. NEW BUSINESS

A. Discussion with Giant Foods about their sign variance application- Michael Kostiew of McNees Wallace and Nurick was present accompanied by Joseph LaCagnina of Giant Foods regarding signage for the Giant Fuel Island. Mr. Kostiew stated that they submitted a sign variance to allow for a larger sign which is still less than what is typically done at other Giant locations. They are requesting five variances because the ordinance treats the shopping center as one entity that is already exceeding the ordinance. The Ordinance permits two signs for the shopping center but there are a total of three already, therefore one of the five variances is for relief of the number of signs allowed.

Mr. Kostiew stated that the free standing sign that is being requested is a monument sign that will display the gasoline prices. He distributed a depiction of the sign and location. Supervisor Norris thanked Mr. Kostiew for his clarification and stated that the Board is reviewing the ordinance to make it more liberal. Supervisor Norris questioned at what entrance the free standing price

sign will be located and Mr. Kostiew informed that it will be at the Pebbles entrance. Supervisor Hoopes stated that he wants the Giant to be able to compete and be successful.

Supervisor Perrotti stated that he has no issue with the size of the sign but requested that Giant consider that the sign not be red. Mr. Kostiew stated that he does not have the authority to make that decision but he will refer the request to Giant. Giant has taken great strides to make a uniformed look. Mr. Kostiew stated that the sign and lights of the canopy will be illuminated during business hours only from 6am- 11pm.

Vice Chairman Allaband questioned the white strip around the canopy. Mr. LaCangina stated that they are lights and part of the Giant branding. The canopy is 17ft high with the white light strip at 16.5 ft. Vice Chairman Allaband questioned if they would consider doing away with the white band lights. Mr. LaCangina stated that the canopy lights are not pointing outward and the lights under the canopy are pointing downward. Vice Chairman Allaband stated that he has no concern of the sign but is concerned of the band lighting.

Solicitor Land requested that Mr. Kostiew get back to him with Giant's feedback on the Board's requests.

B. Discussion with representatives of St. Rocco's Church about "limited land development"- Mike Shiring was present on behalf of Mission Santa Maria to propose that a commercial building on a contiguous parcel of St. Rocco's be used as the Center for Mission Santa Maria. A building permit is pending for interior renovations and he requested the Board's direction as to begin with the project. Mr. Shiring distributed a site plan and photos of the building and stated that the access from RT 41 will remain the same. There are currently 19-20 parking spaces on asphalt which they would re-stripe and include handicap spaces per Don Suckstorf's request. He stated that the Mission is the headquarters for three priests and five nuns that work throughout the County, one secretary, one social service and one temple service. The Center would serve as the hub to coordinate catholic education and food donations. The office area will remain, the warehouse section will be restrooms and the back area will be for donations. As churches are closing they are in need of a place to store goods that are being donated.

Manager Raddi stated that, technically, according to Mr. Don Suckstorf the revisions in the parking area and change in use would require Land Development. Manager Raddi suggested that since they are simply reconfiguration the parking and the use is still commercial that they bring their presentation before the Board.

Vice Chairman Allaband questioned if the location is served by public water and Mr. Shiring stated that it is not at this time but they are planning public water for the church and would key it off at this location until capacity is available. Vice Chairman Allaband questioned how many EDUs would be required and Mr. Shiring stated that the bathrooms will be locked and used by the few employees only.

Vice Chairman Allaband stated his concern of traffic and whether a HOP would be required. Mr. Abessinio, funder of the project, that there is nowhere to operate administratively therefore the rehab of the building is needed. He stated that they will be rehabbing a building that was a commercial use and will have less traffic than the previous use. Vice Chairman Allaband stated his concern of the speed limit at the location compared to their current location. Mon Senior stated that the current center in Avondale will remain open until the church opens at which time he hopes will be self sustaining. Vice Chairman Allaband requested that they revisit the Board when they move the goods donation to the site to see if there is a light at Sunnydell Road and/or if traffic has increased.

Supervisor Norris questioned if PREIT required an easement for the widening of the road at that location and Manager Raddi informed that they did not.

Supervisor Perrotti questioned the location of the adjoining properties and whether they have considered a connecting roadway from the church. Mr. Shiring stated that it has been discussed but at this time they would like to keep the property separate. Chairman Neal questioned the three priests, five sisters and staff at the location. Mon Senior stated that they are not always at the same locations and the building will not serve as living quarters. The hours of operation are 9am to 9pm but at times he is there earlier or later.

Solicitor Land stated that Land Development is not required for the administrative use and storage and that they are to work with Don Suckstorf on the parking requirements.

C. SP2 lots on Penn Green Road north of Rt. 1- Matt Longo and the owners of lots two and three of the Pioneer Concrete subdivision were present to request relief of a requirement of the recorded Subdivision which requires that road improvements be made with the sale of the final lot. The lot has been for sale but there have been no buyers because of the required road improvement costs. The estimates for the improvements are \$250,000- \$370,000. Mr. Longo requested that the trip generations be submitted to the Township engineer for his review and reconsideration of the Board.

Supervisor Hoopes stated that the requirement was made while the PREIT Conditional Use was going on which makes even more sense today to have road improvements because of the increase in traffic over the next five years. Mr. Longo stated that the permit and costs are much higher than anticipated and he feels that PennDOT's design is not the safest.

The property owner stated that when he purchased the property he was unaware of the agreement of road improvements. The parcel involved is for sale and he has no use for it or the money for the improvements. He requested that the Board make a recommendation of what could occupy the site where improvements would not be required. Supervisor Perrotti stated that the allowable zoning uses are listed in the Ordinance.

Chairman Neal stated that he had no issue with Nate reviewing the numbers. Supervisor Norris requested that the review be at the sole cost and risk of the current owners and they said that they were accepting of that. Supervisor Perrotti stated that it may be helpful in the Board's decision is they knew the proposed use of the property.

IV. OLD BUSINESS

A. Consideration of an Ordinance to add a definition for the terms "Age Qualified Community" and "Age Qualified Unit" and by the addition of special area and bulk regulations pertaining to age qualified communities in the Unified Development Zoning District- *Chairman Neal motioned, based on the hearing prior to this meeting, to accept the Age Qualified Ordinance as written. Supervisor Hoopes seconded the motion and was carried three to two by Vice Chairman Allaband. Supervisor Perrotti and Supervisor Norris opposed.*

B. Consideration of Ordinance amending the zoning map by changing the current zoning designation of certain parcels from UDZ Unified Development Zone to H/C Highway Commercial- *Supervisor Norris motioned to approve the ordinance as written with a second from Vice Chairman Allaband to a unanimous vote.*

C. Consideration of amending the zoning ordinance by deleting Section 200-45.A.(12) in its entirety, by deleting Section 200-45.A.(13) in its entirety, by adding a new Section designated as Section 200-45.C.(4), by deleting Section 200-45.B.(6) in its entirety, by making Planned Commercial Development a Conditional Use in the Highway Commercial (HC) zoning district, by deleting Section 200-35.A.(8) in its entirety- *Vice Chairman Allaband motioned to adopt the Ordinance by amending the zoning Ordinance. Solicitor Land added that there will be a spelling change on page 2 Section [5] from "year" to "rear". Supervisor Norris seconded to a unanimous vote.*

D. Township Bills- Manager Raddi stated that the Board received two different bill lists. The second list included new invoices and utilities that were in paid between the times the new list came out. Supervisor Perrotti questioned charge of Charles Higgins for \$3,063.71 on page 2 and Manager Raddi stated that the charge is for maintenance and traffic signals per the State requirement. Supervisor Perrotti questioned charges for limestone and Manager Raddi informed that that charge was for a repair after an accident which the Township is expecting to collect money from the insurance of the driver.

Supervisor Perrotti questioned GTS charges of 65 hours for Candlewyck and Manager Raddi informed the charges were to prepare the punch list but he is holding charges of 6 hours for a meeting with residents as he is not satisfied. Supervisor Perrotti questioned, through the turn of events, why it took so long to get the punch list and Solicitor Land stated that by the time he got clarification that the punch list was not received it was a complete surprise. Supervisor Norris requested that a representative be present at the meeting to defend the costs. Supervisor Perrotti suggested that the Manager negotiate with GTS and if there is no resolution than a GTS representative should be present.

Chairman Neal questioned page 2 charges for argon cylinder and Manager Raddi stated that for mig welding and there are two vendors as one sells argon CO2 mix and the other is just argon.

Vice Chairman Allaband motioned to pay the November disbursements excluding that of GTS Technologies. Supervisor Hoopes seconded to a unanimous vote.

E. Budget- Manager Raddi stated that the tentative budget approval will be Monday, November 16th at 7:30pm following the regional police report at 6:00pm. The Budget meeting is to be advertised.

V. OTHER BUSINESS

A. Consideration of establishing financial security for Auto Zone, Inc. in the amount of \$435,451.87- Manager Raddi stated that the engineer reviewed and appropriate for the Board's consideration. *Supervisor Perrotti motioned to approve setting financial security for Auto Zone in the amount of \$435,451.87. Supervisor Norris seconded to a unanimous vote.*

B. Consideration of time extension for CRC Health Care (Bowling Green) until December 21, 2009- *Supervisor Perrotti motioned to approve the time extension for Bowling Green until December 21, 2009. Supervisor Hoopes seconded to a unanimous vote.*

C. Consideration of release of escrow for Harrogate North No. 21 in the amount of \$24,967.97- Supervisor Norris motioned to approve release for escrow for Harrogate North No 21 in the amount of \$24,967.97. Supervisor Perrotti seconded to a unanimous vote.

D. New Garden Park/ KAU Little League- Supervisor Perrotti stated that a Lease Agreement from KAU Little League was distributed in the packet and reviewed by Solicitor Land who made significant changes. Supervisor Perrotti requested that the Board review the Agreement and be prepared to move on it next month. Supervisor Norris questioned the Agreement being for 25 years and Supervisor Perrotti stated that is what they are looking for. Supervisor Norris questioned if there should be a “break up” clause in the event that the Agreement is not working, such as the field maintenance not being kept up. Supervisor Norris also stated his concern of their exclusive use of the existing field and Supervisor Perrotti stated that others may use the field but it has to be approved by KAU. KAU is to maintain the field and put a press box, lights, and a food stand, which are all significant costs.

Supervisor Perrotti stated that the Agreement is not for the front field. Supervisor Norris questioned if it is ok to turn a Township asset over like that and Manager Raddi stated that it is not unusual. Vice Chairman Allaband stated that he also struggles with the Agreement but seeing that 60% of KAU is from New Garden it may be the right thing to do. Supervisor Perrotti stated that if the Township were not building another field for Township use he would also struggle with it.

Supervisor Norris requested clarification in the Agreement on “first rate little league field” as it could be interpreted differently. Supervisor Perrotti stated that the KAU field will be lit but the front will not. Supervisor Norris questioned why they are to use the Quonset Hut and if the Agreement stating so would oblige them to keep it or provide storage. He suggested that language clarifying the matter be inserted and also language requiring maintenance of the additional buildings.

Supervisor Perrotti stated that the building will have to be approved by the Board and is looking for something appealing.

VI. ADJOURNMENT

By a unanimous vote the meeting was adjourned at 9:45pm.

Respectfully Submitted,
Kathryn Parlier,
Township Secretary