

Londonderry Township Board of Supervisors

December 5, 2005

7:00pm

The Londonderry Township Board of Supervisors held their regular scheduled Board meeting on Monday, December 5, 2005 at the Municipal Building, 783 S. Geyers Church Road, Middletown, PA 17057 beginning at 7:00 p.m.

Present:

William Kametz, Chairman, Board of Supervisors
Ronald Kopp, Vice-Chairman, Board of Supervisors
Andy Doherty, Member, Board of Supervisors
Daryl LeHew, Member, Board of Supervisors
Anna J. Dale, Member, Board of Supervisors
Steve Letavic, Township Manager
Beth Graham, Administrative Assistant
Robert Knupp, Township Solicitor
Darrell Becker, Township Engineer

Items Addressed:

1. **Citizen's Input**

- a. Paul Geyer
- b. Rodney Kreider
- c. Eleanor Sanke

2. **Approval of Minutes** – Board of Supervisors, November 7, 2005
Board of Supervisors Work Session, November 15, 2005

Mr. LeHew motioned to approve the minutes as presented, Mrs. Dale seconded.
Motion approved.

Public Hearing

On October 26, 2005 a Public Hearing was held regarding the Lauffer Hills proposed cluster option development to be situated on approximately 117.7 acres of land, zoned R-1, on the corner that lies northeast of the PA Turnpike and Rte. 283 crossover, between Newberry Road and Roundtop Road. A second Public Hearing was held this evening to clarify to the residents the difference between a cluster option and a permitted use. A handout was made available to the residents discussing these options. Mr. Kametz also explained to the residents that this was not a situation where the Supervisors could vote “yes” or “no” for the development, but that the owners of any piece of land have the right to develop their land providing, they meet the ordinance requirements of the Township.

Mr. LeHew noted that there are 41.2 acres of open space with the cluster option and 0 acres of open space with a permitted use. A cluster option would provide public water and sewer with 1/3 acre of land vs. 1 acre of land with a permitted use.

- 1) Rodney Kreider – What will happen in the future with the remaining 41 acres of open space? How well will the fire protection be with houses on ½ acre lots? With the lineal feet of roadway, how will a fire truck be able to turn around?

Greg Bardell, Longleaf Development – The 41 acres would be turned over to the Homeowners Association and could not be developed.

Bart Shellenhammer, Londonderry Fire Co. Chief – Has seen the plans and approves of them from an emergency/fire standpoint.

- 2) Leonard Dobson, Jr. - Who will maintain the road, the Homeowners Association or the Township?

Greg Bardell – The roads will be dedicated to the Township.

- 3) George Kruger – Under a permitted use, how will they get that many homes on the property?

Bill Kametz – The formula for determining the amount of homes is the same with both plans and then it's a matter of engineering that goes along with the placement of lots. Then the plans are reviewed by the planning boards and our engineer.

- 4) Linda Rambler – I think this will set a precedent that I don't believe we started yet and in the future it won't be easy not to have this kind of development. In my opinion it is not the kind of development that Londonderry Township is defining itself as. I think if we have houses on 1 acre of land that's a much better arrangement for the definition of our Township. We have a whole community to think about, not just individuals who are interested in their own concerns.

Bill Kametz – We're having this meeting so as not to be misleading. Under permitted use you would develop the tract of land into roughly 99 individual building lots of which the owner would build a home on a portion of the lot and the remaining portion of the lot owner can choose to do whatever he wants within that lot. The point we're trying to make there is there would be no land managed by the Homeowners Association or left for open space for other usage. The idea for a cluster option is to take the same amount of homes, put them in a denser area of the developable land, which would leave roughly 41 acres of open land. We want to explain clearly these options so we are not misleading in any way.

Ron Kopp – You can't tell at this time how many homes are going to be allowed. At this point it is just on paper. Until they go into the field and decide where all the wetlands are and the power line right-of-ways and gas line are they won't know. You can't build on them, but someone can own them, they can own over that. Every inch of that property will be owned by someone with a permitted use. In the cluster option, the 41 acres comes out in sort of a public domain that the Homeowners Association owns. You and I may not want to live 15 feet from our neighbors, but that's the way some developments are. This is not setting a

- precedent. The School Heights Village plan that has already been approved has this option in it.
- 5) Rodney Kreider – Where are all the specs so we can look at them? That’s what the residents want, we want the specs so we can look at them, then we can come to the Board and express our opinion. Nothings here.
Bill Kametz – To give fair credit to the developers, they’ve made several presentations to both this Board and the Planning Commission with that information available to us.
Rodney Kreider – It’s been presented to you, it’s not been public?
Bill Kametz – It’s public, so you would be able to see it.
- 6) Sam Naples – As EMA Director, I would like to ask that you keep in mind to think about the run-off of water when planning not only this development, but any development, because the flooding falls on the teams back and we have to be able to go in and get the people.
Bill Kametz – At the last Hearing run-off was a big issue and discussed in detail.
- 7) Lewis Yike – How are the roads going to handle the weight of the equipment that will be coming and going? If the road has to be widened, which side of the road will it be taken from?
Jim Foreman – I don’t think we can hold a developer responsible for damages to the road.
John Kesler – Only if you can prove willing destruction of the road.
Greg Bardell – Elwood out to Newberry will have to be improved, but we’re not at that stage yet.
Lewis Yike – The Traffic Study should have to be re-done, because it was done when the bridge was out.
Greg Bardell – That will be done, but again, we’re just not at that stage of the process.
- 8) Ken Slippy – Stormwater Management is a big concern of mine.
Bill Kametz – That is, and continues to be, a high priority as we go through these developments.
Ken Slippy – What about bonds being posted?
Bill Kametz – That is standard procedure.
Ken Slippy – What will the scope of management of the Homeowners Association?
Greg Bardell - The Homeowners Association is not a level of government, it’s responsibility is to manage and maintain the open space area.
- 9) Linda Rambler – Could a research study be done by an outside organization to inform us of sensitive land? Could we conserve and preserve land the land?
Greg Bardell – We’ve done that study. That’s why the plan is drawn the way it is. There are sensitive environmental wetlands on this site. Further studies will need

to be done and we have already looked into preservation, but we are still at the zoning stage.

Bill Kametz – Just to clarify again, if a person purchases 118 acres in the Township, they are the legal owners and can do what they wish within the zoning of the Township. To summarize, in this case, the landowner is going to develop the land and we're discussing the two options that they have. It's the Townships responsibility to adhere to the zoning and codes related to building developments. In any development the land has to be studied for environmental sensitivity such as wetlands, Indian burial grounds, etc. Development can't proceed until the sensitive areas are addressed and taken care of. The cluster option takes the sensitive areas and isolates them in a manageable fashion. If it's not done that way, then the sensitive areas are going to be sold to individual land owners, and the owner will manage it the way they feel fit, just as we all do within the confines of our own property lines.

Anna Dale – If the Board decides to approve a cluster option, the developer will be coming back to the Planning Commission with a more concise plan as to the number and placement of houses and so forth, theoretically there could be a possibility that the proposed number could actually be smaller based on what you find?

Greg Bardell – It could go smaller or larger. The ordinance isn't real clear on how to measure the density. There may be something there that we don't know at this point which may come out later. There will be a whole list of criteria to follow upon approval of a cluster option.

Anna Dale – It could be smaller or larger? Please define that.

Robert Knupp – Mr. Bardell doesn't have the ordinance in front of him, it can't be larger. According to the ordinance you can't propose any more dwelling units than shown on the sketch plan.

Greg Bardell – My point is, it could fluctuate.

- 10) Lisa Winters – If trails are created on the open space, this would be private for only the members of the Homeowners Association's? And it would be the Homeowners Association's responsibility and not the Townships to maintain?

Bill Kametz – Yes. That is the way we understand it to be.

- 11) Linda Rambler – What steps are going to follow this one?

Bill Kametz – We'll have the Public Meeting, residents will hopefully have their questions addressed and clarified and then we'll close the meeting and go back into our regular meeting. At which time I'll address the Board and ask if they would like to take action on this tonight?

Linda Rambler – Take action on the cluster option?

Bill Kametz – Yes. On the cluster option.

Summary comments from the Board:

Andy Doherty – If the 41 acres were put in preservation, who would be the possible owners for that piece? The state?

Greg Bardell – Most likely it would be managed by non-profit organizations funded by the state.

Andy Doherty – If the 41 acres would be set aside for the Homeowners Association, they could restrict its use to strictly members of the Homeowners Association.

Greg Bardell – They could. Or, they could make it available to the general public. Ultimately, in any scenario they are responsible for it.

Andy Doherty – If we approve the cluster option it would have to bring public water and sewer to the site, which I have mixed feelings about that. It will change the community.

Greg Bardell - This will be primarily forced main lines which are designed specifically to service the Lytle Farm and our tract. I don't think it is Derry Townships intent at this point, at least from what they've told us, that they're looking to create an entire network within the Township. This is a system specific for our project.

Andy Doherty – It may not be expanded then?

Greg Bardell – I don't know that at this point. What they've told us is that they have no intention of expanding on it. Being that it's a force main line, there is limited ability to expand on it.

Andy Doherty – If we vote on this tonight, my vote will be to vote against the cluster option. Even though it may make more sense to do a cluster option, I think that I'll take the hard line against development that if developers knock on our door, which they will be here in the next few decades, we need to do whatever we can to keep them away.

Ron Kopp – I take similar agreement to what Andy said, but, in realty our hands are tied with this as it pertains to what is allowed on the land. It's a real struggle for me, you know my occupation, I hate to see more houses because that puts me out of business. This being a sensitive area, I farm near that property, and no limitations of the soil structure there to do anything on it other than to grow trees and swamp grass. But, on the other hand, we as a Board, have our hands tied in many cases against what we personally wish this community to become. I feel the same sentiment Andy does but also the duty that's been charged to us as Board members to carry out the rules and regulations of this Township. Mr. Knupp, what legal alternatives do we have? These people have presented to us a plan that meets the regulations of our Township but is against the wishes of our community, our citizens and maybe some of our own opinions, so do we have any latitude to say "yes" or "no" in a situation like this?

Robert Knupp – I think the same concerns were raised with School Heights and you have the option to determine whether you want to have the development developed as an As-Built development, meaning they would propose as many

units as the land would accept and there would be no open space except for the backyards of private homes. Or, you would have about 41% of the total tract untouched by development, with houses being placed in a configuration that would be clustered and closer density for the houses. Those are your two options. It's going to be developed. These people have said regardless of whether you say "yes" or "no" to cluster, we're going forward with development. They're landowners and they have the right to propose development. The land is zoned for development and they can put a development in. It really boils down to what you want to see as far as the Township is concerned. I can't tell you what you want to see, that's not my roll, that's your roll. You're the Manager's of the Township, you have to make your decision based upon what you've heard. You don't have to approve the cluster, it's optional. That's why it's called an option. You can say "no we don't like the option, go ahead and develop every part of the development the way you would develop it if it weren't a cluster".

Bill Kametz – Just to clarify for the audience, this isn't a vote for "yes" development or "no" development, it's a situation that the development is allowed to go in under our zoning. There are two options as to how it can go in. This isn't a situation where we're going to vote "no" so that no development can come into the Township. That's not what we're talking about doing, it's a situation where the development is allowed and it can go in. It's a question of which of the two alternatives for the type of development.

Daryl LeHew – I feel that I need to say something here, because I voted "no" for the last cluster option that was proposed for the Township and this Board passed it. I think this tract of land is going to be developed regardless and there's going to be 100 homes on that piece of property. Regardless of what this Board says and does. The only thing this Board says and does is a reflection of what the Engineer and our Zoning Officer and Planning Commission applies to us and what Dauphin County says to us, and then we approve or disapprove the waivers and so on. You told us the last time we met that you are going to develop regardless, is that correct?

Greg Bardell – That's correct.

Daryl LeHew – You're going to put 100 homes on that property regardless of what this Board does, correct? Or, whatever it takes.

Greg Bardell – That's correct.

Public comments:

Mr. Sanke – I have one question regarding the statement he made that he will put in 100 homes. I have a problem with putting 100 homes on 118 acres, I don't think you're going to get 100 homes. Don't they have to abide by the rules?

Bill Kametz – The answer is, there's a calculation within our zoning laws that will state how many homes can physically go in there. It's decided by our zoning ordinance that they calculate out and the preliminary sketch plan calculation says 99 homes can physically be put in that space. The calculation was made within the Townships zoning laws, ordinances.

Mr. Sanke – That’s hard for me to believe they can do it.

Robert Shubert – Is the environmentally sensitive areas the 41 acres you were talking about?

Greg Bardell - No, there is open space of 41 acres and within that there are certain sensitive areas that are within that open space.

Robert Shubert – If you were to build houses on 1 acre lots you’re going to use all the land, 113 acres?

Greg Bardell – Those wetland areas get placed on individual land owners lots.

Robert Shubert – Doesn’t the land have to be surveyed and those sensitive areas be excluded?

Greg Bardell – No.

Robert Shubert – You can’t take a sensitive area, break it up and sell it individually and have those individual people destroy it.

Greg Bardell – That’s correct, and that’s...

Robert Shubert – So, therefore you can’t take 113 acres and say there’s 20 acres that’s sensitive, you can’t sell 113 acres to 113 people. Say I bought one of those acres knowing that part of that land is sensitive, and destroy it.

Bill Kametz – Let me clarify. You have the lot there for 118 acres, under the cluster option, 35% of that land in the cluster option needs to be put into a preserve or into an Association. So, they’re saying that if we have to take out 41 acres, then they’re going to use the space that’s available that I can put houses on, and the balance of that 35 acres and take those sensitive areas and carve it out that nobody would have access to misuse those lands. That’s a positive scenario in the cluster option. If you go through the permitted, if you have 5 acres of wetland and you need to add another acre of land that you can put a residence on, then you would have to sell that as a six acre lot. They would then own 5 acres of wetland.

Robert Shubert – They wouldn’t be able to take that 5 acres and subdivide that?

Bill Kametz – That’s what we’re saying, all of that 118 acres will be carved out into building lots where you could find a space on that lot to build a house and then incorporate areas that could not be built on.

Robert Shubert – Then it wouldn’t be nowhere near 99 homes?

Bill Kametz – The calculation showing that you can find 99 lots.

Robert Shubert – A lot of the people in the Township do not want the cluster, it’s an eyesore. It’s a disgrace. Go to other Townships, it’s an eyesore. To vote yes to cluster would be a real bad decision. It’s going to migrate throughout the Township, we’re going to have a million homes here and I don’t think people want that. I know I don’t. I hope you vote no for a cluster.

Bill Kametz closed the Public Hearing at 8:30pm.

Regular Meeting reconvened at 8:30pm.

- 3) **Zoning Codes Request – School Heights Village, Gary Roeder**
Mr. Roeder presented a plan for sewage treatment which would combine School Heights sewage with Pine Manor Mobile Home Park sewage facility which would be operated by AquaAmerica.

Mr. Kopp motioned to table until further information is gathered, Mr. LeHew seconded. Motion approved.

- 4) **Planning Commission Report – Carolyn Akers**
Mrs. Akers requested approval of the Sally Meckley Lot Add-On plan for Colebrook Road which consists of 2.5 acres. They propose to adjoin approximately 8 acres to create roughly a 10.5 acre lot for Clean and Green. Mrs. Akers also requested approval of the Sally Meckley Lot Add-On plan for Kennedy Lane which consists of 7.5 acres to which they propose adjoining 2 acres for a 10.5 acre lot for Clean and Green. Mrs. Akers also requested approval of the Plan B Waiver for both lots.

Mr. Kopp motioned to approve the Sally Meckley Lot Add-Ons for both Colebrook Road and Kennedy Lane with approval of the Plan B Waiver for both lots also, Mrs. Dale seconded. Motion approved.

- 5) **Communities That Care – Kathy Peffer**
Mrs. Peffer provided a power point presentation showing what their organization offers to the Lower Dauphin School District and specifically the Londonderry Township community. Mrs. Peffer also asked that the Supervisors consider a donation to the organization to help with costs so they can continue providing services to the youth of the Township.

- 6) **Manager's Report – Steve Letavic**
a. The Note Refinance will be finalized on December 15, 2005.
b. Mr. Letavic requested approval of the 2006 Holiday and Meeting Schedule, with a change being made to the Zoning Hearing Meetings beginning at 7:00pm.

Mr. LeHew motioned to approve the 2006 Holiday and Meeting schedule with the Zoning Hearing Board meetings to begin at 7:00pm, Mrs. Dale seconded. Motion approved.

- c. Mr. Letavic requested that he be designated as an agent to PEMA, to replace the former Manager as the agent.

Mr. LeHew motioned to approve Steve Letavic as agent for PEMA, Mr. Doherty seconded. Motion approved.

7) **Secretary/Treasurer's Report – Steve Letavic**

Mr. Letavic requested payment of bills in the amount of \$84,614.90 from the General Fund and \$25,920.28 from the Golf Course Fund and \$34,273.50 from the Liquid Fuels Fund.

Mr. LeHew motioned to approve payment of the bills, Mr. Doherty seconded. Motion approved.

8) **Codes/Zoning – Jim Foreman**

Mr. Forman reported that he has been notified that Mr. Fox's Bond has been renewed.

NOVEMBER

Building Permits issued	3
Zoning Permits issued	3
Estimated construction cost	\$415,051.00
Zoning Permit Fees collected	\$150.00
Building Permit Fees collected	\$2770.00
Year to date Est. Construction Cost	\$5,729,012.62
Year to date Zoning Permit fees	\$3850.00
Year to date Building Permit fees	\$32,266.00
Building Permits finalized	4
Total estimated construction cost	\$197,222.00

Roads Report – John Kesler

Work Completed:

- Pipe replacement on Roundtop Road.
- General maintenance to roads. Clean catch basins & repair signs.
- Leaf work & clean gutters at office and parking area.
- Replace door - operators shop.
- Cold patching work on Felker Road.
- Remove debris from roadways after the storm.

December Schedule:

- Shop maintenance, building repairs.
- Clean gutters at shop, park and recreation
- Scheduled meeting with DEP to review the swale through Sunset Park.
- Safety meeting at Clubhouse.

EMA - Sam Naples

Everything is going well with the EMA, nothing new to report.

New Business:

Paul Geyer – Mr. Geyer said he has heard many concerns from residents, most of the concerns were regarding:

- The proposed trails
- Web Site – why aren't the minutes on the web site?
- Grass cutting – why do some people have to cut grass and others don't have to.
- Politics – people are concerned that if they get into politics they'll be threatened in some way.
- Businesses – they're being pushed out of the Township by harassment.
- Township Engineer – costs too much for residents to have plans reviewed when they submit them.
- Land Development Plans – When they have to be done doesn't seem right.

Rodney - 2887 Foxianna Road has been abandoned for a long time, something needs done with it. There's trash everywhere, grass hasn't been cut, the neighbors have been complaining. He never got fines, never paid a fine and we need to do something about it.

Mr. Foreman informed the Board that the previous owner was fined many times. He paid the fines, but never cleaned up. The property was then purchased on a tax sale, and it took a long time to find the owner who lives in Florida. The current owner was sent a certified letter with 6 violations. He has signed it and his time has expired so he will be receiving 6 citations, filed with the District Justice, for violations on that property. The problem is, if he doesn't respond, can we get him out of Florida? There is a problem with the lot concerning whether or not someone can get a septic system on the lot. An adjoining property owner could purchase it to make their lot larger.

Mrs. Sanke – Are residents going to be notified about the December 12, 2005 meeting for the Group Home?

Mr. Foreman informed the Board that all adjoining property owners have been notified and signs are posted as required by law.

Mr. LeHew requested that neighbors be informed by delivering letters to the residents.

Mr. Sanke - Has anything been done regarding the drug bust on Iron Mine Road a few weeks ago?

Mr. Letavic informed the Board that he has been in touch with the State Police and he has not received a final report as of yet.

Lauffer Hills Cluster Option

Mr. Kopp motioned to deny the cluster option, Mr. Doherty seconded. A roll call vote was taken: Mr. Doherty – yes; Mr. LeHew – yes; Mrs. Dale – yes; Mr. Kopp – yes; Mr. Kametz – yes. Motion approved.

Mr. Kametz adjourned the meeting at 9:55pm