

**MINUTES  
NORTH LEBANON TOWNSHIP  
BOARD OF SUPERVISORS  
APRIL 16, 2012**

The regularly scheduled meeting of the North Lebanon Township Board of Supervisors was held at 7:00 PM at the Municipal Building located at 725 Kimmerlings Road, Lebanon, PA with the following people present:

Richard E. Miller	Chairman
Edward A. Brensinger	Vice – Chairman
Kenneth C. Artz	Treasurer
Cheri F. Grumbine	Township Manager
Harold L. Easter	Chief of Police
Solicitor Frederick S. Wolf	Henry & Beaver LLP

Also in attendance were Kathy Hackleman of the Lebanon Daily News and several other individuals. The meeting was called to order and the pledge to the flag was done.

**7:30 PM – Zoning Amendment Public Hearing; Ord 1-2010 – Solicitor Fred Wolf**

The public was told there is a Public Hearing advertised and scheduled for 7:30pm this evening. The regular meeting will start and at 7:30pm will be halted in order to conduct the Public Hearing for a Zoning Amendment Application from the Fisher Family, Jeffrey Marks and Ralph Mase.

Chm Miller asked that any comments pertaining to the Zoning Amendment be held until the Public Hearing is announced at 7:30pm. He then opened the floor to any other Comments from the Public.

**COMMENTS FROM THE PUBLIC**

There were no additional comments this evening.

**APPROVAL OF MINUTES**

**MOTION** was made and seconded to approve minutes from the meeting of March 19, 2012. Motion was unanimously carried.

**APPROVAL PAYROLL and PAYMENT OF INVOICES**

**MOTION** was made and seconded to approve payroll, invoices for payment subject to audit. Motion was unanimously carried.

**FIRE CHIEFS REPORT**

**A.) Monthly Report – March**

Fire Chief Steiner reported on the 4 fire companies' activities for the month of March. He reported a total of 28 Emergency calls and 8 Trainings for volunteer response during the month of March. He also reported a total of 250 hours and 30 minutes of volunteer response time.

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**CHIEF OF POLICE REPORT – Chief Harold Easter****A.) Calls for Service – Month of March**

Chf Easter reported on the activities for the month of March 2012. There were a total of 707 Police-Citizen contacts in the month of March. The Chf also reported on some of the individual categories for these calls of service.

**B.) 2012 International Property Maintenance Code Book**

The Board had tabled the 2012 International Property Maintenance Code Book. Chf Easter is recommending approval of the Code Book. Chm Miller informed Chf Easter the Supervisors would like to table this action another month.

**C.) Lebanon City Request for Assistance from NLT Fire Police – Various Events in 2012**

Chf Easter told the Board that Chief Wright of the Lebanon City Police Dept would like to rescind his previous letter of request that had been made to the NLT Police Dept regarding assistance.

**TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine****A.) Approve Resolution for Jonestown Bank & Trust Company**

The Twp rolled over a CD on Friday, March 23 that had matured for the Special Projects Fund (Recycling). The representative informed Mgr Grumbine that Jonestown Bank is now requiring an annual Resolution be adopted for each type of titled Fund. The Board is being presented with a Resolution to be approved by the Board from Jonestown Bank for the Special Projects Fund. Mgr Grumbine is suggesting the Board also include in their motion the General Fund, Street Light Fund, Capital Improvement Fund, Capital Reserve Fund and Liquid Fuels Fund, as they will all have CD's maturing in 2012 and this will allow us to re-invest as appropriate. She told the Board members the forms from last year will be updated to include the various Funds.

**MOTION** was made and seconded to adopt the Resolution naming Jonestown Bank as a depository for the CD's for Special Projects Fund, General Fund, Street Light Fund, Capital Improvement Fund, Capital Reserve Fund, and Liquid Fuels Fund; with the understanding that the titles of the individual Board members would be corrected. Motion was unanimously carried.

**B.) Award of Bid – 2012 Fuel**

There are no paving projects scheduled for 2012. Therefore the only item bid is highway diesel fuel to be delivered to the Twp.

- 1.) Leffler Oil submitted a price of 3.4844 with a .05 winter additive
- 2.) Meyer Oil submitted a price of 3.493 with a .035 winter additive
- 3.) Talley Petroleum Enterprises submitted a price of 3.4757 and no pricing for a winter additive offered

Suv Artz questioned Suv Brensinger if the lack of a winter additive pricing from Talley Petroleum would affect this decision. Suv Brensinger stated he is not sure how the bid documents were written. After some discussion it was decided to postpone the awarding process until next month after contact with Talley Petroleum is made to inquire about a winter additive pricing. The Supervisors were all in agreement to this suggestion.

### **C.) Ag Security Area Renewal**

The Twp's ASA Committee reviewed the current Ag Security Area Resolution and reported that there are no changes and everyone who had been involved requested to remain in the renewal process. During preparation for the new Resolution every property was searched on the GIS to update the old map/lot numbers to the new G-pin numbers. In the process multiple changes of property owners, some properties with lots sold and now houses constructed, changes to the acreage from land swaps etc. had been encountered. Considering the number of changes involved we decided to send out individual letters to each participant requesting confirmation to the information we have listed. Any letter not returned to the Township, the owner will be contacted by telephone in order to finalize their information so the Resolution is ready for adoption by the Board. A copy of the proposed letter is provided for the Supervisors' review/reference. We would like to mail the letters this week.

The Supervisors reviewed the letter to be mailed to the AG Security property owners. In order to get the most accurate information the Board agreed the letters should be mailed to the Ag Security participants. The Supervisors indicated their agreement with the drafted letter being sent to all the property owners.

### **D.) Pertinent Issues**

#### 1.) CLSD Regional Comp Plan Update; Next Meeting; May 3<sup>rd</sup> @ 6:00 PM

The drafted Regional Comprehensive Plan was prepared by Michelle Brummer of Gannett Fleming. Michelle anticipates having all the suggested corrections to the plan completed and will be providing another draft for review. The Committee was in agreement to meet on Thursday, May 3 to review the changes one more time before holding a Joint Planning Commission Public Meeting. Following the Public Meeting, Michelle is anticipating a 45-day review for public, Lebanon County, adjacent municipalities and school district. A Joint Governing Body Public Hearing and Adoption will be scheduled. Mgr Grumbine informed the Supervisors that once she receives the draft next week she would be providing copies to the Planning Commission members and the Board for review.

#### 2.) MS-4 Educational Event – The Devil Ducks Released

As an educational event, Jo Ellen Litz, a member of the Swatara Creek Watershed Association and a Lebanon County Commissioner, released red ducks into the inlet on her property located at 25<sup>th</sup> St and Cumberland St. The ducks were released into the storm drain as part of the "Drains to Streams" initiative to track possible pollutants from the area into the Quittapahilla Creek, Swatara Creek, and Susquehanna River and potentially into the Chesapeake Bay. Anyone who finds a duck is asked to contact SCWA by calling the number on the duck. People who find the ducks are asked to send an email to [Litz@mbcomp.com](mailto:Litz@mbcomp.com) and include a photo of them and explain where they found the duck.

#### 3.) 2009-2010 Liquid Fuels Tax Fund Audit

The Twp has received the official report from the Auditor General's office regarding the 2009-2010 audit of the Liquid Fuels Fund. Mgr Grumbine reported that there were no "findings" as a result of the audit and we have been told that the Fund is in conformity with the policies and procedures that govern the use of the Liquid Fuels Tax Fund money. Chm Miller questioned if the public is able to view the audit should they so choose. Mgr Grumbine stated that anyone could stop into the office for a review of the audit.

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4.) FEMA TS Lee Approved Expenses - \$51,610.72 vs. \$60,063.04 Requested

NL Twp has received final approval of submitted expenses (completed and anticipated) for damages caused during Tropical Storm Lee throughout the township. We originally submitted \$60,063.04 in expenses and have now been approved for \$51,610.72. All items must be completed within 18 months of the flood (early March 2013). Chm Miller questioned if this Audit is available for the Public to view if anyone is interested. Mgr Grumbine replied anyone who wants to stop in the office may review the report.

5.) 2012 Proposed Resolutions for PSATS Conference and Trade Show May 6-9

The Board has been provided with a copy of proposed changes to the PSATS Bylaws and the 2012 proposed PSATS Resolutions that will be voted on during the Conference. The Board is being asked to review the changes in order to be familiar with them when it is time for the Twp voting delegate to cast a vote for the Board. Suv Artz stated that he is the representative and if anyone has questions they should let him know before the Conference.

6.) Sholly Ave Drainage Swale Issue

Mr. Leroy Lutz, Sholly Ave property owner, and Mgr Grumbine have had several discussions regarding the drainage swales to the rear of the Townhouse lots. Rick Bolt, County Engineer, met with Mr. Lutz and several other neighbors on Thursday, April 5<sup>th</sup>. At that time some pictures were taken. Mr. Lutz is contacting contractors for proposals of the work to be completed. Mr. Bolt has agreed to work with the area residents and their chosen contractor to resolve the issue. The Board will be kept updated as progress on this project is made.

7.) Meeting with Fire Chiefs Moved to Wednesday, May 2 @7:00 PM

Chm Miller had requested the scheduled meeting of April 4 with the Fire Chiefs be postponed until May 2. Patrick Freer, the Twp Insurance Agent will be in attendance to speak about workers compensation insurance coverage. Per Sol Wolf's suggestion this meeting will be advertised.

8.) Resolution 10-2012; Sojorn for Swatara Creek

This is an annual canoeing event that takes place to clean up the Swatara Creek.

**MOTION** was made and seconded to adopt Resolution 10-2012 recognizing the canoeing event for the Swatara Creek sojorn. Motion unanimously carried.

9.) Street Lights @ Pansy Hill Area

At the time of the new traffic signal design for the intersection at Tunnel Hill, N 22<sup>nd</sup> St and Route 72 N new street lights were added to the mast arms that support the traffic signals. The older lights were never removed and we now have just about twice the required lighting. We checked with Met Ed to see what amount could be saved if the older lights were removed. She was informed that approximately \$600 annually would be saved. There are a total of 6 lights but only 3 are needed. The old cobra heads would be removed from the Met Ed poles. A discussion followed about removal of the lights and who would be responsible. If Met Ed does not remove the lights the Twp will have C.M. High complete the removal.

**MOTION** was made and seconded to have the 3 cobrahead lights removed from the Met Ed poles at the Tunnel Hill Rd, N 22<sup>nd</sup> St and Route 72 N traffic signal intersection by Met Ed or if necessary the Twp's contractor CM High. Motion unanimously carried.

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**SOLICITOR'S REPORT – Sol Frederick Wolf****A.) HOA Documents - The Crossing**

Mgr Grumbine and Sol Wolf have been meeting with the representative for The Crossings to discuss the changes the Twp would like to have made to the HOA documents. Those changes are being made to the documents. Once all the revisions are completed a draft will be provided to the Board of Supervisors and NLT Planning Commission.

**B.) Rockwood Sewer Project Update & Intermunicipal Agreement w Swatara**

This project is continuing since the funding has been approved. The Municipal Authority will be constructing, owning and operating the system once completed.

**C.) 2011 On-Lot Sewage Management Ordinance Compliance**

The original number of property owners in non-compliance was 40. By working with Sol Wolf or Lebanon County Planning this number of properties has been reduced to 10. These 10 property owners are working on getting into compliance with the on-lot pumping program.

**D.) Floodplain Management Update – Ordinance 2-2012**

It is required by FEMA that this Ordinance be adopted by June. Sol Wolf and Mgr Grumbine had met with LCPD to review the drafted Ordinance. A copy will be provided to the Board for review and action either at the May meeting or the June meeting.

**E.) Sahonic Update**

Sol Wolf reported that Roadmaster Brensinger is working with the Lebanon Water Authority on viewing the pipe located in this part of the Old Cumberland Street area. The first attempt was not as successful as Ed had hoped. He reported that an obstruction must be eliminated and then try to view the pipe again.

**F.) DEP Notice – West Lebanon Groundwater Site**

The Twp has received notice from West Lebanon Twp and DEP in regards to the W Leb Twp well water contamination. A Hearing will be held at the West Lebanon Twp building on May 16 @ 7PM. An official order was issued by DEP against one of the property owners which will require corrective actions to clean up the property.

**G.) Stewart Plan – Close and Vacating portion of McKinley Ave**

During the plan processing it was discovered this portion of McKinley should be closed and vacated by the Twp in order to allow access from the 2 proposed properties onto the remaining portion of McKinley Ave. This will be the last issue to be resolved and will allow plan approval.

**PUBLIC HEARING STARTED @ 7:30 PM (as advertised)**

Chm Miller instructed the Public as to the procedure that would be followed for the Hearing tonight. The Petitioners will be permitted to give their presentation. He said Sol Wolf would be explaining information received from the Ethics Commission's written opinion on a "Conflict of Interest" that this petition creates for Suv Ken Artz.

**Sol Wolf** told the public there is a "Conflict of Interest" for Suv Ken Artz. A request for interpretation was made to the Ethics Commission on this issue.

A written opinion was received from the Ethics Commission stating that there is a definite conflict of interest for Suv Artz and he should refrain from voting on this issue tonight. In the event of a split decision Suv Artz may cast a deciding vote if he chooses that course of action.

**Suv Ken Artz** explained that the petitioners are in-law family members and also his employer. His son owns property that will be directly impacted by a decision made here tonight. For all of these reasons he has decided he will not cast a vote tonight and will not exercise the right to cast a deciding vote in the event of a split decision. He at this time submitted the written opinion received from the Ethics Commission to Mgr Grumbine to enter into the record for this Public Hearing.

**Sol Wolf** reviewed many of the required steps leading up to this evenings Hearing. Advertising, posting of the properties (including signed affidavit on number of postings and the locations) and notifications being mailed to surrounding property owners have all been completed. Copies of the drafted Ordinance had been provided to the Lebanon Daily News as well as the Legal Journal. A copy of the application and the draft of the Ordinance was made available in the Twp office and the Twp website for Public review. Various documents were made a part of the record for tonights Hearing. Sol Wolf read the recommendations from NLT Planning Commission, Lebanon County Planning Dept and the concerns offered from Swatara Twp in regards to the intersection at Water Street and Grace Avenue (located in Swatara Twp).

There are 2 different tracts of lands proposed for tonight. One tract is owned by the Fisher Family and is located on the east side of Water Street and the south side of Grace Avenue. The other smaller tract that is owned by Jeffery Marks and Ralph Mase is located on the east side of Water Street and was the former Henry Smith property. The Smith's had applied for a Zoning Amendment in 2004 for this same property and had been denied by the Board at that time. The petition tonight has been submitted by the current owners Jeff Marks and Ralph Mase.

Sol Wolf reviewed additional information that was prepared and provided by the Twp employees. This information pertained to a history of the previous Residential developments available from 1991 up to 2006 and the number of lots which had been available and the number of residential lots currently available. Information about 3 different tracts of land that are currently zoned Residential but have not yet submitted official Land Development /Subdivision Plans for developing has also been provided. The Twp is involved in the current Regional Comprehensive Plan (Cornwall-Lebanon School District and involved municipalities) that is being developed. The Comp Plan has not officially been adopted at this time but is provided in draft form. The Comp Plan calls out there are sufficient areas available for Residential developing during the next 10 years.

Sol Wolf addressed the petitioners and their designated presenters asking them to provide specific information about the request, future plans for the area if approval is granted and to answer any questions or comments that might be offered by the Public. He also asked that everyone in the room remember to be respectful and conduct themselves in a civil manner throughout tonight's proceedings. Sol Wolf provided all the documents he had just reviewed to Mgr Grumbine for the record of the Hearing.

#### **Presentation of the Zoning Amendment Request Petition**

**Gary Matthew of Matthew & Hockley Assoc** stated that he had a lot of facts to offer this evening but Sol Wolf has already covered most of them.

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**Presentation of the Zoning Amendment Request Petition (con't)**

Mr. Matthew explained to the Board what is on the plans in front of them. He explained the request for the Commercial area has been somewhat revised. The configuration has changed somewhat. The area will not extend all the way out to Water Street. It is offset by a tree line as it is unsuitable for Commercial lands. The new configuration was provided to Mgr Grumbine for the record. The Commercial request is for 12.9 acres and the request for Residential (R1) portion covers 113 acres. Mr. Matthew added that the Marks/Mase tract would enable a future connection to Water Street from the Fisher tract and the Marks/Mase tract contains 20 acres.

**Attorney John Feather**

Attorney Feather introduced himself as representing Mr. Marks and Mr. Mase. He feels most of the information pertaining to the request for rezoning has been covered by Mr. Matthew and Sol Wolf. He feels it would be best for him to conclude his remarks at this time but remain available for any questions that might be raised pertaining to his clients' request.

**Attorney Tom Long**

Attorney Long introduced himself as the Fisher Family counsel. He wanted to state that the area in which the D.B. Fisher Bus Co is located also contains other businesses that include a Bus Terminal, Travel and Tour Bus Co and School Busing. The school busing includes Cornwall-Lebanon, Annville-Cleona and school vans for the Lebanon City Schools. An additional 10 new buses have been ordered. When the Fishers purchased this farmland several years ago it was with the intent to expand the busing business. The reason for the petition being submitted at this time was the Rockwood sewer project. It seemed appropriate to proceed with a rezoning request at the time that this improvement was being planned. There is no plan to immediately develop the land at this time. The present plan is to expand in the Commercial portion only to allow for a new maintenance building and additional bus parking. The farmland is currently leased for farming for the next 3 years. Again, Attorney Long repeated, there is no immediate plan to develop the land.

**Public Comments**

Chm Miller instructed the Public at this time. Beginning on his immediate right, anyone who is involved with this request or has a comment/question is instructed to raise their hand be recognized and state their name and address for the record. Chm Miller repeated the proceedings will remain respectful and courteous at all times.

**Attorney Horace Ehrgood** informed the Board he is representing Clarence Dohner who owns 1940 Water Street. Mr. Dohner's property would be contiguous is this petition if approved tonight. Approximately 3 acres are involved in the Dohner tract. Mr. Dohner's position in this matter is to support the request and has contacted the Twp office to state that position.

**George Russell – 22 Winchester Circle** remarked his main concern is the amount of traffic already on Water Street and that additional traffic will not be supported by the street as it exists. He told the Board he is opposed to this request.

**Charles Rushanan – 23 Winchester Circle** stated he has many concerns about this request. Water runoff is a large problem in this area. Traffic concerns are another issue. The speeding that goes on in this area is a huge problem. He feels this project is too overwhelming and he is opposed to the whole thing.

**Judy Strickler – 1355 Twigg Ave** told the Board that when they had purchased their property it was with the appreciation of the open space it provided as a larger lot. She has wonderful views out her backyard and does not want that to change. She does not wish to see rooftops and other houses. Whether it is zoned R1 or RR there will still be 150 some lots. She is opposed to the request.

**Lance Heisey – 1951 Water St** stated he is dead set against this proposal as he was 6 years ago when the issue was raised. He asked if there is no immediate plan to develop this area, then what the plan that is displayed up front is showing. Once farmland is depleted it is gone and cannot be gotten back. Once again this is 130 some acres of farmland that will be lost. He feels nothing good can come out of this.

**Dennis Williams – 1325 Twigg Ave** stated he is against this request. He agrees with all the comments that have been offered and he is very concerned about the water runoff issue.

**Julie Krause – 1315 Twigg Ave** voiced her opposition to the plan. She also appreciates her large lot area. The roads in the community will not support any additional traffic. If this area must be developed it should be done in a manner complimentary to the existing lots, not smaller lots. Some type of holding pond should be required if this request is approved.

**Jere Putt – 1505 Jay St** told the Board his property does not adjoin this proposal but he had applied a petition for rezoning several years ago, about the same time that Henry Smith had applied and both had been denied. The Twp set a precedent when making these 2 decisions. He stated his opposition to this application.

**Thelda Shirk – 1925 Water St** asked Lance Heisey to speak on her behalf pertaining to a question she has regarding a portion of the lands on the east side of Water St near the existing communication tower. She feels the land is owned by her and not the Fishers. The drawing shows an access which would be located on her property.

**Gary Matthew** responded that the ownership of this questioned land is known and the access road was designed knowing that the situation would need to be resolved.

**Barry Fisher** discussed the communication tower construction. The tower is located on Fisher property but access to the tower had to be received from Thelda Shirk. The Fishers are aware of this fact and had designed the proposed access for a different area slightly south of the area owned by Thelda Shirk.

**Hershey Marks – 1887 Water St** told the Board he has lived in this area since 1948. The road (Water St) has never been changed with the exception of going from a dirt road to a paved one. He spoke about the existing water runoff that had been made worse when the paving of Water St was completed. Marks commented on the underground springs that exist in this area. The existing pipes that had been installed to control the water is non-effective. He spoke about the effects the water has had on the condition of his home and garage.

**Chris Mehaffey – 78 E Brookfield Dr** asked who is expected to pay for any upgrades to existing features such as roads, the sewer and water issues etc. does the developer pay the cost or does the taxpayer?



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**Chris Mehaffey – 78 E Brookfield Dr (con't)**

He told the Board he is against this plan because he enjoys seeing the wildlife in his backyard. He does not wish to see more houses there.

**Sol Wolf** replied the storm water and sewer issues would be addressed during the planning process. A traffic study would be completed and the developer would be expected to follow the recommendations from the traffic study. The developer is responsible for installing the sewer lines, roads etc. within the development.

**Steve Gassert – 76 E Brookfield Dr** stated he is opposed to the request for all the reasons that have already been mentioned. He feels the intersection at Water St and Grace Ave is in need of an upgrade to handle the traffic already in existence. Also the water problems are in need of attention.

**Lou Reinbold – 1985 Water St** mentioned the Marks/Mase property. He recalled that the lands had been approved for a 4 lot subdivision with no possible further subdivision several years ago. That approval put the neighboring property owners on notice in regards to possible connection to public sewer. What happened to that 4 lot subdivision approval plan? Reinbold said he feels there are enough lots available for purchase. We do not need any additional lots. He is opposed to the plan.

**Gary Matthew** explained that the 4 lot subdivision approval he is referring to would be under the Ag zoning classification. The current proposal would be for a zoning classification of R1 (low density residential). While he is correct the plan was approved for 4-lots, bonding was never put into place and the plan was not recorded.

**Kendra Elliot – 86 E Brookfield Dr** said she is in agreement with many of the comments already stated this evening. She said she likes the open space to the rear of her home and is opposed to the request.

**Lee Reynolds – 34 Glenn-Lebanon Dr** questioned if this proposed plan shows a road access off Grace Ave. He was told by Gary Matthew there is no road accessing Grace Ave from this proposed plan.

**Tom Hallowell – 15 Laurel Ln** voiced concern about a 150+ lot community being proposed for this area. The intersection located at Grace Ave and Water St has been discussed. Another concern to him is the traffic light located at Long Ln and Rte 72. There are no left turn lanes at this traffic light intersection. Recently there have been accidents that could be potentially fatal because of the driving habits of those who travel this intersection frequently. He would like to comment that this traffic light intersection should be considered as a part of this proposed planning. He feels strongly left turning lanes are necessary and should be incorporated into this plan should it be approved. He would like the property to remain Agricultural.

**Martin Barondick – New St** mentioned his dissatisfaction with the hearing being conducted in a different manner. He then said he feels the Supervisors cannot in good conscience approve this request. Henry Smith and Jere Putt both had been turned down previously. Another issue he has is the money spent on Ag Preservation. The Supervisors have the opportunity to protect this farmland at no cost to the taxpayer. Barondick said he also has concerns about the potential for additional traffic. He agrees Long Lane traffic light intersection is in need of improvement.

**Angelina Cotto Sites – 1908 Water St** said she is speaking on behalf of her parents whom she lives with. Their land is located in the middle of everything that is being proposed. Water runoff problems exist on their property already. She provided the Board with some pictures of the water issues. The traffic that could be generated from this proposal is a huge concern to them. Ms Sites said she has a concern about the right-of-way that is used by them as their driveway. She too is opposed to this request.

**Hershey Marks – 1887 Water St** voiced his concern about the way his home, which he took a lifetime to build, is being eroded by the water runoff in the area. Additional lots will make this water runoff situation worse.

**Earl Roberts – 1700 W Kercher Ave** stated he is neither for nor against this proposal. He has however attended the scheduled meetings for the Regional Comprehensive Plan. He supports intelligent land use practices. According to the draft of the Regional Comp Plan, it appears the need for additional housing is not necessary. The Rockwood Sewer project is in support of this plan. Lebanon County Planning has voiced support of the plan. He said after listening to the discussions about the sewer project for at least 3 years, there is public money being used for the Rockwood sewer project. Sol Wolf agreed saying there is a State H<sub>2</sub>O Grant and PennVest financing being used.

Roberts said he noticed in one portion of the newly drafted Regional Comp Plan the mention of possible future development of lands is made. The one map reflects approximately 350 acres of farmland to be developed as the future site of the Tenaska Power Plant. He has a problem with the fact that there has been no formal submission of any plan for this project but it is shown in the Comp Plan. This proposal before the Board tonight has been formally submitted and yet there is absolutely no mention of it in the Comp Plan. Roberts stated this is a contradiction.

**Mgr Grumbine – Twp Mgr** stated she had spoken to Michelle Brummer the Planning Consultant for the Comp Plan, about the petition being discussed tonight and she recommended we only address the issue after the Public hearing tonight. Mgr Grumbine will be speaking with Ms Brummer again tomorrow after a decision is announced tonight. It was recommended by Mrs. Brummer that we hold off on putting “draft” comments in the Plan regarding this petition as the hearing would only take place before finalizing the Regional Comp Plan. Following the Hearing factual comments regarding the petition would be listed in the Regional Comp Plan. After the conversation tomorrow, the petition will be listed in the Comp Plan.

**Dawn Hawkins – 942 Mt Zion Rd** explained she is a former Supervisor and currently is a member of the Regional Comp Plan Committee. She has been on the other side of the table as a Supervisor. In listening to the comments tonight she would like to see these people show up for the meetings she has been attending. She would like to mention to the Supervisors that they must consider how this type of proposal would fit in the Twp. To her it appears this particular proposal does not fit in this area. Also the strain on the Police Dept, the schools, the road system and the Fire Departments must be considered. She feels it would definitely be a strain on all of those she just mentioned.

Ms Hawkins asked Sol Wolf if the Twp’s Zoning book has certain qualifications that must be met before a zoning is approved. Sol Wolf explained the Twp is required to offer a location for all types of uses.

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**Dawn Hawkins – 942 Mt Zion Rd (con't)**

A judgment will have to be made by the Supervisors, after hearing the information provided and viewing the official zoning Map for the Twp, the Board will have to decide if this change is for the betterment of the Twp.

**Rich Leisey – 1355 Twigg Ave** told the Board he is concerned about the numbers this development will add to the school district. The next thing will be an expansion to the schools which will be at the taxpayers' expense.

**Chm Miller** questioned the Commercial request. What does it contain currently? Gary Matthew told him there is nothing there right now but a cornfield. His next question was what will be placed in this area. Attorney Long said that area is planned for parking and a possibility of a maintenance building. Chm Miller asked about any construction that would be completed. Would there be plans to accommodate the water runoff issues? Attorney Long replied that a Land Development Plan would have to be approved. The water issues would be addressed within the planning process.

**Attorney Tom Long** stated, for the record, that the Fisher Family is aware of Lebanon County Planning's recommendation for an RR district as opposed to an R1 district and would provide for larger lots. He wanted to inform the Supervisors that the Fisher Family would be agreeable to the RR zoning.

**Lance Heisey – 1951 Water St** questioned how many proposed acres would be in the Commercial area being discussed? Gary Matthew replied 12.9 acres. Heisey said he feels that is a lot of acres for what is being proposed.

**Suv Ed Brensinger** questioned Sol Wolf on what process would need to be followed for a change from an RR to an R1 zoning. Sol Wolf replied that would drastically change the Ordinance. In his opinion the whole process of advertising, posting the land, mailing letters and a Public hearing would have to be repeated. Suv Brensinger questioned if the Board is required to make a decision tonight and what type of appeal process is involved.

**Sol Wolf** told the Supervisors they are required to make a decision tonight. Any of the residents who would be affected by the decision have the right to appeal the decision. Also any of the petitioners have the right to the appeal process. Sol Wolf informed them one of the reasons the information about the history of the properties as well as current information on the properties was compiled was so the Supervisors have the opportunity to review all the information in order to make an informed decision on this request.

**Dawn Hawkins – 942 Mt Zion Rd** mentioned that she heard what Lebanon County Planning's recommendation was regarding this request. However she wanted to remind the Board that the NLT Planning Commission recommended opposing the request.

**Attorney John Feather** asked to speak to the issues and/or comments spoken here tonight. He said he is representing the Marks/Mase portion of the request which is located on the eastside of Water Street and is proposed for a total of 29 lots.

**Attorney Feather (con't)**

He told the Board he would like to remind them that the majority of the concerns mentioned tonight in regards to water runoff and traffic are all issues that would be dealt with at the time of subdivision/land development submissions and the planning processing. What the Supervisors should be looking at this evening is whether it is appropriate to consider and approve the request to rezone the lands to R1. He pointed out a creek which borders the back properties of E Brookfield Dr and another area to the rear of the Marks/Mase property which contains wetlands and would be a buffer because wetlands can never be developed. In 2004 when this land was proposed for a zoning change there was not sewer/water in place to support it. Now in 2012, the utilities are available. A bonus is that these types of approvals will provide additional help in paying for the planned sewer project.

Attorney Feather spoke about the public utilities available. When looking at this area, along with the planned Rockwood sewer project, all the necessary items are in place to allow for developing this area. His clients are aware that they will need to provide compliance with the issues that are raised during the Land Dev/ Subd Planning process. Neighboring property owners will never agree to more homes being built in their neighborhood. The Artz property being an isolated farm area should not have a bearing on the Marks/Mase request as it was the Artz's choice to remain in Ag and not become a participant in this joint request for residential. In regards to the issue of enough lots being available County wide for residential, he said when looking at the list a considerable amount of those lots are limited to 55+ and older.

**Jere Putt – 1505 Jay St** stated that the water and sewer were in place when he had applied for rezoning and he was still turned down by the Twp. Lebanon County Planning had recommended approval and the Twp denied his request. Putt said he agrees it does not make sense to rezone an area that has an active farm right in the middle of it.

**Lou Reinbold – 1985 Water St** mentioned, in response to some of Attorney Feather's comments, that a sewer line was present in the Deerfield North development at the time of the 2004 petition.

**Earl Roberts – 1700 W Kercher Ave** said he would like to make an observation pertaining to the stormwater issue. He referred to the fact that within the last 3 years while attending various meetings there have been numerous stormwater issues discussed. The most recent being the Sahonic issue on Old Cumberland St. It was reported that a stormwater design had been put into place there and apparently did not prevent the water problems that had occurred in that area. It does not seem prudent, to him, to just say a Land Dev plan will take care of the stormwater issues. Another stormwater issue is the swale on Sholly Ave. These are just a few examples of where Engineering thought the stormwater problem would be resolved but was not.

**Attorney Tom Long** spoke on behalf of the Fisher Family property and the number of acres. This company has 200 employees with approx 165 vehicles along with charter buses that seat at least 40 patrons each and are using the parking facility. His point is there is a need for the acreage. The area would probably be stoned and not macadam. He would like to address the speeding issue which was raised earlier by mentioning that Annville-Cleona and Northern Lebanon are serviced by DB Fisher. Cornwall-Lebanon is serviced by Brightbill Transportation.

**Scott Artz – 1950 Water St** stated he wanted to clarify his position concerning this Zoning Amendment petition. In the beginning of the process Ralph Mase approached he and his wife about the application. Ralph explained the process and asked if the Artz property (23 acres) could be involved in the request. Scott Artz stated that they listened to what Ralph Mase had to say but decided from the beginning that their property would not be included in this zoning request.

**Ralph Mase** indicated his agreement to what Scott Artz had just commented. It was felt that it was important to keep Scott and Linda Artz informed and up to date as this process moved along due to the fact they are definitely impacted by whatever is decided here tonight. The right-of-way which goes to the Artz property must be considered and maintained for access to the property at all times.

**Dennis Williams – 1325 Twigg Ave** stated he lives on Twigg Ave but he travels Water St regularly. He is concerned about the increase in traffic this plan would bring to the area. He said you have to consider at least 2 cars per household, maybe more would be added with this number of additional homes.

**Attorney John Feather** spoke to Scott and Linda Artz and apologized for misspeaking and thinking that their property had originally been involved in this zoning amendment request.

**Attorney Feather** mentioned that the stormwater concerns for the Marks/Mase property would be dealt with in that it would be a downhill grade and 8 acres is dedicated to the stormwater management for this property. Gary Matthew stated when considering the floodplain designation there is an 8 acre separation between the lots of E Brookfield Dr and the Marks/Mase lots. There will be a 1000 ft buffer between the houses located on E Brookfield Dr and the proposed houses for the Mase/Marks property. The topography is reasonable and would lend itself to the proposed stormwater management design working for the Mase/Marks property.

**Sol Wolf** was asked to explain in summary what the choices are for the Supervisors. He told the Board they are actually deciding on different requests.

- 1.) The Marks/Mase tract of land request to rezone from Ag to single family residential (R1).
- 2.) Fisher Family tract of land, the rezoning of Ag to Commercial request
- 3.) Fisher Family tract of land to be rezoned to single family residential (R1)

Sol Wolf told the Board they could handle each request separately or all together. They could address the Fisher Family request together or separate the 2 different requests. He suggested they take each issue separately. He reminded Suv Miller and Suv Brensinger that Suv Artz is not voting due to a “conflict of interest”. Sol Wolf repeated that in the event of a split decision, Suv Artz is able to cast a deciding vote or has the option of abstaining from a vote.

**Suv Ed Brensinger**, when asked by Suv Miller, stated his preference to separate the issues out and vote separately.

**Suv Dick Miller** started with on the request from the Fisher Family to rezone a 12.9 acre parcel to Commercial (C2A) located behind the current DB Fisher Company off Glenn-Lebanon Drive.

**Suv Ed Brensinger** stated his opinion that as the Fisher Family would be required to submit a Land Development Plan pertaining to this parcel which would require addressing many of the issues discussed tonight and the fact that a tree buffer would exist along the Water St side and the proposed R1 area, Suv Brensinger said he would approve the request for Ag to Commercial (C2A).

**MOTION** was made by Suv Brensinger to approve the Fisher Family request to rezone the specified 12.9 acre area located to the rear of the DB Fisher Company location from Ag to commercial (C2A). Suv Miller seconded the Motion after hearing from Mr. Fisher and Attorney Long what the intended uses for this area is to be. Also agreeing the Board will be responsible for following up on the information provided detailing any stormwater management for this new area. Motion passed by 2 votes with Suv Artz abstaining from a vote.

**Suv Miller** said the next issue would be the request for rezoning the Fisher Family tract from Ag to R1. He stated he is opposed to the rezoning of the Fisher Family and the Marks/Mase property to a Residential classification. He is against it due to many of the comments offered this evening by the Public. He also has concerns about the sewer project planned for this area. A large concern is Water Street which is a small feeder street and could not support the additional traffic these types of developments would generate.

**MOTION** was made by Suv Miller to respectfully deny the request from the Fisher Family and the Marks/Mase request for rezoning to a Residential classification for their properties due to the many concerns mentioned tonight that this type of developing would create.

**Suv Brensinger** stated he is opposed to Chm Miller's denial of this request. He is in favor of preserving Agricultural areas. However he feels very strongly that if Mr. Fisher was here tonight to propose a chicken farm for this area, there would be twice as many people in this room opposing the plan, even though it would be an Agricultural issue. He feels it is contradictory to approve an RR zoning instead of an R1 zoning because the lots would be somewhat larger. The farmland would still be gone from an Agricultural use, whether it is R1 or RR. When looking at what is proposed on the plans, 73 of the lots are already over 20,000 sq ft, for both the Fisher and the Marks/Mase proposals. Seventy-five per cent of the remaining 56 lots that are less than 20,000 sq ft are at approximately 18,000 sq ft. There is not much difference between approving R1 or RR when the lots are already proposed at larger square footage than is currently required for the R1. The number of lots would not be changed much. Suv Brensinger said he also partially feels that property owners should be entitled to do whatever they wish with their lands. He would be reluctant to deny a proposal of chicken houses, should the owners submit that request to the Board.

**Earl Roberts** asked to comment on remarks made at the Planning Commission meeting. A discussion took place about what effect a change in zoning would have on the remaining farm in the area. The discussion continued on about the affect a rezoning would be to the existing farmer. He would be limited as far as the Agricultural use. Suv Brensinger agreed that the Artz farm would be limited. He feels they are currently somewhat limited by all the floodplains.

**Ralph Mase** said he has 17 acres of farmland. If it is to remain Agricultural he has useless lands. After considering setbacks and other requirements for developing farming, there is not enough land to do anything with. The land is not rented. He basically has useless farmlands.

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Suv Brensinger questioned the previous approval of 4 lots for this particular land. Mr. Mase informed him the previous owner had never filed the financial bonding improvements for that plan so the plans were never recorded.

**Sol Wolf** clarified the Motion that had been made by Suv Miller regarding the Fisher Family and Marks/Mase request for rezoning from Ag to Residential and had been denied by Suv Miller. He also clarified Suv Brensinger's statement that he is not in agreement with the Motion that had been made. Sol Wolf told Suv Artz he has the option to exercise his right of casting a deciding vote on the issue or he may choose to abstain from voting on the rezoning from Ag to Residential.

**Suv Ken Artz** stated he feels he definitely has a conflict of interest on this issue. He would like to follow the opinion provided by the Ethics Commission and he has decided to invoke his right to abstain from a vote.

**Sol Wolf** stated the request for rezoning to Residential fails.

**PUBLIC HEARING ENDED** at 9:32 PM.

**COMMENTS FROM BOARD MEMBERS**

**A.) Joint Session with Fire Chiefs – Wednesday, May 2<sup>nd</sup> @ 7:00 PM; Non-Emergency Activities**

This meeting has been scheduled and will be advertised.

**B.) EMA Meeting – March 20<sup>th</sup>; Suv Brensinger Attended**

Suv Brensinger attended this meeting which was geared toward EMA Coordinators. The importance of having an active EMA Coordinator and Emergency Operations Plan in place was stressed. When asked, Suv Brensinger responded that NLT EMA Coordinator was present.

With no further business to discuss the meeting was adjourned.

Respectfully Submitted,

Theresa L. George  
Recording Secretary