

**WEST HANOVER TOWNSHIP BOARD OF SUPERVISORS
7171 ALLENTOWN BOULEVARD, HARRISBURG, PA 17112
MONDAY, MARCH 31, 2009**

WORKSHOP SESSION

CALL TO ORDER

Mr. Hartman called the meeting to order at 6:00 PM.

ROLL CALL

Larry Hartman, Chairman,
Linda Turns, Secretary/Treasurer
Deb Curcillo, Supervisor

Adam Klein, Vice Chairman
Rick Mullen, Supervisor

OTHERS PRESENT

Jon Yost, Solicitor
Elizabeth England, Township Manager
Carol Buskirk
Al Bruo, Township Engineer
Richard Yingst, Yingst Homes

Robert Leonard, Zoning Officer
Steve Millard
Beth Carricato
Forest Troutman, Yingst Homes
Mary Ann Yahn

PUBLIC COMMENT: None.

OLD TOPICS: None.

NEW TOPICS

Discussion –Brookview Development, Yingst Homes Inc. Mr. Leonard summarized the history of the Brookview Development and provided the Board members with a timeline dating from 1/10/02 through 3/31/09. Mr. Leonard indicated the workshop meeting was scheduled to discuss three main items: Bridge issues, phasing schedule and the notice of violation. Considerable discussion took place regarding the status and/or lack of permits, disturbance to areas not in approved phases, requirements for the bridge and lack of time remaining to complete the work.

Bridge:

- There will be no submission for phase 4A
- Two legal agreements will be required between the developer and the township for both the bridge and the utility crossings, holding the township harmless for any flood damage upstream and to cover all engineering fees for reviews and inspections.
- Discussion of the CLOMR and other DEP permits. The CLOMR has been submitted and permit should be received shortly. This will be needed for the agreement.
- Agreements are being drawn up and are in draft format. Agreements will be submitted for Township staff and solicitor review prior to the April 20, 2009 regular Board meeting.
- Failure to obtain Township permits.

Phasing Schedule: A request for a revised phasing schedule was not submitted in time, therefore the 5 year protection from ordinance changes expired in September of 2008. There was considerable discussion on the major ordinance changes since the revised preliminary plan was approved which included the following:

- Open Space – Open space consists of areas in the floodplain, EPODS, Conservation features and other spaces. Open space does not include space in private yards (previously allowed) which may cause the re-design of the phases not yet approved.
- Buffers – 50 foot buffer required from the SPOD (previously 25’); 50 foot buffer required from the WPOD (previously 25’). 29 lots will be affected by increase in the buffer and may result in the reduction of lot sizes and/or loss of lots.
- Utilities – Underground utilities has been removed as a permitted use in the SPOD and is now a Conditional use. This change would require a conditional use hearing before the BOS prior to construction.
- Stormwater – The Township update in April of 2005 removed stormwater management from the SALDO to a separate Chapter 168 to meet federal requirements. This may affect the size, location and/or design of detention ponds. Board members felt this was a very important issue and the developer agreed that the new stormwater regulations had to be followed.
- The developer noted the CLOMR is being reviewed and stated no further construction will take place until the CLOMR is in hand. No E & S permits from the Township will be issued until agreements are executed. Mr. Leonard verified that one E & S permit will be required for the bridge and utilities.
- Mr. Troutman asked the Board to overlook the overdue request for the revised phasing schedule and consider approval, citing the good faith of the developer and all he has done to benefit the township. Mr. Yingst noted the Brookview development was held up for two years due to the museum commission’s archeological dig, DEP requirement to mitigate wetlands, and also a stop work order from DEP. All that time the clock was running on permits and the original phasing schedule. The Army Corp has stated they will not extend the permit a third time (permit expires December 2009).

Board discussion indicated their desire to be fair and wanted to take into consideration what was recently granted to the Winslett Developers. Staff was instructed to prepare a memo showing what was granted to Winslett and also provide a detailed report of all ordinance updates since the Brookview plan was approved. This information is to be provided for the Board meeting on April 20, 2009.

Violations: Mr. Leonard summarized the 8 violations that were issued to this developer on March 4, 2009. Mr. Leonard presented pictures and reviewed the timeline (provided in the packet) of the problems encountered with the development.

Mr. Yost asked what the maximum and minimum fines would be. After some discussion it was agreed to consolidate all violations into one fine in the amount of \$1,800. Mr. Yingst agreed.

Motion: Ms. Turns moved, seconded by Mr. Mullen to consolidate the violations against Mr. Yingst pertaining to the Brookview development into one fine in the amount of \$1,800.00. Motion passed unanimously.

Mr. Troutman and Mr. Yingst were asked to have the two agreements (bridge and underground utility crossings) prepared and reviewed by Township staff and Township Solicitor and a revised phasing schedule request in time for the April 20, 2009 Board of Supervisors meeting.

ADJOURNMENT: 7:50 PM

An executive session followed this meeting.