

**Honey Brook Township
Board of Supervisors
July 13, 2016 Regular Meeting Approved Minutes – 7:00 PM**

The meeting was called to order by Chair Travis Stacey at 7:03 pm with the pledge to the flag. Also present were Supervisors John McHugh and Tracy Olsen; Solicitor Chris Hartman and Beth Auman; Township Manager Steve Landes; and Township Engineer Michael Reinert.

Announcements

In accordance with Resolution 2-2012, Travis Stacey announced that Scott Stilson, Vincent Drive, was videotaping the meeting.

Public Hearings

1. Solicitor Chris Hartman reopened the Conditional Use Hearing 2016-4 of Aaron King, 297 Old Pequea Lane (Tax Parcel Number 22-6-6.8), to operate a kennel, at 7:04 pm. The hearing was recorded by a court reporter.

Chris Hartman stated that the Board met in executive session prior to tonight's meeting and discussed the application. He stated a recommendation to the Supervisors to approve the application, including granting a waiver to the setback requirement as to the one setback that falls below the required distance, subject to these conditions: 1) require kennel operation to have a fenced outdoor exercise area secured for dogs, 2) that dogs required to be kept in exercise area or the indoor area, and 3) that vegetative screen be required on north, south, & west sides (evergreens or equivalent at least 4' tall at time of installation with a density of 8 trees per 100' subject to approval by the Township Engineer).

John McHugh made a motion, seconded by Tracy Olsen, to approve the conditional use application of Aaron King, 297 Old Pequea Lane, to operate a kennel with the conditions stated by the Solicitor. All in favor. Motion carried.

Chris Hartman closed the hearing at 7:07 pm.

2. Chris Hartman opened the Conditional Use Hearing 2016-5, for the application by Stephen Stoltzfus of 375 Pleasant View Road (TPN 22-7-51.3) to operate a kennel, at 7:08 pm.

The hearing was recorded by a court reporter.

Following the conclusion of all testimony, Chris Hartman advised the Supervisors of their options regarding their decision. Mr. Hartman closed the hearing at 7:43 pm, with the intention of continuing the hearing at next month's Board of Supervisors Regular Meeting for the purpose of the Board rendering a decision.

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Consent Agenda

1. Approve the Board of Supervisors Minutes for the June 2 Workshop and the June 8, 2016 Regular Business Meeting.
2. Accept the June 2016 Financial Report.
3. Accept the May 17, 2016 Land Preservation Committee Minutes.
4. Accept the June 16, 2016 Park and Recreation Committee Minutes.
5. Accept the June 23, 2016 Planning Commission Minutes.
6. Accept the June 2016 Zoning and Building Report submitted by Technicon.
7. Accept the June 2016 PA State Police Report.

John McHugh made a motion, seconded by Tracy Olsen, to approve the above consent agenda, with the exception of item #3, as these minutes have not been received. All in favor. Motion carried.

Departmental Reports

1. Don Johnson, Public Works Director: almost all of the road patching is completed. The sealcoat project will start soon, weather permitting, and last for at least 3 days. The new truck is close to completion, plow not in yet. Old truck is just about ready to go on Municibid for sale. Don asked Mike Reinert for an update on the engineering for the Park Road project.

Mike Reinert stated that the survey is finished, and the conceptual layout will be ready for review at the end of month. The stormwater management is conceptually laid out also. The project was delayed by the survey.

Bob Witters, Dogwood Drive, asked if Park Road would be closed during the project. Don Johnson stated that during the day while the road is being worked on, it will be closed, but it will be open at night.

2. Kristy Deischer-Eddy, Administrative Assistant: The Honey Brook Community in Partnership (HBCP) has been firming up plans for Honey Brook Community Harmony Day, the third Saturday in September (17th) at their meetings. It will be held in Borough Park and the Honey Brook Fire Hall, with the theme of "A Step Back in Time." It will feature an antique quilt show, car show, kids' games, an oral history storytelling booth, and strolling Barbershop quartet. The Township Supervisors will have a table to pass out newsletters & community maps.

There are a couple of additions to the website: the Park & Recreation poll, open until July 31, and a Stormwater Activity booklet for kids pulled from another township's idea with information pertinent to Honey Brook Township.

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3. Steven Landes, Township Manager: it's budget season, and the Board has been given a timeline for completion with all of the important points as the budget is being developed.

The Township has a funding agreement with then Pennsylvania Emergency Management Agency (PEMA), who will receive the funds for Winter Storm Jonas (from January), and they will disburse our funds to us once they receive them.

A conceptual trail study project that will be led by the Brandywine Conservancy is expected to begin in September.

The Agricultural Security Area (ASA) 7-Year Review public hearing will be held at the August meeting. Another public notice was mailed prior to July 1 to the entire list of property owners currently plus everyone proposed to be deleted and added to announce the public hearing. Notices were also posted at five prominent locations around the area also. The Solicitor's office also placed the public notice in the newspaper.

We have had feedback on the Township News. People have stated they enjoy the new format and the 24-page length. We will keep up the format for the fall/winter edition. Kristy will be reaching out to those who contributed to the last issue. If any other non-profit organizations want to have something in the newsletter, please reach out to the office.

As Kristy pointed out, we have the Park & Rec survey out there. Please complete it & tell your friends & family to do so as well. The survey is only as good as the amount of feedback we receive.

Thirteen complaints were made to the office in the last month; half were regarding illegal burning, most involving plastic. Burning is only for farm-related burning in the Ag district. Nobody can burn household trash or plastic.

John McHugh asked if bonfires were permitted.

Steve Landes stated that large fires such as bonfires are not permitted.

John McHugh said that Board will be considering the reduction of the dedicated EIT to the Land Preservation Fund from 0.5% to 0.25%.

4. Land Preservation Committee: the next meeting will be July 19th.

Susan Lacy, Evergreen Drive, questioned why are there a large number of conditional use applications for kennels coming before the Planning Commission (PC) for a recommendation to the Board. In the cases reviewed the operators already have a state license but have not been approved by the Township. There seems to be a disconnect between the state licensing process and the township's ordinance.

Steve Landes stated that the office has checked the register of state licenses to identify what kennels are operating in the Township and then notify those who have not received Township approval that they need to come into compliance.

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John McHugh stated that this Board is proactive on this issue because there have been reports about poorly run kennels, some possibly in Honey Brook, and we are looking to review all of them.

Susan Lacy stated that she is concerned that the applications aren't adequate enough for the PC to review. It's not efficient for the PC if the application is not filled out completely and sometimes the applicants don't show up at the meeting.

Mike Reinert stated that applicants can't be required to attend the meeting even though it's in their best interest. If they choose not to show up, then the PC needs should act with the information presented. If the PC determines there is not enough information, then make that part of your recommendation.

Terry Schmidt, Mount Pleasant Road, stated that many times an applicant thinks the state license is all they need. That perception has to be changed. Steve Landes stated that that hopefully that is being accomplished with checking the state register.

Susan Lacy asked about the complaint process and whether complainants are ever notified about the resolutions of the issue.

Steve Landes stated that the Township has a policy that sets forth the process that is followed. When a complaint is received, the office staff logs the complaint, decides who should address it and then forwards the complaint to the proper party who conducts an investigation. Any action required is then taken based on results of the investigation. When the issue is closed, the office staff gets back to the complaining party to advise the outcome.

Susan Lacy stated that that was not her experience because a no one has replied to her regarding a complaint made on June 9.

John McHugh asked if the complaint form was on the website and Steve Landes stated that it was.

5. Parks and Recreation Committee: Therese stated that one member has resigned, so the committee has recommended to appoint someone. Once the Park Rules are back from Chris [the solicitor], the committee will look over that.

We have one member who has already expressed interest in serving on the trail study committee.

The raised garden bed crops have been given to the Honey Brook Food Pantry. Presently we are growing cucumbers, green beans, and peppers. We have one new volunteer to orient next week for many of the remaining Wednesdays & Thursdays.

John McHugh stated he had attended the Stormwater Management for Homeowners presentation on June 24. About half a dozen people were there. The session was very informative, and there were lots of suggestions and contacts that can help make use of water coming off the roof. They also spoke about the master gardener training process.

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6. Planning Commission: Mike Reinert stated that there is a lot line change plan change to review, as well as another Conditional Use application for kennel & a variance setback to review.

Open Forum

Terry Schmidt, Mount Pleasant Road, stated that he has been talking to his Amish neighbors about the possible reduction in the EIT rate for Land Preservation and a lot of them are upset about that.

Tracy Olsen stated that the Board hasn't made a decision yet on that.

John McHugh asked if he was not looking for tax relief.

Terry Schmidt stated that if you want to reduce the amount of money available to preserve land, that there is a concern about that.

Terry Schmidt stated that the neighbor who is the owner of the air cannon has been out of town for four weeks and yet the cannon is set to go off at 6:00 am and 9:00 am each day.

Steve Landes stated that the issue is that the Township does not have jurisdiction over it. The State Department of Agriculture has stated it's permitted.

Carmela Schmidt asked when that was and Kristy Deischer-Eddy stated it was likely 2013.

Steve Landes stated that when the Department of Ag came in, they said the Township has no jurisdiction.

Terry Schmidt asked if there was a certain amount of income required in order to be considered a farm. Chris Hartman stated not if it's over 10 acres.

John McHugh stated that it's not that the Township hasn't worked on your behalf, you know that.

Tracy Olsen stated that we can have our solicitor [Chris Hartman] take a fresh look at whether the Township can regulate this use.

An resident of Gooseberry Lane, stated that some neighbors had an unpleasant encounter with a person who said he was the owner of the Trash Depot. The neighbors feel that the Township is ignoring their complaints about the excessive traffic and noise coming from the business.

The man stated that he didn't know there was a business there for 16 years, until recently.

Mike Reinert stated that there was a variance granted by the Zoning Hearing Board for the business to operate. There was a previously-existing non-conforming use and a commercial use on the site. I've been out there about once a year and during these visits it appears that no violations exist.

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The resident questioned whether this business could expand to the point where it is no longer operating within the variance granted.

Chris Hartman stated that in other situations such as this, what he has asked residents to do is maintain a log of activity because the Township's code officers will never be out at a location as much as the neighbors are. In order to make a determination whether action is warranted, there has to be evidence that the neighbors can help supply. The log needs to be maintained over a period of time and should include dates, times and a description of the nuisance activity.

John McHugh stated that the Board is receptive to any information we receive.

New Business

1. John McHugh made a motion, seconded by Tracy Olsen, to approve the payment of all invoices prepared by the Treasurer. All in favor. Motion carried.
2. Tracy Olsen made a motion, seconded by John McHugh, to appoint Scott Holt, 109 Terra Vista Drive to fill an unexpired term on the Parks and Recreation Board ending December 31, 2017. All in favor. Motion carried.
3. John McHugh made a motion, seconded by Tracy Olsen, to ratify the letter from the Township Manager that notified the Chester County Recorder of Deeds that the Township waived the 90-day recording deadline for the Maureen Miller Lot Line Change Plan. All in favor. Motion carried.
4. Samuel F. Stoltzfus Minor Add-On Plan (22-7-81.1 & 22-4-81.3): Tracy Olsen made a motion, seconded by John McHugh, for the following:
 - a. Grant the waiver request related to use of pins in lieu of monuments around the tract perimeter,
 - b. Grant Conditional Final Plan approval, provided the applicant satisfies all comments in the Township Engineer's review letter dated June 10, 2016, and
 - c. Authorize Travis Stacey, Chairperson, to sign the non-building sewage planning waiver for the Samuel F. Stoltzfus Final Minor Plan once approved by the Chester County Health Department.

All in favor; motion carried.
5. Stoltzfus Storage Final Minor Land Development (22-3-24.5): John McHugh made a motion, seconded by Travis Stacey, for the following:
 - a. Grant the waiver request to use gravel for parking / drive areas in lieu of paving providing handicapped accessible spaces and access routes are paved and the applicant provides dust control satisfactory to the Township if nuisance issues arise.
 - b. Grant the waiver request from related to raised parking islands.

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- c. Grant conditional final plan approval for the Stoltzfus Storage Minor Land Development provided the applicant satisfies all comments in the Township Engineer's review letters dated June 10, 2016 and June 21, 2016.

All in favor; motion carried.

- 6. Variance application of Samuel Zook, 641 Compass Road (22-6-39), to allow the construction of a barn to house horses and other farm-related equipment that is 20' from the side lot line.

Mike Reinert stated that this is for a provision for the keeping of animals in this district. The applicant is rebuilding an existing barn, proposed to be closer than the 60' setback requirement. The planning commission did not make a recommendation on the application.

John McHugh made a motion, seconded by Tracy Olsen, to support the variance application. All in favor. Motion carried.

- 7. Travis Stacey made a motion, seconded by Tracy Olsen, to schedule an Agricultural Security Area Seven Year Review Public Hearing on August 10, 2016 at 7 p.m. All in favor. Motion carried.

- 8. John McHugh made a motion, seconded by Tracy Olsen, to schedule a Conditional Use Hearing on August 10, 2016 at 7 p.m. for the application of Benjamin Kauffman, 2398 Compass Road (22-10-3.2A), to operate a kennel. All in favor. Motion carried.

- 9. Travis Stacey made a motion, seconded by John McHugh, to approve the following two financial security actions recommended by Technicon:
 - a. Cambridge Mennonite Church on Cambridge Road (22-6-46-E): Final release in the amount of \$102,861.00.
 - b. Gideon Stoltzfus SWM Plan, 1235 Beaver Dam Road (22-10-9): Final Release in the amount of \$3,014.00.

All in favor. Motion carried.

Open Forum

Bob Witters, Dogwood Drive, asked if the Township Office keeps record of variances or waivers that have been granted. This information would be helpful to review annually to determine whether changes to ordinances are needed.

Steve Landes stated that there is a record and Tracy Olsen noted that that's how we came to look at landscaping ordinance.

Bob Witters questioned how he could look at agreements with the Township. Steve Landes stated that anyone is welcome to fill out a right-to-know request form. The staff will provide the requested information if it is available and can also provide copies for a per-page charge.

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Bob Witters asked how long Steve would work for the Township. Steve Landes stated that he serves at the pleasure of the Board and he is sure the Board will discuss his future service during the budget process.

Upcoming Meetings: *All meetings will be held in the Honey Brook Township Municipal Building. Dates are subject to change.*

- July 19 Stream Buffer Workshop at 9:00 a.m.
- July 19 Land Preservation Committee at 7:00 p.m.
- July 20 Zoning Update Joint Task Force at 7:00 p.m.
- July 21 Parks and Recreation Committee at 7:30 p.m.
- July 25 Zoning Hearing – Samuel Zook Variance Application 7:30 p.m.
- July 28 Planning Commission at 7:00 p.m.
- August 4 Board of Supervisors Workshop at 7:00 p.m.
- August 10 Board of Supervisors Meeting at 7:00 p.m.

Adjournment

John McHugh made a motion, seconded by Tracy Olsen, to adjourn the meeting. All in favor. Meeting adjourned at 8:55 p.m.

Respectfully submitted,

Kristy J. Deischer-Eddy, Recording Secretary