

00Jacobus Borough Council Meeting
Meeting Date: June 1st, 2022

Call to Order

Council President Sandy Sheffer called the meeting to order at 7:02 p.m.

Opening Invocation and Pledge of Allegiance

Invocation was offered by Council President Sandy Sheffer followed by the Pledge of Allegiance.

Roll Call

Present were Sandy Sheffer, Lance Beard, Donald Wright, Jeff Hammers, Jill Conner, Phyllis Bowers, and Attorney Sarah Doyle. Mayor Greg Gruendler and Councilwoman Dawn McElhiney were absent.

Minutes and Treasurer's Report

- Minutes of May 4th Council Meeting – Jeff Hammers made a motion to approve the May Council Meeting minutes as presented. The motion was seconded by Phyllis Bowers. Motion carried unanimously.
- Treasurer's Report – Profit & Loss Statement along with all bank account summaries were reviewed by all present on Council. A motion was made by Phyllis Bowers to approve the Treasurer's Report as submitted. The motion was seconded by Donald Wright. Motion carried unanimously.

Persons on the Agenda/Public Comment

- Tyler Anderson – Bulldog Baseball of Men's Baseball League. Mr. Anderson presented that the Jacobus Baseball Field is in need of some repairs/maintenance. The dirt on the infield needs to be replaced and the lips in the infield grass also need to be removed. The team would like to rent some machinery to do the repairs, such as a roller, edger, sod cutter, and skid steer and would like for the Borough to pay for the cost of rental for the day. Sandy Sheffer commented that the Borough would rather hire a contractor to perform the work under the supervision of the baseball team. Lance Beard voiced that Easy-Dig can coordinate with Mr. Anderson for the work. Attorney Doyle asked that details of the work to be submitted to the Borough and Easy-Dig. Donald Wright made a motion to approve Easy-Dig to perform the work to make the baseball field playable again, with the condition that the cost does not exceed \$10,000. The motion was seconded by Phyllis Bowers. Motion carried unanimously.

- Grant Anderson – Site Design Concepts. Mr. Anderson was absent.
- Steve Overmiller – Goodwill Fire Co. Mr. Overmiller reported that the fire company will be holding a food truck even on June 19th and planning for their Labor Day Car show at the park. On behalf of the fire company, Mr. Overmiller is asking for the park rental fee to be waived. A motion was made by Donald Wright to waive the park rental fee for the fire company’s Labor Day Car Show. The motion was seconded by Jeff Hammers. Motion carried unanimously.
- Public Hearing for the Conditional Use Application by Zarina Properties
 Attorney Doyle announced the beginning of the hearing, officially going on record. Council President Sandy Sheffer read the preamble. Testifier, Brad Peters and his attorney, Stacey MacNeal of Barley Snyder were sworn in. Attorney MacNeal handed out Exhibit packets and plans to Council to assist with the testimony. She also stated that there are provisions to the original conditional use application that was submitted, the most significant change being the removal of the subdivision for the lot that was proposed for the building of the single-family detached home. The said lot will now be preserved as an “open-space”. Mr. Peters then introduced himself as a civil engineer, being in the profession since 1995. He is the President of Site Design Concepts, a local “Land Development Consultant” firm who does environmental consulting as well. Mr. Peters is the applicant, with Zarina Properties, and is also a resident of Jacobus for 17 years.
 Attorney MacNeal referred to Exhibit 1, asking for clarification in the change from the original application. Mr. Peters testified that the Borough Planning Commission had pointed out some factors regarding the conditions for “open-space” development, and therefore, the lot east of the drainage ditch will now be combined to be one contiguous parcel and remain undeveloped as part of the open-space. Parking spaces have now also been added to the end of the cul-de-sac, thus reducing the size of each building unit. A walking trail has also been added to the plan.
 Attorney MacNeal referred to Exhibit 2, stating that the area is currently zoned R-1, a low-density residential, asking for up-to-date description. Mr. Peters confirmed the current zoning of the property and testified that the property is unmaintained and overgrown on majority of the land.
 Attorney MacNeal referred to Exhibit 3 which were a series of photos showing the current condition of property. There was a photo that even showed evidence that there has been some burning on the property. The last page of Exhibit 3 shows the drainage ditch that runs through the property.
 Attorney MacNeal referred to Exhibit 4, the individual lot exhibit. Mr. Peters stated that the proposed project is for 20 units of single-family

attached dwelling. There will be four, 5-unit buildings, with entrance from Church Street. The units will comply with dimensional regulations of 2,200 square feet as required per ordinance, with 11-foot side set back per unit and 25-foot front and rear set back per unit. The Borough ordinance states a 60% maximum impervious surface coverage, and the proposed project will have only 58% impervious surface coverage. The Borough ordinance also requires two parking space allocation per unit dwelling, and this development will meet the parking space allocation with an additional seven extra parking spaces proposed at the end of the cul-de-sac. The access drive is proposed to be privately owned and maintained, overseen by a Homeowner's Association.

Attorney MacNeal referred to Exhibit 5, stating that a minimum of two acres is needed for a clustered development in a R1 zone per Borough ordinance, whereas this project has a little over four acres in a contiguous parcel, with the bulk of the "open space" being adjacent to properties along York Road. Mr. Peters stated that a 6-foot high screen fence will be erected on the property line with 7 Church Street.

Attorney MacNeal referred to Exhibit 6, to differentiate the open-space areas from development area. Mr. Peters stated that there are a total of 179,575 sq ft area in the parcel, of which 361 sq ft will be street right-of-way, and 83,554 sq ft of building area, which includes any impervious areas including the street and parking areas. As indicated in the exhibit, there will be four planned stormwater management facilities. Three of which will be underground and the fourth will be a stormwater basin. Mr. Peters proposed to install a walking path around the basin, with native vegetation and wildflowers planted in the basin that will promote infiltration. This basin can also be put underground depending on the wishes of the Borough, concurrently working with the Zoning Officer and Borough Engineer to determine the most appropriate option.

Attorney MacNeal then referred to Exhibit 2, which shows the topography of the parcel. Mr. Peters testified that the bulk of the land that is 25% or greater of slope is in the designated open space area and that he believes these slopes were man made, especially in the area by Oak Lane. According to Mr. Peters, there had been some construction attempts in the past, probably in the 1960s. Exhibit 7A shows a historic aerial view of the property from the 1930s prior to most of the development, particularly along York Road. In the tabulation for the area considered open-space, 50% of the land that is 25% or greater of slope had been deducted from consideration as open-space.

Attorney MacNeal referred to Exhibit 8 for wetland determination and investigation, to which Mr. Peters testified that there are none present. However, a National Pollutant Discharge Elimination System (NPDES) permit will be obtained from the Environmental Protection Agency (EPA). Mr. Peters assures that Zarina Properties will oversee the stormwater design and management at the property and that the quantity of post-development run-off will not be greater than pre-development run-off.

Attorney MacNeal then referred to Exhibit 9, the Sycamore Run apartments on South Main Street developed by Inch & Co. Mr. Peters testified that the housing style proposed to be developed will be similar to those at Sycamore Run and assures that no building will be built on slopes greater than 25% grade. A Highway Occupancy Permit will also be obtained from PennDOT for the Church Street entrance.

Attorney MacNeal referred to Exhibit 10, which are the proposed conditions of approval. The proposed conditions were – 1) Ensure compliance of the proposed stormwater management facilities such that they will be reasonably safe and useful for active or passive recreation during the majority of weather conditions or serve as a scenic asset resembling a natural pond. 2) Review of proposed planned community association documentation by the Borough Solicitor and approval prior to recording the final land development plan. 3) Subdivision and land development plan approval. Borough Council members were then given opportunity to ask questions of the applicant.

Vice-President of Borough Council, Lance Beard, wanted confirmation that this development will be managed under a Home Owner's Association (HOA), to which Mr. Peters confirmed. Mr. Beard also wanted confirmation that this development will not cost the Borough, that the fire hydrant will be paid by the HOA to York Water Company, the street lights, and snow removal also will be paid by the HOA. Mr. Peters confirmed with an affirmative. Councilman Donald Wright touched on public safety issues. Mr. Wright pointed out that the fire hydrant should be installed at the Church Street entrance where the firehose will reach the farthest unit and that the cul-de-sac will have a big enough radius for even the biggest York Township fire truck to turn around. Mr. Peters confirmed that these points have been taken into consideration and satisfied in the proposal. Mr. Wright also brought up his concerns about stormwater management for this project as the creek within the property is already highly inundated after any rainfall and that a property on Church Street already has its driveway showing signs of erosion from stormwater runoff. Mr. Peters stated that the erosion of that property is an existing condition for which is not their responsibility,

however, he will “look into it”. Mr. Peters also reiterated that this development will not add to the runoff volume for the ravine and that there will be inlets that will be feeding into the stormwater facilities, hence not running onto Church Street. Councilwoman Phyllis Bowers enquired on the timeline for constructions. Mr. Peters stated that construction would take approximately 18 months, however, it is hard to predict at this time with supply chain issues being prevalent. Councilman Jeff Hammers enquired on the street name for the development. Mr. Peters stated that it would be up to the post office.

Attorney Doyle then opened the floor to members of the public to ask questions of the applicant. Some of the questions presented were -- Shawn Cleaver of 7 Church Street asked where the fence will be placed as her property is the one right adjacent to the closest unit. Mr. Peters informed Ms. Cleaver that the fence will be right on the property line.

Mr. Ferree of 7 Hillside Drive asked if the fence needed to be there, to which Mr. Peters stated the fence did not have to be there and that he had proposed a fence out of courtesy. Mr. Ferree also asked if there were enough sewer allotments for these units. Mr. Peters stated that 15 Equivalent Dwelling Units (EDU) came with the property and York Water Company has additional five units available for purchase.

Jeff Walton of 60 York Road stated that he had lived at the address for 28 years and have observed a complete ecosystem in the land behind his residence which Mr. Peters is proposing to be developed. Mr. Walton wanted to know if Mr. Peters did not mind killing the whole ecosystem, to which Mr. Peters stated that it is not a fair question.

Sandy Orłowsky of 56 York Road stated that her property is currently worth a quarter of a million dollars and asked what the development would do to the value of her property. Attorney MacNeal stated that there is no predictor for property values, as the development may very well increase the value of her property, just as it may decrease its value, as real estate market is unpredictable. Ms. Orłowsky also stated that with this development there will be more vehicles and students for the school district. Based on her calculations, school and property taxes alone will not cover the cost to educate these extra students that this development will be bringing in. Attorney MacNeal stated that all school districts have a plan in place for residential growth.

Leighanne Caralle of 62 York Road stated that these proposed units look similar to the townhomes on South Main Street built by Inch & Co. Her question was if these proposed units will fit in with the look of the

surrounding area, to which Mr. Peters stated that he thinks these units will fit in with the look of the community.

Shawn Cleaver of 7 Church Street asked if the access point to York Road can be used by the public, to which Mr. Peters stated that the York Road access cannot be used as such as it is only 12-feet wide.

Vicky Miller of 215 Ameda Drive asked for the average price of each unit to which Mr. Peters stated that they will be in the \$200,000 to \$300,000 price range.

Amy Fillmore of 8 Church Street asked if the open-space area will be fenced in, to which Mr. Peters stated that the only area that will be fenced will be behind the property on 7 Church Street.

Laurie Hildebrand of 207 Ameda Drive asked on why there is only one access, to which Mr. Peters reiterated that the York Road access is only 12-foot wide making it a non-feasible access, and accessing Oak Lane is not advantageous due to its substandard width being one-lane wide.

At this point, Councilman Jeff Hammers stated that he has been a residence of the Borough since 1960 and that change is inevitable. Mr. Hammers pointed out that Zarina Properties have presented with professionalism, answered all questions well, and are abiding by all the rules and regulations plus some. He states that the bottom line is if all the requirements are met by the developer, Council has to go by the law and cannot deny the applicant's proposal. Councilman Donald Wright stated that this is a private property and that property owners have rights. Mr. Wright pointed out that there actually is an approved development plan for this property from 1968, and that the plan proposed by Zarina Properties is a much better plan than the existing development from 1968. Councilwoman Phyllis Bowers stated that this development is for the betterment of the community.

A motion was made by Phyllis Bowers to approve the Conditional Use Application from Zarina Properties with the following conditions:

- 1) Ensure compliance of the proposed stormwater management facilities such that they will be reasonably safe and useful for active or passive recreation during the majority of weather conditions or serve as a scenic asset resembling a natural pond.
- 2) Review of proposed planned community association documentation by the Borough Solicitor and approval prior to recording the final land development plan.
- 3) Compliance with the Borough's Subdivision and Land Development Ordinance, Zoning Ordinance, and all other Borough ordinances, rules and regulations as applicable.
- 4) That the conditional use be granted in accordance with the statements in the application, testimony and evidence presented at the

meeting. 5) That a conservation easement or deed restriction be placed on the lot as necessary pursuant to Section 250-31 B.2.D. and E.2.A.

The motion was seconded by Jeff Hammers, stating that there is no evidence to deny. Motion carried unanimously.

Donald Wright made a request to Mr. Peters and Attorney MacNeal to keep adjacent property owners informed on work that will impact them. Attorney MacNeal stated that they will be in contact, particularly with Ms. Cleaver of 7 Church Street

Action to Be Taken

None at this time

Borough Reports

- **Mayor & EM Reports** - *Police Report- for the month of April, there were 21.09 hours of police service hours, 24.31 administrative hours, with a running total of -103.01 hours. There were 17 total calls; *Fire Police Requests – Requests for fire police assistance from Shrewsbury Borough for their Annual Firemen’s Carnival on June 27th through July 2nd 2022, from New Freedom Borough for their Annual Carnival Parade on July 9th 2022 from 3:00 to 6:00 p.m., and from Springfield Township for their Strawberry Festival at Orchard Valley Farm on June 5th and June 11th 2022. A motion was made by Donald Wright to approve the fire police assistance requests as presented. Motion was seconded by Jeff Hammers. Motion carried unanimously; *Police Commission Report handed to all council members;
- **Office/Manager** - *June Park reservations – seven reservations at the park, volunteer sign-up sheet handed to council;
- **Engineer**
- **Solicitor** – Attorney Doyle reported that her office is waiting for a final bid from Long’s Asphalt for the paving work on Greenbriar and Geiselman Drives before finalizing the contract with York Water Company.
- **Streets Committee** – Phyllis Bowers enquired on the state of street signs in the Borough, and was informed by Donald Wright that all street signs will be checked by D.E. Gemmill by the end of the summer.
- **Buildings and Grounds Committee** - *tree trimming at park – Lance Beard informed that Eagle Claw Tree Service will be trimming all the low hanging branches off of trees at the community park within a week.

Unfinished Business

New Business

Adjournment

A motion was made by Donald Wright to adjourn the meeting at 9:15 p.m. The motion was seconded by Jeff Hammers. Motion carried unanimously.