

**FAIRVIEW TOWNSHIP BOARD OF SUPERVISORS**  
**July 31, 2023 – 7:07 p.m.**  
**MINUTES**

**I. CALL TO ORDER:**

The meeting was called to order by the Chairman, Dr. Larry Cox, at 7:07 p.m.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL:**

**PRESENT:** Dr. Larry Cox, Chairman  
Mario D. Pirritano, Vice Chairman  
John W. Jones, Supervisor  
Christopher L. Allen, Supervisor  
Donald F. Martin, Manager  
Drew Bitner, Engineer  
Davis Holland, Chief of Police  
Dave Jones, Stock & Leader, Solicitor  
Stephen M. Waller, Codes Administration Director

**ABSENT:** Matthew Cox, Supervisor

**IV. ANNOUNCEMENT OF EXECUTIVE SESSIONS**

There was an executive session prior to this meeting to discuss a legal matter.

**V. Ordinance 2023-06 – Zoning Map Amendment – Rutkowski, Caldwell & Harbilas**

Mr. Allen made a motion, seconded by Mr. Jones to approve Ordinance 2023-06 the Zoning Map Amendment – Rutkowski, Caldwell & Harbilas.  
Vote on the motion: All Yes. The motion carried.

**VI. Ordinance 2023-07 – Zoning Ordinance Text Amendment – Non-Commercial Keeping of Chickens**

Mr. Pirritano made a motion, seconded by Mr. Jones to table Ordinance 2023-07 Zoning Ordinance Text Amendment – Non-Commercial Keeping of Chickens  
Vote on the motion: All Yes. The motion carried.

**VII. RECOGNITION OF PUBLIC**

1. Mervin Smith 190 Spanglers Mill Road stated that an air cannon is going off every 15 minutes at the Gruver Farm and it is loud and disruptive. Discussion ensued. Attorney Jones and Chief Holland are going to pursue legal options to suppress the use of air cannons and or prosecute.
2. Ashley Daley, 600 Whitetail Dr., informed the Board that there is still an ongoing property line dispute at 631 Whitetail Drive and a survey will be provided.
3. Marshall Stevens Deputy Director of the Airport Authority gave an update on current events at Capital City Airport and informed the Board of their open house scheduled for August 19.
4. Brenda Ressler notified the Board of a house at 433 Shuler Road that is in disrepair among other things. The matter will be investigated by the Codes Office for Property maintenance violations. She also indicated that Shuler Road is not wide enough. Mr. Bitner stated the road meets township standards and that mowing along the sides will occur soon to help with sight distance.
5. Susan Huntsberger stated that the Leakways are still holding events even though the Zoning Hearing Board denied their request for a special exception.

**VIII. AGENDA ITEMS**

**A. Building, Zoning, Codes:**

**1. Bond Reduction Request – Green Lane Meadows**

- a.) The Township received a bond reduction request associated with the Green Lane Meadows Phase I Subdivision plan. The Township Engineer – Drew Bitner has reviewed the request and recommends a reduction of the bond in the following amount:

Green Lane Meadows – Phase I		
<u>Current Bond Amount</u>	<u>Release Amount</u>	<u>Remaining Amount</u>
\$ 1,010,064.85	\$ 262,325.25	\$ 747,739.10

Mr. Allen made a motion, seconded by Mr. Jones to approve the bond reduction request associated with the Oakhill – Phase I in the amount of \$ 262,325.25.  
Vote on the motion: All Yes. The motion carried.

**2. Subdivision and Land Development Modification Request**

<u>Plan</u>	<u>Section/Description</u>
PATC – Marsh Run Rd	SWMO 252.17.C(1)(c) - Stormwater basin side slopes
	SLDO 260.10 - Preliminary Plan
	SLDO 260.14.A(28) – Traffic Impact Study
	SLDO 260.17.A(2)(a) – Improvement guarantee estimate
	SLDO 260.17.A(3) – Executed Security Agreement
	SLDO 260.19.C – Engineer Inspection Escrow
	SLDO 260.35.C(3)(g)(1) – Basin Emergency Spillway Depth

Mr. Pirritano made a motion, seconded by Mr. Jones to approve modification requests: SWMO 252.17.C(1)(c) - Stormwater basin side slopes; SLDO 260.10 - Preliminary Plan; SLDO 260.14.A(28) – Traffic Impact Study; SLDO 260.17.A(2)(a) – Improvement guarantee estimate; SLDO 260.17.A(3) – Executed Security Agreement; SLDO 260.35.C(3)(g)(1) – Basin Emergency Spillway Depth.  
Vote on the motion: All Yes. The motion carried.

Mr. Jones made a motion, seconded by Mr. Allen to approve modification requests: SLDO 260.19.C – Engineer Inspection Escrow.  
Vote on the motion: All Yes. The motion carried.

**3. Preliminary/Final REVISED Land Development Plan – Tractor Supply – Old York Road - #23-1006 (EXP. 8/31/23)**

Mr. Allen made a motion, seconded by Mr. Pirritano to approve Preliminary/Final REVISED Land Development Plan – Tractor Supply – Old York Road - #23-1006 (EXP. 8/31/23) contingent on the payment of plan recording fees; payment of all engineer review fees; submittal of signed and notarized plans and compliance with the Rettew Associates memo dated June 27, 2023.  
Vote on the motion: All Yes. The motion carried.

**4. Final Subdivision Plan – Green Lane Meadows Phase II - 61 lots - #23-1007 (EXP. 8/28/23)**

Mr. Pirritano made a motion, seconded by Mr. Allen to approve Final Subdivision Plan – Green Lane Meadows Phase II - 61 lots - #23-1007 (EXP. 8/28/23) contingent on the submittal of signed and notarized plans; the payment of plan recording fees; payment of all engineer review fees; placement of the approved financial security and the associated engineer escrow and compliance with the Rettew Associates memo dated May 23, 2023.  
Vote on the motion: All Yes. The motion carried.

**5. Time Extension Request**

<u>Plan</u>	<u>Exp. Date</u>	<u>Ext Date</u>
Brenneman – Brenneman Drive	July 31, 2023	August 29, 2022
Best Wash – Old York Road	July 31, 2023	October 30, 2023

Mr. Jones made a motion, seconded by Mr. Allen to approve the time extension requests noted above.

Vote on the motion: All Yes. The motion carried.

**B. Resolution No. 2023-13 – Disabled Veteran Tax Exempt Status:**

Mr. Pirritano made a motion, seconded by Mr. Jones to approve Resolution No. 2023-13 granting a real estate tax exemption to Walter M. Puliti, as qualified by the PA Department of Military and Veterans Affairs.

Vote on the motion: All Yes. The motion carried.

**C. Discussion Short Term Rental Ordinance**

Attorney Jones informed the Board of their options with regard to Short Term Rentals.

Lisa Temple stated to the Board that an Air BNB in her neighborhood played loud music into the night and placed overflowing trash cans and rubbish along the side of the road when trash day isn't for another three days. She asked what the Township could do about this.

Joseph Stuck 645 Whitetail Drive also stated his frustration with noise etc. from the same AirBNB and claimed he was threatened by the owner of the AirBNB after he called the police.

Ashley Daley asked about renting long-term vs AirBNB rentals. Mr. Martin clarified that a Short Term Rental was defined as 30 days or less and a rental/lease agreement for a longer period would not apply to the restrictions imposed on Short Term Rentals.

Kim Mehaffey 606 Antler Drive informed the Board that there are 3 AirBNBS in her neighborhood and supports the view that this is a violation of the Zoning Ordinance in a residential area.

The Board agreed and instructed staff to pursue sending violation letters to all known AirBnbs.

**D. Emily Lane**

Mr. Pirritano made a motion, seconded by Mr. Cox to authorize and approve the advertisement of Township owned property on Emily Lane for sale.

Vote on the motion: All Yes. The motion carried.

**E. Stipulated Settlement Agreement – Fairview Township, Fairview Township Zoning Hearing Board, Clint and Tracy Leakway**

Attorney Jones summarized key points in the settlement agreement

George Park 280 Valley Road stated his concerns about noise, traffic and the placement of signage.

Scott Huntsberger 660 Corn Hill Road reiterated his concerns about noise, traffic and the lack of traffic control for the events still being held even though they were denied the exception at the Zoning Hearing Board.

Dr. Cox stated the agreement was somewhat restrictive and should help address most of the concerns discussed.

**IX. OLD BUSINESS**

There was no old business discussed.

**X. NEW BUSINESS**

Chief Holland reminded everyone about National Night Out on Tuesday, August 1st, rain or shine.

**XI. APPROVAL OF MINUTES**

Mr. Pirritano made a motion, seconded by Mr. Jones to approve the minutes of the July 31st, 2023 meeting of the Board of Supervisors.

Vote on the motion: All yes. The motion carried.

**XII. RATIFICATION OF BILLS PAYABLE**

Mr. Allen made a motion, seconded by Mr. Jones to ratify payment of all Bills Payable as presented.

Vote on the motion: All yes. The motion carried.

**XIII. ANNOUNCE EXECUTIVE SESSION**

There will be no executive session following this meeting.

**XIV. ADJOURNMENT**

Mr. Pirritano made a motion, seconded by Mr. Jones to adjourn the meeting.

Vote on the motion: All yes. The meeting was adjourned at 8:30 PM.