

MARYSVILLE BOROUGH PLANNING COMMISSION
WORK SESSION MEETING MINUTES
AUGUST 25, 2009

1. Subdivision Amendment -Plan Specifications and Procedures

Ms. Brock stated that Borough Council indicated there was a statement in the minutes that the Sewer Committee had approved the sewer plan for Rockville Estates. The minutes should reflect that the Sewer Committee was reviewing the sewer plan for Rockville Estates.

Mrs. Simonetti stated that the Sewer Committee is fine with the slip lining. One portion of the line was not televised yet which is bad and needs replaced. The line that needs replaced is on the other side of the highway beyond the water. Yingst will replace that piece of line. They are waiting for the engineer to review the video.

Ms. Brock stated that Chapter 22, Plan Specifications and Procedures were finalized at the August 12, 2009 workshop meeting. The draft should be discussed by the Planning Commission for any changes. The ordinance was taken from the Perry County Planning Commission model ordinance. The biggest thing that was changed was the lot line relocation procedures to make the process streamlined when there are small division with no new building lots created.

For the record, Ms. Mohr arrived at 6:46 pm

Ms. Brock stated that an option was added for a sketch plan where the applicant can meet with the Planning Commission. A sketch plan is not required and does not have to be complicated.

Ms. Brock stated that the requirement for a pre application meeting was added. The pre-application meeting must be held 25 days prior to the Planning Commission meeting so changes can be made in time to meet the deadline for submission. She thinks the Chapter is more organized.

Mr. Vaitl asked why the procedures are separated from the specifications.

Ms. Brock stated that they kept the same organization as the model ordinance. The first part defines each type of submission and the second part provides the specifications for submission.

Mrs. Stoner stated that page 4-2, #9 Approval of Plans does not address an extension of the plan. A change was made to add "or extension thereof" to the last sentence.

Mrs. Stoner stated that page 4-5, #9 is missing words. The words "shall review the" was added after The Municipal Planning Commission.

Mrs. Stoner stated that page 4-12, #25 is missing a word after wetland. The word "identification" was added after wetland and wetland was changed to be plural.

Ms. Stoner stated that page 4-15, #37 should address all wells.

Mr. Vaitl stated that page 4-15, #37 should reference the state code. The sentence does not address whether the well water is potable or nonpotable.

Mrs. Stoner stated that #35 is asking for a hydrogeologic water supply study which is more information than was received in the past.

Ms. Mohr stated that for 50 years there has been a need for Pennsylvania to adopt well construction standards but it was never done. The state should adopt regulations so the well drillers do not have to go to each municipality for a permit. The well drillers have a sample ordinance that would apply to all wells that would be standard.

Ms. Brock stated that a geo thermal well is not grouted right and could get a lot of contamination in well.

Mr. Vaitl stated that the geo thermal well runs on anti freeze but it is bio degradable antifreeze.

Mrs. Stoner stated that it is food grade antifreeze.

Ms. Brock stated that an NPDES permit may be required for a geo thermal well.

Mrs. Stoner stated that an NPDES permit is not required for a geo thermal well. Right now there are no permit requirements for a geo thermal well.

Ms. Brock stated that #37 should be amended to add "well(s) in accordance with state law."

Ms. Mohr asked if #38 should include a waiver request and approval be submitted for sewage.

Ms. Brock stated that a waiver is when the subdivision will be hooked to municipal sewer.

Ms. Hardman stated that a waiver could also be for a non building residual tract.

Ms. Hardman stated that #27 and #30 references a section of the zoning ordinance that has not been adopted yet so the section was not added at this time.

Ms. Brock stated that Chapter 22, Part 4 of the Subdivision and Land Development Ordinance needs to go to the Perry County Planning Commission, Borough Engineer and Borough Solicitor for review before it is referred to the Borough Council.

Ms. Brock stated that Mr. Harris, the Borough Manager, is reviewing the zoning ordinance revisions. There was a recommendation at the Duncannon meeting regarding the need to review the setbacks. The ordinance does not address requiring the structure to be constructed at the front yard setback line. A structure can set back further than the minimum front yard setback.

Mr. Vaitl stated that there should be the option to set the house back further. When he constructed his house he set the house back so the driveway would be flatter.

Ms. Brock stated that if there is a vacant lot beside a nonconforming structure that does not meet the front yard setback, the ordinance permits the structure on the nonconforming lot to set closer to the front property line by averaging the front yards.

Mrs. Simonetti stated that page 4-1, Section 22-401. #1 the word “filled” should be changed to “filed.”

Mrs. Simonetti stated that page 4-2, #6 does not state that a sketch plan is to be submitted to the Planning Commission.

Ms. Brock stated that Section 22-402 Sketch Plan states that a sketch plan is submitted to the Planning Commission.

Mrs. Simonetti stated that page 4-3, #4 the word “schedule” should be changed to “scheduled”.

Mrs. Simonetti stated that page 4-4, Section 22-405 Preliminary Plan Procedures, #1 was changed to require submission 15 working days and #4 states that the municipality has 7 days to distribute the plan. #1 and #4 should state working days. Submission within 15 days of the Planning Commission is three weeks of which the municipality has 7 days of the three weeks to distribute the plans.

Ms. Brock stated that the current ordinance is 14 days which would be 10 working day.

Mrs. Stoner stated that she feels 15 working days prior to the Planning Commission is an appropriate time frame. However, #4 gives the municipality 7 days to distribute.

Mr. Vaitl stated that Section 22-405.4 should be changed to 5 working days.

(For the record, Mr. Kmiecinski arrived at 7:30 pm)

(For the record, Mr. Vaccaro arrived at 7:30 pm)

It was the consensus of the Planning Commission to change Section 22-405.4. to 5 working days.

Mrs. Simonetti stated that on page 4-5. #9 the word “form” should be changed to “from”.

Mrs. Simonetti stated that on page 4-5 #10 the words “within 15 work days” should be added to the last sentence.

Mrs. Simonetti stated that on page 4-5 #17 the words “(Code Enforcement Officer)” should be deleted.

Mrs. Simonetti stated that on page 4-7 #1 the words “Act 247 as amended” should be added after Municipalities Planning Code.

Mrs. Simonetti stated that on page 4-7, #2 and #3 the word “filling” should be changed to “filing”.

Mrs. Simonetti stated that on page 4-8, D. the word “copies” should be added after twelve.

Mrs. Simonetti stated that on page 4-8, #7 the work “filling” should be changed to “filing”.

Mrs. Simonetti stated that she will review the rest of the ordinance and send any changes to Ms. Hardman.

MARYSVILLE BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
AUGUST 25, 2009

CALL TO ORDER. The meeting was called to order at 7:37 pm

ROLL CALL:

1. MEMBERS PRESENT

Jennifer Brock, Chairman
Stephanie Stoner
Art Vaitl
Shawn Vaccaro
Lori Mohr

STAFF PRESENT:

Janet Hardman, Code Enforcement Officer
Mike Kmiecinski, Tri County Planning Commission

OTHERS PRESENT:

Ann Simonetti, Council Member
Mark Walsh

2. MINUTES:

a. May 26, 2009 Minutes

Ms. Brock stated that she could not find the reference in the minutes regarding the Rockville Estates comments on the Sewer Committee but recommends that there be a statement added that the Rockville Estates Final Plan comment on the Sewer Committee was advisement and not an action taken.

MOTION: Mrs. Stoner moved, seconded by Mr. Vaccaro to approve the minutes with an addendum of clarification for the Sewer Committee action on Rockville Estates. The motion passed with Mr. Vaitl abstaining.

b. June 23, 2009 Minutes

Ms. Mohr stated that page 1 should be amended to show that she was present.

MOTION: Ms. Mohr moved, seconded by Mr. Vaccaro to approve the minutes as amended. The motion passed unanimously.

3. PUBLIC COMMENT.

- a. Ann Simonetti. Mrs. Simonetti stated there will be a watershed forum in November in Shepherdstown. She sent everyone an email. There will be scholarships that can be applied for. The forum starts on a Friday evening.

4. OLD BUSINESS:

a. Subdivision Amendment -Plan Specifications and Procedures

Ms. Brock stated that after the corrections are made, the ordinance can be sent to Perry County Planning Commission for review.

MOTION: Mr. Vaitl moved, seconded by Mrs. Stoner to recommend the changes to the Subdivision and Land Development Ordinance, Chapter 22, Part 4 to Perry County Planning Commission for review after the changes are made. The motion passed unanimously.

b. Mark Walsh Subdivision Plan (Expires 9/21/09)

Ms. Brock stated that a revised plan and time extension have not been received.

Mr. Walsh asked if his email with questions were forwarded to the Planning Commission.

Ms. Brock stated that there is a procedural issue because the plan must be reviewed and acted upon within 90 days. The Planning Commission could table the plan if a time extension was granted at tonight's meeting. The Planning Commission must recommend denial of the plan to Borough Council if a time extension is not granted.

Ms. Mohr stated that the questions cannot be answered until a revised plan is submitted.

Mr. Walsh stated that a plan was submitted. He is trying to minimize his engineering cost by getting a recommendation from the Planning Commission on certain issues.

Mrs. Stoner stated that the #1 question has multiple issues. #1 is as follows, *"We feel that this qualifies as a Minor subdivision because of the existing right of way. The public right of way that does exist at the 7 lot subdivision was determined to be legal and uses the existing ROW on the north side of the property. However, this may be immaterial if the preliminary plan is waived. Please confirm whether this qualifies as a minor subdivision or we should submit as Final."*

Ms. Hardman stated that the ordinance requires the lots to abut a public right of way in order to qualify as a minor subdivision.

Ms. Brock stated that all three lots must abut a public right of way.

Mr. Vaitl stated that he thought that the public right of way was a legal issue.

Mrs. Stoner questioned whether all three lots abut a public right of way.

Mr. Walsh stated that this is immaterial if the preliminary plan requirements are waived.

Mrs. Stoner stated that she feels they would be willing to entertain a waiver from the preliminary plan requirements.

Ms. Brock stated that the public right of way issues is multi faceted. The legality of whether the area on the plan is a right of way is something they cannot answer. The Planning Commission tended to waive the preliminary plan if there was no phasing. The private drive runs through the middle of the property.

Mr. Walsh stated that the private drive facilitates the utilities. The lot has access to the right of way which is located on the northern part of the property.

Ms. Brock asked if Mr. Walsh planned to maintain the private driveway.

Mr. Walsh stated that the maintenance will be shared by the private lot owners. Each lot will have access preserved in the deed.

Ms. Brock stated that a waiver request is required to be in writing with the section of the ordinance and a justification for the waiver.

Mr. Walsh stated that he spent two hours with the engineer on scenarios.

Mr. Vaitl stated that the existing right of way along the north side of property is what was in question by Mr. Stephens, the abutting property owner.

Mr. Walsh stated that the right of way on the north side of property is in question by Mr. Stephens but he has a deed that references the right of way.

Mr. Vaitl stated that Mr. Stephens stated that the Borough and Mr. Walsh was a party of the lawsuit he filed. What is the status of the lawsuit?

Mr. Walsh stated that it was dismissed by the court.

Mr. Vaitl stated that to the east of the property shows stones, is that a retention pond for the townhouses.

Mr. Walsh stated that the areas marked as stone on the plan are just stone piles. The retention pond is north of Lot 1.

Mr. Vaitl stated that the ordinance requires driveways to be paved a certain distance from the road.

Mr. Walsh stated that the roads are all private.

Mr. Vaitl asked if there are specifications for private roads.

Ms. Hardman stated that the specifications in the ordinance for private roads are the same as the specifications for public roads.

Mr. Vaitl asked Mr. Walsh if he planned to build houses on the lots.

Mr. Walsh stated that he plans to make the lots available for someone to build a house.

Mr. Vaitl asked what were the linear frontage of the lots.

It was determined that the linear frontage is approximately 1,000 feet by looking at the lot widths.

Ms. Brock stated that #2 question of Mr. Walsh's is regarding improvement of the private drive. The issues are location and specifications. There probably is not a problem with the location of the private drive. #2 is stated as follows, "*Private road improvements; if the Council finds the design standards adequate, is it OK to use the existing stone driveway to minimize disturbance? Current road is 12 feet wide with 3' grass shoulders. There is a minimum of 6" depth of stone on road.*"

Ms. Mohr stated she is uncomfortable making any decisions without the Borough Engineer's review and comment.

Mr. Vaitl stated that he is not willing to recommend a soft surface for the private road. There could be a mess with a soft surface.

Mr. Walsh stated that there have been tons of stone put on the road over the last ten years. There is at least six inches of stone.

Ms. Brock stated that the stone road is what they are hesitating about.

Mr. Vaitl stated that he is not willing to grant a waiver from the specifications to permit a stone road. He grew up on a farm and knows that lanes can get messy.

Ms. Mohr stated that there needs to be an official submission of the plan.

Ms. Hardman stated that the plans have been officially submitted. The plans have not been revised as requested by the Planning Commission at the June meeting.

Mr. Vaitl stated that he is not comfortable with a soft surface. He would rather see a hard surface for the road.

Mr. Walsh asked what was the definition of a hard surface?

Mr. Vaitl stated that a hard surface is paved or concrete.

Mr. Vaitl stated he would like to see a hard surface right away. As far as the configuration of the road, he feels that should be based on the Borough Engineer's recommendation.

Mrs. Stoner stated that she agrees that the road should be paved based on the Borough Engineer's recommendation. The minor subdivision off Kings Highway has a highway for a road. She would entertain something smaller than 30' cartway.

Ms. Hardman stated that there needs to be a turnaround at the end of the dead end road such as a cul-de-sac or a hammerhead.

Mr. Walsh stated that he understands that the road should be a paved surface but are the public street specifications up for discussion.

Mrs. Stoner stated that a waiver will need to be submitted in writing with justifications but she would be comfortable with the Borough Engineer's recommendation.

Ms. Brock stated that questions #3 states, "*Erosion and sedimentation control; As no improvements are proposed for the private road, individual home/lot details will be added to the plan and each lot will disturb less than 5,000 sq ft. Is this adequate to meet the E&S requirements of the Borough?*"

Mrs. Stoner asked if there was an ordinance for individual lot submission.

Mrs. Hardman stated that the zoning ordinance was amended to require an erosion and storm water measures for individual lots. However, the subdivision regulations have erosion and storm water requirements that must be met or a waiver requested.

Ms. Brock stated that the Planning Commission must make sure the lots are buildable.

Mr. Walsh asked what would be some reasons why the lots would not be buildable.

Mrs. Hardman stated that reason for unbuildable lots are access (landlocked), lot area, frontage, sight distance for driveways.

Mr. Walsh stated that there are individual home site designs. The lots are approximately three acres.

Ms. Brock asked where the steepest slope on the lot was located. There is a 10' to 30' difference in slope shown on the plan.

Mr. Walsh stated that to the east of the stone pile there is a steep slope. The original plan required a lot of fill and grading to that area.

Mr. Vaitl stated there are approximately 120' before the drop in slope.

Mrs. Stoner stated that she does not recall waving erosion and sedimentation control requirements on any plan.

Ms. Hardman stated that something should be shown for erosion and sedimentation control per lot. If it does not meet the requirements of the ordinance, a waiver could be requested.

Mr. Walsh stated that they propose a detail for erosion and sedimentation control on the plan along with a waiver.

Ms. Mohr stated that if the disturbed area is over 5,000 square feet, an erosion and sedimentation control plan would be required.

Mrs. Stoner stated that it is reasonable to accept a waiver if some erosion and sedimentation control is shown on the plan.

Ms. Mohr stated that the plan must show the area of disturbance for each lot and road improvements.

Mr. Walsh stated the road shoulders would not be paved.

Mr. Kmiecinski stated that a minimum of nine feet is needed for a travel lane.

Ms. Brock stated that the #4 question is, *“Clarification: Storm water management will not be required per storm water ordinance No. 470, Section 203.g.2. Disturbances for each lot will be much less than 7,500 square feet allowed.”*

Mrs. Brock stated that the Borough Engineer must confirm that the disturbance meets the storm water requirements.

Mrs. Stoner recommends that a note is added to the plan stating that the disturbed area is less than 7,500 square feet.

Mr. Kmiecinski stated that a storm water plan is needed if 10% or more of the lot is disturbed.

Mr. Walsh stated that 10% would be a disturbance of 12,000 square feet permit.

Ms. Brock stated that #5 question is, *“Clarification, Streetlights – There are currently lights at the intersection of Leonard Street and the private road and also in the senior citizen parking lot, that meet the light at street intersection requirement. Each driveway will be required to have a lamp post, per note on plan. Will there be any other requirements for street lights.”*

Mr. Vaitl that a streetlight is not needed on a private drive.

Ms. Hardman stated that the property does not intersect with Leonard Street or the Senior Citizen Center.

Mrs. Stoner stated that if each driveway has a lamp post, there should be sufficient lighting.

Mr. Walsh stated that the requirement for a lamp post at the driveway can be a deed restriction.

Mrs. Stoner stated that the lamp posts should meet the dark sky requirements.

Ms. Brock stated that #6 states, *“Currently, the private street is to remain stone. Can the driveways on the private road be stone versus the stated paved surface. Driveways and homes will also be shown on the plan.”*

Ms. Brock stated that there is an ordinance requiring a transition area for driveways to be a hard surface.

Mr. Vaitl stated that if the road is paved, the driveway should also be paved.

Ms. Brock stated there is an ordinance that allows a gravel driveway.

Mr. Walsh asked if the existing driveway would need to be paved. He got an estimate of \$1,800 to pave the driveway.

Mrs. Stoner asked if it was Mr. Walsh's intent to end the private drive at Lot 1 and 2.

Mr. Walsh confirmed that his intent was to stop the private drive at the existing lot.

Ms. Mohr stated that the cul-de-sac being on private property rather than at the end of the private drive could be an issue for emergency vehicles.

Ms. Brock stated that there will be public coming onto the private road and if there is no where to turn around they will be turning around in the private driveways. There needs to be some type of turnaround.

Ms. Mohr stated that there needs to be an area of a paved turnaround.

Mr. Walsh stated that the road is private and anyone coming down the road would be trespassing. The subdivision plan must be cost effective.

Mr. Vaitl stated that a turnaround that would be smaller than the ordinance requirement may be acceptable. The design of the road, which should include a turnaround, must be reviewed by the Borough Engineer as stated previously.

Ms. Mohr stated that a turnaround is needed for emergency vehicles.

Ms. Brock stated that the existing house is currently on public sewer and has a grinder pump which means each house will need a grinder pump. There is a low pressure main coming up the private lane that the Planning Commission must verify that it is deep enough.

Mr. Vaccaro stated that every house will need its own grinder pump.

Mr. Walsh stated that a 45 and check valve with a 2" line is sufficient to handle the sewage.

Ms. Brock stated that a note should be on the plan that each house will be hooked to public sewer.

Mr. Walsh stated that a note on the plan regarding connection to public sewer is in the previous comments. He does not have a problem adding a note. It will cost him \$2,000 to update the plan.

Mrs. Stoner asked Mr. Walsh if he felt that he received the answers he needed to proceed with the plan. Mrs. Stoner stated that Mr. Walsh could call or meet with the Borough Engineer to go over his comments and address his concerns.

Mr. Vaitl stated that if Mr. Walsh planned to go forward with the plan, he would ask that a copy of the court decision and a copy of the deed is provided to the Planning Commission so it can be a part of the file.

Ms. Mohr stated that if a revised plan is submitted, the Borough Solicitor should be present at the meeting.

Mr. Walsh submitted a time extension to extend the review period for the plan until November 1, 2009.

MOTION: Mr. Vaitl moved, seconded by Mrs. Stoner to table the plan until revisions are made. The motion passed unanimously.

5. NEW BUSINESS: None

6. GENERAL ANNOUNCEMENTS.

a. Susquehanna Water gap Re-dedication Ceremony September 9, 2009 at 1:00 pm, Marysville Scenic Overlook.

b. Tri County Training Session on Road Improvement fees.

Mr. Kmicinski stated that he will send information to the Borough regarding the upcoming training session on road improvement fees.

c. Committee on Greenways.

Ms. Mohr stated that the Tri County Planning Commission is forming a committee on Greenways. Jason Finnerty, Tri County Planning Commission, is the coordinator.

Ms. Brock stated that the idea is to continue various recreation byways and scenic views.

7. Report on Borough Council Meeting (Next Council Meeting 9/14/09):

Mrs. Simonetti stated that the Borough Council reviewed the nonconforming use ordinance that the Borough failed to adopt. There was a motion to advertise the ordinance for a public hearing.

Mrs. Simonetti stated that there was a reconvene meeting to discuss the downtown project. The outcome of the meeting is that Borough Council will discuss issues with Kairos Design Group. The sidewalks need to be ADA compliant at the Moose Club which is easier than trying to relocate the telephone pole. Mr. Brown, Borough Engineer, did the engineering to separate the sewer to the subway. At the same time, the Borough will be asking five property owners to replace laterals. After the sewer is completed, the pavers will be installed. Kairos

Design Group will provide information to the Borough Council on how many street lights are needed.

Mrs. Stoner made an announcement that she encourages people to visit Mr. G's River Front Tavern. People she has encountered said it was hard to find.

8. ADJOURNMENT/NEXT SPECIAL MEETING DATE 9/9/09 @ 6:30pm/NEXT REGULAR MEETING 9/22/09 @ 7:30 pm, WORK SESSION @ 6:30 pm.

MOTION: Ms. Mohr moved, seconded by Mr. Vaccaro to adjourn the meeting at 9:00 pm.

Respectfully Submitted,

Janet Hardman,
Code Enforcement Officer