

MARYSVILLE BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 24, 2009

CALL TO ORDER. The meeting was called to order at 7:33 pm

ROLL CALL:

1. MEMBERS PRESENT

Jennifer Brock, Chairman
James Zehring
Art Vaitl
Shawn Vaccaro

STAFF PRESENT:

Janet Hardman, Code Enforcement Officer

OTHERS PRESENT:

Ann Simonetti

(For the record, Ms. Brock arrived at 7:40 pm)

2. MINUTES:

a. September 22, 2009 Minutes

Page 7 change "Vital" to "Vaitl".

MOTION: Mr. Vaitl moved, seconded by Mr. Zehring to approve the minutes as amended.
The motion passed unanimously.

b. October 27, 2009

MOTION: Mr. Zehring moved, seconded by Ms. Brock to approve the minutes as submitted.
The motion passed with Mr. Vaitl abstaining.

3. PUBLIC COMMENT. None

4. OLD BUSINESS:

a. Subdivision Amendment - Plan Specifications and Procedures

Ms. Hardman stated that the Planning Commission reviewed the comments made by Perry County Planning Commission. The Planning Commission wanted to discuss the comments regarding the pre-application meeting with Mr. Kmiecinski. All the other comments were addressed.

Ms. Brock stated that ninety percent of the time, the Planning Commission tells them what they want and the applicant gets frustrated.

Mr. Vaitl asked why the Perry County Planning Commission was against the pre-application meeting.

Ms. Hardman read the comment regarding the pre-application meeting, “*1. Pre-application Meetings – Section 22-401 Paragraph 7 (establishes a requirement for a pre-application meeting), and Section 22-403 (establishes the pre-application meeting procedures). Since this is not a step in the Municipal Planning Code’s review process, we have several comments on this section and recommend that Borough Council remove this section in its entirety as structured for the following reasons.*

Borough Council should consider elimination of this requirement and “strongly suggest” such meetings as part of the review process rather than a requirement. Not everyone will be delivering applications to the Borough by hand; some will be forwarded to the municipality through the mail.

- A. *Of the three purposes listed for requiring this additional step in the process only the first seems to be valid. It could be argued Section 22-403.B will increase costs to the applicant: especially if additional fees are imposed to cover the expense of meeting with the municipal engineer. With the addition of an extra meeting requirement, how will this expedite the Borough’s review process as described in Section 22-403.C.?*
- B. *Imposing fees for pre-application process is not recommended. This would likely result in deterring applicants from submitting pre-application plans. Moreover such a fee would need to be covered by an ordinance amending Article XI (Fees) in the Marysville Borough S&LDO, Section 22-403.4. states, “the applicant may be charged reasonable fees for the pre-application services for the Borough Engineer’s attendance.”*
- C. *Section 22-401.7. states, “a pre-application meeting is required with the municipal staff and municipal engineer... Section 22-402.2 states, “a pre-application conference shall be held with the municipality and/or the Borough Engineer/ Borough Council should fix this inconsistency by establishing whether or not the Borough Engineer is required at a pre-application meeting. In addition, Borough Council should establish which municipal staff members are required to be at the meetings. A hardship may be created due to the availability of the borough engineer and part-time staff members, if either are required at these meetings.*
- D. *Section 22-403.3 states, “the applicant shall have prepared a completed subdivision or land development plan in accordance with Articles IV, V, VI, VII, VIII and IX, as necessary and any other descriptive material”.*
 - 1. *Article IV contains requirements for preliminary plans, final plans, and lot line relocation plans. This paragraph should be clear as to which procedure should be followed.*
 - 2. *The clause “as necessary” in this paragraph makes it unclear what is required.*

3. *Significant hardship may be created by requiring essentially finished plans and documents this early in the process. We recommend pre-application meeting requirements be not much more extensive than the requirements for a sketch plan listed in Section 22-402.3.*

Mrs. Simonetti stated that the plan is not officially submitted at the pre-application meeting. The applicant's engineer should also be required to be present.

Mr. Vaccaro recommended that the time period between the submission and the first meeting is a longer period so that there is time to have a pre-application meeting so that the applicant's engineer can get the comments in time to correct the plan before the meeting.

Mr. Vaitl stated that the applicant and the applicant's engineer get the Borough Engineer's comments and the staff comments at the night of the meeting. He feels the time limit for submission may be too short.

Ms. Brock stated that the Planning Commission's first meeting is wasted because of the numerous engineering and staff comments.

Mr. Vaitl stated that if the applicant is required to pay the Borough Engineer to be at the pre-application meeting and to do a report for the Planning Commission, the applicant would be paying for the Borough Engineer's review twice.

Ms. Brock stated that the applicant currently has ten business days to submit a plan.

Ms. Hardman stated that ten copies of the plan is required to be submitted, however, at the pre-application meeting only one plan is provided for everyone to review and make corrections on the plan at the meeting.

Ms. Brock suggested changing the time for submission of a plan to 20 days so that a pre-review can be done. Comments can be provided to the applicant and the applicant's engineer before the meeting.

Ms. Hardman stated that the changes would not be made prior to the Planning Commission meeting because the 10 plans required for submission would have already been submitted.

Mr. Vaccaro stated that if the plans are submitted two weeks before the meeting and getting 25 days for a pre-application meeting, why not give them 25 days up front.

Ms. Brock suggested that the pre-application meeting be changed to a submission review meeting and be held after submission instead of before submission.

Mrs. Simonetti stated that the pre review meeting could be held with the Zoning Officer and the applicant's engineer.

Ms. Hardman stated that the draft ordinance states that it is the applicant's choice to have the Borough Engineer present.

Ms. Brock stated that if the applicant has 30 days there can be a staff review and a Borough Engineer review. Some plans have engineering issues and some do not.

Mr. Vaitl stated that you will not be able to determine if there are engineering issues until the engineer looks at it.

Mr. Vaitl suggested that the Zoning Officer and the Borough Engineer review the plan and decide if a meeting should be held.

Ms. Brock stated that the applicant can ask that the Borough Engineer be present at the pre-application meeting.

Ms. Hardman stated that the Borough Engineer needs to be at the meeting.

Mr. Vaitl stated that the submission is reviewed by staff and the Borough Engineer and make corrections before it comes to the Planning Commission meeting or comments need to be addressed before plan is on the Planning Commission meeting agenda.

Ms. Hardman stated that if the plan is officially submitted, it must be on the next Planning Commission meeting agenda regardless of whether the comments are addressed.

Ms. Brock stated that it saves them money because the plan would be ready for approval at the first Planning Commission meeting.

Mr. Vaccaro stated that they have to address the engineering comments.

Mr. Vaitl stated that having it reviewed before the Planning Commission meeting and comments addressed before Planning Commission meeting would stop wasting everyone's time.

Ms. Hardman stated that if there are just reviews by staff and the Borough Engineer and comments provided to the applicant and the applicant's engineer, who would make sure the comments were addressed before being placed on the Planning Commission's agenda.

Mr. Vaccaro stated that the staff and Borough Engineer must make sure the comments are addressed.

Ms. Hardman stated that two reviews by staff and the Borough Engineer would be required before the Planning Commission meeting.

Mr. Vaccaro stated that two reviews by staff and the Borough Engineer would be required.

Ms. Brock stated that if the applicant and the applicant's engineer comes in for a meeting and gets comments, the plan still has to be corrected. If they do not correct the plan in accordance with the meeting comments, then what do you do?

Ms. Hardman stated that the proposed ordinance states the pre-application meeting is held 25 days before the Planning Commission meeting. The proposed ordinance states that there may be an engineering review fee.

Mr. Vaitl stated that the proposed ordinance should state that there will be an engineering review fee.

Ms. Brock stated that if there is a pre-application meeting held, what would happen if the plan is never submitted. The Borough would have incurred engineering review costs.

Ms. Hardman stated that Section 22-403.5. of the proposed ordinance states, “*Due to the informal nature of the preapplication conference, the applicant or the Borough shall not be bound by the determination of the preapplication conference.*”

Ms. Brocks stated that the applicant can choose to ignore what is said and the Planning Commission is not bound by it.

Ms. Hardman stated that the purpose of the preapplication meeting is outlined in *Section 22-403 PREAPPLICATION MEETING PROCEDURES.*

1. *The purpose of the preapplication conference is to:*
 - A. *Foster informal plan review between the applicant and the municipality.*
 - B. *Reduce subdivision site plan design and development costs for the applicant.*
 - C. *Expedite the Borough's review and approval process.*

Mr. Vaitl stated that it is unfair to the applicant to receive comments at the Planning Commission meeting.

Mr. Vaccaro suggested a resubmission review by staff so that the plan can be corrected before it is submitted.

Mr. Vaitl asked what about an engineering review.

Mr. Vaccaro suggested that after the staff review meeting and comments are addressed, the plan could be officially submitted within the 15 day period and go to the Borough Engineer to review. Then there will not be any engineering review fees before submission of the plan.

Ms. Brock stated that there would not be sufficient time for the Borough Engineer to do a review and have the comments addressed before the Planning Commission meeting.

Mr. Vaitl stated that the submission is 15 days prior to the Planning Commission meeting.

Ms. Brock stated that the minor items should be done with the staff review. There are no guarantees that the applicant's engineer will get everything done for the Planning Commission meeting.

Mr. Vaitl stated that the Planning Commission should stop giving approval of plans contingent upon all the staff and engineering comments being met.

Ms. Brock stated that the pre submission with staff and submission of the plan within 15 working days prior to the Planning Commission meeting so that the applicant can get the Borough Engineer's comments back.

Mr. Vaitl stated that it should be a requirement that the Borough Engineer comments are met before the Planning Commission meeting.

Mrs. Simonetti stated that not all plans are dropped off at the Borough Office. Sometimes they are mailed. The Borough Staff needs to know to notify the Zoning Officer immediately.

Mr. Vaitl stated that 25 days is 5 weeks.

Ms. Brock asked Ms. Hardman to rewrite the pre-application meeting section over to address the following:

1. Pre-application meeting with the zoning officer prior to submission of the plan.
2. Engineering review to be done and provided to the applicant's engineer to address comments prior to the Planning Commission meeting.
3. Time limit specified for each.

Mr. Vaitl stated that there should be 15 business days for submission of the plan

Ms. Brock stated that when the plan is submitted for the Planning Commission meeting within 15 days, the engineering review should be done.

Mr. Vaccaro stated that a plan for November would have to be submitted by November 3rd for the November 24th meeting.

Ms. Brock stated that the applicant's engineer can request a meeting with the Borough Engineer.

Mr. Vaccaro stated the ordinance can read that a meeting will be held if requested.

Ms. Brock suggested that a meeting can be requested in two weeks.

Ms. Hardman stated that an outline was prepared for Article 5 as requested because of the volume of that Article. The Planning Commission discussed reviewing 20 pages at each workshop meeting.

Mr. Vaitl stated that he received the email for Article 5. Where did Article 5 come from?

Ms. Hardman stated that Article 5 is from the County's model Subdivision and Land Development Ordinance.

Mr. Vaitl stated that some of the ordinance is applicable and some of it is not. The requirement for a right of way of 50' for a driveway seems to be excessive.

Mr. Vaccaro stated that a private drive would need two lanes for cars to pass.

Ms. Hardman asked if it would be helpful to have a copy of the existing ordinance that the Planning Commission is working on.

Mr. Vaitl stated that it would be helpful to have a copy of the chapter of the existing ordinance that is being reviewed.

5. NEW BUSINESS: None

6. GENERAL ANNOUNCEMENTS.

Mrs. Simonetti announced that Mr. Harris, the Borough Manager is leaving at the end of the year. The Borough Council appointed Scott Weaver, the Fire Chief as his replacement who will be starting on December 3rd.

Mrs. Simonetti announced that the Christmas Tree lighting on the Square will be December 6th at the memorial park at 6:00 pm. It will last approximately one hour.

Mrs. Simonetti announced that the Breakfast with Santa will be on December 12th at 8:00 am to 9:30 am at the Moose in the Square.

**7. REPORT ON BOROUGH COUNCIL MEETING (Next Council Meeting 11/9/09)
- No report**

**8. ADJOURNMENT/NEXT SPECIAL MEETING DATE 12/9/09 @ 6:30pm/NEXT
REGULAR MEETING 12/22/09 @ 7:30 pm, WORK SESSION @ 6:30 pm.**

MOTION: Mr. Vaitl moved, seconded by Mr. Vaccaro to adjourn the meeting at 9:03 pm

Respectfully Submitted,

Janet Hardman,
Code Enforcement Officer