

MARYSVILLE BOROUGH PLANNING COMMISSION  
WORK SESSION  
OCTOBER 28, 2014

MEMBERS PRESENT

Stephanie Stoner  
Robert Zimmerman  
Jennifer Brock  
Art Vaitl  
Shawn Vaccaro

STAFF PRESENT:

Janet Hardman, Code Enforcement Officer

OTHERS PRESENT: NONE

**SALDO- SOLICITOR'S UNOFFICIAL REVIEW COMMENTS**

Mrs. Stoner stated that the Borough Solicitor reviewed Section 22-406 Final Plan Procedure. The Solicitor is recommending the time limit to meet conditions that a preliminary plan is null and void if a final plan is not submitted within a year should be removed. The Solicitor stated that a preliminary plan can't be void in less than 5 years. If the preliminary plan did not meet the conditions of approval it would be null and void.

Ms. Hardman stated that the MPC references a five year time period for plan approval for ordinance changes to affect a plan. MPC, Section 508.(4) (ii) states, *When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application. (iii) Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.*

Mrs. Stoner stated that if a developer didn't meet conditions after plan was approved for a long period of time or if the developer did not submit a final plan within one year after date of preliminary plan approval, the preliminary plan approval should be null and void.

Mr. Zimmerman referenced Section 22-405 Preliminary Plan Procedures.

Ms. Hardman started that she is only aware of the five years for ordinance changes. If a plan has not been substantially completed within five years, the plan must meet any new ordinances that have been adopted. In the case of a preliminary plan, a phasing schedule should be provided.

Mrs. Stoner stated that she will ask the Borough Solicitor how to avoid a developer that takes an extended amount of time to meet conditions of approval.

Ms. Hardman stated that the State Act 87 extended approval dates for subdivision which may have been the issue.

Mrs. Stoner stated that there was a comment on the Traffic Impact Study (TIS) related to significant effect.

Ms. Hardman stated that the TIS was adopted by the Borough as a stand alone ordinance. We are taking the stand alone ordinance that was adopted and inserting it in the SALDO.

Mrs. Stoner stated that the Borough Solicitor had issues with definitions as follows: dwelling, dwelling unit, erosion, excavation, fill, lot, unit of occupancy and yard.

Mrs. Stoner stated that Section 22-302 requires that upon passage of 3 amendments the Borough shall codify the amendments. The Solicitor is recommending the number of amendments and time past be added. The ordinance says that the Borough Council shall consider codification of the amendments.

Mrs. Stoner stated that she does not think the Borough has codified any amendments since the original ordinances were codified. Mrs. Stoner stated that direction is needed on how often the ordinances are codified. Should codification be required based on the number of amendments that would be needed and/or how extensive the amendment is. She thinks that codification of amendments should not go past 5 years.

Ms. Brock stated that the consideration for codification should be in the SALDO.

Mrs. Stoner stated that she does not think the codified ordinance on the website has been updated.

Mrs. Stoner stated that three amendments are reasonable over a 5 year time period and substantial amendments. The problem with just adding amendments to the end of the book and not on the page in the codified book is a person using the book wouldn't now to look in the back of it for changes.

Mrs. Stoner stated that another change recommended by the Borough Solicitor was to put the fine associated with a violation at the end of the administration chapter.

Mrs. Stoner stated that she worked with the Borough Solicitor on the SALDO review for three hours on what was discussed and feels there is at least another two hours of review left for the remaining ordinance.

## **ROCKVILLE ESTATES**

Mrs. Stoner stated that at the last meeting Mr. Zimmerman asked about quite hours. The quite hours are from 10:00 pm to 6:00 am.

Mrs. Stoner stated that residents were to come to the meeting to request the ordinance for quite hours be changed from 6:00 am to 7:00 am but no one showed up at the meeting.

Mrs. Stoner stated storm water is running into the street and into the creek downstream of the bridge. Storm drains have big gravel in them. She suggested asking Yingst to see if they are willing to clean the storm drains out. She found a spot where gravel was getting into the creek. Perry County Conservation District comes down once a month to check the storm water and erosion and sedimentation controls.

Mr. Vaitl stated that the pipes were to be lined.

Mr. Vaccaro stated that lined pipes were just for the creek.

Mrs. Stoner stated that when the sewer main is installed, Yingst is stubbing houses off.

Mrs. Stoner stated that the storm sewer between the Diner and the Dollar General on south curb has been installed but is not fully connected. They also need to put the storm sewer across Ridgeview Drive and hook up to the new inlet.

## **WHITETAIL PHASE 5**

Mrs. Stoner stated that Roger Barrick requested release of the letter of credit for Whitetail Phase 5 at the Borough Council meeting. The Borough Council released the letter of credit.

Mr. Vaccaro stated that the final paving is not done.

Ms. Hardman stated that there is a process for letter of credit release in the MPC that should be followed.

**1. CALL TO ORDER.** The meeting was called to order at 7:30 p.m.

**MEMBERS PRESENT**

Stephanie Stoner  
Robert Zimmerman  
Jennifer Brock  
Art Vaitl  
Shawn Vaccaro

**STAFF PRESENT:**

Janet Hardman, Code Enforcement Officer

**OTHERS PRESENT: None**

**2. MINUTES:**

**a. September 23, 2014 Minutes**

MOTION: Mr. Vaccaro moved, seconded by Ms. Brock approve the minutes as submitted. The motion passed unanimously.

**3. PUBLIC COMMENT:**

Mr. Zimmerman inquired about the sign regulations for the fire department on Cameron Street. They want to change letters on the existing sign.

Ms. Hardman stated that she will provide him with the applicable sign regulations.

**4. OLD BUSINESS.**

**A. Well Ordinance. Completed**

Mrs. Stoner stated that once she receives the Borough Solicitor's comments on the SALDO, the Planning Commission can discuss them. There is only one meeting for November which is November 18 and one meeting for December with is December 16, 2014.

**B. Zoning Ordinance/Chapter 27**

- a. Part 14 Development Standards. On hold until SALDO and Well Ordinance is completed.**
- b. Part 15 Performance Standards. On hold until SALDO and Well Ordinance is completed.**

**C. Rockville Estates Update.**

Mrs. Stoner stated that Rockville Estates was discussed at the work session.

Mr. Zimmerman stated that Yingst representatives was at the last meeting and discussed the fence around the retention pond. He water is very deep in the retention pond at the top of Caroline Street. When will the chain link fence be installed?

Mr. Vaitl asked where the other retention pond is located.

Mrs. Stoner stated the other side of Valley the storm sewer goes under Rt 1//15 somewhere near the new entrance.

Ms. Brock stated that the storm sewer line goes along the side of Rt. 11/15

Ms. Brock stated that the storm sewer is going into the existing drain.

**5. NEW BUSINESS. NONE**

**6. GENERAL ANNOUCEMENTS.**

**7. REPORT ON BOROUGH COUNCIL MEETING - NONE  
(Next Council Meeting November 10, 2014).**

Mrs. Stoner stated she attended the October 18, 2014 Borough Council meeting and gave an update of where the Planning Commission is at with the SALDO revisions. She will try to attend the November 10, 2014 meeting. Borough Council wants a summary in writing of the Planning Commission report for their packets.

**8. PUBLIC COMMENT.**

**SAVE THE POOL MEETING**

Mr. Vaitl stated he attended the Save the Pool meeting. He interpreted the letter that he received as the pool was going to be closed. At the meeting it was clear that the Borough does not want the pool to be closed. The Borough was looking at ways to fix the pool if it fails. There was concern over the pumps that are 60 years old. The pool is not 100% self-funding. It cost \$56,000 to operate the pool. The Borough received \$46,000 from the pool. The other \$10,000 came from the Park and Recreation fund. The Borough Manager suggested that pool have its own Board of Directors and take over the duties of the Park and Recreation Committee.

Ms. Brock stated that some municipalities do have a Board of Directors.

Mr. Vaitl stated that it was suggested that an organization be formed called "Friends of Marysville Pool" which would be in charge of raising money and would be a non-profit organization. The funds received would then be donated back to the Borough for the pool.

Mr. Vaccaro stated that nonprofit can do gambling fundraising.

Mr. Vaitl stated that nonprofit organizations can do bingo and other games of chance. The Park and Recreation Committee meetings are the first Monday of the month at 6:15 pm.

Mr. Vaitl stated that a funding raising group seemed to be the way to go to allow the Borough employees to continue to do the maintenance and manage the pool. If the Borough does not keep the pool it will revert back to the Lions Club.

**9. ADJOURNMENT/NEXT SPECIAL MEETING FOR NOVEMBER-CANCELLED  
/NEXT REGULAR MEETING 11/18/2014 @ 7:30 pm, NEXT WORK SESSION -  
NONE**

Adjournment: Ms. Brock moved, seconded by Mr. Zimmerman to adjourn the meeting at 7:55 p.m.

Respectfully Submitted,

Janet Hardman,  
Code Enforcement Officer/Recording Secretary

DRAFT