

MARYSVILLE BOROUGH PLANNING COMMISSION
WORK SESSION
FEBRUARY 25, 2014

1. SALDO Summary

Mrs. Stoner stated there is a draft table of contents in the packet.

Mrs. Stoner stated that Part 3 was discussed at the February 18, 2014 workshop meeting. There was a lot of confusion regarding the contents.

Mrs. Stoner stated that she will not be able to attend the March 18, 2014 workshop meeting.

Ms. Brock stated that she can attend the March 18, 2014 workshop meeting.

Ms. Hardman stated that she will draft Part 1 – General Provisions, Part 3 –Administration, and Part 6 - Assurance for Completion and Maintenance of Improvements for the Planning Commission's review.

Mrs. Stoner stated that the revised drafts will be available for review at the March 18, 2014 workshop meeting.

Planning Commission Vacancy:

Mrs. Stoner stated that there is an applicant for one of the vacant positions on the Planning Commission. A resume for Anson Seeno has been submitted for review. Mr. Seeno may be present at the regular meeting.

It was the consensus of the Planning Commission to ask Mr. Seeno the following questions:

1. Why do you want to serve on the Planning Commission?
2. Are you a native of Marysville?
3. What brought you to Marysville?
4. What is your understanding of the role of Planning Commission?

Rockville Phasing Letter.

Mrs. Stoner stated that the last phase, Phase V, will be submitted in 2032. The phasing plan needs to be submitted annually.

Borough Council Meeting Update:

Mrs. Stoner stated that she now receives the Borough Council agenda and the draft minutes. The minutes states that Mr. Sabo requested approval to convert the business on the first floor into a dwelling at the corner of Rt 11/15 and Rt 850.

Mr. Vaitl stated that there is not sufficient parking to have a business at this location.

Mr. Zimmerman stated that the building was an antique shop at one time.

Mr. Finnerty asked where the nearest house was located.

Mr. Zimmerman stated that there is a house two doors down.

Mr. Finnerty asked where parking is located for the building.

Ms. Brock stated that the parking is directly behind the building.

Mrs. Stoner stated that it is the curse of Marysville that all commuters go through Marysville early in the morning.

Training:

Mrs. Stoner stated that there are some PSAB webinars available:
Wednesday, February 26, 2014 – Understanding the Sunshine Act
Thursday, February 27, 2014 – Welcome to the Planning Commission.

Mrs. Stoner stated that she discussed the possibility of recording the webinar to view at a later time possibly at a regular meeting work session.

Mr. Finnerty asked if it would be advantageous for Tri County Regional Planning Commission to do seminars for the new Planning Commission members.

Mrs. Stoner stated that it is real easy to forget the basics.

Mr. Finnerty stated that the seminar could be floated around to municipalities.

Mrs. Stoner stated that the Planning Commission should review the revised MPC too.

Ms. Hardman stated that new Planning Commission members should receive a SALDO, Zoning Ordinance, MPC and DCED Planning Series for Planning Commission.

Rockville Estates Sewer Trench Specifications:

Mrs. Stoner stated that Mr. Weaver asked her to look up Rockville Estates sewer line trench requirements because a representative from Yingst Homes was requesting the information.

Ms. Hardman stated that the representative from Yingst Homes should call the Borough Engineer directly with any questions.

Mr. Zimmerman asked if new construction is different from repair to existing sewer lines.

Ms. Hardman stated that the Rockville Estates plan should have a cross section on it.

The Rockville Estates Preliminary Plan and the Final Phase 1 plan was pulled out and reviewed.

Sheet 25 of 26 of the Final Phase I plan has a sewer trench detail.

Sheet 98 of the Preliminary Plan has a detail for Pressure Sewer Service Valve Assembly.

Mrs. Stoner stated that the Township Engineer is required to inspect improvements in accordance with the approved plans.

**MARYSVILLE BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 25, 2014**

CALL TO ORDER. The meeting was called to order at 7:30 pm

1. ROLL CALL:

MEMBERS PRESENT

Stephanie Stoner, Chairman
Jennifer Brock
Art Vaitl
Robert Zimmerman

STAFF PRESENT:

Janet Hardman, Code Enforcement Officer
Jason Finnerty, Tri County Regional Planning Commission

OTHERS PRESENT:

None

2. MINUTES:

a. January 28, 2014 Minutes

Page 5.7.A first sentence change “Township” to “Borough”.

Page 5, 7.A. paragraph 2, line 5 change “garage” to “fence”.

Page 3, 7A, paragraph 3 change “garage” to “fence”.

Page 6, paragraph 16 change the sentence to read, “Mrs. Stoner asked how will water be provided for the preliminary plan and the Phase 1 Plan.

Page 8, 2nd line, remove entire sentence.

Page 8, D, 2nd paragraph add, “to the Planning Commission”.

MOTION: Ms. Brock moved, seconded by Mr. Zimmerman to approve the minutes as amended, motion passed unanimously.

3. PUBLIC COMMENT. None

4. NEW BUSINESS.

A. SALDO:

Mrs. Stoner stated that Part 1, 3, and 6 will be revised by Ms. Hardman for review at the March 18, 2014 workshop meeting.

B. Zoning Ordinances/Chapter 27 (2007):

Part 14 Development Standards

Part 15 Performance Standards

Mrs. Stoner stated that Part 14 and Part 15 will be reviewed when the SALDO is completed.

C. Well Ordinance.

Mrs. Stoner stated that the well ordinance will be done at the same time as the SALDO.

5. NEW BUSINESS.

A. Planning Commission Vacancy

Mrs. Stoner stated that she will email the four questions to the applicant to get his response and forward to the Planning Commission members.

Ms. Brock stated that he may have some questions for the Planning Commission.

Ms. Hardman stated that a resume was provided for the Planning Commission's review.

Mrs. Stoner stated that the next Borough Council meeting is March 10, 2014.

MOTION: Ms. Brock moved, seconded by Mr. Vaitl to recommend to Borough Council that Anson Seeno to fill the vacant position on the Planning Commission.

B. Rockville Estates Update

Mrs. Stoner stated the Planning Commission received letter dated February 11, 2014 with the Rockville Estates revised phasing plan.

Discussion was held regarding the MPC requirements that the plan must be substantially completed within five years or the plan is required to meet any newly adopted ordinances.

MPC Section 508.

(4) Changes in the ordinance shall affect plats as follows:

(i) From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in the subdivision and land development ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled

to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

(ii) 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.

(iv) Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five-year limit, or any extension thereof as may be granted by the governing body, no change of municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.

(v) In the case of a preliminary plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the governing body in its discretion.

(vi) Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the governing body in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period the aforesaid protections shall apply for an additional term or terms of three years from the date of final plat approval for each section.

(vii) Failure of landowner to adhere to the aforesaid schedule of submission of final plats for the

various sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinance enacted by the municipality subsequent to the date of the initial preliminary plan submission.

Mr. Finnerty stated that Act 87 extending the approval time limits until July 1, 2016 may affect Section 508.4. of the MPC.

Mr. Vaitl stated that variances were granted by the Zoning Hearing Board and waivers were granted by the Planning Commission in order that Rockville Estates could be an Open Space Plan design.

Mr. Finnerty stated that the final plan submission cannot drastically change the preliminary plan design.

Mr. Vaitl asked what if the developer decides that the smaller lot sizes are not selling and they want to make the lots bigger.

Mr. Finnerty asked if the new ordinance effects lot size.

Ms. Brock stated that lot sizes are based on slope. Lot sizes are from 3 to 5 acres which get substantially larger if slopes are steeper.

Mrs. Stoner questioned when the 5 year time period starts when ordinance revisions will effect the plan.

Mr. Finnerty stated that there may have been a lapse in submission of the phasing plan updates.

Ms. Hardman stated that the preliminary plan had no phasing plan.

Ms. Brock stated that the preliminary plan had a phasing plan but there were no dates.

Mr. Finnerty asked if the number of lots in the phasing plan changed.

The approved preliminary plan and the phasing plan submitted were compared and the number of lots changed. Phase 1 was the same with 33, Phase 2 changed from 82 lots to 83 lots, Phase 4 added 4 lots and the last phase dropped 5 lots.

Mrs. Stoner stated that the phasing plan on the Final Phase 1 plan does have dates.

Mr. Finnerty stated that the previous revised phasing plan schedules should be provided for the Planning Commission's review from the Borough Manager or the Developer.

Ms. Brock stated that Section 508.4.v states, "*(v) In the case of a preliminary plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the governing body in its discretion.*" Ms. Brock stated that any changes to the schedule are subject to approval of the governing body.

Mr. Vaitl stated that Act 87 doesn't say they don't have to submit the phasing plan every year.

Mrs. Stoner stated that the time limit on Final Phase 1 had a cushion because of the Act.

6. GENERAL ANNOUNCEMENTS.

A. Discuss March 18, 2013 Workshop meeting.

Mrs. Stoner stated that the March 18, 2013 workshop meeting will be held.

B. Billboard on Rt 11/15.

Mr. Zimmerman stated that the billboard for the Holy Spirit advertisement is bright when it first pops up.

Mrs. Stoner stated that the billboard is still too bright. She called Mr. Weaver. Mr. Weaver said that he called Lamar and they corrected it. Mrs. Stoner stated that she will send an email to Lamar about the dangers to the traveling public due to the bright light on the white area of the sign.

Mr. Finnerty suggested contacting Holy Spirit about their advertisement. He has a contact person if the Planning Commission is interested in contacting them directly.

C. Sewer Project

Mrs. Stoner stated that there are still issues with the sewer project because of damage to curbing and sidewalk replacements.

Mr. Zimmerman stated that the pavement company did a bad job. They had a grinding machine that chewed up some of the curbing and storm boxes that they were supposed to come back and fix.

Mrs. Stoner stated that there are issues in front of the Pentecostal Church.

Mr. Zimmerman stated that Park Street, Ridgeview Drive and by the Dissinger's Law Office on Cassel are damaged roads from the winter weather.

Mrs. Stoner stated she will add the road conditions to the list of items to discuss with the Borough Manager.

7. REPORT ON BOROUGH COUNCIL MEETING (Next Council Meeting March 10, 2014).

Mrs. Stoner stated that she received a copy of the Borough Council agenda and minutes. The minutes state that the owner of the property at the corner of Rt. 11/15 and Rt. 850 wanted to convert the business into a dwelling.

Ms. Hardman stated that a variance must be submitted to the Zoning Hearing Board and if it is granted, a conditional use application must be submitted to the Planning Commission and the Borough Council.

9. ADJOURNMENT/NEXT SPECIAL MEETING DATE 3/18/14 @ 6:30pm/NEXT REGULAR MEETING 3/25/14 @ 7:30 pm, WORK SESSION @ 6:30 pm.

MOTION: Ms. Brock moved, seconded by Mr. Zimmerman to adjourn the meeting at 8:35 pm.

Respectfully Submitted,

Janet Hardman,
Code Enforcement Officer