

MARYSVILLE BOROUGH PLANNING COMMISSION
WORK SESSION
FEBRUARY 26, 2013

MEMBERS PRESENT

Jennifer Brock
Stephanie Stoner
Lou Simonetti
Art Vaitl

STAFF PRESENT:

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

OTHERS PRESENT:

Ann Simonetti, Borough Council

1. Zoning Ordinance Chapter 27, Part 8 discussion.

Pool Drainage:

Mrs. Stoner stated that Parts 1-5 and 9 are done and have been forwarded to the Borough Solicitor for review. There are some concerns with Part 8.

Mr. Finnerty was present to discuss concerns with Part 8. Section 27-802.D(1)(b) *No swimming pool shall discharge water or be drained into a sanitary sewer system or a storm sewer system.* Question posed: Does this need greater clarification. Staff recommendation: If the current pool owners in the Borough have accepted this requirement and abide by the provisions, the ordinance requirement probably should stay in place. If there are known violations of the requirement or some aspects are impossible to oversee perhaps some other methods of water removal could be looked into. The requirement as it exists would require the pumping of a pool to drain it. If this is the case a semicolon might be necessary after the word water to further emphasize the importance of no swimming pool shall discharge water. Of course the section will need to be restructured if the Borough is looking to relax this requirement and allow for the removal of water from swimming pools by another means. If determined to be acceptable timed release of water could occur onto host properties. Attention will need to be paid to the last date of water treatment and the rate of the release and even surface and subsurface conditions leading up to and during the release.

Mr. Finnerty passed out the DEP Fact Sheet for Swimming Pool Water Discharge Guidelines.

Ms. Hardman stated that there have not been any issues with pool draining in the Borough.

Mr. Finnerty stated that the ordinance could allow the pool to drain if the water is neutralized first.

Mrs. Simonetti stated that draining of pools must comply with the Chesapeake Bay regulations.

Mr. Finnerty stated that the Section 27-802.D(1)(b) does not permit a pool to be drained.

Ms. Brock stated that the proposed ordinance does not permit water to be drained into the sanitary sewer system.

Mrs. Stoner stated that the ordinance is not realistic if it does not permit a pool to be drained.

Mrs. Simonetti stated that the Marysville pool was drained by the Fire Company.

Mrs. Simonetti stated that kiddie pools do not have chlorine.

Ms. Brock stated that there are some above ground pools in the Borough.

Mrs. Simonetti stated that the DEP fact sheets stated that the standing water or accumulated rain and/or pool water from the previous season should be pumped from the top as not to disturb settled solids.

Mrs. Stoner stated that the Borough ordinance should not contradict the state guidelines.

Mrs. Simonetti suggested that some of the fact sheet be added to the ordinance such as neutralize water before discharge; hold water at least two weeks to allow the chlorine to dissipate and discharge with a hose into access "cap" of the private property sewer cleanout.

Mrs. Stoner stated that most places that are connected to public sewer has a clean out.

Mr. Vaitl stated that the clean out for his house is inside the house.

Mrs. Stoner stated that some of the sewer lines may have been installed before clean outs were required.

Mr. Vaitl stated that most properties in Marysville do not have fifty feet from the sewer line.

Mr. Finnerty stated that water should not be drained on the property. The larger properties may have room to drain the pool on the property.

Mrs. Simonetti stated that B.1.d) of the fact sheet states, "discharge or use the water for irrigating your property and ensure that it does not flow off your property."

Mr. Vaitl stated that the water will go to the sanitary sewer.

Mrs. Stoner stated that we need to allow draining of a pool on the property because there are still some properties in the Borough that are not connected to public sewer.

Ms. Brock stated that the Borough should grant permission to drain a pool if it meets the DEP criteria. Ms. Brock stated that you can't have B – Discharge of Water without A – Disposal of Water.

Mrs. Stoner stated that if you stop adding chlorine and allow two weeks for the chlorine to dissipate and then measure the chlorine level to verify nondetectible levels of chlorine, the pool water should be able to discharge into the sanitary sewer. Mrs. Stoner stated that the Planning Commission may want to allow pool water to be discharged to the ground following the same procedure as long as the water does not flow off the property.

Mrs. Simonetti stated that she can see discharge into the ground if it is not feasible to discharge into the sanitary sewer.

Mrs. Stoner stated that if pool discharge follows the requirements of A, B and C they could discharge into the sanitary sewer or the ground on private property.

Mr. Finnerty stated that a pool is usually 10' in diameter and 4' deep which is 400 cubic feet of water which may be too much to discharge onto private property if the lot is not very big.

Ms. Brock stated it would be hard to discharge water on private property in the Borough because of the size of the lots.

Mrs. Brock stated that there may be coverage issues with lots with pools.

Ms. Brock stated that a pool can be a stormwater collection.

Mr. Simonetti stated that a discharge of 800 gallons of water per minute can discharge in the sanitary sewer but if you put it in your back yard it will flood.

Mr. Finnerty stated that it doesn't take long for water to stand when ground is hard; it will start ponding or run off.

Mrs. Stoner asked why the pool regulations are being reviewed for draining.

Mr. Finnerty stated that the requirement that the pool is not permitted to be drained should be a requirement or be removed.

Ms. Brock stated that a pool should not be drained because the water holds the pool down and keeps it from floating.

Mrs. Stoner stated that the proposed drainage regulations will give the owner options for draining the pool. The proposed ordinance does not permit any water to discharge onto private property or the sanitary sewer.

Mr. Simonetti stated that if the water runs off the property it will go into the sanitary sewer.

Mrs. Stoner stated that the water could also run onto the neighbor's property.

Ms. Hardman stated that water discharging from a pool hasn't been a problem to her knowledge.

Mrs. Stoner stated she is aware of water being discharged into the street from a pool.

Mr. Finnerty asked if the provision regarding no pool draining is in the existing ordinance.

Ms. Hardman stated that the provision of no pool draining is not in the existing ordinance.

Mrs. Stoner stated that the pool water could be hauled away.

Mrs. Simonetti stated that everyone has that option if they choose.

Mrs. Stoner stated that everyone does not have a cleanout for the sewer. The sewer cleanout may be inside the house.

Ms. Brock stated that treatment and testing of water must be done no matter what.

Mr. Simonetti asked if a permit was required to drain a pool.

Mrs. Simonetti stated that a permit is not required to drain a pool.

Mr. Simonetti stated that water from draining a pool could get in the stream.

Mrs. Simonetti stated that Section 802.D.1.b is where the regulations should be inserted.

Bulk and area modifications and exceptions

Mr. Finnerty stated that Section 27-803.C.(1) states, *Cornices, eaves, gutters, bay windows, roof overhangs or chimneys may project into a required yard not more than 24 inches.* Staff recommendation: The section should apply to all non-building areas outside the building setback lines. This requirement as listed will require all building protrusions listed not to exceed 24" into any yard. Was it the intent to simply place a distance limit on such protrusions, or was it a restriction meant for setback areas. Yards and setback areas are usually defined separately.

Mr. Finnerty stated that the term yards can take on multiple meanings. The more appropriate term would be setbacks instead of yards.

Mrs. Stoner asked if the title should be changed to say "projections into yards".

Mr. Finnerty stated that the required yard and setback may be defined differently. Make sure it is consistent.

Mr. Simonetti asked what the difference was between yard and required yard.

Ms. Brock stated that required yard is what the ordinance requires and yard is what is actually there from the structure to the property line.

Ms. Brock stated that setback is less confusing.

Mr. Finnerty stated that once all the changes have been made to the Zoning Ordinance, the County will need to do another review.

Mrs. Stoner stated that Part 8 was originally done in 2007.

Ms. Hardman stated that the zoning ordinance revisions started in 2004.

Erosion and Sedimentation Control Plan.

Mr. Finnerty stated that Section 27-805.D. states, *An erosion and sedimentation control plan shall accompany the application for a zoning permit. A letter of approval from the Borough Engineer is required prior to the issuance of a zoning permit.* Staff recommendation: Clarification is needed for differentiating an E&S Plan approval from an E&S Permit. When applicable the approval letter should be provided. In the event the earth disturbance is such that a NPDES permit is required the approval will need to come from the PADEP.

Mr. Finnerty stated that the term “Plan approval and permit” is a concern.

Ms. Hardman stated that Section 27-805.D. is intended to apply to any project that falls under the criteria whether or not DEP or Perry County Conservation District requires approval or not. If DEP or Perry County Conservation District requires approval, a copy of that approval is part of the zoning permit approval process.

(For the record, Mr. Vaccaro arrived at 7:22 pm)

Mr. Finnerty stated that Chapter 102 regulations state that earth disturbance over 5,000 square feet or greater requires approval and disturbance of an acre or more requires a NPDES permit from DEP. This also includes timber harvesting.

Mrs. Stoner stated that certain County’s are based on population.

Mr. Finnerty stated that is for MS4’s.

Mrs. Stoner stated that Marysville received a waiver.

Mr. Finnerty stated that the ordinance should spell out the acreage stipulations.

Mrs. Stoner asked if the ordinance should be changed from 2,000 square feet to 5,000 square feet.

Mr. Finnerty stated that the erosion and sedimentation control plans are fairly simple but there should be a stipulation that the land owner is responsible for implementing the erosion and sedimentation control plan.

Garage and Yard Sales

Mr. Finnerty stated that Section 27-806 states, *Garage or Yard Sales shall be permitted by owners or occupants of residential structures. The owner or occupant of any residential structure shall be permitted to have no more than three garage or yard sales or similar type of sale in any calendar year. Every owner or occupant intending to have a garage or yard sale or similar sale shall notify the Borough as to the date of the proposed sale and the names of the persons contributing merchandise for that sale. All signs advertising a yard sale shall be names of the persons contributing merchandise for that sale. All signs advertising a yard sale shall be removed within 48 hours of the termination of the garage or yard sale.* Question posed: Can a sentence be added to this section to indicate signs cannot be posted on telephone poles. Staff recommendation: Yes, although it would be more identifiable as a subsection under the paragraph. If the requirement is added to this section, consideration should also be given for providing an identical requirement is the overall sign requirements.

Ms. Brock stated that posting signs on telephone poles is prohibited by the electric company but the Borough can add it to their regulations too.

Ms. Hardman stated that the sign ordinance states that private sale or event signs are exempt from the permit requirement and fee.

Mr. Finnerty stated that placement of signs on trees so many feet from the road such as 4' to 5' from the shoulder should be prohibited because wording is not legible and could be a distraction to a driver.

Ms. Brock stated that she would have no problem adding a restriction not permitting the placement of a sign on a utility pole or traffic control sign.

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

Historic Preservation

Mr. Finnerty stated that Section 27-807.D.(3) states *Cause or allow to be demolished any building or structure that is listed on a National, state or local register until the owner thereof shall have given the Zoning Officer 90 days' written notice of the proposed action. During the 90 day period, the Zoning Officer shall consult with the Planning Commission to determine the historic significance of the site. The determination shall be rendered within the 90 day period and prior to the issuance of a demolition permit. If the building(s) or structure(s) in question do not significantly contribute to the historic character of the Borough, the Zoning Officer may waive all or part of such 90 day period and authorize demolition.* Summation made: Zoning Ordinances do not have the right to apply the section to National and state registries. Staff recommendation: If a Historic Preservation Ordinance (HPO) has not been undertaken by the

Borough, this subsection should be removed. According to Preservation Pennsylvania, it appears local enforcement can side-step National and State Registered Historic Properties and issue demolition permits. It's not to say some form of injunction might result under such a scenario. Has Borough Council adopted a Historic Preservation Ordinance? If so, has it authorized the prevention of demolition of historic structures? If so, does the HPO specify what will constitute a locally designated historic property?

Mr. Finnerty stated that there is a difference between a National registry and a local designation which are two entirely separate processes. He recommends removal of Section 27-807.

Ms. Brock stated that absent a local registry, all you get is a little plaque.

Mr. Finnerty stated that Newport has an established historic district.

Ms. Brock stated that an historic district does not have to be a downtown.

**MARYSVILLE BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 26, 2013**

1. CALL TO ORDER. The meeting began at 7:45 pm

MEMBERS PRESENT

Jennifer Brock, Chairman
Stephanie Stoner
Lou Simonetti
Shawn Vaccaro
Art Vaitl
Chris Albright

STAFF PRESENT:

Janet Hardman, Code Enforcement Officer

OTHERS PRESENT:

Ann Simonetti, Borough Council
Robert Zimmerman, 332 Front Street, Marysville

2. REORGANIZATION:

Ms. Brock turned the meeting over to Mr. Vaccaro.

Mr. Vaccaro asked for nominations for Chairman.

Mr. Vaitl nominated Mrs. Stoner, Ms. Brock seconded the nomination.

MOTION: Ms. Brock moved, seconded by Mr. Vaitl for Mrs. Stoner as Chairman. The motion passed unanimously.

Mr. Vaccaro asked for nominations for Vice-Chairman.

Ms. Brock nominated Mr. Albright for Vice Chairman, Mr. Vaccaro seconded the nomination
MOTION: Ms. Brock moved, Mr. Vaitl seconded for Mr. Albright as Vice-Chairman. The motion passed unanimously.

Mr. Vaccaro asked for nominations for Secretary.

Ms. Brock nominated Mr. Vaccaro for Secretary. Mr. Albright seconded the nomination.
MOTION: Ms. Brock moved, seconded by Mr. Vaitl for Mr. Vaccaro for secretary. The motion passed unanimously.

3. MINUTES:

a. December 12, 2012 Minutes

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

4. PUBLIC COMMENT

Mrs. Simonetti stated that there will be a spaghetti dinner on Friday, March 1, 2013 from 4:30 pm to 6:30 pm at the senior center as a fundraiser for Park and Recreation.

Mrs. Simonetti state there will be a breakfast with the Easter bunny on Saturday March 23, 2013 at 8:00 am.

5. OLD BUSINESS.

Mrs. Stoner stated that the revisions to the SALDO are being kept on the agenda because the Planning Commission is still working on it. A park and recreation plan also needs to be prepared.

a. Article 4 Subdivision Amendment - Plan Specifications and Procedures

Article 4 review has been completed.

b. Article 5 Design and Improvement Standards.

Mrs. Stoner stated that Article 5 is moving forward in the final review.

c. Well Ordinance.

Mrs. Stoner stated the well ordinance is moving forward in the final review.

d. Appendices.

Mrs. Stoner stated that the Appendices are moving forward in the final review.

Mrs. Simonetti stated that Borough Council has received a developer's agreement from Yingst Homes. Yingst Home's attorney, Forrest Troutman, left their employment and they now have a new attorney that the Borough Solicitor is familiar with. Yingst Homes had a meeting with PennDOT to remove the stipulation requiring that some of the lots be for 55 and older residents which was required to reduce the queue and rush hour traffic.

Ms. Brock asked if the plan has changed.

Mrs. Stoner stated that the Planning Commission needs a refresher on the status of the plan if they start working on it again.

Ms. Hardman stated that the Final Phase 1 plan was approved with conditions. The plan is not approved until all the conditions have been met.

Mrs. Simonetti stated that Borough Council has not been made aware of the PennDOT change of the 55 and older restriction removal.

6. NEW BUSINESS.

a. Robert Zimmerman III/Interested in Open Seat on Planning Commission

Mrs. Stoner stated that the Mr. Zimmerman submitted a letter of interest to fill the vacant Planning Commission seat and is present.

Mr. Zimmerman stated that he had some questions and the Planning Commission should feel free to ask him questions. Mr. Zimmerman asked if the Planning Commission meetings are at night.

Mrs. Stoner stated that the Planning Commission meetings are at night.

Mr. Zimmerman asked when the Planning Commission meetings are held.

Mrs. Stoner stated that the Planning Commission meets the fourth Tuesday of each month for the regular meeting. The work session starts at 6:30 for the work session and the regular meeting at 7:30 am which is more formal and is for the public to attend. There is a workshop meeting the second Wednesday of each month for the purpose of updating the zoning or subdivision/land development ordinances.

Mrs. Stoner stated that Borough Council has put a small amount of money in the budget for Planning Commission training.

Ms. Brock stated that she knows Mr. Zimmerman from the Fire Department.

Mrs. Stoner asked Mr. Zimmerman what made him interested in the Planning Commission vacancy.

Mr. Zimmerman stated that every time he comes to the Borough office he sees the notice on the door for the vacancy and he was looking for something else to do.

Mrs. Stoner asked Mr. Zimmerman where he lives.

Mr. Zimmerman stated he lives in the 300 block of Front Street.

Mrs. Stoner stated that until this year, the Planning Commission had the same officers and asked Mr. Zimmerman if he would be interested in holding an official position.

Mr. Zimmerman stated that he could not answer that question right now but has held office on the Fire Department.

Mrs. Simonetti stated that the position is a four year term.

(For the record, Mrs. Simonetti department at 8:07 pm)

b. Chapter 27, Zoning Index and Part 8.

Mrs. Stoner stated that the index and Part 8 were reviewed in the work session. The index will be revised to remove 27-821, 822 and 823. Part 8 will be revised to change the pool draining requirements in Section 27-802.D.(1)(b); the change of wording from “required yard” to “setback” in Section 27-803.C. (1); changes to Section 27-805.D. erosion and sedimentation control plan, adding garage sale sign prohibited on telephone pole in section 276-806, removal of Section 27-807 – Historic Preservation.

c. Suggest any alterations to fee schedule.

Mrs. Stoner stated that she received a copy of the Borough’s fee schedules and copies of abutting township’s fee schedules for the Planning Commission review and recommendation.

Ms. Hardman stated that the only fees pertaining to what the Planning Commission does is the resolution for zoning fees and subdivision/land development fees. However, fees are only supposed to cover the cost that the Borough incurs. The only way to know what the costs are that the Borough incurred is to get a copy of the budget. It is not the Planning Commission’s duty to review financial issues. This type of request is better suited for the Finance Committee.

7. GENERAL ANNOUNCEMENTS.

Mrs. Stoner stated that she signed up for a six session webinar on zoning. Since she is the only one that signed up, she does the webinars at her house. The first webinar was on general Planning Commission duties. The second one was on legal issues. She will provide copies of

the slides to anyone that wants them. Mrs. Stoner stated that the Planning Commission is welcome to attend the webinar at her house.

Ms. Brock suggested that Mrs. Stoner send a reminder email for the date and time of the next webinar.

Mrs. Stoner stated that some of them are from 12:00 pm to 1:00 pm and some are from 7:00 pm to 8:00 p.m. The next webinar is scheduled for March 20, 2013. The webinars are every third Wednesday.

**8. REPORT ON BOROUGH COUNCIL MEETING - NONE
(Next Council Meeting 3/11/13).**

**9. ADJOURNMENT/NEXT SPECIAL MEETING DATE 3/13/2013 @ 6:30pm/NEXT
REGULAR MEETING @ 7:30 pm, NEXT WORK SESSION 3/26/13 @ 6:30 pm.**

Adjournment: Ms. Brock moved, seconded by Mr. Albright to adjourn the meeting at 8:25 p.m.

Respectfully Submitted,

Janet Hardman,
Code Enforcement Officer/Recording Secretary