

MARYSVILLE BOROUGH PLANNING COMMISSION
WORK SESSION MEETING MINUTES
JANUARY 22, 2008

CALL TO ORDER. The meeting was called to order at 6:30 pm.

1. ROLL CALL OF MEMBERS

Jennifer Tamm, Chairman
Stephanie Stoner
Art Vaitl
Shawn Vaccaro
Monte Shearer
Lori Mohr

STAFF PRESENT:

Janet Hardman, Code Enforcement Officer
Drew Ames, Tri County Planning Commission
William Rudy, Borough Engineer

OTHERS PRESENT:

Charlie Cook, Act One Consultants
Roger Barrick
Ben Smith
Brian Harris

1. Alverta Dorman Minor Final Subdivision Plan

Mrs. Tamm stated that a waiver is being requested from right of way dedication on the existing 33' right of way of Valley Street.

Mr. Vaitl asked if there was a house on the lot.

Ms. Hardman stated that there is an existing house on lot 1.

Mrs. Tamm inquired about sidewalks.

Ms. Hardman stated that the sidewalks are existing on Valley Road and Overcrest Road but they are in bad shape.

Mrs. Stoner stated that the existing sidewalks should be brought up to code requirements.

Mrs. Hardman stated a letter is needed from the water company that service will be provided to the lot.

Mr. Rudy stated that the water for the existing lot 1 is at the rear.

Mrs. Tamm stated that plan shows that water will come from Valley Street for lot 2. The water should come from Beers Alley so they don't have to cross the sanitary line.

Mrs. Stoner asked if there are any tree masses, buildings or structures, public facilities and any other manmade or natural features on lot 2.

Mr. Vaccaro stated that lot 2 used to be a garden.

Mr. Vaccaro stated that Beers alley is a dirt surface.

Mrs. Tamm stated that a highway occupancy permit is required from PennDOT for the driveway exiting onto Valley Street which is Rt. 850.

Mrs. Hardman stated that there is a note on the plan that a highway occupancy permit is required.

2. Roger Barrick Land Development Plan #2007.01

Mrs. Tamm stated that the Perry County Planning Commission comments are on the original plan that was submitted.

Ms. Hardman stated that the Perry County Planning Commission comments are dated October 24, 2007.

Mrs. Tamm stated that the question on unopened streets was addressed by Mr. Altland, Borough Solicitor, in a memorandum that was provided in the packets.

Mr. Vaitl stated that the consent of 51% of owners abutting the property is required to open the right of way.

Mrs. Stoner asked if there are any tree masses, buildings or structures, public facilities and any other manmade or natural features on lot.

Mrs. Tamm stated that there is a note on the plan but there were a lot of trees recently removed from the lot.

Mrs. Tamm stated that the unopened area of Myrtle Avenue has been used.

Ms. Hardman stated that the parking design is hard to see on the plan.

Mrs. Tamm stated that the access drive is not far from the property line.

Mrs. Hardman stated that there is no requirement in the zoning ordinance for parking space access drives to be setback from the property line.

Mrs. Stoner stated that the coverage calculations meet the ordinance requirements.

Mrs. Tamm stated that the plan has been extended until April 21, 2008.

Mrs. Hardman stated that a cost estimate for improvements must be submitted for the Borough Engineer's review for the submission of a financial security for on-site improvements.

Mrs. Stoner asked about the spillway.

Mrs. Tamm stated that the culvert is existing but they are proposing regrading.

Mr. Rudy stated that the level separator and the end of the pipe are in the State right of way of Rt. 11/15. A permit will be required from PennDOT. The level separator and the end of the pipe could be pulled back out of the right of way. This is addressed in comment C-5 of the engineer's report.

Mrs. Stoner stated comment D-4 addresses an area of the parking that is over 20% slope at parking spaces 11-15.

Mrs. Tamm stated that parking spaces 11-15 could be eliminated since there are only 8 parking spaces required.

Mr. Rudy stated his biggest concern is comment B-11 states, "*Show proposed grades on access drive profile. The maximum grade shall not exceed 15% slope. Section 22-505.5.*" The maximum grade looks close to 20% by the loading area.

Ms. Hardman stated that there is a waiver request from the submission of an erosion and sedimentation control plan approval of the Perry County Conservation District.

Mrs. Stoner stated that the erosion and sedimentation control plan should be submitted to Perry County Conservation District. If the erosion and sedimentation control plan is not approved by Perry County Conservation District by the time the plan is being reviewed by Borough Council, then Borough Council could revisit the issue.

Mr. Ames stated that there is nothing in the zoning ordinance addressing usable land for coverage.

(For the record, Ms. Mohr arrived at 7:08 pm)

Mrs. Tamm stated that there is a waiver shown on the plan but there was not a waiver request with justification submitted in writing required by the ordinance.

Mrs. Tamm stated that on page 3 under construction sequence, #7 states build garage and #8 states stabilize ground and seeding. She feels that #8 should come first.

Mr. Vaitl stated that #8 is final grading and seeding.

Mrs. Tamm stated that it was discussed that the earthmoving will be done in two days. There will be no change to the upper portion of the lot but the lower portion will be cut off and will be made steeper. She does not see that anything will be done to stabilize the area while the building is being built.

Mr. Rudy stated that silt fence will be put up.

Mr. Vaitl stated that the Borough lost the right to the right of way so they don't need approval of Borough Council.

Mrs. Tamm stated that the big issue is utilities in general. There are no utilities shown on the plan. There is no detail on how they are hooking to sewer.

Mr. Rudy stated that all his comments can be addressed without changing anything on the plan. However, comment B-11 will require a change to the plan because it is a grading issue. They might need a retaining wall but it can be easily taken care of.

Ms. Mohr stated that Mr. Altland did not recommend a waiver to the submission of the erosion and sedimentation control plan to Perry County Conservation District because it would set precedence.

Mr. Rudy stated that comment C-4 "*The minimum top width of the basin must be 5'. Section 402.J*" needs to be addressed. The top width of the basin needs to be dimensioned on the plan.

(For the record, Mr. Cook arrived at 7:18 pm)

Mrs. Tamm asked Mr. Cook if he received the Borough Engineer comments. Mr. Harris made copies of the report for Mr. Cook to review.

(For the record, Mr. Barrick arrived at 7:20 pm)

Mrs. Tamm stated that they received a memorandum from Mr. Altland, Borough Solicitor, that the roads are not an issue any more.

Mrs. Tamm stated that it was determined that the issue that needs addressed is B-11 of the Borough Engineer's report.

Mr. Rudy stated that the access drive is approximately 20% grade.

Mrs. Tamm stated that the parking spaces 11-15 could be eliminated.

Mr. Barrick asked what the definition of access drive is.

Mrs. Hardman stated that the off street parking section of the zoning ordinance requires a 20' access drive behind parking spaces. The purpose of the access drive is to access the parking spaces without pulling out into a street causing a hazardous condition.

Mr. Cook asked what would the Planning Commission rather have: 15% slope for the access drive or have the rear 2:1 area longer.

Mr. Rudy asked if the entire area at the rear of the building needs to be flat.

Mr. Cook stated that they need room for swing to get into the rear garage doors.

Mrs. Tamm asked what side of the building is the access.

Mr. Cook stated that the front of the building is the access which is the west side. Access is needed to the rear of the building because it is an exposed basement.

Mr. Cook stated that the problem is not the width, it is the slope.

Mr. Rudy suggested grading out to be able to come around building.

Mrs. Stoner asked if there will only be a door in the middle.

Mr. Cook stated that 2/3 of the building in the rear will have doors.

Mr. Rudy stated that the 12' x 25' loading area is big enough.

Mr. Barrick asked what he would gain by changing the grading in the rear. He said that he could request a waiver. There will be no change in anything for storm water or to the benefit of the Borough. He wants access to the entire rear of the building.

Mr. Cook stated that the storm water is calculated based on post 25 year storm not to leave the site to a two year pre development which is the general ordinance adopted by all municipalities.

Mr. Barrick stated that he would like to drive along the back so he could use it.

The work session adjourned at 7:30 pm

**MARYSVILLE BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 22, 2008**

1. **Call to order and roll call.** The meeting was called to order at 7:33 pm

Roll Call:

MEMBERS PRESENT:

Jennifer Tamm
Stephanie Stoner
Art Vaitl
Shawn Vacarro
Monte Shearer
Lori Mohr

STAFF PRESENT:

Janet Hardman, Code Enforcement Officer
Drew Ames, Tri County Planning Commission
William Rudy, Borough Engineer

OTHERS PRESENT:

Charlie Cook , Act One Consultants
Roger Barrick
Ben Smith

2. ELECTION OF OFFICERS

Nominations for Chairman: Mr. Vaccaro moved, seconded by Ms. Mohr to nominate Jennifer Tamm for Chairman. The motion passed unanimously. Mrs. Tamm accepted.

Nominations for Vice Chairman: Mr. Vaitl moved, seconded by Mrs. Tamm to nominate Lori Mohr for Vice Chairman. The motion passed unanimously. Ms. Mohr accepted.

Nominations for Secretary: Mrs. Tamm moved, seconded by Mrs. Stoner to nominate Shawn Vaccaro for Secretary. The motion passed unanimously. Mr. Vaccaro accepted.

3. MINUTES:

a. December 18, 2007

MOTION: Mrs. Stoner moved, seconded by Mr. Vaitl to approve the December 18, 2007 minutes as submitted. The motion passed unanimously.

4. PUBLIC COMMENT. NONE

5. OLD BUSINESS:

a. Rockville Estates Preliminary Plan.

Mrs. Tamm stated that Rockville Estates plan expires on March 28, 2008. There was no plan submission for review.

b. Zoning Ordinance Amendments.

Mrs. Tamm stated that the zoning ordinance amendment is in the editing process.

c. Roger Barrick Land Development Plan #2007.01

Mrs. Tamm stated that a time extension was received until April 21, 2008.

Mr. Cook reviewed each item under the Borough Engineers report as follows:

A. Zoning.

- 1. No part of any public right-of-way shall be used in computing the required area for parking (27-501) unless the Developer takes title. Solicitor must determine if proposed unopened right-of-way can be claimed by applicant.*

Mrs. Tamm stated that the memorandum from the Borough Solicitor clears up the right of way issue. See attached memorandum.

- 2. Aisles shall be at least 20 feet wide (27-503). Revise layout to meet requirements.*

Mr. Cook stated he will correct the 18' access aisle.

- 3. Parking areas must be paved (27-530).*

B. Subdivision.

1. *A preliminary plan is required (Section 22-402)*

Mr. Cook will submit a waiver.

2. *Provide names and references to all abutting recorded subdivision plans by recorded name, date and number (Section 22-403.1.A.7). References are missing south of proposed development.*

Mr. Cook will provide the information.

3. *Show the location of all existing features within or near the proposed property (i.e. tree masses, buildings or structures, public facilities and any other manmade or natural features (Section 22-403.1.A.11)).*

Mr. Cook stated the entire lot was trees but they have been cleared. The plan indicates existing wooded lot on page 1.

Mr. Rudy stated that the ordinance states the existing features on or near the property need to be shown.

Mr. Cook stated he does not see the need to show what is on adjacent properties. The nearest improved property is Marysville Motors.

Mrs. Stoner stated that the purpose of the requirement is that you could put something right up against a property line but the ordinance states buildings must be 10' apart.

Mrs. Tamm stated that the parking along the west side of the building is against the property line which is permitted as long as there are no other buildings there.

Mr. Cook will add a note to the plan.

4. *Show any lighting details indicating type of standards, location, radius of light intensity in foot candles (Section 22-405.1.66, 22-602.8).*

Mr. Barrick provided a pamphlet of the proposed lighting. The lighting is shielded and designed for light pollution.

5. *Provide plans and profiles of proposed sanitary sewer, if proposed (Section 22-403.B.2.).*

Mr. Cook stated that the sanitary sewer main and water main are shown on the plan. The only sewer proposed is the lot hookup. He submitted a sewer exemption card to DEP for approval; however, the new procedure is that it must go to the Fish and Game Commission. The process can take up to 90 days.

Ms. Hardman stated that the plan can be approved with the condition that DEP approve the sewage module.

Mrs. Tamm stated that a copy of the exemption should be provided.

Mrs. Tamm stated that the connection to the lot needs to be indicated.

Mr. Rudy stated that the profile of the proposed lateral is an ordinance requirement.

Mrs. Tamm stated that they don't know how deep the main is.

Mr. Cook will indicate the sewer and water connections.

Mrs. Tamm stated that a utility easement is required for the unopened right of way on Sylvan Street.

Mr. Cook stated that a 30' sewer easement is shown on the plan. There is an existing 20' water easement for the water company.

6. Plan must be signed and sealed by Engineer responsible (Section 22-405.1.N)

Mr. Cook will have the plans signed and sealed when they have been finalized.

7. Plan must be signed and properly notarized by the landowner (Section 22-405.1.X).

Mr. Cook stated the plans will be signed and notarized when they are finalized.

8. List proposed protective covenants running with the land, if any (Section 22-405.1.P).

Mr. Cook stated that there are no protective covenants.

9. Show all existing tree masses (Section 22-405.1.V).

Mr. Cook stated that the tree masses are shown on page 1 as "existing wooded lot."

10. Concrete monuments shall be placed at all block corners (Section 22-601).

Mr. Cook stated he would provide two concrete monuments.

11. Show proposed grades on access drive profile. The maximum grade shall not exceed 15% slope (Section 22-505.5).

Mr. Cook stated he would like to discuss this in detail.

C. Storm water

1. Storm water Management Report must be signed and sealed by Engineer responsible for construction.

Mr. Cook stated the storm water management report will be signed and sealed by the engineer.

2. Erosion and Sedimentation Control Plan must be approved by the Conservation district.

Mr. Cook stated that the Erosion and Sedimentation Control Plan will be sent to the Perry County Conservation District for approval.

- 3. Show that bituminous low flow channel shall have a minimum slope of 2% and show location on plan (402.H). Provide detail for low flow channel.*

Mr. Cook will indicate this information.

- 4. The minimum top width of the basin must be 5' (402.J).*

Mr. Cook stated that he will indicate the top width of the basin. It may be 5' but if it is less they will request a waiver.

Mrs. Tamm stated she is concerned because everything on the lot is steep or impervious.

Mr. Cook stated once the site is stabilized there will be no storm water issues.

(For the record, Mr. Barrick departed at 8:10 pm)

- 5. Proposed work within PennDOT right-of-way must be permitted with the Department.*

Mr. Cook stated that a permit will be obtained from PennDOT for the work done in the right-of-way.

- 6. Emergency spillway calculations must take outlet pipe into consideration when using Type 'M' Inlet for spillway.*

Mr. Cook will provide information.

- 7. Show limits of erosion control matting on plan.*

Mr. Cook will provide information.

D. General.

- 1. Plan must be reviewed by the Perry County Planning Commission.*

Mr. Cook stated that the Perry County Planning Commission reviewed the plan and the report is dated October 24, 2007.

- 2. The name of the Zoning District must be shown in the site data along with abbreviation (i.e. General Commercial).*

Mr. Cook will provide the zoning district on the plan.

- 3. Provide spot elevations for proposed access drive in front of building.*

Mr. Cook will provide information.

4. *Concerned with parking on a >20% slope.*

Mr. Cook stated this comment is the same as B-11. Mr. Cook stated that Mr. Barrick feels that the access road is not for public use. The access road is a private road. It will not be serving the general public.

Mrs. Tamm stated that the ordinance does not differentiate between public or private so the Planning Commission must treat it as either public or private. The private drive use by Barrick may change in the future to public.

Mr. Cook stated that he agrees that only 50% of the back of the building be utilized. He liked the idea of swinging the slope around the garage and lessen the grade.

Mrs. Tamm stated that the parking requirement is based on four bays which are on the front of the building. If the rear of the building has garage doors they should also be considered as bays.

Mr. Vaitl stated that the 15% slope is a safety issue between Mr. Barrick and his insurance company. He suggests eliminating the side parking.

Mr. Vaccaro stated that this is private property.

Mrs. Hardman stated that the Planning Commission must review the plan based on the ordinance requirements.

Mrs. Tamm stated that the plan must meet the ordinance requirements or request a waiver. The waiver must be submitted in writing stating the section of the ordinance and the justification for the waiver.

Mrs. Hardman stated that a cost estimate for on-site improvements must be submitted for the Borough Engineer's review prior to plan approval. Once the cost estimate is finalized, a financial security must be submitted. Submission of the financial security can be a condition of the plan approval.

Mr. Cook stated that the plan will be delayed for the sewer exemption approval by DEP and the written letter from the Water Company that they will provide service to the lot. He is in the process of getting the letter for the Water Company.

Mrs. Tamm reviewed waiver request as:

1. Submission of a preliminary plan required by Section 2-402
2. 5' top width of basin required by Section 22-405.1.66 and 22-602.8.
3. 20 % slope of drive required by Section 22-505.5

Mrs. Stoner stated that the slope waiver should indicate a maximum slope.

Mrs. Tamm stated she agrees that there needs to be a limit of the slope waiver.

Mr. Cook stated that they may meet the top width of basin requirement of 5'. He needs to check it.

Mrs. Tamm stated that the conditions of the plan approval need to be added are:

1. Approval of the sewer exemption by DEP.
2. A letter from the Water Company that they will provide service to the site.
3. Approval by Perry County Conservation District of the Erosion and Sedimentation Control Plan.

Mrs. Tamm stated that submission of a cost estimate for financial security is a staff comment.

Since there a number of approvals that will hold up the plan and the waivers that are needed are questionable and the justifications were not determined, it was a consensus of the Planning Commission to table the plan.

MOTION: Mr. Vaitl moved, seconded by Mr. Shearer to table the plan. The motion passed unanimously.

d. Ordinance for Nonconformites

5. New Business:

A. Alverta Dorman Minor/Final Subdivision Plan.

Mrs. Tamm stated that Mr. Smith was present to represent the Plan.

Mrs. Tamm asked if the highway occupancy permit (HOP) was submitted.

Mr. Smith stated that the HOP was submitted. PennDOT sees no problem with the driveway. There is good sight distance and the design layout permits a vehicle to exit the driveway by pulling out instead of backing out onto Valley Street.

Mrs. Tamm stated that the water line is located at the rear of the lot and the front of the lot. Mrs. Tamm asked why the plan proposes to connect lot 2 to the water line on Valley Street which is across the street.

Mr. Vaitl stated that the plan shows a front water line connection.

Mr. Smith stated he has not problem connecting to the water line in the rear.

Mrs. Tamm stated that the sidewalks along lot 1 and lot 2 are in bad shape.

Mr. Smith stated that the sidewalks needed lowered or a curb installed to stop snow plows from hitting them. He intends to reconstruct the sidewalks for both lots.

Mrs. Tamm asked if he had any problems with meeting the staff comments or Borough Engineer's comments.

Mr. Smith stated that he will address all the comments.

Mr. Rudy stated that there is no primary control point on the plan.

Mr. Smith stated that there is no driveway for lot 1. There is only on street parking.

Mrs. Tamm stated that a note should be added addressing the parking for lot 1.

Mr. Rudy questioned the light property line and the dark property line shown at the front of the lot along Valley Road.

Mr. Smith stated he will have his engineer show one property line.

Mr. Smith stated that he wants to change the driveway location to the other side of the house and move the house closer to the left side property line.

Mr. Vaitl asked what type of house was being built on the lot.

Mr. Smith stated a 24' x 32' two story house with a 24' x 24' attached garage. He plans to construct the driveway so that you don't have to back out onto Valley Road.

Mrs. Tamm stated that the driveway could exit onto Beers Alley.

Mr. Smith stated that there is a curb along the alley shown as a wall on the plan.

Mr. Shearer stated that the alley is blocked by other vehicles most of the time.

Mr. Ames stated that a DEP exemption is required. The exemption can be done on-line. The approval process should be 30 days. He does not think that a PNDI (Pennsylvania Diversity Index) is required.

Mr. Rudy stated that DEP does a radius check around the property to determine if a PNDI is required. PNDI checks with the Fish and Game Commission.

Mrs. Hardman stated that a cost estimate for on-site improvements is required to determine the amount for the submission of a financial security.

Mr. Smith stated that he will provide a cost estimate and submit a bond for a financial security.

MOTION: Mrs. Stoner moved, seconded by Mr. Vaccaro to recommend approval of a waiver from the preliminary plan requirements of Section 22-402 based on the fact that the subdivision involves two lots abutting an existing public right of way permitted by Section 22-407. The motion passed unanimously.

MOTION: Mr. Vaccaro moved, seconded by Mr. Vaitl to recommend approval of a waiver from dedicating right of way required by Section 405.1.0 based on the fact that the new lot will not create additional traffic on the street and no more land is available for future lots on this street. The motion passed unanimously.

MOTION: Mrs. Stoner moved, seconded by Mr. Vaccaro to recommend approval of the Alverta M. Dorman Preliminary/Final subdivision plan #2008.01, 600 Valley Street, Tax parcel 150,152.03-060 with the recommendation of the following conditions:

Contingent upon:

1. Approval of the sewer exemption by DEP.
2. Submission of a letter from the Water Company that they will service the lot.
3. Verification of survey monuments or markers by the Borough Engineer.
4. Certification of ownership and dedicatory statement, if applicable, are signed by the owner.
5. Submission of financials security for improvements (sewer and survey monuments)
6. Corrections recommended by the Borough staff, Borough Engineer and Perry County Planning Commission are incorporated into the plan and reviewed by staff prior to being placed on the Borough Council's agenda.

The motion passed unanimously.

MOTION: Mrs. Stoner amended the motion to add a condition that the sidewalks for lot 1 and 2 are repaired or replaced to meet the ordinance requirements. Mr. Vaitl seconded the motion. The motion passed unanimously.

B. Innovated Storm Water Management seminar report

Mrs. Tamm stated that Ms. Mohr and Mrs. Stoner attended an Innovated Storm Water Management seminar and wants to give the Planning Commission a summary of the seminar.

Ms. Mohr stated that she did some research after attending the seminar and has an Innovative Storm Water construction manual for reference. They recommend that the Homeowners Association have:

1. Mowing restrictions
2. Homeowner education
3. Type of vegetation necessary
4. Deed restriction to preserve trees

The developer proposing innovative storm water techniques should provide examples of existing steep slope developments that have been successful

The Developer must be willing to correct any storm water issues that does not work with the innovated technique used.

Mrs. Stoner stated that cost wise it is a benefit to go with innovated storm water techniques.

Ms. Mohr stated that maintenance is a factor. The impervious surface areas need to be vacuumed twice a year.

Mrs. Stoner stated that they found out that packed earth is the same as concrete.

Mrs. Tamm asked if they could provide a written summary of the things that the Planning Commission should look for.

Mrs. Stoner stated that the Forest Friendly Development Book has a lot of good information.

Mrs. Tamm stated that she is concerned because there haven't been any developments with innovated storm water techniques to her knowledge.

Ms. Mohr stated that developers who propose innovated techniques should provide the Planning Commission an existing development name and location that has been successful. There is information on developments at the Pennsylvania Environmental Council.

Mrs. Stoner stated that the big idea behind innovated storm water management is to soak water into the ground as close to the original as possible.

Ms. Mohr stated that rain barrels should be used at the end of downspouts for each house.

Ms. Stoner stated that at the seminar they stressed that need for education of the property owners who are buying the lots. Property owners cannot fill in rain gardens which are depressions.

Ms. Mohr stated that innovated storm water management is designed to control storm water naturally. She has a video and the book, "Save Our Land, Save Our Towns" for the Planning Commission to review.

Mrs. Stoner stated that the video and book are specific to Pennsylvania. Homeowners have to be willing to allow water to lay in their yard for a day.

6. General Announcements. NONE

7. Report on Borough Council Meeting (Next Council Meeting 2/11/08)

Mr. Tamm stated that the January 14, 2008 meeting was reorganization.

**8. ADJOURNMENT/NEXT MEETING DATE, FEBRUARY 23, 2008 @ 7:30 PM
REGULAR MEETING, WORK SESSION AT 6:30 pm.**

- a. Special Meeting Dates – Zoning and Subdivision & Land Development Ordinances.
 - 1. 2/13/08 – 6:30 pm.

MOTION: Ms. Mohr moved, seconded by Mrs. Stoner to adjourn the meeting at 9:38 pm.

Respectfully Submitted,

Janet Hardman,
Code Enforcement Officer