

MARYSVILLE BOROUGH PLANNING COMMISSION
WORK SESSION MEETING MINUTES
FEBRUARY 26, 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
Monte Shearer
Lori Mohr

STAFF PRESENT:

Ron Brown, Borough Engineer
Janet Hardman, Code Enforcement Officer

OTHERS PRESENT:

Brian Harris

1. Rockville Estates Preliminary Subdivision Plan

Mr. Harris stated that a memorandum was provided from Mrs. Simonetti regarding the Highway Occupancy Permit and the traffic light at Rt. 11/15 and 850. The Borough's position is that the preliminary subdivision plan needs to be approved before work proceeds on the traffic light.

Mr. Zehring asked who would be responsible for erosion from the bank on Rt. 11/15 if right of way is dedicated by the developer.

Mr. Brown stated that it is his understanding that the Borough asked the developer to provide the additional right of way to put up the rock fall fencing in that area.

Mr. Vaitl stated that they were hoping for a sand pit.

Mr. Brown stated that if PennDOT agreed to do the rock fall project, the developer is saying he will provide the right of way to do it if and when PennDOT wants to do the project. There was discussion between the developer and the Borough that the Borough would be taking title to the right of way.

Mrs. Stoner stated that the area where the rock is exposed is where the Planning Commission talked about the open space to be open to the general public. Originally the property would be turned over to the Borough which was agreed upon three years ago. She is not sure that this is supported now.

Mrs. Tamm stated that where there are high cuts in Blue Mountain is another area of rock fall.

Mrs. Stoner stated that a lot of the ice flow area is in Cumberland County.

Mr. Brown stated that what this suggests is the developer agreed to provide right of way along the cut adjacent to the property to conform to the project proposed by PennDOT. Normally the subdivision ordinance requires dedication to a 50' or 60' right of way where there is an existing 33' right of way provided. If there is a project, PennDOT will not have to acquire right of way.

Mr. Vaitl asked why the right of way needs to be dedicated to the Borough.

Mr. Brown stated that the developer can't dedicate the right of way directly to PennDOT. PennDOT can't acquire right of way until there is a project. PennDOT must acquire right of way through acquisition. The Borough can give the right of way to PennDOT.

Mr. Zehring asked who must pay if the rocks crumble.

Mr. Brown stated that PennDOT is responsible.

(For the record, Ms. Mohr arrived at 6:40 pm)

Mrs. Tamm stated that the Planning Commission discussed that the developer would provide right of way mentioned but doesn't remember who title transferred to.

Mr. Brown stated that he will discuss the issue with Mr. Mellott, traffic engineer from TPD to see what his recollection is on the issue.

Mrs. Stoner stated that rock fall project was #3 on the 12 year plan.

Mr. Brown stated that the State pulled a lot of projects from the 12 year plan because of the high cost of the project for the Rt. 581/15.

Mr. Harris stated that once the preliminary plan is approved, the developer can begin installation of the traffic light. Another issue to resolve is whether the developer should install the light and submit bonding. The Borough is required to go through the bidding process.

Mrs. Tamm stated that after the plan approval, the developer could install the light based on their schedule and timing for the subdivision.

Mrs. Hardman stated there are time limitations on the approval by PennDOT.

Mrs. Tamm stated that there is one year from the date of PennDOT's approval.

Mr. Brown stated that all issues have been addressed for the highway occupancy permit and traffic signal permit. The highway occupancy permit is good for one year but can be extended. The traffic signal permit is generally good for two years and can go longer.

Mr. Harris asked if all phases would need to be completed.

Mr. Brown stated that just the entrance needs to be completed within a year. The permits may be issued by the next meeting. However, the developer needs preliminary and final plan approvals. The plan is not really approved until the final plan is approved.

Mrs. Tamm stated that the Borough is not bound by PennDOT issuing a permit.

Mr. Vaitl asked if the sewer is done.

Mr. Harris stated that the sewer is not done. The plan revision should be submitted at the next meeting or the following meeting.

Mr. Brown stated that the developer finally got Penn DOT approval but not Borough approval.

Mrs. Stoner asked that the action requested by Ann should be done at a meeting when the plan has been submitted.

Mr. Harris stated that it is Mr. Altland opinion that the plan needs to be approved first.

Mrs. Tamm stated that the Borough cannot require the traffic light to be installed now. The Planning Commission was in agreement that the developer needs to wait until the plan is approved.

2. Roger Barrick Land Development Plan #2007.01

Mrs. Tamm stated that there are two waivers requested but the justification for requesting the waivers were not submitted.

Mr. Vaitl stated that the area to the rear of the building was flattened.

Mrs. Stoner stated that a change was made to the plan.

Mr. Vaitl stated that it looks like they wrapped around the building.

Ms. Mohr stated that the plan still says the land development is for a four bay garage.

Mr. Vaitl stated that the rear of the building is used for storage.

Mr. Zehring stated that if the rear is storage it is not a bay.

Mr. Vaitl stated that people doors could be used in the rear instead of garage doors.

Mrs. Tamm stated that the number of bays determine the parking spaces. There are ten parking spaces on the plan.

Mrs. Hardman asked what is the justification for granting the waiver for the 5' minimum top width of the storm water basin requirement.

Mr. Brown stated that the storm water basin will hydraulically function as designed.

Mrs. Stoner asked if there is a minimum top width of the storm water basin that needs to be indicated in the waiver request approval.

Mr. Brown stated that the waiver approval should be contingent upon the top width of the storm water basin being dimensioned on the plan. The dimension needs to be indicated on the plan so the field inspector can determine if it was constructed correctly.

Mrs. Hardman stated that a cost estimate for the financial security was not submitted.

3. Barlup/Yellowstone, LP Minor/Preliminary Subdivision Plan #2008.01

Mr. Brown stated that the only engineering comment of substance is the highway occupancy permit. *“Provide Highway Occupancy Permit Statement on the plan (Section 22-405.1.EE). Proposed lot 1 will require a Highway Occupancy Permit.”* The property is being offered for sale. In theory, if you want to park a car in the rear you must drive across another person’s property.

Mrs. Tamm stated that Rt. 850 is Valley Road.

Mr. Brown stated that the property is at the corner of Rt. 11/15 and Rt. 850 (Valley Road). The plan shows Ann Street which is incorrect.

Mr. Shearer stated that the property is located at the intersection where the traffic light is proposed.

Mr. Brown stated that Valley Street used to go through the square. It is possible that the section of Valley Street from Rt. 11/15 to Valley Street Extension was once called Ann Street until PennDOT made changes to the street.

Mr. Burkett, Burkett and Associates, stated that by allowing consolidation of 18’ to the property at 101 Valley Street there would be access provided to the two parking spaces in the rear.

Mrs. Tamm stated that the subdivision is just trading land.

Mrs. Stoner asked how the property with the house that fronts on Valley Street will get in and out of the parking spaces.

Mr. Burget stated that the access to the property will not change. They will get in and out of the parking spaces from Rt. 11/15. The property that fronts on Valley Street may need a Highway Occupancy Permit from PennDOT. He added a note to the plan. He feels that the existing access is grandfathered.

Mrs. Tamm stated that you currently access the house from Rt. 11/15.

Mr. Burget stated that there is currently access all along Rt. 11/15.

Mr. Brown stated that the existing property lines do not permit access to the house now because it is owned by someone else. Since the properties have new owners, the access issues are being corrected for the new owners of record.

Mrs. Stoner asked if the subdivision could cause problems for the owners of the house that fronts on Valley Street.

Mr. Brown stated that the access issue could go a number of ways.

Mrs. Tamm stated that in reality the subdivision does not change anything.

Mr. Brown stated that when the property transfers to Mr. Barlup the access may become an issue.

Mr. Burget stated that he does not think PennDOT can deny a permit. It is up to Mr. Barlup to get approval from PennDOT.

Mr. Brown stated the Highway Occupancy Permit comment is a valid comment and it will not affect the Borough.

Mr. Brown asked Mr. Burget if he wants a waiver from the preliminary plan requirements.

Mr. Burget stated that he will request a waiver from the preliminary plan requirements. He did provide a revised letter requesting another waiver from providing concrete monuments.

**MARYSVILLE BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 26, 2008**

1. **Call to order and roll call.** The meeting was called to order at 7:30 pm

Roll Call:

MEMBERS PRESENT:

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

STAFF PRESENT:

Janet Hardman, Code Enforcement Officer
Ron Brown, Borough Engineer

OTHERS PRESENT:

Roger Barrick
Brian Harris
Rob Shaffer, Act One Consultants
Jim Sabo
Joe A. Burget, Jr.

2. **MINUTES:**

- a. **January 22, 2008**

(For the record, Mr. Vaccaro arrived at 7:34 pm)

Page 13, B.4. change “pressure” to “preserve”.

MOTION: Mr. Zehring moved, seconded by Mrs. Stoner to approve the January 22, 2008 minutes as revised. The motion passed unanimously.

3. PUBLIC COMMENT. NONE

4. OLD BUSINESS:

a. Rockville Estates Preliminary Plan.

Mrs. Tamm stated that there was no plan re-submission for review. The plan expires on March 28, 2008 so another time extension is needed by March 10th Borough Council meeting.

MOTION: Ms. Mohr moved, seconded by Mr. Vaccaro to recommend denial of the Rockville Estates Preliminary Plan if a time extension is not received by March 10, 2008. The motion passed unanimously.

b. Zoning Ordinance Amendments.

Mrs. Tamm stated that she received all the zoning ordinance amendments at the February 13th workshop meeting and is in the process of reviewing it. The motor vehicle access chapter was reviewed at the workshop. The motor vehicle access chapter was incorporated into the general regulations, driveway requirements which eliminated the motor vehicle access chapter. There is no need for a workshop meeting for March 12th.

c. Roger Barrick Land Development Plan #2007.01

Mrs. Tamm stated that there a few minor issues that need to be addressed.

1. The parking on the side of the building was eliminated which revised the number of parking spaces from 15 to 10. 10 parking spaces are sufficient for a 4 bay garage.

Mr. Brown stated that even though the rear of the building will be used for storage, a garage door constitutes a bay. If the plan is approved for a 4 bay garage then only 4 garage doors will be permitted.

Mr. Barrick stated that he has 3 garage doors proposed for the rear of the building and 2 garage doors proposed for the front of the building. The plan will be revised to show a 5 bay garage.

2. Catch basin waiver.

Mrs. Tamm stated that a waiver was requested from the 5’ minimum top width of the storm water basin but a justification for the waiver was not submitted.

Mr. Shaffer stated there is no room for the 5’ top width of the storm water basin because of the grading slopes and PennDOT right of way.

Mrs. Tamm asked what the dimension of the top of the storm water basin is.

Mr. Shaffer stated it is 2' to 3'.

Mr. Brown stated that the top width of the storm water basin needs to be dimensioned on the plan. A 2' to 3' in cut will work.

Mr. Shaffer stated that there is a detail on the plan.

Mrs. Tamm stated that the detail shows everything except the top width of the storm water basin.

3. Submission of a cost estimate.

Mr. Brown stated there are no improvements that need bonded for this project so a cost estimate and a financial security is not needed.

Mr. Barrick stated that he intends to construct all improvements prior to occupancy

MOTION: Mr. Shearer moved, seconded by Mr. Vaccaro to recommend approval of a waiver from the submission of a preliminary plan required by Section 22-402 based on the fact that the land development does not involves a subdivision and there are no new streets involved. The motion passed unanimously.

MOTION: Mr. Vaitl moved, seconded by Mr. Vaccaro to recommend approval of a waiver from the 5' minimum top width of the storm water basin required by Section 22-406.J based on the fact that the storm water basin will hydraulically function as designed contingent upon the top width of the storm water basin being dimensioned on the plan. The motion passed unanimously.

MOTION: Mrs. Stoner moved, seconded by Mr. Shearer to recommend approval of the Roger Barrick Preliminary/Final land development plan #2007.01 for a five bay garage, 409 Sylvan Street, tax parcel 150, 152.02-311 with the recommendation of the following conditions:

Contingent upon:

1. Verification of survey monuments or markers by the Borough Engineer.
2. Certification of ownership and dedicatory statement, if applicable, are signed by the owner.
3. Approval of the Erosion and Sedimentation Control Plan by Perry County Conservation District.
4. Approval of the sewer exemption by the Department of Environmental Protection.
5. 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.
6. Correction of the number of parking spaces and the number of bays on page 1 of 3.

The motion passed unanimously.

5. New Business:

A. Barlup/Yellowstone LP Minor/Final Subdivision Plan #2008.01.

Mr. Burget stated that he received the comments from the Borough Engineer and Perry County Planning Commission and he has revised the plans accordingly. He added a waiver to the letter for concrete monuments but he will provide markers. He only has a question with the engineer's comment on Zoning #1, *"A lot or parcel of land occupied by a non-conforming use shall not be enlarged for purposes of enlarging or extending the non-conforming use (Section 27-702.2.A.). Zoning Officer must determine if use is permitted, if there is to be further plans for expansion"*

Mrs. Hardman stated that the nonconforming status applies to the existing building and will not affect the plan.

Mrs. Tamm asked if there are any easements.

Mr. Burget stated that there are no easements or covenants.

Mrs. Hardman stated that the required rear yard setback is 12'. Landscaping is required in the 12' setback if the property adjoins a residential district.

Mr. Burget stated he will revise the zoning information and provide addresses on the plan. All staff comments will be addressed.

MOTION: Mrs. Stoner moved, seconded by Mr. Zehring 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: Ms. Mohr moved, seconded by Mr. Vaccaro to recommend approval of a waiver from providing site contours required by Section 403.A.6. based on the fact that this plan involves no earthmoving activities. The motion passed unanimously.

MOTION: Mr. Vaccaro moved, seconded by Mr. Shearer to recommend approval of a waiver from providing proposed contours required by Section 405.1.Q. based on the fact that this plan involves no earthmoving activities. The motion passed unanimously.

MOTION: Mr. Vaitl moved, seconded by Mr. Zehring to recommend approval of a waiver from providing concrete monuments on block corners required by Section 601 based on the fact that this plan will have significant monumentation using iron pins and due to site conditions and locations of proposed corners. The motion passed unanimously.

MOTION: Mr. Zehring moved, seconded by Mr. Vaitl to recommend approval of a waiver from providing existing utility features required by Section 22-405.1.V. based on the fact that this plan involves no earthmoving activities or changes to any utilities or structures. The motion passed unanimously.

MOTION: Mr. Shearer moved, seconded by Ms. Mohr to recommend approval of a waiver from providing erosion and sedimentation control required by Section 22-405.1.C. based on the fact

that this plan involves no earthmoving activities or changes to any utilities or structures. The motion passed unanimously.

MOTION: Mrs. Stoner moved, seconded by Mr. Vaccaro to recommend approval of the Donald L. and Randy L. Barlup; Yellowstone LP Preliminary/Final subdivision plan #2008.01SB/PF, 101 Valley Street, Tax parcel 150,152.02-350 with the recommendation of the following conditions:

Contingent upon:

1. Verification of survey markers by the Borough Engineer.
2. Certification of ownership and dedicatory statement, if applicable, are signed by the owner.
3. 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.

6. General Announcements. NONE

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

Mr. Tamm stated that the next Borough Council meeting is March 10, 2008.

**8. ADJOURNMENT/NEXT MEETING DATE, MARCH 25, 2008 @ 7:30 PM
REGULAR MEETING, WORK SESSION AT 6:30 pm.**

- a. Special Meeting Dates – Zoning and Subdivision & Land Development Ordinances.
 1. 3/12/08 – 6:30 pm. Cancelled

MOTION: Mr. Shearer moved, seconded by Ms. Mohr to adjourn the meeting at 8:18 pm.

Respectfully Submitted,

Janet Hardman,
Code Enforcement Officer