

MARYSVILLE BOROUGH PLANNING COMMISSION  
WORK SESSION MEETING MINUTES  
APRIL 23, 2008

**CALL TO ORDER.** The meeting was called to order at 6:43 pm.

**1. MEMBERS PRESENT**

Jennifer Brock, Chairman  
Stephanie Stoner  
Art Vaitl  
Shawn Vaccaro  
Jim Zehring

**STAFF PRESENT:**

Dan Altland, Borough Solicitor  
Ron Brown, Borough Engineer  
Janet Hardman, Code Enforcement Officer  
Drew Ames, Tri County Regional Planning Commission

**OTHERS PRESENT:**

Brian Harris  
Thom Casey  
Cliff Dillmann  
John Murphy  
Rick Castranio  
Paul Hepler  
Ann Simonetti  
Sherree Knight  
Roger Barrick  
Deb Shevenock  
Dave Shevenock

**1. Rockville Estates Preliminary Subdivision Plan**

Ms. Brock stated the big question in terms of agreements about what was talked about is a matter of connectivity of open space to move things down off roadway and provide accessible open space for the town. What happened to them?

Mr. Murphy, Alpha Consulting Engineer, Rick Castranio, Alpha Consulting Engineers, Mr. Hepler, Yingst homes, Inc were present to discuss the revised plan. Mr. Murphy stated that he has not been involved in the plan for as long as the Planning Commission members have.

Mr. Murphy stated that the property is 475 acres. The plan was submitted as a preliminary plan with 304 buildable lots.

(For the record, Mr. Vaccaro arrived at 6:45 pm)

Mr. Murphy stated that the lot count is less. The highway occupancy permit for access to Rt. 11/15 was approved. There are three main accesses to the property which is the one on 11/15 and two from Ridgeview Avenue.

Mr. Murphy stated that Alpha Consulting Engineers was brought on board because they have a lot of experience with storm water and grading which will protect downstream residents. There is a lot of concern was the Ridgeview Avenue residents. The infiltration storm water method was not appropriate for this site because it did not protect the downstream residents. The storm water management proposed for this property will meet all the Borough ordinances and DEP regulations. They will also protect environment features. He also read the letter from Mr. Dillmann and would like to discuss his points.

Mr. Murphy stated that Plan 2 was more of a sketch plan because it was not detailed enough to meet storm water management regulations. The proposed plan reduces the roadway by 3000 linear feet or ½ mile. There will be seven to eight acres less of disturbed area which is a big improvement.

Mr. Murphy stated there was a lot of discussion on the length of the cul-de-sac. They are looking at options to reduce the length of the cul-de-sac. The boulevard was created for a safety perspective but they will work with staff on any changes needed.

Mr. Murphy stated that the Darlington Trail is shown on the plan with a loop and parking area. An additional access was provided from the cul-de-sac.

Mr. Murphy stated that the open space is 102 acres which is proposed to be dedicated to the Borough as shown as dark green on the plan. There is 63 acres of open space that will be private. The intent of the private open space is to prevent the owner from clearing their lot. There is approximately 100' of the private open space that will never be disturbed. The open space will be maintained by the homeowners association and there will be restrictive covenants in each individual deed. The private open space will be protected by restrictive covenants which will protect the view sheds. The overall numbers reveal two acres less open space than previous plan.

Mr. Murphy stated another factor to consider is the economics for Marysville. The 125 lots of the development will be for residents over 55 years of age which will reduce the impact to the school system and the amount of vehicle trips.

Mr. Murphy stated there was a comment that the trails were reduced. The proposed plan provides a trail system and public open space.

Mr. Murphy stated that there was a comment about snow removal. The snow removal areas will be added to the plan.

Mr. Castranio stated that he has four kids that get upset when he tells them they are going hiking. The proposed trail system is 2 ½ miles which are over 2 hours of hiking.

Ms. Brock asked if they have experience putting in trails. The proposed trail width is 20' versus the 100'+ that was proposed between the lots. It will be impossible to get a trail in a 20' strip.

She is concerned about the feeling of walking through someone's yard. The more agile person can hike the end of the cul-de-sac at the top of the mountain.

Ms. Brock stated that with the extension of the cul-de-sac there will be four rows of houses seen by a person standing in town.

Mr. Murphy stated that the number of house seen from the Borough will not be that much because the tree line will be left intake. You will be able to see some of the houses but not the entire subdivision. The width of the open space between the houses will be reviewed based on grade lines to make sure the trail will be passable.

Ms. Brock stated that the trail is like an alley way behind the houses.

Mr. Castranio stated that they used the grades to determine the trail locations to make sure it would work.

Ms. Brock stated that the persons using the trail will be traversing a slope.

Mr. Murphy stated that the trail will not be flat like a highway.

Ms. Brock stated when you traverse a slope it is difficult to fit in a small area.

Mr. Castranio stated that there are sidewalks on both side of the road for the age qualified person.

Mr. Dillmann asked what the change is elevation is from the top to the bottom.

Mr. Castranio stated there is a 30' change over 300'.

Mr. Murphy stated there will be a 5' to 6' level area on the trail.

Ms. Brock stated that the overall topographic map on page 43 of the plan shows the end of the development coming out Little Mountain was at the knoll. The whole ridge top is wooded and protected. Of the 102 acres of open space, how much is retention basins.

Mr. Murphy said there is 3 acres of retention basins which will be maintained by the homeowners association which is not part of the public open space.

Ms. Brock stated that the proposed plan shows a sewer line down Little Mountain.

Mr. Murphy said that sewer line runs between the two cul-de-sacs.

Ms. Brock stated they previously discussed the sewer going under Rts.11/15 through the railroad property but that idea was abandoned. Now the lift station is shown cutting through Little Mountain.

Mr. Murphy stated that the sewer line is shown going through Little Mountain. The previous plan sewer could not be constructed in realty and be functional without having super steep

driveways and other concerns. It is hard to compare the two plans. Mr. Murphy stated that they will make modifications to the plan to meet the concerns.

Ms. Brock stated that the original plan submitted was certainly an unbuildable plan which was tabled. The concept of going with an open space plan and reasons for doing it was not to waste engineering on other plan and also to design a development that would contribute to the Borough. A place where people walk around and kids ride bikes. The open space is a lot less expensive to build by reducing the roads.

Mr. Murphy stated that an open space plan also reduces impact to the environment.

Ms. Brock stated there will a net gain to everyone. She is concerned with ridge tops and connectivity that was agreed to by extending beyond the ordinance with block lengths. Accessible trails are for walkers and bikers to encourage a neighborhood. It seems that can't be done with the proposed plan.

Mr. Dillmann stated that Mr. Vaitl and Mrs. Stoner were on the Planning Commission when he was on the Planning Commission. Their discussion was documented in the July 24, 2004 minutes. Mr. Hepler had made a statement that he wanted to do a plan for Marysville. Plan 1 was a checker board plan. The Planning Commission worked an open space plan for four years which was far more than a sketch plan. There was very specific horse trading going back and fourth at the hearing of the Zoning Hearing Board. The decision was carefully written. There is a 30 day appeal period but it is waived if there are substantial differences. There were amenities listed in the finding of fact that must be adhered too. If the amenities are not adhered too, the new plan may need to obtain new variances. The Planning Commission was clear that the waiver requests were not acted upon until the plan was more final. He feels that the interchanges in Plan 2 can be put into Plan 3. This will be a new community which will be separate from the Borough for police service and other services. There will be a split between the residents of the Borough and the residents of Rockville. This development will be one-third of the population of Marysville.

Mr. Castranio stated that the 2000 census indicated that population of Marysville was 1,010 which would make the residents of Rockville Estates 25% of the 2000 population.

Mr. Dillmann stated that there has been four years of bargaining on the line for variances and waivers. The Planning Commission has rights to see that they are addressed.

Mr. Murphy stated that there has been a lot of give and take which will continue. The issues brought up can be feasibly addressed. He is present to get input and address concerns.

Mr. Ames asked about the non-buildable area on the private open space lots.

Mr. Castranio stated that the non-buildable area on the individual lots for private open space can be detailed when final plans are submitted based on final grades.

Mr. Murphy stated there will be detailed grading plans for each lot.

Mr. Brown stated he recalls correspondence regarding deed restrictions addressing developability of the lot and what the homeowner agrees to when purchasing the property.

Mrs. Simonetti asked if one street in the development will have sidewalks on both sides.

Mr. Castranio stated that the boulevard street will have sidewalks on both sides. The rest of the streets in the development will have sidewalks on one side.

(For the record, Mr. Altland departed at 7:30 pm)

**MARYSVILLE BOROUGH PLANNING COMMISSION  
REGULAR MEETING MINUTES  
APRIL 23, 2008**

**1. Call to order and roll call.** The meeting was called to order at 7:34 pm

**Roll Call:**

**MEMBERS PRESENT:**

Jennifer Brock, Chairman  
Stephanie Stoner  
Art Vaitl  
Shawn Vaccaro  
Jim Zehring

**STAFF PRESENT:**

Ron Brown, Borough Engineer  
Janet Hardman, Code Enforcement Officer  
Drew Ames, Tri County Regional Planning Commission

**OTHERS PRESENT:**

Brian Harris  
Thom Casey  
Cliff Dillmann  
John Murphy  
Rick Castranio  
Paul Hepler  
Ann Simonetti  
Sherree Knight  
Roger Barrick  
Deb Shevenock  
Dave Shevenock  
Joe Elias

**2. MINUTES:**

**a. February 26, 2008**

**MOTION:** Mrs. Stoner moved, seconded by Mr. Vaccaro to approve the February 26, 2008 minutes as submitted. The motion passed unanimously.

**3. PUBLIC COMMENT.**

**a. Kelly Bradshaw – was not present**

**b. Cliff Dillmann.**

Mr. Dillmann stated that he presented a letter from the Susquehanna Water Gap Coalition dated April 14, 2008 for the record. Letter is attached hereto and made a part hereof. Mr. Dillmann stated there are legal issues regarding the plan. The Planning Commission had enough amenities so the plan looked good to Marysville. The layout was give and take with bargains with respect to the Planning Commission, Borough Council and Zoning Hearing Board. He can suspect that amenities can be attached to the plan as developer is clever or they may need to give up a dozen homes. Losing amenities for a more profitable plan is not a reason for Zoning Hearing Board approval. Waivers should not be dealing with the developer giving something in other parts of town.

**c. Paul Zeph**

Mr. Zeph stated he sees things very active with the Susquehanna Water Gap Coalition. Their position is to see how they can assist folks trying to add capacity to the water gap. There are ordinances that need to be adopted to properly go forward with the community. They have been working with Sally and Pat with Land Logics who has initiated the two year review process with Marysville, Duncannon, Penn Township and Rye Township. They will be inviting professionals, officials and stakeholders to begin dialog to end up with a region that is better protected. They will begin notification of the dinner meeting in early June.

Mr. Zeph stated there are a number of lots and amenities in the Rockville development. People feel that more homes mean more money for Borough but residential developments cost municipalities money which has been documented. The idea of giving more homes and get more money is not the case. The municipality should take the money that would have been spent with plowing roads to buy land in order to have the open space protected. There may be an opportunity for the community to buy easements that in long run will save money. Mr. Zeph referred to a publication by Michael Frank entitled “Opportunity Knocks – Open Space is a Community Investment”.

**4. OLD BUSINESS:**

**a. Rockville Estates Preliminary Plan.**

Mr. Brown stated that a summary of his comments are technical in nature regarding storm water and erosion and sedimentation control. See copy of the engineer’s report dated April 23, 2008 attached hereto and made a part hereof.

Water Service: There is a comment regarding the requirement of Section 403.1.B(8) of a letter from the water provider that service can be provided to the development. The issue is pressure vs water tower. There was video taping of the existing sanitary sewer but he does not know what will be required in the way of updates to make a viable project. There is a 24 inch pipe at the end of Ridgeview Drive that they appear to be connecting to.

Waivers: Issue of street widths: A waiver is being requested from meeting collector street requirements to meeting minor street requirements. They are proposing a 50' right of way with 24' cartway with 3' shoulders. The waiver should be revised to include street width of only 24'.

The pan handle shaped lots is something that can be waived. There was discussion on where guide rail will be installed. A waiver is being requested for the slope of banks along street, maximum cut is 2H to 1V to 1.5H to 1V.

Storm water issue: The storm water will go to Rt. 11/15 and cross over existing facilities. PennDOT's policy is if developer continues to existing PennDOT drainage system they want the municipality to take over maintenance. The scenic view area ordinance Section 500.2. involves a lot of interpretation.

Mr. Brown stated that once the Planning Commission has a final schematic they can discuss waivers and final details.

Ms. Brock stated that they discussed allowing some flag lots with split driveways rather than all one road.

Mr. Brown stated the new plan requires all new comments.

Mr. Murphy stated he has briefly run down comments. They will be working on the water issues. They will review the variances to make sure the plan complies. They will address the Borough Engineer's comments, the Planning Commission's comments from the April 9<sup>th</sup> workshop meeting and everyone's comments and continue working with staff. The attitude of Mr. Hepler and Mr. Yingst is to continue working with the Borough.

Mr. Murphy stated that there was a comment made about residential communities taking more than they give. They are doing an analysis on communities of 55 years of age and over so he don't think it is the same because it will lessen impact on services. The detailed grading plan reduces driveway slopes and impacts to environmental features. They can make Plan 3 a workable plan for the developer and Borough. The waivers do not need to be addressed tonight.

Mrs. Stoner stated that the Planning Commission had a list of items that had been negotiated on Plan 2 from the work shop meeting.

Ms. Brock will email a copy of the list to Mr. Murphy.

MOTION: Ms. Mohr moved, seconded by Mr. Vaccaro to recommend to table the Rockville Estates Preliminary Plan. The motion passed unanimously.

Mrs. Stoner stated that the light spots on the large lots were higher than what was portrayed on Plan 2. One view shed that they want preserved is at the very top of the mountain.

Mr. Castranio stated that the trail line is the same on Plan 2 under the private easement. The road shifted down a few hundred feet.

Mr. Ames stated that he needs a full set of plans to do a review.

Mr. Murphy stated that they will provide Mr. Ames a full set of plans.

Mrs. Stoner asked Mrs. Brock if she received comments from the Borough Solicitor on the variances.

Ms. Brock stated that the Borough Solicitor indicated that the variances are attached to the land but only to an open space plan. The decision was very specific in the findings and facts. The Zoning Hearing Board decision of March 2005 decision is attached hereto and made a part hereof.

Mrs. Hardman asked if the variance is specific to Plan 2.

Ms. Brock stated that the variance is not specific to Plan 2 but just to an open space plan. The decision is not cart blanche.

Ms. Brock asked if a Perry County Planning Commission review needs to be done on the plan since it is a substantial change. The last review done was a staff review.

Mr. Ames stated that he will find out if another Perry County Planning Commission review is needed but there is normally only one official review done per submission. He could do a staff review.

Mrs. Stoner stated that there will be a lot of time and effort in the review of a 96 page plan.

Mr. Ames stated that the plan has been tabled for four years. What would a county review give the Planning Commission?

Ms. Brock stated that a review is very valuable. They give a good bit of weight to a staff review.

Mr. Ames stated that a comprehensive plan review might be part of the LPA agreement.

Mrs. Stoner stated that they should ask the developer to pay for a review.

Ms. Brock stated that the plan should be resubmitted. The original plan was slipped under old ordinance.

Mr. Shevenock stated that he lives at 218 Ridgeview Drive. Every time it rains his back yard is flooded. He can see if the area is disturbed it will be worse.

Ms. Brock stated that she encourages them to attend meetings because their input does make a difference.

Mr. Vaitl stated that since this is a totally different plan it should be resubmitted.

Mr. Ames stated that the alternative is to vote the plan down and any new plan would be required to be resubmitted.

Mr. Brown stated that the Planning Commission would not gain anything by a re-submission. There have been a lot of costs incurred by both developer and review time.

Mr. Ames stated that the plan was submitted as a preliminary plan but Mr. Murphy referred to as a sketch plan.

Mr. Ames stated that the plan has not died it has been tabled.

Mr. Dillmann stated that Plan 2 was never tabled but Plan 1 was tabled. The developer can always go back to Plan 1. The developer has the right to old conservation zoning ordinance but the Planning Commission weighed the benefit of a new design. It wasn't a bad way to solve the problem. The Zoning Hearing Board addressed variances in amenities as a condition for the community. It is worth reading the Zoning Hearing Board decision. The MPC is clear that if there is a substantial difference in the plan, it must be reviewed by Zoning Hearing Board again because they must reconsider what's going on. There is a right to appeal if there is substantial difference.

Mr. Brown stated that the Zoning Hearing Board docket should be read to determine if applies to a plan or based on so many lots and so many miles of streets.

Mr. Vaitl stated that they should not jump to conclusions.

Mr. Dillmann stated that there was much mention of the word "honorable" as far as spending money on Plan 2. The Planning Commission made it clear that they were not committing to Plan 2 unless it was submitted. The negotiations were based on ethics. The Planning Commission is not legally bound by Plan 2 because the developer can go back to Plan 1. The developer can go back through the variance appeal process. Other municipalities have adopted ordinances with restrictions to colors, etc. The developer can get what they want but they will have to lose something.

Mr. Ames asked if the new ordinance is more restrictive than the old ordinance.

Ms. Brock stated that the old ordinance is standard one acre lots.

Mr. Dillmann stated that an open space development is permitted under the new ordinance.

Mr. Vaitl stated that the plan could not be done under the new ordinance.

Mr. Dillmann stated that the Planning Commission met with Mark Keller on the Pending Ordinance Doctrine when the ordinance was being passed.

Ms. Brock stated that Pending Ordinance Doctrine does not apply to subdivisions.

Mr. Ames stated that the State Supreme Court ruled a moratorium or a Pending Ordinance Doctrine as unconstitutional.

#### **b. Zoning Ordinance Amendments.**

Ms. Brock stated that she has finalized the review of the zoning ordinance amendments and has no changes to make.

MOTION: Mrs. Stoner moved, seconded by Mr. Vaitl to forward the zoning ordinance revisions to Mr. Altland for review. The motion passed unanimously.

**c. Nonconformities.**

Mrs. Hardman stated that the Borough Solicitor has changes that he recommends is reviewed by the Planning Commission on the nonconforming ordinance amendment.

Ms. Brock stated that the nonconforming section of the ordinance will be reviewed at the May 14, 2008 workshop meeting.

**5. New Business: NONE**

**6. General Announcements. NONE**

**7. Report on Borough Council Meeting (Next Council Meeting 5/12/08)**

Ms. Brock stated that three plans were approved by Borough Council (Barlup, Barrick and Dorman).

Ms. Brock stated that the Borough Council received the Planning Commission's April 9<sup>th</sup> workshop comments on the Rockville Estates Preliminary Plan.

Mrs. Stoner asked if the Borough is still willing to take possession of the open space.

Ms. Brock stated that the Council indicated that they are willing to accept dedication of the open space.

Mr. Dillmann stated that he is on the agenda for the June 6, 2008 meeting of the Recreation Committee to review the amenities over the value of land.

Mr. Dillmann stated he wants to get the Recreation Committee's comments on the liability issues. The protection is very good for the Borough. The Borough could ask PennDOT or the developer to address the safety issue of the cliff at quarry and the cliff built by PennDOT when doing Rt. 11/15.

Mr. Vaccaro stated that the Planning Commission asked the Borough Solicitor about the liability. The Borough Solicitor was fine with it except the quarry which he said needed to be isolated.

Mrs. Stoner stated that it is good to get the Recreation Committee involved.

Mr. Dillmann stated that the open space is kind of like what the state parks have with the diversity as in Wildwood Park. It will have a regional focus.

**8. ADJOURNMENT/NEXT SPECIAL MEETING DATE 5/14/2008 @ 6:00pm/NEXT REGULAR MEETING 5/27/08 @ 7:30 pm, WORK SESSION @ 6:30 pm.**

MOTION: Mr. Vaccaro moved, seconded by Mr. Zehring to adjourn the meeting at 8:37 pm.

Respectfully Submitted,

Janet Hardman,  
Code Enforcement Officer