

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

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

1. MEMBERS PRESENT

Jennifer Brock, Chairman
Stephanie Stoner
Monte Shearer
Shawn Vaccaro
Jim Zehring
Art Vaitl
Lori Mohr

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, Borough Manager
Forest Troutman, Yingst Homes
Paul Hepler, Yingst Homes, Inc.
John Murphy, Alpha Consulting Engineers
Paul Hepler, Yingst Homes Inc.
Charles Wentzel, 222 Ridgeview Drive
James Sabo 100 Willow Street, Rye Township
Frank Skirpan, 217 Ridgeview Drive
Rob Bell 202 Carline Drive
Dan and Delores Stephens, Landsvale Street
Lois E. Raisner, 411 Cameron Street
J. H. Raisner, 411 Cameron Street
Thom Casey, PeCO Times
Nan Hiddemen, 209 Ridgeview Drive
Joyce and Bob Zimmerman, 205 Ridgeview Drive
Patricia L. Dallago, 608 Maple Avenue
Donna Lee Clendenin, 409 Cameron Street
Pat Copp, 208 Overcrest Road
Paul Zeph, Mechanicsburg
Russell Ready, 398 Kings Highway
Cliff Dillmann, 415 Susquehanna Street
Bob Gieszynski, Norfolk Southern Rail Road, 3910 Industrial Road, Harrisburg, 17110
Joe Bilda, Alpha Consulting Engineers
J. Craig Raisner, 203 Kings Highway
Jean Raisner, 203 Kings Highway
Merrel Phillips, 127 Ridgeview Dive
Louise Phillips, 127 Ridgeview Drive

Michael A. Walak, 700 S. State Road
Brian Foster, 4 Hill Road, Duncannon
Cathy Sabo, 100 Willow Street

1. Rockville Estates Preliminary Subdivision Plan

Ms. Brock stated that she discussed what is valid for a waiver justification with Mr. Altland. The ordinance states that there must be an undue hardship. There must also be a reason in terms of what it gives back for example, reduces runoff, disturbance, etc.

Mr. Vaitl questioned Waiver #4 – slope justification.

Ms. Brock stated that before the waiver requests were too vague to review. The waivers need to be discussed point by point. The Planning Commission needs to look at where the waiver is at on the plan, what is the undue hardship and what, in terms of trees, runoff, etc, will be saved.

Ms. Brock passed out the bus turning radius information that she received to some of the Planning Commission members.

Mr. Altland arrived at 6:34 pm

Ms. Brock stated that Waiver #1.a. needs to indicate which streets are collector and which streets are minor. The justification states that the waiver will reduce the minimum distance from the cartway to the building setback lines. How will reduction of cartway width reduce the minimum distance to the building setback line?

Ms. Brock asked Mr. Altland what is the requirements for requesting a waiver.

Mr. Altland stated that the ordinance states in Section 22-901, *“The governing body may grant a modification of the requirements on one or more provisions if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in questions, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.”* Section 22-902 states, *“All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.”*

Mr. Altland stated that hardship is based on a certain condition of the land. There is no test of what constitutes an undue hardship. An undue hardship can be a number of things. The MPC and the SALDO does envision modifications but where to draw line is not defined. You cannot legislate every situation.

Mr. Murphy stated that they have responded to the waiver request for additional information.

Ms. Brock stated that she wants to keep on tract as it pertains to the waivers.

Mr. Murphy stated that waiver #1a. paving is 30’ total with two 12’ travel lanes and two 3’ shoulders in order to minimize disturbance. Waiver #1c. will be withdrawn because after

looking at the Borough Engineer's comment this may be problematic in some areas. A request with withdrawn waiver #1c will be submitted in writing. They are talking with the Borough Engineer regarding waiver #1b to use ADT (Average Daily Traffic) to reduce the speed limit from 25mph to 20mph because it is a safety issue.

(For the record, Mr. Vacarro arrived at 6:44 pm)

Ms. Brock asked what the basis for lowering the speed limit is.

Mr. Murphy stated that the lower speed limit meets the standards.

Ms. Brock asked is the 20mph speed limit reasonable to expect people to adhere to given the long streets.

Mr. Murphy stated that narrower cartway promotes lower speed

Mrs. Stoner asked Mr. Brown why the speed limit was a safety issue.

Mr. Brown stated that based on the design manual, the roads are considered rural. The design should be based on ADT. The rural condition design manual charts are based on speed limit. He is reluctant to agree to reduce the speed limit because these are design speeds. The motor vehicle code has two statutory speeds of 35 mph and 25mph. Any other speed would require an engineering study. He is not an advocate of lowering the speed limit to meet the requirements.

Ms. Brock stated she does not think anyone would go 20 mph.

Mr. Altland stated a 20 mph speed limit would be acceptable if there were an engineer study done.

Ms. Brock stated that 25mph does not need a traffic study because it is the law.

Mr. Brown stated the engineering study can be based on the 85th percentile speed or a timed speed study.

Ms. Brock stated that it is hard to do a test before the road exists.

Mr. Murphy stated that there are four or five areas where it is important to do radius. A radii of 177' instead of 300' as an alternative. There are only a few areas where 300' radii are problematic in terms of grading. He will reduce the waiver request in a couple tight areas.

Mr. Murphy presented a map to the Planning Commission. The areas in red reflect the list shown in waiver #1b.

Mrs. Stoner stated that waiver #1b lists the radii by location.

Mr. Murphy there is four or five areas that the radii will throw the grading out. He will work with the Borough Engineer on a couple of key areas.

Ms. Brock asked if there are a couple 200' radii on main entrance.

Mr. Murphy stated there is one 200' radii on the main entrance.

Ms. Brock asked if all the radii is 150' and 200'

Mr. Murphy stated the 150' is supported at 180'

Mr. Murphy stated that all of Stone Arch Drive is 150' radii. He will knock it down to 177' to 180' to keep in line with the 25 mph speed limit.

Ms. Brock asked that the waiver be modified to 177' radius and list what it will actually be.

Ms. Brock stated there are two conditions when operating; meeting the minimum of both of them will not be a safe limit.

Mr. Murphy stated that waiver #3 is to permit a 12% maximum street grade which is a 2% waiver from the required 14% maximum street grade. There is very little difference in the calculation for 12% and for 14%.

Ms. Mohr stated that if there is a lot of cutting, will there be exposed rock.

Mr. Murphy stated that any exposed rock must be covered with appropriate amount of topsoil and stabilized.

Ms. Mohr stated that a lot of rocks fall onto Rt. 11/15. Can a retaining wall be installed at the cuts?

Mr. Murphy stated that the main entrance off Rt. 11/15 will have bench retaining walls that will prevent rock fall, promote slope stabilization, reduce erosion and provides good aesthetics.

Ms. Brock asked if a copy of the map showing the slopes and radius can be provided to the Planning Commission.

Mr. Murphy stated he would provide a copy of the map to the Planning Commission.

Ms. Brock stated there is a problem with the many ways you could look at the difference between them on the justification for wavier 1.b. to decrease the amount of cut and fill.

Mr. Murphy stated that waivers 1b, 2, 3, and 4 dovetail together. He has an exhibit to show waivers #2 and 3.

Mr. Murphy said they calculated the area of disturbance for the roads at 14% and at 12%. The area of disturbance is 52 acres more for 12% and 72 acres for 14% which is a 20 acre difference in disturbance area. Less disturbance, less trees being removed tells the story of what they are trying to accomplish.

Ms. Brock asked where the 14% roads are located. Can you do the same road by changing the grade to 12%? If you cut the grade from one, need to add grade to the other.

Mr. Murphy stated that he submitted an exhibit that shows where the grades are on July 8, 2008.

Ms. Brock asked if all of the entryway is 12%. There is a large curve on Stone Arch Drive and a curve at other end of Stone Arch.

Mr. Murphy stated that they are trying to make up grade so Ms. Brock's comment is correct.

Mrs. Stoner asked Mr. Brown what his feeling is on the differences.

Mr. Brown stated that the waiver was generated to minimize disturbance. Going up hill it will aide in stopping. Down hill is more difficult to maintain 12% grade. A 12% grade requires a change in grades coming in and out of vertical curves. Mr. Brown asked if they could hold existing grades.

Mr. Bilda stated that if you hold existing grades there will be 18 or 19 more disturbance areas.

Mr. Brown asked what was more of a problem, the 4% elevation leveling area or the 12% street grade.

Mr. Bilda stated the 12% grades are more of a problem. Rockville Boulevard is 14% which follows the natural flow of land more. A 12% grade will require a cut.

Mrs. Stoner stated that from a safety standpoint, what is more negligible 4% intersection leveling area or 12% street grade. This is a dangerous area to have steep slopes.

Mr. Brown stated that steep slope going up is easier to stop. Going down it is harder to stop. He doesn't think 12% grade is steep. There won't be an adverse impact for a 2% difference in intersection leveling area.

Ms. Brock stated that she is looking at two maps. There are three areas, at entrance and at either end of Stone Arch Drive that will end up with minimum curves.

Mr. Murphy stated that you use a curve to make grade. The reason for the two locations on Stone Arch Drive is that they are the same location and to catch up with natural slope of the mountain.

Ms. Mohr asked about coming down the hill onto Rt. 11/15.

Mr. Murphy stated there is a leveling area at Rt. 11/15 which was part of the PennDOT application.

Mr. Brown stated that in the winter these grades will need attention right away even if they are at 12%.

Ms. Mohr asked if Valley Street could be a comparison for a 12% grade.

Mr. Brown stated that Valley Street is around 10% grade. He hasn't verified it but he was told that Caroline Drive is around 10% to 12%.

Ms. Mohr stated that Sylvan Street may be steeper.

Mr. Brown stated that he will check the grades for the streets in Marysville and report back to the Planning Commission.

Ms. Mohr asked if there are any examples of a 14% grade outside of Marysville.

Mr. Murphy stated that he did some grades in Pittsburgh area that were 14% grade. An example we all know is Lumbar Street in California which is a 38% grade.

Ms. Brock stated that the bulk of the area there is no way out that doesn't have one of these slopes. Is there some other way to get from point A to B without that?

Mr. Murphy stated the reason for the longer streets is to minimize slope and disturbance. There is 20 acres difference in disturbance for just the roads.

Ms. Brock stated that they are providing additional open space by clustering things together. Do a comparison between this plan and a non-open space development. The plan must qualify as an open space plan in order to qualify for variances. The variance was only applicable to an open space plan. They need to compare this plan to something. The only thing to compare it to would be a non open space plan.

Mr. Altland stated he is not sure that a hardship has been articulated.

Mr. Murphy stated that a hardship is required for the Zoning Hearing Board to grant a variance. A dimensional variance is not required to meet the five conditions for granting a variance. Along those lines, a waiver is not required to meet the five conditions that are needed for a variance. There will be less disturbance, aesthetics, environmental concerns, economics and a whole bundle of issues.

Mr. Altland stated that they need to look at increased disturbance and the impact on storm water runoff. A little more detail is needed to determine if the waivers balances safety versus environment.

Mr. Murphy stated the environment and other concerns out way getting a waiver for longitudinal slope.

Mr. Brown stated that the Zoning Hearing Board docket and plans says the aggregate disturbance cannot exceed 20%. Can you determine disturbance for each lot.

Mr. Murphy stated that determining coverage for each lot is more problematic. He will have to work backwards on the calculation which he can do as they move to final plan stage. This is one of the things to consider.

Ms. Brock stated that there needs to be an explanation of the entire area.

Mr. Brown stated that the plan involves 475 acres. The Zoning Hearing Board decision states individual lots cannot be developed more than 30% and the entire aggregate cannot exceed 20%.

Ms. Brock asked what is the total disturbance for the lot disturbance and the roadway disturbance.

Mr. Brown stated that there is approximately 95 acres.

Ms. Brock asked at 14% slope what is taken up of the 95 acres for roadway.

Mr. Altland stated that the cut and fill area is 52 acres.

Ms. Brock stated that would leave 43 acres for lot disturbance and detention ponds.

Mr. Ames stated that they should look at lot coverage and impervious coverage definitions.

Ms. Mohr stated that soil compaction is included in definition.

Ms. Brock stated soil compaction usually is not included in definition.

Mr. Murphy stated that lot coverage is defined in the zoning ordinance as follows, *“That percentage of the area of a site occupied by impervious surfaces.”*

Mr. Brown stated that the 52 acres of cut and fill are not included in the 95 acre calculation.

Mr. Altland stated that coverage of lot includes paved surface.

Ms. Brock stated that there is approximately 17.8 acres of paved area.

Mr. Altland stated that the Zoning Hearing Board decision is limiting aggregate coverage of 20%. There could be over 20% land disturbance.

Ms. Brock stated that Wavier #3-Intersection Leveling Area has six areas of 6%.

Mr. Murphy stating they are asking for up to 6% in five different locations. One is both sides of the same intersection.

Ms. Brock asked which intersection.

Mrs. Stoner stated Stewart Court and Morleton Drive.

The work session adjourned at 7:30 pm.

MARYSVILLE BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
JUNE 24, 2008

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

Roll Call:

1. MEMBERS PRESENT

Jennifer Brock, Chairman
Stephanie Stoner
Monte Shearer
Shawn Vaccaro
Jim Zehring
Art Vaitl
Lori Mohr

STAFF PRESENT:

Dan Altland, Borough Solicitor
Ron Brown, Borough Engineer
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Joe Bilda, Alpha Consulting Engineers
J. Craig Raisner, 203 Kings Highway
Jean Raisner, 203 Kings Highway
Merrel Phillips, 127 Ridgeview Dive
Louise Phillips, 127 Ridgeview Drive
Michael A. Walak, 700 S. State Road
Brian Foster, 4 Hill Road, Duncannon
Cathy Sabo, 100 Willow Street

2. MINUTES:

a. June 24, 2008

Page 10, Paragraph 9 add “hiring” in front of stenographer.

Page 9, Paragraph 8 change “etched in stone” to “highly probable”.

MOTION: Mrs. Stoner moved, seconded by Mr. Zehring to approve the June 24, 2008 minutes as amended. The motion passed unanimously.

3. PUBLIC COMMENT.

a. Craig Raisner, 203 Kings Highway

Mr. Raisner read a letter from the residents. See letter from residents attached hereto and made a part hereof.

b. Delores Stephens, 900 Landsvale Street

Mrs. Stephens stated her big concern is storm water runoff. She brought pictures of a 2006 rain of the baseball fields, the Whitetail development, and the trailer park. What will the storm water runoff be on 301 homes because it will happen; you all know it will happen. Have to consider storm water runoff.

c. Dan Stephens, 900 Landsvale Street

Mr. Stephens stated that Marysville has been working with antiquated systems for the last 100 years. This is the most white washed project he has ever seen. The developer has no answers. Homeowner’s association guarantees the community nothing. He has the longest file in the borough and accepts none of it. There is no solution proposed. There is a total obligation to notify the railroad of this project. When the water is diverted to tunnel, who will pay for it. Never enough money in this town to pay. There has been 100 years of error.

d. Russell Ready, 398 Kings Highway

Mr. Ready stated he lives in the trailer park. He presented pictures of 1986 when he was almost wiped out from logging of the mountain without permits. He was on the phone for hour and a half today with the Game Commission. There are a lot of questions that must be answered before anything can be done. There are the permits needed to allow run off into Trout Run. The Fish and Game Commission has none. The public won’t see any until the project moves forward. They will have hard questions from DEP and Fish and Game Commission. He is not sure they can answer them. Run off into Trout Run and Fishing Creek is protected by the State of Pennsylvania. He realizes he can’t stop the development but will he live in a flood zone after the development is done. One and half inches of rain now puts the creek banks full.

e. Bob Gieszynski, Norfolk Southern Rail Road

Mr. Gieszynski stated he called a year ago and requested a copy of the storm water report. He never received anything. He is still requesting the status.

Ms. Brock stated that questions have come up a number of times. They have had a problem getting a hold of anyone from the rail road.

Mr. Giezynski stated that the staff in the Borough Office calls him all the time. He also was told there will be blasting. He would like to have a copy of the plan because of stone arch bridges. The stone arch bridges haven't moved in 105 years.

f. Frank Skirpan, 217 Ridgeview Drive

Mr. Skirpan asked what kind of benefit will there be for Marysville. Do the people of Marysville stand to gain anything? Their neighborhood has a leisurely atmosphere. Some people are talking about selling their homes. The development will involve water run off and blasting. One summer day, he opened the door and there were six black snakes. Blasting will cause copperhead snakes to come down the mountain. The people are concerned and worried because they don't know what will happen in the future. The point he is driving at is there is no benefit. Will there be increase taxes? The Borough needs to consider advantages and disadvantages. He doesn't see it.

g. Charles Wentzel, 222 Ridgeview Drive

Mr. Wentzel stated he wished that there were 30 houses proposed instead of 300. The ridge was not made as a major thoroughfare. He objects to making this a main thoroughfare. He opposes tearing apart Rockville Boulevard for the sewage system. A smaller development is in order.

h. Cliff Dillmann, 415 Susquehanna Street

Mr. Dillmann stated he proposes to ask the Planning Commission and Borough Council to look strategically at the plan. The open space plan received was widely regarded. The first plan submitted was to get under old ordinance. This may be illegal. That plan needs to be reviewed as place holder. Second plan asked to discussed, Yingst was to be granted waivers and variance. The Planning Commission and Office spent four years reviewing the second plan. Issues of storm water never resolved in that plan. Suddenly Planning Commission received a new plan. The Planning Commission had to pass the plan immediately and couldn't go back. Look at what is being done to them ethically. People can't switch in mid stream. The Borough Council and Planning Commission spent time on the comprehensive plan. Now they are working on a plan for down town. An economic study should be done on taxes. He would like to keep two mountains to and from Marysville.

i. Cathy Sabo, 100 Willow Street

She prepared a small study on tax issues by making minor assumption. A \$300,000 home using just the price of home will bring in \$4,000 year from property tax. \$1,200,000 in ten years. Of that, the Borough's part is \$150,000. A \$350,000 price of home will require a \$120,000 annual income to afford the home. Earned income tax will bring \$180,000 to the Borough. The Borough will receive 1/2% of \$525,000. \$855,000 the first year, \$330,000 to the Borough. In ten years it will be \$3,825,000. Borough's share is \$537,705. She did additional research with Penn State which has a Comprehensive Plan. She can do more calculations for schools - 4,300 in ten years. The homes more than pay for the services that will be needed.

j. Mr. Saylor, 213 Ridgeview Drive

Mr. Saylor stated that it seems like the Planning Commission has been dealing with this project for a long time. The original plan has been referred to as unbuildable. He is a little concerned that the Borough permitted an unbuildable plan to be submitted. The Planning Commission spent a fair amount of time on second plan. There was a verbal concession made for a no left turn on Caroline Drive. The last plan got rid of a lot of green space. The concept of a green plan is gone. The Borough can't get any concessions. He would like to see a no left turn on Caroline Drive. The plan only had three ways in at Ridgeview Drive, Caroline Drive and the Quarry road. People will run up and down Ridgeview Drive regardless. Everything is hypothetical. A lot of us don't know what is going on. A lot of concerns are real. Time needed to make a decision on project is real.

Ms. Brock stated she appreciates people coming to the meeting and making comments. Many of the issues brought up by the residents are exactly the issues that the bulk of the Planning Commission's time has been spent on. Storm water run off in particular has taken up 90% of their review time. The issue of water on the railroad property and any threat to railroad must be addressed. It is imperative that the railroad is not threatened by this development. She has asked before for a plan showing the culvert that runs under Rt. 11/15 which will be utilized. Where will water go once it is through the culvert? She doesn't know where the water goes.

Mr. Gieszynski stated he would be glad to show Ms. Brock where the water goes.

Ms. Brock stated that the water will pool and erode. The pooling water will saturate the land and erode built up land for the railroad tracts. When saturated, land will move. Fishing Creek has been very much part of subject. The regulations will protect people and protect land from run off. She encourages everyone to be involved to make sure that they do have a plan better for Marysville. There are some aspects of the plan that are beneficial and some that are not. Open space will be maintained by a homeowner's association. There will be open space areas throughout the development and at the end of Little Mountain. There will be paths connecting the open space which will be public for residents to enjoy. The private open space will be located at the back of peoples land. Restrictions will be attached to the private open space. There will be a number of things that will be on going. The Planning Commission has spent an hour understanding details of waivers. More detail was required to understand exactly what the waivers entailed. Ultimately there is a plan which must be a negotiable plan. She is not opposed to negotiating for an open space plan. The Planning Commission needs to look at what the plan is doing for Marysville. Ultimately needs to be a benefit to Marysville.

k. Paul Zeph, Susquehanna Water Gap

Mr. Zeph stated that the Susquehanna Water Gap helps municipalities protect resources. There is steep slopes and land that can't be developed. Take land that can't be developed and exchange for smaller lot sizes. When you take out the land that can't develop, you then look at the ordinance which requires a one acre minimum lot size. First figure out how much storm water the system can accommodate and work backwards. Not take mountain and cram as many lots on it as possible and then look for an engineering miracle to make it happen. Look at resources, look at mountain and see how to move forward. There are legal boundaries. Stick to them. Take care of resources.

4. OLD BUSINESS:

a. Rockville Estates Preliminary Subdivision Plan #2004.3.

Ms. Mohr asked Mr. Murphy if the plan was revised to add additional area for trails. She asked Mr. Murphy to go through the comments he has addressed.

Mr. Murphy stated that area was added for trail access to the open space. They are looking at the storm water to add BMP's for the NPDES permit. He feels that BMP's are appropriate regionally and appropriate BMP's can be done for this site. Storm water in and of itself is based on flooding events, reducing runoff, protect areas that aren't protected now based on post and pre water runoff regulated by municipal and State ordinance and where the ordinance doesn't protect. He has not done anything else on the trails because he needs to know if the roads will be dedicated to the Borough. The top of the mountain is problematic. It is difficult because of the liability issues. He is focusing on it from an engineering standpoint. He feels comfortable on what was done professionally. PennDOT and railroad issues will be working on them as the plan moves forward. This is the fifth meeting he has presented the plan. He feels that they have made a lot of progress. They need to keep moving forward.

Ms. Mohr asked what BMP's will be used specifically.

Mr. Murphy stated that BMP's will be used for detention. There will be a lot of roadside swales, cross conveyance, and enhancing storm water measures. They will continue to work with the Planning Commission and the Perry County Conservation District. He does not like doing BMP's for individual lots but will keep an open mid. There are potential issues with BMP's on individual lots because lots get sold.

Ms. Mohr stated that both types of BMP's for the development and individual lots can be used.

Mr. Murphy stated that it is different doing regional BMP's. Other agencies will be involved. The BMP's will be a private and public mix.

Ms. Brock stated as the plan moves forward, the Marysville Comprehensive Plan the Perry County Comprehensive Plan needs to be considered. The plan is going away from the zoning ordinance. The Comprehensive Plan is looking at the look and feel of the development. The issues up in the air, that is a big issue, is the view shed and open space that will work in this town. The Planning Commission must make sure this development does not destroy Marysville. She asked everyone to give a hard and fast review as to what they think would be appropriate and some of the costs are to the town. All the people who live here all have reasons for living here. A question come up about prohibiting right turns on streets. This is a Borough Council decision. There are controls on making right turn only for streets. The issue about homeowner associations going broke is a real concern. There was an issue brought up regarding the schedule of conditions that the developer's engineer was to submit which are regarding restrictive covenants on the property for cutting trees, maintaining coverage, etc has not been received. A schedule was to be provided of what will be done and how long Yingst is paying for different items.

Mr. Murphy stated that in terms of the homeowner's association, there will be legal documents provided. The Plan is clear on what is offered for dedication and what private open space is. The private open space will prevent people from clearing out the back of their lot. They will be preparing homeowner's association documents prior to final plan approval for the Borough

Solicitor's review. Phase 1 is 30 lots. He did take further review of traffic for Phase 2. Prohibiting a turn from Stone Arch Drive to Caroline Drive was proposed but he thinks that more would be accomplished with a no right turn on Ridgeview Drive. The main entrance is done in Phase 2.

Mrs. Stoner stated that putting signs up for no right turns requires a traffic study. Mrs. Stoner asked Mr. Murphy if they would do the traffic study.

Mr. Murphy stated that they will do the traffic study and provide it to the staff for review.

Ms. Brock stated that a schedule of conditions needs to be submitted with a full legal wording, how the item will be funded, and how it will function. In the agreement, indicate who is responsible and how it will be funded or how to raise funds.

Mr. Murphy stated that he thinks what is important to consider is what is required under the municipal and state law. All improvements must be bonded prior to any construction. A cost estimate will be provided for all the streets, storm water facilities, and utilities. A developer's agreement will be provided on how the improvements will be installed. If the developer does not install the improvement in accordance with the agreement, the Borough will have the funds bonded by the security to perform the work. This procedure is strictly governed by state law. There are safeguards incorporated in the law with everything being reviewed by the Borough Solicitor before any ground breaking takes place. The traffic light is purchased and installed by the developer and will be maintained by the developer until the development is completed which is a ten year process.

Ms. Brock stated she is not speaking of construction bonding because there are strict rules on that. She is more concerned about the homeowner's association that has a large responsibility that does not end when the construction ends. When roads are done and turned over to the Borough and everything winds down, the homeowners association's responsibility just begins. That is different.

Mr. Murphy stated that it is important for the homeowner's association is a properly drafted legal document. The storm water, signage at entrance, open space maintenance, street lights, etc will be the responsibility of the homeowner's association. At that point, tax dollars will be kicking in. The open space is an additional concern for the homeowner's association.

Ms. Mohr stated that she would like to see the restrictive covenants in the deeds for cutting of trees, color of the home, etc. also put on the cover sheet of the plan.

Mr. Murphy stated that in terms of being specific on every lot, this will be addressed on the final plan. The developer will encourage homeowners to preserve. The type and construction of home is an individual choice.

Mr. Murphy stated the storm water is designed per code. He doesn't want to cut trees to build storm water facilities. He does not know how to restrict individual homeowners to comply with storm water facilities proposed per lot. The private open space can be restricted by deed covenants.

Ms. Mohr stated that they can put restrictive a covenant in each deed that states a tree cannot be cut unless it is a safety hazard. Also restrictions on maintaining view sheds, storm water and the mountain.

Mr. Murphy stated that they will need to review this with Borough Council. They need to make sure they don't restrict where home site or yard can be. He will need to do internal research how to legally deal with restrictions for a privately owned lot.

Ms. Mohr stated that you can restrict cutting of trees on individual lots with a restrictive covenant of the entire lot for unhealthy trees or safety reasons. A note should be added to the cover sheet of the plan.

Mr. Murphy stated that he will need to look at where want to put home, yard, pool, etc. and how to restrict certain areas of the lot.

Ms. Mohr stated that tree cutting restrictions should be done up front.

Mr. Murphy stated that in reality it will happen in a majority of cases.

Mr. Hepler stated that the house will meet setback requirements in the ordinance.

Mrs. Sabo asked if they know where tree cutting restrictions have occurred.

Ms. Mohr stated that specific examples of where tree cutting restrictions have occurred should be provided.

Mr. Murphy stated that the building envelope is restricted by the municipal ordinance.

Ms. Brock stated that those areas outside of the building envelope can be restricted.

Ms. Mohr stated that this is a yard in a mountainous area. She asked Mr. Ames if he knew of a mountainous development similar to Rockville Estates.

Mr. Ames stated he can research mountainous developments.

Ms. Mohr stated that there was an attorney in Bucks County that did research on this issue.

Mr. Murphy stated most folks that move there will be preserving trees.

Mr. Altland stated that Alpha needs to submit a schedule of conditions as indicated on page 24 of the June 24th minutes. It will help a lot to get some things pinned down. If the Planning Commission knows what the conditions are, it can be documented and there will be no further discussion on the issue. The Planning Commission is expecting to see the schedule of conditions before they take action on the plan. The schedule of conditions for plan approval such as storm water, tree preservation, vegetative types, etc.

Ms. Brock stated that the terms of the conditions and storm water management must be clear. Some conditions are to satisfy the Borough Engineer's review comments, installation and maintenance of traffic signs, restrictive covenants for private open space.

Mr. Brown stated that in the long term, they will need to come up with some sort of matrix from a zoning perspective for the area controlled by the 20% disturbance area.

Mr. Murphy stated that he will provide an overall chart calculating coverage per lot.

Ms. Brock stated that the Planning Commission needs to understand what it is you are asking for in the waiver requests. Waivers are only to make the situation better, not to permit a development that would not otherwise be permitted. This has not been entirely addressed in terms of steep slopes.

Ms. Mohr stated that Borough Council has approved Mr. Harris, Borough Manager to work with Pennoni Associates to do a zoning review. It is important that people know this is happening before they leave.

Ms. Brock stated the waiver #4 on slope of bank along streets with steeper fill on slope what is the DEP regulation and erosion and sedimentation control for that. The geotechnical blanket is a short term erosion and sedimentation control measure.

Mr. Murphy stated that what happens in the 2:1 fill areas is that the geotechnical engineer will look at the slopes to make decision on erosion and sedimentation control measures.

Ms. Brock asked if the geotechnical report has been done.

Mr. Murphy stated that the geotechnical report cannot be done until they know what is happening with the plan.

Ms. Brock asked what will happen if the plan cannot be done.

Mr. Murphy stated that they are asking the Planning Commission to make recommendation with a condition that the appropriate study is done.

Mr. Altland stated that getting back to the SALDO. Hardship is in the ordinance. The ordinance states, *“The governing body may grant a modification of the requirements of one or more provisions if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in questions, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.”* What is missing from the waiver justification is context, what are consequences of disturbance. Does it result in smaller building lots?

Mr. Murphy stated that there will be more disturbance and more trees cut down if the waivers are not granted.

Mr. Altland stated that the justification needs to be articulated.

Mr. Brown stated that the Zoning Hearing Board docket speaks in conclusion of hardship. One hardship is listed in #10 which states, *“the hardship which is present has been created by and is due to the existing topography, physical circumstances and conditions of this property, the unique location of densely-wood areas, stream corridors and scenic views and thus, has not been created by the applicant.”*

Mr. Altland stated from a zoning perspective, the tract is a perfect example of the five legal conditions for granting a variance. It makes it impossible to develop this tract in strict conformance to the ordinance. Aesthetics and economics have been rejected by the courts as being relevant. The Planning Commission is not bound by what the Zoning Hearing Board thought was a hardship. If the hardship satisfies the zoning ordinance it would also satisfy the SALDO. What is minimum modification from the requirement that can not be satisfied in best public interest? This is taken straight out of the MPC. The real issue is what modification was given to start. The big issues are: what and how much. What modifications are reasonable? He thinks the developer outlines a lot of them. Probably didn't list per verbatim. The land is steep, more erosion and runoff; he has no clue if the calculations for this are met. Everyone is asking the question: where to go from here in terms of waivers. He thinks it is a combination of what modifications are given is a balance made to protect environmental features and the developer's desire for some type of profit. The developer wants guidance from the Planning Commission so they can continue to design the plan. The Borough doesn't have a strict ordinance to guide the Planning Commission, so there needs to be some negotiating. The Planning Commission should put their cards on table so developer knows what the Planning Commission is thinking.

Ms. Brock stated one thing looking at waivers for the road extension on Little Mountain which will require fill, radius, slope, and extension of straight stretch of road. These five things are very expensive to build. She would like to see shorter cul-de-sac and shorter length of roads. How will this benefit Marysville? There will be costs of roads and cost to Marysville to maintain the roads. The building lots are going four high up mountain. Maybe there is a better way to provide bulk of building lots. If a piece of road out of compliance it affects the whole road. She would like to see alternative ways to do that. There will be places where waivers will need to be granted.

Ms. Mohr stated her personal feeling is that the very intense look of the plan doesn't fit into the character of the Borough. She would like to see more open space. The development is so intense for mountain side. It will leave a big scar on community. The two mountains on each end of the Borough are Marysville's identity. She likes the way the development looks because it is more attractive to people but would like to see less lots.

An unidentified woman stated that the developer took cart before horse. They talked about where houses are. What doing to the mountain? What improvements will be done to Rt. 11/15? How do you get up to top and what will be destroyed to do it? Will there be fire hydrants?

Ms. Brock stated there will be fire hydrants.

Mrs. Stoner stated that there are a lot of things she likes about the plan in front of them, being one of the few people here from the beginning of the review process. However, when she looks at what is in front of them now and as to what was originally thought to be an open space plan. She doesn't have the same feeling about it. Ultimately, she doesn't see this as open space plan.

Ms. Brock stated as far as going through the rest of the waivers there are some changes and rewording suggested. The list of engineering items still needs addressed. Waiver request are still on the table. The railroad needs to also review the plan to see what is happening with the water. Utility companies and PennDOT will also have an opportunity to review their culvert and capacities. For the safety of community and the economy of the country, they need to make sure

the railroad is safe. She will call Mr. Gieszynski, Norfolk Southern Railroad, to find out what they need to make sure that the water coming down will not propose a problem.

Mr. Brown stated that PennDOT will not allow pipes over capacity. It is the engineer's responsibility to make sure facilities will not increase the 100 storm event.

Ms. Brock stated there are two aspects of storm water which are flows and how long it flows. The pipes don't go all the way down and the water dumps into the triangular area behind the rail road. Will water pool and saturate tracks. She needs to know.

Mr. Brown stated that water follows the natural drainage course. It may hold water for an hour or two hours.

Mr. Brown asked Mr. Murphy if he will be able to review the calculations.

Mr. Murphy stated he will be able to review the calculations, it is not a problem.

An unidentified lady stated that when there are heavy rains it floods on the Cumberland County side of the river.

Ms. Brock stated that the issues are peak flows and how long it flows. They need to look at pipes to determine if pipes can handle the peak flow. This area is not designed to be a detention pond.

Mr. Dillmann stated that the increased flow falling off development will create more phosphates. It is important for the Borough to understand the liability of phosphate. Expensive to solve after the development.

Ms. Mohr stated that Marysville is a MS4 community. The EPA has more stringent requirements.

Mrs. Sabo stated that she wants the Planning Commission to keep in mind that as a taxpayer, it is necessary to hear opinion, but the Planning Commission's job is to follow the rules. Two things came to light in Halifax. Halifax held up a development so long, the developer had to take it to court to get approval of the project. The taxpayers had to pay. She doesn't want to pay her tax dollars to go to court. Some things that need to be considered are storm water. In York County, a man was paid \$7 million for his land through eminent domain. He took them to court and the court awarded him \$17 million. Now the taxpayers must pay the difference. This was in the news. She doesn't want to see the development drag out for several more years.

Ms. Brock stated that the review process was almost there but then they got a revision. The Planning Commission gave the developer an opportunity to work out problems at their request, such as storm water and sewage.

Mr. Sabo stated that he has no relationship with Yingst Homes. He only knows what people tell him. Yingst Homes has a good reputation. Marysville is lucky to have them developing in Marysville. He stated that his wife presented a financial study earlier. He would like the Planning Commission to consider the study.

Ms. Brock stated she feels there are errors in it because you count everyone as having an earned income. A residential property paying for itself can go either way.

Ms. Mohr stated that she thinks it is great that Mrs. Sabo did a study. She is concerned as to whether the study considered expenses as part of the development.

Mrs. Sabo stated that she did a comparison with Marysville budget and 300 vs. 1,100 are substantial.

Mr. Murphy asked when the next meeting is.

Ms. Brock stated that the next meeting is August 26th.

Mr. Murphy asked if there will be a work shop meeting.

Ms. Brock stated that the August 13th workshop will be devoted for people to comment on the plan.

Ms. Mohr stated that the time extension for action on the plan expires on September 28th. The developer must grant another time extension or the Planning Commission must vote on the plan.

MOTION: Ms. Mohr moved to table the plan, seconded by Mr. Zehring. The motion passed unanimously.

Mr. Hepler asked what time the regular meeting work session starts.

Ms. Brock stated the work session starts at 6:30 pm. The agenda was incorrect showing 6:00 pm

b. Zoning Amendments:

Ms. Brock stated that the zoning ordinance amendments are still under review by Perry County Planning Commission.

5. New Business:

Mr. Ames, Tri County Planning Commission, stated that the Borough extended the contract to full time.

6. General Announcements.

Ms. Mohr stated that there was a meeting on the redevelopment plan for the square on Monday night which was an advertised meeting. There have been revisions to the plan since the Planning Commission last reviewed it. The Borough has received \$450,000 in grant money for this project. She feels that Borough Council should request that the Planning Commission do another review on the design.

Mr. Brown stated that the Borough has matched the monies required of them for the design fee.

Mr. Altland stated that the grant money cannot be used for infrastructure.

Ms. Mohr stated that the grant is for revitalization and beautification.

Ms. Brock stated that the Planning Commission's recommendation was to fix the infrastructure first before revitalization or beautification is done.

Ms. Mohr stated that the Borough hired a professional firm to do the ground work. It is her understanding that a lot of the proposal was feasible. The committee also wants to meet with the businesses.

Mr. Shearer asked if there was a time constraint on the grant money.

Ms. Mohr stated that the grant money needs to be encumbered by October. A final design is not required.

Mr. Zehring asked about the boat ramp.

Mr. Shearer stated that the boat ramp is a separate project.

7. Report on Borough Council Meeting (Next Council Meeting 8/11/08):

Ms. Brock stated that she was present at the last meeting discussing monies to be appropriated for Mr. Brown, Pennoni Associates, to do a zoning review on Rockville Estates.

Mrs. Stoner stated that the Borough Council had already made the decision to have Mr. Harris, Borough Manager to do the review with the help of Pennoni Associates. Mr. Harris prepared the motion review form for tonight's meeting.

Further discussion on Rockville Estates

Ms. Brock asked if the motions for the waivers could be modified to only permit a certain portion of the waiver request.

Mr. Altland stated that if the waiver is modified it may affect a setback which will require a modification of the plan. A schedule of conditions needs to be provided by Alpha. The Planning Commission can add more conditions of approval. The Planning Commission cannot delay action on the plan or deny the plan because of a third party approval. The Planning Commission action can be contingent upon the third party approvals.

Mr. Altland stated he thinks that maybe the developer got the feeling that the plan is not what the Planning Commission was expecting. He thinks that was important for them to hear. In order to deny the plan, the Planning Commission must cite the section of the ordinance and reason for denial.

Ms. Brock stated that a lot is contingent upon whether the waivers are granted. There will be impact on community.

Mr. Altland stated that the Planning Commission needs to look at everything together. The Planning Commission should strive to have what they want most on the plan. The plan is certainly not etched in stone.

Mr. Ames stated that the waiver request should state why it specifically makes it difficult to follow the subdivision ordinance. Why can't they do 12% maximum street grade. Does it have to be 14% maximum street grade everywhere or just some places? He doesn't think that the bulk of waiver requests do a good job of explaining why it is unreasonable to follow the ordinance.

Mr. Brown stated that normally a sketch plan is reviewed. He thinks it would be appropriate to bring in a subdivision that required no waivers.

Mr. Vaitl stated that the first plan didn't need waivers.

Mr. Vaccaro agreed.

Mr. Brown stated that the plan should show the area of disturbance. The deep cuts and exposed slopes are undesirable. Deep cuts and exposed slopes in a rock area are not as bad as soil area.

Mr. Zehring asked if black top is a more non slip surface.

Mr. Brown stated that the skid resistance rating is fine in rain.

Mr. Brock stated that the original plan was tabled and was not reviewed.

Mr. Altland asked if what can be built are worse then what they are proposing.

Ms. Brock stated that if the old plan is not a buildable plan, they can vote the whole thing down and they would have to come in under the new ordinance.

Mr. Altland stated if they can build the old plan you loss, if can't build old plan you win.

Ms. Brock stated that if they can't build the old plan without waivers it becomes unbuildable.

Mr. Vaitl stated that the public has been saying that.

Mr. Vaitl stated that Mr. Dillmann has also been saying that.

Mr. Altland asked what the Planning Commission received.

Ms. Brock stated that a sketch plan was submitted and worked on it. They said it was unbuildable and have to do it this way.

Mr. Vaitl stated it is on the record that Mr. Hepler asked before they went forward would the Planning Commission grant waivers to build the open space plan.

Mr. Vaitl stated that the Planning Commission voted to give waivers for the open space plan and Borough Council told them that as well.

Ms. Brock stated that it is necessary to recognize waivers on an open space plan.

Mr. Vaitl stated that the minutes should be reviewed to see what was said.

Mrs. Stoner stated that it wasn't that cut and dry. That is why she doesn't feel the same as she did at the beginning.

Ms. Brock stated what is unbuildable areas will be the same either plan.

Mrs. Stoner stated what she would like to see on this plan is Stone Arch Road end and about 18 lots removed.

Mrs. Brock stated from lot 77 down.

Mr. Brown stated that the plan will scar the mountain. A cul-de-sac is more hidden. The economy the way it is, he can't see 55 and older houses. The main entrance would be done first. The Initial egress is on Ridgeview Drive. Caroline Drive won't be done for 5 to 10 years. The bulk of facilities would be built.

Ms. Brock stated when the Planning Commission mentioned the cul-de-sac length, they took it out.

MOTION: Mrs. Stoner moved to let Yingst Homes Inc. know that the Planning Commission would look more favorably on the plan if lots 59-77 and the eastern end of Stone Arch Drive were eliminated based on the minimum modification necessary.

Discussion on motion

Mr. Altland stated that the waiver list could be cut down to meet the ordinance more.

Ms. Brock stated that there is a section of roadway that most of the waivers apply to.

Mr. Vaitl stated that there will still be waivers but not as many.

Ms. Mohr stated that the High Point Drive section of roadway is intense and could be scaled back.

Ms. Brock stated it does follow contours better.

Mr. Vaccaro asked if the plan meets the definition of open space plan.

Mr. Ames stated that there is no definition of an open space plan in the MPC.

Mr. Brown stated that the ordinance does have a section on PRD's.

MOTION Seconded by Ms. Mohr.

Mr. Vaitl stated that they will lose 19 to 20 lots.

Mr. Brown stated that if the lots are eliminated then the Planning Commission will look favorable on the minimum cartway width, 14% grade and 100' tangent.

Ms. Moor questioned the 500+ block length waiver #10.

Mrs. Stoner stated that one thing that is missing on this plan is the traffic calming islands.

Mr. Brown stated that the traffic calming islands were taken out because of the way they designed the plan it cut the access off and couldn't make a left turn. They didn't have access from a functional standpoint.

Mr. Ames stated that the waiver requests sidewalks on both sides of street on numerous roadways which amounts to narrower roads effects design speed. One question he has is if speed humps could be added to slow traffic down for people coming down hill and turning. A bus doesn't have a problem with speed humps.

MOTION AMENDED. Ms. Brock amended the motion to require that the plan be revised to provide a method of slowing traffic such as speed humps to the long streets.

The motion passed unanimously.

8. ADJOURNMENT/NEXT SPECIAL MEETING DATE 8/13/2008 @ 6:00pm/NEXT REGULAR MEETING 8/26/08 @ 7:30 pm, WORK SESSION @ 6:30 pm.

MOTION: Mr. Shearer moved, seconded by Ms. Mohr to adjourn the meeting at 10:25 pm.

Respectfully Submitted,

Janet Hardman,
Code Enforcement Officer