

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

CALL TO ORDER. The meeting was called to order at 6:35 pm.

MEMBERS PRESENT

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

STAFF PRESENT:

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

OTHERS PRESENT:

Cliff Dillmann
Ann Simonetti
Brian Harris

1. Rockville Estates Preliminary Plan

Ms. Brock stated that she reviewed the conditions submitted by Alpha Consulting Engineers. Mr. Altland has some notes on what might not be on the list that needs to be on the list.

Mr. Altland stated that the Suggested Recommendation of Approval Language Draft submitted by Alpha Consulting Engineers should be revised to add #iii. to #7.a. and b. to prohibit motorized vehicles such as ATV's, dirt bikes in the public open space and private open space. This was not discussed with the developer. They may have intended to put in restrictive covenants for noise control. Any motorized vehicle should be prohibited.

Mr. Brown asked if they want to restrict landowners on the private open space.

Mr. Altland stated that the area that is supposed to remain undisturbed would be restricted for private and public open space which is on their proposal.

Mr. Altland stated that another recommendation on page 2 "c" which states, "*Lot numbers 244, 245, 251, 252, 261, 270, 271, 290 & 291 (those at top of development toward top of mountain) i. In addition to tree preservation policies regarding Public and Private Open Space, existing trees on the top ten lots shall have a collective average of 70% preserved as follows:* discussion was held that this section identifies areas on the lot where tree cutting can occur. The developer doesn't want to restrict the owner in regard to location and size of the house. He suggested that at the time of the building permit, the applicant will be required to delineate where the home is

going to be so it is clear on area that is to be preserved. The open space at the top on Sheet 3 of the plan has a scale of 1" to 250'.

Mr. Altland asked what was the width of the narrowest strip along the south border.

Mr. Brown stated that it is approximately 100'.

Mr. Altland suggested that this area have contiguous open space along the top of the mountain on the south end. All lots have open space except for lots 290 and 291.

Ms. Brock stated that this area is a tiny bit flatter.

Mr. Altland stated that the rear yard setback is 50'. He suggested that they ask the developer to preserve the 50' across the back of lots 290 and 291.

Ms. Brock suggested amending c.i.l.i. *Lot 290, total area 22.47 acres, percent preserved 88%* and *j. Lot 291, total area 11.43 acres, percent preserved 80%* to preserve the rear 50' area.

Mr. Altland stated that the 50' rear setback on lots 290 and 291 should have no less than 50' of private open space. A term is needed to describe the white area shown on the plan for lots 290 and 291.

Mr. Brown asked what is applicable, developable area or maximum lot coverage. The 30% maximum lot coverage is not necessarily the coverage referred to.

Mr. Altland stated that they are referring to the buildable area.

Mr. Dillmann stated that the southern part of the property on the plan is permits building, is extremely steep. Just because the road is there doesn't mean it is buildable.

Ms. Brock stated that the 50' setback should be included in the preserved area as open space plus slopes over a certain percent. The preserved area to be designated at the time of the submission of a building permit and would be considered private open space.

Mr. Dillmann stated that sheet 44 shows the relationship of buildable space, the road and contours.

Mr. Altland stated that another issue that needs to be addressed is whether there needs to be a condition that the open space A and C should be deeded and dedicated to the Borough.

Ms. Brock stated that she is willing to recommend that the public open space is dedicated to the Borough.

Mr. Brown stated that open space B should also be dedicated.

Mr. Vaccaro stated that open space C is too steep.

Mr. Altland stated that open space A and C was suggested to be used for hiking.

Ms. Brock stated that it is steep but makes for interesting trails.

Mr. Altland stated that the openings for the walking trails should also be dedicated.

Ms. Brock stated that part of open space A include public cross walks that go between streets are depicted as private open space.

Mr. Altland stated that the public open space is maintained by the homeowner's association unless the Planning Commission wants that dedeed to the Borough.

Mr. Dillmann stated that the area connecting hikers to all spaces should be public.

Ms. Brock stated that there should be a provision that the connections between the streets can be used by the public.

Mr. Altland stated that liability is not an issue if owned by the Borough.

Mrs. Simonetti asked if the open space B at main entrance just begins to the south side, since the street is going to be dedicated, is that not an issue.

Ms. Brock stated that open space A and C should be dedicated to the Borough prior to the whole development being finished.

Mr. Altland stated that it should be a condition of approval that the open space is turned over to the Borough.

Mrs. Simonetti asked what is the open space at Rockville Boulevard?

Mr. Altland stated that to the south is open space B and to the north is open space A. The question is do you want it dedicated?

Mrs. Simonetti stated that at one time the National Audubon Society was interest in maintaining the open space.

Mr. Dillmann stated that the Keystone Trails was interested in doing a trail system if they have right of way through Rye Township property to connect to the Darlington Trail.

Mr. Altland stated that the developer would not have a problem dedicating open space B to the Borough. Mr. Altland asked where the quarry is located.

Ms. Brock stated that the quarry is north of the entrance.

Mr. Vaccaro stated that the quarry is in open space A.

Mr. Vaitl asked why the Borough would not want the open space dedicated.

Mr. Vaccaro stated that there is a decent view of the bridge from open space A.

Ms. Brock stated that the concept is to tie the Darlington Trail into this trail system by coming across the Rye Township property owned by Yingst Homes, Inc. She feels there should be a condition that the developer negotiates with Keystone Trail of the Appalachian Trail to provide an easement.

Mr. Altland asked where the Darlington Trail ends.

Ms. Brock stated that Darlington Trail ends at Tower Road.

Mr. Altland suggested identifying the trail as being tied end by the stream bed.

Mr. Dillmann asked if the trail follows along stream bed.

Ms. Brock stated that the trial goes from Tower Road across the property to west end to Fishing Creek.

Mr. Vaccaro stated that the stream dries up at some point.

Ms. Brock stated that the easement could be identified as starting at Tower Road to Marysville/Rye boundary line to Fishing Creek and then they can figure out a precious route from there.

Mr. Altland stated that another condition that needs discussed is the requirement for a cul-de-sac at the end of Reiff Drive located at the west end of the plan between lots 293 and 155. Some of the plan sheets show the cul-de-sac and some plan sheets do not show the cul-de-sac.

Mr. Brown stated that a cul-de-sac is needed for road maintenance.

Ms. Brock stated that the subdivision regulations require a cul-de-sac at dead end roads.

Mr. Dillmann stated that the small open space areas between the streets should be owned by the Borough for liability issues. These areas could become small projects for the boy scouts.

Mr. Altland stated that open space F, G and H is the open space that goes between the roads.

Mr. Ames stated that open space D and E are where there are potential ponds.

Mr. Altland stated that the condition referencing the Borough Engineer's report should specifically reference the September 23, 2008 report.

Mr. Ames stated that F.1. states that the Perry County Planning Commission report was required. That report has been done so this section does not apply.

Mr. Brown stated that open space C and D are detention ponds which are to be maintained by the homeowners association.

Ms. Brock stated that sheet 44 of the plan shows a detention pond on the west side of Caroline Drive and is marked open space C. The detention pond portion of the open space C could be part of open space E.

Mr. Altland stated that they could make both open space E on both sides of Caroline Drive.

Mr. Brown stated that there could be a condition that open space D and E be maintained by the homeowner's association and specifically identify it on the plan.

Mr. Altland suggested language that the maintenance will be done by the homeowners association until the Borough accepts dedication.

Mr. Dillmann stated that between lots 167 and 168 is a detention basin. He suggests retaining area next to 167 as public right of way so people can access the roadway.

Mr. Altland stated that this area is all public.

Ms. Brock stated that the detention pond on Caroline Drive is an issue.

Mr. Altland stated that the detention pond is within open space C. The area around the detention pond could be relabeled as public open space but not to be dedicated to the Borough.

Mr. Dillmann asked of the Borough could own the open space areas with the detention ponds and require the homeowners association to maintain them.

Mr. Brown stated that there is a condition that the detention ponds are fenced and maintained by the homeowners association.

Mr. Altland stated that dedicating the entire area with the detention pond and requiring the homeowners association to maintain it should not be a problem. He asked if the ponds are detention ponds or retention ponds.

Mr. Brown stated that the ponds are detention/infiltration basins.

Ms. Brock stated there should be provisions that in case of an emergency, and the Borough had to maintain a detention/infiltration basin, they could send a bill to the homeowners association.

Mr. Altland stated that D. "Stormwater" in the Borough Engineer's report is incorporated into the conditions of approval. It does not look like a lot but it is important and will take a lot of planning to get the items addressed.

Ms. Brock stated that D.4. includes off site storm water existing on Ridgeview Drive and SR 15.

Mr. Brown stated that D.4. will require approval by PennDOT. The Borough will need to work with PennDOT on the final design to understand what they are proposing.

Mr. Altland asked if there are limits on the degree of slope for the sanitary sewer.

Mr. Brown stated that there is no limit on slope for sanitary sewer. The sewer is required to be tied down with blocks or tie downs on steep slopes.

Mr. Brock stated page 84 shows a sewer line and storm water line from Stone Arch Drive straight down to Kittochtinny Drive. The cross section shows this to be very steep.

Mr. Brown stated that the biggest problem with steep slopes is velocity or erosion. This is a function factor.

Ms. Brock stated that surface water gets out and runs down the side of pipe. The storm water pipe is open into Kittochtinny Drive.

Mr. Brown stated that they don't know what the final design will be. The water has to be channeled under the roadway. He thinks there will be a swale that will intercept and take water around. Swales that are rock lined will be located on every road. This will be a part of the final design that will need to be reviewed.

Mr. Altland asked if this is covered in the Borough Engineer's comments.

Mr. Brown stated that this is covered in the Borough Engineer's comments. Comment D.1. a. and c. set the standards for the design of the storm water.

Mr. Altland stated that comment E is for sanitary sewer and comment F is general comments with the exception of 1. Stating the plan must be reviewed by the Perry County Planning Commission which has been done.

Ms. Brock stated that Sanitary Sewer comment #5 states, "*The developer must provide a study/inspection (i.e. videos) showing the areas of existing sewer that will be affected to determine the need for any required improvements to the sanitary sewer to meet he needs of the proposed development.*" Where are they showing areas of existing sewer?

Mr. Brown stated that there is existing sewer behind the Lady Finger, Fishing Creek and Park Drive.

The work session adjourned at 7:28 pm

MARYSVILLE BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 23, 2008

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

Roll Call:

MEMBERS PRESENT:

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

STAFF PRESENT:

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

OTHERS PRESENT:

Cliff Dillmann
Ann Simonetti
Sherree Knight, 216 S. State Road
Craig and Jean Raisner, 203 Kings Highway
Jim Sabo, 100 Willow Street
Robert Zimmerman, Jr., 205 Ridgeview Drive
Paul and Deb Hepler, Yingst Homes
Forest Troutman, Yingst Homes
Jeannine Rhome, 304 Kings Highway
Delores and Dan Stephens, 900 Landsvale
Donna Lee Clendenin, 409 Cameron Street
Maureen Wentzel, 222 Ridgeview Drive
Pat Copp, 208 Overcrest Road
Joann Horanic, 200 Kings Highway
John Murphy, Alpha Consulting Engineers
Rick Castranio, Alpha Consulting Engineer

2. MINUTES:

a. July 22, 2008

MOTION: Mr. Shearer moved, seconded by Ms. Mohr to approve the July 22, 2008 minutes as submitted. The motion passed unanimously.

b. August 26, 2008

Page 5 change “fore site” to “foresight”.

(For the record, Mr. Zehring arrived at 7:36 pm)

MOTION: Mr. Vaccaro moved, seconded by Mr. Shearer to approve the August 26, 2008 minutes as amended. The motion passed with Mr. Vaitl abstaining.

3. PUBLIC COMMENT.

a. Mary Wentzel, 222 Ridgeview Drive.

Ms. Wentzel stated the zoning amendments are binding on people. The gradient is such a steep gradient that people will not be able to get into the development when it snows. There will be an extra burden on us when it is time for the temperature drop and de ice where there are steep gradients. Steep gradients will cause more accidents but in the long run, we will pay the cost. A lot of people are concerned about the amount of accidents that will result from the steep slopes.

b. Joann Horanic, 200 Kings Highway

Mrs. Horanic stated she received a copy of the hydrologists report. The report is in civil engineering wording which makes it very difficult to understand. She asked if the Borough has a civil engineer to understand the report. She lives on Kings Highway which is located on the south end border of Fishing Creek. The water runoff will affect the quality of fishing.

Ms. Brock stated that there is an engineer on staff at Pennoni Associates, the Borough Engineering Firm, that can review the hydrologists report. There is not a civil engineer on the Planning Commission. There has been changes to the plan which was one of the Borough Engineer's comments that there is still more work that needs done.

Mr. Brown stated that in theory the pre and post runoff should be acceptable. He will go through the calculations again but he does not feel there was much change in the runoff from Trout Run into Fishing Creek. The big runoff area is going under Route 15. There are other issues on runoff. This is a preliminary plan and a lot of reviews still need to be done before the final plan submissions.

c. Dan Stephens, 900 Landsvale

Mr. Stephens stated that what is affordable can not be done right. There is already obsolescence in the Borough now. A new sewer line being installed is the big question. If the sewer line is sleeved it will just get by. This is totally out of balance. He was previously in this trade. It comes down to dollars. Why is the plan continuing if the people can't afford to do it right. Need a legal position to make real homeowners association which is a government within a government. This is serious planning.

Ms. Brock stated that it is the Planning Commission's interest to make sure that the existing sewer lines and storm sewer lines be brought up to what is required.

Mr. Stephens asked if that would include every house on Ridgeview Drive.

Ms. Brock stated that it depends on where they are connecting into the existing sewer. There will be work that will be required off-site to improve the storm sewer and the sanitary sewer.

Mr. Stephens stated that the line that is being connected into is already obsolete.

Ms. Brock stated that they do not have the analysis of storm sewer coming down through the development.

Mr. Stephens asked how many plans must come through before it is required. It all comes down to dollars and cents.

Mr. Stephens stated that the sewer line should be updated all the way to the sewer plant. He hasn't heard anyone give proper representation of the storm sewer.

Ms. Brock stated that there will be conditions that Perry County Conservation District and the Department of Environmental Protection Agency must approve the storm water plans.

Mr. Stephens stated that everyone has already seen the volume of water that the mountain can produce. In 1967 the Borough experienced the trailer park and quarry flooding. The first set of

railroad tracks were washed out. It is just natural. There is a totally defunct highway and streets in the Borough now. Everything is defunct in this Borough. To fix the streets, sewers and storm sewer is way beyond the developer to fix. Why waste everyone's time.

d. Donna Clendenin, 409 Cameron Street

Ms. Clendenin stated that the last heavy rain a couple weeks ago gave us problems. How is development going to connect to a deteriorated water system? The Borough Engineer said water is coming under Rt. 11/15 to the rail road tracts

Ms. Brock stated that the off site facilities that is not included in the plan will need addressed. She called the foreman of the railroad to see if they received the review of the railroad engineers.

Ms. Clendenin stated that the Borough needs to think about the Rockville Bridge if anything happens. The only way from the east to west is from the Rockville Bridge. The Rockville Bridge is an historic structure.

Mr. Stephens stated that the Rockville Bridge is part of the infrastructure.

Mr. Raisner stated that the tunnel under the railroad from the quarry is where water now dumps out which is south of the Rockville Bridge. The whole area is wetland in front of the bed and breakfast. Back a number of years ago, the whole area was under water from the water coming off the mountain.

Mr. Brown stated that the water ponds in front of the bed and breakfast, then sheet flows to the river.

Mr. Raisner stated that once again it comes back to the Borough.

Ms. Wentzel stated that when they got the last rain a water main broke on Ridgeview Drive. In order to connect the development, the street will need to be dug up. Also, there are a lot of trees holding back water. Everyone on street gets brown water when there is a main break. When they get brown water from a main break, it takes flushing of at least three to four times before they get potable water. There has got to be some other way to connect 300 + homes with three to six people in each home.

Ms. Brock stated that fresh water will be supplied by United Water Company. Right now the water comes across at Rockville Bridge. Those mains may need to be addressed.

Ms. Mohr stated that the developer has supplied a letter from United Water Company that they will service the development.

Ms. Wentzel stated United Water Company is a business and will say they can provide water to any one. There is pooling of water on the street now. There are fresh water problems now. Trees are the most natural water infiltration system. If trees are cut down there will be flooding and water problems. The water issues need to be addressed now.

Mr. Stephens stated that the waters system is defunct and dates back to 1909. What about public safety and reckless endangerment because of fire.

Mrs. Horanic stated that the fire department told people in the River Bend development that they couldn't come up and fight fire.

Ms. Brock stated that this is an appropriate concern. The preliminary plan does not have everything answered. There are conditions that must be met as part of the preliminary plan approval. The plan will evolve into a final plan.

e. Craig Raisner, 203 Kings Highway

Mr. Raisner stated that he was present to provide a letter from the Concerned Citizens of Marysville dated September 23, 2008. See attached copy of the letter dated September 23, 2008 from the Concerned Citizens of Marysville attached hereto and made a part hereof.

f. Cliff Dillmann

Mr. Dillmann stated that he presented a letter dated September 23, 2008 from the Susquehanna Water Gap Association addressing five points. See attached copy of letter dated September 23, 2008 from the Susquehanna Water Gap Association attached hereto and made a part hereof.

Mr. Dillmann stated some questions that need answered are: issue of storm water and how often it will exceed; when the sewer is sleeved what percentage is used now what percentage used after development is completed; when the development is completed and the property is dedicated to the Borough, will there be bonds in place for afterwards so the Borough don't have to foot the entire bill.

Mr. Altland stated that there is bonding requirements in the Municipalities Planning Code and in the Borough Ordinance for 18 months after dedication of improvements.

Mr. Dillmann stated that 18 months is not long enough.

Mr. Altland stated that the time period is set forth in the ordinance and state law.

Mr. Zehring stated that there is a portion of Whitetail Terrace that has a 14% slope that the fire truck could pump.

Mr. Stephens stated that was a single occurrence event. If there was a mountain fire, Marysville could not handle it.

Ms. Wentzel stated she is concerned about the fire truck but also that the Planning Commission is voting on variances. People need to look at and vote against the variances. There could be a lot of problems with icy road conditions. The Borough would have to buy extra equipment. Judging from the ice last year behind her house and the fact that it don't get sun behind her house, the granting of the variances will allow the roads and once roads are in, who will foot bill. Say no to the zoning variances. Roads will be very dangerous and not enough sun, very dangerous.

Ms. Mohr stated that the Planning Commission is not granting variances. The variances have already been granted by the Zoning Hearing Board. The Planning Commission is reviewing waivers.

Ms. Brock stated that the waivers were something that has to be looked at a lot. That is the reason why a road was eliminated because of steep slopes which reduced the waiver request.

4. OLD BUSINESS:

a. Rockville Estates Preliminary Plan.

Ms. Brock stated that there is a plan sheet available for the Planning Commission members and the people in attendance to look at. There was a list of conditions supplied by Alpha Consulting Engineers that was reviewed at the work session. There are some recommended changes to the conditions.

Mr. Murphy made a brief overview of the plan and waiver requests from the last work shop meeting. The property is 472 acres. There was previously 114 acres of public open space and an additional 6.9 acres was added making the public open space at 38.7%. There was also a steep road eliminated from Kittochtinny Drive to Stone Arch Drive which reduced the impact on the steep slopes and eliminated 11 lots. There are now 294 lots with a total of 120.5 acres of public open space and 83 acres of private open space.

Mr. Murphy stated that global comments were incorporated that were received from the Planning Commission and the public. The storm water was designed and reviewed by Pennoni Associates so the development does not further impact downstream. They are still working with the sewer committee on the sewer design which will also need to be approved by the Department of Environmental Protection. The developer will be required to bond the improvements at 110% and fund inspection fees so the Borough Engineer can do inspection while the improvements are being constructed and when it is done. This is a several year process. The Borough staff makes sure that what is constructed is done right. The Borough Code and Municipalities Planning Code take this into consideration. Everyone is working toward same goal.

There were major modifications done on the impact of the waivers and to reduce waiver requests. An additional access was provided between lots 17 and 18.

Waiver 1.a. Section 502.7.A - Right of way and cartway width. Mr. Murphy stated that the ordinance considers the streets as collector streets which require a 60' right of way and 36' cartway. They want to provide a 50' right of way and 30' cartway width which are the requirements for a local street. The shoulders will be used for swales and a sidewalk. The paved area will be reduced by 3.5 acres. The disturbed area will be reduced by 10 acres and there will be less storm water runoff.

Waiver 1.b. Section 502.6. A – Minimum horizontal curve radius. Mr. Murphy stated that the 180' radius that will be provided will follow the natural contours and features of the site which will decrease the amount of cut and fill. The 180' radius for 25 mph roadways is consistent with Penn DOT DM-2 requirements.

Waiver 2. Section 502.9 – Maximum Street Grade. Mr. Murphy stated that providing a street grade of 14% instead of the 12% required by the ordinance will reduce steep areas and minimize disturbance from 6,000 linear feet to 3,875 linear feet. Exhibit 2A shows the difference in the amount of disturbance for lot 118 and 119 using 14% street grades vs. 12% street grades. Exhibit 2 shows the streets where the waiver is being requested.

Mr. Ames stated that it looks like most of the areas where the waiver is effecting are in curves at reduced radius.

Mr. Murphy agreed.

Mr. Ames asked if there will be on street parking.

Mr. Murphy stated that there will be some on street parking.

Ms. Wentzel asked what the cartway was on Ridgeview Drive. There are already traffic flow problems. Cars always park on the street.

Ms. Brock stated that there is on street parking on Ridgeview Drive because there is no off street parking.

Ms. Wentzel stated that there is off street parking on Ridgeview Drive.

Ms. Brock stated that it is a tradeoff because more pavement creates more water. It is her guess that Ridgeview is 25' to 30' cartway.

Waiver #3 Section 502.3.D - Intersection Leveling Area. Mr. Murphy stated that Exhibit 3 shows two areas of 6% leveling area and five areas of 4% leveling area. Exhibit 3A shows the effect on lots 32, 33, and 34. The detail shows that the waiver will reduce the cut by 12' vertically.

Waiver #4 Section 502.10 – Slope of banks along street. Mr. Murphy stated the ordinance requires a minimum cut of 2:1. The proposed cut of 1.5:1 reduces the disturbed area from 3.91 acres to 2.53 acres. Exhibit 4A shows the difference in disturbance from 2:1 to 1.5:1 in open space B adjacent to Rt. 11/15. There is 270' of 2:1 reduced to 160'.

Mr. Ames asked if a retaining wall is required or will it retain itself.

Mr. Murphy stated that it will retain itself.

Waiver #5 Section 502.8 – Maximum cul-de-sac length. Mr. Murphy stated that Stewart Court is 670' with only ten lots opposed to 500' maximum required length. They are eliminating 1,800 linear feet of road and 11 lots on Little Mountain. The connection for Stone Arch Drive to Kittochtiny Drive was removed at the request of the Planning Commission.

Waiver #6 Section 602.5 – Sidewalks on both sides of street. Mr. Murphy stated that there will be sidewalks on both sides of the street on Caroline Drive where it connects with the existing Caroline Drive. There will be three acres less of disturbance and will also allow for a swale on one side of the street.

Waiver #7 Ordinance 470.401.k.2.C. – All soils shall be considered to be Group “C”. Mr. Murphy stated that they know what the soils are for the land. The waiver is asking that the specific soil type be used for design.

Waiver #8 Ordinance 470.402.H. Detention pond bottom shall have a minimum 2% slope to allow positive drainage and a bituminous low flow channel. Mr. Murphy stated that they are asking for a flatter bottom which is good environmentally.

Waiver #9 Section 502.3.C – Approaches shall follow a straight line for a distance of at least 100 feet from the intersection centerlines. Mr. Murphy stated that Exhibit 5 shows four intersections where there is a tangent line. A tangent line is a straight line between two curves. This will permit traffic calming. There are no negative effects.

Waiver #10 503.2 – Blocks shall be between 500 feet and 1200 feet in length. Mr. Murphy stated the waiver will minimize disturbance and plowing. There are areas shown on sheet 3 of 99 for traffic calming. The traffic calming design has not been finalized. They are working with the Borough Engineer. Wide speed humps was suggested.

Waiver #11 Section 504.6 – No lot shall be less than 50 feet in width measured along the front street right of way. Mr. Murphy stated that Exhibit 11 shows the lots with less than 50’ in width along the street right of way. Most of the lots affected are the six large lots at the top of the mountain that have shared driveways and lots 94 and 95 on Stewart Court cul-de-sac.

Waiver #12 Section 504.9 - No pan handle shaped lots shall be created unless the terrain dictates otherwise. If allowed, minimum width at the right of way must be 75% of the minimum lot width at the building setback line. Mr. Murphy stated that Exhibit 12 shows the 11 pan handle lots.

Mr. Raisner asked if a house could be built at the end of lots 244 and 245.

Mr. Murphy stated that 200’ of the rear of the lot is in private open space which precludes development in that area.

Mr. Raisner stated that the Darlington Trail crosses the rear of the lots.

Ms. Brock stated that there are existing houses going across Blue Mountain. The trail was closed by the owners along this section of the trail a number of years ago.

Waiver #13 Section 504.1.C – Depth of lots shall be not less than one or more than two and one-half times their width. Mr. Murphy stated that Exhibit 13 shows the lots with depth of 2 ½ times the width of 68 lots and lots with depth less than one times their width of 15 lots. Because of the terrain and open space development design, some shapes of lots will not be traditional.

Waiver #14 Section 502.6.B. Tangent length of at least 100 feet between reverse curves. Mr. Murphy stated Exhibit 14 shows a 5 feet tangent length on Stone Arch Drive to discourage left turn onto Caroline Drive.

Ms. Brock stated that it is important that everyone understands the waiver requests. The Planning Commission went through the conditions at the work session. We can move forward and look at the conditions. The Preliminary Plan does not have all the answers. The conditions of approval is what the Planning Commission wants developer to do that is not in the ordinance so it needs to be specified as a condition. They spent the first hour of work session going through the list.

Ms. Brock stated that the #1 condition is that all the Borough Engineer's comments dated 9/23/08 are addressed which includes off site water and sewer issues.

Mr. Altland stated that the comments in B.-Subdivision, D.- Stormwater, E.- Sanitary Sewer and F. - General with the exception of #1 which states, *Plan must be reviewed by the Perry County Planning Commission* because #1 has already been addressed, are addressed in the 9/23/08 Borough Engineer's report.

Ms. Brock stated that the Borough Engineer's report dated 9/23/08 references plan as dated April 8, 2008 and last revised September 7, 2008.

Ms. Brock stated that condition #2 requires sanitary sewer design approval.

Ms. Brock stated that condition #3 requires Perry County Conservation District approval. This will deal with the runoff issues.

Ms. Brock stated that condition #4 requires approval of the Department of Environmental Protection (DEP) planning module or exemption.

Mr. Murphy stated that DEP will determine if the sewage approval is by a module or exemption.

Ms. Brock stated that condition #5 requires that the waivers are approved by the Borough Council.

Ms. Brock stated that condition #6 states, *Tree Preservation note on Preliminary Plan to read as follows: Tree preservation is encouraged as a matter of policy in Rockville Estates. Developer to include tree preservation language in covenants and restrictions applicable to Rockville Estates.*

Ms. Brock stated that condition #7 states, *The applicant is to draft language acceptable to the Borough Solicitor and Applicant which will contain in the recorded covenants and restrictions for Rockville Estates and will included the following concepts and subject matters:*

- a. *Public Open Space*
 - i. *Where permitted, all tree cutting and brush removal is subject to the following and will be performed by developer or homeowners association or alternatively, if Borough accepts dedication of Public Open Space, then all tree cutting and brush removal thereafter will be the responsibility of the Borough. Public Open Space A, B, and C to be dedicated to the Borough.*
 - ii. *Trees will be preserved except under the following circumstances*
 1. *Tree cutting and brush removal will be permitted for installation of utilities.*

2. *Tree cutting and or brush clearing will be permitted for possible placement of walking trails, but only if necessary for safety or trail design.*
 3. *Tree cutting and brush clearing will be permitted for forest management as recommended by qualified forest management professional (e.g., diseased, dead, etc.)*
 4. *Tree cutting will be permitted to protect safety and welfare of residents (e.g., diseased, dead, unstable, etc.)*
- b. *Private Open Space*
- i. *Where permitted, all tree cutting and brush removal is subject to the following and will be performed by developer or homeowners association direction only.*
 1. *Tree cutting and brush removal by private owner is prohibited.*
 - ii. *Trees will be preserved except under the following circumstances*
 1. *Tree cutting and brush removal will be permitted for installation of utilities.*
 2. *Tree cutting and brush clearing will be permitted for forest management as recommended by qualified forest management professional (e.g., diseased, dead, etc.)*
 3. *Tree cutting will be permitted to protect safety and welfare of residents (e.g., diseased, dead, unstable, etc.)*
- c. *Lot Numbers 244, 245, 251, 252, 261, 262, 270, 271, 290 & 291 (those at top of development toward top of mountain)*
- i. *In addition to tree preservation policies regarding Public and Private Open Space, existing trees on the top ten lots shall have a collective average of seventy percent (70%) preserved as follows:*
 1. *Existing trees on each of the specifically enumerated lots shall be preserved as a percentage of the total lot area as follows and at no time shall drop below the following percentages:*
 - a. *Lot 244; Total Area 5.91 acres; percent preserved 58%*
 - b. *Lot 245; Total Area 12.34 acres; percent preserved 80%*
 - c. *Lot 251; Total Area 9.71 acres; percent preserved 74%*
 - d. *Lot 252; Total Area 8.15 acres; percent preserved 69%*
 - e. *Lot 261; Total Area 9.16 acres; percent preserved 73%*
 - f. *Lot 262; Total Area 5.61 acres; percent preserved 55%*
 - g. *Lot 270; Total Area 6.99 acres; percent preserved 64%*
 - h. *Lot 271; Total Area 5.33 acres; percent preserved 53%*
 - i. *Lot 290; Total Area 22.47 acres; percent preserved 88%*
 - j. *Lot 291; Total Area 11.43 acres; percent preserved 80%*

Ms. Brock stated that the Planning Commission is proposing that in a. and b., #iii be added stating “no motorized vehicles shall be permitted such as ATV’s dirt bikes, etc. Borough trucks are permitted in areas where access to utilities is required.

Ms. Brock stated that there is a lot of concern regarding the largest lots along Blue Mountain on what is available for construction. They want to try to eliminate area that can be used for development. The area left after the private open space is 2.2 to 2.7 acres that can be utilized for building. They discussed adding a condition that the area for development would be designated

at the time a building permit is applied for so it can give people flexibility where they want to build. Then the remaining ground would fall under private open space.

Mr. Troutman stated that they want to encourage someone buying those lots to preserve as much as possible. If they can do their house with 65% preservation leaving tally with lot so if they want to later build a garage or other similar project.

Mr. Altland stated that the discussion was for the applicant to identify the building area whether immediate or in the future. They could designate the building envelope at the time of the building permit application submission.

Mr. Troutman stated that at the time of the first building permit, the applicant may not know where other development will be. His preference is to stick with a percentage minimum and allow the applicant to take in increments which may not be contiguous. He encourages a percentage for preservation.

Ms. Mohr stated that the condition could be worded that at no time the building area drop below a percentage applicable to any additional building permits.

Ms. Brock stated that if the house is 25% of the first building permit and another building permit is required, could they still designate remaining area to be private open space.

Mr. Troutman stated that the private open space should be clearing defined at plan approval.

Ms. Mohr stated that in addition to private open space area, the area not used should be preserved.

Mr. Altland stated that could eliminate the requirement of tree cutting from the additional preserved area.

Mr. Troutman stated that additional area to be preserved other than private open space further restricts the property owner from using their land at all.

Ms. Brock stated that the private open space permits trails. The additional preserved area would be for cutting of trees.

Mr. Altland stated that tree cutting and brush removal is as far as they want to go with that.

Mr. Brown stated that the plan states that there is a 30% maximum coverage for a lot. Adding a garage would fall under the 30% coverage requirement. Does the private open space count in the calculation for coverage.

Mr. Murphy stated that the open space counts in the coverage calculation.

Mr. Ames stated that Lot 200 has 25% in private open space. Does the 25% private open space count toward total lot area.

Mr. Murphy stated that the private open space counts toward lot area.

Mr. Altland stated that the next suggestion is calculate impervious surface minus private open space.

Ms. Brock stated that the map designated public and private open space on sheet 3. They are requesting that on Lots 290 and 291 that the top 50' along the mountain be designated as open space. The 50' along the mountain is included in the other large lots.

Mr. Altland stated that the 50' rear setback would be required to remain with trees and private open space.

Mr. Ames stated that the 50' setback is nonbuildable but not private open space.

Ms. Brock stated that they are asking that the 50' setback be included in the restrictions applicable to open space because once trees are cut down it is harder to hide anything and nothing can be built in the setback space any way.

Mr. Troutman stated that it may affect the building envelope. They do not want to redesignate the 50' setback as private open space.

Ms. Brock stated that the 50' setback area designation of private open space only applies to lots 290 and 291.

Mr. Murphy stated that they agree with concept but don't want to be boxed into limits for building the house.

Mr. Stephens asked if the storm water for this area was included.

Mr. Murphy stated that the storm water was already factored into the maximum coverage.

Ms. Brock stated that they want to make conditions at tonight's meeting.

Mr. Raisner asked if detention ponds are in the dark green area shown public open space.

Mr. Castranio stated that there is 3.8 acres of storm water facilities in the open space.

Mr. Raisner asked if the detention ponds are fenced in.

Mr. Brown stated the detention ponds are fenced in.

Mr. Raisner asked if the common open space toward Rockville and Big Bee is at the existing quarry is left open for public use.

Mr. Murphy stated that this open space is public.

Mr. Raisner stated that the letter from the Concerned Citizens of Marysville is asking the Planning Commission to look at things that were not adhered to.

Ms. Brock stated that unfortunately the Planning Commission does not have control over the Zoning Hearing Board. The Planning Commission is restricted by what the Zoning Hearing Board did. Don't have any way to challenge the Zoning Hearing Board.

Mr. Raisner stated they are not asking the Planning Commission to challenge the Zoning Hearing Board, they will do that.

Mr. Altland stated that the Concerned Citizens of Marysville can file an appeal. Timeliness is an issue.

Mr. Dillmann asked about the ATV issue on private lots. Can ATV's be used in buildable area but not in the private open space?

Ms. Mohr stated that the prohibition of motorized vehicles is applicable to the private open space. It does not apply to the area where the house is being built.

Mr. Dillmann stated that if ATV's are permitted on the remaining land, they will effectively clear the lot.

Ms. Mohr stated that clearing the remaining lot would be a violation of the deed restrictions.

Ms. Brock stated she would like to eliminate the use of ATV's.

Mr. Dillmann stated that ATV's will start erosion going and is really hard on neighbors.

Mr. Altland asked Yingst's representatives if they have given any thought to permitting ATV's on the property.

Mr. Troutman stated that the discussion is regarding tree preservation. ATV's is a use restriction. Use restrictions have not been discussed. It is rare to have an ATV running around in developments but in a setting such as this it would not be rare to have an ATV to ride to a picnic as a private individual use. They would not want to permit an ATV race tract.

Mr. Stephens stated it is all ifs and maybes. When documents are drawn up there could be use restrictions.

Mr. Troutman stated that if it would help it could be added.

Mr. Altland stated that in all fairness, this is the first time ATV's have been discussed.

Ms. Brock stated that it was recommended to preclude motorized vehicles on preserved area. On the open space there is a discrepancy. What is designated as open space E next to Caroline Drive shows the entire area as a retention pond?

Mr. Murphy stated that open space E is .86 acres.

Ms. Brock stated that the open space E does have .86 acres. Across the street from it is another retention pond in walking distance. The question came up if open space D at other end is also retention pond. The maintenance of retention ponds and other storm water facilities would be a

requirement of developer until homeowners association takes over. There needs to be some provisions that if there is an emergency and the Borough needs to clean pipe or whatever, the Borough could bill the homeowner association for the work. What of these area do you want deeded to the Borough and time period. It was discussed that there could be a re-designation of open space C to be included into open space E.

Mr. Altland stated that the storm water facilities remain in the open space but make it a condition that it is fenced and the homeowner association is responsible for maintenance.

Mr. Castranio stated that there is a note on the plan that the homeowners association is responsible for maintenance of the storm water facilities.

Ms. Mohr stated that there is a note that the storm water facilities are fenced.

Mr. Castranio stated that note #10 is on maintenance.

Ms. Brock stated that they are proposing all public open space be dedicated to the Borough and a time frame will be worked out at the final plan.

Mr. Altland stated that open space A, B and C should be dedicated to the Borough and the open space that interconnected the trails which is open space F, G and H should be dedicated to the Borough.

Ms. Brock stated that open space E should not be included.

Mr. Stephens stated that the open space with retention ponds becomes a liability for the Borough.

Ms. Brock stated that the last condition was that Darlington Trail provisions be made to connect the public trail where Fishing Creek enters property to Tower Road. The property is not part of this plan but is owned by Yingst Homes, Inc. so they can actually bring Darlington Trail through.

Mr. Troutman stated they have no problem with the concept and are willing to work with the Appalachian Trail Club. They are not willing to designate where the trail will be.

Ms. Brock stated that they are not designating terms, wording or location. They want the trail to be approximately located where Fishing Creek comes into property to Tower Road.

Mr. Altland stated that Yingst Homes Inc. is willing to connect A to B but not willing to designate where.

Ms. Brock stated that the cul-de-sac on Reiff Drive is on some of the maps but not all of the maps which are not consistent.

Mr. Castranio stated that there is a temporary easement on the lots if the cul-de-sac is expanded.

Ms. Brock stated that Yingst Homes Inc. will be required to have Borough approval if they want to connect Reiff Drive to the land in Rye Township.

Mrs. Simonetti asked what the length of Reiff Drive was. It needs to be at least 250' to be eligible for liquid fuels tax.

Mr. Ames stated that Reiff Drive is approximately 500'.

Mr. Dillmann stated that in terms of appearance there needs to be some degree of control over the color of the buildings and shingles. Specific species of trees need to be designated that cannot be cut even if it is not in the preservation area.

Ms. Brock asked how these conditions could be worded.

Mr. Dillmann stated that the ordinance requires the trees to be identified.

Mr. Altland stated that a tree preservation note is on the plan. The idea was to have language in covenants and restrictions.

Mr. Dillmann stated that many people have preservation of trees in the homeowners association rules. There is lots of precedence for historic area.

Ms. Mohr stated that preservation of trees should be incorporated into deeds.

Ms. Brock stated a covenant should be added regarding color of roofs, etc.

Ms. Mohr stated that a condition could be that the issue of color is addressed.

Mr. Troutman stated that in this community will be covenants and restrictions. This will be a planned community. There will be an Architectural Review Committee established to govern aesthetics of projects. To regulate based on color is a mistake because there is so many variations of a color you will never be able to identify all of them. You can make a harmonious development by scheme. This will help property values and help the whole development. An Architectural Review Board can review all exterior changes and it can be recorded as a deed restriction. The homeowners association enforces and administers deed restrictions. They will have a way to deal with changes which has worked very well.

Ms. Mohr stated that the condition should be that an Architectural Review Board is established to review based on a mutual color scheme.

Mr. Troutman stated that the condition should not deal with color.

Mr. Ames stated that the concern here is aesthetics which is wonderful for the neighborhood but it will still stand out in the mountain. They want to blend in mountain.

Mr. Troutman stated that they know what goal is. The only thing they could come up with is an Architectural Review Board to review the rules for the development which will include the mountain.

Mr. Dillmann asked if it would be acceptable for a clause that the review include an individual house and the neighborhood's appearance viewed from outside neighborhood as seen from the Borough and the river.

Mr. Troutman stated that the concept of factor is very technical. The working is extremely important. The document must be able to be enforced. The Architectural Review Board should address these issues. It is not appropriate for the developer to know what that is.

Ms. Brock stated that the Architectural Review Board will not please everyone. It is best that it be put in as one of the factors.

Ms. Mohr stated that the Architectural Review Board will be established to consider appearance of the development within the view shed.

Ms. Brock asked for a motion.

MOTION: Mr. Zehring moved to recommend approval of the waiver to Section 502-7.A. right of way and cartway width.

Ms. Brock asked if the motions on the waivers could be done all in one motion.

Mr. Altland stated that you don't have to do a motion for each waiver. It can be done as set forth in the September 9, 2008 waiver request.

Mr. Zehring withdrew his motion.

MOTION: Mr. Zehring moved, seconded by Mr. Shearer to approve of the Rockville Estates Preliminary Subdivision Plan #2004.03, South State Road, drawing numbers 1 to 99 dated April 8, 2008 as revised September 9, 2008, Tax parcel 150.170.00-007 subject to the following conditions:

1. Compliance with the Borough Engineer report of September 23, 2008, a copy of which is attached hereto, and reviewed and approval of the plan by the Borough Engineer.
2. Review and approval of the sanitary sewer design by the Borough Engineer.
3. Approval of the E&S plan and any NPDES Phase II application and plans by the Perry County Conservation District.
4. Approval of the sewage module by DEP.
5. Approval of the waiver requests by Borough Council.
6. Tree preservation note shall be added to the preliminary plan to read as follows, "Tree preservation is encouraged as a matter of policy in Rockville Estates. Developer to include tree preservation language in covenants and restrictions applicable to Rockville Estates.
7. The applicant is to draft language acceptable to the Borough Solicitor and applicant which will be contained in the recorded covenants and restrictions for Rockville Estates and will include the following concepts and subject matters:
 - a. Public Open Space
 - i. Where permitted, all tree cutting and brush removal is subject to the following and will be performed by developer or homeowners association or alternatively, if Borough accepts dedication of Public Open Space, then all tree cutting and brush removal thereafter will be the responsibility of the Borough.
 - ii. Trees will be preserved except under the following circumstances

1. Tree cutting and brush removal will be permitted for installation of utilities.
 2. Tree cutting and or brush clearing will be permitted for possible placement of walking trails, but only if necessary for safety or trail design.
 3. Tree cutting and brush clearing will be permitted for forest management as recommended by qualified forest management professional (e.g., diseased, dead, etc.)
 4. Tree cutting will be permitted to protect safety and welfare of residents (e.g., diseased, dead, unstable, etc.)
- iii. No motorized vehicles shall be permitted.
- b. Private Open Space
- i. Where permitted, all tree cutting and brush removal is subject to the following and will be performed by developer or homeowners association direction only.
 1. Tree cutting and brush removal by private owner is prohibited.
 - ii. Trees will be preserved except under the following circumstances
 1. Tree cutting and brush removal will be permitted for installation of utilities.
 2. Tree cutting and brush clearing will be permitted for forest management as recommended by qualified forest management professional (e.g., diseased, dead, etc.)
 3. Tree cutting will be permitted to protect safety and welfare of residents (e.g., diseased, dead, unstable, etc.)
 - iii. No motorized vehicles shall be permitted.
- c. Lot Numbers 244, 245, 251, 252, 261, 262, 270, 271, 290 & 291 (those at top of development toward top of mountain)
- i. In addition to tree preservation policies regarding Public and Private Open Space, existing trees on the top ten lots shall have a collective average of seventy percent (70%) preserved as follows:
 1. Existing trees on each of the specifically enumerated lots shall be preserved as a percentage of the total lot area as follows and at no time shall drop below the following percentages:
 - a. Lot 244; Total Area 5.91 acres; percent preserved 58%
 - b. Lot 245; Total Area 12.34 acres; percent preserved 80%
 - c. Lot 251; Total Area 9.71 acres; percent preserved 74%
 - d. Lot 252; Total Area 8.15 acres; percent preserved 69%
 - e. Lot 261; Total Area 9.16 acres; percent preserved 73%
 - f. Lot 262; Total Area 5.61 acres; percent preserved 55%
 - g. Lot 270; Total Area 6.99 acres; percent preserved 64%
 - h. Lot 271; Total Area 5.33 acres; percent preserved 53%
 - i. Lot 290; Total Area 22.47 acres; percent preserved 88%
 - j. Lot 291; Total Area 11.43 acres; percent preserved 80%
 2. Initial developable area shall be designated at the time of application for the initial building permit. Developable areas within the allowable percent shall be designated in subsequent building permit applications.
 3. Within the preserved space no motorized vehicles shall be permitted and tree and brush clearing shall be prohibited except

for: installation of utilities; forest management as recommended by a qualified forest management professional; or to protect the safety and welfare of residents (eg. Diseased, dead or unstable trees).

8. Open space with storm water detention facilities will be maintained by the developer until the homeowners association takes over the permanent maintenance.
9. The developer shall provide easement access to the Darlington Trail going through the Rye Township property to Tower Road, as reasonably recommended by the Susquehanna Appalachian Trail Club.
10. There shall be a cul-de-sac shown on all drawing of the plan at the end of Reiff Drive.
11. The Public Open spaces will be dedicated to the Borough, but all storm water management facilities out of the right of ways shall be maintained by the homeowners association.
12. An Architectural Review Committee will be established as part of the covenants and restrictions which will regulate the overall exterior appearance of the improved lots and shall consider harmony of the home within the development and the appearance of the development within the view shed.
13. The Developer agrees to work with the borough on restrictions on motorized vehicles in private, non-open land.

Waivers:

1. **Section 502-7.A. Right of way and Cartway Width** based on the fact that the applicant is proposing an open space development which conserves existing features and minimizes earth disturbance and impacts to woodlands and steep slope areas. Granting relief from 36' wide cartways and associated rights-of-way greatly reduces grading and side slope encroachments along the proposed public roadways. This also reduces the minimum distance from the cartway to the building setback lines. This allows the homes to be placed closer to centerline of a 50 foot right-of-way versus 60 foot right-of-way which disturbs less of the lot. Also, this provides a reduction in pavement totaling 3.5 acres over the entire street network, 10 acre reduction in overall earth disturbance and a reduction in storm water runoff. Narrower streets also provide traffic calming.
2. **Section 502.6A. Minimum Horizontal Curve Radius** based on the fact that reducing the minimum roadway horizontal curve radii facilitates following the natural contours and features of the site. This decreases the amount of cut and fill associated with roadway construction. Additionally, 180' horizontal curves for 25 MPH roadways are consistent with PennDOT DM-2 requirements. Traffic calming and slower speed is also facilitated with tighter curves.
3. **Section 502.9 Maximum Street Grade** based on the fact that the existing topography within the site ranges up to 35%. Providing 45% centerline roadway slopes greatly decreases the overall cut/fill slopes necessary for construction and, wherein as much as possible, follows the existing natural topography of the site, which, in turn, preserves woodlands and natural features. Utilizing 12% slope increases excavation to as much as 25 feet on portions of Rockville Boulevard, 9 feet on portions of Stone Arch Drive and between 4 feet and 123 feet on the other roads. This excavation would increase earth disturbances of the entire site.
4. **Section 502.3D. Intersection Leveling Area** based on the fact that increasing the intersection leveling slope to 6% will reduce the amount of cut and fill associates with roadway construction. The maximum grade change from the pavement crown to the leveling area (8%) is consistent with PennDOT 441 requirements for local roadways.

Also, decreasing the required length of leveling area reduces the amount of cut or fill by following the existing slope of the ground.

5. **Section 502.10 Slope of Banks along Street** based on the fact the applicant is proposing 1' – 1.5' horizontal in cut with slope stability and 1' – 2' horizontal in fill. This relief is requested for areas not fronting residential lots in most cases. Maximum bank slope requirements shall be met in all other areas. This is intended to preserve natural features by reducing the horizontal length of cut and fill operations. All slopes will be stabilized with geotechnical blanket as required by DEP Erosion and Sediment Control guidelines. A geotechnical analysis will be included with the final plan which demonstrates slope stabilization.
6. **Section 502.8. Maximum Cul-de-sac Length** based on the fact that Kittochtinny Drive was removed. The Stone Arch Drive cul-de-sac preserves the view shed, minimizes disturbance to the mountain and creates more open space. The result is over 1,800 linear feet less roadway and a decrease of 11 lots in this area.
7. **Section 602.5 Sidewalks on Both Sides of Street** based on the fact that a network of contiguous sidewalks is provided for use by the residents of the development and Marysville Borough. Placing the sidewalks on one side of the street reduces the amount of cut/fill on the side of the roadways and also allows room for installation of roadside swales to convey storm water within the development. This allows greater stormwater recharge. This also minimizes disturbance and reduces stormwater runoff. Additionally, this provides a reduction in sidewalk of 3 acres over the entire development. Open space areas are provided throughout the development with many locations for potential trail systems.
8. **Ord. 470, Section 401.K.2.C – All soils shall be considered to be group “C”** based on the fact that using the actual soils hydrologic group provides a more accurate analysis of the existing and proposed storm water peak run-off rates. This is consistent with most Act 167 requirements within Perry County.
9. **Ord. 470, Section 402.H Detention Pond Bottom shall have a minimum 2% slope to allow positive drainage and a bituminous low flow channel** based on the fact current directives from PA DEP and NPDES guidelines strongly recommend infiltration and groundwater recharge for the 2 years/24 hour storm event. This requires temporary storage within the basin to facilitate percolation which cannot be achieved using a low flow channel and 2% basin bottom slope.
10. **Section 502.3.C. Approaches shall follow a straight line for a distance of at least 100 feet from the intersection center lines** based on the fact that PennDOT does not specify minimum tangent lengths for local roadway intersections when required sight distances are met. All intersections meet required sight distances.
11. **Section 503.2 – Blocks shall be between 500 feet and 1200 feet in Length** based on the fact that applicants are proposing an “open space” type of subdivision within a tract containing slopes greater than 15%. As such roadway and lot geometry area irregular in nature and not organized in rectangular “blocks” as in typical residential subdivisions. Lot geometry has been carefully arranged to accommodate all other area, setback, frontage, access, and slope requirements. Additional public and private common open space has been added between interior blocks to allow for off street pedestrian access within the development. Traffic calming measures are proposed for speed control and pedestrian/bicycle safety. Also, blocks have been designed to minimize disturbance as much as possible by following the contours of the site.
12. **Section 504.6 No lot shall be less than 50 feet in width measured along the front street right-of-way** based on the fact that the nonconforming tracts are intended to be

large acreage “estate” lots typically set back farther away from the streets than typical dwellings meeting the lot frontage requirements. This minimizes street length and all lots are in conformance with the variance granted for lot widths. These eight lots make up less than 3% of the overall development.

13. **Section 504.9 No pan-handle shaped lots shall be created unless the terrain dictates otherwise. If allowed, minimum width at the right-of-way must be 75% of the minimum lot width at the building setback line** based on the fact that due to the unique characteristics of this development, the terrain dictates the use of pan-handle shaped lots. The non-conforming tracts are intended to be large acreage “estate” lots typically set back farther away from the streets than typical dwellings meeting the lot frontage requirements. Private open space will be made a part of these lots minimizing earth distance. These 11 lots make up less than 4% of the overall development.
14. **Section 504.1.C Depth of lots shall be not less than one or more than two and one-half times their width** based on the fact the applicants are proposing an “Open space” type of subdivision within a tract containing slopes greater than 15%. As such roadway and lot geometry are irregular in nature and not organized in rectangular “blocks” as in typical residential subdivision. Lot geometry has been carefully arranged to accommodate all other area, setback, frontage, access, and slope requirements. In order to be in conformance with lot area requirements of the variance decision, length of lots has been increased to more than 2 2/1 times their width.
15. **Section 502.6.B tangent length of at least 100 feet between reverse curves** based on the fact this tangent length is designed as to encourage neighborhood traffic leaving the development to continue to the access nearer Route 11/15 and not enter Ridgeview Development.

Roll call vote was taken: Jennifer Brock – yes, Art Vaitl-yes, Shawn Vaccaro-yes, Monte Shearer – yes, James Zehring-yes, Lori Mohr-no. The motion passed.

Ms. Brock stated that all other agenda items will be postponed.

Ms. Mohr passed out a brochure on a workshop for municipal officials called Managing Stormwater Locally to be held October 29, 2008.

Mr. Ames stated that this is his last meeting as the Tri County Planner. Another employee of Tri County has been assigned to attend these meetings.

b. Zoning Ordinance Amendments.

The zoning ordinance amendments were not discussed

5. **New Business: NONE**
6. **General Announcements.**
7. **Report on Borough Council Meeting (Next Council Meeting 10/13/08)**
8. **ADJOURNMENT/NEXT SPECIAL MEETING DATE 10/8/2008 @ 6:00pm/NEXT REGULAR MEETING 10/28/08 @ 7:30 pm, WORK SESSION @ 6:30 pm.**

MOTION: Mr. Shearer moved, seconded by Mr. Vaccaro to adjourn the meeting at 10:15 pm.

Respectfully Submitted,

Janet Hardman,
Code Enforcement Officer