

MARYSVILLE BOROUGH PLANNING COMMISSION
WORK SESSION
JANUARY 26, 2010

1. Article 4 Subdivision Amendment - Plan Specifications and Procedures

Ms. Brock stated that Mr. Kmiecinski was present at the January 13, 2010 workshop meeting to discuss the Perry County Planning Commission's comments on the pre-application meeting. The comments discussed were:

"1. Pre-application Meetings – Section 22-401 Paragraph 7 (establishes a requirement for a pre-application meeting), and Section 22-403 (establishes the pre-application meeting procedures). Since this is not a step in the Municipal Planning Code's review process, we have several comments on this section and recommend that Borough Council remove this section in its entirety as structured for the following reasons.

Borough Council should consider elimination of this requirement and "strongly suggest" such meetings as part of the review process rather than a requirement. Not everyone will be delivering applications to the Borough by hand; some will be forwarded to the municipality through the mail.

- A. Of the three purposes listed for requiring this additional step in the process only the first seems to be valid. It could be argued Section 22-403.B will increase costs to the applicant: especially if additional fees are imposed to cover the expense of meeting with the municipal engineer. With the addition of an extra meeting requirement, how will this expedite the Borough's review process as described in Section 22-403.C.?*
- B. Imposing fees for pre-application process is not recommended. This would likely result in deterring applicants from submitting pre-application plans. Moreover such a fee would need to be covered by an ordinance amending Article XI (Fees) in the Marysville Borough S&LDO, Section 22-403.4. states, "the applicant may be charged reasonable fees for the pre-application services for the Borough Engineer's attendance."*
- C. Section 22-401.7. states, "a pre-application meeting is required with the municipal staff and municipal engineer... Section 22-402.2 states, "a pre-application conference shall be held with the municipality and/or the Borough Engineer/ Borough Council should fix this inconsistency by establishing whether or not the Borough Engineer is required at a pre-application meeting. In addition, Borough Council should establish which municipal staff members are required to be at the meetings. A hardship may be created due to the availability of the borough engineer and part-time staff members, if either are required at these meetings.*
- D. Section 22-403.3 states, "the applicant shall have prepared a completed subdivision or land development plan in accordance with Articles IV, V, VI, VII, VIII and IX, as necessary and any other descriptive material".*

1. *Article IV contains requirements for preliminary plans, final plans, and lot line relocation plans. This paragraph should be clear as to which procedure should be followed.*
2. *The clause “as necessary” in this paragraph makes it unclear what is required.*
3. *Significant hardship may be created by requiring essentially finished plans and documents this early in the process. We recommend pre-application meeting requirements be not much more extensive than the requirements for a sketch plan listed in Section 22-402.3.*

Ms. Brock stated that Mr. Kmiecinski stated that a preapplication conference has been done but has never been challenged. The preapplication conference procedure is not addressed in the Municipalities Planning Code (MPC). Mr. Kmiecinski also provided a copy of Appendix 7 from the model ordinance which is a checklist for Subdivision and Land Development plan content. The checklist lists everything that a subdivision or land development plan should contain.

Mr. Vaitl stated that if the checklist would accomplish the submission of a complete plan.

Ms. Brock stated that the checklist would be submitted with the application.

Mr. Vaitl asked if the checklist would help eliminate contingencies as part of the approval of the plan.

Mr. Zehring stated that Mr. Kmiecinski stated that a plan should be denied if it is incomplete.

Mr. Vaitl stated that there is no guarantee that the conditions the Planning Commission places on the approval of the plan ever gets accomplished.

Mr. Zehring stated that denying a plan would require the applicant to pay more fees to resubmit the plan.

Mr. Vaitl stated that the plan can be tabled for corrections and ask for a time extension for approval.

(For the record, Mr. Vaccaro arrived at 6:40 pm)

Ms. Brock stated that the plan content checklist gives the engineer something to use to prepare the plan.

Mr. Vaitl stated that he feels the checklist is a good idea.

Ms. Brock stated that #27 of the checklist for the cover sheet requires recreation land fees. The Borough does not have an ordinance to require recreation land fees.

Mr. Vaitl stated that #11 of the checklist for the cover sheet requires a list of modifications of requirements, etc. It does not require a separate letter for modifications outlining the section of the ordinance and the justification for the modification.

Ms. Brock stated that #38 of the checklist for Plan Information and Other Requirements addresses a separate waiver request for the DEP sewage facilities planning module.

Mr. Vaitl stated that the checklist should address separate document submissions.

(For the record, Mrs. Stoner arrived at 6:48 pm).

Ms. Mohr suggested adding a third section at the end of the check list entitled “Ancillary Data”.

Mr. Vaitl stated that the checklist will help with information missing on the plan.

Ms. Brock stated that #10 of Plan information states *location of existing sewer and water main, fire hydrant, gasoline, power line, storm water management facilities and other significant manmade features on or adjacent to within 200 feet of tract*. Some of this information is not required in the current ordinance.

Mr. Vaitl stated that the checklist could be a part of the application and the applicant would receive it when they request a copy of the application form.

Ms. Simonetti asked if the checklist is something that another township is requiring.

Ms. Brock stated that the checklist is an appendix in the model ordinance prepared by Perry County Planning Commission.

Ms. Brock stated that some of the checklist may be not applicable. The engineer filling out the checklist can mark them as not applicable (NA).

Mrs. Stoner stated that if a section is marked NA that means that the person filling it out has read the requirement. The Planning Commission would be coming from a different position when it is discussed at the meeting and ask why it was marked NA.

Ms. Brock asked if the Planning Commission wants to incorporate the checklist as part of the application. Also, do they want to add a comment on the checklist that the preapplication conference is being requested or make the preapplication conference a requirement by ordinance.

Ms. Mohr stated that Mr. Kmiecinski suggested using the checklist instead of making the preapplication conference mandatory.

Ms. Hardman stated that we can use the checklist as part of the application now without any ordinance amendments. The preapplication conference would be a part of Article 4 amendments.

Mrs. Stoner asked if a waiver could be requested from having a preapplication conference.

Ms. Hardman stated that a waiver could be requested from having a preapplication conference. A waiver can be requested from any requirement of the ordinance.

Mr. Vaitl stated that he has never seen a plan come to them complete.

Ms. Mohr stated that if the preapplication conference is held and the checklist is made a part of the application and the plan is still incomplete, the Planning Commission should just deny the plan.

Mr. Vaitl stated that the Planning Commission discussed more time for review prior to submission.

Mrs. Stoner stated that more time was added to the ordinance.

Ms. Brock stated that they discussed having the Borough Engineer present at the preapplication conference with the fee for the review being made a part of the engineering review fee paid at the time of the plan submission.

Mr. Vaitl stated that the whole idea of having a preapplication conference is to have the plan reviewed with the applicant before it comes to the Planning Commission.

Mrs. Stoner stated that if the preapplication conference is not mandatory she would be in favor of denying incomplete plans. Also, if they have the checklist with the application and the plan is still not complete, she does not have a problem being tougher.

Mr. Vaitl suggested putting a statement on the checklist that if the plan is incomplete it will be denied.

Mrs. Simonetti stated that if the plan is not denied, does the 90 day time limit continue.

Mr. Vaitl stated that the 90 day time limit will continue.

Mrs. Stoner stated that the 90 day time limit would start the first meeting of the Planning Commission if the plan is officially submitted.

Ms. Mohr stated that legal issues and/or documents should also be provided up front.

Mr. Zehring stated that the 90 day review period should not start until the legal issues are resolved.

Ms. Brock stated that #14 under Plan information on the checklist states, "*Existing and proposed protective covenants running with the land, if any or a note stating none exist.*" The not will inform the Planning Commission of covenants.

Mr. Vaitl asked how the Planning Commission would know if there any deed restrictions.

Mrs. Stoner stated that the municipal staff should do the review for deed restrictions.

Ms. Hardman stated that deed restrictions are not enforced by the municipality. Deed restrictions are enforced through the courts as a civil matter. A title search would determine

deed restrictions that are applicable to a property. Some of the old deed restrictions are not enforceable because they conflict with current laws.

Mrs. Stoner stated that there should be a statement about legal issues.

Ms. Brock stated that a statement on existing or resolved legal issues regarding ownership of property could be provided.

Mr. Zehring stated that they can ask for any title searches that have been done for the property.

Ms. Hardman stated that the Planning Commission's job is to make sure they are creating buildable lots for lot area, street frontage, utilities, etc. Legal issues are a separate matter.

Ms. Mohr stated that Section 22-403 Preapplication Conference Procedures, #5 should be reworded as follows, *'Recommendations made by Borough Staff at the preapplication conference are not meant to be construed as final decisions. These recommendations are intended to be useful and informative for the applicant. No part of the preapplication conference will be binding against the Borough.'*

Ms. Brock stated that the revisions to Section 22-403 Preapplication Conference Procedures were done to address the Perry County Planning Commission's comments. Does the Planning Commission still want to go with a mandatory preapplication conference?

Mr. Vaitl suggested that they add the checklist and make the preapplication conference voluntary.

Ms. Hardman suggested if the preapplication conference is not mandatory it should be removed from the ordinance.

Mrs. Stoner stated she thinks the preapplication conference could be voluntary.

Ms. Brock stated that the preapplication conference can be enforced until it is challenged.

Ms. Hardman stated that she does not think anyone would challenge a preapplication conference requirement because of the time period involved with legal issues.

Mr. Vaitl asked if there is a fee for the preapplication conference.

Mrs. Stoner stated that the thought is the applicant and the Borough would be saving money because of the number of reviews and meetings that are held when plans are not complete.

Ms. Brock stated that a waiver could be requested from having a preapplication conference.

Mrs. Simonetti stated that it is much easier to repeal an ordinance than it is to adopt one because of the cost and time advertising and cost and time of having a public hearing. It takes at least 60 days to adopt an ordinance.

Mrs. Stoner stated that since there are not a lot of plans submitted for approval, it may take some time to see if the ordinance is working or needs repealed.

Ms. Hardman stated that the checklist can be done right now. All that needs done is a review of the current ordinance requirements to make sure it is what is in the checklist.

Ms. Mohr stated that a note should be added that the plan will be denied if it is incomplete.

Mrs. Stoner stated that the statement for staff should be revised on the 2nd paragraph first sentence to read, "incomplete plans will be denied". The 2nd paragraph second sentence, the word "approval" to "action on".

Ms. Hardman stated that the statement for staff is only to make sure the plan and ancillary data are provided at the time of submission so the statement about the incomplete plan is not necessary here but the change from "approval" to "action on" is appropriate.

Ms. Brock asked how the plan can be accepted if they are incomplete plans.

Mrs. Stoner stated that the staff statement and checklist for submission is to make sure that the nine items are provided. The difference is the checklist for submission is to submit the items for review and to make sure they have all the items that need to be submitted for review. The checklist for plan content is for information completeness on the plan.

Mr. Vaitl asked if the preapplication conference requirements should be added now.

Ms. Brock stated that they should review the checklist for submission and the checklist for plan content for now.

Ms. Hardman stated that it is just policy for the staff statement, checklist for submission and the checklist for plan submission. The preapplication conference is an ordinance amendment that is a part of Article 4.

MARYSVILLE BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 26, 2010

CALL TO ORDER. The meeting was called to order at 7:35 pm

ROLL CALL:

1. MEMBERS PRESENT

Jennifer Brock, Chairman

James Zehring

Art Vaitl

Shawn Vaccaro

Stephanie Stoner

Lori Mohr

Monte Shearer

STAFF PRESENT:
Janet Hardman, Code Enforcement Officer

OTHERS PRESENT:
Ann Simonetti

2. REORGANIZATION:

a. Nomination of Chairman

Mr. Vacarro asked for nominations for Chairman.

Mrs. Stoner nominated Mrs. Brock for Chairman. Ms. Mohr seconded the nomination.

b. Nomination of Vice Chairman

Mr. Vaccaro asked for nominations for Vice Chairman.

Ms. Brock nominated Mr. Vaitl. Mr. Zehring seconded the nomination.

c. Nomination of Secretary

Mr. Vaccaro asked for nominations for Secretary.

Mr. Vaitl nominated Mr. Vaccaro. Ms. Mohr seconded the nomination.

Mr. Vaccaro asked for a vote for Chairman. The nomination passed unanimously. Ms. Brock is the Chairman for 2010.

Mr. Vaccaro asked for a vote for Vice Chairman. The nomination passed unanimously. Mr. Vaitl is the Vice Chairman for 2010.

Mr. Vaccaro asked for a vote for Secretary. The nomination passed unanimously. Mr. Vaccaro is the Secretary for 2010.

Mr. Vaccaro turned the meeting over to Ms. Brock.

3. MINUTES:

a. November 24, 2009 Minutes

Page 7 change "Engineer" to "Manager".

Page 7 change "Scot" to "Scott".

MOTION: Mr. Vaccaro moved, seconded by Mr. Vaitl to approve the minutes as amended. The motion passed with Mrs. Stoner and Ms. Mohr abstaining because they were not present at the November 24, 2009 meeting.

4. PUBLIC COMMENT.

a. Mrs. Simonetti stated:

- i. The Valentine dinner will be on February 12, 2010 at the Senior Center from 4:30 pm to 6:30 pm. The cost is \$5.00. The dinner is all you can eat.
- ii. The Borough Council nominated Mrs. Simonetti to serve as liaison to the Planning Commission. She will be attending Planning Commission meetings.
- iii. Re-appointment for members whose terms expired on 12/31/2009 on the Planning Commission has not been done. She needs to know the names of the Planning Commission members that need to be re-appointed. It was determined that Mr. Vaccaro and Mrs. Stoner terms were up on December 31, 2009 and needed to be re-appointed. Mr. Vaccaro and Mrs. Stoner stated that they wanted to continue to be members of the Planning Commission and agreed to the re-appointment. Mrs. Simonetti stated that she will ask the Borough Council to make the re-appointments retroactive to December 31, 2009.
- iv. The Borough Council did not accept the New Communities grant money in the amount of \$250,000 for the revitalization of the square.

5. OLD BUSINESS.

a. Article 4 Subdivision Amendment - Plan Specifications and Procedures

Ms. Brock stated that she will review the checklist for plan content to make sure it complies with the current ordinance requirements. The checklist for plan content can be reviewed at the next workshop meeting on February 10, 2010.

Ms. Hardman stated that the current application for plan submission should also be reviewed at the workshop meeting.

Ms. Brock stated she would like a copy of the current application to review.

b. Article 5 Design and Improvement Standards.

Ms. Brock stated that since Article 5 is engineering design standards, the Borough Engineer should be asked to review it.

Ms. Mohr asked if the comments have been addressed that were made by Land Logics on the Borough ordinances.

Ms. Brock stated that the zoning ordinance amendments were to be reviewed by Mr. Harris, the previous Borough Manager for completeness and accuracy.

Mrs. Simonetti will contact Mr. Harris to find out what the status of the zoning ordinance amendment review is.

6. NEW BUSINESS.

a. Well Ordinance.

Ms. Brock asked about the well model ordinance.

Ms Mohr stated that there is not a model ordinance for wells. She wanted to look at the current ordinance adopted by Chester County. She will obtain a copy for the Planning Commission's review.

Ms. Brock stated that the copy of the Chester County well ordinance can be reviewed at the Planning Commission's February 23, 2010 work session.

7. GENERAL ANNOUNCEMENTS. None.

8. REPORT ON BOROUGH COUNCIL MEETING (Next Council Meeting 2/8/10).

9. ADJOURNMENT/NEXT SPECIAL MEETING DATE 2/10/09 @ 6:30pm/NEXT REGULAR MEETING 2/23/09 @ 7:30 pm, WORK SESSION @ 6:30 pm.

MOTION: Mr. Vaitl moved, seconded by Mr. Zehring to adjourn the meeting at 8:34 pm.

Respectfully Submitted,

Janet Hardman,
Code Enforcement Officer