

MARYSVILLE BOROUGH PLANNING COMMISSION
WORK SESSION
DECEMBER 28, 2010

1. Rockville Estates Phasing Plan Update.

Ms. Brock stated that the Planning Commission received an updated phasing plan for Rockville Estates dated December 7, 2010.

Mrs. Stoner stated that a phasing plan update was not submitted for 2009. The phasing plan update submitted for 2010 is not much different from the phasing plan for the Final Phase 1 Plan. The only difference is that Phase 2 was April 2011 and is now April 2012.

Mr. Finnerty stated that the Borough should notify the applicant to submit phasing plans annually on the anniversary date of the preliminary plan approval. Phasing plan updates require the approval of the governing body.

Mrs. Stoner stated that the phasing plan update submissions would be more critical if completion of improvements was an issue. Phase 5 has a significantly future time frame of April, 2022 which is 14 years from preliminary plan approval of December 8, 2008.

Mr. Finnerty suggested that the Borough Solicitor's opinion be obtained regarding Section 508.(4)(v) of the MPC with reference to the preliminary plan approval.

Mrs. Stoner stated that the Borough Solicitor will need to render an opinion regarding phasing updates for the current submission and future annual submissions. Should the plan be invalidated because of missing phasing schedule update for 2009? The Final Phase 1 Plan had a phasing plan with dates for all phases.

Ms. Brock stated that the preliminary plan may not have had dates of completion.

Mr. Finnerty stated that if the preliminary plan did not have dates for completion of the phases, it must be assumed that the plan would be completed within the five year time period for approval of plats per Section 508 of the MPC.

(For the record, Mr. Vaitl arrived at 6:55 p.m.)

Mr. Finnerty stated that the preamble of the MPC empowers Boroughs to plan their development and to govern the same by zoning, subdivision and land development ordinances. The Borough's SALDO should reference the MPC or have specific requirements for phasing plans.

Ms. Brock stated that the Planning Commission needs to ask the Borough Solicitor if the Final Phase 1 plan that contains a phasing plan with dates obligates the Borough to those dates or is the phasing plan based on the preliminary plan's phasing schedule. There are some issues that need to be addressed which are:

1. If the approved Preliminary Plan has no dates in the phasing schedule, does that mean that all the phases are required to be completed within five years?
2. The Preliminary Plan does not meet Section 508(4) (vi) which states that the phasing schedule shall contain a minimum of 25% of the total number of dwelling units except for the last section.
3. Does the Final Phase 1 Plan that was approved on July 13, 2009 extend the approval beyond the five year period which does not meet the 25% minimum number of units per phase, obligate the Borough to the dates on the Final Phase 1 Plan phasing schedule.

Ms. Brock stated that if the Borough is obligated to the phasing schedule in the Final Phase 1 Plan, the updated phasing plan submitted on December 7, 2010 is not a significant change.

Mr. Finnerty stated that Section 501 of the MPC is the Grant of Power for the governing body of each municipality to regulate subdivision and land development within the municipality by enacting a subdivision and land development ordinance.

**MARYSVILLE BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
DECEMBER 28, 2010**

CALL TO ORDER. The meeting began at 7:30 pm

MEMBERS PRESENT

Jennifer Brock, Chairman
Stephanie Stoner
Art Vaitl
Shawn Vaccaro

STAFF PRESENT:

Janet Hardman, Code Enforcement Officer
Jason Finnerty, Tri County Planning Commission

OTHERS PRESENT:

Ann Simonetti, Borough Council
Charles Cook, Act One Consultants, Inc.

2. MINUTES:

a. September 28, 2010 Minutes

Page 19, Line 1 change “is” to “may be”.

MOTION: Mrs. Stoner moved, seconded by Mr. Vaccaro to approve the minutes as amended. The motion passed with Mr. Vaitl abstaining because he was absent at the September 28, 2010 meeting.

b. October 26, 2010 Minutes

MOTION: Mrs. Stoner moved, seconded by Mr. Vaitl to approve the minutes as submitted. The motion passed unanimously.

c. November 23, 2010 Minutes

MOTION: Mr. Vaitl moved, seconded by Ms. Brock to approve the minutes as submitted. The motion passed with Mrs. Stoner abstaining because she was absent at the November 23, 2010 meeting.

3. PUBLIC COMMENT.

Mrs. Simonetti stated that there will be a Valentine's Dinner at the Senior Center on February 11, 2011. Pennoni Associates donated the funds to sponsor the dinner.

4. OLD BUSINESS.

a. Article 4 Subdivision Amendment - Plan Specifications and Procedures

Ms. Brock stated that Article 4 review has been completed.

Mr. Finnerty stated that the Planning Commission should make sure that Article 4 has provisions for phasing plans.

b. Article 5 Design and Improvement Standards.

Ms. Brock stated that Streets, Access Drives and Driveways from Article 8, 9 and 10 of the Lancaster County Model SALDO are being reviewed. There was no workshop meeting held in December.

c. Well Ordinance.

Ms. Brock stated that Mrs. Stoner is working on the well ordinance.

5. NEW BUSINESS.

A. Estate of Eleanor E. Corson and Grace E. Kunkle Final Subdivision plan, 314 Spruce Street

Ms. Brock stated that the Planning Commission received a final subdivision for a minor lot line change for 314 Spruce Street.

Mr. Cook was present to represent the plan for Lisa Clouser. Mr. Cook stated that the property is located on the western terminus of Spruce Street which is three properties down from the cemetery. Prior to submitting the plan to the Planning Commission, an appeal was approved by the Zoning Hearing Board for lot area and lot width. The situation is that the Corson family held title to the entire area in the 1920's. In the course of 80 years of subdividing the land has caused a 3 to 4 foot encumbrance on the vacant lot adjoining 314 Spruce Street. Lot 1A is 12' x 77' which is going to be attached to the house lot deed and a new deed written to become one deed. Lot 1 will be a vacant lot. The existing house has been connected to public sewer. Public water is available.

Mrs. Stoner stated that she is confused with Mr. Messinger's objection at the Zoning Hearing Board meeting held on October 20, 2010.

Mr. Cook stated that Mr. Messinger was represented by an attorney at the Zoning Hearing Board meeting. Mr. Messinger lived on Spruce Street for many years. He thinks Mr. Messinger wanted to buy the vacant lot.

Mr. Cook stated that the house lot is a residual tract from the larger tract of land. He does not think that the Corson's realized that the house encroached onto the vacant lot.

Ms. Brock asked why requesting a variance was the only feasible solution.

Mr. Cook stated that all the lots on that side of the street are nonconforming.

Ms. Brock stated that the vacant lot and the house lot could have been combined into one lot which would have corrected the encroachment.

Mr. Cook stated that if the variances were not granted by the Zoning Hearing Board, the lot consolidation would have been the only solution. Mr. Cook stated that Lisa Clouser wanted to create two new lots but he recommended against it.

Ms. Brock stated that Lot 2 is on a public street and public sewer is not on Spruce Street. Will Lot 1 have a problem putting laterals into Spruce Street?

Mrs. Stoner stated that connecting to public sewer should be a condition of approval.

Mrs. Stoner stated that all the other lots on the street are nonconforming lots that have smaller houses on them. There should be a condition regarding the type of structure placed on Lot 1 based on size and height of houses on the adjoining lots.

Mr. Vaccaro stated that there should be a deed restriction that the house on Lot 1 front on Spruce Street.

Ms. Brock stated that the house on Lot 1 should be in conformity with the neighborhood.

Mr. Cook stated that the back of the Lot 1 is nice.

Mr. Vaccaro stated that the house on the lot next to Lot 1 sets to the back of the lot.

Mr. Cook stated that the house on the lot next to Lot 1 is the original homestead.

Staff comments were addressed as follows: 1. Indicate the borough tax map number. 2. Indicate the location of the existing sewer lines and existing water lines 3. Indicate the addresses of lot 1 and lot 2. 4. Provide a lighting detail indicating type of standards, location, radius of lights, intensity in foot candles, and location, dimensions and details of lights or request a waiver.

The County comments were addressed as follows: Design and construction standard comments: 1. Additional right of way along Spruce Street is required to be displayed on the Plan, Section 502.7.B(3). General comments: 1. It is recommended that General Note #1 be expanded to state lot number 1A will not be sold separately or be retained as a stand alone lot. 2. Add any significant manmade features in the vicinity of this property to the plan. Section 22-405.1.V. 3.

Mr. Cook stated that there are no fire hydrants on the block. He will add a note on the distance to the nearest fire hydrant.

Mrs. Stoner asked if there were any wooded areas.

Mr. Cook stated that there is wooded area to the back of the lot. He will add the wooded area.

Mr. Cook asked if he is required to show additional right of way for Spruce Street.

Mrs. Stoner stated that she does not think it should be required for this plan.

Mr. Finnerty asked if there are any plans to extend Spruce Street since it is a dead end street.

Mr. Vaccaro stated that the street dead ends at the cemetery.

Ms. Brock stated that additional right of way dedication would not benefit anything.

Mr. Cook stated that he will request a waiver from providing additional right of way on Spruce Street.

MOTION: Mrs. Stoner moved, seconded by Mr. Vaitl to recommend waivers to Preliminary Plan requirements of Section 22-403; providing a report from the Perry County Soil and Water Conservation District required by Section 22-403.B(6); the submission of a storm water management plan required by Section 22-403.B(7); location and types of erosion and sedimentation control required by Section 22-405.1.E.; providing contours at vertical intervals required by Section 22-405.1.Q; providing storm water management required by Section 22-507; grading erosion and sedimentation controls required by Section 22-508; curbing required by Section 22-602.4C, sidewalks required by Section 22-602.5; with waivers to street dedication and lighting with the applicant submitting a written waiver request for street dedication required by Section 502.7.B(3) and Lighting required by Section 22-405.1.GG. The motion passed unanimously.

MOTION: Mrs. Stoner moved, seconded by Mr. Vaccaro to approve The Estate of Eleanor R. Corson and Grace E. Kunkle final subdivision plan #2010.01, tax parcel #150, 152.02-177 contingent upon:

1. Verification of survey monuments and markers by the Borough Engineer or submission of a cost estimate or submission of financial security for each monument and marker.
2. Certification of ownership and dedicatory statement are signed by the owners prior to plan recording.
3. Approval of the request for Planning Waiver and Non-Building Declaration for sewer to be approved by the Borough Council.
4. Corrections recommended by the Borough Staff, Borough Engineer and Perry County Planning Commission are incorporated into the plan and reviewed by staff before being placed on the Borough Council's agenda
5. That the dwelling to be constructed on lot 1 front on Spruce Street and generally conform to the architecture of the surrounding area.

Ms. Hardman stated that the Borough Engineer's comments were not received for this plan.

Mrs. Stoner stated that she recommends that the Borough Engineer's comments are received and addressed prior to being placed on the Borough Council's agenda.

B. Rockville Estate Phasing Plan Date Revision

Ms. Brock stated that she will request an opinion from the Borough Solicitor regarding the phasing plan update questions on: 1. The preliminary plan phasing plan, 2. The Final Phase 1 plan approval with a phasing plan for the entire subdivision. 3. The MPC requirement to have a minimum of 25% of the lots in each phase except the final phase.

Mr. Finnerty recommended that the Planning Commission advise Borough Council on what the phasing plan changes entail.

Ms. Brock stated that it depends on whether the Preliminary Plan phasing plan is used or the Final Phase 1 Plan is used. If the Final Phase 1 Plan is used, the phasing plan change is insignificant because it only changes phase 2 from April, 2011 to April, 2012.

Mrs. Stoner asked about the argument that since the preliminary plan does not have dates it is assumed that the plan would be completed within the five year period.

Mrs. Simonetti stated that the Borough staff is keeping track of the letter of credit time frames.

Ms. Hardman stated that there is still an issue as to how the subdivision will be provided with water.

Mrs. Stoner stated that if they plan to do a community water system with wells she must abstain from voting but she can participate in discussion.

Mr. Finnerty stated that if the plan was approved with public water and it was changed to wells, the plan would have to be resubmitted for approval.

C. Perry County Planning Commission recommendation for Nonconformities Ordinance.

Ms. Brock stated that the ordinance has been recommended to Borough Council and Borough Council held a public meeting. The Perry County Planning Commission comments are minor and can be incorporated in the ordinance since they are mostly editorial.

6. GENERAL ANNOUNCEMENTS.

Mrs. Stoner stated that the January meeting will be the meeting for reorganization. She questioned whether the number of members could be changed from seven to five because there will only be five members and there has been no interest in the open positions.

Mrs. Simonetti stated that two of the seven members on the Planning Commission can be Borough Council members.

7. REPORT ON BOROUGH COUNCIL MEETING (Next Council Meeting 1/10/11). None

**8. ADJOURNMENT/NEXT SPECIAL MEETING DATE 1/12/11 @ 6:30pm/NEXT
REGULAR MEETING 1/25/11 @ 7:30 pm, WORK SESSION @ 6:30 pm.**

The meeting adjourned at 9:12 pm.

Respectfully Submitted,

Janet Hardman,
Code Enforcement Officer