

MARYSVILLE BOROUGH PLANNING COMMISSION
WORK SESSION
NOVEMBER 18, 2014

MEMBERS PRESENT

Stephanie Stoner
Jennifer Brock
Art Vaitl

STAFF PRESENT:

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

OTHERS PRESENT: NONE

DENNY KERR - 508 ASHLEY LANE:

Mrs. Stoner stated that Mr. Kerr wants to purchase the third lot on Kline Subdivision off Overcrest Road. He wants to fill in the storm water management pond on the property.

Mr. Vaitl asked why was a storm water pond installed on the lot.

Mrs. Stoner stated that storm water management is required by the SALDO. This needs to be reviewed by the Borough Engineer.

Mrs. Stoner stated that Mr. Derr talked to the Borough manager about layering stone and a membrane and covering it with dirt as a form of storm water management.

Mr. Finnerty asked where the water is collecting from. Will this impact flows supposed to be accepted to the pond.

Mrs. Stoner stated that she found the original plan dated 1997.

Ms. Brock stated that changing contours of land on the property is an issue of the impact on the storm water management. This would apply to any kind to storm water management.

Ms. Hardman stated that a zoning permit is required by the zoning ordinance for storm water. The storm water plan submitted with the zoning permit must be reviewed by the Borough Engineer.

Mr. Finnerty asked if the storm water pond is accepting water from other lots.

Mr. Vaitl asked will the change to the storm water pond impact other properties.

Ms. Stoner stated that in 1994 the plan was original approved by Borough Council. In 2004 the developer came back with an issue but it was determined that he had actively worked on the subdivision so it was considered substantially completed. The developer wanted to build on one of the lots so the question was whether a building permit could be issued.

Mr. Vaitl stated the lot has a house on it.

Ms. Hardman stated that Section 27-825 requires a zoning permit for erosion and sedimentation control if earthmoving results in disturbance of 2,000 square feet, 4' of fill or 500 cubic yards. Section 27-826 requires a zoning permit for storm water management.

Mrs. Stoner stated that Mr. Kerr will be at the regular meeting. She has the plan and a copy of the minutes to show him.

Ms. Hardman stated that the Kline subdivision was a 3 lot subdivision.

Ms. Brock stated that there was a swale along the road that was filled.

Mrs. Stoner stated that Terry Kline's son built a house on one of the lots.

Mr. Finnerty reviewed the plans and said that the storm water pond is 3' at back of lot and as progresses up to the front of the lot it is 5'.

Mrs. Stoner stated that the Borough manager measured the pond and it is approximately 45' x 50' and 6' deep.

Mr. Vaitl asked if the pond is a retention pond or a detention pond.

Mrs. Stoner stated that it is a detention pond.

Mr. Vaitl asked if the pond overflows.

Mrs. Stoner stated that the pond has an overflow.

Mr. Finnerty stated that the contours of the pond are from 462 to 469.

Mr. Vaitl asked if the pipe is on an angle.

Mr. Finnerty stated that the pipe was on an angle.

Mrs. Stoner stated the detention pond on the original plan that was approved was reviewed by the Borough Engineer.

Ms. Hardman stated that an erosion and sedimentation control zoning permit may also be needed depending on the amount of earth disturbance.

Ms. Hardman questioned why the potential buyer of the lot wants to remove the storm water detention pond.

Mrs. Stoner asked how the storm water will be handled if the detention pond is removed.

SALDO REVISIONS

Mrs. Stoner stated that she is continuing to work with the Solicitor in the review of the SALDO. The following is some of the issues she wanted to discuss with the Planning Commission.

1. Yard definition. The solicitor stated that if the word is not used in the text it should not be defined and should be removed. What are the Planning Commissions comments regarding definitions that are not in the ordinance?

Ms. Brock stated that unless there is a reference to a source to define a word to refer to, definitions can include terms that are not used.

Mrs. Stoner stated the ordinance does state that anything not defined in the definition section can be defined by the first reference of The New Illustrated Book of Development Definitions by Harvey S. Moskowitz and Carl G. Lindbloom or seconded by the Webster dictionary.

Ms. Hardman stated that definitions are in the ordinance to assist with interpretation issues.

Mrs. Stoner searched the word “yard” on her computer and it is not in the SALDO.

Ms. Brock stated that the definition section will never have all the definitions in it so it is good to have a reference.

Mrs. Stoner stated that she will remove the definition of “yard”.

Mrs. Stoner stated that the Borough plans to recodify the ordinances after the SALDO and Zoning Ordinances are adopted. The practice is to codify every five years.

Ms. Hardman stated that the last codification was May 11, 2009.

Mrs. Stoner stated that the other wording that was removed by Dan was voiding a preliminary plan if a final plan was not submitted within five years. The main concern was that a developer could not hold a plan for years. She found a provision in the final plan section that can be repeated in the preliminary plan section on page 4-9 that states, *“If the preliminary plan is approved subject to conditions, the Borough Council shall not sign the plan until all the conditions have been met. All conditions of approval must be fulfilled within 120 days of the date of conditional approval, or the approval shall automatically become null and void, unless an extension is required by the applicant in writing and granted by the Borough Council. The official date of approval of the final plan shall be the date of conditional approval.”*

Mrs. Stoner stated that in Section 22-506.2.A. Lot Access states, *“If a land use is proposed at a location or density that will have a significant effect on current traffic patterns, a traffic impact*

study shall be required to ensure that the street network can accommodate the anticipated traffic demands and to define required street improvements. Mrs. Stoner stated that the Solicitor said the term “significant effect” is a concern.

Ms. Hardman stated that the Traffic Impact Study (TIS) ordinance should have triggers regarding the need for a TIS. The TIS was already adopted by Borough Council as a standalone ordinance that was to be incorporated into the SALDO.

Mrs. Stoner asked where the TIS should be placed in the SALDO because she cannot find it in the SALDO she is reviewing.

Mr. Finnerty stated that the TIS should be in Article 5 – Design Standards. Mr. Finnerty stated that the County’s model ordinance has a section on traffic impact studies that could be incorporated into the SALDO.

Ms. Brock stated that if significant effect is not defined in the TIS it should be defined.

Mr. Finnerty stated that the TIS have a threshold at the onset on when a TIS is required and then the TIS goes into detail as to the information needed such as vehicle trips.

Mrs. Stoner stated that the Solicitor recommends that private street standards are added and addressed in Appendix E – Checklist for Streets and Access Drive Design.

Ms. Hardman stated that private streets should be constructed the same way public streets are constructed. The only difference in a private street and a public street is that the Borough will maintain a public street; abutting property owners must maintain a private street.

Mrs. Stoner stated that Section 22-512.2. stated that the application must be accompanied with a maintenance agreement for private streets.

Mr. Finnerty stated the reference to a court should be under the appeal section of the ordinance.

Ms. Brock stated that after the maintenance agreement goes before the Borough Council for approval it should be appealed to Borough Council.

(For the record, Mr. Vaccaro arrived at 7:28 pm).

Ms. Hardman stated that anything that is being questioned regarding an agreement or easement approved as part of a subdivision must be appealed.

Mr. Finnerty stated that an agreement or an easement would be a requirement.

Ms. Brock stated that the Borough Solicitor stated that the SALDO does not have design standards for private streets.

Mr. Finnerty stated that design standards are not maintenance.

MARYSVILLE BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 28, 2014

1. CALL TO ORDER. The meeting was called to order at 7:32 p.m.

MEMBERS PRESENT

Stephanie Stoner
Jennifer Brock
Art Vaitl
Shawn Vaccaro

STAFF PRESENT:

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

OTHERS PRESENT:

Jon Mason, 86 Winchester Gdns, Carlisle, PA
Liz Mason, 86 Winchester Gdns, Carlisle, PA
Dennis Kerr, 547 Scott Ridge Road, Harmony, PA

2. MINUTES:

a. October 28, 2014 Minutes

Page 2, last paragraph should be changed to read “or substantial amendment”.

Page 2, paragraph 10, last sentence change to read “She informed the Planning Commission that the Solicitor recommended

Page 5, paragraph 3, change “Rt 1//15” to “Rt 11/15”.

MOTION: Ms. Brock moved, seconded by Mr. Vaccaro to approve the minutes as amended.
The motion passed unanimously.

3. PUBLIC COMMENT: NONE

4. OLD BUSINESS.

A. SALDO and Well Ordinance. Completed

B. Zoning Ordinance/Chapter 27

a. Part 14 Development Standards. On hold until SALDO and Well Ordinance is completed.

b. Part 15 Performance Standards. On hold until SALDO and Well Ordinance is completed.

C. Rockville Estates Update.

Mrs. Stoner stated that there was an inquiry about the fence around the storm water basin. The question was when the fence was going to be installed. The manager stated there will be a 6' chain link fence that will be installed eventually. They are not done with the ponds yet. The pond is currently 2' lower.

Ms. Brock stated that it does not preclude them from putting fence up.

Mrs. Stoner stated that a fence around the storm water pond is not attractive but the pond is steep.

Mr. Vaitl agreed that a fence should be around the storm water pond because it is deep and it holds water.

Ms. Brock asked what the time frame for installation of the fence is.

Ms. Hardman stated there is no time limit to install the fence.

Mr. Vaitl stated the construction is not done. This is a construction site.

Mr. Finnerty asked if this phase will go into a Borough system.

Ms. Brock stated that there is a pond at the top of Caroline Street.

Mr. Vaccaro stated that there is a pond on either side of Caroline Street.

Mr. Vaitl stated that this property is a construction zone and is private property.

Mrs. Stoner stated that the fence around the pond will need to be done by the time they finish Phase 1.

Mr. Finnerty asked if the street extension is dedicated.

Ms. Brock stated that the street extension is dedicated.

Mrs. Stoner stated that she noticed a lot of gravel in the storm water drains and some of it made its way into the creek. The Borough Manager is referring these issues to Neil Imes, Perry County Conservation District.

Mrs. Stoner stated that there have been no more rain events that flushed out into the street.

Ms. Brock stated that there were also conditions on the development for sewer lines going under the street to the Lady Finger Factory. Some of the conditions of plan approval had to be done before the plan could be recorded.

Mr. Vaccaro stated that the only improvements that had to be done ahead of time were Park Drive.

Mrs. Stoner stated she does not think the slip lining of the sewer has been done yet.

Ms. Brock stated asked what is the triggering event that says when things have to be done.

Ms. Brock asked if the developer's agreement with Borough Council was recorded.

5. NEW BUSINESS.

A. DENNY KERR – 508 ASHLEY LANE

Mr. Kerr was present with his daughter in law, Liz Mason, and son, Jon Mason. Mr. Kerr stated that they are trying to purchase 508 Ashley Lane. There is a detention pond in the front yard. They want to propose an underground detention pond to close up the front yard. They need the area of the retention pond so they can have their engineer calculate area to put an underground facility.

Mrs. Stoner stated she was not on the Planning Commission when the original subdivision plan was approved in 1994 but has some information to share but it may not be enough to do a storm water assessment.

Mrs. Stoner informed Mr. Kerr that a zoning permit is required for the storm water project he is proposing. When the permit application and storm water plan is submitted to the Borough, the Borough will forward it to the Borough Engineer for review and approval. The Borough Engineer will review it and provide an approval letter to the Borough so the permit can be issued. A zoning permit for earth disturbance may also be required depending on the amount of earth disturbance.

Ms. Hardman stated that a zoning permit for erosion and sedimentation control is required if the disturbed area exceeds 2,000 square feet, 4' of fill or 500 cubic yards.

Mrs. Stoner stated that the storm water plan does not need the Planning Commission's approval.

Mr. Kerr asked if the Borough has a storm water plan.

Mrs. Stoner stated that the subdivision plan was prepared by Kline Engineering. The address and phone number is on the plan.

Mr. Finnerty stated that the 472 contour is at the high end to the back of the lot. The contours go from 472 to 470 and then 469 in the rear.

Ms. Hardman stated that Mr. Kerr can obtain a copy of the approved recorded plan at the court house.

Mr. Kerr stated that the first catch basin has an inlet but does not have an outlet. It is a 2' x 4' catch basin with a steel grate on top. It is a 15" inlet. There is no outlet to the detention pond. The second inlet has a grate on top and it does go to the detention pond. The two catch basins are not connected.

Mrs. Stoner stated there are some storm sewer plans on the recorded plan.

Mr. Finnerty stated that the plan that they are looking at is not a final plan and has not been recorded because it does not have signatures.

Mrs. Stoner stated that the plan was referred to as Pinnacle Heights.

Mr. Kerr asked if there is a copy of the maintenance agreement for the streets and underground utilities. The other two lot owners are not aware of a maintenance agreement.

Mr. Finnerty suggested that Mr. Kerr check the deeds of all three lot owners.

Mr. Kerr stated that the plan refers to Kline Drive but it is now Ashley Drive.

Mr. Kerr asked who owns the corner lot.

Mrs. Stoner stated that Terry Kline owns the corner lot.

Mr. Vaitl stated that Terry Kline constructed a shed on the corner lot.

Mr. Kerr stated that Ashley Lane ends and is not connected to Front Street.

Mrs. Stoner stated that Ashley Lane is a private street and probably will not be extended to Front Street.

Mr. Kerr stated that the driveway coming in doesn't line up with Front Street.

Ms. Brock asked what lot they are interested in.

Mr. Kerr stated that they want to buy the house on lot 508 which is the last one on the rear.

Mr. Kerr stated that Ashley Lane is a private drive. Was Ashley Lane built to State or Borough? specifications.

Mrs. Stoner stated that it doesn't look like there are street standards on the plan.

Mr. Kerr asked where he would find the specifications for Ashley Lane.

Ms. Hardman stated that there is only what is recorded on the plan at the court house.

Mr. Kerr stated that he wants to purchase the house but doesn't like the detention pond in the front yard.

Mr. Vaccaro stated that the plan shows a drain between lot 1 and 2.

Ms. Brook stated that it looks like the inlet had a drain.

Ms. Hardman stated a plan needs to be submitted to the Borough for review and approval.

Mr. Finnerty asked if Ashley Lane was a paper street.

Ms. Hardman stated the tax maps would show if Ashley Lane was a paper street before the subdivision plan occurred. She does not think Ashley Lane was a paper street.

Mrs. Stoner stated there is a profile that the roof drains go into the underground drain.

Mr. Vaccaro stated there are also design details of the catch basin.

6. GENERAL ANNOUNCEMENTS.

A. Whitetail Crossing Phase 5.

Mrs. Stoner stated that at the last meeting of the Borough Council there was a letter from the developer requesting release of the letter of credit. The letter of credit was released by Borough Council. There are procedures in the MPC regarding the release of a letter of credit. The Borough manager said he would bring up the fact that an inspection needs to be done by the Borough Engineer.

Ms. Brock stated that even though the letter of credit was released, the developer is still responsible to complete the road.

Mr. Finnerty and Ms. Hardman both stated that the releasing the letter of credit relieves the developer from being responsible for finishing the road. However, the Borough does not have to accept dedication of the road until it is finished.

B. MARYSVILLE FUTURE LAND USE MAP

Mr. Finnerty passed out a future land use map for the Borough that Tri County Regional Planning Commission prepared. Most of the Borough is in the village mix use. The areas of preservation were the second ridge and top of the mountain.

Ms. Brock stated that on the northern side of town the light pink village mixed use should be conservation.

Mr. Finnerty stated that they are trying to encourage more mixed use rather than segregating the uses.

**7. REPORT ON BOROUGH COUNCIL MEETING
(Next Council Meeting December 8, 2014).**

PROPOSED ORDINANCES

Mrs. Stoner stated there were four ordinances proposed at the Borough Council meeting:

1. Air Pollution.
2. Responsibility for snow and ice removal.
3. Designation of snow and ice emergency routes.
4. Conduct and Noise.

The Borough Council approved advertisement for a hearing to adopt the ordinances.

BUDGET

Mrs. Stoner stated that the 2015 budget was passed.

FIRE COMPANY NEWS

Mrs. Stoner stated that Santa will be at the Fire Company on December 13. The Fire Company bought the houses at the corner of Cameron Street and Broad Street and will be tearing them down.

POOL

Mrs. Stoner stated that some residents spoke on behalf of the Park and Recreation Committee that they have enough people to form a committee to operate the pool

NEW BUSINESS OPENING:

Mrs. Stoner stated that the Hammaker garage on the corner of Rt 11/15 and William Street closed and another business will be moving in and will be opening a car repair garage. The business owner was a man from Hungary that came to the meeting to introduce himself.

FURTHER DISCUSSION ON SALDO

Mrs. Stoner stated that Appendix D – Financial Security requires the developer to reimburse the Borough for Solicitor review services. The Solicitor stated that there are 2005 court cases that held that professional consultants do not include attorneys.

Mrs. Stoner asked Ms. Hardman to review the storm water section of the proposed ordinance in Section 22-530 with the existing standalone ordinance in Chapter 26 for any discrepancies of regulations that may have been missed.

Mr. Finnerty stated that in lieu of having a water shed based plan, the storm water regulations should be in the SALDO.

Ms. Brock stated that for consistency, the storm water regulations should be a standalone ordinance and the SALDO refer to the stand alone ordinance.

Mr. Finnerty stated that if the storm water that is in the County SALDO model is used it would be sufficient regulations to cover the SALDO needs.

8. PUBLIC COMMENT. NONE

9. ADJOURNMENT/NEXT SPECIAL MEETING FOR NOVEMBER-CANCELLED /NEXT REGULAR MEETING 12/16/2014 @ 7:30 pm, NEXT WORK SESSION - NONE

Adjournment: Mr. Vaitl moved, seconded by Ms. Brock to adjourn the meeting at 9:03p.m.

Respectfully Submitted,

Janet Hardman,
Code Enforcement Officer/Recording Secretary