

North Middleton Township Planning Commission

Township Building
2051 Spring Road
Carlisle, PA 17013

Minutes of the Planning Commission Tuesday, February 2, 2010

The meeting was held at the North Middleton Township building on Spring Road, in Carlisle, PA.

Attendance

Board Members-**Harry Kelso** (Chairman), **Bradley Mitchell** (Vice-Chairman), **Pat McDowell** (Secretary), **Ronald Anderson**, and **Clifford Wolaver**

Solicitor-**Mark W. Allshouse**

Codes Enforcement Officer-**Paul Fegley**

Brehm-Lebo Engineering-**Doug Brehm**

Visitors

John Van Buskirk-4900 Ritter Road, Mechanicsburg, PA
Wesley Madden-Madden Engineering

Call to Order

Chairman Harry Kelso called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Public Input (non-agenda items)

Chairman Kelso asked for any public input.

Mr. Van Buskirk was present. He asked to be caught up on where the Planning Commission is on the rezoning application, etc. He also indicated that he wished to start monitoring that process and also inputting to that process. Mr. Van Buskirk did note that he wasn't sure it was on the agenda this evening. Solicitor Allshouse asked Mr. Van Buskirk if he was asking about the application or the whole rezoning. Mr. Van Buskirk stated that he was asking about both. Mr. Allshouse said that the Application is scheduled for a hearing at the first action meeting in March. He noted that this was the continued date, and that he hadn't received anything yet asking for any continuance on it. Mr. Allshouse stated that the zoning contracts were just signed last week with Rettew. He added that the Board of Supervisors has not, but likely will (he noted he was guessing), at the end of this month at the workshop meeting, start to discuss committees and dates to start that process now that the contracts have been signed. He asked Mr. Kelso if this was correct. Mr. Kelso stated that staff was going to meet with Rettew first and then the committee would be formed. He guessed that the first meeting would be at the end of this month or the beginning of next month. Mr. Kelso noted that it is pretty much known who the committee is going to be, but that the formal announcements have to be made. Mr. Allshouse spoke further:

Likely is at the end of February, they would select a committee and at the first action meeting in March would do the resolution or the nomination and have the committee voted on, and then at that point the committee would then set their first meeting, so probably the beginning of March I would think. My guess is if everything goes as discussed before, the Zoning Application is probably going to request a continuance, but I don't

have anything in writing or any idea that they are doing that yet. In other words, what they had related to us before obviously was we just want to keep it in the pipeline while this process goes and since the process hasn't started, my guess is they will ask for another 60 days or something like that.

Mr. Van Buskirk indicated that he understood. Mr. Kelso mentioned Mr. Lucas's request to be kept advised of all of the meetings and dates. Mr. Allshouse acknowledged that Mr. Lucas had asked for written notice of continuances. Mr. Van Buskirk stated that Mr. Lucas may or may not be actively involved in their process. Mr. Van Buskirk said that he was present to get "up to speed." Mr. Allshouse then explained to Mr. Van Buskirk the process of how to request notification of meeting dates and continuances on the Zoning Application. He suggested that Mr. Van Buskirk send a letter to the Township Manager. He said that the Township then does its best when something comes in to let everybody know. Mr. Allshouse responded to a question from Mr. Van Buskirk about the committee meetings:

I think so long as you asked her to sort of say when the committee's meeting etc., or when you're picking the committee can you let me know the meeting date, I think they would do that, but I think if you probably called...our meeting is February 25th. They'll have the agenda for that meeting circulating some time the 22nd or 23^d, so if you called that day and spoke to the Manager and just said is this on the agenda for discussion, etc., and although that meeting is a work session, which means that there is not public comment. There is no vote taken until the following meeting which is the March 4th meeting, and that's when they take the public comment on the vote, etc., and I know my recollection is that you all were looking for some input ability on that, and so if there is some interest in doing more than attending the meetings and inputting, in other words, you want to be on the committee or something, you should at least outline that in that letter because my guess is...there's been discussion by the Board, but there hasn't been an appointment. So they would be discussing that then at the end of February.

Mr. Van Buskirk thanked the Commission.

Approval of the Minutes for Tuesday, January 5, 2010

Chairman Kelso asked for any changes, corrections, or additions to the minutes for the Tuesday, January 5, 2010 Planning Commission meeting. None were requested.

Ronald Anderson moved to approve the January 5, 2010 minutes as presented. Pat McDowell seconded. All votes were in favor, and the minutes were approved as written.

Pending Applications

#10-01: David Ketner, Preliminary/Final Subdivision, Zoned R-1, Total Acreage 5.64 (Lots: 2), Expiration Date: May 3, 2010

From the agenda:

This property is located on the west side of Route 74, north of the Hillcrest Church of God.

This property involves a two-lot subdivision, Lots 2-A and 2-A1 as shown on page 2 of the subdivision plan.

Residual lot 2-A will contain 2.214 acres and proposed lot 2-A1 will contain 3.427 acres.

This property currently has a stone frame dwelling and accessory structures and currently has a functioning on-lot septic system. Lot 2-A will contain those structures and septic system. Proposed Lot 2-A1 is designed for a future single family dwelling utilizing a Small Flow Treatment Facility for the disposal of waste.

On January 4, 2010 the Board of Supervisors approved a resolution for the use of two Small Flow Treatment Facilities for this project. One to be used for a primary system for proposed Lot 2-A1. The other as a backup system if needed to due to failure of the current system on Lot 2-A.

In your packs you will find the following:

- *Application dated 1/4/10*
- *Lester Brickner memo dated 1/4/10*
- *Brehm-Lebo memo dated 1/25/10*

At this time the Township was not in receipt of County comments.

The Developer is requesting several waivers:

- *Section 180-27.B.11(180-16) Preliminary/Final Waiver*
- *Section 180-28.C Stormwater Management Plan*

Members will need to act on the following:

- *The above mentioned waivers*
- *The Plan itself*

Wesley Madden came forward to represent this matter. Mr. Kelso pointed out that at the last meeting the discussion of the small flow systems involved two of them. He suggested that this be clarified. Mr. Fegley acknowledged that this was correct. He responded with this explanation:

The package that was approved were for two separate systems on two separate lots. One was for a primary use. The other was for an emergency backup. They wanted the permit in their hip pocket if the soil brought onto the site of the original tract; the residual tract, if that soil in four years failed the S.E.O. test, they would have the...automatically, they would have the permit for a Small Flow Treatment Facility to use as a backup. Currently, the lot that has the existing dwelling, the septic service meets the criteria. It was investigated by our S.E.O., and everything is up to snuff out there.

Mr. Kelso acknowledged that this won't be changed now, but he asked if small flows should be used as backups when two sites can't be found. He asked Mr. Fegley if other Townships do this. Mr. Fegley responded to Mr. Kelso:

I don't know the answer to that, but the other end of it is, I can't see why not, because what happens is...not necessarily just a Small Flow Treatment Facility, but there's at least a dozen alternative systems, what they call "alternative" other than sand mound or a standard field. If the Township starts disallowing these things, we're stuck with holding tanks, and that is something you really don't want because they're high maintenance and they're very expensive for pumping every three months or whatever.

Mr. Kelso said that the Township wouldn't disallow them, it would just say that two sites are needed for regular septic. Mr. Fegley replied, "And we do." He explained that on the residual tract there is an existing system with age on it, and because of the Code, it is a new lot formed, so it needs the backup. He noted that they are hoping to use just soil after a four-year wait, and added that with a small flow treatment facility; with the package, D.E.P. does not require a second site. Mr. Fegley explained that this is because if something does fail on it, it is much easier to correct than something that is buried, such as a field or a sand mound. Mr. Madden asked if it was correct that those systems are considered their own little treatment facility. Mr. Fegley acknowledged that this was correct. He stated that they're a "sewer plant."

Mr. Brehm had a question at this point. He asked if the backup system for 2-A is going to be located on 2-A. Mr. Fegley indicated that this is what he was told. Mr. Madden also indicated that this was correct. Mr. Brehm mentioned that he had been confused about this. Mr. Madden said he believed the idea for the residual lot is to get the fill site to work, and if it does, then the fill site will be the backup. He further explained that if the fill site fails, then the small flow will be available. He added that this is all contingent on the existing system failing. Mr. Brehm agreed. He pointed out that if it doesn't fail, then none of it is going to happen. Mr. Kelso

pointed out that all of the engineering costs have to be incurred to design and plan the small flow site which may never be built. Mr. Madden acknowledged that this was correct.

Mr. Kelso asked Mr. Brehm for his comments. Mr. Brehm referred to his memo of January 25, 2010. He said that there are a number of comments and that he wasn't going to read them all verbatim. He said that there isn't anything in the comments that can't be resolved, and that it is a "whole list of little picky things" and a few things that should be briefly talked about. He said that the Plan will likely be tabled until next month, but that they can get all of the things straightened out.

Comments #2 and #3 note that the existing principal dwelling is located within the front and side yard setback, and that an existing accessory structure is located within the front yard setback. Mr. Brehm explained that it will be up to Mr. Fegley as to how he handles this. He further explained that every township is a little different. Mr. Brehm noted that some townships require variances for these setback violations. He pointed out that the line being created does not create any issues with setbacks.

Comment #4 states that a driveway shall not be located less than two feet (2') from adjoining lot lines. Mr. Brehm pointed out that a little bit of the radius of the proposed driveway appears to cross over the property line at Route 74. Mr. Kelso mentioned that he had some trouble figuring out where those driveways were. Mr. Brehm referred to Sheet 3. He pointed out that they can be seen close to each other right near the new property line. Mr. Brehm explained that the Applicant can propose to move the driveway or move the property line to make that right. He added that it is only a couple of feet.

Comment #5 states that a profile of the proposed driveway should be provided, and that the driveway shall not exceed a slope of 8% within 25 feet of the street right-of-way line. Mr. Brehm pointed out that it is a pretty steep driveway and that it is necessary to make sure that water doesn't run down the driveway and out onto the road. He added that this should get addressed with the PennD.O.T. permit.

Comment #6 indicates that a clear sight triangle at the driveway intersection should be shown. Comment #7 notes that sight distances at the driveway intersections with streets should be shown.

The memo had 27 comments under Subdivision and Land Development. Comment #1 states that a waiver of the Preliminary Plan has been requested. Mr. Brehm said that he is okay with that. A waiver of Section 180-23.B.(1) has been requested. Comment #2 indicates that this waiver is not necessary as the scale provided, 1" = 40', is greater than the one inch equals 100 feet (1" = 100') that is required. Mr. Brehm pointed out that the Commission probably doesn't have to act on this one.

Comment #5 says that the zoning data table should be revised to include off-street parking requirements. Comment #6 notes that there appear to be two edge of pavement lines located to the west of Waggoners Gap Road. Mr. Brehm noted that this appears to be a drafting issue.

Comment #7 indicates that the location of wetlands should be clearly delineated on the plans and the legend. Comment #8 points out that the newest FEMA maps should be referenced in General Note #4. Mr. Brehm asked that this notation be updated.

Comment #9 states that the locations of the failed probes should be clearly delineated on the plans, and that a symbol should be included in the legend. Mr. Brehm pointed that just some triangles are shown on 2-A, and that these are not clearly labeled. Comment #10 indicates that the location of the existing septic system drain field and proposed fill site for residual Lot 2-A should be provided, and a 100-foot no-well-zone should be depicted on the plans around any proposed septic system drain field and/or existing septic system drain field. Mr. Brehm pointed out that the tank is shown on the remainder, and that he is asking them to try to figure out where the drain field might be, at least approximately. Mr. Brehm also asked that if it is known where the top soil is going to go, he would like this to be shown, and also the location of where the future plant is going to be on both lots, so that there is record of that on the drawing.

Mr. Brehm explained that Comment #11 is about the Small Flow Sewage Treatment Facility (SFTF), and what purposes both will serve. The comment recommends that the Applicant show the location of the proposed system(s) and discharge pipe(s) on the plans.

Comment #12 states that the sections cited for the waiver requests should be revised to reflect the most recent Subdivision and Land Development Ordinance. Comment #13 points out that if the waivers are approved, they need to be noted on the Plan. Comment #14 states that the Township and the S.E.O. should review and act on the D.E.P. Sewage Planning Module. At this point Mr. Fegley stated to Mr. Kelso that this has been done.

Comment #15 pertains to stormwater. Mr. Brehm noted that a waiver has been requested for that and that he is "basically okay with that" except that some more detail on the driveway slope cross section is needed. Mr. Brehm explained that it is necessary to make sure that water is not going to enter Waggoners Gap Road. He pointed out that there is a storm pipe along Waggoners Gap Road now that he guessed is the State's. He said he believed that there is an inlet or some sort of drainage catch area there between these two driveways. Mr. Brehm said that he just needs to see a little more detail of how the water is basically going to come down this driveway or off the embankments and make its way into the drain system there. He suggested to Mr. Madden some final grades or a little enlargement of that area. Mr. Mitchell asked Mr. Madden how much of the lot is in wetlands. Mr. Madden stated, "The whole bottom." Mr. Brehm pointed out that it's almost everything in the flood plain from the bottom of the bank to the creek. He said that what is being proposed is clearly not anywhere near that, and that the discharge pipes, once they are seen, will go down in there somewhere. Mr. Brehm said he was guessing that they would just outfall out the side of the bank and stay out of the wetlands. He added that that's what he would do.

Comment #16 was discussed. The comment notes that an adequacy letter from the Cumberland County Conservation District is not required, however a written plan is required to be on the site of the earth disturbance at all times. The comment further states that the Applicant has indicated in General Note #5 that an Erosion and Sediment Control Plan will be provided to the Conservation District prior to earth disturbance on Lot 2-A1, and that the typical details provided on Sheet 3 should include inlet protection. Mr. Brehm pointed out that this would be for the inlet along Route 74. He explained that a lot of earth work is going to happen along Route 74, and that this will involve cutting the bank way back and then getting the driveway up to the top of the hill to this house. He added that there is going to be a good bit of exposed soil and that they need to be careful along there.

Comment #17 states that the final plans shall be reduced to 18" x 24" prior to recording. Comment #18 notes that the plans shall be certified by a professional land surveyor and that the error of closure shall not be more than one part in 5,000.

Comment #19 points out that the Plan requires a Highway Occupancy Permit (HOP) from the Pennsylvania Department of Transportation. The comment recommends that the Township consider requiring the Applicant to obtain the HOP prior to Final Plan approval. Mr. Kelso pointed out that this is something that is always said. He asked, "Do we always wait for it?" Mr. Brehm replied, "We kind of go case by case." He pointed out that they have a lot of work proposed along the right-of-way there and with the driveway. He stated that the Board can do what they want. Mr. Kelso asked Mr. Brehm if he was recommending that they have it in this case. Mr. Brehm acknowledged that this was correct. He explained that there is a lot that goes with it. He said he believed that this was done last time with Dennis Hurley's property. This was discussed further. Mr. Madden asked Mr. Brehm if the HOP can be obtained without the deed. Mr. Brehm pointed out that it's a minimum use driveway, and that he didn't think the deed was necessary. He spoke further:

What we're running into is we have a client that doesn't own the property yet, and we're getting the permit issued, but you have to have the land owner sign and then when you get ready, then they want whoever owns the land to sign bonds and agreements and everything else. The land owner won't do it because all they want to do is sell the property, so you get a letter from the State that basically says you're ready to go except for this shopping list of things. That would be good enough, if you get that far, that we know that you're clear with them. That's all we're looking for. But I think...you're looking at a minimum use driveway application. That's just one sheet of paper with a sketch on it, hopefully.

Mr. Madden said that the Applicant may want to knock the bank back to get sight distance. He noted that this may be a bit more involved. Mr. Brehm said that this might be allowed under that permit, or that more stuff may be requested. He added that what he thinks is not wanted is to approve the lot without the permit and then have them struggle to get one and then be in here with some hardship. Mr. Fegley pointed out that

there will be no house built out there until there is an HOP. He explained that this is part of the permitting for the house.

Comment #21 notes that wetland certification is needed. Comment #23 suggests that the Township consider requiring the necessary permits for the Small Flow Sewage Treatment Facilities prior to approval of the Final Plan. Comment #24 states that easements should be provided along all water courses and drainageways. Mr. Brehm explained that this would include the creek in this case. He further pointed out that a little channel is being graded between these two lots and some grading over the line is being shown. Mr. Brehm said that this is okay, but if the Plan is approved and there are two different land owners, an easement should be provided or the grading should be moved so that two people don't end up fighting over someone being on the other person's property.

Comment #25 mentions the recreation fee. Comment #26 again pertains to the grading of the driveway on the other lot. Comment #27 mentions that cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing. Mr. Brehm pointed out that some grading or slopes in the Plan may have been a little steeper than that. He suggested that this be checked.

Mr. Brehm had nothing further. He said that all of this can be fixed, but there is a little work to do. He added that there may also be a wait for the permits.

Mr. Kelso read through four brief County comments. It was noted that Mr. Brehm's comments covered the issues mentioned in the County comments.

Chairman Kelso suggested that this matter be tabled until next month to allow the corrections to be made. Mr. Mitchell asked Mr. Madden why there is so much focus on getting the backup on the residual lot. Mr. Fegley explained that this is required by the Code. Mr. Brehm noted that this is required when a big chunk of dirt is cut away. Mr. Fegley further explained this.

Mr. Brehm referred to the waivers. He stated that the Preliminary Plan waiver could be approved. With regard to the stormwater waiver, Mr. Brehm said the Applicant is kind of getting "a partial one on that" since a little bit of information is being requested. He indicated that he wasn't quite sure how to term this "partial waiver." He suggested that "in lieu of providing a complete plan, they're going to provide us with this additional stuff." Mr. Brehm added that he wasn't sure they needed a waiver for that. He further stated that he didn't think they needed a waiver at all for the index map.

Mr. Kelso asked for a motion.

Ronald Anderson moved to table this matter. Pat McDowell seconded. All votes were in favor, and the motion carried.

Adjournment

Chairman Kelso asked for any further business. None was offered.

With no further business before the Planning Commission at this time, Ronald Anderson made a motion to adjourn. This was seconded by Pat McDowell. All votes were in favor, and the meeting adjourned at 7:29 p.m.

Respectfully Submitted,

Pat McDowell
Secretary
North Middleton Township
Planning Commission

Michael S. Medvid, Recording Secretary