

**East Hanover Township
Planning Commission Workshop
Tuesday, January 29, 2008**

Present:

David Craig, Chairman; Donna Lebo, Vice Chairman
Mike Kovach, Member; Mike Webb, Member
Dawn Eppinger, Administrative Assistant
Norm Ulrich, Township Engineer; David Smith, Township Zoning Officer
Andrew Stein, Consultant; Jaromir Kovarik, Consulting Attorney

Also Present:

Supervisors: Marie Beaudet; Tom Shutt; Keith Espenshade;
Residents: Josie Moyer; Glenn Moyer; Richard Schock; Keith Oellig

Absent:

Ed Twaddell, Member, Planning Commission

The workshop was called to order by Chairman Craig at 7:10 p.m.

TOPICS OF DISCUSSION:

1. Procedures for Submission of Plans

- Chairman Craig noted he sent out copy of gant chart prior to meeting. Asked PC members for input.
- Mr. Ulrich commented the township has outlined a tight procedure for plan submissions for the application to be turned around in a 90-day period. Everything to be able to work within the time frame. This will work for a small plan. For the larger plan, you may have a few extensions.
- There was further discussion on the 90-day time period
- Mrs. Eppinger noted the 90 day clock starts when the Planning Commission accepts the plan for review at their monthly meeting. There was further discussion on dates.
- Mr. Stein spoke about quality control and controlling the process. Chairman Craig added when the PC makes a recommendation, it may be rejection, it could be extension of time or approval.
- There was discussion on the time line
- Chairman Craig commented if the applicant expects to get out of the PC within 90 days, the applicant has to satisfy the comments or the PC will either recommend rejection or an extension of time. The PC is an advisory board. The Board can also accept the plan for review because they feel the issues are minor.

- There was further discussion on the time line and extension of time. Mr. Webb commented the applicant has to grant the extension of time, it cannot be forced. Mrs. Lebo noted the key is to take action within the 90-day time frame. Chairman Craig noted the formal acceptance of the plan starts on the day of the PC meeting and would start the 90-day time frame.
- Mr. Smith read Section 508, Approval of Plats, from the Municipal Planning Code.
- There was further discussion on time line. Mrs. Lebo noted Mrs. Eppinger integrates the quality assurance aspect into her agenda process which is carried over from meeting to meeting with the expiration date and it's working adequately.
- Mr. Stein commented once everything is completed, it can be placed on the website, it takes out the guesswork from the person and with the PC adhering to it, EHT will become known as a township who will abide by the rules. This is part of the stance to the public.
- Mr. Ulrich noted from the engineering standpoint, they will be taking a report to the first BOS meeting in February. It will be broken down into three sections and can be modified. The first sections are projects currently under review. The name of the project and expiration date. If you take that expiration date and back it up to the first BOS meeting before that, that is when action needs to be taken on the plan.
- Mr. Webb noted PC comments have to be based on the SALDO. This will reduce the number of nuisance appeals. The time line works well if there is a simple plan and it goes through. The one thing he observed is the individual coming in realized he didn't have completeness and rather than request adequate enough time to submit a good and substantial piece of work, they would do it in tiny pieces which would not give enough time. It appeared they would attempt to repair what was deficient and make changes to other places and therefore basically there was a full review again. He suggested extensions of time be in 90-day increments and noted it doesn't mean a plan can be approved sooner, but if there is a plan with on-going issues, it gives everyone enough time to review it without rushing it.
- Mr. Kovarik suggested this would be done and with a complete application. Chairman Craig noted the extension of time is dependent upon what is granted by the applicant. The Board of Supervisors would have to be the ones to accept the 60 extension and ask for 90 days. Mr. Kovarik asked Mr. Smith to reread Section 508 of the MPC.
- There was further discussion. Mr. Kovarik noted the applicant can be asked to go back to the application process if they do not submit everything that is required. There was further discussion on revisions.
- Chairman Craig noted there is an extension of time to enable the applicant to keep working forward. He suggested when the plans go back and they're being fixed, maybe there needs to be a revision cloud of what has been changed so the PC can find what they change. There was further discussion on this. Mr. Ulrich noted he has seen where changes were done in highlighting.

- There was discussion on rewording the SALDO as to add, “any changes must be highlighted in yellow” and making sure all copies that are needed would be in the SALDO.
- Mr. Ulrich talked about when LTL puts a letter together and how their review is set up. There was further discussion about time. He added the Township does not have to accept the extension of time in regards to only giving the Township 30 or 20 additional days.
- Ms. Marie Beaudet talked about plans in the past that languished in the township for years without movement. With these types of plans, would the PC make the recommendation to the BOS to reject the plans based on time spent in the township without movement. Chairman Craig answered he wouldn’t like to see a plan getting extension after extension. There are changes that made be made to the ordinances while it is sitting there. Mrs. Lebo added the resubmittal encourages the applicant to submit a complete plan. There was further discussion on timelines.
- Mr. Ulrich spoke about a sketch plan submission and extension process. Mr. Webb added if nothing is done in 5 years, they would no longer be under the old regulations.
- Mr. Ulrich spoke about development rights and time lines. Mr. Kovarik responded the township needs to add it in the ordinance that they will not accept extensions after a certain period of time.
- Chairman Craig answered as long as the PC references for rejection engineer’s comments or something they’re not complying with, it should be able to be rejected. Mr. Kovarik added it costs money to keep it on the books.
- There was further discussion on approvals and locking in development rights. Mr. Webb added if the plan is not deficient, it will have to move forward. There was further discussion. Mr. Kovarik added it can be added to the SALDO.
- Chairman Craig asked about a plan being forwarded to the BOS and the contingencies are not met. Is this something that can be rejected. Mr. Ulrich answered it can be suggested to them to approve conditional is more common than a straight approval. The PC is a recommending board. There was further discussion. Chairman Craig noted in the past when it leaves the PC, there are only “housekeeping items”.
- There was discussion on waivers should be rare and should go through a strict process.
- There was discussion on customizing the ordinance and application process and there are slightly different needs of each applicant. There was discussion on adequate time for technical review and the time line.
- Mrs. Lebo added time extensions are continually granted time after time and then the PC feels overwhelmed to act within the time line. If it is in the ordinance what is required and the applicant does not submit what the ordinance says they need to, then it should not be accepted. Administrative and technical completeness were discussed.
- Mrs. Eppinger added the administrative completeness process is a paperwork procedure, have they submitted the number of plans, the check and application, the information to DCPC, etc. Mr. Ulrich confirmed this. There was further

discussion on of the submission process. Ms. Beaudet asked how someone would know that the plan submitted needs a delineation report, a water report, etc. Mr. Kovarik answered it would be in the engineer's cover letter.

- There was further discussion on time line. Mr. Stein suggested putting together a work process and stating that process up front for the applicants. There was further discussion on the gant chart. Mr. Stein continued setting up a process that is known to everyone, allows for a thorough review, is flexible for those moving forward to get their extensions in on time, and it gets it off everyone's desk.
- Mr. Keith Oellig suggested there needs to be some protection to the applicant because he will get a set of recommendations, he'll address them and another set pops up. Chairman Craig answered there are times when they address their issues and it triggers another issue. There was further discussion. Chairman Craig noted the protection for the applicant is we all play by the same rule book and it's printed in black and white.
- Mr. Smith added the comments should be a consolidated effort. He added the PC's comments along with the Zoning Officer and Township Engineer should be included. There was further discussion. Ms. Beaudet added if you have a huge plan, that should be there next month because there is no way all individuals will have their review completed in one month.
- There was further discussion on the flow chart.
- Mr. Webb made the point there may be a good reason not to have the applicant come back on draft comments, have the discussion in the public without requiring them some input and put together a final input they can discuss at the 60-day meeting. There was further discussion on the comprehensive list.
- Mr. Stein added some of problem may have been individuals were acting on draft recommendations, maybe they are welcome to come in and listen but they don't have to comment on the draft comments. There was further discussion on PC of draft comments and not asking the applicant for comments.
- Mr. Webb added when there is a comment, it needs to be tied to the SALDO.
- Chairman Craig added about keeping the responsibility for comments with the professionals. Mr. Webb suggested having someone coordinate all the comments.
- Mr. Webb recommended having a deadline put in for when the draft is available and the draft should be circulated to the individuals associated with making the comments
- Mr. Stein recommended reducing what was talked about and circulated to everyone so they can start putting the dates, who, what, where.
- Chairman Craig asked for public comment. Mr. Richard Schock commented the ordinances today are written so broad he doesn't know how an engineer can catch everything and that's why he has a concern about waivers. He questioned resubmittals and fees. Chairman Craig clarified there would be no additional fees for resubmissions and changes. If the plan is rejected or withdrawn, there would be no fees involved. There was further discussion on granting of time for 30 days as opposed to 90 days.
- Mr. Kovach added the process can be streamlined because it is clear in the ordinance because the onus is back on the applicant to do it correct.

2. Zoning

- Chairman Craig noted the comprehensive plan will need to be addressed. He noted Mr. Shutt and Mr. Espenshade will also be working on this. He noted they would need the comprehensive plan.
- Mr. Espenshade noted everyone is welcome to participate. As many comments from everyone that we can get; what you like, where you think we should be headed. He noted Mr. Schock alluded to the 2003 zoning and maybe now they can see we need to customize the zoning to where we want to be and what we want to protect. Anyone who wants to comment is more than welcome.
- Chairman Craig asked for volunteers. Mr. Oellig, Mr. Schock and Mr. Moyer volunteered. Mrs. Lebo, Mr. Smith, Mr. Stein, Mr. Ulrich, and possibly Mr. Webb. Mr. Kovach will also try.
- Mr. Stein noted zoning becomes the road map for what the town will look like in the next 5-10 years. This town is at a cross roads with the potential to change drastically. Zoning will guide this.
- Chairman Craig recommended the website newpa.gov and the information that can be found on it to help guide everyone. There are also areas to apply for matching grants. He reiterated the importance of getting public input.
- There was discussion on meeting times and turnaround time. There discussion on grants and eligibility. Chairman Craig asked everyone to do some research.
- Ms. Beaudet reminded them it is important not to develop the head waters.
- There was discussion on the development of 743 and it being a critical piece of the puzzle. There has been no meeting as late with the Committee for the corridor.
- Mrs. Lebo and Mr. Stein spoke about tax increment financing for road improvements. Mr. Stein spoke about Act 209 in EHT. TIF is done more in the big cities.
- Chairman Craig also mentioned Mr. Nelligan contributing with his input from a safety standpoint.
- Ms. Beaudet spoke briefly about cluster developments. Mr. Ulrich answered clusters are to save open space, reduce lot size and the incentive is if that site can net 10 homes, you can do up to 12. Mr. Stein added it allows creativity within a large tract. There was further discussion on cluster developments. Mr. Smith added there are other requirements in the ordinance other than just density
- Chairman Craig asked for input. Mr. Shutt brought up the concern with the mountain. Mr. Marshall asked the ordinance stay simple and clear and anyone has a very good understanding of what they are looking for.
- Mr. Smith added his concern with setback requirements in village residential district and CAFO and the requirements should follow the requirements by the Department of Agriculture. Mr. Stein added EHT Lebanon is getting Indiantown Gap to keep their development as far away as possible.
- Mr. Kovach added he would like to see the zoning not as fractured as it currently is, not see farmland turned into high density development, keep the character of

the township. Mr. Schock agreed with Mr. Marshall's comments. Mr. Oellig agreed with Mr. Smith's comments on CAFO.

- Chairman Craig noted we know development is coming, it can't be stopped but it needs to be planned for. Mrs. Lebo suggested looking at TDR's.
- Mr. Webb added he would like to see a balance between the inevitable growth to come and maintain a high quality of life.
- Mr. Kovarik touched on the points made by the individuals present at the meeting. Mr. Ulrich pointed out he looks at it as how can the zoning help him in looking at the SALDO, create an overlay district and the conservation of natural resources and mapping the streams in the township. Mrs. Lebo spoke about the old comprehensive plan and the environmental district
- There was discussion on the availability of the GIS maps. Mrs. Lebo spoke about townships that apply low impact development around on-lot wells.
- Chairman Craig noted he is mainly concerned with how the different areas are being named; i.e., his house is in RA and he will not be doing anything agricultural. You must have 10 acres to be considered an agricultural site. Most of the houses in his area are on 2 ½ to 3 acres.
- Mrs. Lebo suggested setting a target date to work towards to keep focused. Chairman Craig suggested 4 months from now. Mr. Kovarik suggested 4 months from the completion of the stormwater. Mrs. Lebo suggested it can move simultaneously with the stormwater because the content is being finalized tomorrow. There was further discussion on the time line.
- Mr. Kovarik noted the more you compress the schedule, when the bills come in from the professionals, he doesn't want them to be surprised. There was further discussion on this.

3. Storm Water Ordinance –

- Chairman Craig allowed Mr. Shutt to continue his discussion on storm water.
- Mr. Shutt added with the stormwater, as development happens, the stormwater will keep changing because it changes the headwaters. Changes came about in the township because of development. The stormwater habits of the township will change with development. There was further discussion.
- Ms. Beaudet noted stormwater will be a living document because of change and development.
- Mrs. Lebo noted the stormwater is progressing well. It has been posted at the website and available at the Township via hard copy. No comments have been received. It will serve to help mitigate the flooding and runoff problems in the township and bring us into compliance with state law. It will also address water quality and channel protection.
- Mrs. Lebo recognized the valuable input of all the professionals. Chairman Craig also recognized the input of all involved. There was further discussion. Mr. Kovarik added it is important for everyone to comment now.
- Mr. Marshall asked when it is completed that they receive a copy of something they can read.

- There was further discussion. Chairman Craig noted the developer the same set of rules and these rules are being enforced. Mr. Oellig voiced his concern about the cost to develop his land with the new ordinance.
- Mr. Ulrich answered the point a property owner will sometimes miss is the impact he is having on everyone else in the community that is having to pay taxes to fix the problems. The responsibility should be on the applicant to cover the costs to make sure the natural resources are not impacted. Homeowners sometimes look at how it impacts them instead of how it impacts the community.
- Mr. Shock added if we need to fix the problems the state could do more to fix the problems, it should not be on the Township. There was further discussion. Mr. Schock mentioned the building the dams. Chairman Craig questioned the cost to the environment when you build a dam. There was further discussion.
- Chairman Craig asked Mr. Shock to attend the meetings and make suggestions.

ADJOURNMENT

Being no further agenda items or additional discussion, the workshop was adjourned at 9:30 p.m.

Respectfully submitted,

Dawn Eppinger

**Cc: David Craig
Donna Lebo
Mike Kovach
Chris O'Neil
Ed Twaddell
Roger Phillips
David Smith
Deborah Casey**