

**PLANNING COMMISSION WORKSHOP/MEETING MINUTES
EAST HANOVER TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA
8848 JONESTOWN ROAD, GRANTVILLE, PA 17028**

March 31, 2009

Members Present: David Craig, Chairman; Michael Webb, Vice Chairman
Glenn Moyer, Member, Donna Lebo, Member
Michael Kovach, Member – arrived at 7:58 p.m.

Also Present:

Norman Ulrich, Township Engineer; David Smith, Township Zoning Officer
Scott Wyland, Hawke, McKeon & Sniscak, Township Solicitor
Dawn Eppinger, Administrative Assistant to the Planning Commission
Absent: Karen Green, Dauphin County Planning Commission

This meeting was audio taped. The tapes are strictly for the use of the Administrative Assistant for clarification during preparation of the minutes.

The meeting was called to order by Chairman Craig at 7:00 pm.

APPROVAL OF MINUTES

- Glenn Moyer, citing his absence at the February meeting, noted he would abstain from voting. Upon further discussion, it will determined he was present at the meeting and would there vote. Mrs. Lebo noted she would be abstaining from voting, noting her absence at the February meeting. **Mr. Webb made a motion to recommend approval of the meeting minutes of February 24, 2009. The motion was seconded by Mr. Moyer. Being no further discussion, the motion was approved 3 in favor, 0 opposed, 1 abstention, Mrs. Lebo.**

PLANS TO BE DISCUSSED

1. Reichelderfer (expires 4/19/2009). This is a final subdivision plan at 665 Laudermilch Road/644 Shady Lane for an annexation. A non-building waiver has been approved by the Township SEO and submitted for approval from the Planning Commission. No one was present for the applicant.
 - Chairman Craig verified with Mrs. Eppinger that there was communication with the engineer, Mr. Ed Kaylor, as to his presence at the meeting.
 - Mrs. Lebo asked Mr. Ulrich if the stormwater permits are noted on the annexation plan for Lot #2.
 - Mr. Ulrich answered for the Reichelderfer plan, the stormwater ordinance would not apply because there is no impervious surfaces being created. It does not trigger the ordinance.

- Mrs. Lebo asked when the original subdivision was done.
- Mr. Ulrich and Mr. Smith answered they did not know.
- Mrs. Lebo noted within the last few years, there was development on the property; a home, a garage and a new driveway which she believes would fall under either the old ordinance or the new ordinance for stormwater.
- Mr. Ulrich answered he would look into it, noting Mrs. Lebo was talking about within that certain time frame in the past. He does not believe it would fall under the previous stormwater ordinance. He would look into which stormwater ordinance they would fall under because of the clause that was discussed when putting together the new ordinance. He does not remember if it was in the final version of the ordinance but he would check.
- Mr. Webb asked Mr. Smith if the plan was updated according to his review letter of February 9, 2009.
- Mr. Smith answered no, I has not seen any revised plan. Mr. Webb asked if they had not done anything to address any of the deficiencies he noted.
- Mr. Smith answered he has not seen a revised plan, and there has been no resubmission.
- Mr. Ulrich answered if they were going to do a resubmission, it would be between the March meeting and 14 days prior to the April meeting.
- Mr. Webb answered the information came out in February. Mr. Ulrich answered there was no revised plan submitted. He also added if they received it in February, that would be the cursory review letter at the meeting.
- Mr. Webb noted Mr. Smith's review was not cursory and there was deficiencies on there that needed to be corrected.
- Chairman Craig answered that may be the reason why they are not at tonight's meeting because they have not resubmitted anything at this point in time for consideration.
- Mrs. Eppinger noted Mr. Kaylor indicated to her there would be a revision submitted in the near future.
- Mr. Webb noted the plan will expire before the next Planning Commission meeting.
- Chairman Craig answered a recommendation would need to be made to the Board of Supervisors in regards to deficiencies as noted unless a grant of extension of time is received and agreed to by both parties.
- Mr. Webb asked if the Planning Commission would take care of the waiver.
- Chairman Craig answered if the Commission wishes to discuss the waivers at this point in time, that would be fine but typically they try to wait until the package is a complete package and they've done their best job to see if they have complied with our ordinances and then see if they actually still require those waivers at that point in time.
- Chairman Craig continued a recommendation just needs to be made to the Board of Supervisors to deny the plan or to approve the plan and if the Commission says deny the plan, the reasons why based upon the engineer's report letter, and the date inserted, unless there would be a letter of extension received and agreed to by both parties.

- **Mrs. Lebo made a motion to recommend denial of the plan unless a request for an extension is received from the applicant based on the deficiencies that are noted in LTL's letter dated March 17, 2009. Mr. Webb seconded the motion. Being no further discussion, the motion was approved, 4 in favor 0 opposed.**
2. Costabile (expires 5/4/09) – This is a final subdivision plan at 9377 and 9375 Mountain Road. A non-building waiver has been approved by the Township SEO. Mr. Randy Allen of Dauphin Engineering and Mr. and Mrs. Costabile/
- Mr. Allen noted his firm prepared the final subdivision plan for the applicant. He gave a brief overview of the plan. He noted two of the lots contain existing single family dwellings that share a common driveway. The third lot is currently vacant.
 - Existing lots #1 and 2 are owned by Mr. & Mrs. Costabile. Lot #3, which is a flag lot is owned by Mr. Longenecker and Ms. Skinner. The purpose is to re-subdivide the existing three lots and consolidate them into two new lots. Each new lot will contain an existing single family dwellings. In addition, a new driveway with the stormwater management control will be constructed to serve new lot #2.
 - The annexation plan shall correct some of the existing non-conforming lot and encroachment issues that are present with the existing lot configuration.
 - Mr. Ulrich asked Mr. Allen if he would like to go through the review letter. Mr. Allen answered he would like clarification on some of the items. He noted some of the comments from Mr. Smith overlaps.
 - Mr. Allen referred to Mr. Smith's comment letter dated March 5, 2009, comment #4 regarding the proposed driveway on Lot #2 must be paved for the first twenty feet. He noted it was discussed at the last meeting, but he failed to be able to write it down with the paving spec that is required for that portion of the driveway.
 - Mr. Ulrich answered he could look into it, but believed it may be covered under the HOP issued by Mr. Longreen, Public Works Director.
 - Mr. Allen answered he could not find it in the ordinance.
 - Mr. Allen noted #5 of Mr. Smith's comments concerning the streamside riparian buffer comments, he asked if it is the intent to delineate the lines or was he looking for more information.
 - Mr. Smith answered it was his intent to delineate the lines. Mr. Allen noted the conditions that are out there are already pre-existing.
 - Mr. Allen noted the streams were classified and the two southern-most streams are the perennial streams, even though they show up as intermittent on the USGS so they would require the riparian buffer.
 - Mr. Allen started on Mr. Ulrich's comment letter dated March 18, 2009. Comment #1 – he understands the proposed lot lines are going to go to the existing established legal right-of-way line. He asked if the lot areas should be defined for the proposed dedicated right-of-way line. Mr. Ulrich answered yes.
 - Comment #4 – from what Mr. Allen can determine from the ordinance, the 50 foot buffer line, the Flood Plain Overlay Zone, would be delineated from intermittent and perennial streams. Within that 50 foot, the existing shed on the Longenecker's property is on there. That would be an existing non-conforming

use; however they are sliding it over to meet the five foot set back because right now it is over the property line. Is there any issue with the Flood Plain Overlay Zone with the shed? Mr. Allen and Mr. Smith spoke about this previously and it was determined that even though the shed is being moved, it would still be considered existing non-conforming.

- Mr. Smith commented he does not have a revised plan to show where the flood plain is or the riparian buffer. Mr. Allen commented a new submission will not take place until after the comments from this meeting are heard.
- Mr. Smith also commented it is existing non-conforming now because of the encroachment. By pushing it five feet into the property, it would make it a better situation. He does not think he would have a problem with that.
- Chairman Craig asked if it could be moved five (5) feet, why couldn't it be moved any further to come into compliance.
- Mr. Rocco Costabile commented the shed has been there since 1986. It is a properly line and would give proper clearance, why would it have to be moved more than five (5) feet?
- Chairman Craig answered then it would not be a non-conforming structure at that time. If it could be moved five (5) feet, why couldn't it be moved further.
- Mr. Costabile answered if it is moved more than five feet, it will not be moved further into the Longenecker's driveway.
- Mr. Webb asked if it is the structure down by the stream. Mr. Costabile answered it was. Mr. Webb confirmed with Mr. Costabile that will all be one person's lot.
- Mr. Costabile noted his question would be how far does it need to be moved.
- Chairman Craig answered enough to come in to be a conforming building. He does not know what the use of the shed is. Mr. Costabile answered it is for lawn car.
- Mr. Webb asked if it included fertilizer, pesticides and herbicides. Mr. Costabile answered it would include lawn mowers and weed whackers. Mr. Webb added and gasoline. Mr. Costabile answered possibly.
- Chairman Craig noted moving it up would make it a conforming use. That is the objective instead of having it moved would be to make it a better condition. If you move the building and it can be moved 5 feet, what would be another 15 to 20 feet. Mr. Ulrich answered it would need to be 50 feet.
- Mr. Smith read section 230.9.3 reading the flood plain overlay zone and non-conforming use and structures in the flood plan overlay zone. He noted by reading that section and acknowledging the structure is existing non-conforming, to now comply that it will not be encroaching or sitting on the property line, they are not expanding it or altering it in a manner in which it will create more of a non-conformity. They will actually be making it a better situation even though they will be only making it 5 feet further away, it is still 5 feet further away. They are making a situation in which it is not expanding into the non-conformity.
- Mr. Webb added if it is capable of being moved 5 feet in order to avoid the encroachment, would it be possible to move it so that it would be fully compliant in terms of moving it out of the flood plain. Is there a good reason why they can't.

- Mr. Allen asked if it legally had to be moved and posed the question to Mr. Wyland. They would like to keep it down in the area, it is a workable space and it is the way it was laid out and has been that way for years.
- Mr. Smith answered by moving it 50 feet, it will put it into their driveway or close to the area that is close to their garage.
- Mrs. Lebo noted she would like to add for the record there are provisions under the Flood Plain Management statues that prohibit the storage of flammable explosives and that sort of thing for safety reasons. Mr. Webb noted in where there is lawn equipment, there is gasoline and oil. In a flooding situation, they are the first things to go downstream.
- Mr. Allen noted the last issue was to ensure Mr. Ulrich was in agreement with Mr. Smith's comment on the riparian buffer.
- Mr. Ulrich noted if it is a comment which was made here by Mr. Smith that is fine.
- Mr. Allen clarified it is regarding the perennial stream statement. It is more for marking than anything.
- Mr. Smith clarified there are three different buffers.
- Mr. Allen noted the question was not how it was being delineated but if there was anything more than a delineation that was needed. In Zone Two which is 65 feet from the top of the stream bank, the ordinance states about three rows of mature trees being involved.
- Mr. Smith asked to clarify something in regards to the statement with the riparian buffer. While the riparian buffer is going to be shown, the idea is that it be shown so that nothing encroaches on it that doesn't belong future. It is currently existing non-conforming. He would like to have it placed on the plans so that five years from now the new property owner comes in, they can be shown where things are and why it shouldn't be done.
- Mr. Allen noted regarding Stormwater Comment #2 in regards to the E&S plan, E&S control measures will be shown on the plan; however, the disturbance is less than 5,000 square feet, so DCCD does not require a written E&S plan. He asked if the measures being on the plan are satisfactory.
- Mr. Ulrich answered the idea is to show E&S measures that are necessary as required by the minor land disturbance.
- Mr. Allen asked what items will be required in the .improvement guarantee.
- Mr. Ulrich answered normally an individual would pick up a packet from the Township called a Minor Land Disturbance. Since this is being done with the plan, it will be done in conjunction with the approval of the plan and as far as the improvements guarantee with this case. If the monuments are placed before the plans are approved, that will not have to be escrowed. As far as how this applies, they would escrow for the silt fence that would be required, stone trench, any inspections and any improvements required by the minor land disturbance.
- Once it is escrowed, it is just meant to make sure that those improvements will get installed. Once this is completed, 100% of the monies are released back to the applicant minus any inspection fees for trench inspection. Before the monies are released, there is a reference to Appendix C. It is a document signed and notarized by the property owner acknowledging the improvements have been put in and nothing will be done intentionally to damage them.

- Mr. Allen asked what the cutoff date would be for a resubmission. It was answered it would be 14 days prior to a Planning Commission meeting, which for the April meeting would be April 14, 2009. It would be the second Tuesday of the month. The April meeting would be April 28, 2009.
 - Mr. Ulrich clarified it would be submitted 14 days prior to the PC meeting. The PC would accept it at that meeting and you would get a formal review at the following meeting. The 14 days gives the Planning Commission the opportunity to review the plan and then if they have any questions, they can do their review.
 - Chairman Craig answered it would be submitted for the April meeting, explanations can be made and then a recommendation can be made at the May meeting.
 - Mr. Webb reiterated for Mr. Allen the process for the acceptance of the plans. Mr. Ulrich added his comments would be available about a week in advance of the May meeting.
3. Halbleib (expires 5/4/09) – This is a land development plan located at 8685 Devonshire Heights Road in Hummelstown. Representatives for the plan were Craig Raynor of Pennoni Associates and Mr. and Mrs. Halbleib.
- Mr. Raynor noted there were points he wanted to touch on. The plans were revised, resubmitted and received comment letter from Engineer and Zoning Officer.
 - Major points are they received Conservation District approval for the site, a driveway permit for issue and next week they are expecting DEP's permit for the minor road crossing. They filed that with DEP even though DEP did not feel it was necessary, they wanted to cover all the bases and applied for that.
 - Mr. Raynor noted some issues in the LTL letter that keep on coming up are the wetlands. He tried to make it clear last month there are no wetlands on that property. He submitted additional information to LTL on the Executive Summary and gave the conclusions from the wetlands report. In the review, the wetlands issue is related to a handful of different comments.
 - Another comment that keeps coming up that they want to resolve is the issue of easements. The plan and project has a simple land development and none of the improvements are public improvements where the escrow, the inspections or as-builts would not be required. In that case, they would not need easements, but as far as Best management Practices Agreement, there is a statement in there that allows the Township or its personnel to access a site to inspect to do any work to the facilities. In his mind, that easement is in place once the agreement is signed.
 - Mr. Raynor noted they are looking for some direction on a lot of the issues. The other ones basically are housekeeping. Some he has to discuss with LTL as far as how they are addressed. The bulk of them are related to stormwater management. The stormwater management comments come out of the fact that the driveway is constructed, the 8" pipe is underneath.
 - Mr. Raynor added engineers have signed and sealed the plans and everything works. They have a letter now from a consultant with regards to stability. The breadth of the road embankment is 90 feet wide. It is a very substantial

structure. They are looking for action on the waiver requests, because they need to know at this point can they move forward with what they have done as submitted and have those waivers granted or is there somewhere in between they need to be like removing the existing 8" pipe and putting a 15" pipe in there are which time the materials can be inspected and they can have the anti-seep collars installed and try to conform as best possible.

- Mr. Raynor noted Mr. Ulrich said it well in his memo develop a plan which reasonably complies with all Township ordinances. That's what they are trying to do. The other extreme is no waivers will be granted, they'll tear out the driveway and start from scratch. For them to move forward, they need to take action on the waivers.
- Mr. Ulrich asked to comment on the one with regards to the easements. He would like to speak with the Solicitor regarding Appendix C, which is typically required for the minor land disturbance permit where a property owner would do something that like. Typically with a regional basin structure, and you have some significant depth there as far as water, there is typically a separate easement for that; however, he can discuss with the Solicitor and if he concurs, it would work for this application. He is looking to protect the Township. If there is some issue that they need to get in there as far as maintenance.
- Mr. Ulrich noted if the driveway were to fail what is downstream may be negatively impacted in other ways; so if this can be covered under an O&M Agreement and the Solicitor concurs, as long as the PC concurs and as long as it gives the Township the rights to access and do the maintenance.
- Mr. Raynor noted it would serve the same purpose. Mr. Ulrich noted on a larger subdivision, there will typically be four or five basins. There will be easements. Mr. Raynor is suggesting Appendix C would serve the purpose and if it the Solicitor agrees, Mr. Ulrich would have no problem with it.
- Mr. Wyland noted one of the things he will look at and will want to discuss is the duration of the burden on the property. The reason why it gets recorded it because it gets recorded and is enforceable against subsequent property owners so they cannot destroy or have the right to interfere with the Township's right to , for instance, have drainage easement. The formality with which the easement is preserved or memorialized bears a direct relationship with the permanent use you want for that particular slice of the property.
- Mr. Raynor noted the term "regional basin" might be a little bit of a stretch. Regional basins typically will take care of other properties. This is specifically just his property and just a small portion of it.
- Mr. Webb noted that according to the stormwater report, the total acres disturbed will be five (5) acres. He asked if they applied for and received their NPDES permit.
- Mr. Raynor answered it was applied for and received. It was sent directly to the Township and has the NPDES number on it. Mr. Ulrich asked for a copy of the permit.
- Mr. Webb noted the reason he asked that was with five acres and it being an individualized permit. They are usually quite extensive and not a single letter. Testing is normally required.

- There was discussed regarding the general and individual NPDES. Mr. Raynor noted the general is still five acres and that the individual kicks if you are discharging at exceptional value or high quality water.
- Following further discussion, Mr. Raynor noted years ago it was 25 acres. He added they went through the conservation district and applied for a permit.
- Chairman Craig noted he received a copy of it and noted they asked for a preconstruction conference. Mr. Raynor answered they always do. They are sent out with all approvals. Also, they referenced of the notice of intent that is referenced is for larger jobs it is signed over to a contractor so they are responsible for the measures.
- Mrs. Lebo asked about the 10% slope on the driveway and asked if it was verified. Mr. Smith answered that has not yet been done but will take place. Mrs. Lebo noted with regard to the buffer areas for Zones 1, 2, and 3, regarding Zone 2 on Mr. Smith's letter dated March 24, 2009, and wanted to know if the requirements of Section 327.4 were taken care of.
- Mr. Raynor replied no because they were awaiting for approval. Mr. Smith answered the road is in but does not know if the repairs were made to bank it to the 10%.
- There was discussion from Mr. Raynor noting the road is at 13% according to the design plans which have been altered and once it is completed, it will be at 10%
- Mr. Smith noted it was just designed in excess of the 10% and he has seen a readjustment of the design.
- There was discussion from Mrs. Lebo noted the issues appear to be from the construction of the driveway being done prior to the approvals from the Township.
- Mr. Smith answered there are issues with the driveway and that's where the repairs will need to take place. They've encroached into that buffer area. The encroachment is mostly in the area of the riprap structure. He would ask for the repair to the original condition.
- There was discussion regarding the attachment to Light-Heigel's letter of March 24, 2009
- Mr. Smith reiterated his concern is the location of the riparian buffer, and he made a determination as he has in the past, as to where the buffer begins. In his determination the buffer begins at the perennial stream. An environmentalist from Pennoni went out to verify where the stream started. They then revised the buffers to accommodate where it starts; however, it still encroaches on a portion of the road. It doesn't go on the surface but it comes up to the base..
- Mr. Smith noted the section of the ordinance spells out what is and is not allowed in the zone. Because it is disturbed, there is a section in the Zone which those types of structures existed. This is not an allowed structure in that zone. It would have to be moved out. He tried to explain there are sections of the third zone that can be looked at to the north that may not be necessary.
- There was discussion from Mr. Smith noting a portion of the zoning ordinance with a zone being left in hay or grass zones, Zone 3 does not have to exist. If the area to the north before it makes the turn is left in grasses, it is not necessary to be there.

- There was discussion from Mrs. Lebo noting the repairs will involve a lot of earth-moving activity further disturbing the rip rap and asked what Mr. Smith would like for that area.
- Mr. Smith answered he would like to see it return to what it was. He added he believes it would involve taking the road and shifting a section of it to the northeast.
- There was discussion from Mrs. Lebo regarding the design of the structure and if by moving the rip rap it will compromise the stability of the structure.
- Mr. Webb answered the structure would need to be totally redesigned if it is removed.
- Mr. Smith answered they can speak to that. He is just telling them how it needs to be done. He will be able to say if it is going to be done and how it will be done.
- There was discussion regarding them asking for the waivers so they know the direction they are headed. Mr. Raynor pointed out where the driveway was on the plans and explained it noting the one area could be removed and returned to its natural state. Upon a question from Mrs. Lebo he noted it would not compromise the stability.
- Mr. Raynor confirmed he understands what Mr. Smith and Mr. Ulrich are conveying and believes they can comply with it with some rock removal.
- Chairman Craig asked how the outfall from the watercourse gets down to the springhouse. Mr. Raynor answered it is piped.
- Chairman Craig noted the watercourse begins where the pipe ends and asked if the pipe were further downstream would that mean the stream starts further downstream.
- Mr. Raynor answered yes because that is the part where there is a constant stream, a perennial stream. He showed where there was an intermittent stream but noted what comes out of the springhouse runs constantly.
- There was discussion from Mr. Ulrich regarding the wetland and hatching and the way it was called out, there were some conclusions that weren't very clear. That report needs to be corrected, reissued by the professional clarifying the concerns. Mr. Raynor the report is consistent but the one exhibit needs to be revised.
- Mr. Wyland added for clarification of an earlier issue that he reviewed the O&M. It is binding and he believes it is functional.
- There was discussion regarding the numbering of the sheets. Chairman Craig asked for clarification in their direction. Mr. Raynor answered previously they were asked to submit documentation that the roadway embankment was installed and stability material used. Mr. Raynor noted there is a letter from CMX that was submitted to the Township
- In Mr. Raynor's submission answers received March 9, 2009, Question #12 deals with Section 402.5.9.2.6. Chairman Craig asked how the owner's response covers the dwelling foundation question. Mr. Raynor answered he just received the letter and not the review. He doesn't see it being an issue because they're encroaching an area of steep slope at the corner of the structure which is the walkout basement so that shale area will all be cut. They were anticipating it being included in the submitted document.

- Chairman Craig asked about Section 623.2 and fees in lieu of and asked if this was an item that needed to be discussed. Mr. Raynor noted it was something they would like to address and questioned if they should pay the fee because they are existing residents moving from one side of the road to the other and not bringing in additional occupants to the Township.
- Mr. Halbleib introduced himself and noted everything on the south side that was subdivided completely gets totally wiped out and everything goes back to existence. He doesn't know if the impervious original ground already on the south side, why couldn't it have gotten grandfathered across because everything is going back to the original state and contours when they get achieved of building their buildings and home
- Mr. Webb answered because the no longer own it and Mr. Halbleib answered they tried to get it done before they transpired because everything still goes into the same watershed. He feels it is an issue that could have been resolved on a lot of the stuff if everybody would have known where they were coming from the get go.
- Mr. Webb noted if the home would have been built before the subdivision,...Mr. Halbleib interjected and noted it couldn't be done because everybody he talked to he couldn't get a building permit because it wasn't subdivided and couldn't build the ag buildings. He was told it couldn't be done and he doesn't understand.
- Mr. Webb asked who told him he couldn't build the ag buildings. Mr. Halbleib answered he had to have the subdivision. Mr. Smith added an accessory structure cannot be built without first having a primary structure. Mr. Halbleib added he owned all the land and this is over a year ago he tried to get the building permit.
- Mr. Smith noted he personally did not talk to Mr. Halbleib about putting ag structures on the property next door. Mr. Webb asked him who he talked to. Mr. Halbleib responded, "I actually talked to Dave (Mr. Smith) because he told me I was going through a subdivision because I wanted to have my buildings built before I had a final subdivision." Mr. Smith added including the house. Mr. Halbleib answered he wasn't worried about the house. Mr. Smith answered he did not recall that.
- Mr. Halbleib noted he has to remove everything on the south side and that is why he needs the buildings he does not have. Chairman Craig added he cannot address anything he did not have personal discussions on.
- Mr. Halbleib answered, "the problem with everybody around is nobody can give you an answer". Chairman Craig responded that is what they are working through this evening. Mr. Halbleib responded he is trying to move forward because he is completely at halt and added he has crops in the field that he has no idea where they are going right now. He just wants to get something accomplished.
- There was further discussion with Mr. Halbleib reiterating he was told he couldn't do anything without a subdivision and at the time, he owned everything.

- There was discussion from Mr. Ulrich noting with the two building proposed and from a stormwater standpoint, they would require a land development plan in and of themselves.
- Mr. Halbleib had a conversation outside of the microphone. There was discussion from Mr. Ulrich noting it was a unique situation noting the two buildings would have required a land development plan and there cannot be two plans in review concurrently.
- Mr. Ulrich noted if the two buildings would have gone up first, the subdivision would have had to be put on hold and the way it happened was the subdivision was brought to the Township first. This process makes sense except for a time standpoint.
- Mr. Halbleib noted everybody told them when they did the subdivision that the land development should have been incorporated with it and Mr. Ulrich said they both could not have been done at the same time.
- There was further discussion from Mr. Halbleib regarding the land development and the subdivision. It was noted for Mr. Halbleib that two separate plans could not have come through the Township at the same time.
- There was discussion from Mr. Ulrich noting there was a discussion regarding Mr. Halbleib not wanting to wait for the work as far as the driveway, buildings and house to go all at one time and he could have come in for a subdivision plan, showing the house and everything and there may have been some stipulations that the existing buildings on the south side be demolished. He does not remember a discussion along this line.
- Mr. Halbleib answered he doesn't feel he gets any directional help from anybody when he comes in.
- There was discussion regarding the driveway being put in before the permit. Mr. Halbleib noted if he would have known it would have caused that much grief he would have not have done it. He apologized for doing it and spoke about having the materials accessible to him. He added he is sorry he did what he did and if he could take it back he would but he can't change what is there but he can fix it.
- He noted he is on a timeframe and works with mother nature and has nowhere to go with the crops and could care less about the house right now.
- Chairman Craig spoke about Section 307.F and the calculation and asked about the discussion on it. Mr. Ulrich noted they were going to wait on a lot of the stormwater comments until after the meeting and see the direction it took.
- There was discussion regarding Mr. Raynor's comment #20 on Section 308.A.3 noting they responded no wetlands exist in the area of watercourse #1. Mr. Raynor noted this is a rehashing of a zoning issue. Chairman Craig read from the zoning and that if it is the proper distance it just needs to be said. Mr. Raynor noted it was.
- There was discussion regarding the wetlands and how they were comment upon and how to respond to them on the plan. Mr. Raynor suggested to note the report shows wetlands on the plan and plan to be revised to be consistent with report.

- Mr. Ulrich explained why the comment would be on there because of the banks, existing streams and noting you may still be within the 75 feet for the other issues.
- Mr. Ulrich suggested the PC explain how they feel in general with waivers having to do with stormwater. There was discussion regarding the embankment with the driveway with compaction. From a stability and zoning standpoint it was addressed, but not from a stormwater standpoint. These might want to be discussed. This discussion might need to be brought up now.
- There was discussion from Mr. Raynor about if the waivers are acted upon tonight, they will know to keep something status quo, whether or not it was accepted or whether or not they would have to rip something out.
- Mr. Webb noted his attitude is waivers should be rare and should be for reasons that make it impossible either due to specific conditions or there is something about the property itself. He does not feel they are warranted when the reason was there was a lack of planning on the part of the applicant. That would set a precedent to building something first and ask permission later. That is not the type of behavior to reward. This is one home but once it is institutionalized, a developer could take that and do it for 150 homes. Convenience is not listed in the SALDO or the MPC as a reason to get a waiver.
- Chairman Craig asked Mr. Smith if in review of the waiver requests if there was anything from last month that they actually need a variance. Mr. Smith answered no.
- Waiver 303.1 – Preliminary Plan Application. Chairman Craig read from the waiver request, asked for discussion and noted this is not unlike other plan who have asked for this in the past.
- Mr. Webb was also in agreement as well as Mrs. Lebo.
- Mr. Ulrich noted with bypassing the preliminary plan requirements, one thing they may want to put a stipulation on is the construction. Mr. Wyland noted it would only be a preliminary plan and they would not have the rights of a final plan. Chairman Craig reiterated for everyone that any construction activities cannot commence until final approval is achieved. Mr. Wyland noted that was his understanding.
- Mrs. Lebo asked if a condition of waiver would not be needed regarding construction. Mr. Wyland noted Mr. Ulrich has a great habit of clarifying the position. He does not feel it is needed but it would be OK to clarify that no construction activity will be permitted until final plan approval.
- **Mrs. Lebo made a motion to approve recommendation of the waiver for Section 303.1, Preliminary Plan application, with the condition that no construction activities commence until the final plan is approved. Mr. Kovach seconded the motion. Being no further business, the motion was approved, 4 in favor, 0 opposed.**
- Waiver 403.6.10 Improvement Guarantee. Chairman Craig read from the waiver request and asked Mr. Wyland if this waiver request would need to go away based on his analysis of what is considered agreement or easement or is this something totally different.

- Mr. Wyland answered it would be better to grant the waiver where there is any doubt here and acknowledge the O&M covers any concern the PC would have.
- Mr. Ulrich noted the improvement guarantee it is for improvements on the site and not necessarily easements, pavement, outlet structure and it says once this plan is approved the applicant actually constructs everything that was agreed to by the approved plans.
- Mr. Wyland noted there would be a recorded agreement effective against whomever the property owner would be in perpetuity giving them a binding obligation to fix those. If there is no security with public improvements and the Township has to pick it up and pay for it, that would be a big miss, but here there is always the ability to get an order to make them fix it.
- Mr. Ulrich answered it would include street trees and monuments. There was further discussion regarding the O&M agreement, which Mr. Ulrich understands is more for the long term maintenance of the basin. There was further discussion regarding the O&M agreement.
- There was discussion regarding if the driveway needs to be moved, key trenches. There would be significant cost. There was discussion regarding putting monies.
- Mr. Wyland noted it looks like a number of the waiver requests are based on the same concept. Mr. Raynor answered they are looking at them as they are not public improvements. There was discussion in regards to escrow and what would need to be put in for escrow.
- Mr. Webb suggested that would be something to work out with the engineer as to what would need to go in escrow. Mr. Ulrich explained monies put in escrow would be returned to the applicant when the task is completed.
- Chairman Craig asked Mr. Wyland if he needed more time to look at it before they can move on to some others. Mr. Wyland answered yes and it comes down to what extent the Township should insist on security for non-public improvements but there are still improvements that are part of the plan.
- There was discussion regarding some of the other waivers falling under the same thing.
- Chairman Craig asked for them to jump to waiver Section 507, As-Built Plans. He read from the waiver request. Upon a question from chairman Craig, Mr. Ulrich clarified as built plans what is built versus what is designed. What is designed and put on the plan is what you have out in the field. The as-builts will tell you if something was constructed as it was designed. Mr. Raynor noted inspections would catch anything that would not be done properly.
- Mr. Raynor noted the point they are making is they are asking for a waiver because they do not feel it is necessary. As built and inspections would be for public improvements come; i.e., public sewer system.
- Mr. Webb noted when he takes a look at what is supposed to be on there, the applicant has a number of the structures and they are no more public than what is being built on this plan. He read from the SALDO of the requirements.
- Mr. Raynor noted the monuments have been previously installed and they are asking for a waiver from the street trees.

- Mr. Ulrich added if it is the wish of the Planning Commission, modifications can be made to them as far as as-builts; i.e., sidewalks are not needed but for a portion of the driveway it would be, the basin would be.
- Mr. Webb suggested the applicant sitting down with the engineer and if they are agreeable to coming up to an abbreviated list as to what they will do instead of saying they won't do anything at all. He would feel more comfortable knowing the critical structures were covered that have a potential impact offsite of the property. Stormwater has the potential to have offsite problems.
- Mr. Raynor acknowledged it but said when discussed with Mr. Ulrich, he has to go back and say it is up to the Planning Commission. Chairman Craig answered if they agree to go with Mr. Ulrich's recommendation, they could do it that way and it would be a good compromise. There was a general consensus from the Planning Commission.
- Mr. Raynor noted he would like to hash it out right now but if it can't be done he understands it.
- As a consensus, the Planning Commission will go with the waiver once it is written to satisfy the concerns of the Township Engineer. It was agreed it will be deferred.
- Mr. Wyland noted the thrust of the statute and the ordinance is to secure public improvements. There is some room to argue some of the improvements on the property have some public benefit or a benefit in terms of offsite conditions. Given the fact they are fairly minor, he does not have an objection to the Commission entertaining those waiver requests.
- Mr. Webb asked if it was strictly on the improvement guarantee and 502.1 financial security. Mr. Wyland answered it does. There was discussion regarding the developer's agreement.
- Mr. Raynor suggested the developers agreement could be corrected as such fiscal responsibility waived but at the end of the job the stormwater management basin is surveyed and as-builts are provided to the satisfaction of the Township.
- Chairman Craig went back to Section 403.6.10 improvement guarantee and asked Mr. Wyland if he would be OK with it being waived. Mr. Wyland answered it would be good to look at it as being negotiated in lieu of being forced. This is just at the recommendation stage.
- Mr. Wyland suggested to give the applicant the opportunity to recast his waiver request. Mr. Raynor added it may come back down to a discussion him and Mr. Ulrich will have with what Mr. Ulrich is comfortable with.
- Mr. Raynor thinks the basin and the stormwater. He thinks they would be willing to do the stormwater and discussed the escrow or a letter of credit for the basin. The line of credit would be released when the construction items are completed.
- There was further discussion regarding cash escrows and the balance would be returned to the applicant. Mr. Ulrich noted when looking at the number it will not include the cost of the house, buildings, garage because they are covered by zoning. Anything outside of those, the stone pit or roof drains, there is a cost for those.

- There was discussion regarding the 507 and the as-builts. Mr. Webb noted he is more concerned about those items. Mr. Ulrich the driveway is the embankment for the basin. That why it is a stormwater item.
- It was agreed action on Section 507 will be deferred until Mr. Ulrich and Mr. Raynor meet to discuss it. The other sections included would be 406.6.10, 403.6.13, 502.1, and 506. There was a consensus by the Commission.
- Chairman Craig read Section 613 Easement from the waiver request. Mr. Wyland asked to have his prior remarks incorporated. He explained one way to handle it would be to show a recorded easement on the plan the other would be to show what the improvements are on the plan and then record the easement.
- Chairman Craig asked if they grant a waiver or would the waiver not be required. Mr. Wyland answered a requirement would be needed because the applicant is asking for relief for showing the requirement on the plan itself which is slightly differently than showing the BMP and having the agreement recorded.
- Mr. Webb asked if the way it reads does it incorporate what Mr. Wyland said provide adequate coverage for the Township. Mr. Wyland answered they would still be entering into the agreement.
- Mr. Ulrich noted in lieu of providing an easement for bearings and distances and blanket easements and so on, the applicant would chose to complete and record Appendix C which is an O&M Agreement as outlined in the Stormwater Management Ordinance.
- Mr. Raynor added they would also put a note of the agreement on the plan stating it verbatim. Mr. Webb asked out of curiosity, couldn't they reduce the waiver request to just that statement that they are providing this via Appendix C.
- Mr. Wyland is satisfied with the language. Mr. Ulrich noted the waiver could be granted conditioned upon the applicant completing Appendix C, recording it properly, and placing a note on the plan referencing the recorded document prior to final plan approval.
- **Mr. Webb made a motion for recommendation of conditional approval of the Waiver for Section 613, Easement, conditioned upon the submission and final approval of a Stormwater Facilities and Best Management Practice Operations and Maintenance Agreement, Appendix C which is to be filed as contained within the Stormwater Management and Flood Reduction Ordinance approved and filed appropriately and with a note placed upon the plans but the agreement needs to be signed and recorded within 90 days of the final plan. Mrs. Lebo seconded the motion. Being no further discussion, the waiver was approved 5 in favor, 0 opposed.**
- Chairman Craig read Waiver section 618.2, Existing Woodland Area from the waiver request. There was discussion regarding trees with removal of a 6 inch caliber. Mr. Webb noted that would include any trees that were previously removed.
- Chairman Craig asked if there would be about five trees to replace. The applicant noted there will be trees placed along the driveway. Mr. Halbleib noted he does not know if the waiver is really needed because he will be planting trees along the driveway anyway.

- There was discussion regarding their placement of the trees and it was noted they must be a minimum caliber of two inches and a height of six inches above grade. Chairman Craig noted if they already met the ordinance, they just need to document it was met. There was discussion regarding the trees taken out, and the trees that will be replaced.
- Chairman Craig also noted it sounds as though the intent of the ordinance will be met. There was discussion regarding the listing of the trees required. He asked if it would be agreed upon that 20 trees of six inch caliber were removed. Based upon that understanding, he can wordsmith it upon 20 trees were removed and 5 trees will be replanted.
- Mr. Webb noted if he is going to return with a waiver the waiver should specifically request simply a waiver of requiring to show the site where the trees were removed from and that 20 trees were removed and they will be replaced with 5. The only waiver needed would be to show where the trees were removed from.
- Chairman Craig read waiver request Section 618.3 street trees. Mr. Raynor noted 39 it based on frontage, but there is a wooded area by Manada Creek. The township would have discretion to have whether or not they are needed in that area.
- Chairman Craig noted from looking at the site from the driveway west it is relatively wooded and adding street trees would not really serve any purpose. From the driveway going east, is where the lack of trees are. He does not know what the quantity would be.
- Mr. Raynor noted Mr. Halbleib brought up about the site distance. With trees there, it would be affecting the site distance coming out of the driveway. Mr. Halbleib added Mr. Longreen noted with the site distance and the power lines, it will create a problem down the road. There are power lines all the way down the side. There was discussion regarding planting the trees with mowing and it being the responsibility of the Township. He would rather plant trees in his driveway.
- Mr. Webb asked if he would be willing to consider deferring any street trees along Devonshire Road until there is any further development occurring on the parcel. If the trees are put there, the site distance would be taken away. Mr. Longreen has to remove the ones in the right-of-way.
- There was further discussion regarding the blanket waiver. Mr. Wyland noted the waiver would apply only to this plan not any future plan.
- There was discussion regarding during the subdivision regarding the deferment of the street trees. There was discussion regarding adding trees onto other places on the property.
- Chairman Craig asked how the Planning Commission feels about this. Mrs. Lebo was concerned about setting a precedent if the waiver is obtained unless it is granted with conditions unless it is maintained as an agricultural land. Mr. Wyland noted he agreed to a large part but it is not setting a precedent because if someone else comes in for a waiver on a land development for a house, it goes back to the requirements. If there is any doubt, it would be fine to say recommend granting the waiver on the basis it is agricultural use and on the condition that any further development that Section 618.3 would apply.

- Chairman Craig asked if the motion would supersede their justification. Mr. Halbleib never said there would be a financial burden it would be for agricultural purposes and he would rather it would be removed.
- Mr. Webb suggested because it seems to be the consensus to defer it as long as it maintains its agricultural consideration and the fact the applicant does not want the language about financial burden, he suggested it goes back to the applicant for re-wordsmithing. And the Planning Commission is willing to agree to as long as there is a deferment. It would be in the waiver request.
- Upon a question from Mr. Raynor, Mr. Wyland suggested because there are other waiver requests that need to be reworded and resubmitted, they could do this with Section 618.3. Mr. Webb noted they should not take that long.
- There was discussion regarding the wording of deferment. After some discussion, Mr. Kovach noted he would feel comfortable with recommending a waiver conditioned upon the land remaining agricultural use and any future subdivision and land development would require compliance with the ordinance. Mr. Wyland concurred with Mr. Kovach.
- Mr. Halbleib noted the only other future use would be cutting one lot off for his other son.
- Chairman Craig read Waiver request from Section 307.e, minimum pipe size. He asked about the documentation for the bank design that was submitted earlier by Mr. Raynor. Until it is reviewed and give feedback, it will not be able to be voted upon.
- Mr. Webb added from a zoning point of view, if a portion of the structure needs to be removed, it will be impacting the basin. The width of the base will be changed. There was further discussion.
- Mr. Raynor noted the area being removed will not affect the basic impact that is part of the detention basin. Mr. Ulrich added the other issue is assuming the driveway stays the way it is until final plan approval, the driveway would be inspected at that point. Mr. Webb noted there would not compaction done at this point.
- Mr. Ulrich noted there will be no one to one. They will take the one-to-one slope and slide it further up the outside part of the driveway so it will impact the buffer area. Mr. Raynor noted it is a wide flat area that will be removed and the driveway will be a uniform width.
- Mr. Ulrich explained on the plans what was discussed for the Planning Commission. Mr. Raynor noted the ordinance calls for a 15" pipe and 8" has been installed. He asked if the Planning Commission would grant the waiver.
- Chairman Craig asked Mr. Ulrich for his recommendation.
- Mr. Ulrich answered 15" pipe and noted from a cleaning standard, the other pipe size was not verified the 8" pipe from a capacity standpoint; his understanding is it is being used as a control. It is never good to have the outfall pipe as the control. The metering device should be in the basin.
- Mr. Raynor based on what is out there and their engineer's design, although it does not comply with the ordinance, they are comfortable with the design.
- Mr. Ulrich noted although he respects Mr. Raynor's opinion, there is an ordinance in place.

- There was discussion regarding the 8" pipe not meeting the standards of the ordinance. Mr. Raynor noted the only way to meet the ordinance would be to tear the entire thing out.
- Mr. Wyland noted Mr. Raynor is saying it will handle the flows and Mr. Ulrich is saying that is not the purpose of the ordinance. It is to overbuild the facilities township-wide so when they are applied there is extra protection for the Township. It is a requirement of the ordinance that has to be met. If the waiver is denied and appeal, they would not win the appeal.
- Mr. Richard Schock stood up and spoke about the 15" pipe and the purpose of the retention pond. He feels the pipe can be flushed out for cleaning purposes. He spoke about the Zoning Ordinances and SALDO ordinances passed in 2003.
- There was discussion that the 15" pipe is part of the ordinance. Mr. Schock pointed out he did not hear the 8" pipe would not do the job.
- Mr. Ulrich noted for the record the 8" pipe will not meet the requirements of the ordinance. There was further discussion regarding the outfall pipe and the size of the 8" pipe.
- Mrs. Lebo pointed out the stormwater ordinance was much broader than regulating the flow from a pipe. The objective was very clear to reduce flooding. She noted he does not fully understand the ordinance.
- There was further discussion by Mr. Schock regarding flooding and the stormwater ordinance.
- Chairman Craig asked to get back to the discussion at hand. Mr. Wyland noted Section 305 of the SALDO notes that an alternative standard will provide an equal or better result. A 15" pipe has four times the capacity of an 8" pipe. Instead of debating, we should recognize it is in the ordinance and can the applicant show he is entitled to a waiver because the 8" pipe will provide an equal or better result.
- Mr. Raynor noted the design achieves the criteria of the ordinance in regards to runoff, infiltration. Mr. Webb answered it does not provide for having an appropriate control structure on the inside of the basin that allows for emergency discharge in the event of a clog.
- Mrs. Halbleib stood up and made a statement about the lack of water that goes through the pipe.
- Mrs. Lebo made a motion is based upon the expertise of the engineer and the motion is to recommend rejection of the waiver, Section 307.e. Mr. Moyer seconded the motion. Being no further discussion, the motion was passed, 5 in favor, 0 opposed.
- Chairman Craig read the Waiver Section 307.f, concrete pipe. Mr. Raynor noted this waiver would go away if they are not recommending approval of the prior waiver. Chairman Craig asked if they are removing it. Mr. Raynor confirmed through the applicant he still wanted to ask for the waiver and ask for the plastic pipe.
- Mr. Wyland noted there was a recent decision from the Board of Supervisors denying a request to use plastic piping in lieu of concrete.
- Mr. Sean Halbleib stood up and spoke about the recent waiver denial of polypropylene plastic pipe.

- Mr. Webb asked what the maximum gross vehicle weight would be for the driveway. Mr. Halbleib said a few tractor trailers but they do not use the driveway, they usually go right onto the field. The grains are not stored on the property.
- There was discussion regarding the installation of the plastic pipe and compaction issues. He noted he personally has less concerns on a private drive than a public drive. There was discussion regarding the structure of the pipe and the weight of the fill. Mr. Ulrich did not feel that was an issue if it is constructed properly. The ordinance calls for a 100 year life expectancy. PennDOT does not recognize plastic pipe as a 100 year life expectancy.
- There was further discussion regarding plastic piping for life expectancies. The big issue for inspections, if it is a concrete pipe, it is a structural member and does not place as much responsibility on the Township to have to inspect it. The other thing would be if there is some type of a failure with a plastic pipe with a basin above it, there is another area where there could be failure.
- Upon a question from Mr. Kovach, Mr. Wyland answered they indicated they were not in favor of substituting plastic for concrete and the applicant subsequently withdrew the request.
- **Mr. Kovach made a motion to recommend rejection of Waiver request, Section 307.f. Mrs. Lebo seconded the motion. Being no further discussion, the motion was approved, 5 in favor, 0 opposed.**
- Chairman Craig noted there were approximately eight stormwater waivers remaining and asked Mr. Ulrich, in an effort to expedite them and move the process along if there were any he would recommend.
- There was discussion regarding waiver request Section 307.k., storm pipe discharges at the bottom of the basin. There is really no discharge in the basin. It is discharging before the basin. Mr. Ulrich noted the intention is if it can be taken to the basin, it should be because it prevents erosion. He questioned if it is a cost savings and the stabilization of the area underneath the rock area.
- Mr. Raynor answered there is a swale that goes into the basin. Mr. Ulrich does not have an issue as long as it is properly stabilized. His issue would be with the erosion.
- Mrs. Lebo noted it is unfair for Mr. Ulrich to have to sit there and review the stormwater waiver requests and perhaps he should be given the opportunity to review them more in depth.
- Mr. Ulrich noted he can speak generally. Chairman Craig noted this is the second review, but in fairness to Mr. Ulrich, this is the first time they were put in this format and asked formally as a waiver. If there is no bear earth disturbed, he would have no problem with it.
- There was discussion regarding extending the pipe. There was a question regarding applicability because there is no outlay discharged directly into the basin. It is before the basin. After some discussion, the waiver request for Section 307.k was withdrawn by Mr. Raynor.
- Section 308.b, outlet structure. Mr. Webb noted this would need to go away because if the pipe is replaced, there would need to be a control. Mr. Raynor

noted this will need to be revisited once the pipe is replaced and will be withdrawn.

- Section 308.d, spillway. Chairman Craig asked if they will withdraw the waiver. Mr. Raynor answered it will be revisited when the structure is revised. They will work with Mr. Ulrich on it.
- Section 308.e, anti-seep collars. There was discussion regarding the replacement of the pipe. The waiver was withdrawn.
- Section 308.J.2, slope requirement of 3 to 1. Mr. Raynor noted they want to maintain this waiver. He noted the documentation will verify it is stable. There was discussion regarding the letter from the consultant. Mr. Ulrich noted essentially it is unsafe to maintain anything steeper than a 3 to 1 slope. If it will not be maintained, then the issue would go away. Mr. Webb asked if the outlet structure fails and you use the top of the roadway as an emergency spillway what will the impact be in regards to the stability of the structure with water pouring over it.
- Mr. Ulrich explained the ordinance requires a clay core which will prevent it from coming through the wall. There was discussion regarding matting. In the immediate area across the driveway that section would be required to be paved.
- Chairman Craig asked if there was enough information to adequately act upon the waiver. Mr. Ulrich noted there would be other information that would be needed to be provided in his justification. There was further discussion regarding a structure that does not meet the requirements.
- Mr. Ulrich answered he would be okay with the waiver provided upon submission of acceptable stability slope report and provided that the area of the driveway that will act as an emergency surface be properly surfaced to prevent erosion and also if any areas steeper than 3 to 1 be covered in a surface that does not need maintenance and the inside and outside part of the berm that will receive the flow be protected with a soil stabilization fabric.
- Mr. Raynor noted he would work with Mr. Ulrich on this. Regarding the wording, it was noted by the Commission it would not be granted. There was further discussion regarding the construction of the 1 to 1 slopes.
- There was discussion from an unidentified resident regarding what the basin looks like.
- Mr. Halbleib's son unidentified resident asked how many of the members have seen the structure as it was being built and how many can say it will go anywhere. He asked Mr. Ulrich if he has seen it and noted barely any water goes through. He noted with his driveway that it was marked as impervious ground on the permit and told him it was not it. Mr. Smith told him it was a gravel driveway and it was not impervious.
- Mr. Smith noted it was not a zoning issue but a stormwater issue and needs to be addressed with the engineer. Mr. Halbleib asked if that driveway is natural ground, would a dam still be needed to restrict it. Mr. Ulrich answered the basin is needed because of the construction of the house and the two buildings. From a design standpoint, it would be handled that way.
- Mr. Halbleib's son noted if anyone is questioning the movement of the structure, they have not seen it. Mr. Ulrich answered if Mr. Raynor were to submit

information to say it is structurally sound, that would not be an issue other than the fact it was constructed without a permit. Even if it is structurally sound and the area is used for an impoundment area and constantly saturated, over time there will be settlement areas.

- There was discussion that the driveway was installed in lifts. Mr. Ulrich noted as soon as water is introduced to the equation. If it is all clay, there is no way to verify it is. There was discussion regarding the ordinance requirement regarding clay trench.
- Chairman Craig noted this body is merely a recommending body to the Board of Supervisors and they only make recommendations.
- Mr. Schock made remarks regarding remarks made at tonight's meeting. He asked if it was not seen by the engineer how could an opinion be made.
- There was discussion regarding being able to see in there and knowing what the soil types are from the Hershey area. There was also discussion regarding core sampling in the structure.
- There was discussion regarding the ordinances and Chairman Craig pointed out they are applied equally and fairly across the board.
- After discussion, it was noted the waiver would be deferred until more information can be provided.
- Section 308.J.5, fencing and vegetative screening. Chairman Craig read from the waiver request and asked Mr. Raynor if he had any comments regarding the justification.
- Mr. Raynor answered this is a single family use and they're incorporating the existing topography so it is not like they have a 3 to 1 embankment down to a detention basin that someone can get in there. This is a gradual slope except for the side there is rock on it. It is not a park where there are kids. This is a private residence, so he does not see a need for a fence around it.
- There was discussion regarding fencing around the detention basin and contacting homeowners insurance.
- Mr. Halbleib's son noted the Commission is saying they need a fence around a detention pond that holds water one to two days a year but yet a pond does not need a fence which holds water all the time and is more of a hazard.
- Mrs. Lebo answered they are dealing with ordinance requirements. Mr. Halbleib's son asked about the area needing the fencing. Mr. Ulrich answered it would run to wherever the top of the elevation is to around the basin but not down the slope. There was discussion the entire swale would be fenced.
- Mr. Raynor pointed out it would take up portions of the ag land. There was discussion regarding fencing in of hay and Mr. Ulrich pointed out it on the plan where they were discussing.
- There was discussion regarding the liability and it was confirmed by Mr. Wyland it would be the homeowner because it is a private property. There was discussion regarding ponds and requiring fences around detention basins and swimming pools.
- Mr. Wyland also noted many communities require fences around stormwater detention basins for safety reasons. There is no debate about what the ordinances should or shouldn't contain. The requirement that the fence be

placed there is clear and it is in the law. What they are asking if there sufficient reason to recommend a waiver for the fence be granted in this case. He can see the arguments; it's on private property, it's probably more like a pond than a pool, it's not in a park, there will not necessarily be a hundred kids there playing softball or soccer every day.

- There was a question regarding the requirements of the fence. Mr. Wyland noted it was four feet in height with locking gates and screened vegetation. There was discussion regarding an in-ground pool requirement as opposed to an above ground pool requirement. Mr. Ulrich clarified the idea would be a chain-link fence. The number of locking gates would be two.
- Mr. Kovach noted this issue came up at the meeting regarding the Park and he felt strongly it should be made safe because it is a public park and it will attract a lot of children. In this case, it is private property, the owner assumes the liability and he would be in favor of approving the waiver.
- Chairman Craig asked if the justifications are consistent with granting a waiver. Mr. Wyland answered it is not contrary to the public interest and is consistent with the intent of the ordinance. If there is not much risk in the way of kids going in there and playing ball, and it is on private property it would be justifiable to recommend the granting of the waiver.
- Chairman Craig asked for a motion.
- **Mr. Kovach made a motion to recommend approval of the Waiver, Section 308.j.5, fencing around a detention basin. Mr. Webb asked to make a modification to the motion. Chairman Craig noted there was a motion on the floor and asked for a second to the motion then they could discuss it. Mr. Moyer seconded the motion. Chairman Craig asked for further discussion.**
- Mr. Webb suggested conditioning the recommendation on this issue must be revisited if the property were to be subdivided because if it is waived and it is subdivided off 30 acres on the side and put in 30 houses with a bunch of young families, the Commission has now effectively approved a condition.
- Upon a comment from the audience regarding it being a new plan, Mr. Wyland responded there would be a structure completed to a certain set of specifications and a new design may want to make use of the existing facility. He indicated it was a good idea to modify the motion.
- Chairman Craig asked Mr. Kovach if he wanted to modify his motion and he indicated he would.
- **Mr. Kovach made a motion to recommend approval of the Waiver, Section 308.j.5, fencing around a detention basin conditional if there is any further subdivision and development that this compliance with this ordinance would again be required. Mr. Moyer seconded the motion. Chairman Craig asked for further discussion.**
- Mr. Halbleib's son ask for the motion to be modified again. He indicated his father wants to cut one more lot off for his brother. If he cut that lot off, would that apply to have to fence off for the one acre lot on the opposite end of the property.

- Chairman Craig answered he cannot say. That would be up to the next Board that would review the plan at that point in time. They are saying that essentially a waiver would have to be requested at that point in time.
- **Chairman Craig asked for further discussion. Having no further discussion the motion was approved, 5 in favor, 0 opposed.**
- Section 308.m., basin embankment compaction. Chairman Craig read from the waiver request. There was discussion regarding the question of would the Commission be okay with the waiver. He indicated they would rely on Mr. Ulrich for direction.
- Mr. Raynor mentioned opening it up to replace the pipe and when it is open, observe it then.
- It was decided to defer action on the waiver until additional information can be provided by the applicant's engineer.
- Section 308.n, trench/clay core for basin berm. Chairman Craig read from the waiver request. He asked Mr. Raynor if the key trenches were not there.
- Mr. Raynor's answer was inaudible. Chairman Craig asked if this was something Mr. Ulrich was comfortable giving them direction on or if it should wait until it is opened up.
- Mr. Ulrich answered they cannot wait until it is opened up. He would suggest because there was information submitted about the previous waiver request. He would like to take a look at it. He still has some concerns about the key trench.
- Mr. Ulrich asked about the application and not having someone onsite to witness the construction. One of the things that was brought up before the fact that he has not visited the site or seen the driveway. It is not important that it happens. As far as certifying the slope stability, there is will be someone's seal on that report that is going to have the liability and the ultimate responsibility for that report that is submitted.
- Mr. Ulrich continued that whether or not he can kick the dirt and say it is clay or not really does not matter. He will not accept that responsibility. But if there is an individual who will seal the report and the drawing to verify it is a clay material that complies with the requirements of the basin, there is different levels of comfort with engineers.
- Mr. Ulrich also noted it seems pretty clear at least the two foot key trench was not installed. He wants to see what the report is and what is being certified before he would render an opinion.
- Mr. Webb if prior to doing the removal to replacing the pipe to a geo-probe core to try and find out what the material is.
- Mr. Ulrich answered the problem is depending on what the berm elevation is, it will can be a sliver of clay material. He noted there still would not be a key trench and other than that from a size standpoint, it would seem like it would be wide enough and deep enough minus the 2 foot key trench. He would like to see the report before commenting further.
- There was additional discussion regarding the key trench and putting it in and the type of soil it should be. If probes are done and they contain an acceptable material to the ordinance there would have to be a determination as to the comfort level of not having a key trench below the existing grade.

- Mr. Ulrich spoke with a technical engineer not on the project and noted the engineer was comfortable with the width of the basin. There was further discussion regarding the material of the basin. He asked if they had a signed and sealed report from a geo-tech would it be sufficient for entertaining the waiver.
- Mr. Ulrich answered he would be comfortable with that as long as there are a couple of sentences he would be looking for to ensure they re in the letter, saying it is understood these conditions exist out of sight and, it is understood that is not what is included in the ordinance and that being the case, they still believe there were be no failure associated with that of particular cross section.
- Mr. Webb asked if Mr. Ulrich was suggested a deferment until the report is received or until if they cannot get a report, they decide to put in what is required.
- Mr. Raynor discussed getting the technical report couple with what is out there.
- There was discussion regarding ensuring Mr. Raynor had the correct wording for the certification. Mr. Ulrich stressed it would need to say it is equal to or better.
- Mr. Raynor thanked the Commission for their time. Chairman Craig noted if he needs to work closely with the Township Engineer, he is welcome to do so.

OTHER BUSINESS

1. Proposed Ordinance to the SALDO – Discuss the proposed changes to the SALDO and make a recommendation to the Board of Supervisors.
 - Mr. Ulrich informed them it was forwarded to Mr. Wyland for his review and to DCPC of which comments have been received back.
 - Mr. Wyland noted he has made corrections and has a few more changes to make.
 - After a brief discussion, it was decided it would be discussed at the April Planning Commission meeting.
2. American Water Letter
 - Chairman Craig noted he received a copy of a letter regarding the NPDES permit.
 - Mr. Wyland noted every five years the permit is renewed.
3. Comprehensive Plan
 - Chairman Craig noted from the last workshop, an e-mail was sent out with black and white lettering on it. He asked if they would be okay to forward on to the consultants at LTL.
 - After obtaining consensus from the Commission, Chairman Craig forwarded the goals and objectives to LTL for their input.
 - He noted they are looking to LTL to say the best way to implement it and how to implement it. He also provided a copy to Mr. Wyland.
 - Mr. Ulrich noted as far as the comprehensive plan, the grant agreements are close to getting sign so there are procedures in place for getting reimbursement for the Township.

- After further discussion, it was decided the next comprehensive plan workshop will not be held in order to give LTL the opportunity to review the information given by the Planning Commission.
4. Planning Commission Resignation
- Mrs. Lebo gave her verbal resignation from the Planning Commission effectively immediately. She also supplied the Commission with a written letter..

ADJOURNMENT

Mr. Webb made a motion to adjourn the meeting at 12:13 a.m. Mr. Moyer seconded the motion. Being no further business, the meeting was adjourned, 5 in favor, 0 opposed.

Respectfully submitted,

Transcribed by Dawn E. Eppinger

Cc:	Board of Supervisors	Planning Commission
	Marie Beaudet	David Craig
	Keith Espenshade	Glenn Moyer
	Dave Marshall	Mike Kovach
	Tom Shutt	Mike Webb
	John Nelligan	
	Norman Ulrich, Township Engineer	
	David Smith, Township Zoning Officer	
	Deborah Casey, Secretary-Treasurer	
	Karen Green, Dauphin County Planning Commission	
	Zoning Hearing Board	