

MINUTES
MIFFLIN COUNTY PLANNING COMMISSION REGULAR MEETING
THURSDAY, FEBRUARY 24, 2011
MIFFLIN COUNTY COURTHOUSE, MEETING ROOM B – 3:30 P.M.

ATTENDANCE

Members

Susan Heimbach, Chairperson
Dan Dunmire, Vice Chairman
Christian Aumiller
Kent Spicher
Brent Miller
Neal Shawver

Staff

Bill Gomes, Director
James Lettiere, CDBG Administrator
Mark Colussy, Associate Planner
Millie Sunderland, Office Manager/Grants Mgr.

Other

Brian Glick, Union Township
Jim Buchanan, Union Township
Nick Soccio, Representative Harris' Office
Rob Postal, MCIDC
Malte Huchtei-meier, Volkswind
Jeffrey Wagner, Volkswind
Michael Easton, Volkswind
Dan Kochenderfer, Derry Township
John Besch
Dave Harmon, Newton Hamilton Borough
Russell Krug, Oliver Township
Lucas Parkes, EADS Group
Jeffrey Snook, Knepp & Snook
O.E. Riden, Mifflin County Commissioner
Dain Davis, EADS Group
Conor O'Brien, Sentinel
Laura Simonetti, Mifflin County GIS

Call to Order

Susan Heimbach, Chairperson, called the meeting to order at 3:33 p.m.

Record of Public Attendance

Susan reminded everyone to sign the attendance sheet.

Proposed Wind Energy Project on Jacks Mountain

Bill Gomes introduced Malte Huchzermeier, CEO; Jeffrey Wagner, President; and Michael Easton, Project Manager, of Volkswind USA to present information on the proposed wind energy project on Jacks Mountain. Mr. Easton gave an overview of the proposed project, which would consist of 37 turbines that would power 25,929 homes per year. The proposed project would disturb approximately 100 acres of a leased area of approximately 1,200 acres. Volkswind is currently in the process of signing leases with property owners for the proposed project. Mr. Easton went over what they offer, the local and environmental benefits of a project of this nature and how the project works in terms of phases and operation. The representatives of Volkswind provided information on typical wind farm elements and features. They also provided key facts about Volkswind and the history and financials of the company.

After the presentation, members of the Planning Commission and the public had some questions for Volkswind. One attendee asked about other wind farms in Pennsylvania. Mr. Easton responded that they have one other wind farm in process in the state, which is at the same stage as the proposed project here, and they have other wind farms in Iowa, Nebraska and Montana. Another attendee asked how Volkswind found Jacks Mountain and why this particular area was chosen. Mr. Easton responded that they found the area while looking for potential project sites. He indicated that this location was chosen because of the wind conditions of the area, as well as the good access from Route 22 for bringing in equipment, which is less disruptive to the mountain than using Route 655. Another member of the public asked if Volkswind has performed any wind velocity tests yet. They had not done testing yet, but preliminary studies have been done, and they are confident they will get the wind needed. Mr. Easton briefly discussed the average wind velocity needed for the wind farm to be successful. There was also some discussion about the proposed project in relation to the local airport, elevation of the area, landowner lease agreements, zoning, impact on roads, setbacks (for noise, shadows, etc.) and environmental impacts, as well as the turbines in

terms of the life span for run time, potential removal, spacing, height and weed control. The evaluation phase of the project could take up to eight years.

Approval of Meeting Minutes

Neal Shawver made a motion to approve the minutes of the meeting of January 27, 2011. Dan Dunmire seconded the motion. All members voted aye.

Subdivision and Land Development Review Committee Report

Dan Dunmire reported that the committee reviewed four plans. There was one plan under the Mifflin County Subdivision and Land Development Ordinance for which the Planning Commission takes action on the plan approval: Mark C. Zook plan in Wayne Township. Mark Colussy overviewed the plan, and there was some discussion about the agricultural security area, floodplain and floodway concerns. The plan will be shared with Oliver Township since a portion of the property extends into Oliver as well. A waiver was requested from the dimension information for the remainder of the Zook property. Christian Aumiller made a motion to approve the waiver as requested. Brent Miller seconded the motion. All members voted aye. Dan Dunmire made a motion to conditionally approve the plan. Brent Miller seconded the motion. All members voted aye.

There were three plans under municipal ordinances for which the Planning Commission makes recommendations only: Charles E. Lash plan in Armagh Township, David L. McNitt plan in Brown Township and Paul Zook plan in Menno Township.

Mark overviewed the David L. McNitt plan in Brown Township. There was some discussion about Brown Township enforcing its new zoning ordinance for this plan, as well as the public alley. Dan Dunmire made a motion to approve the comments and recommendations for the plans under municipal ordinances. Christian Aumiller seconded the motion. All members voted aye.

Subdivision and Land Development Report:

Name of Plan: Lash, Charles E.

Tax Map #: 12-20-112B

Applicant Name: Lash, Charles E.

Plan Preparer: Wright Land Surveying

Action Taken: The County provides comments only.

Plan Summary: This plan proposes to create Lot 2 for non-building purposes. No development may take place on Lot 2 until sewage facilities planning has been approved through Armagh Township and DEP. Lot 2 has had soils testing done to satisfy the Township SEO that suitable soils are present to meet future needs. However, at this time, no development is proposed or approved. Lot 1, the residual tract, has an existing house, well and on-lot system.

Review Comments (List from Review Committee):

PennDOT HOP / Municipal Driveway Permit - Is there a PennDOT Highway Occupancy Permit (HOP) in place as prescribed in the Municipalities Planning Code (Section 508 (6)). If so, a copy of the permit should be provided to the Armagh Township Supervisors. Otherwise, a permit may be required. *According to the surveyor, the driveways are existing and have been in place for some time. He doubts there is an HOP in place, but will check into it.

Deed Restrictions and Easements - Deed restrictions and easements associated with the property, if any, should be provided in accordance with Sections 6.302.a.6 and 6.302.b.7 of the Armagh Township Subdivision and Land Development Ordinance. *According to the surveyor, there are none.

DEP Sewage Planning Module - A copy of the DEP "Request for Planning Waiver and Non-Building Declaration" form needs to be provided. Plan approval should be contingent upon receiving an approval from DEP following the filing of this form.

Features - Based on aerial photography, it appears there is at least one more structure on the property than what is shown on the plan. All significant man-made features, including water and sewer lines, petroleum lines, electric poles, telephone lines, fire hydrants, dumps, railroad tracks, fence lines, historic features, culverts, etc. should be shown on the plan. (Armagh Township Subdivision and Land Development Ordinance, Section 6.202.a.10)

Name of Plan: McNitt, David L.

Tax Map #: 14-15-128/29

Applicant Name: McNitt, David L.

Plan Preparer: Wright Land Surveying

Action Taken: The County provides comments only.

File Number: 2011-02-002

Municipality: Armagh Township (Municipal Ordinance)

Land Owner Name: Lash, Charles E.

File Number: 2011-02-004

Municipality: Brown Township (Municipal Ordinance)

Land Owner Name: McNitt, David L.

Plan Summary: This plan proposes to separate the two existing houses owned by David L. McNitt. The houses are on the same deed but have different tax parcels and are separated by the public alley. Both houses have public sewer and water. No new development is proposed.

Review Comments (List from Review Committee):

Basic Plan Information - All abutters should be shown on the plan, as well as deed book and page numbers and tax parcel identification numbers. (Brown Township Subdivision and Land Development Ordinance, Section 7.302.A.17)
Floodplain / Wetlands - As shown on the plan and according to County GIS information, a portion of the property lies within the 100-year floodplain. Future development in this area should be discouraged. Additionally, according to County GIS information, a portion of the property lies within the floodway. This should be delineated on the plan.

Topographic information - Note 1 on the plan states that there are no 20' contours on the site. The elevation ranges should at least be listed or the First Floor Elevation indicated on the plan. *According to the surveyor, he is going to ask for a waiver.

Setback Lines - The setback requirements should be listed on the plan as prescribed in the Brown Township Subdivision and Land Development Ordinance (Section 7.302. A10).

Right-of Way Widths - Based upon the Brown Township Road Ordinance, the right-of-way width of the public alley is substandard (Section 41.A).

PennDOT HOP / Municipal Driveway Permit - The existing driveways accessing the lots should be shown on the plan. (See section 7.302.A.20 of the Brown Township Subdivision and Land Development Ordinance.

Deed Restrictions and Easements - Deed restrictions and easements associated with the property, if any, should be provided in accordance with Sections 7.302.A.6 and 7.302.B.7 of the Brown Township Subdivision and Land Development Ordinance. *According to the surveyor, there are no known deed restrictions or easements (other than the alley).

Water & Sewage Service - The plan narrative states the lots are served by public water and sewer. The utility providers should be listed on the plan.

Zoning - Additional Zoning information should be stated on the plan (i.e. minimum lot size, land use, lot coverage, etc).

Other Comments:

1. At the Review Committee Meeting on 2/17/11, the surveyor stated that he will be submitting a revised plan that will increase the size of Lot 2 from 2000.9 square feet to at least 3000 square feet in order to meet the minimum lot size requirements of the Village Center district of the new Brown Township Zoning Ordinance. First, is this the ordinance that this plan should follow considering it hasn't been adopted yet and is only pending? Second, can the total gross area of the lot be counted towards the minimum lot size of a property, or would it only be the net area considering a public alley will run through the property? These are issues that should be clarified by the Brown Township Zoning Officer.

Name of Plan: Zook, Paul

File Number: 2011-02-001

Tax Map #: 18-05-120A/1/-07-105WB

Municipality: Menno Township (Municipal Ordinance)

Applicant Name: Zook, Paul J.

Land Owner Name: Zook, Paul J.

Plan Preparer: Taptich Engineering and Surveying

Action Taken: The County provides comments only.

Plan Summary: This project involves the subdivision of one (1) lot from the lands of Paul J. and Miriam J. Zook. Lot #1 is currently vacant and is intended to be a lot addition to the adjacent lands of Dale R. and Debbie J. Yoder (DB: 556 PG: 378). Access to the residue will be via the proposed 20' Right-of-Way off of Ease Flat Road. The Residue is presently vacant.

Review Comments (List from Review Committee):

Start Notes - This plan was previously reviewed on November 18, 2010.

Administrative - The subdivision application form should be signed by the municipality.

Topographic information - There are very steep slopes (grades over 15%) on this property. Future development is discouraged.

Soils - According to the County GIS files, some portion of this property appears to have hydric soils. Hydric soils can indicate the presence of wetlands. The hydric soils information should be shown on the plan. (AoB)

Right-of Way Widths –

1. Based upon the Menno Township Subdivision and Land Development Ordinance, the right-of-way width of East Flat Road should be shown on the plan. (Section 6.302.a.6).

2. Based upon the Menno Township Subdivision and Land Development Ordinance, the right-of-way width of the proposed 20' right-of-way is substandard (Table 1). Why was 50' not supplied? Granting additional right-of-way width should be considered.

Cartway Widths - The cartway width should be shown on the plan for East Flat Road (Menno Township Subdivision and Land Development Ordinance, Section 6.202.a.11).

Private Street / Shared Driveway - Does the proposed 20' Right-of-Way serve both the Yoder and Glick properties? If so, a shared driveway agreement should be in place. An agreement for the private right-of-way should be noted on the plan stating: "The owners of lots __, which have a common driveway, agree and understand this is a shared driveway, and as such are responsible for maintenance, care, improvements, and snow removal at their own diligence and expense. The maintenance and use of said shared driveways shall be included in the deeds as said lots are sold."

Street Names - If multiple parties are to use a private drive, the roadway will need to be named. Street names are to be coordinated with the County GIS (Mapping) Department. There is a fee associated with the street naming.

Deed Restrictions and Easements - Deed restrictions and easements associated with the property, if any, should be provided in accordance with Sections 6.302.a.6 and 6.302.b.7 of the Menno Township Subdivision and Land Development Ordinance.

DEP Sewage Planning Module -

1. A non-building declaration should be on the plan.
 2. A copy of the DEP "Request for Planning Waiver and Non-Building Declaration" form needs to be provided. Plan approval should be contingent upon receiving an approval from DEP following the filing of this form.
- Lot Addition - A lot addition statement should be noted on the plan stating the following on the plan: "Lot # ___ consisting of ___ acres is to be added onto land owned by _____. Lot # ___ is a lot addition and shall become an integral part of the property owned by _____. Lot # ___ is not a building lot and cannot be maintained or developed as a separate individual lot."

Other Comments:

1. The plan narrative references "Ease" Flat Road. This should be revised.
2. The connection to the public road system should be shown on the plan. East Flat Road should be shown connecting to S.R. 305 since this is the main access to the property.
3. The date of the plan has not been updated since it was originally submitted in November of 2010.
4. Plan Notes 1 through 4 do not show up correctly on the plan. It might have been a plotter error.
5. This plan states it has been copyrighted prior to it being submitted for review and approved.

Name of Plan: Zook, Mark C.

File Number: 2011-02-003

Tax Map #: 21-13-260A/21-13-999

Municipality: Wayne Township (County Ordinance)

Applicant Name: Zook, Mark C.

Land Owner Name: Zook, Mark C.

Plan Preparer: Wright Land Surveying

Action Taken: The County approved the plan conditionally based on meeting the following conditions within the next 90 days. If these requirements are not completed within 90 days, the approval is void. If necessary, extensions can be requested by the applicant before the end of the 90 days.

Plan Summary: This plan proposes to create Lot Addition A to be added to the lands of Darlene J. and Benjamin L. Zook. Lot 1, the residue, is not intended for development at this time. Because of contrasting survey descriptions, the boundary line shown here between Lot Addition A and the river lots was established by existing monumentation. Lot Addition A is a lot addition and shall become an integral part of the property owned by Darlene J. & Benjamin L. Zook. Lot addition A is not a building lot and cannot be maintained or developed as a separate individual lot.

Review Comments (List from Review Committee):

Administrative - The landowner's signature needs to be on the subdivision application form.

Basic Plan Information - Both property owners' information should be provided on the plan. (Mifflin County Subdivision and Land Development Ordinance, Section 7.302.A.3) According to tax assessment records, there is a large portion of the Darlene and Benjamin Zook Property to the North of the Railroad property as well as to the West of the Sidney Yoder property (T.M. 21-13-602). Please confirm. *According to the surveyor, the property shown on the plan is what was on the deed. The separate tax map number showing property on the North Side of the Railroad was created for Ag Security purposes. The plan should show an inset map to show all tax map numbers and deeds associated with the property in the Ag Security program to avoid confusion. Also, the surveyor will submit a waiver request for dimension information for the remainder of the Zook properties. **The surveyor submitted a waiver request for dimensional information for the remainder of the tract on 2/24/2011, which was granted by the Mifflin County Planning Commission

Clean & Green / Agriculture - As noted on the plan, the parcel is enrolled in the Clean and Green program. The applicant or landowners should be aware rollback taxes can be applied in some subdivision situations, and if they have any questions, they should contact the Mifflin County Assessment Office for more information. The property is in an Agricultural Security Area and should be noted on the plan. The property has an Agricultural Conservation Easement and should be noted on the plan.

Floodplain / Wetlands - As shown on the plan and according to County GIS information, the property lies within the 100-year floodplain. Future development in this area is discouraged. Additionally, a portion of the property is in the floodway, which should be delineated on the plan.

Soils - According to the County GIS files, some portion of this property appears to have prime farmland soils. (Soils: AbB, As)

Right-of Way Widths - Based upon the Mifflin County Subdivision and Land Development Ordinance, the right-of-way width of Riverside Drive is substandard (Section 4.204.F).

Cartway Widths - Based upon the Mifflin County Subdivision and Land Development Ordinance, the cartway width of Riverside Drive is substandard (Section 4.204 F).

Deed Restrictions and Easements - Deed restrictions and easements associated with the property, if any, should be provided in accordance with Sections 7.302.A.6 and 7.302.B.7 of the Mifflin County Subdivision and Land Development Ordinance. *According to the surveyor, there are none other than an Ag Conservation easement and covenants depicted in Note 5 on the plan (located in Deed Book 513, Page 1638).

DEP Sewage Planning Module - A copy of the DEP "Request for Planning Waiver and Non-Building Declaration" form needs to be provided. Plan approval should be contingent upon receiving an approval from DEP following the filing of this form. There should be on-lot system information for Lot 1 unless there is a non-building waiver and statement for this property. Currently, the non-building waiver on the plan refers to "the property/subdivision" and not specific lots. All lots on this plan need to have sewage addressed. Also, a note should be put on the plan stating that these lots have not been approved for sewage.

Features - Based on aerial photography, it appears there could be structures on Lot 1. All significant man-made features, including water and sewer lines, petroleum lines, electric poles, telephone lines, fire hydrants, dumps, railroad tracks, fence lines, historic features, culverts, etc. should be shown on the plan. (Mifflin County Subdivision and Land Development Ordinance, Section 7.302.A.20) *According to the surveyor, there are no permanent structures on the property.

Other Comments:

1. A copy of this plan should be provided to Oliver Township since the property extends into that township.

CDBG Update

Jim Lettiere gave an update on the FFY 2011 proposed projects. Jim reported that the CDBG Advisory Committee reviewed the proposed projects and recommended nine of the eleven projects for approval. The information will be presented to the Commissioners at a second public hearing on March 3.

Public Comment

There were no public comments at the meeting.

Other Business or Comments

- Bill Gomes provided information on the Chesapeake Bay watersheds in Pennsylvania, Total Maximum Daily Load (TMDL) and pollutant reductions. Dan Dunmire discussed this information as it relates to agriculture, stormwater and wastewater.
- Bill mentioned the deadline for municipal stormwater ordinances to be adopted is March 9, 2011.

Adjournment

The meeting adjourned at 5:09 p.m. upon a motion by Dan Dunmire that was seconded by Brent Miller.

mjs