

**MINUTES**  
**MIFFLIN COUNTY PLANNING COMMISSION REGULAR MEETING**  
**THURSDAY, MARCH 28, 2013**  
**MIFFLIN COUNTY COURTHOUSE, MEETING ROOM B – 3:30 P.M.**

**ATTENDANCE**

**Members**

Dan Dumire, Vice Chair  
Jim Spendiff  
Tom Lake  
Kent Spicher  
Mario Andrie  
Neal Shawver

**Other**

Lucas Parkes, The EADS Group, Inc.  
Ed Fike Jr.  
Kay Hartman  
Lisa V. Nancollas

**Staff**

Bill Gomes, Director  
Jim Lettiere, Community Development  
Administrator/Assistant Director

**Call to Order**

Dan Dumire, Vice Chair, called the meeting to order at 3:35 p.m.

**Record of Public Attendance**

Dan reminded everyone to sign the attendance sheet. Susan Heimbach, Brent Miller and Michele Bair had previously notified the Planning and Development Office to say they would not be able to attend.

**Approval of Meeting Minutes**

Jim Spendiff made a motion to approve the minutes of the February 28, 2013 meeting. Tom Lake seconded the motion. All members voted aye.

**Subdivision and Land Development Review Committee Report**

Dan Dumire reported there were 5 subdivision plans and 4 of the plans were under municipal ordinance for which the Planning Commission provides comments: Guy R. & Irene R. McCardle in Burnham Borough, Clyde S. Fultz in Oliver Township, Susanne J. & Karen L. Peachey in Union Township and Carolyn A. Miller in Union Township.

Jim Lettiere reviewed the plan for Susanne J. & Karen L. Peachey from Union Township and it was discussed that since the plan did not contain a lot connection symbol, they were unable to determine which lots connected together. Also the plan did not list the acres for the residual.

After Jim reviewed the Carolyn A. Miller plan from Union Township, Neal Shawver questioned why there was a 20ft. water line easement. Jim added that it would be extinguished.

Dan asked for a motion to approve the comments/recommendations of the Subdivision Review Committee on the 4 municipal plans. Neal Shawver made a motion for the approval. Kent Spicher seconded the motion and all voted aye.

Dan talked about the Gary L. & Betty J. Forgy plan from Wayne Township that is under the county ordinance. He explained that it was only submitted for the subdivision and there will be a land development plan submitted later prior to construction of the dairy barn.

Dan asked for a motion to conditionally approve the Forgy Plan as recommended by the Subdivision Review Committee on the county ordinance plan. Jim Spendiff made a motion for the approval and Tom Lake seconded the motion and all voted aye.

**The Subdivision Review Committee Report:**

**Review Comments: 3/28/2013**

**Burnham Borough (Municipal Ordinance)**

Name of Plan: McCardle, Guy R. & Irene R.  
Municipality: Burnham Borough (Municipal Ordinance)  
File Number: 2013-03-005  
Tax Map #: 8-19-104/8-19-104D  
Applicant Name: McCardle, Guy R. & Irene R.  
Land Owner Name: Aumiller, Christian T.  
Plan Preparer: Wright Land Surveying

Action Taken:  
The County provides comments only.

Plan Summary:  
This plan proposes to create Lot Addition A to transfer the land from the middle of Buck Run. No new development or earth disturbance is proposed as part of this plan. The subject parcel is the former Pizza Hut and consists of 0.416 acres while Lot Addition A consists of 0.148 acres.

Review Comments (List from Review Committee):

**Administrative**

Is Chris Aumiller the representative for Capital Holdings?  
\* The representative for Wright Surveying indicated that Mr. Aumiller is Capital Holdings representative.

**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.

**PennDOT HOP / Municipal Driveway Permit**

A notation about the requirement stating: Any access via a State Highway to lots shown on this subdivision plan will require the issuance of a PennDOT Highway Occupancy Permit (HOP). PennDOT regulations provide that a Highway Occupancy Permit is required prior to constructing, altering or exceeding the permitted capacity for any access connected onto a State Highway. A Highway Occupancy Permit is also required prior to altering the existing pattern or flow of surface drainage or directing additional surface drainage onto or into the highway right-of-way or highway facilities. Approval of this plan neither implies nor guarantees permit approval by PennDOT.

**Deed Restrictions and Easements**

According to the surveyor, there are no known deed restrictions or easements associated with the property.

**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.

**Zoning**

What are the setbacks for the  
C-1 General Commercial District?

**Oliver Township (Municipal Ordinance)**

Name of Plan: Fultz, Clyde S.  
File Number: 2013-03-002  
Tax Map #: 19-12-118/19-12-121I  
Municipality: Oliver Township (Municipal Ordinance)  
Applicant Name: Fultz, Clyde S.  
Land Owner Name: Fultz, Clyde S.  
Plan Preparer: George R. Campbell, PLS

Action Taken:

The County provides comments only.

**Plan Summary:**

This plan proposes a small lot addition (LOT 2) from the lands of Clyde S. Fultz to the lands of Ricky L. Fultz. Lot 2 consists of 0.278 acres which is to be added to the land of Ricky Fultz, consisting of 14.32 acres and Lot 1, the residual, consists of 4.876 acres.

**Review Comments (List from Review Committee):**

**Basic Plan Information**

A graphic scale bar and should be on the plan. (Oliver Township Subdivision and Land Development Ordinance, Article 6, (Section 6.302 a. 2).)

**Topographic information**

Grades greater than 15% are present on the lands of Ricky and Cindy Fultz. Suitability considerations should be made for this plan. It appears, according to County GIS information, that there are steep slopes (grades over 15%) on this site and development in these should be discouraged.

**Soils**

The County GIS files do not show the presence of the following soil types as shown on the plan HTF, and Mr D.

**Right-of Way Widths**

Based upon the Oliver Township Subdivision and Land Development Ordinance, the right-of-way width of Goss Creek Lane should be shown on the plan. Article 6 (Section 6.202. a.11.). Where is Goss Creek Lane? It needs to be labeled.

**Cartway Widths**

The cartway width of Goss Creek Lane should be shown on the plan (Oliver Township Subdivision and Land Development Ordinance, Article 6, Section 6.202 a.11.).

**PennDOT HOP / Municipal Driveway Permit**

A notation about the requirement stating: Any access via a State Highway to lots shown on this subdivision plan will require the issuance of a PennDOT Highway Occupancy Permit (HOP). PennDOT regulations provide that a Highway Occupancy Permit is required prior to constructing, altering or exceeding the permitted capacity for any access connected onto a State Highway. A Highway Occupancy Permit is also required prior to altering the existing pattern or flow of surface drainage or directing additional surface drainage onto or into the highway right-of-way or highway facilities. Approval of this plan neither implies nor guarantees permit approval by PennDOT.

**Deed Restrictions and Easements**

According to the surveyor, there are no known deed restrictions or easements associated with the property.

**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.

**Signature Blocks on Plan**

A signature block should be on the plan acknowledging the review of for the Municipal Planning Commission.

**Other Comments:**

1. Where is the water supply for Clyde Fultz?
2. The property is in the floodplain. Page 2

**Union Township (Municipal Ordinance)**

Name of Plan: Peachey, Susanne J. & Karen L.

File Number: 2013-03-001

Tax Map #: 20-03-0111

Municipality: Union Township (Municipal Ordinance)

Applicant Name: Boring, Troy K.

Land Owner Name: Peachey, Susanne J. & Karen L.

Plan Preparer: Kerstetter, Warren, P.L.S.

Action Taken:  
The County provides comments only.

Plan Summary:

The purpose of this lot addition is to combine a portion of the parcel as recorded in Instrument #: 2009-6489 to the parcel recorded in Instrument #: 2010-5494 to form one parcel now owned by Troy K. & Marilyn J. Boring. The owners acknowledge the requirement to incorporate the existing parcel and the lot addition into a single parcel. The combined parcel may only be sold and conveyed as the parcel under this subdivision plan. The Lot addition consists of 0.078 acres from the lands of Susanna and Karen Peachy to the lands of Troy K. and Marilyn J. Boring consisting of 3.147 acres.

Review Comments (List from Review Committee):

**Subdivision Information**

Property boundary information should be shown for the entire property, including the residual property. If survey data is not available, this information could be supplied via the deed description and could be shown on an inset map. (Union Township Subdivision and Land Development Ordinance Article IV, (Section 402 2. h.).

**Clean & Green / Agriculture**

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.

**Floodplain / Wetlands**

According to County GIS information, the residue property lies within the 100-year floodplain, and the flood plain should be delineated on the plan. Future development in this area should be discouraged. (See Article IV, Section 402 1.e. of the Union Township Subdivision and Land Development Ordinance)

**Topographic information**

Topographical contours at vertical intervals should be displayed on the plan (Union Township Subdivision and Land Development Ordinance, Article IV, Section 402 1. g.).

**Soils**

According to the County GIS files, some portion of this property appears to have prime farmland 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. Ma (Melvin Silt Loam)

**Setback Lines**

The setback lines should be shown on the plan as prescribed in the Union Township Subdivision and Land Development Ordinance (Article IV, Section 402 2. g.).

**Right-of Way Widths**

Based upon the Union Township Subdivision and Land Development Ordinance, the right-of-way widths for SR 655 (W. Main Street) Wills Road and Middle Road should be shown on the plan. Union Township Subdivision and Land Development Ordinance (Section 402 2.a.).

**Cartway Widths**

The cartway width of SR 655 (W. Main Street) Wills Road and Middle Road should be shown on the plan (Union Township Subdivision and Land Development Ordinance, Section 402. 2. a.).

**PennDOT HOP / Municipal Driveway Permit**

A notation about the requirement stating: Any access via a State Highway to lots shown on this subdivision plan will require the issuance of a PennDOT Highway Occupancy Permit (HOP). PennDOT regulations provide that a Highway Occupancy Permit is required prior to constructing, altering or exceeding the permitted capacity for any access connected onto a State Highway. A Highway Occupancy Permit is also required prior to altering the existing pattern or flow of surface drainage or directing additional surface drainage onto or into the highway right-of-way or highway facilities. Approval of this plan neither implies nor guarantees permit approval by PennDOT.

**Deed Restrictions and Easements**

Deed restrictions and easements associated with the property, if any, should be provided in accordance with Article IV, Section 402 2.a. of the Union Township Subdivision and Land Development Ordinance.

**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.

**Signature Blocks on Plan**

The Mifflin County Review Certificate should not include the language "and comments have been forwarded to the involved township(s)/borough(s)." Please correct the certificate by removing this language.

**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."

A lot addition is considered a consolidation and therefore, results in the creation of two new lot configurations. Lot consolidation meets the definition of a subdivision according to the Municipalities Planning Code. Under these circumstances new deeds must be developed as part of the property transfer process and adequate information must be available in order to develop an accurate property description. The parent and recipient lots will still meet the Subdivision and Land Development Ordinance requirements. Property boundary information should be shown for the entire property. Currently, no boundary information is provided for Residual and Lot Addition. If survey data is not available, this information could be supplied via the deed description and could be shown on an inset map. (Union Township Subdivision and Land Development Ordinance Article IV, Section 402 2. h. )

**Zoning**

Zoning information should be stated on the plan.

**Other Comments:**

1. Normally lot additions specify tax map parcel numbers and which are being added to which. In this case, the applicant is using instrument numbers and there is no indication of where 2009-6489 is. It is also unclear on the dimensions of lot additions which are not labeled. Where is connection symbol for lots being merged?

**Union Township (Municipal Ordinance)**

Name of Plan: Miller, Carolyn A.

File Number: 2013-03-003

Tax Map #: 20-05-121

Municipality: Union Township (Municipal Ordinance)

Applicant Name: Miller, Carolyn A.

Land Owner Name: Miller, Carolyn A.

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 Carolyn A. Miller. Lot #1 is intended to be a stand alone lot. Lot #1 will be served with an on-lot sewage disposal system as well as an on-lot water source. Access to Lot #1 will be via S.R. 4006. Lot #1 consists of 10.0137 acres while the residual consists of 78 acres.

Review Comments (List from Review Committee):

**Clean & Green / Agriculture**

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.

**Topographic information**

The grades over 15% exist on the residue only.

Suitability considerations should be made for this plan. It appears, according to County GIS information, that there are steep slopes (grades over 15%) on this site and development in these should be discouraged.

Topographical contours at vertical intervals should be displayed on the plan (Union Township Subdivision and Land Development Ordinance, Section 402. 1. g.).

**Setback Lines**

Although Note #6 lists setbacks, the setback lines should be shown on the plan as prescribed in the Union Township Subdivision and Land Development Ordinance (Article IV, Section 402 2.g.).

**DEP Sewage Planning Module**

A copy of the DEP Component 1 Sewage Facilities Planning Module should be submitted to the Union Township Planning Commission. Plan approval should be contingent upon receiving an approval from DEP following the filing of this form.

**Signature Blocks on Plan**

The Mifflin County Review Certificate should be on the plan. If a copy of the certificate is required, one can be obtained from the Mifflin County Planning and Development Department.

**Zoning**

The subject property has Residential Agriculture and Residential Limited Zoning designations.

Zoning information should be stated on the plan.

**Other Comments:**

1. If this proposal lies between two zoning districts, that should be shown on the plan. It appears that proposed lot 1 is one district, the residual is in two districts.
2. The plan shows plan has been copyrighted.
3. Note #12 states private right-of-way will not be used by the owners of Lot #1, but if it serves more than one resident, it should be named. What is the cartway width of the private right-of-way? This should be shown as provided for in (Section 402. 2.a.) of the Union Township Subdivision and Land Development Ordinance.

**Wayne Township (County Ordinance)**

Name of Plan: Forgy, Garry L. & Betty J.

File Number: 2013-03-004

Tax Map #: 21-09-110

Municipality: Wayne Township (County Ordinance)

Applicant Name: Forgy, Garry L. & Betty J.

Land Owner Name: Forgy, Garry L. & Betty J.

Plan Preparer: Wright Land Surveying

Action Taken:

Plan Summary:

This plan proposes to create Lot 2 for agricultural purposes only. Access will be on the existing lane with a 50' right-of-way. No development is proposed on the residual tract. Lot 2 consists of 14.346 acres of land and the residual consists of 84.4 acres.

Review Comments (List from Review Committee):

**Clean & Green / Agriculture**

As noted in note number 4, 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.

**Floodplain / Wetlands**

According to County GIS information, a portion of the residual lies within a designated wetland, and wetland information should be delineated on the plan. Future development in this area should be discouraged.

According to County GIS information, the residual (Lot 1) lies within the 100-year floodplain, and the flood plain should be delineated on the plan. Future development in this area should be discouraged.

\* The Wright surveying representative stated he will show the floodplain on the insert map.

**Topographic information**

Suitability considerations should be made for this plan. It appears, according to County GIS information, that there are steep slopes (grades over 15%) on the residual only and development in these should be discouraged.

## **Soils**

According to the County GIS files, some portion of Lot 2 appears to have prime farmland soils.

## **Right-of Way Widths**

The right-of-way width of Ferguson Valley Road (TR 328) does not meet the road provisions of the Mifflin County Subdivision and Land Development Ordinance (Section 4.204.F.1). Since the parcel has the potential for future

development, road improvements should be considered prior to further development. At a minimum additional right of way should be provided by the applicant as a condition if there is future development along this road.

Is this an existing right-of-way to serve this area or will a driveway permit be required?

\* It was affirmed by a representative from Wayne Township that this is an existing lane.

## **Cartway Widths**

The cartway width of the proposed 50' right-of-way does not meet the road provisions of the Mifflin County Subdivision and Land Development Ordinance (Section 4.204.F.1). Since the parcel has the potential for future development, road improvements should be considered prior to further development. At a minimum additional cartway should be provided by the applicant as a condition if there is future development along this road. A 14 foot cartway is inadequate for two way travel.

The cartway width of Ferguson Valley Road does not meet the road provisions of the Mifflin County Subdivision and Land Development Ordinance (Section 4.204.F.1). Since the parcel has the potential for future development, road improvements should be considered prior to further development. At a minimum additional cartway should be provided by the applicant as a condition if there is future development along this road.

\* The Wright Surveying representative indicated that he would show the proposed right-of-way on the insert map.

## **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.

## **DEP Sewage Planning Module**

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

## **Comprehensive Plan Update**

There was a brief discussion on the Comprehensive Plan. Bill explained that there were a lot of loose ends that need pulled together and the next meeting would be sometime in May. It was asked of Bill if the commission would be able to see a copy of the chapters. Bill stated that a draft would be made available later as well as on the web site. He said that there would be a public meeting after the May Comprehensive Plan meeting in the early summer. A public hearing will be held in August or September by the Commissioners prior to the adoption of the plan.

## **Public Comment**

Before giving opportunity for public comment, Dan explained that the Planning Commission had an adopted policy on public comment that limits an individual to 5 minutes or if there's a spokesperson, they would have 15 minutes.

Lisa Nancollas expressed concern over park and open space requirements of developers at their cost without compensation. Dan explained that the discussion took place at the Comprehensive Plan Meeting not the Planning Commission Meeting and that some of the discussion was taken out of context. Any property that was set aside would be the property of the developer and not the taking of someone's private property.

Bill gave an example of Blossom Hill Development where they put in a pavilion and walking trails for the development but how difficult it would be to prevent the public from using the trails. He also clarified that there is a standard where when you have a large development, there is a requirement that you put open space in that development to take care primarily of the residents. He explained that was the main focus of the discussion.

## **Adjournment**

The meeting adjourned at 4:05 p.m. upon a motion by Jim Lettiere that was seconded by Mario Andrie.