

MINUTES
MIFFLIN COUNTY PLANNING COMMISSION REGULAR MEETING
Thursday, December 17, 2009
Mifflin County Courthouse, Meeting Room B – 3:30 P.M.

ATTENDANCE

Members

Jim Spendiff, Chairman
Dan Dunmire, Vice Chairman
Chris Aumiller
Brent Miller
Neal Shawver
Susan Heimbach

Other

Rex Fink, Lewistown Borough
Ann Yost, YSM
David Harmon, Newton Hamilton Borough
John Snyder, Bratton Township
Deborah Bargo, Lewistown Mayor
Stanley Collins, Bratton Township
Marlin Boaz, Bratton Township
Ed Curry, Mifflin County School District
John Fuoco, MD
Otis E. Riden, Jr., Mifflin County Commissioner

Staff

Bill Gomes, Director
Mark Colussy, Associate Planner
Millie Sunderland, Office/Grants Manager

Item #1 – Call to Order

Jim Spendiff, Chairman, called the meeting to order at 3:30 p.m.

Item #2 – Record of Public Attendance

Jim reminded everyone to sign the attendance sheet.

Item #3 – Approval of Meeting Minutes

Jim asked the members present if there were any changes to the minutes of the November 19, 2009 meeting. With no changes or corrections, Jim said the minutes would stand approved as written.

Item #4 – Greenway, Open Space and Rural Recreation Plan Project Update

Bill gave a brief overview of the project and then introduced Ann Yost, the project consultant. Ann said this project has been going on for two years. She listed the assets of the two counties which include scenic views, natural areas, farmland, open space, historic properties and the great outdoors. She discussed what the plan is and the reasons why the plan is done. The planning process involves public participation by an advisory committee, interviews, surveys and meetings. Key findings are preserving farms, natural resources and open space. Ann went on to list other findings such as health issues, tourism and community organizations. She then read the vision for Juniata and Mifflin Counties by 2019 with Goal 1 to preserve the rural character of the Counties through open space conservation. Goal 2 is connecting the Counties and region through a network of greenways and trails. Goal 3 is to promote recreation opportunities to advance active healthy lifestyles year round. Goal 4 is to organize and manage open space, greenways, and recreation through partnerships and goal 5 is to invest in open space, parks and recreation. She then discussed implementation of the plan by elaborating on each of the five goals. During Ann's presentation she also emphasized that promoting Open Space and Recreation should be considered an investment in the area's future and a tool to help solve problems and enhance the quality of life.

The Executive Summary of the Plan was provided to the members, as well as those in the audience. Ann stated that the final draft of the Plan was under review and public meetings had been held in both Counties. This meeting was the last opportunity for public comment. The Commissioners of both Counties will adopt the Plan during the first quarter of 2010.

Item #5 – Subdivision and Land Development Review Committee Report

Dan Dunmire reported that the Subdivision and Land Development Review Committee reviewed 4 plans. These plans were under municipal ordinances for which the Planning Commission provides recommendations only. The Subdivision Review Committee recommended approval of the comments and recommendations for the following plans: Michael J. & Joanna M. Minium subdivision in Decatur Township, Pennsylvania Electric Company subdivision in Lewistown Borough, John F. Smoker subdivision in Union Township and Rolling Hills Estates – Betty J. Marker subdivision in Derry Township.

Mark Colussy discussed the Michael J. & Joanna M. Minium plan. He indicated that most of the comments had already been addressed. There was some discussion about the substandard private right-of-way, clarification of access, the shared driveway maintenance agreement and the deed reference.

Mark gave an update on the Rolling Hills Estates plan originally submitted in November. The plan was approved, signed and recorded but there was a question about the deed restrictions. The deed restrictions for Rolling Hills Estates do not apply to this subdivision. The surveyor made some plan revisions to modify the restrictions on this particular property. This plan will supersede the plan that was already recorded. Bill Gomes said there would also be a separate shared driveway agreement.

A motion was made by Susan Heimbach to approve the comments and recommendations as discussed, which was seconded by Neal Shawver. All agreed.

The Subdivision and Land Development Review Committee Report:

Name of Plan: Minium, Michael J. & Joanna M. File Number: 2009-12-002
Tax Map #: 15-05-301/15-06-100 Municipality: Decatur Township (Municipal Ordinance)
Applicant Name: Minium, Michael J. & Joanna M. Land Owner Name: Minium, Michael J. & Joanna M.
Plan Preparer: Tri-Tech/Wagner Engineering & Surveying

Action Taken: The County provides comments only.

Plan Summary: The purpose of this Subdivision and Lot Addition Plan is to subdivide existing Tax Parcel Number 15-05-301, owned by Michael and Joanna Minium, into two lots. One lot is to be 2.98 acres and is to be a lot addition to Tax Parcel Number 15-06-100, also owned currently by Michael and Joanna Minium. Proposed Lot 1A is currently a wooded lot. It is not to be sold as a stand alone lot. It is to be added to the existing 10.00 acre parcel owned by the Minium's. The second proposed lot (Lot 2) is to be a 7.02 acre lot, currently all wooded, and is to be a proposed residential lot. This proposed lot will have an on-lot septic system and a separate well. This proposed lot has frontage on the existing Bald Eagle Lane a 50' right of way.

Review Comments (List from Review Committee):

Start Notes - This property has been previously submitted and reviewed in 2005 and 2007.

Clean and Green Program - 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.

Setback Lines - Since proposed Lot 1-A is to be added to Existing Lot 1, the building setback lines should be shown connected between the two lots. *This has been corrected on the revised plan dated 12/14/09.

Right-of Way Widths - The right-of-way width of the unnamed 12' Right-of-Way does not meet the road provisions of Decatur Township's Subdivision and Land Development Ordinance (Table 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. *According to the surveyor, access to proposed Lot 2 will be off Bald Eagle Lane, and the lot will not use the existing 12' Right-of-Way. **A note has been added to the revised plan dated 12/14/09 stating that if any development is to occur off of the 12' private right-of-way, the private drive will need to be brought up to township road standards. Based upon the Decatur Township Subdivision and Land Development Ordinance, the right-of-way width for Underhill Road should be shown on the plan. (Section 603.2.A.6). *This has been added to the revised plan dated 12/14/09.

*Cartway Widths - The cartway width of Bald Eagle Lane does not meet the road provisions of Decatur Township's Subdivision and Land Development Ordinance (Table 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. The cartway width for Underhill Road and the unnamed drive following the 12 private right-of-way should be shown on the plan (Decatur Township Subdivision and Land Development Ordinance, Section 602.2.A.11). *This has been added to the revised plan dated 12/14/09.*

*Shared Driveway - It is unclear as to how access is going to be provided to proposed Lot 2. Since proposed Lot 2 is to have access off an existing private right-of-way, a shared driveway agreement / maintenance agreement should be in place. If there is already an existing agreement in place, it may need to be modified to include use by proposed Lot 2. *According to the surveyor, access to Lot 2 will be directly off of Bald Eagle Lane. Also, according to the surveyor, there is no need for a new shared driveway agreement as there is an agreement already in place.*

Reference to the existing agreement should be noted on the plan.

*Street Names - If access to proposed Lot 2 is to be via the existing private 12' right-of-way, the roadway will need to be named. *Access to Lot 2 will not be off of the 12' private R-O-W.*

*Deed Restrictions and Easements - Deed restrictions and easements associated with the property, if any, should be provided in accordance with Sections 603.2.A.6 and 603.2.B.7 of the Decatur Township Subdivision and Land Development Ordinance. *According to the surveyor, there are no known deed restrictions or easements other than those provided.*

DEP Sewage Planning Module - A DEP Component 2 form has been provided. Plan approval should be contingent upon receiving an approval from DEP following the filing of this form.

*Signature Blocks on Plan - Signature blocks should be on the plan acknowledging the approval of Decatur Township Supervisors. A signature block should be on the plan acknowledging the review of the Decatur Township Planning Commission. 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. *This has been added to the revised plan dated 12/14/09.*

*Lot Addition - A lot addition statement should be 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." *This has been added to the revised plan dated 12/14/09.*

Other Comments:

*1. The connection to the public road system should be shown on the plan. *This has been added to the revised plan dated 12/14/09.*

*2. It appears plan Note 2 should be two separate notes. *This has been corrected on the revised plan dated 12/14/09.*

*3. The lot addition symbol is shown in the wrong orientation. *This has been corrected on the revised plan dated 12/14/09.*

*4. The plan narrative should be added to the plan. *This has been added to the revised plan dated 12/14/09.*

*5. November is spelled incorrectly on Sheet 2. *This has been corrected on the revised plan dated 12/14/09.*

Name of Plan: Pennsylvania Electric Company

File Number: 2009-12-003

Tax Map #: 04-04-0110

Municipality: Lewistown Borough (Municipal Ordinance)

Applicant Name: Borough of Lewistown

Land Owner Name: Pennsylvania Electric Company

Plan Preparer: Uni-Tec Consulting Engineers, Inc.

Plan Summary: No Narrative provided.

Action Taken: The County provides comments only.

Review Comments (List from Review Committee):

Floodplain - The property lies within the 100-year floodplain, and the flood plan should be delineated on the plan. Additionally, a portion of Lot 2 lies within the Floodway. Future development in this area should be discouraged.

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

Right-of Way Widths - It seems curious that two different easements are proposed in one area (Penelec Easement No. 1 and the Access Easement). One all encompassing easement should be considered. It should be clear that the easement has a 50' right-of-way.

Shared Driveway - Will the existing paved drive be shared between Lot 1 and 2? All private drives that are used by more than one party should have a shared driveway agreement in place. A shared driveway agreement for the

private right-of-way should be noted on the plan. The agreement should include the following: "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." (See the Borough of Lewistown Subdivision and Land Development Ordinance, Section 4.205.G.4.c)

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 Borough of Lewistown Subdivision and Land Development Ordinance.

DEP Sewage Planning Module - If no building is proposed with this subdivision, a non-building declaration should be on the plan. Also, 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.

Other Comments:

1. A plan narrative should be placed on the plan and should be a brief description stating the purpose of the project. (See the Borough of Lewistown Subdivision and Land Development Ordinance, Section 7.302.A.1)

2. All significant man-made features, including water lines, petroleum lines, gas lines, telephone lines, fire hydrants, dumps, historic features, culvert, etc. should be shown on the plan. (See the Borough of Lewistown Subdivision and Land Development Ordinance, Section 7.302.A.20)

3. No information has been provided for any of the proposed easements. Information regarding the easements should be provided (See the Borough of Lewistown Subdivision and Land Development Ordinance, Section 7.302.B.7). Also, are the easements to be separately recorded easements or numbered with the deed?

4. If Lot 1 is to become a parking lot, it will need to meet the Kish Creek Stormwater Management Ordinance. Will a future Land Development plan be prepared? *According to the applicant, it is the intent of the Borough to provide a land development plan at the time of any building to occur on the lot, which would address stormwater.

5. The abutting parcel, T.M. 04-04-120A, is labeled on the plan as "04-04-12A". This should be corrected on the plan.

Name of Plan: Smoker, John F.

Tax Map #: 20-07-119

Applicant Name: Smoker, John F.

Plan Preparer: Wright Land Surveying

File Number: 2009-12-001

Municipality: Union Township (Municipal Ordinance)

Land Owner Name: Smoker, John F.

Plan Summary: This plan proposes to create Lot 2 for a single-family residence to be served by on-lot sewage disposal and private well. Lot 1, the residual tract, is not proposing any new development.

Action Taken: The County provides comments only.

Review Comments (List from Review Committee):

Clean and Green Program - 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 - Plan Note 4 mentions there being no floodplains on Lot 2. However, a portion of the residual lot is within the floodplain and it should be noted as such on the plan.

Soils - According to the County GIS files, some portion of this property appears to have prime farmland soils. (HaB, HcB) According to the County GIS files, some portion of the residual property appears to have hydric soils. The hydric soils information should be shown on the plan. (Ma)

Setback Lines - The rear setback lines shown on the plan do not appear to match the requirements of the Union Township Zoning Ordinance (Section 608), which is 20% of the lot depth. If the rear setback requirement cannot be met, a zoning variance may be required.

Right-of Way Widths - The right-of-way width of T-437, Front Mountain Road, does not meet the road provisions of Union Township's Subdivision and Land Development Ordinance (Section 501.2). 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.

Cartway Widths - The cartway width of T-437, Front Mountain Road, does not meet the road provisions of Union Township's Subdivision and Land Development Ordinance (Section 501.2). 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.

PennDOT HOP/Municipal Driveway Permits - The proposed driveway location should be shown on the plan. A municipal driveway permit is required, and a copy should be provided to the Union Township Planning Commission.

Deed Restrictions and Easements - Deed restrictions and easements associated with the property, if any, should be provided in accordance with Section 402.2.b of the Union Township Subdivision and Land Development Ordinance.

**According to the surveyor, there are none.*

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.

Other Comments:

*1. Property boundary information should be shown on the plan for the entire property. If survey data is not available, this information could be supplied via the deed description, which could be shown on an inset map. (See section 402.1.a of the Union Township Subdivision and Land Development Ordinance) *According to the surveyor, there is a poor deed description of the property boundaries. All known information that has been surveyed should be provided on the plan.*

2. It appears there are several structures on the residual property. All significant man-made features should be shown on the plan. (See section 402.1.e of the Union Township Subdivision and Land Development Ordinance)

3. Will an acre of land disturbance occur if all structures proposed, a driveway, and a well and septic system are installed? If so, an NPDES permit may be required. The applicant should contact the Mifflin County Conservation District for more information.

4. A conditional use hearing will most likely be required for a residential use in the Industrial Zone, as prescribed under section 1100.2.E of the Union Township Zoning Ordinance. Approval of this plan should be contingent upon approval of the conditional use. If a conditional approval has already been granted, the approval information should be noted on the plan.

Dan continued that a 6 month extension was requested for the Edgewood Country Estates Phase IV subdivision in Brown Township. The NPDES permit is still pending DEP approval. This subdivision was submitted when Brown Township was under the County Ordinance and the plan is still under the County Ordinance. If the Planning Commission were to deny the extension, it would invalidate the subdivision plan, and the plan would have to be submitted under Brown Township's Ordinance. After some discussion about the traffic impact study requirements, the turning lane and the proposed walking trail,

Dan Dunmire made a motion to grant a final three-month extension for the Edgewood Country Estates Phase IV subdivision in Brown Township. Chris Aumiller seconded the motion and all agreed.

Item #6 – Public Comment

There was no public comment.

Item #7 – Other Business or Comments

Bill said Stan Lembeck contacted him to see if anyone is interested in attending a subdivision or zoning PMPEI course on the subdivision process in the spring. Brent Miller and Susan Heimbech expressed interest in attending.

Bill said a request for qualifications was advertised for a designated County Engineer, and 22 responses were received. A review committee has been established to recommend a selection to the Commissioners for PennDOT approval. Dan Dunmire will represent the County Planning Commission on the review committee. Other members will include Jim Saylor of SEDA-COG, Bill Sarge and Commissioner Mark Sunderland.

Bill reported that the Solid Waste Plan update will likely go forward this spring. The Solid Waste Advisory Committee will be updated hopefully adding some Planning Commission members. The Commissioners will make appointments to this Committee.

Dan reported that he recently attended a meeting concerning an executive order from the President that the Federal Government will mandate how and what pace the clean-up of the Chesapeake Bay will take place. There will be new pollution levels. Dan said this will affect everyone in some form. Dan will give a presentation on this topic at the Planning Commission meeting in February 2010.

Item # 8 Adjournment

The meeting adjourned at 4:51p.m. upon a motion by Dan Dunmire and seconded by Brent Miller.

dpb