

PERRY COUNTY PLANNING COMMISSION

Minutes of the Meeting

January 21, 2009

The regular monthly meeting of the Perry County Planning Commission was held on Wednesday, December 17, 2008 in the Perry County Veteran's Memorial Building, New Bloomfield, PA. Chairman Turner called the meeting to order at 6:40 PM.

The first hour of the meeting was devoted to the Perry County Subdivision and Land Development Ordinance update. A copy of the meeting agenda and summary of discussion items are attached to the file copy of these minutes.

1. ROLL CALL

Members present were Chairman Jim Turner, Wendy Brunner, Tom Graupensperger, Dave Rice, Terry Meek, and Robert Shaffer. Joe Burget, Tom Palm, Mr. and Mrs. Richard Peck, James Strong, and Terry Sheldon were visitors to be heard. Jim Szymborski and Jason Finnerty of the staff were present.

2. MINUTES

Ms. Brunner motioned to approve the December 17, 2008 minutes subject to the recommended edits provided by Mr. Shaffer. Mr. Rice seconded the motion, and the motion was unanimously approved.

3. REORGANIZATION

Chairman Turner opened the meeting up to nominations for officers.

Mr. Shaffer made a motion that the Commission retains its present slate of officers in their present positions. The motion was seconded by Mr. Meek and the motion passed unanimously.

4. GOOD AND WELFARE

Mr. Palm and Mr. Burget were both in attendance for the portion of the agenda devoted to the Perry County Subdivision and Land Development update. Mr. Palm was also in attendance for the Peck Sketch Plan, the proposed Hugh and Diane McMillen Subdivision (File #09-004), and the Commonwealth of PA Subdivision (File #09-009). Mr. Burget was also in attendance for the John McCrae Subdivision (File #09-008) and for discussion on the Ray S. Earnest & Betty J. Earnest Subdivision (File #08-138).

Mr. and Mrs. Peck were in attendance for the Peck Sketch Plan.

Mr. Sheldon was in attendance to present the land development plan for the Church of the Living Christ of Loysville (File #09-007).

Mr. Strong was in attendance to present a waiver request for Cellco Partnership d/b/a Verizon Wireless.

5. COMMUNICATIONS AND PAYMENTS OF EXPENSE

A. Communications

Chairman Turner asked staff and the Commission members if there were any communications needing to be brought to the Commission's attention. None of the Commission members requested any additional information on the communications list attached to the official copy of these minutes. Staff did not highlight any of the communications from the list.

B. Payment of Expenses

Mr. Shaffer motioned to approve the following expenses. Mr. Graupensperger seconded the motion. The motion passed unanimously.

To the TCRPC for monthly collected fees:

Check #1054 -----\$1,150.00

6. REPORTS

A. Treasurer's Report

Mr. Rice motioned to accept the Treasurer's Report in the form of a financial statement for the period of January 1, 2008 through November 31, 2008 for filing subject to audit. Mr. Meek seconded the motion. The motion passed unanimously.

B. Staff Report

Mr. Szymborski indicated there was nothing new to report on staff.

7. UNFINISHED BUSINESS

A. Progress: Regional Transportation Project, 2007-2008

Mr. Szymborski indicated there was nothing new to report on the Regional Transportation Project.

B. Local Planning Assistance (LPA) Report

The Chairman asked the Commission members if they had any questions regarding the LPA Report. None of the Commission members requested any additional information from staff on the LPA Report.

A copy of the LPA Report is attached to the file copy of these minutes.

C. Multi-Hazard Mitigation Plan

The consultant working on the project has finalized the installation of the Special Needs Software and is ready to commence with the training. Staff has forwarded a list of Perry County contacts for the training. The joint training workshop on the software will be held for all three counties (Perry, Mifflin and Juniata Counties) in Lewistown.

D. Regional Action Plan for Land Use, Transportation, and Economic Development

Mr. Szymborski stated the project consultant will be presenting its findings for the South Central Regional Action Plan. The Plan will offer discussion on environmental issues, land use, transportation economic development, tourism, etc.

E. Revision to the Perry County Subdivision and Land Development Ordinance

This agenda item was placed at the front end of the agenda and a separate record of discussion is attached to the file copy of these minutes.

F. 2008 Annual Report

Staff provided each of the Commission members with a copy of the Draft 2008 Perry County Planning Commission Annual Report and asked each member to read through the report and provide staff with any suggested edits one week prior to the February 18, 2009 meeting.

Chairman Turner indicated he would like to see the Annual Daily Traffic Map display some of the information with a larger font size.

G. Potential Zoning Workshop/ Outreach

Staff stated it would be meeting with staff from the Perry County Conservation District to structure the first of three education/outreach meetings in Perry County to cover the Western Plan Development Section. The one of the primary topics of the workshop would be to discuss options for agriculturally focused (I.e. conscientious) zoning ordinances.

8. NEW BUSINESS

A. Subdivision and Land Development Matters

1). Sketch Plan – Earl D. Peck/Southwest Madison Township

Mr. Palm presented the Commission with a sketch plan for a possible subdivision for Earl Peck near the village of Centre in Southwest Madison Township. The lot is proposed, while not displayed on the plan, would be accessed by an existing 12' wide right-of-way.

Mr. Peck explained he was not able to secure from his brother the additional 38' of right-of-way width necessary to make the right-of-way 50' in width. In addition the existing right-of-way passes between two old railroad abutments owned by the Historic Society where the road is presently constricted.

Chairman Turner expressed concern for the width access within the right-of-way and the ability to maneuver emergency vehicles to the potential lot.

Mr. Shaffer asked if a 50' wide right-of-way could be established elsewhere to achieve the intent of the County Subdivision and Land Development Ordinance.

Mr. Meek expressed concern for the potential of granting a waiver to one family for

access when others may appeal such a decision when they are aware of the minimum right-of-way width requirements.

The majority of the Commission members offered their thoughts regarding the sketch plan. Discussion concluded with Chairman Turner advising Mr. Palm and Mr. Peck a plan would need to be filed for an official decision to be issued by the Commission regarding which modifications may or may not be granted.

2). Approval/disapproval-

a). Subdivision File #09-004 Hugh B. McMillen and Diane L. McMillen/Southwest Madison Township

Staff provided the Commission with a summary of the proposed subdivision. The subdivision proposes one new lot for one new dwelling unit with one remaining lot. Access to the proposed new lot would be by way of a proposed 50' right-of-way. The property is located on the east side of T-316 (Cardinal Hill Road).

Staff indicated it completed its review and forwarded its comments to Mr. Palm on January 16, 2009.

Mr. Palm supplied as part of the application a letter requesting waivers to §§302 and 303 for Pre-Application Plans and Data, §§304 and 305 for Preliminary Plan requirements, §301.3.B for the Soils Characteristics Report, §301.3.C for the bearings and distances of the property outline, and §301.3.E for the 5' elevation contour lines.

A motion was made by Mr. Rice to grant the requested waivers. The motion was seconded by Ms. Brunner, and passed unanimously.

A motion was made by Mr. Rice to approve the plan as presented. The motion was seconded by Mr. Meek and passed unanimously.

The approval was subject to the receipt of the necessary PADEP sewage facilities planning form and municipal comment.

b). Land Development File #09-007 Church of the Living Christ of Loysville/Northeast Madison Township

Mr. Sheldon presented the land development plan to the Commission and asked the Commission if they had any questions.

Staff indicated it completed its review and has forwarded a copy of the plan and stormwater management plan to the Perry County Engineer for his review of the plan with regard to Section 505.

A motion was made by Mr. Shaffer to table the plan. The motion was seconded by Ms. Brunner and passed unanimously.

c). Subdivision File #09-008 John McCrae/Toboyne Township

Mr. Burget provided a short summary of what was being proposed with the subdivision. He indicated that staff's comment pertaining to the wetlands located on the property was addressed and Note #4 on the plan corrected.

Staff provided the Commission with a summary of the proposed subdivision. The subdivision proposes three new lots with one remaining lot. The property is on both sides of SR 3002 (Horse Valley Road).

Staff indicated it completed its review and forwarded its comments to Mr. Burget on January 16, 2009.

Mr. Burget supplied as part of the application a letter requesting consideration of the plan as a Preliminary-Final plan with waivers to §§302 and 303 for Pre-Application Plans and Data, §§304 and 305 for Preliminary Plan requirements, §301.3. plan sheet size, §301.3.B for the Soils Characteristics Report, §301.3.E for the 1"=100' site scale, and §301.3.E for the 5' elevation contour lines.

A motion was made by Ms. Brunner to grant the requested waivers. The motion was seconded by Mr. Graupensperger, and passed unanimously.

A motion was made by Ms. Brunner to approve the plan. The motion was seconded by Mr. Shaffer and passed unanimously.

The approval was subject to the receipt of the necessary PADEP sewage facilities planning form and municipal comment.

d). #09-009 Commonwealth of Pennsylvania/Northeast Madison Township

Staff provided the Commission with a summary of the proposed subdivision. The subdivision proposes a single lot addition from the Mohler property to the PA Game Commission.

Staff indicated it completed its review and forwarded its comments to Mr. Palm on January 16, 2009. Staff highlighted all of the review comments for the Commission.

Mr. Palm supplied as part of the application a letter requesting waivers to §§302 and 303 for Pre-Application Plans and Data, §§304 and 305 for Preliminary Plan requirements, §301.3.B for the Soils Characteristics Report, §301.3.C for the bearings and distances of the property outline, §301.3.D for the Buildings and the streams, §301.3.E for the 5' elevation contour lines, §502.1.A for monumentation.

There was discussion regarding the relocation of a 25' right-of-way and whether the right-of-way if displayed on the subdivision plan should be increased to a 50' wide right-of way.

Mr. Palm indicated he represented the Mohlers and had requested the surveyor to make changes to the plan as highlighted by staff for the meeting.

A motion was made by Mr. Shaffer to grant the requested waivers. The motion was seconded by Ms. Brunner, and passed unanimously.

A motion was made by Mr. Shaffer to approve the plan conditioned upon the plan being revised to add the primary control point, lot numbers, bearings and distances, and remove the proposed 25' right-of-way. The motion was seconded by Ms. Brunner and passed unanimously.

On his client's behalf Mr. Palm agreed to the conditions as placed upon the plan.

The approval was subject to the receipt of the necessary PADEP sewage facilities planning form and municipal comment.

2). Review and Report – Attached Summary Table

Mr. Turner asked the Commission members if there were any Plans on the monthly Review and Report Table the members would like to view. None of the members requested to see any of the files presented for the monthly review report.

Mr. Shaffer motioned to ratify staff reviews of all subdivision and land development plans appearing on this month's Review and Report Table. Mr. Graupensperger seconded the motion and the motion passed unanimously. A copy of the Review and Report Table is attached to the file copy of these minutes.

B. Sewage Matters

1). Sewage Facilities Planning Modules

a). File #09-01 Kenneth E. Dommel and Linda W. Dommel/Saville Township

Staff indicated the Dommel Sewage Facilities Planning Module was previously reviewed by staff and would need to be considered by the Commission for ratification of staff's review.

Chairman Turner asked staff if there was anything regarding the review staff would like to share with the Commission. Mr. Finnerty stated as part of its review, staff the potential for impacts to wetlands in the vicinity of the property.

Ms. Brunner motioned to ratify staff's review of the sewage facilities planning modules as presented. The motion was seconded by Mr. Graupensperger and passed unanimously.

C. Other Matters

1). Letter of support – PENNVEST (Liverpool Borough Municipal Authority)

See 2) below

2). Letter of support - H20 PA (Liverpool Borough Municipal Authority)

Staff presented the Commission with two letters from Mr. Scott M. Bowman from Herbert, Rowland, and Grubic, Inc. on behalf of the Liverpool Municipal Authority. The two letters were requesting the Commission's approval of two applications (PENNVEST and H20 PA) to pursue funding for improvements to the

Liverpool Borough Water System including a new well source and treatment.

Ms. Brunner motioned to authorize the Chairman to sign both letters of support for the two applications, as prepared by staff. The motion was seconded by Mr. Graupensperger and passed unanimously.

3). Waiver request – McNeese Wallace & Nurick, LLC for Cellco Partnership d/b/a Verizon Wireless.

On behalf of his clients, Verizon Wireless, Mr. Strong presented the Commission with a letter requesting a waiver from having to submit a land development.

There was significant discussion regarding the applicability of the 50' private right-of-way provision versus the 20' wide service drive provision as a means of access to and from a cell tower site.

After discussion, it was the consensus of the Commission to require a land development plan to be submitted for the site. It was also the consensus of the Commission decided not consider the plan as a subdivision.

Staff was instructed to contact Solicitor Bill Bunt to discuss which right-of-way width should be applied to such a land development plan for access.

4). State Ethics Commission Statements of Financial Interests

Staff distributed copies of the State Ethics Commission Statements of Financial Interests forms to each of the members and asked that the members return the forms to the office once completed.

5). LPA Agreements (Marysville Borough)

Mr. Finnerty stated one LPA Agreement was received between monthly meetings. Marysville Borough has submitted a full-time agreement for 2009.

Mr. Shaffer motioned to authorize the Chairman to sign all three LPA Agreements as presented. The motion was seconded by Ms. Brunner and passed unanimously.

9. ADJOURNMENT

Mr. Rice motioned to adjourn the meeting at 9:50 PM. Mr. Meek seconded and the motion passed unanimously. The next meeting of the Perry County Planning Commission is scheduled for Wednesday, February 18, 2009 at 6:30 p.m. The meeting will be held in the Commissioner's Hearing Room of the Perry County Veteran's Memorial Building.

Respectfully submitted,

Robert E. Shaffer, Sr.

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Secretary