

PERRY COUNTY PLANNING COMMISSION

Minutes of the Meeting

September 21, 2022

The regular monthly meeting of the Perry County Planning Commission (PCPC) was held on Wednesday, September 21, 2022, in the Perry County Commissioners' Hearing Room of the Veteran's Memorial Building, New Bloomfield, PA, and via Zoom telecommunication software, with members participating in compliance with the provisions authorized under PA Act 15 of 2020. Chairman Turner called the meeting to order at 7:00 PM.

1. ROLL CALL

Members present were Chairman Jim Turner, Robert Shaffer, Michael Hartley and Dave Rice, with Cathy Gilbert, and Tom Graupensperger participating virtually through the Zoom meeting arrangements. Jason Finnerty was in attendance representing the staff. Tri-County Regional Planning Commission (TCRPC) Executive Director Steve Deck was also present remotely, representing staff and handling the logistics of the virtual meeting participation.

2. MINUTES

Chairman Turner asked the members if they had read through the August 17, 2022, monthly meeting minutes and if they had any edits they would like to offer. Mr. Shaffer recommended four minor edits.

Mr. Kirk motioned to approve the minutes taking into account Mr. Shaffer's suggested edits. Mr. Rice seconded the motion, and the motion passed unanimously.

3. GOOD AND WELFARE

Mr. Deck read information regarding Section 508 of the Pennsylvania Municipalities Planning Code regarding the approval of Plats. "No plat which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains a notice that a highway occupancy permit is required pursuant to section 420 of the act of June 1, 1945 (P.L.1242, No.428), known as the "State Highway Law," before driveway access to a State highway is permitted...Neither the department nor any municipality to which permit-issuing authority has been delegated under section 420 of the "State Highway Law" shall be liable in damages for any injury to persons or property arising out of the issuance or denial of a driveway permit, or for failure to regulate any driveway. Furthermore, the municipality from which the building permit approval has been requested shall not be held liable for damages to persons or property arising out of the issuance or denial of a driveway permit by the department."

The above requirements were followed by the PCPC and, as stated, PCPC is not liable in damages for any injury to persons or property arising out of the issuance or denial of a driveway permit.

In accordance with PennDOT policies and procedures, enforcement action was taken against Mr. Drum to secure a Highway Occupancy Permit, thereby addressing associated

stormwater management issues. As a result, Mr. Drum was given 30 days to submit a complete permit application on August 17, 2022. He secured a firm to support this need and has formally requested a 60-day extension to complete the necessary technical work. PennDOT is expected to grant this request.

He went on to state Mr. Sloss filed a Premises/Operations Liability claim against TCRPC for actions taken relating to the Drum Subdivision. In response, Nationwide Insurance sent the following notification to Mr. Sloss on September 15, 2022. “We completed our review of this Premises/Operations - Liability claim and have found that our insured isn’t liable for your loss and does not owe you any damages related to this claim. As a result, we respectfully deny this claim.”

Mr. William Sloss was present to hear the information regarding the Cameron Drum Driveway Issue in Southwest Madison Township. He stated, “You have no coverage.” He insisted that there was no follow-up on a conditional approval. Mr. Sloss stated he now has lost \$40,000 dollars as a result of the illegal driveway.

Tom Palm was in attendance for all six plans being considered for county approval in Northeast and Southwest Madison Townships.

Deputy Derrick Bates was also in attendance.

4. COMMUNICATIONS AND PAYMENTS OF EXPENSE

A. Communications

Chairman Turner asked the PCPC members if there was anything from the monthly communications list needing to be discussed, or if staff had any items to bring to the PCPC’s attention. None of the members requested any additional information from the monthly communications list. There were no communications needing to be highlighted by staff.

A copy of the communications list is attached to the file copy of the minutes.

5. REPORTS

A. Local Planning Assistance (LPA) Reports

Mr. Finnerty mentioned the local planning assistance program continues to be used quite well this year with all the PICTURE PERRY work. He highlighted a sketch plan for a solar project which was discussed at the last Watts Township Planning Commission meeting.

B. Program Progress Report

Mr. Deck shared information related to the transportation program from the PA DCNR regarding the grant application for trails and associated facilities plan. An application has been submitted for a Safe Streets for All plan. Regional Transportation Plan Implementation Grant program is in the process of finalizing projects with the technical committee recommending projects to the coordinating committee. Half of a dozen

county bridges will be recommended along with a trail connectivity plan in Millerstown Borough. He also shared some information related to the Countywide Action Plan (CAP) meeting held earlier in the week.

6. UNFINISHED BUSINESS

A. Perry County Comprehensive Plan (PICTURE PERRY)

The website continues to be updated, plans are being finalized chapters are being worked on for the basic studies component. The chapters include transportation, economic base, general administration, housing, energy, and community facilities and utilities.

As of the meeting, there were half of the county's municipalities (15) have committed to partner with Perry County on the PICTURE PERRY comprehensive plan. Currently, there are only two non-participating municipalities.

B. County Hazard Mitigation Plan Implementation

Staff has been contacted by the Army Corp of Engineers to perform a flood study along the Susquehanna and Juniata Rivers. Rich Fultz with The Perry County Emergency Management Agency (EMA) has agreed to be the point of contact for the study. Our staff has agreed to assist the Perry County EMA staff in disseminating information for the project.

C. Perry County Countywide Action Plan (CAP)

Chairman Turner asked if there was anything to mention with the CAP. Mr. Finnerty stated Mr. Deck had offered information under the Program Progress Report. He then added the county conservation district staff and the regional CAP consultant (HRG) have been preparing projects for the next round of implementation funding.

7. NEW BUSINESS

A. Subdivision and Land Development Matters

1). Approval Consideration

a. Sandra K. Lehman and Lawrence J. Lehman - Southwest Madison Township

Mr. Palm provided a brief presentation on the plan.

Mr. Finnerty indicated he had visited the site as requested by the PCPC at the August meeting. He then identified plan issues related to the township's municipal comment form. On the form it was mentioned the landowner has been requested to fix the driveway, and it was also mentioned there is the need for the Form B - Non-Building Declaration to be completed which has been sent to the township sewage enforcement officer for signature.

A motion was made by Mr. Hartley to grant modifications to S&LDO §§ 403 and 407 for the preliminary plan procedure and specifications to consider the plan as a final plan; § 409.5.D.5) for bearings and distances for existing easements; § 409.5.D.10) for delineating steep slopes; § 409.5.D.14) for the PADEP 100' isolation distance; § 409.5.D.15) for all existing features within 200' of the property; and 515.1 pertaining to lot self-sufficiency. The motion was seconded by Mr. Graupensperger and passed unanimously.

A motion was made by Mr. Shaffer to conditionally approve the plan subject to the receipt of the completed Form B - Non-Building Declaration and verification from the township that the landowner has corrected the driveway to the township's satisfaction. The motion was seconded by Mr. Rice and passed unanimously. Mr. Shaffer asked Mr. Palm if his clients would accept the condition offered. Mr. Palm stated yes, to accept the conditions on behalf of his clients.

b. Subdivision File #22-061 Esther M. King - Southwest Madison Township

Mr. Palm provided a brief presentation on the plan.

Mr. Finnerty shared information on the modifications being requested and the need for a PADEP sewage facilities planning module satisfying S&LDO § 409.6.C.

A motion was made by Mr. Kirk to grant modifications to S&LDO §§ 403 & 407 for the preliminary plat procedure and specifications; § 409.5.D. Final Plat Scale (1" = 100'); § 409.5.D.1 existing contours (5' interval); § 409.5.D.5 covering the bearings and distances for existing easements; § 409.5.D.10 to display areas of a steep slope; § 409.5.D.17 regarding the approval date of the PennDOT highway occupancy permit; 409.5.J.1 for the final grading and earthmoving plan; and § 409.5.J.2.a. for the approval date of the erosion and sedimentation control plan. The motion was seconded by Mr. Graupensperger and passed unanimously.

A motion was made by Mr. Shaffer to conditionally approve the plan subject to the receipt of the PADEP sewage facilities planning module satisfying S&LDO § 409.6.C. The motion was seconded by Mr. Gilbert and passed unanimously. Mr. Shaffer asked Mr. Palm if his clients would accept the condition offered. Mr. Palm stated yes, to accept the conditions on behalf of his clients.

c. Subdivision File #22-063 Elam S. Beiler and Elizabeth F. Beiler - Southwest Madison Township

Mr. Palm provided a brief presentation on the plan.

Mr. Finnerty mentioned information regarding the required lot addition note. Mr. Palm indicated the note was present on the plan. Mr. Finnerty verified the note was present and listed together in general note 1.

It was also noted the Southwest Madison Township has advised the Board of Supervisors would not require a (PADEP) non-building declaration for this

subdivision.

A motion was made by Mr. Shaffer to grant modifications to S&LDO § 409.5.D.5 covering the bearings and distances for existing easements. The motion was seconded by Mrs. Gilbert and passed unanimously.

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

- d. Subdivision File #22-064 Amos E. Stoltzfus and Kateyln S. Stoltzfus and Jacob F. Stoltzfus and Katie S. Stoltzfus - Northeast Madison Township

Mr. Palm provided a brief presentation on the plan.

Mr. Finnerty indicated the file did not have a modification request list. He recommended tabling the plan for reconsideration at the October meeting.

A motion was made by Mr. Kirk to table the plan. The motion was seconded by Mr. Hartley and passed unanimously.

- e. Subdivision File #22-065 Stephen B. Lantz and Rebecca Lantz - Northeast Madison Township

Mr. Palm provided a brief presentation on the plan.

Mr. Finnerty mentioned information regarding the required lot addition note. Mr. Palm indicated the note was present on the plan. Mr. Finnerty verified the note was present and listed together in general note 1.

It was also noted the Southwest Madison Township has advised the Board of Supervisors would not require a (PADEP) non-building declaration for this subdivision.

A motion was made by Mr. Rice to grant modifications to S&LDO § 410.4.B.9 covering the bearings and distances for existing easements. The motion was seconded by Mrs. Graupensperger and passed unanimously.

A motion was made by Mr. Graupensperger to conditionally approve the plan subject to displaying the current floodplain information on the plan. (S&LDO Section 409.5.D.4.). The motion was seconded by Mr. Kirk and passed unanimously. Mr. Shaffer asked Mr. Palm if his clients would accept the condition offered. Mr. Palm stated yes, to accept the conditions on behalf of his clients.

- f. Subdivision File #22-066 Jessica Lynn Lenker - Northeast Madison Township

Mr. Palm provided a brief presentation on the plan.

It was also noted the Southwest Madison Township has advised the Board of Supervisors would not require a (PADEP) non-building declaration for this

subdivision.

A motion was made by Mr. Rice to grant modifications to S&LDO § 410.4.B.9 covering the bearings and distances for existing easements. The motion was seconded by Mrs. Graupensperger and passed unanimously.

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

2). Review and Report

Chairman Turner asked the Commission members if there were any questions regarding the monthly review and report table. No additional questions were asked regarding any of the plans on the monthly review report.

Mr. Rice motioned to ratify staff reviews of all plans listed in the monthly review report table. The motion was seconded by Mr. Shaffer and passed unanimously.

A copy of the Review and Report Table is attached to the file copy of these minutes.

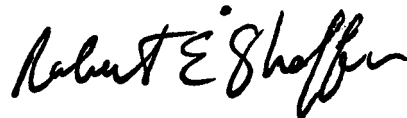
B. Other Matters

Staff was requested to contact the Building Inspection Underwriters to see if their office confirms whether an applicant for a building permit has an approved highway occupancy permit from PennDOT.

8. ADJOURNMENT

Chairman Turner adjourned the meeting at 9:00 PM. The next meeting of the Perry County Planning Commission is scheduled for Wednesday, October 19, 2022, at 7:00 PM. The meeting will be held in the Commissioner's Hearing Room of the Perry County Veteran's Memorial Building and via Zoom teleconferencing software.

Respectfully submitted,



Robert E. Shaffer, Sr., Secretary