

**Tulpehocken Township Planning Commission Meeting
April 1, 2021**

Present: Planning Commission Members: Scott Hetrick, Robert Sattazahn, John Zimmerman, Gary Deck, Chris Hartman, Matt Mack and Heather Claman. Laverne Frey was absent.

Other persons attending the meeting: Jason Newswanger, Timothy Crouse and Robert Lebo.

The Planning Commission meeting began at 7:34 p.m. and continued with the pledge to the American Flag.

John Zimmerman made a motion to approve the minutes as written from the March 4, 2021 Planning Commission meeting, seconded by Gary Deck and approved unanimously.

Public Comments: None.

Active Plans:

Mountain Meadows Phase II: Conditional preliminary plan approval was granted on March 10, 2021. Final Plans will be submitted to the Township prior to May's meeting date. The Sewage Planning Module and the Part II Permit for the new pump station have been submitted to DEP. They are working on going through the review from the Conservation District. Mr. Hurst will be bringing in a \$110,000.00 check for the fee in lieu of land for the first forty (40) lots of Phase I and advance payment for twenty (20) lots per the proposal the Board of Supervisors accepted at their March 2021 meeting. The Township Solicitor stated that an agreement would not be required. A letter should be sent to Mr. Hurst as a receipt acknowledging what the reason is for the payment to the Township.

John Zimmerman stated that he is concerned with the future aspect of snow removal for entire development, especially the Clover Drive loop that will be completed in Phase II. There was one lane of traffic when we had the snow this year. Is there a possibility of making the larger lots in Phase II on Clover Drive (for example, the lot with the stormwater basin on it) to be situated to have snow plowed onto the front yard of their lot? The church lot could be used for snow to be plowed onto. Areas where there are easements would be the best place to start to look. The Township Engineer and Road master will be reviewing the plan for this issue in the near future.

John Zimmerman mentioned the street lights in the development are still not turned on. The residents in the development did receive a street light bill. It is all up to Met-Ed at this point. The Township Engineer will reach out to Mr. Hurst again to see if he heard any update on the status.

Preliminary/Final Subdivision for Cherry Hill Mennonite School: Time expires June 2, 2021. The plan was resubmitted this week and the Township Engineer will have a review completed for next month's meeting.

Preliminary/Final Plan for Capitol City Remodelers, LLC: Time expires June 2, 2021 for this plan. The applicant's Engineer plans on attending the May Planning Commission meeting.

New Plans: None.

Other Business:

Robert Lebo, who resides at 51 Rehrersburg Road, was present to discuss the possibility of subdividing 1.25 acres off of his 25.60 acre property for his daughter to build a house. This parcel is in the Effective Agricultural Preservation (EAP) zoning district. He would like feedback from the Planning Commission on how to go about this process. This property is in clean and green, however it should not be an issue since it is under two (2) acres. The Township Engineer mentioned some key points.

- Talk to the Conservation District to make sure that you have their consent to subdivide.
- For single family houses, you would need a one (1) acre minimum. And could have a maximum of 1.5 acres.
- The proposed lot would need to be 180 feet wide at a minimum. When the structure is on the lot, the house from the property lines need to be at least thirty (30) feet. The house would need to be at least fifteen (15) feet from the rear yard.
- The maximum coverage is 10 percent. For a 1.25 acre lot, you would be able to have 5,445 square feet of house and driveway.
- The first thing to do is talk to the Township Sewage Enforcement Officer, Jeremy Bentz. Have him do the septic testing for the lot. You will have to secure a backhoe and Jeremy will come out and dig deep pits to perform a soil evaluation to see where the limiting zones are to make sure that it is acceptable to have an on-lot septic system. If the soils are good, percolation tests will be performed and run infiltration testing. If both a primary and a backup test pass, that is your first step.
- Hire a surveyor to survey the property and subdivide this lot off the existing parcel. They would go through the Township's Zoning Ordinance and SALDO Ordinance and create a lot that meets the Township's requirements.
- If you are building right away, the house will need to be shown on the plan, driveway sight distance needs to be met and a PennDOT permit (Highway Occupancy Permit) would need to be obtained. The Surveyor can assist with this.
- Stormwater will need to be done for the house. The water needs to be infiltrated back into the ground. There is a calculation that will need to be done. Again, a surveyor can perform this item.
- Erosion and sediment (E&S) controls will need to be met through the Conservation District.
- The one item that is sometimes forgotten, is the planning module. When the Sewage Enforcement Officer (SEO) does his testing, as long as the property does not have high nitrates, an exemption card can be done. The SEO will sign the card with the testing attached and send it to the Department of Environmental Protection (DEP) for approval. The surveyor should send the exemption card in right away to see if an exemption is a possibility.

- The Township will then approve the plan when all of the items listed above are completed, an escrow will need to be posted for the improvements, and the plans will need to be recorded.
- Zoning and building permits will need to be obtained. Then the house can be started.

Jason Newswanger is proposing to remove an existing 17,211 square foot barn and replace it with a proposed 20,400 square foot free stall barn at 9 Mill Road. Mr. Newswanger will need a waiver of land development due to the size of the proposed building. Total acreage of the property is 116.83 acres. The ordinance requires anything over 4,500 square feet of new agricultural buildings to go through the land development process. Conditions of a land development waiver would be E&S approval and address Stormwater. The Stormwater requirements need to be meet the intent of the ordinance. The land is flat. The Township Engineer will need to meet with Mr. Newswanger to verify if the land that the additional 3,000 square feet of impervious surface is over hard compacted gravel or impervious surface currently. Stormwater may not be required. However the waiver of land development would still be required because the total building would still be bigger than the 4,500 square feet. Mr. Newswanger currently has 150-160 cows and plans on having 200 cows in the future once the new building is up. *Gary Deck made a motion to recommend to the Board of Supervisors to grant the waiver of land development request with the conditions that it is verified that he is building over existing impervious, if not, the additional increase needs to be controlled. Seconded by John Zimmerman and approved unanimously.*

Timothy Crouse is proposing to cover a heavy used area and manure storage area for beef cattle at 259 Greble Road. The proposed dimensions of the area are 54 x 88. Mr. Crouse will need a waiver of land development due to the size of the structure being over 4,000 square foot. The total acreage of the property is 22.99 acres. Mr. Crouse is planning on removing part of an old hog barn area which is about 1,360 square feet. The new building will have rain spouting on it. The concern is how the rainwater will be captured. Mr. Crouse is working with the NRCS for the manure storage and has a plan from them. A stone pit or pond would need to be constructed. A rock line outlet is a dissipater. What we are looking for is the water is going to be captured and it is going into a stone pit beneath the ground and it holds the water and drains it into the ground. It isn't discharging out. A rock line channel will slow the flow down and typically be for velocity not volume. It is running in and slowing down, but the same amount of volume is coming out the other end. The stone pit could be made bigger to deal with the volume. As long as the water from the roof is physically going into the stone pit and is being captured and infiltrating into the ground to slow the water down and infiltrate it back into the water table. That is meeting the intent of the ordinance. An infiltration test could be performed as well. The Township has different requirements than the Conservation District. The Township Solicitor stated that we cannot waive the outcomes that are required. We can made modifications to the means by which the outcomes are achieved, but we cannot waive the outcomes. Talk with the NRCS representative and let them know that the Township is willing to waive if we can't infiltrate, however the Township wants something for rate control. The rock channel could be made a little deeper to get the volume and put a pipe on the bottom so it drains out slower. The NRCS could state in writing that the pit meets the intent of the Township Ordinance, the

Township Engineer would accept that. There would then be a professional stating that the intent was met. Another option could be a grass filter requirement, this could also meet the intent of the ordinance to help with volume. A berm could be put along the bank of the creek since the land is flat. It would hold the water back and then spill over the top and act like a detention basin. *John Zimmerman made a motion to recommend to the Board of Supervisors to grant the waiver of land development with the following conditions. Seconded by Robert Sattazahn and approved unanimously.*

- *E & S looks good.*
- *Meet the Stormwater requirements.*
- *The Township Engineer will need to go out and review.*

The Township Engineer discussed the recreation grant process for the acquisition grant which has a deadline of April 14, 2021. The grant will show the Lions Club grounds, our land and the 2 lots currently owned by Larry Dean Martin. When the grant is submitted, we will show that all of this land as part of the recreation space exhibit. It doesn't mean that all agreements such as lease and sales agreements need to be signed. Draft copies should be submitted along with the grant application.

The Township Solicitor stated that he has drafted a lease agreement for the Lions Club for review. The draft lease agreement has not been forwarded to the Lions Club for their review, however he would like Township input before sending the agreement to the Lions Club.

Scott Hetrick asked to be excused from the meeting for personal reasons. Robert Sattazahn will conduct the remainder of the meeting.

In the lease, it states that the Lions Club would have the right at no expense to the organization to still have functions at the Lions Club grounds. The Township would take on all of the expenses of the property, including the building maintenance, utilities, etc. The hope is that the Lions Club will donate funds if they have the means to do so. There is a possibility that there would not be any financial support from the Lions Club as well. There are no taxes currently since they are a non-profit organization. There would be bills for electric, heating, trash, sewer and property and liability insurance. John Zimmerman stated that Richard Klopp stated that the Lions Club has five (5) active members. What they would be looking to do is lease the land and have the right to use the buildings for their events. The Township Solicitor stated that he thought that the conversation evolved at the joint recreation meeting. It started out as leasing the land and keeping the building. Then it changed to leasing the land and the building.

The way the Township Solicitor drafted the lease, the Township would have control of the entire property, including the building and would be responsible for all operating, maintaining and improvement costs. The Lions Club would retain the right to have their own functions in the building at no expense to them. They wouldn't have to pay the Township a fee to use the property for Lions Club events. There is no rent to be paid. The Township would have the right of first refusal, so if the Lions Club would want to sell the property, the Lions Club would need to first ask the Township if they would be interested. And if the Lions Club disbands, they have to turn the property over to the Township. A minimum of two (2) Supervisors need to be

committed to the financial obligation for the lease agreement. The Township needs to be sure that this is how we would like to proceed to give the proper information to the Lions Club.

The lots that the Township would like from Larry Dean Martin along Lions Park Drive do not exist. The Township would like the lots to be larger than what they are currently. The easiest way to go about this process is to add something onto the new subdivision plan for the Cherry Hill Mennonite School. Larry Dean Martin would need to be on board with it and agree to do that now. In order to include these properties in the grant application, the Solicitor stated that he needs an agreement of sale to include in the grant application. The Township needs Larry Dean Martin to agree to a price and to the enlargement to those existing lots to the dimensions that the Township is looking for.

Gary Deck stated that Larry Dean Martin stated to make him an offer. The Township would like the lots to be extended to be in line with the current Township owned lot. If the Board of Supervisors agree on the terms for the lease with the Lions Club and the agreement of sale of the two lots currently owned by Larry Dean Martin, it could then be ratified at the April 14, 2021 Board of Supervisors meeting.

The decisions for these grants are not made until November 2021, however the grant application deadline is still April 14, 2021. It is essential for the Township to provide a sketch to show the land being proposed for the recreation space and a price. The current lot size of Larry Dean Martin's lots are .65 acres each. The Township would like the lot size to be .99 acre per lot. The amount of \$20,000-\$25,000 per lot was discussed. Gary Deck stated that he could talk to Larry Dean Martin for a response. The Township lot is 1.5 acres. There would need to be a condition in the agreement that the price is subject to an appraisal that shows that the land is worth at least the amount. There is a condition in the second class Township code that the Township cannot buy real estate without an appraisal and the price shall not exceed the appraisal. The Solicitor stated that the Township is safe with \$25,000 for each of the two (2) lots, however the Township still needs to include a term in the agreement of sale that gives the Township an out that says that the price cannot exceed the appraisal.

John Zimmerman stated that the Township will be taking over the Lions Club expenses and the agreement with the Lions Club, and purchasing two (2) lots from Larry Dean Martin to add to the recreation area and the agreed upon price is \$25,000 per lot. The Township Solicitor stated that we need a verbal agreement on the price and he will draft a simple agreement to include with the grant application. We will then follow-up with a formal agreement to submit to DCNR as soon as the documents are executed.

The Township Solicitor suggested that Gary Deck discuss with the other two (2) Board of Supervisors to verbally authorize the offer and then discuss with Larry Dean Martin and get it negotiated and let the Solicitor know so that he can draft the agreement of sale to be included in the grant application.

John Zimmerman made a motion to recommend to the Board of Supervisors to move forward with the lease agreement with the Lion Club and an agreement of sale with Larry Dean Martin. Seconded by Gary Deck and approved unanimously.

Gary Deck commented that the Township will be receiving stimulus money, however there are limitations on what it can be used for. There will be more details on this in the future.

John Zimmerman is concerned with tractor trailer traffic on West Market Street to Woleber Road or Greble Road out to Route 645/Camp Swatara Road. The Township should consider erecting signs that state no trucks over 35 feet on this road. It is a safety hazard. A study would have to be done. The easiest way to do a study is to do a simple study with a turning template on the road to show that a tractor trailer truck cannot stay in their own lane. The problem with this area, is Woleber Road and Route 645 intersection is in Jackson Township, Lebanon County. If there is a portion of the road in our Township where the road isn't wide enough to handle the tractor trailer truck traffic. It would be right near the Mt. Aetna Mennonite School. It is hard to prevent the trucks from turning onto West Market Street. If the Township would prevent the truck traffic, we would have to give them another route to take instead. We could get an agreement with Jackson Township to do a joint study and regulate the road from a point in Tulpehocken Township to the intersection of Woleber Road and Route 645 restricting the length of trucks. We cannot prevent local delivery truck traffic. John Zimmerman stated that he would be willing to go to a Jackson Township meeting to explain the danger of the truck traffic as a safety factor. The signs will not stop the entire issue because the over the road trucks will still come through, but it may help.

The Township Solicitor would like to discuss amending the SALDO for new residential lots and recreation fee. The Township does not have the ability of imposing a recreation fee because the Township has not performed a recreation study, economic analysis and property evaluation that is necessary to have a validly enforceable recreation fee. The Township can require the dedication of land for recreation purposes which then opens the door for the Township to discuss with the lot owner on how they will meet the requirements and the Township could say that we would accept cash in lieu of land. This regulation is to change where the starting point is for people to deal with an obligation to have recreation as part of their subdivision. Under the proposed ordinance, the Township only has for more than twenty (20) lots. In discussion, it should state for more than two (2) lots. All housing units created at any time from a tract which existed on the effective date of this amendment should count toward the number of housing units which requires provision of Open Space. The Township Solicitor will revise the proposed amendment. The Township Solicitor also stated that he does not feel that it is justifiable for non-residential lots. *John Zimmerman made a motion to recommend to the Board of Supervisors to enact the draft amendment with the revision of the two (2) lots, seconded by Gary Deck and approved unanimously.*

John Zimmerman stated that there will be a memorial for Ray Daub on April 3, 2021 at the Lebanon Valley Golf Course from 2-4pm if anyone would be interested in attending. The Planning Commission members signed a sympathy card to send to Jane Daub. Ray passed away on February 14, 2021.

Gary Deck made a motion to adjourn the meeting at 9:45 p.m., seconded by Robert Sattazahn and approved unanimously. The meeting was adjourned.

Respectfully submitted,

Heather Claman, Planning Commission Secretary