

**Tulpehocken Township Planning Commission Meeting
December 6, 2018**

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

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

The minutes from the November 1, 2018 meeting were reviewed. The minutes were approved as written.

Public Comments: None.

Active Plans:

Mountain Meadows Phase II: Time expires March 11, 2019. The Township Engineer stated that he had a meeting with the Developer, Louie Hurst and his Engineer Jim Henke on November 14, 2018. A new pump station will need to be constructed, the current pump station cannot be used, however the Township would like to keep and use the existing pump station as a backup if there are ever issues with the new pump station. Louie will be taking a look at the fire dam/pond. They hit rock when excavation before and would like to look into other options. The Township does not want ownership of the pond because of the wet maintenance.

When Phase II plans come in, the Township may want to the developer to pay a fee in lieu of recreation space. Louie will come up with a concept plan to present all options. Louie also questioned whether flag lots are allowed. The Township does not allow flag lots in this zoning district.

The Recreation Grant Study Committee has started the grant planning process. This contract process should start in February 2019. There will be a total of 8 meetings with this process.

Camp Calvary: Time expires February 27, 2019. The applicant's Engineer could not attend the meeting this evening. The Township Engineer reviewed the plan. The only change with this revised plan is to convert the lower parking area from pavers which control stormwater to an impervious surface that requires a stormwater basin.

The NPDES permit will need to be amended. Since this is a revision to the final plan, the Township Solicitor stated that waivers would not be needed since this is a revised plan. The last final plan is from Larson Design Group and now it is from Diehm & Sons. Dave Mease worked for Larson Design at the time and submitted the plan and now he is with Diehm & Sons and continues to work on this plan.

The Township Solicitor would prefer that the original plans are used and the new firm signs off on these plans. The other option is that there is an understanding that there will eventually be an order of recording and the original plan is recorded first and then the revised plan is recorded.

This would be so that in the future, there is record at the courthouse of all the planning improvements. To avoid an issue like this in the future, the Township could impose a deadline and the plan would have to be recorded in a certain time frame. Under the NPC the developer has the right to construct the improvements before the plan is recorded in order to avoid the responsibility to post an escrow. The legislature created that option for developers to make to more economically viable to do land development. There is a process that the Township can follow to impose conditions regarding conditional plan approval.

Lot Annexation Plan for John & Fern Swope Tract: Time expires January 30, 2019. The applicant's Engineer informed the Township Engineer that Mr. Swope will be selling or has sold this lot to the neighbor, Dennis Martin. However, Mr. Swope would like to continue with the annexation. A proposed sketch was presented and the area now being annexed by Mt. Aetna Developers is northern backside of the property. This lot will take over some of the bard ruins. A formal review has not been performed by the Township Engineer. Since the piece is part of the overall, the applicant's engineer needs to show the complete property for Mr. Swope because of taking a piece from the overall plan.

The existing pump station is not part of the Swope Plan. The Township Solicitor would like the pump station deed recording corrected along with this plan.

New Plans: None.

Walk-in Discussions:

Matthew Ehst with Spring Pond Farm located at 92 Deck Road was present to discuss erecting a 50 x 84 foot high tunnel structure. This structure would be used for farm equipment storage only. High tunnel structures do not require stormwater as per DEP. Press release from April 15, 2018 stating that Governor Tom Wolf signed into law Act 15 that waives Stormwater Management Plans for high tunnel structures which are temporary structures. In June of 2005 a 40 x 100 farm implement shed was built on the property. Mr. Martin would like to add a 4,400 square foot addition to the existing heifer barn and a new silo. There are no new utilities being proposed for this structure. Per the SALDO he would technically need land development due to the past improvements done in 2005, but stormwater would be exempt. Land development is typically to look at stormwater, zoning and driveways. No new driveway is being proposed and minimal grading will need to be done. Anything under 5,000 square feet of disturbance is exempt from E & S approval from the County, however it isn't exempt from having a plan on site and doing something for stormwater. If over 5,000 square feet of disturbance, a simple E & S plan would need County approval.

An aerial plan could be drawn up to at least to show how earth disturbance is going to be handled. This could be submitted along with the zoning permit application form for review.

The Township Engineer stated that the definition of land development in the SALDO says the addition of a single accessory farm building with a footprint area under 4,000 square feet, or combination of accessory farm buildings constructed either at one time or over a period of time which together have a combined footprint area under 6,000 square feet, on a lot or lots subordinate to an existing principal building.

Scott Hetrick made a motion to recommend to the Board of Supervisors to grant the waiver of Land Development with the condition that the Mr. Ehst would submit an E & S plan along with his zoning permit application form. He is exempt from the new state law (Act 15) for stormwater due to the high tunnel structures being temporary. Laverne Frey seconded the motion and was unanimously approved.

The Township Engineer stated that he could give Mr. Ehst a printout to add whatever he is going to use for E & S control etc. Again, if the complete area of disturbance is over 5,000 square feet, an E & S permit is required with the Conservation District and then he will need come back and submit the County approval to the zoning officer for verification of County approval prior to the zoning permit being issued. It was recommended that Mr. Ehst does obtain a permit from the Conservation District especially since there is a waterway on the property.

Mr. Ehst will need to evaluate if he will be over the 5,000 square feet of disturbance and what his needs are, he needs to measure and determine what the total area of disturbance is. If it does go over the 5,000 square feet, he will need to present verification of the Conservation District approval prior to receiving a zoning permit from the Township. If under the 5,000 square feet, Mr. Ehst is to contact the Township Engineer and they will provide an aerial printout and he would need to sketch what he would like to do. The Township Engineer will need to perform a site visit to verify what is proposed.

Joseph Halteman's property is located at 50 Camp Swatara Road. This is a current dairy operation which went through land development 3 years ago. Mr. Halteman would like to add an additional 66 x 126 foot (8,316 square feet) pole building on the property. Red Barn is working on stormwater for the existing ponds. This proposed building is not exempt from stormwater. Red Barn feels like the existing basins can be modified to meet the Township stormwater requirements. This will also need E & S approval due to the total disturbance being over 5,000 square feet. It also meets the definition of land development because the individual proposed building is over 6,000 square feet. This building will not house any animals.

Mr. Halteman is requesting a waiver of land development with the conditions that stormwater and E & S requirements are met and a zoning permit will be obtained from the Township. Due to the size of the proposed building, this is not an automatic exemption from land development.

The electric service will come across from the existing barn utility room. There could be a hydrant used to rinse off equipment. No bathrooms or showers are being proposed. There is already access from the existing driveway. No landscaping requirements or building permit will be needed due to this being agriculture. The additional proposed stone area is 8,370 square feet. This is a total of 16,686 square feet of disturbed area.

Anything that Mr. Halteman proposes in the future, will require land development due to using over the 6,000 square feet initially on the original plan.

The Township Engineer stated that if the waiver of land development is granted, the conditions would be that Township Stormwater Management is met, E & S approval through the County is obtained and a zoning permit is obtained through the Township.

Red Barn has a pre-development rate for volume for the ponds. They will need to go back and add the additional impervious area in and verify it with the pre-rate from before for the total impervious area. If there are any plans for any new future buildings, they should be added to the proposed new additional buildings.

Laverne Frey made a motion to recommend to the Board of Supervisors to grant the waiver of Land Development with the condition that the Mr. Halteman obtains the following:

- *Stormwater requirements*
- *E & S approval*
- *Zoning permit from the Township*
- *A written waiver request of land development is received by the Township prior to the Board of Supervisors meeting on December 12, 2018.*

Scott Hetrick seconded the motion and was unanimously approved.

The Township Engineer stated that Mr. Halteman or Red Barn should be present to discuss the questions that the Board of Supervisors may have at their meeting.

Mr. Halteman would like to add a lean-to roof (approximately 12 x 35 feet) over the existing concrete pad. He should also add this to his waiver of land development request. Due to this being another structure with a roof over it. Red Barn will need to show this on the plans. The Township Engineer will verify the proposed buildings to verify stormwater.

Laverne Frey made a motion to amend the prior motion to include the roof over the pad area/commodity shed and the requirement to pay fees associated with the Township stormwater review. Scott Hetrick seconded the motion for the amendment and was unanimously approved.

Red Barn will need to submit for E & S approval from the Conservation District for a small project, submit stormwater plans and a zoning permit application to the Township. The Planning Commission Secretary will email Red Barn to ask for the waiver request and to forward a zoning permit application form. The Township Engineer will discuss the conditions with Red Barn directly.

Other Business:

John Zimmerman asked about the status of the **Lanita** basin. The Township Engineer stated that the Conservation District gave the go ahead with putting fine stone at the bottom of the basin. The Board of Supervisors gave the applicant until the end of May repair this issue. The

Township Engineer stated that one of the biggest problems is that the banks of the basin were not stabilized. The sides should have been stabilized with grass, it was bare ground. When the basin was dug out, the berms all around should have been covered.

This basin needs to drain. Before the NPDES is closed out, the Township may have Lanita sign a drainage easement and have it recorded to protect the Township.

The Planning Commission Secretary stated that Planning Commission member, **Ray Daub submitted a letter of resignation** since he will be moving out of the area. All in attendance signed a card thanking Mr. Daub for his time spent on the Planning Commission.

The Board of Supervisors will review his resignation at their meeting on December 12. They will need to decide whether to fill the vacancy or go back to a 5 member Planning Commission Board.

Scott Hetrick made a motion to adjourn the meeting at 9:30 p.m. The motion was seconded by Gary Deck and approved unanimously. The meeting was adjourned.

Respectfully submitted,

Heather Claman

Planning Commission Secretary