

**Tulpehocken Township Planning Commission Meeting
March 5, 2020**

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

The Planning Commission meeting began at 7:35 p.m. and continued with the pledge to the American Flag.

Gary Deck made a motion to approve the minutes from the January 2, 2020 Planning Commission meeting, seconded by John Zimmerman and approved unanimously. Planning Commission didn't meet in February 2020 due to lack of business.

Public Comments: None.

Active Plans:

Mountain Meadows Phase II: The Developer, Louie Hurst was present for discussion of the plan. The Township Engineer and Mr. Hurst have had discussion regarding the streets in Mt. Meadows. There is some wear on the streets and Mr. Hurst is going to have Martin Paving take a look at the streets to decide the best plan and have this addressed this year. Gary Deck commented that if patching occurs and then oil and chip that gives an even seal and has worked well and is cost effective. The Township Engineer stated that the cost estimate that is escrowed does appear to have amounts listed for patching.

Mr. Hurst would like to have the street lights energized. The roads have not been dedicated to the Township. Typically the dedication of street lights occurs simultaneously with the dedication of the roads.

Dan Hershey is designing the new pump station. The Township Engineer has a copy of the design for review. The plan is that when Phase II comes in the pump station needs to go in at the same time. It will make more sense to do the force main at the same time as the new pump station since you need to make a temporary connection at the old pump station since the new pump station will be relocated. We haven't had dual pump activity other than maintenance. A minor leak was detected and addressed.

Phase II is being worked on. DEP is a problem because of issuing NPDES permits. Mr. Hurst is running into major issues and delays. He is hopeful that Phase II plan will be submitted by mid-summer as a conditional preliminary plan.

A new wetland study needed to be performed due to the time of the plan. The wetlands area has grown in what was going to be the recreation area. The Township would be more favorable to fee in lieu of land. The space that was favorable at one time is not suitable for a recreation lot.

Mr. Hurst would be interested in possibly making a flag lot and sell it off to one person. This would include the wetlands, and detention pond. A driveway could go between lots on Clover Drive (favorable lot that a driveway would go on could be Lot 81). The Township Ordinance does not allow flag lots. Silos would be taken down and the lot would be cleaned up.

The Township Solicitor stated the Township could consider an amendment to the Zoning Ordinance that says that if you have a Subdivision in the Township with at least 80 lots, the developer could have 1 flag lot.

The street lights are all installed and throughout Phase I. There is no prohibition against having the Township collect assessments for street light tax on street lights on a private road. The Township Solicitor believes that legally it is possible. However, the Township needs to think carefully about the practical side of it. If the Township would except the street lights so that it could be the subject of collections of assessment of the electricity and maintenance costs before the roads are dedicated, there is no guarantee today that the Township will ever take over those roads. There isn't any financial security for Phase II, the Township wouldn't accept the roads in Phase I as they currently exist because there aren't cul-de-sacs and it isn't really designed to be a Phase I only road system. There is some risk to the Township to accept the street lights before the roads are dedicated. What if the roads are never in a condition for the Township to accept them? If there would be financial security in place for Phase II, the Township Solicitor stated he would feel better saying that it is more likely than not that the whole road system is going to be improved by the developer or by the Township using the financial security. If Phase I plans show temporary cul-de-sac bulbs (2) and if there is money escrowed in the Phase I escrow to construct temporary cul-de-sac bulbs (2), the Township Solicitor stated that a Phase I only development would be acceptable and the cost for completing construction of the roads is escrowed so there is relatively little risk to the Township if willing to accept the street lights only. On a practical side, it is an annual assessment. We are out of time for 2020. We would need to talk to the County to see what would be involved in this process. The Township could collect approximately \$36.00 per lot for the street lights. The lights would need to be activated, inspected to make sure they are all working and then the Township could consider dedication of the street lights.

Mr. Hurst stated that he needs a resolution to give to Met-Ed. There needs to be someone that is responsible to pay for the energy used. Met-Ed has a standard form and Mr. Hurst will email this to the Township Solicitor for his review. The street lights are high pressure sodium bulbs. The Township has switched all lighting to LED. Mr. Hurst stated that he would be willing to switch to LED bulbs if the Township would let him know what bulbs they are using.

Summary of discussion:

- Patching of the road to be done. Meet with Township Engineer on how this will be done.
- The Township Engineer to review plans to see if temporary cul-de-sac bulbs (2) are on the plan.
- Replace the sodium bulbs with LED bulbs for the street lights.
- No recreation space. The Township is looking for a fee in lieu of land.
- The Township Engineer will review the pump station plan.
- Phase II conditional preliminary plan submission goal is July 2020.
- Flag Lot-amend the Township Zoning Ordinance. The Township Solicitor stated that he would suggest to amend the Zoning Ordinance to provide that if there is a residential subdivision with at least 90 lots, the developer could have one flag lot.

Mr. Hurst stated that Phase II lots could sell quick as they could be more appealing. They have hired new marketing people and they have seen more activity since and are hopeful that sales will increase.

Robert Sattazahn made a motion to recommend to the Board of Supervisors for the concept of allowing a single flag lot for Phase II and to move forward with a zoning amendment to make that possible with the developer being responsible for the expenses of that amendment. Seconded by John Zimmerman and approved unanimously. It was recommended that the Township Solicitor attend the Board of Supervisors meeting on Wednesday, March 11, 2020 to discuss the details of the amendment.

Mr. Hurst stated that mid-April he would like to meet with the Township Engineer to go over the paving issues in the development.

Time expires March 11, 2020. Pioneer Management LLC, the applicant's engineer, presented a time extension letter to the Township for a 184 day time extension. Gary Deck made a motion to recommend to the Board of Supervisors to grant the time extension request for Mountain Meadows as a 184 day time extension to September 11, 2020. Seconded by John Zimmerman and approved unanimously.

The Planning Commission discussed that they believe that the Recreation Board would prefer money in lieu of land so that a favorable lot could be purchased for recreation space. Larry Dean Martin's lots on Lions Drive were mentioned and even some of his farmland directly behind the Township's lot next to the Lions Club grounds.

The Township may want to put a deed restriction for noise (such as dirt bikes and target shooting) on the wetland's lot in Phase II to state that a non-resident of the lot is not allowed to partake in noise restriction activities unless it was permitted under the zoning ordinance as an outdoor recreation use. If it is only people that reside on the lot, the Township could not mandate it. Only when people that are non-resident of the lot can the Township regulate this restriction.

The Township needs a recreation plan in order to use the MPC regulation for the fee in lieu. The Township has not completed the process to come up with a cost figure for proposed recreation improvements in the Township. That is the purpose of the recreation plan. Then come up with a pre lot contribution to the cost of constructing those said improvements and that becomes your recreation fee.

The developer is required by the ordinance to provide 25% of the tract for open space. If he doesn't comply with that, the Township can reject the plan. What the developer could do is request a waiver of that regulation and there will be a condition that will be opposed upon the granting of that waiver. And the condition will be his payment of money. So there is nothing in the ordinance that says what the amount would be, the Township Solicitor would prefer that there would be a recreation plan an dollar amount named in a per lot fee. It would be easier to deal with this situation.

If the Township wanted to collect a fee for every new house that is built in the Township, we need to complete that planning process and come up with improvements that are proposed to the Township, cost estimate for the improvements and figure out what an average lot in the Township is worth and how many new houses are projected. There is a whole process, if that is done, the Township will have no problem legitimizing the collection of that fee. However, as it is, the Township has the developer in a bind because of the 25% open space regulation. When calculation open space, such calculations shall not include areas within existing street rights-of-way, flood plains, wetlands, utility rights-of way, storm water facilities, or slopes in excess of 25%.

The Township Engineer reviewed the plans for Phase I and there is only one temporary cul-de-sac shown on Clover Drive going into Phase II.

New Plans: None.

Walk-In Discussions:

Other Business:

The Recreation Grant Study Committee meeting was held on February 19, 2020. Tulpehocken Township does not currently have full control of either park site in the municipality and did not think that control could be secured prior to the grant deadline to submit a planning grant for either Rehrersburg Lions Club Park or Mt. Aetna Playground. It was mentioned to do a peer grant to facilitate the memorandum of understanding for a partnership on one or both community park assets. A peer grant could be funded anytime and may not be the best use of the early implementation grant. There are major improvements need at both playground areas (Mt. Aetna and Rehrersburg) and it was stated that they are both a high risk of injury.

The Township Solicitor suggested that the Township follow up this grant with a new grant application for an implementation grant that would help to build some of the improvements mentioned. In Tulpehocken Township the Mt. Aetna Rescue Fire Company and the Rehrersburg Lions Club provide recreation areas that are used by the public. The Township should proactively approach these organizations to explore the possibility of leasing these recreation sites for public use. Long term leases will allow the Township to apply for State Grants for the enhancement, improvements and renovations of the parks and allocate Township funds for those improvements. The Township should address safety and accessibility issues, renovate facilities as needed and expand recreation opportunities. The Township did approach the Rehrersburg Lions Club, however at this time, the members are not interested in leasing the Lions Club to the Township. The Township could condemn the playground areas saying that we will give you fair compensation, we have money from the developer of Mountain Meadows. The Township has the power of eminent domain.

The Tulpehocken Administration Building grounds could be improved for outdoor recreation use. Indoor space is available as well. Lease agreements with the Tulpehocken School District for public use of the facilities would allow the Townships to seek state grant funds.

There is a possibility of getting \$10,000 for joint training and strategic planning for the Bethel, Marion and Tulpehocken Township Recreation Boards to provide guidance, structure and direction for their efforts and money is available through DCNR. Applications for this grant program are available anytime throughout the year. One Township would need to apply on behalf of all three Townships.

The Township Solicitor stated that the Township isn't even close to having designated improvements with cost estimates to create those facilities and then do a calculation and come up with a per lot fee and then adopt an Ordinance to put that into the SALDO.

The Township Solicitor suggested that it is going to be a lot easier if we had numbers on what we are going to do with the money from the developer of Mountain Meadows.

The Planning Commission members discussed the Municipal Officials Dinner to be held Thursday, March 26, 2020. All five of the members are planning to attend.

Robert Sattazahn made a motion to adjourn the meeting at 9:34 p.m., seconded by Gary Deck and approved unanimously. The meeting was adjourned.

Respectfully submitted,

Heather Claman, Planning Commission Secretary