

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

Present: Planning Commission Members: Robert Sattazahn, Scott Hetrick, Laverne Frey, Gary Deck, Ray Daub, John Zimmerman, Michelle Mayfield, Bob Ludgate and Heather Claman.

The Planning Commission meeting began at 7:36 p.m. and continued with the pledge to the American Flag.

The minutes from the August 2, 2018 meeting were reviewed. The minutes were approved as written.

Public Comments: None.

Active Plans:

Mountain Meadows Phase II: Time expires March 11, 2019.

Camp Calvary: Time expires February 27, 2019

New Plans:

TW Construction-New Barn: This is a 45 acre property is located at 31 Witman Road. The applicant has been in front of the Planning Commission in the past proposing the bank barn for commercial use as well as agricultural use.

The developer has agreed to a small impact occupation use limiting the commercial use of the new structure to 1,000 square feet. The Township Solicitor will prepare this restriction to be part of the future deed to prevent any future owners from putting a business in this location. There is a \$500 escrow which is required to insure the recording of the consolidation of the deed.

The plan still needs E & S and NPDES approval. The applicant's Engineer will address the issues in the Township Engineer's review letter dated September 5, 2018 and revise the plan for hopefully next month.

The applicant's Engineer submitted a waiver request for the following sections:

- *Section 205.1. This section pertains to the requirement of submitting a preliminary plan for approval ahead of submitting a final plan.*
- *Section 307.B.1.a. This section pertains to the requirement of providing a minimum of 48 inch of separation between the bottom of the basin and the limiting zone. The PA BMP Manual only requires a minimum of 24 inches of separation.*

John Zimmerman made a motion to recommend to the Board of Supervisors to grant the above waiver requests. Scott Hetrick seconded the motion. All in favor, motion carried.

There was discussion on whether the Township could amend the Tulpehocken Watershed Plan. The Township Engineer stated that the Township could discuss with the Conservation District to see if there could be an amendment to the section of the limiting zone since the Township is

continuously granting waivers for this section 307.B1.a for various land development plans due to the distance of 24 inches from the basin bottom be permitted by the PA Stormwater BMP Manual.

The holding tank location and permit will need to be coordinated with the Township Sewage Enforcement Officer.

The easement for the driveway is listed in two deeds that the applicant's Engineer provided for the Township Solicitor and Township Engineer to review. Metes and bounds are listed in the deeds for the existing 10 foot right-of-way. The shared driveway needs to be documented.

Walk-in Discussions: None.

Other Business:

Ray Daub would like to discuss the retention basin for the **Lanita Plan**. The rain water comes through the bank and floods Mr. Daub's yard as he is the adjoining property owner. The Conservation District performed an inspection and it was noted that basin #2 is not infiltrating properly. Mr. Diller, the property owner has been cited for this issue.

The Township Engineer wanted to be there when the berm and clay core was installed, and he wasn't notified at the time of installation. The clay core pictures that were shown, are believed to be from another job site, not the Lanita site.

The Township Engineer stated that the problem needs to be fixed. The property owner needs to come up with a solution to correct this basin. They will need approval from the Conservation District and the Township Board of Supervisors.

The Township is still holding an escrow for this plan. If the Board of Supervisors is not satisfied with the timeframe of the work that is done to correct this issue, the Board of Supervisors can authorize withdraw from the escrow account the Township has for this plan and fix the issue themselves. If the owner made the contractor a co-permittee, the contractor is responsible to fix the issues that arise.

Steve Bensinger from Stackhouse Bensinger Inc. was present to discuss the TW Construction plan. His office designed the basin plan. He will relay the information that was discussed this evening to the property owners.

John Zimmerman made a motion to recommend to the Board of Supervisors to take the necessary action to have the retention basin issues resolved and have it work properly. This includes a letter to be drafted by the Township Engineer stating the issues and the procedures to resolve those issues. Scott Hetrick seconded the motion. Ray Daub abstained from voting due to be the adjoining property owner. All other Board Members voted in favor, motion carried.

The Township Engineer stated that there could potentially be an issue with the existing stormwater basin for the **John Bickler Land Development Plan**. The Township Engineer recommends that there be a recorded easement so that future property owners for either property

involved would understand their responsibility. Mr. Bicksler does not want to alter the existing basin that is currently constructed. The approved design was supposed to be a little higher to hold back the 100 year storm. The applicant kept the existing berm and the 100 year storm may go over the top more frequently than originally approved.

The Planning Commission does not understand why the berm was not updated to what the plan stated. There were issues with runoff in the past prior to Mr. Bicklser even owning the property. Other land development plans are told to make their basins or ponds bigger to manage the extra stormwater runoff, this plan should not be any different.

The applicant has asked for relief, the Township does not have to grant the relief from the Stormwater Ordinance.

The Township Engineer stated that he would like to know how much of the ordinance requirements are being negated by requesting this waiver. The Township Engineer could perform a thorough inspection and calculations to address the concerns.

The applicant's engineer, Boyer Engineering LLC submitted a written request and in the waiver request, it does not cite a reason why the diminished requirement should be accepted. The letter does not state a reason or problem as to why they would not adhere to the discharge requirements of the ordinance. It is a waiver request from Section 302 of the Stormwater Ordinance. This refers to the stormwater peak rate runoff. This would allow an increase in peak rate discharge for the 25 year storm event in the B1 Stormwater District. All smaller storm discharge rate reductions are met. The adjoining property owner, T. John Bicksler, has agreed to accept increased stormwater discharge associated with this waiver request. The property owner assumes all liabilities that may arise due to increased flow through the adjoining property.

Laverne Frey made a motion to recommend to the Board of Supervisors to deny the waiver request for Section 302 due to the lack of information which was provided. Ray Daub seconded the motion. All in favor, motion carried.

John Zimmerman made a motion to recommend to the Board of Supervisors to have the Township Engineer review what was done and what wasn't done based on the final plan approval. There should be a diligent attempt to have the particular existing construction inspected to see if it complies with the approved recorded plan. This is whether the Township does or does not receive correspondence as to the reason for the waiver request. Laverne Frey seconded the motion. All in favor, motion carried.

Ray Daub made a motion to adjourn the meeting at 9:02 p.m., seconded by Gary Deck. All voted in favor. The meeting was adjourned.

Respectfully submitted,

Heather Claman

Planning Commission Secretary

