



Dickinson Township
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PLANNING COMMISSION REGULAR MEETING May 8, 2013

PRESENT: DENNY STRAUB, KEN GIFFHORN, DAN WYRICK, LYNN HOOVER, EARL BOCK, TOM SMITH - MEMBERS; Larry Barrick, Assistant Manager/Zoning & Codes Enforcement Officer; Jason Reichard, Engineer; Denise Gembusia, Secretary/Treasurer.

VISITORS: Judy Brough, Mike Wadel, Leah Hoover, Laura Portillo.

CALL TO ORDER

Vice Chairman Straub called the meeting to order at 6:00 pm and led the audience in the pledge of allegiance. He then asked that the business item listed on the agenda be addressed before moving forward with other business.

BUSINESS

1. *Ratify Motions for Committee Officers.*

Zoning Officer Barrick explained that the nomination of committee officers was not conducted properly at the organization meeting and needed to be corrected at this meeting. Nominations were received and seconded, but no motions were made on the nominations.

Ken Giffhorn motioned to appoint Paul Strizzi as Planning Commission Chairman. The motion was seconded by Lynn Hoover and passed unanimously.

Earl Bock motioned to appoint Denny Straub as Vice Chairman of the Planning Commission. The motion was seconded by Ken Giffhorn and passed unanimously.

Denny Straub motioned to appoint Tom Smith as Planning Commission Secretary. The motion was seconded by Ken Giffhorn and passed unanimously.

APPROVAL OF MINUTES

1. *March 13, 2013 Planning Commission Regular Meeting Minutes*

Ken Giffhorn motioned to approve the March 13, 2013 Planning Commission regular meeting minutes as presented. The motion was seconded by Earl Bock and passed unanimously.

2. *March 13, 2013 Planning Commission Organization Meeting Minutes*

Dan Wyrick motioned to approve the March 13, 2013 Planning Commission organization meeting minutes as presented. The motion was seconded by Lynn Hoover and passed unanimously.

CHAIRMAN'S COMMENTS

Vice Chairman Straub noted that Planning Commission Solicitor Keith Brenneman resigned due to other work commitments. It was noted that no responses to the RFQs were received and the deadline to do so has been extended to May 13, 2012. The item will go before the Board of Supervisors at the May 20, 2013 meeting.

PUBLIC COMMENT

Judy Brough discussed an anonymous email that was sent to her from the Planning Commission email address. She wanted to know who wrote the email and asked the author to come forward publically before asking the Planning Commission to provide her with the author's name. There was a discussion over the email system, right-to-know processes, committee responsibilities, computer systems and electronic communication policy.

REVIEW OF PLANS

1. *Minor Final Subdivision Plan for Victor and David Barrick Request for a Planning Waiver & Non-building Declaration for Victor and David Barrick*

Mike Wadel was present and discussed the plan with the Commission. Victor and Dave Barrick propose to subdivide 2.23 acres (Lot #3) from their 55.7 acre farm for residential purposes. An existing dwelling, driveway and sewage disposal area are currently located on proposed lot #3. The proposed lot also utilizes an existing water well located on the residual property. A utility easement to preserve the use of this well is proposed and depicted on the plan. The residual property (Lot #1) has existing farm buildings along with a gravel driveway and will continue to be used for agricultural purposes. No earthmoving or improvements are proposed for any lot as a result of the plan.

Engineer Reichard reviewed his comment letter dated May 7, 2013. He noted that a waiver of Section 178-13 of the Dickinson Township SALDO was requested by the developer on behalf of the owner. Section 178-13 indicates that all plans when first submitted be considered preliminary plans. Section 178-16 gives relief from 178-13 when the entire tract of land is divided into not more than two lots with frontage on a public street of sufficient width. This plan has only two lots being subdivided and both would meet the minimum frontage requirements on a public street. Engineer Reichard recommended a waiver of the preliminary plan submittal in order to consider the plan submission as a final plan.

A waiver of Section 178-21.A5 of the SALDO requires existing topographic contours to be provided on the plan. Existing topographic contours have been provided for proposed lot 3. However they have been excluded from the residual tract. The Engineer recommended the owner request a waiver of this requirement.

The Engineer noted that comment #2, which requires the seal and signature of the responsible registered surveyor to be provided on the plan, was already addressed and on the top right block. The notarized certificate of ownership should be required as a condition of approval.

Section 178-21.A.9 of the SALDO requires adjoining property owners to be noted on the plan. The notation for Lot number 2, N/F Keck does not contain an accurate plan book and page reference. Mike Wadel said he would conduct the proper research and fix the notation.

Section 205-11.E of the Zoning Ordinance identifies minimum and maximum lot area and related regulations. A site data table should be included on the plan. Engineer Reichard said that he had missed the table on his initial review, but noted that it was present on the plan. He said that a note that references the requirement to comply with Article V of the Zoning Ordinance regarding existing nonconforming uses and structures needs to be added to the plan.

Engineer Reichard requested that the dedicated right of way be consistently represented on the plan. Mike Wadel said he would fix the problem and indicate the 25 foot right of way from the centerline of the road. Additionally, the plan does not indicate whether a full perimeter survey was completed. The type of property corner and status of placement should be identified for Lot number 1.

The index map illustrates the boundary of the original tract by a bold line while previously subdivided lots number 2 are represented in a manner that does not account for the previous subdivisions. The perimeter of lot number 1 needs to be updated to clearly acknowledge the previous subdivisions including proposed lot number 3. New bearings and distances will need to be established for residual lot number 1. Dan Wyrick asked if the Planning Commission should be concerned that there are previous subdivisions that resulted in two lot number 2's. Also, he questioned what the requirements were at the time of the previous subdivisions. Since the current owner decided to subdivide, it may not be their responsibility to bring everything up to today's standards. A zoning ordinance may not have been in place at the time of the previous subdivisions. The Engineer responded that there was no concern over having two lots numbered as 2 and that it would be the current owner's responsibility to bring the subdivision requirements up to date.

Ken Giffhorn and Dan Wyrick felt that if there were no zoning requirements in place at the time of the previous subdivisions, it was not possible to penalize the current owner. A new survey could cost \$2,000.00 or more, depending on filing fees and attorney costs. There was a discussion over whether or not a new survey would be required. The Engineer noted that it was not required in the current Dickinson Township SALDO.

Mike Wadel addressed comments 10 and 11, stating that he would include existing farm buildings and associated access drives on the plan as well as clearly stating all dedicated rights of way being offered to Dickinson Township for the purpose of establishing a public street right of way.

Dan Wyrick asked about the proposed 20 feet utility easement noted on the plan. The Engineer stated that it should technically be shown on the deed for lot #1. The Planning Commission asked for a clean copy of the plan before making a recommendation to the Board of Supervisors. It was noted that the Barricks must decide the fate of a new survey requirement. Mr. Wadel stated that he would inform the owners.

Since the plan was up for discussion only, no action was taken.

SOLICITOR'S REPORT

No report was provided.

ENGINEER'S REPORT

No report was provided.

ZONING OFFICER'S REPORT

No report was provided.

PARK & RECREATION LIAISON REPORT

No report was provided.

SUPERVISOR LIAISON REPORT

No report was provided.

ADJOURNMENT

Ken Giffhorn motioned to adjourn the meeting at 7:38 pm. The motion to adjourn was seconded by Lynn Hoover and passed unanimously.

Respectfully submitted,



Denise Gembusia
Secretary/Treasurer