

PINE GROVE TOWNSHIP PLANNING COMMISSION
175 OAK GROVE ROAD, PINE GROVE, PA 17963
April 6, 2016 MEETING MINUTES



CALL TO ORDER – Chairman Frank Fox called the April 6, 2016 meeting to order with the Pledge of Allegiance at 7:00 PM. Attending were Planning Commission Members Frank Fox, Ray Stump, John T. Stahl. Craig Kramer and Tom Daubert. Also in attendance were Planning Commission Secretary Cynthia Hummel, Township Engineer Ryan Fasnacht, Heath Machamer (OTM), Wendy Fulton (TKC CXCII LLC), list on file.

PUBLIC COMMENT ON AGENDA ITEMS – No comments were received.

MINUTES – March 2, 2016 Minutes -Stump motioned to approve the March 2, 2016 minutes, Stahl seconded the motion; all were in favor and the motioned carried 5 to 0.

PERSONS TO BE HEARD – No persons to be heard.

OLD BUSINESS

- **Tractor Supply – Preliminary/Final Plan** – Fasnacht said the Township Solicitor reviewed the Performance Guarantee, the Maintenance Guarantee, and he approved the Financial Security. The only items left are:
 - §703.04.C(6) *A signed and recorded copy of the Easement Agreement...* Fasnacht said a recorded easement agreement will be provided after Final Plan approval.
 - §704.6 *A copy of the Highway Occupancy Permit (HOP)...* Fasnacht said the Planning Commission can act on the plan when the HOP is approved.
 - §804.7P *Provide a development schedule.* Fasnacht said the development schedule may need to be modified.
 - §804.9 Fasnacht said the Development Schedule is ready for Planning Commission approval.

Fasnacht said the only outstanding item is the HOP. Wendy Fulton said they would like if the Planning Commission could act on the plan. Fasnacht said the Township policy is not to give contingent approval; if the HOP approval is acquired they have the right to go directly to the Board of Supervisors for approval of the plan. The Planning Commission agreed they would act on the plan if everything was here. Stahl asked why the HOP delay was delayed. Fulton explained the encroachment issues and that PennDOT wanted the recorded driveway easement. Fulton said the driveway and water easements were recorded on Monday, and when they receive the recorded driveway easement it will be submitted to PennDOT. Fulton explain PennDOT has accepted the security amount so nothing should change. Fasnacht said he does not expect any plan changes from the last submission.

Fox mentioned an extension request was received. A motion was made by Stump to grant the extension to May 17, 2016 for Tractor Supply-Preliminary/Final Plan, John T. Stahl seconded the motion, all were in favor; motion carried 5 to 0

- **Aungst, Lloyd& Margaret – Minor Subdivision** – Machamer displayed the plan and mentioned he met with PennDOT today to address the driveway comments. Machamer explained the hardship, cost, and the amount of work because of the Planning Commission’s request for a driveway to be constructed in the future for the new lot. Machamer explained the location of both driveways and that the site distance is greatly increased for a 45 mile per hour road; it would require the stone wall of the porch to be removed. Machamer said PennDOT may come back and request one (1) access point because of the limitations, not only for the site distance but for the stopping distance for vehicles turning into the driveway.

Machamer explained Aungst owned property on the South side of the street where he housed his excavation business until he sold the property in September. Machamer said Aungst had constructed the existing driveway about 20 years ago on the other side of the street to access an area at the top of that property which was utilized for storage of material and construction items. Machamer said there is a 40’ x 100’ pole building where he houses his equipment that was originally stored on the South property. Machamer said Aungst’s desire is to construct a dwelling by the pole building.

Machamer mentioned Aungst constructed a pole building on the new property where the house is proposed on the plan. Machamer said the zoning issue they would be dealing with if they did not subdivide is there would be two (2) primary uses on the same tract and the purpose of the subdivision is to comply with zoning. Machamer said he does not see a difference because August has had an existing construction and dwelling use for 20 years even though it was not put onto paper all he is looking to do is to put his dwelling aside of the garage. Machamer said, if this subdivision fails Aungst is still going to use this driveway for the two (2) uses if the plan is pulled.

Fasnacht asked if the existing driveway meets the requirements. Machamer said it is very close and it would depend on PennDOT's interpretation. Fasnacht asked if the wall is in PennDOT's right-of-way. Machamer said the wall is in the PennDOT right-of-way and if a PennDOT permit is obtained the wall would need to be removed with either driveway. Machamer said even with a possible easement from the neighbor the site distance could not be obtained and the location of the proposed driveway is the only possible location.

Fasnacht asked if PennDOT is requesting a HOP for the existing driveway. Machamer said they may, he would need to contact various PennDOT representative because they are leaning away from grandfathering old driveways no matter how long they have been in existence. Machamer said the original driveway is 31' wide which the Township requires 50'. Fasnacht mentioned the Township is not requiring an HOP for the existing driveway. Machamer mentioned the Brandt, Newswanger, and Daubert plans have shared easements.

Stahl explained the Planning Commission does not like either option and it is not like the other plans he mentioned, this driveway goes between the property's buildings. Machamer said the only thing he cannot obtain is the required 50'. Fox mentioned that the 30' is right against the buildings. Fox mentioned the SALDO requires each lot to have separate access. After a discussion the Planning Commission agreed to have Aungst submit an application for a HOP to receive their comments. Machamer will make the submission to PennDOT and give the Planning Commission their response. Fox mentioned the Planning Commission would like to work with Mr. Aungst.

- - §502.2.B *No subdivision which will require access to a highway...* Fasnacht said Planning Commission is not in the position to grant the future potential driveway because of the road.
 - §1117.1 *The proposed driveway meets the definition of an access driveway...* Fasnacht said access from two (2) properties from the same driveway must meet the local Township road requirements. Fasnacht mentioned it is excessive to improve that roadway to the width of a Township road for the few 100 feet through the property, so this could be acted upon after the HOP decision.
 - §504.2.J(7) *Verify the storage volume of the stone bed in the stormwater calculations...* Machamer said he will contact Fasnacht.
 - §504.2.M *Margaret N. Aungst did not sign the plan as an owner.* Machamer will have Margaret sign.
- **Stahl, John H. – Boundary Line Adjustment** – Fasnacht said there were no comments on the plan except we did not receive DEP approval for the Planning Waiver & Non-Building Declaration so this is the only remaining item. Fasnacht mentioned you have a right to present the plan to the Board of Supervisors for approval.
- **Miller-Lehman Annexation Boundary Line Adjustment** – Fasnacht said the plan could be approved. A motion was made by Stahl to approve the Miller-Lehman – Annexation Boundary Line Adjustment to the Board of Supervisors for approval, Stump seconded the motion, all were in favor; motion carried 5 to 0.

NEW BUSINESS

- **Matthew Brandt, LDP – Final Plan** – Fasnacht explained the Brandt plan was approved as a Preliminary Plan and a Final Plan was to be submitted within a year. Fasnacht explained the intent was to complete the improvement to reduce the financial security for the site. Fasnacht reviewed the comments:

- §802.3.C(2) *The PennDOT HOPs are expired:* Machamer said Brandt had the HOP extended and will provide copies to Fasnacht.
- §802.4.A *The Act 247 Review...* Fasnacht said the County review was received.
- §804.7 *Provide a Development Schedule.* Machamer said Brandt has the main infiltration trench for the site installed and is working on the basin; he will report back to the Planning Commission. Fasnacht asked for photos of any improvement to the site before they are installed so nothing would need to be dug up to inspect. Stump noted the “For Sale” sign on the property.
- §903.1.A *All applicants proposing any subdivision...* Fasnacht said the intent was to complete as many improvements to reduce the security deposit. Machamer said Brandt will provide the security and he will get the response to the Township.
- §1126.1 *All residential subdivisions or...open space/recreation area.*

Fasnacht said ninety (90) days from today the Township must act on the plan.

- **Mars Diesel Inc. LDP – Final Plan** – Fasnacht explained the Mars Diesel plan was approved as a Preliminary Plan and a Final Plan was to be submitted within a year. Fasnacht explained the intent was to complete the improvement to reduce the financial security for the site. Fasnacht reviewed the comments.

- §802.3.C(2) *The PennDOT HOPs are expired:* Machamer said Pat Aungst has installed the shoulder improvements, apron, and moved the utility poles so the work was completed under the permits. Machamer will get Fasnacht the PennDOT closeout.
- §802.4.A *The Act 247 Review...* Fasnacht said the County review was received.
- §804.7 *Provide a Development Schedule.* Fasnacht said the Township has 90 days to act on the plan.
- §903.1.A *All applicants proposing any subdivision...* Fasnacht said the Land Development Agreement, Performance Agreement and financial security must be submitted to the Township prior to the 90 days. Fasnacht said the cost estimate needs to be updated, he also said if anything is installed, take photos or coordinate with Benesch to observe.
- §1126.1 *All residential subdivisions or...open space/recreation area.*

Fox asked if the improvement will be completed in the 90 days. Fasnacht said it would be possible and there is a lot of paving on the site.

CORRESPONDENCE – Fox mentioned we received a schedule from Atlantic Sunrise Expansion Project Notice. Fox said there is a Zoning Hearing Board notice for April 28, 2016 for the Ten Pin to building a new building and Marlin and Donna Hummel on Moonshine Road to create three (3) lots from one parcel.

PUBLIC COMMENT –No public comment.

ADJOURNMENT – At 7:42 PM Stump moved to adjourn the meeting and Kramer seconded the motion, all were in favor and the motion carried 5 to 0.

Respectfully Submitted,

Cynthia Hummel, Planning Commission Secretary

Approved on May 4, 2016 at Planning Commission Meeting

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