

ROSS TOWNSHIP PLANNING COMMISSION

MONTHLY MEETING

August 20, 2024

The Ross Township Planning Commission regular meeting scheduled for August 20, 2024, was called to order by Chairman Roger Christman, at 7:00 pm. The meeting was held at the Township Municipal Building.

In attendance were the following Planning Commission members: Chairman Roger Christman, Vice-Chairman Rick Meixsell, Roger Green Jr, Herb Stecker, David Labar, Frank Piraino Jr and Lauri Lapping.

Also in attendance were Attorney Michael Gaul, of the King Spry Law Firm, Planning Commission Solicitor, Township Engineer Russ Kresge and Alternate Engineer Tighe Meckes, from Keystone Consulting Engineers, Attorney Deborah Huffman, Township Special Council, and Jeff Snyder, representing SFM Consulting, Zoning Officer and Building Code Official.

A motion was made by Rick Meixsell, seconded by Herb Stecker to appoint Elizabeth (“Lizzy”) Stortz as temporary recording secretary for the meeting. The motion carried unanimously.

APPROVAL OF MINUTES:

A motion to approve the minutes of the June 18, 2024 meeting as presented was made by Herb Stecker and seconded by David Labar. The motion carried unanimously.

Rick Meixsell made a motion, seconded by Frank Piraino, to approve the July 16, 2024 minutes, as presented, with the correction of the spelling of Frank Piraino’s name throughout. The motion carried unanimously.

COMMUNICATION:

None

OLD BUSINESS:

Anthony Gioino Minor Subdivision Plan

The applicant’s representative, Brian Courtright, presented a revised plan for the property based on Russ Kresge’s previous comments, including a note stating that the house was now connected to “public central water”. The Zoning Officer is to be consulted over various setbacks and to be able to show the setbacks at zero.

The Township’s Special Counsel for Plan Review, Deborah Huffman, was present.

Additional plan notes were discussed. Applicant is to add six additional notes to the Plan including HOP required for required access for the driveway, private access road maintenance being the responsibility of property owners, and flood plain distinction to be more evident.

There was discussion regarding a building shown as being on a lot number inconsistent with the tax assessment office information. Brian Courtright stated that the Tax Assessment Office is aware the numbers are incorrect and requires a signed document from the Township to correct it. Information found within the deed shows there were pieces of the property previously sold off, but without a subdivision line and without Township approval.

Mr. Courtright asked that the Plan be recommended for conditional approval. The consensus of the Planning Commission was that the applicant should provide an extension because there was additional work that needed to be done by the applicant, and reviewed by the Township, which may not be fully accomplished before the next Board of Supervisors’ meeting. Mr. Courtright stated that he would grant

an extension to the Board's October meeting, and signed a written request for extension form confirming the same.

Rick Meixsell made a motion, seconded by Frank Piraino, to recommend to the Board of Supervisors that the Plan be approved, subject to the following conditions:

1. Satisfactorily addressing the comments contained in the Township Engineer review letter of 8/15/24, and Township Solicitor review letter of 5/20/24.

The motion carried unanimously.

David Labar made a motion, seconded by Roger Christman, to accept the applicant's grant of an extension of time for the Township's review and decision on the Plan. The motion carried unanimously.

A letter to the Supervisors informing them of the Planning Commission's actions will be drafted and sent to Attorney Huffman for review.

After being excused by the Planning Commission, Attorney Huffman left the meeting at 7:33pm.

Arsha Vidya Preliminary/Final Land Development Plan

Casey Bond, P.E. of Base Engineering, was present on behalf of the applicant. Mr. Bond stated that, since the previous meeting, some stormwater pipes have been rerouted that were needed to be a part of the stormwater management system and some retaining walls removed. A request has been submitted to the Conservation District for "minor modifications" of the applicant's NPDES permit. The Conservation District has not yet issued the modified NPDES permit and E&S Plan approval.

Mr. Snyder stated that a revised Non-Confirming Use Certificate had been issued to the applicant, limited to the two parcels that were the subject of the plan, with any other parcel removed. Attorney Gaul asked whether the Zoning Officer had notified the applicant that the previously issued Certificate had been revised. Mr. Snyder confirmed that the applicant had been notified.

Attorney Gaul reminded Mr. Bond that the project will still require a zoning permit for the construction of the building. Mr. Snyder confirmed that the Zoning Office had evaluated the impervious surface percentage of the property after the new building is constructed, and that it complied with Township Zoning Ordinance requirements.

Mr. Snyder confirmed that the new guest building will require sprinklers. Attorney Gaul said the Township should require that the applicant provide a "will-serve" letter from the water supply company that they can provide service for water demand, including new sprinkler system.

Attorney Gaul asked Mr. Bond whether the Plan had been submitted to the Fire Company to review any emergency access issues. Mr. Bond stated that he was not aware of that being done. Mr. Kresge stated the Township expects the applicant to submit a plan to the Fire Company, and that the Township does not do that for the applicant.

Attorney Gaul asked whether there were any modifications being requested, and which had to be addressed. Mr. Meckes stated that none were requested

A motion was made by Rick Meixsell, seconded by Herb Stecker, to recommend that the Board of Supervisors approve the proposed Preliminary/Final Land Development Plan subject to the following conditions:

1. Satisfactorily addressing the comments in the Township Engineer's review letter of August 12, 2024,

2. Receipt of the NPDES Permit, with minor modification, and E&S Plan Approval,
3. Receipt of “will-serve” letter from water supplier,
4. Local fire company review,
5. Development Improvements Agreement satisfactory to Township Solicitor
6. Stormwater Agreement satisfactory to Township Solicitor, if applicable,
7. Cost Estimate for required improvements satisfactory to the Township Engineer
8. Final security for required improvements, in a form satisfactory to the Township Solicitor,
9. Payment of the Township’s Professional review fees not covered by application fees or escrow.

The motion carried unanimously.

Attorney Gaul recommended that, when the Planning Commission issues its recommendation letter to the Board of Supervisors, the Commission include a suggestion that the Board review whether any development agreements are still in effect between the applicant and the Township, including financial security, for any prior projects.

Catherine Andrews Preliminary/Final Land Development Plan (140 Elmer Drive)

Attorney Joe Weismith and Daniel Saunders were present on behalf of the applicant. The Plan provides for a second residential building to be built on the applicant’s existing lot.

Attorney Wiesmeth stated that the Board of Supervisors had denied the applicant’s request that the proposed Plan not be considered “land development” under the definitions in the Township SALDO. Attorney Wiesmeth stated that Mr. Saunders’ and his appearance tonight, and the applicant’s decision currently to proceed with the Land Development Plan approval process, was not intended to be a waiver of any right that the applicant would have to challenge in Court the Board of Supervisors’ decision not to grant the applicant’s request.

The consensus of the Planning Commission was that the Township Alternate Engineer, Tighe Meckes, would review his 8/12/24 letter point by point, and the applicant’s representatives could respond to each point as made.

Mr. Meckes stated that an owner certification needs to be completed and notarized. Attorney Gaul noted that the current plan does not contain a signature block for notarization. Mr. Meckes stated that a certificate of accuracy needed to be completed. Attorney Gaul also noted that a discrepancy existed as to who would sign as the plan preparer. Mr. Saunders said it would be Chris McDermott.

Mr. Meckes stated that the fire company representative needed to review the Plan. Mr. Saunders replied that a fire company representative had reviewed the Plan, and had no comments other than that some brush should be cut back.

There was discussion regarding the necessity of having plans showing steep slopes on the property and whether a modification waiver request should be granted, and also to the need for a grading plan (Review Comments 3&4). There also was discussion involving whether the applicant could delay E&S review until she applied for a building permit (Review Comment 5). Jeff Snyder stated that the Code office could monitor the submission of an E&S Plan in connection with the Building Permit application process. The Township Engineer would then review the submission.

Applicant’s representatives stated that the land development was not expected to have more than 5,000 square feet of earth disturbance or new impervious surface. Attorney Gaul said that the Township would expect that applicant’s engineer would provide a certification to the expected earth disturbance and new impervious area.

A motion was made by Lauri Lapping, and seconded Frank Piraino, to recommend to the Board of Supervisors that a waiver not be granted as to Review Comments 3 and 4. The motion carried unanimously.

A motion was made by Rick Meixsell, and seconded by Roger Green, to recommend to the Board of Supervisors to allow the applicant to delay E&S review until she applied for a building permit. The motion carried unanimously.

Attorney Wiesmeth and Mr. Saunders were in agreement with Review Comments 6, 7, 9 and 10. Attorney Wiesmeth then returned to Review Comment 8, stating the applicant had a limited space in which she would be able to comply with easement requirements as the access easement, generally speaking, does not run through, or adjacent, to the applicant's property.

Attorney Wiesmeth next contended that Section 1004.A of the SALDO was inapplicable because the applicant was not creating any new lots, and that as a result, Section 1004.L was also inapplicable. His client is willing to expand the travel path of the access area from the current 12-14ft width to 18ft for passage of emergency vehicles.

Attorney Wiesmeth next stated that the easement is a driveway and not a private access street.

Attorney Gaul stated that this is the first time the applicant has argued that Sections 1004A and L. were inapplicable and that the easement area is not a private access street. As such, the merits of the assertions would need to be further reviewed and analyzed, which could not be done this evening.

Attorney Wiesmeth said the applicant had already given a time extension. As a result, the Planning Commission could take additional time to review the matter.

A motion was made by Rick Meixsell, and seconded by Herb Stecker, to table further discussion on the Plan until the next meeting. The motion carried unanimously.

NEW BUSINESS:

None

OPEN TO THE PUBLIC:

There was no public comment.

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:15 pm. The motion to adjourn was made by Herb Stecker, seconded by David Labar and carried unanimously.

Respectfully Submitted,

Elizabeth Stortz
Temporary Recording Secretary