

ROSS TOWNSHIP PLANNING COMMISSION

MONTHLY MEETING

October 15, 2024

The Ross Township Planning Commission regular meeting scheduled for October 15, 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, Roger Green Jr, Herb Stecker, David Labar, Frank Piraino Jr and Lauri Lapping. Vice-Chairman Rick Meixsell was absent.

Also in attendance were Attorney Michael Gaul, of the King Spry Law Firm, Planning Commission Solicitor and Township Alternate Engineer Tighe Meckes, from Keystone Consulting Engineers.

APPROVAL OF MINUTES:

A motion to approve the minutes of the September 17, 2024 meeting as presented was made by Frank Piraino Jr and seconded by Roger Green Jr. The motion carried unanimously.

COMMUNICATION:

None

OLD BUSINESS:

Catherine Andrews – Land Development Plan – (Extension 1/26/25)

Attorney Joe Wiesmeth and Daniel Saunders were present for the meeting on behalf of the applicant. Attorney Gaul stated he had received an e-mail communication from Attorney Weismeth which contains allegations of Township Officials wanting to stop the proposed Land Development Plan from going through. Attorney Gaul recommended an Executive Session to the members of the Planning Commission to discuss the allegations, and the Planning Commission's response.

At 7:02pm, Chairman Roger Christman made a motion to enter an Executive Session to discuss legal advice with the Township Solicitor, Attorney Gaul, and was seconded by Herb Stecker. The motion carried unanimously.

At 7:18pm, Frank Piraino Jr made a motion to return from the Executive Session and was seconded by Herb Stecker. The motion carried unanimously.

Attorney Gaul again stated he had received an e-mail from Attorney Weismeth on October 11, 2024 stating he had received "insider" information that Township Officials wanted to stop the development plan. Attorney Gaul had responded, by e-mail, asking for more information about the details of the allegations so he could consult with the Planning Commission about the matter and how best to proceed. Attorney Weismeth had not responded by e-mail. Attorney Gaul asked Attorney Weismeth to provide the details to the Planning Commission, Attorney Weismeth stated that he chose not to discuss the matter any further, stating that his concerns were for his client to be able to proceed with a fair, and impartial application review. Attorney Gaul asked Attorney Weismeth if his allegations referred to any members of the Planning Commission. Attorney Weismeth replied, "No". Attorney Gaul asked Attorney Weismeth whether he was asking for any member of the Planning Commission to recuse or abstain in the review. Attorney Weismeth replied, "No". Attorney Gaul said there was a possible implication in his

e-mail that Attorney Weismeth asserted that Attorney Gaul's statutory construction of the SALDO was in furtherance of the Township Officials alleged desire to stop the land development. Attorney Weismeth replied that was not his intent, and if Attorney Gaul interpreted it that way, he was sorry.

Attorney Gaul and Attorney Weismeth continued their discussion in regards to the relevance of Section 1004 about Streets under the SALDO. In an email response from Attorney Gaul to Attorney Weismeth, Attorney Gaul had asked for further discussion on section 1004.A.3 and Attorney Weismeth stated that the section only pertains to new lots.

Attorney Weismeth stated that his client, Daniel Saunders, had paid to obtain the Title Search, Attorney Gaul noted that the Search did not go back far enough to show the creation of the road access privilege for the Catherine Andrews property. The initial transaction in 1950 that Elmer Andrew conveyed to Mr. and Mrs. Niess, and then to others from there, was not included and instead only went back to a 1952 transaction involving the Bethlehem Steel Company, prior to Catherine Andrew, in regards to the property easement. Attorney Weismeth disagreed. Attorney Gaul said he was only trying to be helpful in pointing out that the Title Search did not include the Niess conveyance.

Attorney Gaul referred to the SALDO in regards to the street definitions to which the proposed accessway would be defined as a private street. He also stated that the Board of Supervisors is responsible for deciding the content of the SALDO and that the Planning Commission does its work within the parameters of the SALDO.

Within the definition of the SALDO, it is listed that a preexisting lot of record, that abuts an existing private street that does not meet Township Standards, may have access for a single principal use. The proposed new house would be a second principal use on the Andrews lot. Attorney Weismeth said that the principal use would be defined as residential use versus use of a single household. Attorney Gaul said that the applicant's Engineer Chris McDermott had submitted a modification request asking for the Township to allow a second dwelling on the lot. Attorney Gaul stated to the Planning Commission that, if the Planning Commission was inclined to recommend a modification be granted, the Planning Commission could also recommend that additional conditions be attached to make sure the spirit of the SALDO was still followed.

At 7:34pm Chairman Roger Christman made a motion to enter an Executive Session to discuss legal advice with the Township Solicitor, Attorney Gaul, and was seconded by Herb Stecker. The motion carried unanimously.

At 7:38pm Chairman Roger Christman made a motion to return from the Executive Session and was seconded by Roger Green Jr. The motion carried unanimously.

Upon returning from Executive Session, Engineer Tighe Meckes was asked to review his findings of the site after having met there with Daniel Saunders. Mr. Meckes stated he reviewed the natural depression that is to be designated in the future Stormwater Plan for runoff, and agreed that he did not see any water to be leaving the area in an erosive manner. His concern would be if any future changes would need to be implemented along Elmer Drive, including the Township requiring additional improvements that would increase the amount of earth disturbance. The Stormwater and Erosion Plans could be impacted. Runoff calculations would need to be completed before and after construction for confirmation of the plan, but a second Stormwater Plan may not be needed and instead the current plan could possibly only need additional details added depending on the calculation results.

Attorney Gaul confirmed with Mr. Meckes on if any additions would need to be added to the plan showing where disturbances could or could not be made. Mr. Meckes stated that a drainage map had already been submitted in the plan narrative, but there was no completed Stormwater Plan. An

Operation and Maintenance Agreement may be needed. At this time, there has only been discussion on the applicant's plans for the area as they are waiting for approval of the roadway before submitting. Attorney Weismeth stated Mr. McDermott would submit a full plan after a decision had been made. They are not asking for there to be no review of a Stormwater Plan; only that its submission be delayed until the Board of Supervisors had decided the road access issue. Mr. Meckes stated that he is currently on board with what he has seen of the plans and that the only concern would be if further roadway improvements would be required which may lead to additional changes.

Attorney Gaul stated that a note would also need to be added to the plan to determine if an HOP, High Occupancy Permit, would be required from the addition of the proposed development. He also recommended obtaining a letter from PennDOT stating if the HOP permit would be required or not.

Chairman Roger Christman requested further clarification on if a Maintenance Agreement would be needed within the plan as the applicant, Mr. Saunders, claimed one was not needed. It is within the interest of the Township to know the accessway will be maintained in an enforceable way. Under Article 1004, a condition for final plan approval would include entering into an agreement for who would be responsible for road maintenance approved by the Township and that owner of the "parent lot" would need to be involved in, and contribute, to the maintenance of the road.

There was discussion again referring the definition of the single principal use allowed under the SALDO with Attorney Weismeth stating they are defining it as a residential used instead of a singular home/owner. Attorney Gaul stated that a modification would need to be requested if the Board of Supervisors does not agree with their definition. He also stated that Attorney Weismeth may wish to consider other sections within the SALDO that they may wish to include for additional conditions within a modification request.

Currently, under the SALDO, the driveway has minimum improvement standards that have been completed on Ms. Andrews' property. Mr. Meckes had stated that he agreed with the previous description of the road being that it has been grown in and should be cut back for clearer access as Ms. Andrews has the right to make improvements on her section of the road.

Attorney Gaul asked Attorney Weismeth if he had any further comments at the time, which Attorney Weismeth did not. He then let the Planning Commission know that their next step to consider would be to make a decision upon their view of the proposed modifications. Chairman Roger Christman stated that he did not agree with the applicant's proposed definition of single use at which time Attorney Gaul and Mr. Meckes reviewed the SALDO in search of a clearer definition. It was also brought up that allowing for another single-family home to be built on the same property would leave Ms. Andrews as the owner of both homes which would lead to there needing to be a note added to the plan to not allow renting/leasing of the additional home without future Township approval.

With review of the modification list, Chairman Roger Christman made a motion to recommend denial of the applicant's modification request to section 1004.A.3. The motion was seconded by Lauri Lapping and carried unanimously.

Chairman Roger Christman made a motion to approve the submission of the preliminary and final plans at the same time, without a separate preliminary plan, with the condition that all requirements for a preliminary plan were met within the final plan. The motion was seconded by Herb Stecker and carried unanimously.

For the requested modification to allow for the delayed submission of the Stormwater Plan, a motion was made by Frank Piraino Jr and seconded by Roger Green Jr., to recommend a modification to allow the applicant to delay submission of the Stormwater Plan until after the Board has made a decision on

the road access issue, provided the Stormwater Plan is first submitted to the Planning Commission for review and recommendation before the Board's final decision on the Plan. The motion carried unanimously.

It is the view of the Planning Commission that the SALDO would not allow for two houses to use the current right of way without modification. Attorney Weismeth stated that the final decision rests with the Board of Supervisors and that approval of the remainder of the plan could still be recommended by the Planning Commission.

At the request of Attorney Weismeth, a motion was made by Roger Green Jr to bifurcate the Planning Commission's review of the proposed Land Development Plan and to recommend to the Board of Supervisors to review, and respond, to the applicant's modification request involving section 1004.A.3 before requiring the applicant to proceed with further review before the Planning Commission and to table further discussion until a response has been received from the Board of Supervisors. The motion was seconded by Dave Labar and carried unanimously.

Robert E. Andrew Estate – Minor Subdivision Plans for Acceptance

Allison Rode was present for the meeting on behalf of the applicant. She stated that the proposal being brought forward is to create a 2-acre lot for Mr. Andrew's grandson to be portioned off, leaving 22-acres remaining that will have a Non-Building Declaration. Ms. Davis also stated that she had reviewed notes back from the Township's first review and that there were no items she felt could not be addressed.

When asked about the driveway access by Chairman Roger Christman, it was stated that there are plenty of sight distances to show where a driveway could be added and that a 50ft right of way would be available. A note was added to show drainage and utilities of the property and across the street. When Mr. Meckes had drove the property, he stated that there were no culverts seen under the roads.

Upon reviewing the maps, it showed that the Robert Andrews property contained a right of way belonging to adjacent properties. Chairman Christman asked if a HOP was recorded for the properties. Ms. Rode did not know. The original plan was completed in the 70s.

The Planning Commission next reviewed notes from the Zoning Officer. Attorney Gaul stated next that a line on the non-building form would need to be changed. Currently, the usage listed is for a "single family home", which would imply building on the land and should instead be changed to a different usage type.

Mr. Meckes next reviewed other comments to the plan and stated that the SALDO defines the proposal as a Minor Subdivision. The received certifications are signed and notarized. Attorney Gaul stated the letter stating the absence of wetlands on the property would need to be updated as it was dated for 2022 and was only valid for one year.

When asked about the incomplete sections of the Planning Module by Attorney Gaul, Ms. Rode stated that most would be completed by the Township. Mr. Meckes had reviewed the Planning Module, and it would next be reviewed by the SEO. Mr. Meckes also noted that the minimum width requirements were just barely being met for this subdivision, which could impact future access and development.

Per the letter from the Zoning Officer, it was recommended approval be given after review by the Township Engineer and Planning Commission.

Attorney Gaul asked about the current use of the property, to which Ms. Rode replied that the lot is fully wooded and vacant. The top 2-acres of the property do not have wetlands present per the letter

submitted with the application, and the rest of the property was not reviewed as they are not seeking development there.

Attorney Gaul stated that the plan seemed clean aside from corrections needing to be made to the wording of the non-building waiver line in the Plan and Planning Module along with an updated letter in reference to the absence of wetlands on the property. It was stated that the Planning Module would be presented to the SEO for completion before Chairman Roger Christman's review and then brought before the Planning Commission at the next meeting after revisions were made.

A motion was made to table to plan until the next meeting by Herb Stecker, seconded by David Labar, and carried unanimously.

NEW BUSINESS:

There was no New Business.

OPEN TO THE PUBLIC:

There was no public comment.

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:55 pm. The motion to adjourn was made by Herb Stecker, seconded by Frank Piraino Jr and carried unanimously.

Respectfully Submitted,

Lizzy Stortz
Temporary Recording Secretary