

The Peach Bottom Township **Planning Commission** met on **September 16, 2010** at 7:00 p.m. in the Recreation Center. Members present D. Stewart, D. Arnold, W. Carter, S. McConnell, A. Cooper and W. Manifold.

Motion to accept the minutes as presented was made by W. Carter and 2nd by D. Arnold, vote 6/0

The Chairman introduced April Cooper as the newly appointed member of the Peach Bottom Township Planning Commission.

Richard Ammons questioned the Townships choice to opt into the administration of the **Universal Construction Codes**. Do we have to continue to adopt all the revisions to the construction code? All of these ordinance requirements are taking money out of his pocket.

The attorney explained the state construction code requirements and implementation. It does not matter who does the inspections the codes still need to be followed.

Jon Ziegenhorn wanted clarification that the state makes a law that overrides the Township, but the Township cannot override the state.

The attorney informed that he is correct.

Radon testing for rental properties was suggested by a Township resident at the last Planning Commission meeting. Unfortunately no experts are present to fully debate the proposed requirement during this meeting.

Jon Ziegenhorn expressed his concern with the Township enacting a law to govern landlords on radon testing in existing homes.

The chairman explained the progression on the existing UCC adoption of a passive radon mitigation system requirement for new dwellings. A buyer of an existing dwelling can request testing for radon in their contract if they so choose.

Rick Ammons expressed his opinion on radon testing, installation of mitigation systems and false statements on the entire radon issue.

He was advised by the chairman to be placed on the next Planning Commission meetings agenda.

The attorney updated the Commission on his continuing investigation on the sale of Conectiv Mid Merit LLC to Calpine LLC without the payment of **transfer taxes**. The state has said that in their judgment there is no transfer tax on this sale, but the attorney is still investigating the issue.

Peregino, Philip – Map CQ Parcel 12Z, 475 Grove Road, 75 acres

This subdivision is taking the existing dwelling with 2.7 acres off of the remaining acreage. Bill Matthews and Jill Peregino represented the subdivider. Water run-off from the long drive flowing onto Grove Road, a Township road, was discussed. The attorney suggested an agreement and approval of the driveway by the Township prior to the issuance of the building permit. The Township engineer informed of a conversation with the subdividers engineer on this subject. An adjoining property owner, George Green explained the existing drainage in that area of this subdivision.

The subdivider will work with the attorney to create a written agreement concerning the installation of the driveway and storm water mitigation.

The York County Planning Commission comments were reviewed.

1. Parcel history has been put on the plan.
2. The driveway site triangle needs to be shown on the plan.
3. Building coverage is not needed due to the amount of land involved.
4. The signature and seal for the surveyors and/or engineer need to be completed.
5. Private drive right-of-way does not apply, they own all the land used for the drive.

6. The plan needs to be signed and notarized by the owner.
7. DEP planning module approval is needed.
8. The reserve sewage system testing has been completed.

Other items to be completed are the driveway installation agreement and all fees paid.

Peach Bottom Twp Land Development Plan - 767 Lay Rd., Map BQ Parcel 34B, 39 acres.

The plan was presented by the township engineer, Dave Lipinski.

Trucks will enter from Flintville Rd and the general public from Lay Rd. The storm water is being handled with swales and we are trying to meet the new NPDES requirements. There will be 56 parking spaces which is 2 times the number required including 4 handicap accessible spaces and sidewalks along the parking lot. He has proposed paving directly to the sidewalk; does the Township want curbing along the entire parking lot?

Cody Arnold asked if the driveways will be paved.

W. Carter stated that public access is proposed to be paved. Supervisor Johnson informed that the truck access will be stone and the parking lot, except for the handicap will be stone and can be paved later after it has settled for a year.

A. Cooper is concerned that in the winter times the trucks making the turn onto Flintville Road from Lay Road up the hill into the truck entrance could be dangerous. She was informed by Supervisor Johnson that Flintville Road is a Township Road and this will be cleared to give access for salt deliveries during storms. The engineer informed that the entrance is designed for a tractor trailer to enter and exit; signs can be installed informing that this driveway is only for truck traffic.

W. Carter checked the site distance for Flintville road and said it was fine. Flexible barricades could be used to deter the public from using the Flintville Rd as an exit if it the accessible around the entire building.

While we are moving all this around, W. Carter asked that field 3 be expanded to accommodate adult ball. The access road can be moved to give as much room as possible for expansion of this field. The engineer will shift the public entrance and fine tune the storm water.

Motion to sign the DEP sewage planning module when it becomes available, was made by D. Arnold and 2nd by W. Carter 6/0

Zoning and Sewage Enforcement Officer Report:

Letters requested

Ball - 43 S. Oak Heights Tr., Map 1 Parcel 95 – untagged uninspected vehicle.

Isenock – 9 Quiet Stream Ln., Map 3 Parcel 79 – junk accumulation, again.

Motion to have the Supervisors direct the attorney to send the requested letters was made by W. Carter and 2nd by D. Arnold, vote 6/0

Mr. Yohn- 884 Orchard Rd., Map AR Parcel 1B, has applied to the Zoning Hearing Board appealing the non issuance of a building permit and the enforcement notice for the lack of a building permit. The attorney informed that this is not an issue for the Township Planning Commission to make a recommendation.

Pinkley - 351 Clubhouse Rd., Map 1 Parcel 295, a fire damaged the structure.

The general consensus was that we would be wasting time having the attorney send the owner a letter. The attorney informed that the Township would have to bring action against the owners and then a court order to tear down the unsafe structure and sell the property to recoup the cost incurred by the Township. He will research the options.

Fire Insurance Ordinance

The attorney read a proposed ordinance requiring monies from the insurance company which insures a structure that is damaged in a fire is cleaned up in a timely manner.

R. Ammons objected to the Township holding someone's money when they may need the money they complete the repairs and/or demolition.

The attorney thinks a contractor would rather the Township hold the money then the owner, they are assured to get paid.

A. Cooper is concerned with 3(e) of the proposed ordinance "at the time of a loss report the named insured has submitted a contractor's signed estimate of the costs of removing, repairing, or securing the building" At the time that you are reporting the loss the insured will not have an estimate. She is also concerned with the Township getting into people's private business arrangement with their contractor.

D. Stewart asked if the insured has a mortgage will the insurance company give to the township money first before the mortgage company. The attorney informed that yes

The attorney will use this sample from East Hopewell and draft a proposed ordinance for next month's meeting.

Section 260 - Lighting Ordinance

The York County Planning Commission comments were reviewed

1. Definitions are sufficient industry terms. (no action)
2. Engineer review for conflicts with other subsections. (determined previously, no conflict)
3. Specification manual recommended. (no action)
4. Pre-existing lighting, only on a complaint basis. (no action)
5. Engineer review for industry standards. (no action)

Motion to recommend the Supervisors advertise the amendment to Section 260 Lighting Ordinance for enactment was made by W. Carter and 2nd by D. Arnold, vote 5/0, 1 abstention A. Cooper

Section 320 – Gasoline Stations or Service Stations

Motion to accept Section 320 as corrected and remove number 7 was made by A. Cooper and 2nd by W. Carter vote 6/0

These ordinance amendments will be postponed until next month.

R. Ammons will bring in a projector and S. McConnell will provide the computer to put it on a screen for all attendees to review.

S. McConnell asked the Supervisors present, if we do not get into the content of CAFO, or what a CAFO ordinance would consist of, can we address it as part of a use in the agricultural zone. He wants to make sure that they are reviewed in context. These were all previously reviewed, but never forwarded to the Supervisors. He then questioned the fees section, "recovery of legal costs", we cannot recover legal costs according to the Zoning Hearing Board. The attorney will research the fees section.

The Attorney did insert Section 417 which deals with false or misleading information and dealt with the clerical errors.

Both the Attorney and Planning Commission Chairman will work together to create a workable ordinance amendment.

Supervisor Johnson inserted that Sections 202 and 336 should be left alone until after the court case is settled, since it may need to be changed again.

Motion to adjourn at 9:02 p.m. was made by D. Arnold and 2nd by W. Carter vote 6/0