

MINUTES
MIFFLIN COUNTY PLANNING COMMISSION REGULAR MEETING
August 25, 2022
MIFFLIN COUNTY COURTHOUSE – MEETING ROOM B

ATTENDANCE

Members

Thomas Lake, Chair
Dan Dunmire, Vice Chair
Kent Spicher, Secretary
Dave Pennebaker
Kay Semler
Neal Shawver
William Campbell

Other

Rob Postal - Commissioner

Staff

Mark Colussy, Director
Candace Rager, Secretary

Call to Order

Thomas Lake called the meeting to order at 3:30 p.m.

Record of Public Attendance

Candace Rager recorded public attendance, the meeting was held in Meeting Room B.

Announcement

Mark announced that Will Campbell has been approved as a new member of the Mifflin County Planning Commission. Will gave a brief personal introduction of his background and experience. The other members all welcomed him.

Approval of Meeting Minutes

Thomas Lake requested a motion to approve the minutes from the July meeting. A motion was made by Kent Spicher to accept the minutes. Dan Dunmire seconded the motion. All members voted aye.

Zoning! Spot Zoning, Variances and Special Exceptions

Mark gave a presentation to explain the details of zoning, the connection with spot zoning, along with variances and special exceptions. He discussed an overview of how zoning ordinances are generally consistent with municipal or multi-municipal plans. Zoning is used as a regulatory tool and defined as having 'police power.' Zoning gets its power when it's combined with a very well thought out concurrent comprehensive plan. Mark stated that many of our local municipalities having zoning ordinances but very outdated comprehensive plans and, at the county level, there is a requirement to update the comprehensive plan every ten years but they do not have a zoning ordinance. The zoning police power is for protecting and promoting public health, public safety, morals and general public

welfare. Zoning is based on the police power and used to divide a municipality into zones, to regulate use, height, spaces of land and structures, and achieve a community purpose. Zoning is defined as the division of a municipality into districts or zones in which certain activities are permitted and others are not allowed. It also regulates the use of land, areas on lots to be occupied or left open, density and intensity of use, natural, historic, agricultural uses and activities. It is listed and defined in Planning Code Article 603 as to where it gets its power and need for consistency with the comprehensive plan. What impacts ordinances and how they are tried is largely dictated based off of case law/lawsuits. Mark then detailed 'spot zoning' based on case law. Spot zoning is the singling out of one lot or a small area for different treatment than for similar surrounding land for the benefit or detriment of that lot's owner; challengers must show that the provisions are arbitrary and unreasonable, with no relation to the public health, safety, morals, or general welfare of the particular area; cases must be decided on the facts of that case, considering the community's comprehensive plan. Mark included an additional planning series handout produced by the PA Department of Community & Economic Development titled 'Special Exceptions, Conditional Uses And Variances.' In conclusion, Mark described what the zoning administration team consists of and how they function. There is a governing body that dictates which comprehensive plan gets adopted and that different ordinances are in place; they can form their own planning commission, and can form their own zoning hearing board (must have separate solicitor).

Subdivision and Land Development Review Committee Report

There were twelve (12) plans submitted to the committee for review. Nine (9) plans under Municipal Ordinance and Three (3) plans under County Ordinance. Five (5) Minor Subdivisions, Four (4) Lot Additions, One (1) Minor Subdivision/ Lot Addition, One (1) Land Development, One (1) Lot Line Adjustment. The plans are for Zook's Masonry (x2) (Union Township), Ruth Ann Thompson (Armagh Township), Korie & Annie Yoder and Jacob & Annie Swarey (Menno Township), Michael & Jane Bailey (Decatur Township), Kendra & Eric Kauffman (Granville Township), Estate of W. Michael Barnett (Decatur Township), Reuben & Marianne Fisher (Wayne Township), Lot Consolidation for Center Manor Acres (Wayne Township), Nikole Adams & Nicholas Traxler (Bratton Township), Margaret Fisher (Brown Township), Christ & Miriam Yoder (Armagh Township).

Municipal Subdivision Plan

Mark discussed the Zook's Masonry plan. There are two components to this plan (Sub-division & Land development). The purpose of the first part of this plan is to combine the 2 parcels of Tax Parcel 20,13-0317 & 20,03-0109B into one deed boundary and to remove the interior lot lines. The second component proposes to construct a one story addition on to their existing facility located off West Main Street (SR0655) in Union Township, Mifflin County. The project includes: 1: a new 46'X104' building addition, 2: regrading of their lot in the project are, 3: erosion and sedimentation control BMP's, 4: an underground Stormwater detention pipe. The first component is unremarkable, fairly small, and has no real concerns. The second part is to serve as a storage garage for trucks used in the business.

Mark reviewed the plan for the Center Manor Acre proposal. This plan proposes to consolidate Lots 23, 24 and 25 into a single parcel. Lots 23, 24 and 25 were created by the Site Development Plan for Center

Manor Acres by Sarge Engineering and Surveying and recorded on February 10, 1997 in Map Book 18 page 16. No new development is being proposed by this plan. It is to be served by a well but the surveyor will check to see what the requirements are for connecting to public water. The cartway will be used by three property owners. The surveyor has submitted a waiver request for the cartway, which currently does not meet the cartway width requirement. The surveyor is requesting the planning commission consider a conditional approval and he will verify if he is to get a public water connection or put a well on the property. He also is asking for consideration to grant a waiver for the cartway width of the private drive due to the fact it had been approved in the past.

Dan Dunmire made a motion on the waiver for the cartway to be approved. Kay Semler seconded the motion. All voted aye.

Mark presented the Fisher plan. This plan proposes to create Lots 2 & 3. Lots 2 & 3 each have an existing single-family residence served by on-lot sewage disposal and a shared private well. The residual tract, Lot 1, has completed soils testing for on-lot sewage disposal for a new single-family residence. There is an added comment regarding the shared well as part of the deed covenant. There is a proposed new drive for access to the lot where the new house will be located. A comment is made in regards to the amount of earth disturbance and the possibility of a NPDES permit, also noting that the developer will contact the conservation district for clarity if it does involve more than an acre of earth disturbance.

Mark discussed the Adams & Traxler plan. This plan proposes to create Lot Addition A to be added onto Lot A and become an integral part thereof. Lot A has an existing single-family residence served by public sewer and private well. The residual tract, Lot 1, has an existing residence served by public sewer and private well. No new development is being proposed by this plan. The plan is straight forward and the reason for moving the property lines is to include an existing spring onto Lot A.

Dan Dunmire offered a motion to conditionally approve the three plans under County ordinances. Dave Pennebaker seconded the motion. All voted aye. Kay Semler offered a motion to approve the comments on the other eleven plans under municipal ordinances as provided. Dan Dunmire seconded the motion. All voted aye.

Public Comment

Thomas Lake acknowledged there were no public comments to add.

Project Updates

Dean Ball to come for September meeting to present projects from PennDOT District 2-0.

Working with the team on the active transportation plan development, meeting to be held next week, six key focus area projects have been identified and anticipate being worked on, anticipating a couple of workshops for the municipalities to participate in, stakeholder meetings are scheduled, would like to have the consultant present the draft plan at October's meeting before putting it out for public comment. Anticipate filing the plan for adoption by the end of December.

There has been notification received from the legislature in regards to the easement across the fire academy property revised and approved for the river trail project. Also, the expedited review has been received, after fifteen months into the permitting process, from the DEP to have a couple minor graphical things changed in the trail plan. The engineer is recommending the permit is put out for bid in the early winter and then the work will start early next spring. This part of the project will add on an additional one half mile to the trail.

Other Business

No additional business was presented.

Adjournment

Tom Lake adjourned the meeting at 4:43 pm.