

Londonderry Township Board of Supervisors

February 5, 2007

The Londonderry Township Board of Supervisors held a public hearing on Monday, February 5, 2007 at the Municipal Building, 783 S. Geyers Church Road, Middletown, PA 17057 beginning at 7:00 p.m.

Township Solicitor Peter Henninger presented Ordinance No. 2007-1 amending the code of ordinances, No. 91-2, chapter 27, zoning, part 16, general regulations, section 1601, use regulations supplemental in districts where permitted, subsection 9, cluster option, to delete said subsection 9, cluster option, in its entirety.

Floor is open for public comments – no public comments

Supervisor LeHew made a motion to close the public hearing, Vice-Chair Doherty seconded, motion carried.

Chairman Dale closed the Public Meeting @ 7:05pm.

The Londonderry Township Board of Supervisors held their regular scheduled Board meeting on Monday, February 5, 2007 at the Municipal Building, 783 S. Geyers Church Road, Middletown, PA 17057 beginning at 7:05 p.m.

Present:

Anna J. Dale, Chairman, Board of Supervisors
Andy Doherty, Vice-Chairman, Board of Supervisors
Ronald Kopp, Member, Board of Supervisors
William Kametz, Member, Board of Supervisors
Daryl LeHew, Member, Board of Supervisors
Steven Letavic, Township Manager
Chris Feese, Township Assistant Secretary/Treasurer
Peter Henninger, Solicitor
Darrell Becker, Township Engineer

Items Addressed:

1. **Salute the Flag**
2. **Citizen's Input** – Horace Harding

Supervisor LeHew made a motion to add the EMA report to the agenda, Vice-Chair Doherty seconded motion, motion carried.

3. **State Police Report** – Sgt Morrissey of Troop H gave the board an update on police activity within the township. The Troopers are very pleased with the substation, and have developed a good relationship with the township.

4. **Zoning & Codes – Jim Foreman**

1) Long Leaf Development Lauffer Hills: Supervisor Kopp made a motion to approve the following two (2) waivers:

1) Waiver requiring the detention basin to drain dry in 24 hours or less, as stated in the second waiver request letter dated January 8, 2007 from ARRO Engineers to Jim Foreman.

2) Waiver of the 6 foot maximum depth of the retention pond.

Vice-Chair Doherty seconded motion, motion carried.

Vice-Chair Doherty made a motion to approve the Lauffer Hills Subdivision Preliminary Plan, subject to the comments in the letter dated January 8, 2007 from ARRO Engineering to Jim Foreman, Supervisor Kametz seconded, motion carried.

2) Richard Costik Subdivision:

Supervisor LeHew made a motion to approve the following three (3) waivers and one (1) deferment:

1) Waiver of preliminary plan

2) Waiver of contours on Lot #1

3) Waiver of the additional right-of-way on River Road

4) Deferment of curbs and gutters and the sidewalks

Vice-Chair Doherty seconded motion, motion carried.

3) Geyer's Airport:

Supervisor Kopp made a motion to approve the waiver of the preliminary plan procedure and the waiver of street lighting facilities, Vice-Chair Doherty seconded, motion carried.

Supervisor Kopp made a motion to deny the following four (4) waivers:

1) Waiver of manmade features within 100 feet

2) Waiver of existing and proposed contours

3) Waiver of a final erosion and sedimentation control plan

4) Waiver of existing natural features

Supervisor Kametz seconded motion. The following discussion followed:

Mr. Geyer was represented by his attorney, John S. Davidson: "Two concerns, most of the items that the engineer and Planning Commission are recommending not be waived deal with storm water management issues, there is no proposed earth moving, there's nothing to be done on this site, the site is as it is, we cannot understand why a storm water management is required. When you look at the regs all the permitting requirements, all the mediation work and so on have to do with earth moving or earth work, there's none of that happening here, we think it would be reasonable under the circumstances to grant the requested waivers. How do you prepare a plan when you're not planning on

doing anything, that's the issue. The second issue is the issue regarding and showing the offsite buildings and storm drainage and all that sort of thing within 100 feet of the site. I think that's certainly something we can do as long as we are clear on what we are talking about and not like I've instructed everybody who's seen the plan but just to give you a sense here. The area of the subdivision so to speak the area of the least area is right down here as really its just this end of the site. I think we certainly could show all of the off site buildings and other improvements and utilities and so forth within 100 feet of the lot line here and maybe across the road here. I didn't go to the Planning Commission so I have to confess I'm not clear on what the Planning Commission intended with regard to the depiction of the off sites of buildings but if that's what we're talking about we were certainly going to do that, that's not unreasonable at all. But we do think it would be reasonable for the Board to grant the storm water waivers and all of the little subsections that have to do with that which the engineer has itemized for you. We ask the Boards consideration in looking at it because again we're not doing anything we're not doing any earthwork the site is as it is and it's not going to change once the plan is if and when the plan is approved."

Township Engineer Darrell Becker's response: "The reason we're asking for the contours, the storm water, the e and s control, etc, the Township considers this plan to be a new plan with no improvements because the existing improvements to our knowledge were never permitted or approved so we consider the improvements that are already existing to be proposed improvements therefore there's an access drive, there's stone parking and so forth that create semi-pervious areas that require storm water management per the ordinance."

John S. Davidson: "any of the improvements that were made were made following this Boards granting of a waiver from the requirement of the land development plan some years ago. I don't think this Board can now go back and say gee we granted a waiver you made these improvements now we don't think we should have granted the waiver so we want you to do a storm water management plan. I think thats pretty disingenuous quite honestly and I really believe that this is the situation where the waiver should be granted."

Solicitor Peter Henninger: "The fact that the improvements were made and because they were done without a permit or going through the proper procedures doesn't mean you don't have to do that. If we go back to the waiver that was granted that was a conditional waiver, which conditions were violated which is why its at the stage that its at and Mr. Foreman stated that those improvements were made prior to, those improvements should not have been made without storm water work being done then. If you're coming in now with a land development plan I think it proper that the storm water management if that's the determination or recommendation of your township engineer I obviously would defer to your township engineer on whether that is something that should be done at this time or not and that's his recommendation I would support that obviously. As far as existing features, the concern of the existing features is not one of just along where the actual landing strip and parking would be but it was surrounding the entire property because of

the nature of the proposed use and the issues that have been raised and the admissions that were made by the flying club with regard to the planes flying off the property and the concerns of and admissions that they crashed into Dr. Bankos property and others, I forget the woman's name, who had planes at least one plane maybe more in trees on her property. Which I don't believe are properties that are right there adjacent where Mr. Davidson was pointing out where they would be willing to put those features. And also the statement by Mr. Geyer though Mr. Seria at the Planning Commission meeting that they weren't going to do any of those things and let it come to the Board as is. You're hearing a little bit different story then what the Planning Commission was advised at their meeting back on the 16th."

Chairman Dale called for a vote, motion carried.

Supervisor Kopp made a motion to approve the waiver of other data and it's entirety control plan section (a) through (g) and (i):

(a) Profiles of streets and alleys showing slopes and grades, (b) Typical cross sections of each type of street, minor street, collector, etc. showing the width of right-of-way, width of cartway, location and size of utility mains, (c) Plans and profiles of proposed sanitary, and storm water sewers, with grades and pipe size indicated, complete with design calculations and a plan of any proposed water distribution system showing pipe sizes and location of valves and fire hydrants, (d) Certificates of agreements to provide service from applicable utility companies, (e) In case of subdivision and land development plans proposed for the sale of lots only, the sub divider shall include on the final plat, a covenant with the land assuring the implementation by the lot owners of the Erosion & Sedimentation Control Plan, (f) A copy of the " Sewage Plan Recision Module for Land Development" or other equivalent documentation approved by the Department of Environmental Resources in compliance with the requirements of the Pennsylvania Sewage Facilities Act and Chapter 71 of Title 25 of the Pennsylvania Code, (g) when any portion of the tract proposed for subdivision or land development is located within an identified flood district or floodplain area, the following information shall be required as part of the final plat and shall be prepared by a registered engineer or surveyor: 1) The exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed within any identified floodplain area or district. All such maps shall show contours at intervals of two feet and identify accurately the boundaries of the floodplain areas, and shall be verified by the township engineer. 2) Submission of the final plat shall also be accompanied by all required permits and related documentation from the Department of Environmental Resources, and any other Commonwealth agency, or local municipality where any alteration or relocation of a stream or water course is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. The Department of Community

Affairs and the Federal Insurance Administrator shall also be notified whenever any such activity is proposed.

(i) Such other certificates, affidavits, endorsements or dedications as may be required by the Board of Supervisors or Planning Commission in the enforcement of this Chapter, section 312.1.A.19 as recommended by ARRO Engineering in the January 8, 2007 letter to Jim Foreman, Supervisor Kametz seconded motion, motion carried.

Supervisor Kametz made a motion to deny the waiver of other data and it's entirety control plan section (h):

(h) a final storm water management plan, approved by the Township Engineer, section 312.1.A.19 as recommended by ARRO Engineering in the January 8, 2007 letter to Jim Foreman, Supervisor Kopp seconded motion, motion carried.

Supervisor Kopp made a motion to deny the waiver of installing curbs and gutters and the waiver of installing sidewalks but approved a deferment (to be noted on the plan) of those requirements until such time that they are required by the township, Supervisor LeHew seconded motion, motion carried.

Supervisor Kametz made a motion to deny the Geyer Airport Land Development Plan as presented based upon the professional recommendations of the Township Planning Commission, County Planning Commission and Township Engineer, Supervisor Kopp seconded motion, motion carried.

5. Managers Report – Mr. Letavic

Mr. Letavic informed the board that we are proceeding with the design for Park Accessibility Improvements. Darrell Becker is drawing the plans.

Sunset Park Scour Stop Grant – we have developed a project to repair the stream culvert in Sunset Park and return it to its natural state, reducing erosion and sedimentation into the Susquehanna and Chesapeake Bay. We are working in concert with DEP and the County to try and receive funding for this project.

Trails Grant Application – Mr. Letavic will be meeting with DCNR on February 28, 2007, the purpose of this meeting is to receive guidance on changing our grant from a study grant to a development grant. The scope of grant will hopefully include trail surfacing, and construction of trailheads including toilet facilities.

Mr. Letavic gave an update on the PEMA Flood Hazard Mitigation Grant application. The grant application is currently under review and we believe we will receive approval of funding in 3-6 months.

Adoption of 2007 Fee Schedule: Supervisor LeHew made a motion to adopt the 2007 Fee Schedule as presented, Vice-Chair Doherty seconded motion, motion carried. (Schedule attached)

Restaurant Lease – Mr Letavic informed the board that we are beginning negotiations with the Brew House Restaurant to lease the restaurant facilities at Sunset Golf Course.

6. **Treasurer's Report – Chris Feese**

Ms. Feese asked for the approval of payment of invoices from the General Fund, Golf Course, and Escrow Fund in the following amounts:

General Fund: \$ 53,934.05

Golf Course: \$ 18,571.47

Escrow Fund: \$6,405.73

Supervisor Kopp made motion to approve funds for payment of invoices, Supervisor Kametz seconded motion, motion carried.

Approval of Minutes: Board of Supervisors January 2, 2007

Supervisor LeHew made a motion to approve the minutes as they were presented, Supervisor Kametz seconded motion, motion carried.

7. **New Business – EMA Report, Sam Naples** - This past Saturday there was a training session at TMI.

EMA will be asking residents to inform the EMA of any and all day care facilities, this information will be used to update the evacuation plans.

Fire Marshall, Bart Hershey – Mr. Hershey has agreed to accept the appointment as Township Fire Marshall.

Geyer's Mobile Home Park is blocked near the garage, they are unable to drive an ambulance or fire truck past the garage.

Both Geyer's and Crestview Mobile Home Park need to have street number signs placed on the trailers and visible from the roadway.

Citizen Input – Horace Harding wanted an update on the Route 230 Diner. Mr. Letavic informed him the township is waiting for the judge to rule.

Mr. Sinkavich informed the board there is sump pump drainage that is freezing on the road at 21 Stephania Drive. Mr. Foreman and Mr. Henninger will research solutions to resolve this issue.

Adopt Ordinance 2007-1 - Vice-Chair Doherty made a motion to adopt Ordinance 2007-1, Supervisor Kopp seconded motion.

Roll Call Vote: Chairman Dale: Yea

Vice-Chair Doherty: Yea

Supervisor Kopp: Yea

Supervisor Kametz: Yea

Supervisor LeHew: Yea

Motion carried.

8. **Old Business** - None

Chairman Dale Adjourned Meeting @ 8:40pm.

Revised January, 2007

Destroy previous editions.

**SCHEDULE OF FEES FOR
HIGHWAY OCCUPANCY PERMITS
2007
PERMIT ISSUANCE FEES**

These fees are applied to the administrative costs incurred in reviewing the application and plan(s) and issuing and processing the permit, including the preliminary review of the site location identified in the application, whether or not a permit is issued and processed.

<u>Schedule Item No.</u>	<u>Unit Fee</u>
1) Application fees	
a) Utility.....	60.00
b) Driveways	
(i) minimum use (e.g., single-family dwellings, apartments with five or fewer units).....	25.00
(ii) low volume (e.g., office buildings, car washes).....	40.00
(iii) medium volume (e.g., motels, fast food restaurants, service stations, small shopping plazas).....	50.00
(iv) high volume (e.g., large shopping centers, multi-building apartment or office complexes).....	60.00
c) Other (e.g., bank removal, sidewalk and curb).....	30.00
2) Supplement Fees (each six-month time extension) (each submitted change).....	20.00
3) Emergency Permit Card (each card).....	15.00
4) Exemption (see below for list of exemptions)	
5) Driveway Repair Permit.....	10.00

GENERAL PERMIT INSPECTION FEES

These fees are applied to the cost incurred in the preliminary review of the location covered by the permit, and/or spot inspection of the permitted work, and/or subsequent inspection after the permitted work has been completed to ensure compliance with PennDOT specifications and permit provisions.

6) Driveways	
a) Each minimum use driveway.....	20.00
b) Each low-volume driveway.....	30.00
c) Each medium-volume driveway.....	45.00
d) Each high-volume driveway.....	60.00
7) Surface Openings (These fees are calculated on the total linear feet of the opening being permitted within different areas of the right-of-way.)	
a) Total linear feet of opening each (100 foot increment or fraction thereof):	
(i) Opening in pavement.....	65.00
(ii) Opening in shoulder.....	35.00
(iii) Opening outside pavement and shoulder.....	20.00
b) If a longitudinal opening simultaneously occupies two or more highway areas identified in subparagraph (a), only the higher fee will be charged. Linear distances shall be measured to the nearest foot.	
8) Surface Openings of Less Than 36 Square Feet (e.g., service connections performed independently of underground facility installation, pipe line repairs) (each opening)	
(i) Opening in pavement.....	45.00
(ii) Opening in shoulder.....	30.00
(iii) Opening outside pavement and shoulder.....	20.00
If an opening simultaneously occupies two or more highway areas identified in subparagraphs (i)-(iii), only the higher fee will be charged.	
9) Above-Ground Facilities (e.g., poles, guys and/or anchors if installed independently of poles)	
a) Up to 10 physically connected above-ground facilities (each continuous group).....	35.00
b) Additional above-ground physically connected facilities (each pole with appurtenances).....	5.00
10) Crossings (e.g., "overhead" tipples, conveyors or pedestrian walkways and "undergrade" subways or mines).....	103.00/hr
11) Seismograph - Vibrosels Method (e.g., prospecting for oil, gas)	
a) First mile.....	113.00/hr
b) Each additional mile or fraction thereof.....	hourly rate
12) Non-Emergency Test Holes in Pavement or Shoulder (each hole).....	325.00
13) Other (e.g., bank removal, sidewalk and curb).....	35.00

EXEMPTIONS

Permit issuance fees and general permit inspection fees are not payable by any of the following:

- 1) The commonwealth.
- 2) Political subdivisions of the commonwealth, except when placing a facility longitudinally within more than 100 total linear feet of pavement. In that case, the application and inspection fees for pavement openings will be charged.
- 3) Governmental authorities organized under the laws of the commonwealth.
- 4) The federal government
- 5) Charitable organizations that are in compliance with Act No. 337, approved August 9, 1963, P.L. 628, as amended (churches, hospitals, schools, charitable institutions, veterans' organizations, non-profit organizations)
- 6) Utility facility owners for:
 - a) The installation of street lights at the request of PennDOT or the political subdivision.
 - b) The replacement or renewal of their facilities prior to a township resurfacing project after notice from the township.
 - c) The removal of poles and attached appurtenances.
 - d) Facilities moved at the request of PennDOT or the political subdivision.
 - e) The reconstruction or maintenance of their facilities that occupy the right-of-way under private status.

ADDITIONAL INSPECTION FEES

If the township determines that the permitted work is of sufficient magnitude or importance to warrant assignment of one or more persons to inspect the permitted work on a more than spot inspection basis, the permit will so indicate and the permittee shall be charged for additional salary, overhead and expenses incurred by each assigned inspector and the township.

Londonderry Township Fee Schedule

Building Permit Fee's

Minimum Fee	\$50.00
Per \$1,000 of construction cost	\$15.00
State Fee	\$2.00
Renewal Fee	1/2 of the original fee plus State Fee

Building permit fees shall be computed based on the greater of : contract price or the "estimated value of construction". Estimated value of construction means the reasonable costs as determined by the Code Enforcement Officer, of all services, labor, materials, and use of equipment entered into and necessary to the prosecution and completion of the work. The average square foot of construction cost, as listed below, shall be used to compute the "estimated value" of construction by multiplying the square foot construction costs by the total square footage of area for the proposed use.

<u>Proposed Use Group</u>	<u>Square Foot Construction Cost</u>
1 and 2 family detached dwellings; multi-family; apartments; townhouses; and attached dwellings	\$75.00
Residential garages - attached	\$15.00
Residential garages - detached	\$15.00
Carports	\$10.00
Basements - unfinished	\$10.00
Basements - finished	\$25.00
Additions	\$75.00
Alterations/remodeling	Per contract price

Zoning Permit, Mobile Home Installation, Modular Homes, Fence Permit, Zoning Hearing Board Fees

Zoning Permit	\$50.00
Mobile Home Installation	\$300.00 plus Zoning Permit
Modular Home	\$500.00 plus Zoning Permit
Fence Permit - Zoning Permit	\$50.00
Zoning Hearing Fees	\$350.00

Exempt Structures: Residential Accessory up to 1000 square feet
Mobile Home and Industrialized Housing (Modular Homes)
Agricultural Buildings

Mobile Home Park Permit Fee's

Annual Renewal & Inspec. Fee	\$500.00
For each additional home over 50 homes	\$2.00

Londonderry Township Fee Schedule

Subdivision Permit Fee's

Subdivision by Lots	
Minimum Fee Plus	\$70.00
per lot, first 25 lots; Plus	\$2.00
per lot over 25 lots	\$1.00
 Lot Add On	 \$70.00

Sewer Permit Fee's

Sewer Permit	\$75.00
Perking	\$125.00
Probe	\$50.00

Park Pavilion Rental

	<u>Resident</u>	<u>Non-Resident</u>
Pavilion #1 or #2	\$30.00	\$80.00
Pavilion #3	\$100.00	\$200.00
Pavilion #1 and #2	\$60.00	\$160.00
Pavilion #1, #2 and #3	\$150.00	\$300.00
Kitchen	\$50.00	\$50.00 plus \$25 refundable deposit

Other Fee's

Junkyard Permit	\$100.00
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