

**RICE TOWNSHIP PLANNING COMMISSION
RICE TOWNSHIP MUNICIPAL BUILDING
3000 CHUCH ROAD
MOUNTAIN TOP, PA 18707**

**MINUTES
June 24, 2015**

The regular monthly meeting of the Rice Township Planning Commission was held on Wednesday, June 24, 2015.

ROLL CALL:

	Tom Romanyshyn--Present
	Ann Kijek--Present
	Kevin Rogan--Absent
	Ray Fedor--Present
	Bob Smith--Present

Also in attendance were: Attorney David Lantz for Solicitor Jack Dean, Consultant Jack Varaly, Chris Kozon, Dennis Kijek, Marcia Thomas, Joe Durkin, Tim Connolly, Matt McGowan and associate, Attorney Bob Marsh, Attorney Mark McNealis, Drew Austin, Secretary Alicia Stier

Chairperson, Ray Fedor, calls meeting to order at 7:00 p.m.

MOTION TO ACCEPT MINUTES OF LAST MEETING (April 2015):

Motion by Bob Smith; seconded by Tom Romanyshyn;

All in favor.

MOTION CARRIED.

OLD BUSINESS:

1. Dave Coleman Sewage Plan:

Bob Marsh spoke, representing Mr. Coleman. He introduced Mr. Durkin from Reilly Associates. Attorney Marsh stated that this matter is concerning a subdivision that was approved in 2013, where the sewer line was going to connect at the intersection of Van Avenue and Nuangola Road. They were planning to tie into Nuangola Sanitary Authority, but now they have arrangements to tie into the Laurel Lakes system. Mr. Durkin presented the system design. The only thing Mr. Coleman needs from the Planning Commission is approval to send a letter to the PUC, as required by Aqua PA. Attorney Marsh provided Attorney Lantz with copies of the paperwork previously submitted to the Solicitor.

Mr. Durkin explained that the project is an extension of the public water and sewer lines located on Aspen Drive. The lines would extend down Aspen Drive, across Van Avenue, and up Nuangola Road and then to Mr. Coleman's site to provide water and sewer service. Mr. Durkin reviewed a set of plans with the Planning Commission, pointing out Mr. Coleman's property (which had been

previously subdivided), municipal boundaries, and the sewer lines. The sewer lines would connect to existing water and sewer in Aspen Drive, extend west on Aspen Drive to Van Avenue, down Van Avenue across to Nuangola Road, then cross Nuangola Road to Mr. Coleman's property. These lines would be dedicated over to Aqua PA and would be tied into and become part of their PUC regulated system. Representatives of Mr. Coleman are present to ask for a letter of support of this project from Rice Township. Aqua PA will take the letter of support and go to the PUC, and petition the PUC for an extension of their service area to include the new lines. At that time, the lines will be dedicated to Aqua PA, who will be responsible for operation and maintenance. Easements would be provided on the Coleman land to Aqua PA; PennDOT highway occupancy permits would be obtained by the Public Utility for areas in the State right-of-way. Road cut permits would be obtained from Rice Township prior to the work being started.

Mr. Durkin reviewed the plans in greater detail: according to the profile, the project is starting out at a lower point and is going up to a higher point. The lines to be installed would be low-pressure sewer lines, similar to the Nuangola Sewer line. The property owner who would develop at these sites would need to install a low-pressure grinder pump to pump into this line. It will eventually empty into the gravity line that is in Aspen Drive. The water line will be pressurized the whole way, so high points and low points aren't really that critical. There is necessary valving that goes along the way. Mr. Durkin pointed out where the line would cross the State right-of-way, as well as the current Aqua PA project that has already been approved. He stated that most of the way, they will be using a combined trench where the water line and sewer line are constructed in the same trench. There is a shelf where the water line is placed at a higher elevation and there is an 18" vertical separation between the lines. There is also a 36" separation horizontally between the lines. The sewer line is placed at a lower elevation in accordance with Pennsylvania Department of Environmental Protection regulations; it will protect the water supply.

Attorney Marsh stated that in the April meeting, there was a request that the Township Engineer contact Reilly Associates. Mr. Durkin stated that Reilly Associates received a letter from Engineer Pasonick dated April 2nd. The letter contained about 7 or 8 comments regarding the project--Reilly Associates responded to those comments via letter on April 3rd. Revisions were made to the drawings, it was acknowledged that a Road Cut Permit would be necessary, as well as a PennDOT permit. Some of the comments referred to putting certifications on the plans, if they met State, Local and Federal regulations. Those certifications were placed on the plans. There was one other request about relocating an air relief valve; the location of the air relief valve was moved about 50 feet. All of Engineer Pasonick's comments were addressed. Attorney Marsh reiterated that Road Cut Permits would be obtained. He stated that the Land Development/Subdivision Plan that was approved in 2013 has not really changed; the sewer line has been extended from that intersection to Laurel Lakes. Attorney Marsh stated that Mr. Coleman and his representatives will need to come back to the Planning Commission for a Land Development Plan when they have a tenant. The only request at this time is for a letter of support from Rice Township, which will go to Aqua PA. Aqua PA will include the letter in a package of paperwork, which will be submitted to the PUC for approval. Attorney Marsh stated that Luzerne County has already submitted their letter of support for the project.

Attorney Lantz asked for a copy of the letter sent by Luzerne County. Attorney Marsh stated that he would forward a copy of that letter to the Township and its Solicitor. At the last meeting, someone

asked if residents would need to tie into this line. According to Attorney Marsh, Aqua PA and the PUC stated they would not require other residents to tie in. Mr. Durkin stated that the only way the residents will be mandated to tie in, is if there is a Township Ordinance to that effect. Marcia Thomas stated that there is an Ordinance in place, but she will rely on the Township's experts to advise us on Compliance. She explained that we have an Act 537 Plan, we are members of the Mountaintop Area Joint Sanitary Authority, and there are Ordinances in place relating to sewer systems. Mr. Durkin stated that generally, a municipality will end up with a Mandatory Connection Ordinance when you have a public sewer project to make the project financially feasible. He added that all work to be done would be located within Rice Township; it does not cross into Nuangola Borough at all.

Marcia Thomas stated that the Right-of-Way on Van Avenue belongs to Nuangola. Mr. Durkin stated that the line dividing Rice from Nuangola seem to be going straight down the middle of that Right-of-Way. Marcia explained that Nuangola owns the whole road. Mr. Durkin stated that if that is the case, they will need to go to the Borough for a Road Cut permit for that portion of road. He added that the crossover is located in the State Highway--it's on a piece of Van that is considered a PennDOT Right-of-Way.

It was asked if the homes on the Nuangola side are already connected to the sewer. Mr. Durkin stated that they are, so mandatory hookup would not be an issue.

Bob Smith asked if there are any concerns about water pressure. He stated that if the tenant turns out to be a car wash, that would be a concern. Mr. Durkin explained that the only pressure issue on the line is related to fire hydrants. He stated that there aren't fire hydrants in that area, so it's not an issue.

Ray Fedor asked if there is a tenant in mind for the property. Mr. Coleman stated that he is looking for a restaurant or some type of strip mall. He explained that the area needs a sit-down restaurant. Attorney Marsh stated that plans haven't changed since the 2013 subdivision plans. Once a tenant is found, they will be back with a Land Development Plan.

Dennis Kijek asked if the residents will be able to access water and/or sewage before or after the line is put in--have they been contacted to see if they are interested? Mr. Durkin replied that the line would be within the service area of Aqua PA and the residents would be able to utilize that utility. Attorney Marsh further explained that the residents would be notified once the Land Development Plan is submitted. There would also be dialogue between the developer and the Township at that time.

Ray Fedor asked for clarification about whether or not there is an Ordinance mandating hook-up along that line. Attorney Lantz advised that the Ordinances should be checked before the letter is sent. Ray Fedor stated that he believes the residents should be notified to give them a chance to provide their input prior to the letter being sent.

Mr. Durkin suggested discussing the issue with Aqua PA to see if this could be handled a different way, in regards to mandatory connection. Marcia Thomas stated that she is not familiar with this process and asked Attorney Lantz for clarification on a typical timeline.

Mr. Durkin explained that Aqua PA has not made a submittal to the PUC. Once they have the letter from the Township (1 of 3 required letters), Aqua PA will start the process with the PUC. Marcia Thomas asked if the issue comes back to the Township after the letter is submitted. Mr. Durkin stated that all PUC decisions have a public comment period that is allowed.

This would be a private installation, using contractors hired by Mr. Coleman or Aqua PA.

Attorney Lantz advised phrasing the Motion to approve submission of the letter pending review by the Solicitor of the existence of any mandatory connection Ordinance.

Secretary Stier shared Solicitor Dean's communications regarding this project: he advised via e-mail on April 6th that the issue would go to the Township Engineer for review, then to the Planning Commission for comments, and would then be forwarded to the Board of Supervisors for approval. She added that per a telephone conversation with the Solicitor today, the Planning Commission would be accepting the plans for review.

MOTION by Ray Fedor, second by Tom Romanyshyn, to recommend submission of the letter pending review by the Solicitor of the existence of any mandatory connection Ordinance.

All in favor.

MOTION CARRIED.

NEW BUSINESS:

1. Matt McGowan, Woodberry Phase III Sketch Plan:

Attorney Mark McNealis, representative for Matt McGowan, introduced himself and Engineer Tim Connolly. He stated that the discussion tonight would be very informal, just to get an idea of how to move forward with this project. Mr. McGowan and his representatives believe that it may be best to process Phase III as a Planned Residential Development under the Zoning Ordinance. There are a couple of ways to do this: you can do the development under the regulations for the Zoning District within which you lie, or, in this case, because it is located in both C-1 and A-1 Zoning Districts, you're allowed to do something called a Planned Residential Development. Under the Ordinance, a PRD is supposed to provide greater flexibility to a Township and to a developer in laying out the development. Attorney McNealis stated that he understands that the Township favors developments that are fairly dense in areas with other areas left open because it works better from a management stand point. Regardless of which route the developer goes, there will probably need to be waivers. It may need to go before the Board of Supervisors or the Planning Commission, or even the Zoning Hearing Board.

The Ordinance states that the process should begin with an informal consultation with the Board of Supervisors. Since the Planning Commission typically provides feedback to the Board, Mr. McGowan and his representatives decided to have this informal consultation with the Planning Commission first. Attorney McNealis stated that no decisions need to be made tonight and no vote needs to be taken.

Engineer Tim Connolly reviewed the plans for the current Woodberry Manor. The land totals about 572 acres and stretches into Fairview Township. There is no proposal to do anything in Fairview Township at this time. There are about 17,000 lineal feet of roadways in the new section.

Marcia Thomas asked, compared to the original plans, how much road is set to be built. Engineer Connolly stated that it is probably a little more, but the lot sizes have changed. He estimated about an extra couple 1,000 lineal feet. Attorney McNealis stated that a PRD would allow different types of units. Generally speaking, single family dwellings are allowed in an A-1 or a C-1, but without a variance from the Board or going to a PRD (which would allow duplexes), he's not sure if it would be approved. Engineer Connolly stated that there is probably close to 180 acres within the 572 acres that will remain green. There are about 90 acres of wetlands that wrap around the pond.

Consultant Jack Varaly explained that there are rules and regulations regarding wetlands and floodplains, which are described in the PRD section of the Township Ordinance. Engineer Connolly stated that Presidential Land is very close to meeting the density requirement for a PRD, for both the A-1 and C-1.

The secondary access would be off of Liberty Street in Fairview Township. Marcia Thomas asked about utilizing Heslop Road for a secondary access; Engineer Connolly stated that he doesn't see that ever happening due to the steep grades of the road.

There is further discussion about density requirements. Attorney McNealis stated that the informal discussion is a preliminary stage in the planning to make sure there are no major red flags being raised before the developer proceeds with any kind of proposed revision, should he decide to go in that direction.

Matt McGowan explained that the twin units were designed for affordable housing within the Township. He stated that when Jack Varaly wrote the Ordinance in 2006, and Luzerne County enacted the Storm Water Management Plan in 2009, the cart went before the horse. Not everyone can afford a \$500,000-\$600,000 house. The twin units sold very well, and there aren't a lot of places for people like Policemen or Firemen to live. The Ordinances and County Requirements don't match; one came before the other. It's difficult for the developments to do both, which is why the bigger houses were built.

Matt McGowan discussed Impact Fees and how they came about: part of it was for recreation, and other municipalities are following in Rice Township's footsteps in order to improve their parks. McGowan stated that they are trying to create affordable housing within the Township. He also stated that the roads are falling apart in some of other projects that were approved under the old Ordinances. McGowan stated that after 10 years, the roads he has put in haven't fallen apart. They put the roads in thicker and a top coat is installed. He added that Rice Township gets a 1% transfer tax on every home that is sold. When the roads are put in correctly, that saves the Township money as well.

Resident Chris Kozon asked who is in charge of fixing the roads within the development. Matt McGowan explained that the developer pays for the installation of the roads. Once the roads are inspected by the Township Engineer, a bond is put up. When the road is dedicated to the Township,

a 15% bond is put up for 18 months for any damage that is done in the settling process. The Township receives Liquid Fuels money from the State, and must then maintain the road. Matt McGowan stated that they went above and beyond the Ordinance in the construction of the roads.

It is asked if the developer is envisioning an Association for this phase; Mr. McGowan stated that he is not.

Attorney McNealis stated that if no one has serious objection to the possibility of a PRD, from both the Planning Commission and the Board of Supervisors, Mr. McGowan can start the more thorough reviews and calculations for his proposal. He reiterated that nothing is binding this evening.

Marcia Thomas stated that she was very concerned about the secondary access. She is concerned about the steep slope associated with using Liberty Street as a secondary access, which will feed into SR309. There is discussion about other viable secondary accesses, including the possibility of utilizing Heslop Road. Matt McGowan agreed that Heslop Road could be utilized. He stated that the road shouldn't be terribly difficult to fix.

Secretary Stier announced that the Board of Supervisors voted to appoint Marcia Thomas as an alternate member of the Planning Commission in case of lack of quorum. She may only vote in the event that there is no quorum.

ADJOURNMENT:

The next meeting of the Planning Commission is Wednesday, July 22nd, at 7:00 p.m.

MOTION by Tom Romanyshyn, second by Ray Fedor, to adjourn.

All in favor.

MOTION CARRIED.