

MINUTES
MIFFLIN COUNTY PLANNING COMMISSION SPECIAL MEETING
SEPTEMBER 15, 2017
MIFFLIN COUNTY COURTHOUSE, MEETING ROOM B – 8:30 A.M.

ATTENDANCE

Members

Dan Dunmire
Kay Semler
Neal Shawver
Tom Lake
Jason Cunningham
Cyle Vogt

Other

Staff

Bill Gomes, Director
James Lettiere, CD Administrator/Assistant
Director
Chastity Fultz, Office/Grants Manager

Call to Order

Kay Semler, Chair, called the meeting to order at 8:30 a.m.

Record of Public Attendance

Kay reminded everyone to sign the attendance sheet.

According to the Pennsylvania Municipalities Planning Code, the alternate member, Cyle Vogt, will be able to vote since all members are not present.

James Lawson Subdivision Plan

Jim Lettiere began by explaining why the special meeting was called. Taptich Engineering submitted a subdivision plan for James Lawson, which is in Bratton Township and under County Ordinance. This project involves the subdivision of one (1) lot from the lands of James and Lurine Lawson. Lot 1 is presently vacant and is intended to be a stand-alone, non-building lot used for recreational purposes only. Access to Lot 1 will be along the southern property line, via a proposed private right-of-way of variable width from Horningford Road. Portions of the Residue are currently used for recreational campsites. There are no improvements proposed to the Residue or Lot 1 at this time. Both the Residue and Lot 1 are currently used for agricultural/recreational purposes.

On June 22, 2017, the Planning Commission voted to table this plan based upon the County's comments, which included serious concerns of the right-of-way width. The Planning Commission has 90 days to render a decision on the plan and this time frame expires September 20, 2017. If action is not taken within 90 days, the plan is deemed approved. The plan comments were sent to Taptich Engineering within 15 days of the June meeting and there has been no response. Jim was supposed to meet with the engineer to discuss the plan and comments based on an earlier request made by Jim. However, the engineer could not make the proposed meeting date work. After several attempts to contact the engineer by email and phone, the engineer finally notified Jim on September 14, 2017 that he would grant a 90-day extension to the Planning Commission for review of the project. Jim recommends a 60-day extension, which would be November 19, 2017. There was an issue regarding the right-of-way to access the property and there was a concern from

Mr. Taptich's staff about the comment suggesting a 50 foot right-of-way. The comment reads "The right-of-way is inadequate to provide two-way traffic and normally would be fifty (50) feet with an eighteen (18) foot cartway." Bill Gomes added that there is no guarantee that Mr. Taptich can even address the comments and if so, he needs to request a waiver. Access and the potential for future development is also a concern.

A question arose as to the wording that Taptich Engineering was "granting" the Planning Commission an extension and should it be the Commission granting him the extension. Jim read the code and the solicitor has determined that the engineer has to grant the extension to the Planning Commission. The alternative to granting the extension is to deny the plan. If the plan is denied, the engineer has to start the process over and in this case, it would cost \$125 to resubmit the plan.

Bill wants to make sure that if the plan is denied, the letter should come from Kay Semler as Chair of the Planning Commission and not the Planning Department in order to indicate that the decision was that of the Planning Commission. Bill would also like to start putting on the Planning Commission decision letters that is sent to the applicant and/or their representative that they have 15 days to respond in writing their acceptance of the comments.

Bill suggested granting the extension until the Planning Commission meeting in October. Neal Shawver wants to convey the seriousness to the engineer and suggested denying the plan. Tom Lake questioned how many extensions can be granted. Bill stated there is no limit to the number of extensions that can be granted and gave two examples of Mike Watson and Edgewood Estates and Derry Township and the Tate Campground that went on for several years. Neal sees the engineer granting the Planning Commission an extension to allow extra time for the Planning Commission to make a decision on the plan, but the Planning Commission provided the comments to the engineer and he still has not responded. Mr. Taptich was also given notice to this special meeting and did not attend.

Jim noted that there is an appeal process if the plan is denied. The engineer can appeal the decision directly to the court, which is costly.

Bill voiced a concern that the engineer may exercise his political connections because of this decision. He noted a similar occurrence with Roth Surveying several years ago. Jim added that this is not the first instance with this surveyor. The last two plans he brought in involved time extension or nonresponses. The engineer has had options, but has not responded.

Neal Shawver motioned to deny the plan based on the comments sent out on June 22, 2017 and the denial letter will be signed by Kay Semler after it is reviewed by the solicitor. Cyle Vogt seconded the motion. All members voted aye. The board also voiced approval to add a 15-day response back to the letter.

Public Comment

None

Adjournment

Upon no further discussion, the meeting adjourned at 8:55 a.m. upon a motion by Neal Shawver, which was seconded by Dan Dunmire.