

**NEW HANOVER TOWNSHIP
PLANNING COMMISSION
REGULAR MONTHLY MEETING
MARCH 14, 2012**

The New Hanover Township Planning Commission held its organization and regular monthly meeting on March 14, 2012 in the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Chairman Richard Mulstay led in a Salute to the Flag and called the meeting to order at 6:30 PM.

ROLL CALL - Present – Richard Mulstay
Susan Smith
Robert Thomas
Philip Agliano
Kenneth Hansell

Also present were Township Solicitor Paul Bauer, Township Engineer David Leh, Planning Consultant Adam Supplee, Township Manager Edward Wagner and Administrative Assistant Eileen Pogany.

MINUTES

Philip Agliano moved to approve the regular monthly meeting of **September 14, 2011**. Motion was seconded by Kenneth Hansell and carried 3-0.

Robert Thomas moved to approve the regular monthly meeting minutes of **January 11, 2012**. Motion was seconded by Philip Agliano and carried 3-0.

BUSINESS FOR DISCUSSION OR ACTION:

N.H.T.P.C. No. 771 Gibraltar Rock Layfield Road

Mr. Stephen Harris was present representing Gibraltar Rock and stated that he would like to receive a preliminary approval recommendation to the Board of Supervisors prior to Gibraltar Rock submitting a pre-application to the Department of Environmental Protection, DEP. Mr. Harris was assured that the Board of Supervisors will not grant an approval prior to the DEP application being filed. Paul Bauer suggested that the Planning Commission continue its review process since the comments of the review letters are being addressed and there are fewer outstanding issues remaining to be addressed. He added that some items will need to be decided by the Board of Supervisors at a later time such as the recreation fee; he added that he does not expect a recommendation this evening. Comments of the consultants' review letters which will be complied with by Gibraltar Rock not be discussed during the meeting.

McMAHON review letter of March 8, 2012 discussion items:

McMahon suggested that the signal at Layfield and Hoffmansville Road be modified to have pedestrian cross walks, ADA ramps and also that the light be upgraded to include crosswalk timers. Ms. Koza, Traffic Engineer stated that she is thinking ahead so that the improvements will be ready if the bikeway becomes a reality or if there is development on the west side of Hoffmansville Road which would benefit from the improvement. Mr. Harris stated that Layfield Road is a State highway and that Gibraltar Rock will satisfy all requirements of PennDOT.

Adam Supplee agreed that a crosswalk would be good especially across Church Road but that improvements on Layfield Road are up to PennDOT's discretion and he suspects PennDOT will require an ADA ramp. Mr. Bauer stated that the Township could make a recommendation to PennDOT to require certain items but it is ultimately up to PennDOT.

Gilmore Review letter of March 8, 2012 discussion items:

Mr. Harris advised that the parcels previously owned by Latshaw and Santangelo are titled to Sahara Sand and other parcels are titled to Gibraltar Rock Inc.; he stated that it is impossible to consolidate all parcels due to separate ownerships under a tax-free exchange. Mr. Harris advised that in instances where boundary lines are not referenced in deeds, center line of roadway is used as the boundary line. David Leh stated that his understanding is that boundary line should be at right-of-way line; Mr. Harris contended that the road right-of-way is an easement and offered to provide case law to Mr. Bauer. The Township did not receive deeds when State roads were turned back to them and road right-of-ways are 33 feet according to State law. Mr. Harris is willing to add language "under and subject to right-of-way of Hoffmansville Road". Mr. Harris stated that nothing is being planned for the parcels North of Hoffmansville Road at the present time and that if there is a change in plans in the future, a land development plan will be submitted to the Township. Mr. Harris stated that stormwater management is under Township jurisdiction for the roadway and that stormwater control within the quarry boundary is covered under the non-coal surface mining permit issued by DEP; Mr. Harris stated that he has correspondence from Richard Morrison of the Governor's office confirming this. He suggested that if the Township has concerns, they may wish to request a meeting with Mr. Morrison. The access into the quarry is considered to be a paved driveway which will support the heavy truck traffic but is not considered a local road; applicant should seek a waiver of Section 815 of the Township's ordinance. Township will ensure a Highway Occupancy Permit from PennDOT is obtained for the access situated along State Rt. 73 and a township driveway permit is also required. A General Area Plan which was approved by the Zoning Hearing Board will be added to the plan set. Culverts #3 on Hoffmansville Road and culvert #4 on Church Road will need to be replaced and upgraded to the size required. Three other culverts are adequate and will be extended but do not require replacement.

KMS Design Group-Adam Supplee review letter of March 8, 2012 discussion items:

Mr. Harris advised that residential dwellings are currently on separate parcels and are lawful non-conforming uses and will likely continue to be used as residential homes. It was noted that the Zoning Hearing Board Order required parcels on the quarry site to be combined. Mr. Harris stated that ultimate use following completion of quarry operation could be a water impounding site i.e. reservoir or storage for water company. It was noted that Township and DEP grading requirements differ and that grading must be done in accordance to DEP requirements. With regard to nuisance standards and noise, hours of operation of the quarry cannot be regulated and the quarry will comply with DEP's standards; a note will be added to the plan. The quarry manager's telephone number will be added to the plan in order to receive any concerns or complaints. Scale house is properly located in the LI District and Gibraltar Rock contends that no quarrying operations will take place in the LI District. Open space issues will need to be resolved by the Board of Supervisors. Height requirements cannot be determined at this time since during the 3-4 year initial phase, portable crushers and equipment will be used and following that time a building permit will be needed to situate equipment and township standards will need to be complied with at that time; Planning Commission could stipulate a condition for approval to the Board of Supervisors. Fencing will be located out of the right-of-way and will comply with DEP requirements; ultimate right-of-way will not be offered to the Township. Park and Recreation requirements will be determined by the Board of Supervisors.

Paul Bauer confirmed that the Zoning Hearing Board requested that the operations be consolidated and that a recommendation could be made to the Board of Supervisors to include a condition requiring the operation to be on one lot.

Waiver request letter – Mr. Harris stated that Gibraltar would be requesting a recommendation for conditional approval or, if they were able to produce a plan meeting all requirements, they may request preliminary and final plan approval together.

From the Audience

Stan Brooks of 2301 Hoffmansville Road stated that he doesn't think open space is needed around the quarry since it could attract people to the site for recreation; he believes the Township had adequate open areas.

Lois Pettigrew of 3817 Church Road stated her concern that if the road improvements and safety features at the intersection are not required to be installed at this time, they may never be completed. She stated that she enjoys walking, riding bike, and riding horses and thinks the Township should require everything that benefits the residents and the safety of the community. She believes any complaints should be directed to the corporation first and to the government agency second. She also mention that she is following issues with a Marcellus shale fracking in another community and said government agencies have not been successful in resolving the water problems the residents of the community are experiencing.

Mr. John Auman of 3624 Church Road thinks the Township has moved forward and that the citizens need time to comment prior to the Planning Commission making a recommendation to the Board of Supervisors. He also requested that a summary of the history of this project be made available to the citizens for review prior to them voicing their concerns and comments. Paul Bauer suggested that meeting minutes are available to citizens and that minutes of the Board of Supervisors meetings contain updates of the court cases in the solicitor's report.

Stan Brooks stated that Silvi guarantees he will be a good neighbor and said there is plenty of water on his property.

Francine Ripley of 231 Hoffmansville Road stated that Mr. Harris seems willing to comply with DEP regulations but does not seem to be willing to comply with all Township regulations.

Mr. Mulstay advised that DEP issues mining permits.

Philip Agliano stated that the Township is negotiating with Mr. Harris and cannot supersede the DEP; often a middle-ground agreement is reached. Through litigation, the Township forced Gibraltar Rock to go through a land development process so that a thorough review can be done and any concerns can be addressed.

Mr. Bill Miller of 320 Layfield Road stated that the water aquifer is at 800 feet at his property and he believes the quarry will be quarrying to the 600 foot level; he is concerned that the water supply may be depleted. He currently uses bottled water for all purposes in his home due to contamination from the prior Swann oil operation across the street from his home. He stated he is not in favor of the quarry and encourages citizens to stay informed.

Chris Mullaney, legal consultant to the citizens group, stated that he does not think the application is in a posture for recommendation for approval and agrees with Mr. Auman that the citizens should be given more time to comment. He is concerned about the pollution north-west of the quarry, believes the Township should insist on open space, disagrees with the movement of traffic through the LI into the HI District, believes the easement at Hoffmansville Road could be condemned for public use. He does not agree with the correspondence from Mr. Morrison and believes that the quarry should comply with Act 167.

Susan Rice of Stout Taconelli also disagrees with Mr. Morrison and thinks it is a permanent operation and that operations will generate stormwater and should comply with Act 167. She believes that stormwater from the quarry site will affect downstream properties and streams. She added that the controls being proposed for the site are designed for temporary uses and she believes this is not a temporary use and that the controls will be inadequate.

Celeste Bish stated that there is currently a court ordered injunction against Gibraltar Rock.

Robert Thomas stated that there are water supply problems in the Township and realizes that the quarry will provide water to those within 1500 feet of the quarry without proof of the source of the problem but that anyone further than 1500 feet does not have that protection.

Mr. Harris stated that the quarry is using monitoring wells to determine adequacy for water supply. He stated that the water problem associated with the fracking situation mentioned earlier was due to a sink hold and not to a fracking operating. He also added that he thinks the residents misunderstand the process; the Zoning Hearing Board takes testimony and the land development process assures the quarry meets ordinance requirements. He added that Gibraltar Rock is cooperating with the DEP in monitoring the contamination believed to be caused by Swann Oil and has allowed the DEP to situate monitoring wells on the quarry property.

Susan Rice added that she thinks the record plans should be examined carefully since many changes have been made and there could be errors or oversights on the record plan.

Lois Pettigrew asked if the plan could be reviewed by the public and was told it is available in the Township office for review.

Mr. Harris stated that he is not seeking a recommendation at this time and will be back next month.

Planning Module Component 4A's - None

90 DAY TIME LIMITATION WAIVERS FOR THE FOLLOWING PROJECTS WERE APPROVED BY THE BOARD OF SUPERVISORS AT THEIR MARCH 12 MEETING:

N.H.T.P.C #563	McGee	40 lots	4/4/2012
N.H.T.P.C. #754	Breinig	2 lots	4/14/2012
N.H.T.P.C. # 767	Murianka	2 lots	4/22/2012

NEW BUSINESS - None

ADJOURNMENT – Philip Agliano moved to adjourn at 8:34 and the meeting was declared adjourned.

Kenneth Hansell, Secretary