

**NEWHANOVER TOWNSHIP
PLANNING COMMISSION
REGULAR MONTHLY MEETING
AUGUST 8, 2012**

The New Hanover Township Planning Commission held its regular monthly meeting on August 8, 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 6:37 PM.

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

Also present were Township Solicitor Paul Bauer, Township Engineer David Leh, Township Planner Adam Supplee and Administrative Assistant Eileen Pogany.

MINUTES

Susan Smith **moved** to approve the regular monthly meeting of the June 13, 2012 meeting. Motion was **seconded** by Robert Thomas; Philip Agliano abstained since he had not been in attendance and the **motion carried**.

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 seeking conditional preliminary plan approval. Mr. Harris stated that DEP has been contacted and advised that the Township requested certain changes to the application previously approved. The DEP asked that Gibraltar Rock resubmit an application in concert with the DEP permit application procedures. Mr. Harris stated that Gibraltar Rock would like to have conditional preliminary plan approval prior to reapplying to DEP and submitted draft resolutions for consideration documenting conditions of plan approval and waivers which had been agreed upon previously with the exception of the waiver from the Township's SALDO requirements with regard to stormwater control and the Township's Stormwater Management Ordinance. Richard Mulstay stated that the Township has never received a written resolution by an applicant and that the waiver resolution would be treated as a waiver request letter. Mr. Harris stated that a copy of the application to the DEP will be provided to the Township after it has been submitted to the DEP so that the Township can participate if consulted. Kenneth Hansell asked why the Township is not being provided a copy of the application to DEP prior to it being sent to the DEP. Solicitor Paul Bauer stated that if DEP does not agree with the recommendations of the Planning Commission, Gibraltar will need to come back to the Planning Commission and if the DEP is in agreement, the plan will be presented to the Board of Supervisors.

Susan Smith **moved** to grant the waivers requested in the waiver request letter of August 8, 2012, copy to be attached and made a part of the minutes, with the exception of section B with regard to Township's SALDO stormwater requirements and the Township's Stormwater

Management Ordinance and conditioned upon compliance with conditions outlined in the Gilmore Engineer review letter of March 8, 2012, Township Planner Supplee's letter of March 8, 2012, Township Traffic Engineer's review letter of March 8 2012, and the Montgomery County Planning Commission review letter of April 5, 2012 and also conditioned upon Gibraltar Rock granting the Township an additional 60-day waiver of the time limit in the event DEP does not agree with conditions on the reapplication of the Non-coal Surface Mining Permit. Rich Mulstay **seconded** the motion. Christopher Mullaney asked if the Township had just received the waiver letter and was told "no". The motion **unanimously carried**.

Philip Agliano **moved** to grant conditional preliminary plan approval conditioned upon compliance with conditions outlined in the Gilmore Engineer review letter of March 8, 2012, Township Planner Supplee's letter of March 8, 2012, Township Traffic Engineer's review letter of March 8 2012, and the Montgomery County Planning Commission review letter of April 5, 2012 and also conditioned upon Gibraltar Rock granting the Township an additional 60-day waiver of the time limit in the event DEP does not agree with conditions on the reapplication of the non-coal surface mining permit. Richard Mulstay **seconded** the motion. Robert Thomas stated that citizens of the R-2 Zoning District had requested a meeting with the Board of Supervisors prior to a recommendation for approval to ask how their property may be affected. Mr. Bauer stated that the Township is obligated to treat plans with consistency and thinks the Township has given opportunity for citizens to ask questions. Mr. Bauer also stated that he did not recommend deviating from normal procedure as it may have consequences. Susan Smith stated that she is concerned with water supply and was told by Mr. Harris that Gibraltar Rock must replace any well within 1500 feet of quarry without question of fault if there are issues with quality and quantity of water. Beyond 1500 feet, Gibraltar is obligated to replace wells impacted by the quarry, in the event of a dispute regarding fault, the DEP would decide. Mr. Harris stated that in the event a second well could not be drilled, Gibraltar would be required to bring in public water or a tank which would need to be refilled as needed. It was noted that the quarry is located in an area of compacted argillite rock. Stanley Brooks of 2301 Hoffmansville Road stated that he believes that Gibraltar is dangerously close to suing the Township and costing the Township more. Mr. Brooks stated that he has five springs coming up on his property and has an abundance of water. John Auman of 3624 Church Road thanked everyone for their comments and believes recommendations should be postponed until the Zoning Hearing Board conditions are addressed. Mr. Auman was advised that the conditions placed by the Zoning Hearing Board are being litigated in Commonwealth Court and that the decisions of the court must be complied with. Mr. Harris advised that most of the Zoning Hearing Board's conditions related to quarry operations and are not planning issues. Mr. Auman suggested that the court decisions should be received prior to the Township's making a recommendation and stated that he is also concerned about the Good Oil site contamination. Mr. Mullaney asked the Planning Commission to deny the plan saying that Mr. Harris had four months to take plans to DEP and believes Mr. Harris could have applied to DEP without the Planning Commission motion. Mr. Mullaney added that he doesn't think there is a plan to present to the DEP and stated that the Stout Tacconelli letter should be included in the conditions of approval. Susan Rice of Stout Tacconelli is concerned that the plan being presented is the plan of March 8, 2012, since having been revised, and is concerned about which plan the DEP will be reviewing. Mr. Harris stated that the plan being submitted to DEP is a 24 page set which has been revised and reviewed by the Planning Commission and will be submitted to the DEP along with waivers granted and

Township consultants review comments; he added that concerns regarding water are not a subdivision matter. Kenneth Hansell again expressed concern about what is being submitted to

DEP since he has not had an opportunity to review it. Mr. Harris advised that his letter only requests DEP to approve what the Township is requesting. Susan Rice stated that she has never seen the Township approve a preliminary plan with conditions and Mr. Bauer disagreed with her saying plans are frequently recommended with conditions. Ms. Rice thinks the plans should reflect conditions of plan approval but was informed that DEP only looks at revisions to the DEP permit and will review Township consultants' letters along with the plans. The DEP only rules on DEP permit conditions and not on the subdivision plans; if DEP is not in agreement, Gibraltar must come back to the Township. The DEP previously approved a Non-surface Coal Mining Permit and will be asked to allow for incorporating the Township's stormwater management plans. Mr. William Miller of Layfield Road stated that the DEP will not be making a determination with regard to the Good Oil contamination until Spring; Mr. Bauer stated that he has received information from the DEP to the contrary. Mr. Miller also stated that a perimeter of 1500 feet around the quarry site for protection of wells is not enough. Keith Leonard of 559 Kulp Road stated that the Planning Commission agenda referenced a waiver request letter of February 24, 2012 and was advised that the letter had been replaced by the August 8, 2012 request. The motion for recommendation of conditional preliminary plan approval to the Board of Supervisors per motion of Philip Agliano **carried 4-1** with Robert Thomas voting negatively.

Planning Module Component 4A's None

BUSINESS FOR ACTION ON 90 DAY TIME LIMITATION WAIVERS - Kenneth Hansell **moved** to recommend approval to the Board of Supervisors of the following requests for waivers of the 90-day time limit.

N.H.T.P.C. #665	Zavitsanos	122 lots	9/08/2012
N.H.T.P.C. #709	Trotter's Gait	54 Units	9/08/2012
N.H.T.P.C. #714	James Carroll Phase II	3 lots	9/08/2012
N.H.T.P.C. # 771	Gibraltar Rock	Industrial	9/04/2012

Susan Smith **seconded** the motion and it **unanimously carried**.

NEW BUSINESS – None

OTHER:

Robert Thomas made a statement that anyone having questions regarding the Gibraltar Rock application and proceedings ask them when the plan comes before the Board of Supervisors.

Celeste Bish stated that she is typically notified when correspondence is received by the Township and that she had not received notification regarding the recent submissions.

ADJOURNMENT

Meeting was declared adjourned at 7:30 PM following motion of Kenneth Hansell.

No Planning Commission Meeting June 2012