

**MIDDLESEX TOWNSHIP
WORKSHOP MEETING
September 29, 2017**

OFFICIALS PRESENT: **SUPERVISORS:** Chairman Donald S. Geistwhite, Jr.
 Vice-Chairman Steve Larson
 William H. Goodhart
 SOLICITOR: Keith O. Brenneman
 DIRECTOR OF
 PUBLIC SAFETY: Barry L. Sherman
 ZONING OFFICER: Mark D. Carpenter
 MANAGER: Eileen M. Gault

OFFICIALS ABSENT: **ENGINEER:** Bud Grove

Chairman Geistwhite called the meeting to order at 7:35 a.m. in the Middlesex Township Building.

PUBLIC COMMENT: Mr. Bob Schlusser, resident at 360 N. Middlesex Road, was present to request a waiver or a variance from the Board of Supervisors to subdivide approximately 4.5 acres into 3 equal lots with his house being on one lot. In order to proceed with the subdivision, additional right of way would need to be dedicated to the Township which would affect the Zoning Ordinance requirement of 60,000 sq. ft. per lot. Additional right of way would not impact the Township. On the motion of Chairman Geistwhite, seconded by Supervisor Goodhart, it was unanimously agreed to waive the dedication of additional Right of Way to the Township from Mr. Bob Schlusser, 360 N. Middlesex Road, Carlisle, PA 17013.

BILL SHEARER – 3101 SPRING ROAD – MOUNTAIN VIEW MOBILE HOME PARK: Bill Shearer, a representative for the property owner, was present to discuss the possibility of mini storage units replacing the mobile home park and whether the Supervisors would be interested in this use in the area. This approach would clean up the area and would not require water or sewage. Since this is in the Residential Country (RC) Zoning area a text amendment would be required to allow mini storages in the district. Mr. Carpenter suggested that an Ordinance is drafted to allow mini storage in Residential Country (RC) and Village Center (VC) Districts with different intensities. It was recommended that Mr. Shearer submit an application for a zoning amendment and draft a zoning text amendment. Mr. Carpenter will provide Mr. Shearer with an application.

PROPOSED ADOPTION OF ORDINANCE 6 – 2017 ESTABLISHING RULES FOR THE OPERATION OF THE JOINT COMPOST FACILITY IN MIDDLESEX TOWNSHIP: On the motion of Chairman Geistwhite, seconded by Supervisor Goodhart, it was unanimously agreed to adopt Ordinance 6 – 2017 establishing rules for the operation of the joint Compost Facility in Middlesex Township.

LETORT REGIONAL AUTHORITY 2018 FUNDING REQUEST: Township Manager Mrs. Gault reported that a funding request was received from the Letort Regional Authority for

the same amount as last year. On the motion of Vice – Chairman Larson, seconded by Supervisor Goodhart, it was unanimously agreed to give the Letort Regional Authority \$3,500.00 as requested for 2018.

MUNICIPAL AWARDS: On the motion of Chairman Geistwhite, seconded by Supervisor Goodhart, it was unanimously agreed to award the bid for the John Deere 62C Mower Deck in the amount of \$310.00 to Wayne Diehl of Bethlehem, PA.

On the motion of Chairman Geistwhite, seconded by Vice - Chairman Larson, it was unanimously agreed to award the bid for the Cushman Golf Cart in the amount of \$1,400.00 to Doug Lukehart of Adrian, PA.

On the motion of Chairman Geistwhite, seconded by Supervisor Goodhart, it was unanimously agreed to award the bid for the 2010 Chevrolet Equinox LTZ in the amount of \$6,900.00 to Colby Snook of Middleburg, PA.

Chairman Geistwhite briefly discussed proposing a Fire Tax. The Supervisors unanimously support this idea and asked the Township Manager to draft a Fire Tax proposal when preparing and reviewing the final budget to submit to the Supervisors.

EXECUTIVE SESSION: On the motion of Chairman Geistwhite, seconded by Vice-Chairman Larson, it was unanimously agreed to adjourn at 8:45 a.m. to Executive Session to discuss a personnel matter. The Board reconvened at 8:53 a.m.

On the motion of Chairman Geistwhite, seconded by Vice-Chairman Larson, it was unanimously agreed to hire Cody Phillips as a full-time police officer under the current police contract, on a one (1) year probation period.

The Supervisors have placed the letter from Mr. Stanley Tarka dated September 26, 2017 into the record as submitted.

There being no further business, on the motion of Chairman Geistwhite, seconded by Vice-Chairman Larson, it was unanimously agreed to adjourn the meeting at 8:55a.m.

210 N. Old Stone House Road
Carlisle, PA 17015

September 29, 2017

Middlesex Township
Board of Supervisors
Donald S. Geistwhite, Jr., Chairman
Steven L. Larson, Vice Chairman
William H. Goodhart, Supervisor
Keith O. Brenneman, Solicitor
Eileen Gault, Township Manager
Mark Carpenter, Zoning Officer and Building Code Official
Bud Grove, Township Engineer
350 North Middlesex Road
Carlisle, PA 17013

Re: Final Minor Subdivision Plan
92 Hoover Road-Sheely

Dear Sirs:

As you know, over the course of the past year we have been represented by Ronald M. Lucas of the Stevens and Lee law firm in our pointed opposition to the development of the adjacent lot identified as Lot A from the 2003 Carolyn Glace Subdivision Plan. We recognize that the developer has asked for an extension to December 7, 2017 (TPF#17-3)-Sheely Final Minor Subdivision Development Plan in order to address the many shortcomings identified in their original plan submitted in February. These are well documented in the attached March 28, 2017 Memorandum prepared by the township engineer Bud Grove, and sent to Larry Claycomb, Chairman of the Middlesex Township Planning Commission along with a copy to Keith Brenneman Esq. Township Solicitor. Our own objections were also communicated verbally by Mr. Lucas at the March 13 Planning Commission meeting and, at their request, in a followup formal communication to Mark Carpenter, Township Zoning Officer & Building Code Official dated March 24, 2017 with a copy to Bud Grove (attached) and specifically identified many shortcomings.

While we are disappointed with the decision by DEP regarding approving the lot sewage disposal system, there are still a number of key issues that we believe must be addressed in any revised subdivision plan and that Middlesex Township ordinances should be followed with a particular focus on **SALDO** (Subdivision & Land Development Ordinance) and denial of requests for Waivers from **Storm Water Management Ordinances**.

In the past, we have worked very closely in collaboration with Middlesex Township to successfully address excessive storm water runoff that was destroying our property and its landscape. We do not want to see these successes lost or jeopardized by storm water runoff from the proposed site at 92 Hoover Road. What follows is a consolidation of our

immediate concerns and objections that the we respectfully request the Township to address fully in order to avoid water runoff problems from the adjacent lot in the future.

SALDO Waivers-None of the waivers meet the Section 1401 standards for a waiver of “undue hardship because of peculiar conditions of the land.”

1. **502.c(1)** The required Site Context Map would show all natural and man-made features within 1,000 ft. such as buildings and the spring on our property and the sink hole in the R/W of Hoover Road in front of this property is missing and Sheely is requesting a waiver (SALDO Waiver #2). The site plan does not include all such features, **including the sink hole located along Hoover Road,** and any of the buildings and natural features on the Tarka Property. Showing these features is necessary to determine compliance with some of the SW infiltration basin setbacks, etc. The justification for this waiver is that the property was part of previous subdivision (both of which predated the current SALDO requirements) and this plan is only providing for one lot. This justification does not comply with the waiver requirements of Section 1401 for modification, which require showing “undue hardship because of peculiar conditions pertaining to the land in question.”
2. **Section 719**-To say a landscape plan is not necessary in the opinion of the subdivider is Not a justification. Many residential subdivisions require approval by the developer of landscape [plans for individual building lots so there is no reason to grant a waiver from a Township requirement with no justification. A land development plan includes a subdivision plan and there does not appear to be any exemption for landscape plans for two residential lots in a subdivision plan in the 2008 amendment.

Storm Water Management Ordinance Waivers, None of Which Meet the Waiver Standards in Section 110:

1. **Section 301.J.** The requirement is not to create an adverse impact on storm water quantity or quality upstream or downstream. Without a Site Context Map, it is impossible to determine compliance with setbacks and impacts to down gradient properties like ours. Although a waiver was not requested, compliance cannot be verified with the available plans.
2. **Section 301.E.** Meeting these technical requirements is for the Township Engineer to determine but there does not appear to be any attempt to carry the burden to justify the waiver under the standards of Section 110. This section specifically requires utilizing Pa SW BMPs of Appendix C, which recommends a max 3:1 impervious loading ratio for infiltration basin. (It does not appear that the proposed basin is a retention or detention basin, the former of which is not permitted and the latter of which is subject to strict setback limitations, as the basin will not be permanently wet and does not provide for any direct discharge of

water. Applicant is requesting a waiver, SWM Waiver #1. However, the waiver request does not meet the standards of Section 110, which pertains to the granting of waivers as follows: consistent with the purposes, addresses an undue hardship to the property which is grossly disproportionate to the benefit, is consistent with Section 301.F. water quality requirements and the Applicant has the burden of demonstrating waiver.

3. **Section 301.K.** -requires an Environmental Impact Assessment Report (EIAR). The applicant requests a waiver SWM Waiver #2. The only justification provided is the use is consistent with the adjoining uses in the neighborhood, BMPs are being used, and a planning module is proposed. No justification under the requirements of Section 110 is presented. While Section 106 allows certain plans to be exempted from requirements, but it does not appear that this plan is one that qualifies for an exemption. The purpose of the EIAR is to demonstrate that the proposed use or action **“poses no threat to the public’s health, safety and welfare, and to ground water quantity and quality.”** The section specifically requires such a Report in Karst geology to include the content required in section 302.C.1. The requirements include a Karst features map indicating the presence of open sinkholes and depressions. The current subdivision plan omits showing a sinkhole in front of the property, and near the proposed infiltration basin. The fact that this is specifically spelled out should indicate to the Supervisors that this requirement should not be waived.
4. **Section 302.A.** requires a storm water management plan. Applicant has been requesting a waiver, SWM#3. The justification is that the information pertinent the subdivision is included on the Subdivision Plan, and the narrative and calculations have been presented. This justification does not meet the requirements of Section 110 which is not even mentioned in the plan. The plan submitted does not provide the information required by 302.A., including watershed location map, all hydrologic boundaries, including all areas flowing to the proposed project, existing streams, springs, lakes, ponds, or other bodies of water. (The Plan does not even show the spring within approx. 200’ of the property line on the Tarka property, (easily seen on Google maps) a map showing the complete delineation of drainage areas, flow paths, and segments.
5. **Section 302.C.**-Proposing only one house is not a Section 110 justification for not providing a Site Conditions determination of Karst features. Applicant request for a waiver, SWM Waiver #4 is not justified.
6. **Section 303.H.23.** A waiver of required special attention to Karst geology is not justified due to the construction of one dwelling. Separation distances are required but not identified and no attempt was made on this plan to make a determination of impacts. Special attention must be given in areas underlain by Karst or carbonate geology. Applicant requested a waiver to this under Waiver #4. It is apparent Applicant wants to avoid having to comply with the issues under this section, specifically; this section identifies channels and sinkholes as a potentially dangerous Karst feature, and also notes the requirement of infiltration BMPs to be located at least 100 feet from

existing Karst features and sited away from buildings, roadways and other structures. From the existing plan, it appears that the basin will be within 100 feet of the existing sinkhole (we don't know since it is not on the plans), and it could be potentially within 100 feet of the Tarka buildings.

7. **Section 303**-Prohibits detention basins within 100 feet of a sinkhole but no waiver is even requested.
8. **Section 401.A.3.** requires that plans be submitted to County Conservation. Applicant asks for a waiver, SWM Waiver #5. The justification is only that no NPDES permit is required. However, the SWM approval and NPDES permitting are two separate processes. The justification offered doesn't meet the requirements of Section 110.

Thank you for the opportunity to submit these formal comments and we respectfully request that they be entered into the Board minutes for your next meeting and that they will be thoughtfully considered in the evaluation of any new proposed subdivision plan for 92 Hoover Road.

Thank you in advance for your consideration.

Sincerely,

Handwritten signatures of Stanley M. Tarka, Jr. and Laurell A. Tarka in cursive script.

Stanley M. Tarka, Jr., Ph.D., Fellow, Academy of Toxicological Sciences
Laurell A. Tarka

Skelly and Loy
Engineering – Environmental Consultants
449 Eisenhower Boulevard
Harrisburg, PA 17111
Tel: 717 – 232-0593

Memorandum

March 28, 2017

To: Larry Claycomb, Chairman
Middlesex Township Planning Commission

From: Bud Grove, Twp. Engineer

CC: Keith Brenneman, Esq., Township Solicitor
Doug Brehm, P.L.S., Brehm-Lebo Engineering, Inc.

Re: **TPF#17-03: Sheely Final Minor Subdivision Development Plan**
Plan Date: 02/10/2017



Our office has reviewed the above referenced plan. We offer the following comments for your consideration:

Subdivision and Land Development Ordinance Compliance Review

1. [305.k.(6), 602.b.(10)] Plan approval is subject to DEP approval of the Sewage Planning Module. Upon approval, the DEP code number referencing said approval must be placed on the plan.
2. [502.b.(1)] A site context map must be submitted.
3. [502.b.(2)] A Conservation Analysis must be submitted.
4. [502.c.(3)(a)] , 502.c.(3)(g)] Site features and historic resources as found and mapped on an Existing Resources Inventory Map, which is a component of the Conservation Analysis, must be shown on the subdivision plan.
5. [502.c.(3)(e)] All existing easements and the purpose for which they were created must be shown on the plan.
6. [502.c.(3)(g)] All existing utility lines must be shown on the plan.
7. [502.c.(3)(s)] The location of required street trees and any existing vegetation to be retained must be shown on the plan..
8. [502.c.(4)(f)(2)] The engineer's certification must pertain to the plan's engineering details.

9. [503.h.(2)] A hydro-geologic study prepared in accordance with the requirements of this section of the Ordinance must be submitted.
10. [503.h.(3)] A geotechnical report prepared in accordance with the requirements of this section of the Ordinance must be submitted.
11. [603.a] A performance guarantee must be placed with the Township for construction of the proposed stormwater management BMPs.
12. [603.c] The Stormwater Management Plan has not been approved by our office.
13. [603.d] The Erosion and Sediment Pollution Control Plan must be approved by the Cumberland County Conservation District
14. [603.h] A landscape plan showing the type and location of all required plantings prepared in accordance with Section 719 of the Ordinance
15. [705] The required Recreation Fee must be submitted to the Township prior to recording of the plan.
16. [718] An Environmental Impact Assessment can be required if the Planning Commission or Board of Supervisors finds that there is a reasonable ground to believe that an adverse environmental impact is likely to occur as a result of the proposed subdivision.
17. [719.c.(6)] Street trees are required where suitable street trees do not exist. Is the applicant proposing that the existing trees along the Hoover Road are suitable? There is no indication of this on the plan.
18. [719.c.(14)] In addition to the requirement for street trees, Lot A must be provided with one deciduous or evergreen tree per every one thousand (1000) square feet of gross floor area.
19. [1202.c.(1)(a)] Disturbance within the natural drainageway within the front half of Lot A shall be avoided. (See additional comments in this regard below)
20. [1202.f] Significant natural areas and features must be shown on the plan as either identified by the Middlesex Township Map of Primary Conservation Areas (most current version, when available, as published from time to time), Natural Features Mapping in the Middlesex Township Comprehensive Plan, the Pennsylvania Statewide Natural Diversity Inventory, the Cumberland County Natural Diversity Inventory, other published reports or by the applicant's Conservation Analysis (as required in Section 501.b.(2)).

Stormwater Management Ordinance (Article X of the SALDO)

1. The paragraph in the narrative of the report titled Stormwater Runoff Peak Rate Control should provide the proposed square footage of impervious cover in order to justify exemption from peak rate control requirements
2. The narrative should provide the proposed loading ratio for the infiltration basin.
3. [301.K] An Environmental Impact Assessment Report in accordance with Section 718 of the Township's SALDO may be required (also see SALDO review Comment No.16 above).
4. [301.U] A note should be added to the plan that states that any field changes to the approved SWMP designs must be addressed by the project design engineer and then submitted to the Township Engineer for review and approval. The Township Engineer shall have the discretion to determine if said changes shall go before the Township

Board of Supervisors for review and comment prior to any decision as to approval or denial of said change.

5. [302.302.C.1.a, 302.C.1.b] The Stormwater Management Plan (SWMP) is to include a site assessment in accordance with Chapter 4 of the PA Stormwater BMP Manual. The assessment shall pay special attention to the Karst features of the site. As such a karst features map must be included in the assessment. The assessment shall include Potential Adverse Environments Impacts and proposed measures to mitigate them.
6. The drainageway passing through the front half of Lot A carries upslope offsite runoff through the property. The proposed infiltration basin is in the center of said drainageway. Runoff into the basin should be minimized. The applicant's engineer should explore redesigning the site to allow only runoff from the developed (disturbed) area to drain into the basin.
7. [302.A.12, 302.A.13] The SWMP shall contain a profile of the infiltration basin and sufficient construction details to completely express the intended designs.
8. [302.A.16] The SWMP shall contain pre development drainage area map.
9. [303.B.7, 303.B.8] It is our understanding that there is a sinkhole on the site and numerous limestone pinnacle outcrops. These features must be mapped and reported in the Existing Conditions narrative of the SWMP Report. In addition, the narrative must report how these karst features will be addressed in the post development condition.
10. [303.H.23.a] The infiltration basin must not be located within 100 ft. of a sinkhole and is therefore subject to relocation pending the results of karst features mapping.
11. [303.L] Landscaping is required in and around the infiltration basin as it appears to have a surface area greater than 1000 square ft. Landscaping must be designed in accordance with specifications called for in this section of the Ordinance.
12. Article V – Operation and Maintenance Plan

The subdivision plan must contain a note that:

- Designates the entity responsible party for operation and maintenance of the on-lot stormwater BMPs.
 - States that the responsible party shall operate and maintain the on-lot facilities consistent with the approved Operation and Maintenance Plan, a component of the Stormwater Management Plan for this subdivision.
 - States that in the event that the responsible party fails to operate and maintain the on-lot facilities, Middlesex Township shall have the right but not the duty to enter upon the premises to repair or restore said facilities, to charge and assess the costs thereof to the owner of the premises and to enforce said charges and assessments by lien upon the property
 - States that the deed for Lot A shall contain a covenant binding the Grantee and all successors in title and interest designating the responsibility of operation and maintenance of the on-lot facilities as described in Article V Section 501.B.1.a.of the Middlesex Township Stormwater Management Ordinance.
13. The Operation and Maintenance Plan should contain an Exhibit illustrating the proposed site conditions/improvements/BMPs. This plan will be modified upon completion of construction of the BMPs at which time the Exhibit will be titled as an As Built Plan. Prior

to issuance of an occupancy permit or release of improvement surety (secures construction of BMPs) the Operation and Maintenance Practices Operations and Maintenance Agreement along with the Operation and Maintenance Plan shall be recorded.

14. Paragraph B of the Operations and Maintenance Plan should be modified by inserting the words... operation and maintenance of ...after the words...responsible for.
15. Paragraph C of the Operations and Maintenance Plan must be modified to explain in laymen terms the purpose of the proposed BMPs and how they function
16. Paragraph F (Reporting) of the Operations and Maintenance Plan should be modified to include the Record Keeping requirements of Section 501.C.6 of this Ordinance.

Waivers (Modification of Requirements) – Subdivision and Land Development Ordinance

Our Office has reviewed the applicant's request for waivers of specified sections of the Subdivision and Land Development Ordinance. We offer the following recommendations and or comments:

1. Article V, Section 502, Preliminary Plans: This plan qualifies as a Final Minor Plan therefore a waiver is not necessary.
2. Article V, Section 502.b.(1), 502.c.1 Site Context Map: In our opinion, the literal enforcement of this provision the Ordinance will not exact an undue hardship because of peculiar conditions pertaining to the land that is the subject of the proposed subdivision.
3. Article VI, Section 601, Pre-Application Meeting: Obviously, it is too late to enforce this provision of the Ordinance.
4. Article VII, Section 709.a, Sidewalks: As has been the Township standard practice, this waiver can be granted because the required note postponing enforcement is on the plan.
5. Article VII, Section 710.a, Curbs: As has been the Township standard practice, this waiver can be granted because the required note postponing enforcement is on the plan.
6. Article VII, Section 719.b, Landscape Plan: In our opinion, the literal enforcement of this provision the Ordinance will not exact an undue hardship because of peculiar conditions pertaining to the land that is the subject of the proposed subdivision.
7. Article VII, Section 719.c.(6): Street Trees: In our opinion, the literal enforcement of this provision the Ordinance will not exact an undue hardship because of peculiar conditions pertaining to the land that is the subject of the proposed subdivision.

Waivers (Modification of Requirements) – Stormwater Management Ordinance

Our Office has reviewed the applicant's request for waivers of specified sections of the Stormwater Management Ordinance, which is by reference Article X of the Subdivision and Land Development Ordinance. We offer the following recommendations and or comments:

1. Article III, Section 301.E Recommended Infiltration Loading Ratios: This section of the Ordinance does not specifically call out this requirement but directs the applicant to use the *Pennsylvania Stormwater Best Management Practices Manual* design as "guidance". To our knowledge, DEP recommends that adherence to their loading ratio guidelines be

complied with to the maxim extent practicable. As such, we believe more can be done to reduce infiltration loading ratios proposed for this plan.

2. Article III, Section 301.K. Environmental Impact Assessment Report: A report is needed. However, we believe complete report as required by Section 718 of the SALDO is not necessary. Because the property is in a Karst region of the Township, of primary importance is an analysis of the potential adverse environmental, geotechnical and hydro-geologic impact due to constructing the proposed improvements, including the on-site sewage disposal system.
3. Article III, Section 302. A Separate Stormwater Management Plan Set: There is no reason why a separate plan set cannot be submitted.
4. Article III, Section 302.C. and 303.H.23: See No.2 above.
5. Article IV, Submission to the County Conservation District: The Erosion and Sediment Pollution Control Plan must be submitted.

STEVENS & LEE
LAWYERS & CONSULTANTS

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March 24, 2017

Via Email: mcarpenter@middlesextwp.com

Mark D. Carpenter
Zoning Officer & Building Code Official
Middlesex Township
350 North Middlesex Road, Suite 1
Carlisle, PA 17013

Re: Final Minor Subdivision Plan
92 Hoover Road, Sheely

Dear Mark:

As you know, we represent Stanley and Laurel Tarka, owners of the adjacent property which is identified as Lot 22 from the 2003 Carolyn Grace Subdivision Plan. The Tarka property was the only new lot created by the Subdivision Plan. The 2003 Subdivision Plan subdivided Lot 22 (Tarka) from the original Lot 22 and proposed Lot A (not really a lot) from the remainder of the original Lot 22 to become a part of Lot 21 (Sheely).

The Sheely property was to have a total lot area of 4.4142 acres. Lot A was clearly to be consolidated into Lot 21 and was not created as a new lot. The Plan contained a Non-Building Declaration as to Lot A. If Lot A was a viable lot it would have been created after appropriate permitting for an on-lot septic system. To avoid confusion, any legitimate lot created from Lot 21 should be Lot 21A.

As requested at the Middlesex Township Planning Commission workshop meeting on March 13, I am providing this letter concerning our position on the numerous waivers requested for the above-referenced Subdivision Plan filed by Brehm-Lebo Engineering, Inc.

SALDO waivers. None of the waivers meet the Section 1401 standards for a waiver of "undue hardship because of peculiar conditions of the land".

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Mark D. Carpenter
Zoning Officer & Building Code Official
Middlesex Township
March 24, 2017
Page 2

1. 502.c(1) The required Site Context Map would show all natural and man-made features within 1,000 ft. such as the buildings and spring on the Tarka property and the sink hole in the R/W of Hoover Road in front of this property.
2. 502.h and 503.h. Supporting documentation is required by the Board of Supervisors on recommendation of the Planning Commission.
3. 709 and 710. The waivers of the installation of sidewalks and curbs should be in separate notes with the list of waivers and not buried in notes 14 and 15.
4. 719. To say a landscape plan is not necessary in the opinion of the subdivider is not a justification. Many residential subdivisions require approval by the developer of landscape plans for individual building lots so there is no reason to grant a waiver from a Township requirement with no justification. A land development plan includes a subdivision plan and there does not appear to be any exemption for landscape plans for two residential lots in a subdivision plan in the 2008 amendment.
5. 719.c(6). The justification for street trees is that existing trees "appear to meet the requirements," not exactly meeting the required justification. Only 1 tree in almost 400 ft of frontage is shown on the plan. If the sidewalks are deferred then they should be shown on the plan so the street trees can be coordinated also. A grant of easement might be required for the sidewalk location. This should all be on the plan for the 2 lots.

Storm Water Management Ordinance waivers, none of which meet the waiver standards in Section 110:

1. 301.J. The requirement is not to create an adverse impact on stormwater quantity or quality upstream or downstream. Without a Site Context Map it is impossible to determine compliance with setbacks and impacts to down gradient properties. Although a waiver was not requested compliance cannot be verified with the available plans.
2. 301.E. Meeting the technical requirements is for the Township Engineer to determine but there doesn't appear to be any attempt to carry the burden to justify the waiver under the standards of Section 110.
3. 301.K. The only justification to not providing the required Environmental Impact Assessment Report is "the use is consistent with adjoining uses in the neighborhood."

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Mark D. Carpenter
Zoning Officer & Building Code Official
Middlesex Township
March 24, 2017
Page 3

- There is no attempt to meet the standards of section 110. The purpose of the report is to demonstrate there will be “no threat to the public’s health, safety, and welfare, and to ground water quantity and quality.” The section specifically requires such a Report in Karst geology to include the content required in section 302.C.1. The requirements include a Karst features map indicating the presence of open sinkholes and depressions. It appears the subdivision plan omits showing a sinkhole in front of the property, and near the proposed infiltration basin.
4. 302.A. The justification to not provide a SW Management Plan is that pertinent information is on the Plan and the narrative and calculations have been provided. The standards of Section 110 are not even mentioned. The Plan does not show a watershed location map, hydrologic boundaries, existing streams, springs, lakes, ponds, or other bodies of water. The spring on the Tarka property is even shown on Google maps. This is different from a narrative.
 5. 302.C. Proposing only one house is not a Section 110 justification for not providing a Site Conditions determination of Karst features.
 6. 303.H.23. A waiver of required special attention to Karst geology is not justified due to the construction of one dwelling. Separation distances are required but not identified and no attempt is being made to make a determination of the impacts.
 7. 303. Prohibits detention basins within 100 ft of a sinkhole but no waiver is even requested.
 8. 401.A.3. The justification to not submit SWM plans to the County Conservation District is only that no NPDES is required. This misses the point that the two are different and one does not exempt the other.

Sewage Permit (Ord. 1-1999)

1. Section 6.b.1. The Township SEO is required to perform or observe all tests for the location of an individual on-lot system as well as a suitable replacement area. What is so hard to follow this standard?
2. The SEO cannot delegate this responsibility or allow someone else to perform or observe the testing. The SEO previously failed in June 2016 to find suitable areas on the property. Everything done subsequently was worthless and a waste of time and money since it violated a Township Ordinance.

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Mark D. Carpenter
Zoning Officer & Building Code Official
Middlesex Township
March 24, 2017
Page 4

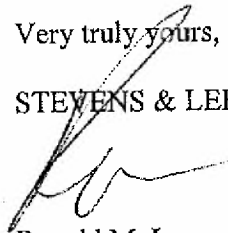
3. The replacement area calls for an aerobic backup system to be installed when failure occurs. Of course the replacement area is in the same general area of the primary system. If one fails and a separate criteria is placed on the replacement system due to its location, then on its face this appears to be fraught with danger.
4. The well isolation distance may not legally prohibit the Tarka property from siting a well within the 100 ft distance but it does present a identifiable problem and risk for siting a well in this location, or there is no reason to have the isolation distance from the system.

The detailed report from David Miller Associates is being evaluated by the Township Engineer and will not be summarized in this letter which was only to address the waiver and on-lot sewage system issues presented by myself at the workshop meeting.

Please call me if you have any questions.

Very truly yours,

STEVENS & LEE



Ronald M. Lucas

cc (via email): Gerald C. (Bud) Grove
Stanley M. Tarka, Jr. Ph. D., ATS