

**MIDDLESEX TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 27, 2006**

START TIME: 7:00 p.m.

END TIME: 9:05 p.m.

MEMBERS PRESENT:

Michael Buchanan
Larry Claycomb
Rod Groff
Steve Zeigler

STAFF PRESENT:

Keith Brenneman, Township Solicitor
Mark D. Carpenter, Zoning Officer
Margie Flatley, CMT, Secretary

MEMBERS & STAFF ABSENT:

Tracy Gleim
David Hukill
Americo Gines-Serrano
Bud Grove, Township Engineer

AGENDA:

1. APPROVE PAST MINUTES OF NOVEMBER 13, 2006
2. PUBLIC COMMENT
3. (TPF 06-8) DAVID J. RAUDABAUGH
PRELIMINARY SUBDIVISION PLAN
(BOS action deadline – January 4, 2007)
4. (TPF 05-7) DRAFT ZONING ORDINANCE AMENDMENT
CONSERVATION SUBDIVISION DESIGN
(comment on working draft for BOS)
5. (ZHB 06-4) SCOTT AND TANYA NEWHART
REVIEW SPECIAL EXCEPTION APPLICATION
(ZHB hearing scheduled for December 13, 2006)
6. (TPF 06-15) SUBDIVISION & LAND DEVELOPMENT ORD AMENDMENT
REQUIRING PLAN SUBMISSION TO LETORT REG AUTHORITY
REVIEW FOR BOARD OF SUPERVISORS
(BOS Public Hearing scheduled for December 29, 2006)

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MEETING MINUTES

Larry Claycomb called the meeting to order at 7:00 p.m.

APPROVE PAST MINUTES OF NOVEMBER 13, 2006

Mike Buchanan made a motion to approve the minutes of November 13, 2006, with several corrections. Rod Groff seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

Mr. Claycomb asked for public comment and there was none.

**(ZHB 06-4) SCOTT AND TANYA NEWHART
REVIEW SPECIAL EXCEPTION APPLICATION**

Scott and Brett Newhart were in attendance to explain the application. Larry Claycomb reviewed the criteria for Planning Commission review of a Special Exception application in Article XVII, Section 17.07 of the Zoning Ordinance. Mark Carpenter mentioned that Scott Newhart had provided a copy of a heliport license granted to Scott and Brett Newhart by the Pennsylvania Bureau of Aviation. Scott Newhart mentioned that the license is subject to township zoning approval of the use, and restricts helicopter flights to daylight hours of 8 AM to dark, with no approval for any night operations and does not include approval for a lighted landing pad. Larry Claycomb explained the heliport proposal, including type of helicopter, noise levels and fuel storage. Scott Newhart mentioned the heliport would be used from about 8 am to dark. In response to questions from Jeff Kelly, Scott Newhart said the heliport is for recreational use only and there would be no night flights from the site. Rod Groff asked how the maximum number of flights per month would be enforced. Mark Carpenter said the Zoning Hearing Board could impose reasonable and necessary conditions such as the maximum number of flights per month, which would be enforced by the Zoning Officer. Larry Claycomb noted that a heliport is a special exception because it is not provided for in the zoning ordinance and members should consider the impacts to the neighborhood.

After discussion about the impact of the Special Exception approval on the health, safety and welfare of residents in the immediate neighborhood, Mike Buchanan made a motion to recommend that the Zoning Hearing Board approve the Special Exception request by Scott and Tanya Newhart in Case 06-4, subject to the following conditions:

1. That the applicant obtain and maintain a valid heliport license from the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Aviation.
2. That the applicant be allowed to operate the helicopter only during daylight hours.
3. That the helicopter use be restricted to a maximum of five (5) roundtrip flights per month.

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3. That the Special Exception approval be limited to the use of a Bell 47 G helicopter or similar light helicopter.
4. That the Special Exception approval be terminated upon transfer of the property.

Steve Zeigler seconded the motion and the motion passed unanimously.

**(TPF 06-8) DAVID J. RAUDABAUGH
PRELIMINARY SUBDIVISION PLAN**

This matter was moved back on the agenda since no representative was present. Solicitor Keith Brenneman reviewed the stormwater facility maintenance note on sheet 4 and suggested the language be changed in part to read "If any facilities have been eliminated, altered, improperly maintained or not maintained, the owner . . .". Jeff Kelly went over the County Planning comments and mentioned he was concerned about the impact of the pipe under the new street that outlets onto the Preston property to the south. Mark Carpenter had no comments. Solicitor Keith Brenneman gave his opinion that the design of the stormwater basins in close proximity to adjoining property lines, like basin 2 where the emergency spillway is close, may violate our ordinance if they change the stormwater volume or intensity of flows.

After discussion, the members were not comfortable with recommending approval due to the proximity of stormwater basins to adjoining properties. Larry Claycomb asked that the applicant's engineer be asked to attend the next meeting. Mark Carpenter said he would ask the applicant's engineer to attend the next meeting and would refer stormwater related concerns to Township Engineer Bud Grove.

**(TPF 05-7) DRAFT ZONING ORDINANCE AMENDMENT
CONSERVATION SUBDIVISION DESIGN**

Mark Carpenter advised the Commission that he is still working on the ordinance, and is waiting on comments from Natural Lands Trust.

Larry Claycomb mentioned that the setback from a property line to a parallel property line is 3 feet in the subdivision ordinance and 5 feet in the zoning ordinance and should be made uniform. After discussion about allowing reduces setbacks for side entry garages, the commission agreed the ordinances should be consistent and the setback should be 5 feet, but could be reduced to 3 feet only at the end of a dwelling to accommodate a side entry garage, and no setback is needed for a shared driveway to adjacent multiple family dwelling units. After discussion, the commission also agreed that there should be a consistent 100 feet setback from any manure piles. Mark Carpenter said he would include these changes in the draft ordinances.

(TPF 06-15) SUBDIVISION & LAND DEVELOPMENT ORD AMENDMENT

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**REQUIRING PLAN SUBMISSION TO LETORT REG AUTHORITY
REVIEW FOR BOARD OF SUPERVISORS**

This is an ordinance requiring submission of all plans to the LeTort Regional Authority for review. The reason for this is that the LeTort in Middlesex Township is being reclassified as a high quality cold water fishery. Jeff Kelly reviewed County Planning comments on the draft ordinance. Solicitor Keith Brenneman stated he felt the ordinance did address County Planning comments as written.

Mike Buchanan made a motion to recommend approval and adoption of the ordinance as drafted. Steve Zeigler seconded the motion and it passed unanimously.

There being no further business, Rod Groff made a motion to adjourn the meeting. Steve Zeigler seconded the motion and it passed unanimously at 9:08 p.m.

Respectfully submitted by

Margie Flatley, CMT
Secretary to the Planning Commission