RESOLUTION NO. 2017-07

A RESOLUTION OF THE TOWNSHIP BOARD OF SUPERVISORS APPROVING A PRELIMINARY/FINAL SUBDIVISION PLAN OF LANDS OF BLUE SKY REALTY, LLC INTO LOT 1R, LOT 2, LOT 3 AND LOT 4 AND REPLOT OF LANDS OF JEFFERY A. & SHERRY M. WAITE

WHEREAS, a "*Preliminary/Final Subdivision Plan of Lands of Blue Sky Realty, LLC into Lot 1R, Lot 2, Lot 3, and Lot 4 and Replot of Lands of Jeffery A. & Sherry M. Waite*" prepared by Mease Associates, Inc., Fred M. Henry, PLS, consisting of four (4) sheets, dated 08/16/16, and last revised on 01/13/17 (hereinafter the "Plan") has been submitted to Warriors Mark Township (the "Township") for review; and

WHEREAS, applicant, Blue Sky Realty, LLC ("Applicant") owns a one hundred acre parcel (tax parcel 52-06-56.8) located northeast of the Dry Hollow Road and Dungarvin Road intersection in the Township; and

WHEREAS, Jeffery A. & Sherry M. Waite (the "Waites") own a 2.10 acre parcel (tax parcel 52-06-118) along Dry Hollow Road (SR 4008) and adjacent to the northern end of the aforesaid parcel owned by Applicant; and

WHEREAS, Applicant desires to subdivide Lots 2 and 3 from Applicant's said one hundred acre parcel and to relocate the common property line between Applicant's said parcel and the Waites' said parcel in order to create Lot 4; and

WHEREAS, Applicant's said one hundred acre parcel is located within the Township's Agricultural and Resource Protection zoning district and the Waite's said parcel is located within the Township's Rural Residential zoning district; and

WHEREAS, the Huntingdon County Planning Commission has reviewed the Plan, has issued a comment letter regarding the same; and

WHEREAS, pursuant to Applicant's request for final approval for the Plan, the Township's Engineer, Mark Haefner of Keller Engineers, has issued to the Township review letters dated January 9, 2017, and February 1, 2017, copies of which are attached hereto as Exhibit "A" and incorporated herein by this reference (hereinafter the "Keller Letters") wherein comments are made regarding certain deficiencies in the Plan; and

WHEREAS, the Township Planning Commission has reviewed and recommended granting Applicant's request for approval of the Plan, subject to all legal conditions being met; and

WHEREAS, the Board wishes to grant conditional approval to the Plan subject to the hereinafter set forth conditions.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Township of Warriors Mark, Huntingdon County, Pennsylvania, that the said Plan, as filed by the Applicant, is hereby approved subject to the following conditions:

1. Acceptance by the Applicant of the conditions of approval imposed by any other governing body which may have jurisdiction over the Plan.

2. Agreement by the Applicant to obtain all required federal, state, and local permits upon final approval of the Plan by the Township, if and as applicable, prior to issuance of any building permits including, but not limited to, those relating to sewage treatment and water supply.

3. Payment by the Applicant of all recording fees and fees related thereto incurred by the Township relative to the recording of the Plan, and payment by Applicant of all professional review fees, including but not limited to attorney fees and engineering fees, incurred by the Township. Said payment shall be made by Applicant within thirty days of receipt by Applicant of a bill for the same.

4. Complete execution of the Plan by Applicant.

5. The Applicant shall have thirty (30) days to either accept or reject these conditions and so notify the Township in writing. If the Applicant fails to act within this time period, the approval of the Plan shall be rescinded automatically.

6. All comments contained in the Keller Letters being satisfactorily addressed, as determined solely by the Township Engineer.

RESOLVED by the Board of Supervisors of the Township of Warriors Mark this 6th day of June, 2017.

WARRIORS MARK TOWNSHIP
BOARD OF SUPERVISORS

L. Stewart Neff
L. Stewart Neff, Chair

Rodney L Marshall
Rodney L. Marshall, Vice Chair

Mark E Brown
Mark Brown, Supervisor

ATTEST:

Julie Brenneman
Julie Brenneman, Secretary

KELLER ENGINEERS
Civil • Structural • Survey

420 Allegheny Street
Post Office Box 61
Hollidaysburg, PA 16648
Phone: (814) 696-7430
Fax: (814) 696-0150
Keller-Engineers.com

January 9, 2017

1344-86

Warriors Mark Township Board of Supervisors
P.O. Box 114
Warriors Mark, PA 16877

RE: PRELIMINARY/FINAL MINOR SUBDIVISION PLAN LANDS OF BLUE SKY REALTY, LLC & REPLOT OF LANDS OF JEFFERY A. & SHERRY M. WAITE
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REVIEW #1

Board of Supervisors:

Per your request we have completed an initial review of the proposed *Preliminary/Final Minor Subdivision Plan of Lands of Blue Sky Realty, LLC into Lot 1R, Lot 2, Lot 3 and Lot 4 and Replot of Lands of Jeffery A & Sherry M. Waite*. Plans were prepared by Mease Associates, Inc., and the following information was provided to our office for review at the December 15, 2016 Planning Commission meeting:

- Subdivision Plan,(4 sheet) dated 8/16/16
- Warriors Mark Township Applications for Plan Approval
- Warriors Mark Township Zoning Permit Applications
- Copy of Zoning Review, dated 12/4/16
- Copy of Sewage Facilities Planning Module Component 2
- Copy of Huntingdon County Planning Commission Application

The following information was received at our office on December 17, 2016:

- Revised Subdivision Plan Sheets 1 & 2 of 4, dated 8/16/16, last revised 12/16/16
- Huntingdon County Planning Commission Review Letter, dated 12/15/16

INTRODUCTION

The Applicant, Blue Sky Realty, LLC, owns a 100 acre parcel (tax parcel 52-06-56.8) located northeast of the Dry Hollow and Dungarvin Road intersection. Jeffery A. & Sherry M. Waite own a 2.10 acre parcel (tax parcel 52-06-118) of land along Dry Hollow Road (SR 4008) and adjacent to the northern end of the previously mentioned Blue Sky Realty, LLC parcel. The Applicant desires to subdivide Lots 2 & 3 from their 100 acre parcel and to relocate the common property line with the Waite property to create Lot 4. All new lots will have frontage on Dry Hollow Road. The Applicant's property is located within the Agricultural and Resource Protection zoning district and the Waite property is located within the Rural Residential zoning district.

EXHIBIT
A

BLUE SKY-WAITE SUBDIVISION **1344-86**
SALDO REVIEW #1
JANUARY 9, 2017

We conducted our review in accordance with the following Warriors Mark Township ordinances:

- Subdivision and Land Development Ordinance and amendments thereof (May 5, 1998, October 1, 1998 & November 1, 2005)

Our comments are as follows:

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

ARTICLE II DEFINITIONS

1. §202.: The 100 acre parcel was created from subdivision of the "Gillbrook Farm" property, which was approved in 2016. Since the 100 acre parcel has been subdivided within the last 5 years the plan does not qualify as a "Minor" plan. Please revise the plan title accordingly.

ARTICLE IV PLAN REQUIREMENTS

2. §402.: The maximum plan scale is 1"=100', please revise the plan or provide a written waiver request.
3. §402.h: The plan includes the label - "FEMA BOUNDARY ZONE A", the word "FLOODPLAIN" shall be added after "FEMA".
4. §402.m: Proposed Lot 4 will be in two different zoning district, please correct the setback lines and labels accordingly.
5. §403.1.3: Provide approval of the Sewage Facilities Planning Module.
6. §403.1.4: Provide approval of the PennDOT Highway Occupancy Permits for Lots 2, 3, and 4.

ZONING ORDINANCE

7. As previously mentioned the 100 acre parcel was subdivided from a 123.4 acres parcel, the subdivision plan was approved in February 2016. Based on the zoning regulations at the time, which have not changed since the plan approval, the original property (123.4 acres) was permitted to be subdivided into 5 lots plus the residual. The previously approved plan identified the 23.4 acre parcel as the residual with the 100 acre parcel being the first of the 5 lots that can be subdivided from the property, therefore the 100 acres parcel can be subdivided into 4 lots. Since the current proposal results in the creation of 3 new lots, only one lot may be subdivided from the property in the future.
8. The copy of the zoning review provided with the initial submission is not signed by the Zoning Officer. Please submit a signed copy.

GENERAL

9. The "SITE DATA", found on the cover sheet appears to have the middle initials of the two Owners switch. Please clarify.
10. Plan Certifications – ultimately all plan certifications must be executed.

BLUE SKY-WAITE SUBDIVISION **1344-86**
SALDO REVIEW #1
JANUARY 9, 2017

This plan was reviewed for general conformance with Township Subdivision and Land Development ordinances. We do not accept any liability for any potential design errors or omissions made by the design engineer or surveyor.

By copy of this letter to the Developer we hereby advise the Developer, to the extent that the Plans fail to comply with the Township's Ordinance, the Township reserves the right to require that the Plans comply with its Ordinance.

Don't hesitate to call us with any questions you may have.

Sincerely,

Mark J. Haefner
Keller Engineers

xc: Warriors Mark Planning Commission, (via email)
W. Lee Oswalt, Solicitor (via email)
Dave Piper (via email)
Blue Sky Realty, LLC (c/o Chad Shirey)
Jeffrey M. & Sherry A. Waite
Fred Henry, Mease Associates, Inc. (via email)

KELLER ENGINEERS
Civil • Structural • Survey

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February 1, 2017 1344-86

Warriors Mark Township Board of Supervisors
P.O. Box 114
Warriors Mark, PA 16877

RE: PRELIMINARY/FINAL SUBDIVISION PLAN LANDS OF BLUE SKY REALTY, LLC & REPLOT OF LANDS OF JEFFERY A. & SHERRY M. WAITE
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REVIEW #1

Board of Supervisors:

Per your request we have completed a second review of the proposed *Preliminary/Final Subdivision Plan of Lands of Blue Sky Realty, LLC into Lot 1R, Lot 2, Lot 3 and Lot 4 and Replot of Lands of Jeffery A. & Sherry M. Waite*. Plans were prepared by Mease Associates, Inc., and the following information was provided to our office for review on January 26, 2017:

- Response Letter, dated 1/23/17
- Subdivision Plan,(4 sheet) dated 8/16/16 & last revised 1/13/17
- Waiver Request

The following information was received from the Consultant via email:
- PennDOT HOP Permits for Lots 2, 3, and 4, received on 1/24/17
- Copy of 1/28/17 Signed Zoning Review Letter, received 1/31/17

INTRODUCTION
The Applicant, Blue Sky Realty, LLC, owns a 100 acre parcel (tax parcel 52-06-56.8) located northeast of the Dry Hollow and Dungarvin Road intersection. Jeffery A. & Sherry M. Waite own a 2.10 acre parcel (tax parcel 52-06-118) of land along Dry Hollow Road (SR 4008) and adjacent to the northern end of the previously mentioned Blue Sky Realty, LLC parcel. The Applicant desires to subdivide Lots 2 & 3 from their 100 acre parcel and to relocate the common property line with the Waite property to create Lot 4. All new lots will have frontage on Dry Hollow Road. The Applicant's property is located within the Agricultural and Resource Protection zoning district and the Waite property is located within the Rural Residential zoning district.

We conducted our review in accordance with the following Warriors Mark Township ordinances:

- Subdivision and Land Development Ordinance and amendments thereof (May 5, 1998, October 1, 1998 & November 1, 2005)

Our comments are as follows (text shown in ***bold italic*** print is the Developer's response; **bold** print is our response to the Developer):

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

ARTICLE II DEFINITIONS

1. §202: The 100 acre parcel was created from subdivision of the "Gillbrook Farm" property, which was approved in 2016. Since the 100 acre parcel has been subdivided within the last 5 years the plan does not qualify as a "Minor" plan. Please revise the plan title accordingly.
   1/26/17: The word "Minor" has been removed from the plan title. **COMMENT RESOLVED**

ARTICLE IV PLAN REQUIREMENTS

2. §402: The maximum plan scale is 1"=100', please revise the plan or provide a written waiver request.
   1/26/17: Waiver Request attached. **WE HAVE NO OBJECTION TO THE WAIVER REQUEST, OPEN COMMENT PENDING WAIVER APPROVAL**
3. §402.h: The plan includes the label -"FEMA BOUNDARY ZONE A", the word "FLOODPLAIN" shall be added after "FEMA".
   1/26/17: The word "FLOODPLAIN" has been added. **COMMENT RESOLVED**
4. §402.m: Proposed Lot 4 will be in two different zoning district, please correct the setback lines and labels accordingly.
   1/26/17: Setback lines and labels have been corrected. **COMMENT RESOLVED**
5. §403.1.3: Provide approval of the Sewage Facilities Planning Module.
   1/26/17: Once approval is obtained, a copy of approval letter will be forwarded to your office. **OPEN COMMENT**
6. §403.1.4: Provide approval of the PennDOT Highway Occupancy Permits for Lots 2, 3, and 4.
   1/26/17: Copies of the HOP's were emailed to your office on 1/23/2017. **COMMENT RESOLVED**

ZONING ORDINANCE

7. As previously mentioned the 100 acre parcel was subdivided from a 123.4 acres parcel, the subdivision plan was approved in February 2016. Based on the zoning regulations at the time, which have not changed since the plan approval, the original property (123.4 acres) was permitted to be subdivided into 5 lots plus the residual. The previously approved plan identified the 23.4 acre parcel as the residual with the 100 acre parcel being the first of the 5 lots that can be subdivided from the property, therefore the 100 acres parcel can be subdivided into 4 lots. Since the current proposal results in the creation of 3 new lots, only one lot may be subdivided from the property in the future.
   1/26/17: Note 11 has been added to the plan indicating only 1 additional lot may be developed in the future. **PLEASE CHANGE THE WORD DEVELOPED TO SUBDIVIDED IN THE NOTE. OPEN COMMENT**
8. The copy of the zoning review provided with the initial submission is not signed by the Zoning Officer. Please submit a signed copy.
   1/26/17: A signed copy from the Zoning Officer will be provided once received by this office. **THE CONSULTANT EMAILED A COPY OF THE SIGNED ZONING REVIEW LETTER TO OUR OFFICE ON 1/31/17. COMMENT RESOLVED**

GENERAL

9. The "SITE DATA", found on the cover sheet appears to have the middle initials of the two Owners

switch. Please clarify.
1/26/17: Middle initials have been corrected. **COMMENT RESOLVED**

10. Plan Certifications – ultimately all plan certifications must be executed.
1/26/17: All plan certifications will be executed prior to final Township signatures. **OPEN COMMENT**

This plan was reviewed for general conformance with Township Subdivision and Land Development ordinances. We do not accept any liability for any potential design errors or omissions made by the design engineer or surveyor.

By copy of this letter to the Developer we hereby advise the Developer, to the extent that the Plans fail to comply with the Township's Ordinance, the Township reserves the right to require that the Plans comply with its Ordinance.

Don't hesitate to call us with any questions you may have.

Sincerely,

Mark J. Haefner
Keller Engineers

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Fred Henry, Mease Associates, Inc. (via email)