**RESOLUTION NO. 2018-10**

**A RESOLUTION OF THE TOWNSHIP BOARD OF SUPERVISORS APPROVING THE PRELIMINARY/FINAL LAND DEVELOPMENT PLAN OF LANDS OF PETER C. LIESE AND LISA M. HARRINGTON**

**WHEREAS,** a subdivision plan entitled, *Preliminary/Final Land Development Plan of Lands of Peter C. Liese and Lisa M. Harrington*, prepared by Lockard Surveying & Mapping, Timothy J. Lockard, PLS, consisting of one (1) sheet, dated May 16, 2018 and last revised September 24, 2018 (hereinafter, the "Plan"), has been submitted by the applicant, Peter C. Liese (hereinafter the "Applicant"), to Warriors Mark Township (hereinafter the "Township") for review on June 21, 2018 at the Township's Planning Commission meeting; and

**WHEREAS,** the Applicant resides in part of the Arbutus Subdivision on a 16.94 acre parcel of land, which is a flag lot off of Dry Hollow Road (SR 4008) with the sixteen and 16.5 feet wide flag pole portion of the lot providing access thereto; identified as Tax Parcel No. 52-07-05.7 (hereinafter the "Property"); and

**WHEREAS,** the Applicant desires to build a second residential structure, being 680 square feet in size, and an on-lot sewage disposal system on the Property for use by members of his immediate family; and

**WHEREAS,** pursuant to the Applicant's request for preliminary/final approval for the Plan, the Township's Engineer, Mark J. Haefner, P.E. of Stahl Sheaffer Engineering, LLC, has reviewed the Plan and has issued to the Township a comment letter dated July 6, 2018, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference (hereinafter the "Engineer's Letter"); and

**WHEREAS**, authorized by the Huntingdon County Planning Commission, the Huntingdon County Planning and Development Department has reviewed the Plan and has issued to the Township a comment letter dated September 20, 2018, a copy of which is attached hereto as Exhibit "B" and incorporated herein by this reference; and

**WHEREAS,** the Plan includes a proposal for an exception to the requirement to revise the official sewage facilities plan for new land development Component 1 planning module, and was submitted to the Department of Environmental Protection (hereinafter "DEP"); and

**WHEREAS**, after review, DEP issued a letter in which DEP accepted the proposal as an exception to the requirements to revise the official plan and confirmed that Warrior's Mark Township's Sewage Enforcement Officer is authorized to issue permits for the Plan; a copy of said letter, dated August 28, 2018, is attached hereto as Exhibit "C" and incorporated herein by this reference; and

**WHEREAS,** the Township Planning Commission has reviewed and recommended granting, without objection, Applicant's request for approval of the Plan, subject to various conditions being met; and

**WHEREAS,** the Township Board of Supervisors wishes to grant approval of 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 the Applicant of all professional review fees, including but not limited to attorney fees, consulting fees, and engineering fees, incurred by the Township. Said payment shall be made by the Applicant within thirty days of receipt by the Applicant of a bill for the same.

4. Complete execution of the Plan by the 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 Plan approval shall be rescinded automatically.

6. All comments (if any) contained in the Engineer's Letter being satisfactorily addressed, as determined solely by the Township's Engineer.

**RESOLVED** by the Board of Supervisors of the Township of Warriors Mark this 6th day of November, 2018.

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

STAHL SHEAFFER ENGINEERING

Stahl Sheaffer Engineering, LLC
301 Science Park Road, Suite 333
State College, PA 16803
814.689.1562
www.sse-llc.com

July 6, 2018

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

**Re: PRELIMINARY/FINAL PLAN – RESIDENTIAL LAND DEVELOPMENT**
**LANDS OF PETER C. LIESE AND LISA M. HARRINGTON**
**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REVIEW #1**

Board of Supervisors:

Per your request we have completed an initial review of the proposed Preliminary/Final Land Development Plan of Lands of Peter C. Liese and Lisa M. Harrington. Plans were prepared by Lockard Surveying & Mapping, Timothy J. Lockard, PLS, and the following information was provided for our review at the June 21, 2018 Planning Commission meeting:

- Warriors Mark Township Application for Plan Approval
- Land Development Plan, dated 5/16/18
- Copy of the Sewage Facilities Planning Module

INTRODUCTION
Peter Liese currently resides on a 16.99 acres parcel of land, tax parcel 52-07-05.7, off of Dry Hollow Road (SR 4008). Mr. Liese desires to build a second residential structure on the property for use by members of his immediate family. The property is a flag lot with the 16.5' wide flag pole portion of the lot providing access to Dry Hollow Road. The property is located within the Agricultural and Resource Protection zoning district.

EXHIBIT
A

Our review was conducted in accordance with the following Warriors Mark Township Ordinances:

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

Our comments are as follows:

## SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

### ARTICLE IV PLAN REQUIREMENTS

1. §403.1: Provide a copy of the approved Sewage Facilities Planning module.

### GENERAL

1. Provide a copy of the Huntingdon County Planning Commission review letter.
2. Township Zoning Officer must review the plan for compliance with the Zoning Ordinance. Please note based on the current depiction of the setback lines the second residence is within the building setback. The setback should be shown from the property line. It is our opinion that when a private right-of-way exists and the prescribed setback falls within the right-of-way, the right-of-way is the default setback line. The depiction of the setbacks should be reviewed/discussed with the Zoning Officer.
3. Plan Certifications – ultimately all plan certifications must be executed. Please note both of the property owners will need to execute the "Owners Certification" signature block.

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

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

Please contact me at 814.689.1562 or via email at mhaefner@sse-llc.com should you have any questions or require additional information.

Sincerely,

Mark J. Haefner, P.E.
Stahl Sheaffer Engineering, LLC

XC: Peter Liese (pcl022@aol.com)
Sara Mueller (sjmueller708@gmail.com)
Tim Lockard, PLS (locsurvmap@gmail.com)
W. Lee Oswalt (via email)
Dan Durbin (via email)

HUNTINGDON COUNTY PLANNING COMMISSION

(814) 643-5091

Court House - Huntingdon, Pennsylvania 16652

September 20, 2018

Julie Brenneman
Warriors Mark Township Secretary
P.O. Box 114
Warriors Mark, PA 16877

Re: Peter C. Liese and Lisa M. Harrington Minor Land Development

Dear Ms. Brenneman:

The staff of the Huntingdon County Planning and Development Department has reviewed the above referenced proposal to construct a 680 square foot second residence and an on-lot sewage disposal system on a 16.94 acre parcel. The property in this proposal is part of the Arbutus Subdivision and is located on the east side of Arbutus Lane approximately 0.24 miles northeast of the intersection of Dry Hollow Road (SR 4008) and Arbutus Lane in Warriors Mark Township.

The Planning Commission authorizes Department staff to offer the following comments for your consideration. They are based on a "desk-top" review of the proposal, county and municipal plans and ordinances and applicable state laws. No field-view was made of the site. *The comments are not intended to replace your own review or to offer either legal or engineering advice.*

1. The proposal is consistent with the Huntingdon County Comprehensive Plan, which designates the land use for this area as Agriculture. Although development is discouraged in agricultural areas, it is permitted. The proposal is in compliance with the Warriors Mark Township Comprehensive Plan, which designates the land use for this area as Residential Rural.

2. There are no areas of floodplain or wetland on the property in this submission.

3. According to the contours provided on the plan, there do not appear to be areas of steep or very steep slope at the location of the proposed second residence.

4. Four soil types are identified on the plan. Two of these soil types are identified on the parcel being developed - HuB (Hublersburg Silt Loam, 2 – 8% slopes) and HuC (Hublersburg Silt Loam, 8 – 15% slopes). The HuB soil type is identified as Prime Farmland of Huntingdon County and the HuC soil type is identified as Farmland of Statewide Importance. Although farming does appear to be taking place on an adjacent parcel, it is assumed that development within these soil types on the property in this submission will not negatively impact farming as the property is located within an existing subdivision and farming does not appear to be taking place on this parcel.

EXHIBIT
B

5. The submission meets the definition of land development found in Section 202 of the Warriors Mark Township Subdivision and Land Development Ordinance (SALDO).

6. The plan submitted appears to meet the plan requirements found in Sections 402 and 403 of the SALDO. The property in this submission is in the A – Agriculture and Resource Protection - Zoning District, as depicted on the Official Zoning Map for Warriors Mark Township. The site data on the plan indicates that the proposed uses are residential and agriculture.

7. The plan indicates that the lot size of the property in this submission is 16.94 acres. Section 303.D of the Zoning Ordinance requires a 1.5 acre minimum residential lot size within the Agriculture and Resource Protection Zoning District. In addition, Section 303.D.4.c requires a 10 acre minimum lot size for residential lots with agricultural use.

8. Section 306.D.3 of the Zoning Ordinance provides requirements for the maximum number of permitted dwellings or lots according to parcel size. Based on the 16.94 acres of the parcel in this submission, the maximum number of permitted dwellings is two - one dwelling in addition to the original house. No future residential development is permitted on this lot without action by the Township's Zoning Hearing Board.

9. In conformance with the County Planning Commission's recommendation for the inclusion of plan narratives, Plan Note 1 should be identified as the plan narrative since it clearly indicates that the purpose of this proposal is to identify the location of a second residence and on-lot sewage system on a previously approved residential lot (Lot 3R of Arbutus Estates – Phase I). The plan does identify the location of the second residence and sewage test pits. The plan also identifies the proposed well along with the existing residence, well and septic system. In addition, a 100' isolation distance from each septic system is provided for the existing and proposed well sites.

10. The 40' front and 30' side and rear building setbacks identified in Plan Note 7 are in compliance with Section 306.E of the Zoning Ordinance, which requires these exact setbacks for residential lots with agricultural use.

11. A DEP, Sewage Facilities Planning Module Component 1 was submitted for this proposal along with an approval letter from the DEP indicating that the local sewage enforcement officer (SEO) is authorized to issue permits for this proposal.

12. There appears to be a discrepancy regarding the acreage of the parcel in this proposal. The plan identifies the acreage as 16.94 acres while the County and the Township subdivision and land development applications and the sewage module narrative identify the acreage as 16.99 acres. The correct acreage should be identified on the plan.

13. Although the property owner has indicated that Arbutus Lane ends inside his property boundary, the plan should clearly identify the terminus of Arbutus Lane and the beginning of the private driveways. The property owner stated that a maintenance agreement exists for Arbutus Lane. Since Section 503.g of the SALDO allows private streets only if there is a maintenance agreement of a homeowners association or similar entity land, reference to the maintenance agreement for Arbutus Lane must be included on the plan to comply with this Section, which also requires that all plot plans provide written notice of the requirement for the maintenance agreement. The agreement should be reviewed to verify that although a subdivision is not occurring at this time, that an additional dwelling will be using it to verify that maintenance sharing percentage is not changed based on a changing number of users.

14. A variable width stone cartway and parking area are identified as the access from Arbutus Lane to the existing home and a 12' to 14' stone driveway is identified as the access from Arbutus Lane to the proposed second residence. Although the proposed residence is for family members of the property owner, it is recommended that driveway maintenance agreements be prepared for both driveways to avoid potential future conflicts if the houses are sold to non-family members. This is especially important as the driveways range in length from 210' to 300'.

15. Section 513a.6 of the Warriors Mark Township Subdivision and Land Development Ordinance (SALDO) requires County Conservation District and Township notification at least seven days prior to the start of construction if any earthmoving activity is to take place.

16. The Huntingdon County Mapping Department should be contacted to obtain a physical address for the second residence. For emergency services, the addresses for both residences should be clearly identified. Section IV.G.G.2 of the Huntingdon County Street Naming and Addressing Ordinance and Policy requires that address numbers be clearly visible from the street. If they are not clearly visible, an additional number is to be posted at the intersection of the driveway with the public street. Section IV.G.G.2 also details the size, color and placement of such address numbers.

17. The tax parcel numbers referenced for the adjoining property owners and in the site data are not in conformance with Huntingdon County's Tax Parcel Numbering system. For example, the identified parcel 52-7-5.7 should be shown as 52-07-05.7. These numbers should be corrected prior to recording the final plan.

18. The plan references an existing 50' right-of-way, per Plan Book 8 Page 50-D. The property owner stated that he is working with a solicitor to eliminate this right-of-way. Eliminating the ROW is important as the location of the proposed second residence appears to be within this right-of-way.

19. The property in this proposal is in the Clean and Green Program and must comply with Act 319 Rules and Regulations. Payment of rollback taxes may be required in certain situations. Section 137.41(a) of Act 319 requires written notification to the County Chief Assessor thirty- (30) days prior to transfer, separation, or split-off of land.

The Huntingdon County Planning Commission wants to remind the municipality that the above comments are offered, in conformance with Section 502 (b) of the Pennsylvania Municipalities Planning Code, and are designed to assist in implementing the comprehensive plan, sewage facilities plan and your municipal subdivision and land development ordinance. Sole authority for approval or disapproval of this project lies with your governing body.

Please contact this office with any questions concerning these comments and provide us with a copy of your approval or disapproval letter.

Sincerely,

Mark A. Colussy
Planning Director

cc: Liese
Lockard
Township Planning Commission
Township Zoning Official
Barrett
Clark
Cooper
Tucker

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

August 28, 2018

Warriors Mark Township Supervisors
C/O L. Julie Brenneman, Secretary
PO Box 114
Warriors Mark, PA 16877

Re: Approval Letter – Exception
Act 537 Planning
Peter Liese
DEP CODE NO. A3-31946-166-1
APS ID # 973242, AUTH ID # 1237467
Warriors Mark Township, Huntingdon County

Dear Ladies and Gentlemen:

The Department of Environmental Protection (DEP) has received the above referenced subdivision plan. The proposal has been submitted as an exception to the requirement to revise your official sewage facilities plan for new land development Component 1 planning module. The proposed development is located along Dry Hollow Road. The proposed project is for the addition of a 2nd dwelling unit on 16.94 acres generating 400 gallons per day using an on-lot sewage system and a well.

This proposal has been reviewed by appropriate municipal officials and found to be consistent with your official sewage facilities plan and the applicable Chapter 71 requirements. DEP finds your action to be adequate and accepts this proposal as an "exception" to the requirements to revise the official plan under Chapter 71, Section 71.55.

The local agency's sewage enforcement officer (SEO) is authorized to issue permits in this proposed subdivision in accordance with the Pennsylvania Sewage Facilities Act, and 25 Pa. Code Chapters 71, 72 and 73.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457



EXHIBIT
C

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at http://ehb.courtapps.com or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

**IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.**

If you have any questions or concerns, please call Richard Barrett at 814.946.7290, and refer to DEP Code No. A3-31946-166-1, Application No. 973242 and Authorization No. 1237467.

Sincerely,

Timothy K. Wagner
Environmental Group Manager

cc: Peter Liese
Lockard Surveying & Mapping
David Piper, SEO
Huntingdon County Planning Commission