

WELLSBORO PLANNING COMMISSION WORKSHOP – January 4, 2012

CALL TO ORDER: Planning Commission Chairperson Ron Comstock called the meeting to order at 3:00 p.m. in the conference room of the John E. Dugan Fire Station-Municipal Building at 28 Crafton Street, Wellsboro, PA. 16901.

Planning Commission Members present were Ron Comstock, William Yacovissi, Lou Prevost, Sue Trescott, Gus Vargas, Borough Manager Daniel K. Strausser, Borough Engineer William Bray, Council President Joan Hart, Borough Secretary Susan Keck and Assistant Secretary Florence Martino.

Daniel K. Strausser said he had been hired to be the Borough Manager for Wellsboro and he would be the person who will coordinate between the Planning Commission and the Borough Council.

Daniel K. Strausser informed the Planning Commission members that where he had been prior to coming to Wellsboro, planning and zoning had been combined. He said when a plan comes into the borough office the clock begins and there are steps that need to be followed or the clock stops on the plan. Daniel K. Strausser said William Bray would review all plans before coming to the Planning Commission. William Bray is the general engineer for the borough. The Planning Commission will have a letter from William Bray and the developer will also receive a copy of the letter, Daniel K. Strausser said William Bray would review each plan for water, sewer, land development and storm water concerns.

Dan Strausser said the Planning Commission members make recommendations to the Borough Council. He said there are three recommendations you can make. The first would be to approve the plan, second you can recommend not approving the plan and third you can decide to make no recommendation. Daniel K. Strausser said he would prefer the commission either make a motion for approval or disapproval, he would prefer you not use the third choice.

Daniel K. Strausser said all plans would need to meet the requirements of the Municipal Planning Code and subdivision ordinance of the Borough of Wellsboro. Daniel K. Strausser said today was the last date for any submissions for the Planning Commission meeting advertised for January 18, 2012. If any items are brought in after today the applicant will receive a letter stating submission was too late for January and will be on the calendar for February.

Daniel K. Strausser informed the members the Greenwood Development is on the agenda for the meeting on the 18th of January. He said they have submitted an application for a conditional use under zoning and have no variances. He said residents in the area are planning on attending the meeting.

William Yacovissi asked if on the 18th of January they would be requesting a conditional use with a preliminary plan. Daniel K. Strausser said on the 18th it would only be for the conditional use, if the conditional use goes through then it starts over for the preliminarily plan then it goes to borough council.

William Yacovissi said section 14.1 of the ordinance deals with the conditional use general criteria. Daniel K. Strausser for a conditional use there is not much for William Bray to review. Ron Comstock asked if there wasn't a concern about the possible wetlands or the soil. Daniel K. Strausser said that was not a concern to be reviewed for the conditional use. William Bray said the developer would also need to have approval by the Conservation District concerning the earth disturbance and soil erosion. William Bray said the borough's storm water ordinance is above the requirements of the Conservation District.

William Yacovissi asked if we should lay out the steps for a conditional use due to the residents coming they will not know the order and things could get out of hand very easily. Daniel K. Strausser said the Planning Commission chairman would open the meeting and say we have a

WELLSBORO PLANNING COMMISSION WORKSHOP – January 4, 2012

plan before us, which the Borough Council has asked us to review and give a recommendation. The chairman will then turn the meeting over to the developer. Then open the floor up for questions to the developer, there shouldn't be many questions, which the planning commission needs to answer.

Lou Prevost asked if the concerns about water runoff are not considered at this time when are these issues addressed. William Bray stated if the conditional use is permitted then the developer comes back with a preliminarily plan with detail drawings, which addresses all the requirements in the ordinance.

William Yacovissi said the only issue to be determined is if town houses are a conditional use or a permitted use.

Daniel K. Strausser said the revised plan has two roads in with eleven single-family homes with a community center and twenty-nine town houses with two rolls of a buffer zone between Ives Street. Daniel K. Strausser said the one resident on Greenwood Street said he knew the plan would go through. Daniel K. Strausser said he told the resident that he should talk to the developer and request a buffer zone between the properties as well. Daniel K. Strausser said the borough could not request it due to it being off site from the plan.

Lou Prevost asked if the residents on Greenwood Street have use of the community center. Daniel K. Strausser said he thought the community center would only be for the residents in the development due to insurance.

Daniel K. Strausser said he was told that the units would be a lease purchase with some of the rent going into an escrow account for the cost of the home. Daniel K. Strausser said the homes would be taxed as any other moderate-income home. They consider moderate income around \$40,000.00. William Yacovissi asked if the escrow account was new because he didn't understand at the first meeting that any of the money was being put aside. Daniel K. Strausser said he could ask at the next meeting however they told him some of the rent was being put aside.

Daniel K. Strausser said the development would be responsible for snow removal unless they come to Borough Council and request the borough take over the road. William Yacovissi said he would like some feedback on if the borough would want to maintain the roads. William Yacovissi said what the issues are if the borough did or did not take over the maintenance of the roads. Daniel K. Strausser said he would unofficially try to get the answers to his questions. Daniel K. Strausser said the roads would have to be up to the borough's standard for roads.

Lou Prevost asked if there were sidewalks on Greenwood Street. The sidewalk ends between Kelsey Street and the doctor's offices on West Avenue. Daniel K. Strausser said a sidewalk could be requested at the preliminary plan. Daniel K. Strausser said what he would like to see on all plans if a plan does not have sidewalks have it written on the plan when signed that within six months, notice from the borough they would be required to install sidewalks. This would allow you to go back even four years from now when a new plan is presented and have this development install the sidewalks because it is written on the plan.

Daniel K. Strausser said the school bus stops would be determined by the Wellsboro Area School District.

Daniel K. Strausser said there is a 50' right of way to the remaining lot, which will not be part of the project. William Yacovissi said what practical use would there be for the remaining 14 acres, which is not part of the project.

Daniel K. Strausser said the people buying the homes would be responsible for maintaining the grounds and the road. Daniel K. Strausser said the mailboxes would be located near the

WELLSBORO PLANNING COMMISSION WORKSHOP – January 4, 2012

community center. Daniel K. Strausser said there would be a homeowners association with a board of directors.

Daniel K. Strausser said you would be approving the plan with the town houses on it. Daniel K. Strausser said anytime the planning commission has a plan William Bray will be at the meeting. Daniel K. Strausser said the planning commission can give final approval with pending issues; however at the next month's meeting you will know how the issues were resolved. Daniel K. Strausser said from here on once both the Planning Commission has approved a plan and the Borough Council, William Bray and I will make sure it is completed as stated. The developer will pay the borough and the borough will pay William Bray. Ron Comstock said I am asked to sign the plan once it is approved however the conditions have not been resolved. Daniel K. Strausser said your signature shows the plan has been approved and is ready for him to record it in the courthouse.

William Yacovissi said a minor subdivision does not need to put in facilities; it is a one step process. William Yacovissi said a major subdivision has a two-step process. William Yacovissi said the commission could recommend waivers for sidewalks or other concerns depending where it is located. William Yacovissi said the English Street and Pearl Street projects both thought if only two lots it would be a minor subdivision facilities were not needed. Daniel K. Strausser said if someone submits a plan it needs to be on agenda because the clock starts. Daniel K. Strausser said anyone could come to a public meeting and ask questions. Lou Prevost asked if we could limit the time a person continues to talk about a possible plan. Daniel K. Strausser said if a resident continues to take time, I will look at the chairman and he will know it's time to move on to the next issue. William Bray said if you had a lot and were dividing it into two lots and you needed to extend the sewer line 1000' that makes it a major subdivision. Daniel K. Strausser said there are issues and we may need to amend the subdivision ordinance. Daniel K. Strausser said he thinks it should read a minor subdivision could have the preliminary plan waived however it shouldn't state in the ordinance that a minor plan can be submitted as a final plan. William Yacovissi said the ordinance doesn't say we need to approve it as a final however people come in thinking it is a final plan.

Daniel K. Strausser said every plan should be a case-by-case decision. The more waivers you grant the more people will come wanting waivers. Daniel K. Strausser said he would prefer few waivers in the motions to go to council. William Bray said people would see any waiver as a precedent. William Yacovissi said at this time Secretary Keck does the classification as to a minor or major subdivision. Secretary Keck said she does not classify the plans the plans come in as either a minor or major subdivision. William Yacovissi said the ordinance states it is the borough secretary determines that at the first meeting. Daniel K. Strausser said until the ordinances are changed the borough secretary will need to continue signing the plans however he will be doing the review of the plan.

Gus Vargas asked if the development has a lease to purchase deal, what happens to the money if the first tenant moves from the area or dies. Ron Comstock said at the first meeting it was a fifteen-year ownership of the developer. He said he didn't think there was any money set aside for the purchase. Daniel K. Strausser said he would ask the developer on how the money is used. Daniel K. Strausser said if he gets any information he will get copies to the commission members. Lou Prevost asked if there was any way to protect the town in the sixteenth year. Daniel K. Strausser said that would be a legal question.

Daniel K. Strausser said what he was told was the financing for twelve millions dollars is 30% HUD money and 70% investors from New York City because it is government guarantee money. The investors are probably getting a tax breaks on the money. William Bray said if New York City banks would want their money back before fifteen years and the sale of the homes would be clear profit.

WELLSBORO PLANNING COMMISSION WORKSHOP – January 4, 2012

Daniel K. Strausser said the chairman could keep the discussion on the conditional use and not on topics of what has happened in the past down the street. The discussion needs to stay on the conditional use topic.

Lou Prevost said he would like to discuss the comprehensive plan concern for water. Lou Prevost said he planned to talk with Bob DeCamp the chairman of the Wellsboro Municipal Authority concerning the list of lawsuits against EQT. Lou Prevost said the issue concerning the inspection is very weak. Ron Comstock asked if the Authority is actually considering this at their meetings. Daniel K. Strausser said the Authority has to consider it however they do not need to act on it but it is a significant amount of money. The members of the Authority would not be doing their job if they did not consider it. Lou Prevost said Shell is working up near Willis Run and would like to discuss this at a later time not this evening. Lou Prevost said Southwestern Energy has to allow independent inspections and the Authority needs to be aware of this. Secretary Keck said the Authority meetings are open to the public and these issues are discussed monthly.

Daniel K. Strausser said anything that is official from the Planning Commission has to go to the Borough Council. Daniel K. Strausser said the Planning Commission is an arm of the Borough Council you need to have approval of the Borough Council. As a private citizen any of you can speak to any board or commission however you cannot represent the council or the planning commission.

Lou Prevost said the Planning Commission approved the 5 Point Plan for Safe Water & Environment and everything EQT is doing violates the plan. Lou Prevost said we gave it to Borough Council and they voted and approved the plan. Secretary Keck said the council did not vote or approve the plan. Daniel K. Strausser said he would be the person Borough Council will come to and ask him what residents have heard and discussed with the member of council.

Council President Hart said the Authority is protecting the water supply and you don't want to believe everything you read or hear on the street.

Daniel K. Strausser said William Bray will be at the meetings however he is being paid so will only be at main portion of the meetings. Daniel K. Strausser said the next meeting would be January 18, 2012.