

**TOWNSHIP OF NORTH HUNTINGDON, BOARD OF COMMISSIONERS  
SPECIAL MEETING, THURSDAY, JUNE 10, 2010, 7:00 P.M.  
11279 Center Highway, North Huntingdon, PA 15642  
Presiding Officer – Lee D. Moffatt, President, Board of Commissioners**

**CALL TO ORDER**

Mr. Moffatt called the meeting to order at 7:00 P.M.

**ROLL CALL**

Commissioner Herold	Present	Also Present:
Commissioner Haigis	Present	John M. Shepherd
Commissioner West	Present	Bruce E. Dice
Commissioner Gray	Present	Michael M. Turley
Commissioner Martino	Present	Andy Blenko
Commissioner Austin	Present	

**PLEDGE OF ALLEGIANCE**

**CITIZENS' INPUT**

There was no Citizens' Input.

- 1) Action to adopt Resolution No. 120 of 2010, authorizing Circleville Volunteer Fire Department to erect two overhead banners, one on Lincoln Way and one on Route 30 from July 10 to July 31 to promote their annual fair.

Motion: Mr. Gray                      Motion to approve.  
Second: Mr. Herold

Motion Carried 7 – 0 – 0

- 2) Action to adopt Resolution No. 121 of 2010, authorizing Footsteps in Faith to erect an overhead banner on Route 30 at Buttermilk Hollow Road to promote the 5K and 1 mile fun walk for the Genre's Kids with Cancer Foundation.

Motion: Mr. Gray                      Motion to approve.  
Second: Mr. Herold

**Remarks**

Mr. Austin asked if there were any conflicts.

Mr. Shepherd said all the details are worked out with PennDOT.

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Mr. Martino asked who would be hanging the banners.

Mr. Shepherd said the organizations have contacted Circleville who agreed to hang all the banners.

Motion Carried 7 – 0 – 0

- 3) Action to adopt Resolution No. 122 of 2010, authorizing St. Agnes Church to erect two overhead banners, one on Lincoln Way and one on Route 30 from July 31 to August 10 to promote their annual bazaar.

Motion: Mr. Martino                    I'll make that motion.  
Second: Mr. Austin

Motion Carried 7 – 0 – 0

- 4) Action to adopt Resolution No. 123 of 2010, authorizing The American Cancer Society to erect an overhead banner on Route 30 at Buttermilk Hollow Road from July 1 to July 18 for the Relay for Life event.

Motion: Mr. Gray                    Motion to approve.  
Second: Mr. West

Motion Carried 7 – 0 – 0

- 5) Request of Bob Plutto, 971 Abrams Drive – discussion.

Mr. Shepherd said Mr. Plutto got a permit from the Westmoreland Conservation District to do bank stabilization on his property. Mr. Blenko was asked to look at the request to see what the Township would do and cost estimates for rip rap or wing walls.

Mr. Blenko said Jim Pillsbury from the Westmoreland Conservation District is present tonight and they can ask any questions they may have. Mr. Plutto came to the Board about a project he received a permit for to stabilize the bank of the stream next to his property. There is a rectangular lot that the stream runs through that is owned by Angela Gray who lives in Hershey. The stream is trying to move closer to Mr. Plutto's house and has eroded the bank away on his side of the stream and put deposited material on the other side of the stream. The culvert was installed in 1994 and was probably centered with the stream. The stream is trying to go to the left of the culvert and if there is a large storm, there could be a problem. To remedy this, you need to go upstream and re-align the channel by removing the sediment upstream and building it up with rip rap. The question is whether wing walls should go in this project as they are used to help channel water into the culvert. This would help with this culvert but he feels they should do an analysis to monitor the flow. F.E.M.A. has revised the mapping for the flood plains in the Township. The elevation on this stream is different on both sides and it should be the same. The new floodplain impacts more homes on Roth Drive and the culvert appears to be a bottleneck. They need to look at the whole thing as a system. They need to armor the stream

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bank and realign the stream and Mr. Plutto is concerned that it is starting to impact his driveway. They need a right-of-entry from Ms. Gray, Mr. & Mrs. Wright and Mr. Plutto as you can't use equipment in the stream. He doesn't feel they can fix the problem without leaving the Township right-of-way.

Jim Pillsbury, Westmoreland County Conservation District, 218 Donahoe Road: He agrees with Mr. Blenko and upstream where it bends to the left it should be armored also.

Mr. Blenko said there is a dyke there that was built by a homeowner and comes up three or four houses.

Mr. Pillsbury said if work is done on the first bend upstream from the culvert, you should also work on the second bend.

Mr. Blenko said he is trying to get a cost estimate and has been looking at a web site that PennDOT posts. This is work that should be able to be done in-house. Mr. Plutto has the permit that should be able to be transferred to the Township. He recommends the work to be done.

Mr. Gray asked what the scope of the project Mr. Plutto has planned. Originally, he just wanted stone from the Township for his project. He had asked Mr. Blenko for a recommendation of what could be done in the right-of-way and it has gone beyond that. He doesn't know if Mr. Plutto is planning on straightening out the stream from the first bend or the second bend.

Mr. Pillsbury said the permit was for the first bend. When he talked about the second bend, Mr. Plutto thought the person who lived in the corner house owned that land by the second bend, but no one owns it. Mr. Plutto is only doing the first bend.

Mr. Blenko said the permit application showed an area of 87 ft. long by 10 ft. wide.

Mr. Gray asked if he was going to remove the gravel bar from the existing streambed or is he going to straighten it out.

Mr. Pillsbury said you can't straighten the stream but can remove the gravel bar to a certain depth and then place rip rap in the area that is eroded. Mr. Plutto is only doing the first bend.

Mr. Blenko said our right-of-way is 40 ft. and his driveway probably goes back 90 ft. from the edge of the pavement.

Mr. Moffatt said the scope of work keeps growing. Everyone wants their bank stabilized. He thought they were looking at rip rap or wing walls in the Township right-of-way. He is not sure about doing improvements all the way up the stream.

Mr. Blenko asked how far they would need to go upstream to address the problem.

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Mr. Pillsbury said he walked the stream since the June 17 flooding last year. They should go up to next property because the stream is full of rocks and debris which caused the stream to spill out of itself. The stream is full of sediment and has bank erosion problems. If you looked at the stream years ago before the houses were built, the stream was in a different location. When they built the houses along Roth Drive, they shoved the stream out of the way. If you decide to go to the first bend, you would have to go 50 ft. to 60 ft. upstream from the culvert which is the minimum.

Mr. Gray said this won't solve the whole watershed problem doing this, but Mr. Plutto and Mr. Wright are trying to fix what they can on their property. What can the Township do on the 87 ft. that they have the permit for? He is focusing on the project Mr. Plutto is doing and the Township can help make it work and help them do what they can. This will not solve the flooding problem there. The erosion from the left side has been deposited on the other side of the culvert where the stream is splitting. He wants to know what the Township can do to help on this project. He asked if the Township would be willing to give stone or sell it to Mr. Plutto at the Township's cost. He doesn't want this to drag out another year.

Mr. Blenko said one person working on their property won't address the whole problem. It would be better to get everyone to do something on their property.

Mr. Gray said if this goes smoothly, maybe other people downstream will see that and want to work on their property.

Mr. Moffatt said the Township should take care of their 40 ft. at the minimum.

Mr. Blenko said if they stay in the right-of-way, they will do nothing because both upstream and downstream at the end of the culvert is out of our right-of-way. If they don't do anything, the culvert will be trying to go under Abrams Drive.

Mr. Gray asked if that problem would be addressed by the work Mr. Plutto is doing.

Mr. Blenko said it will keep it from getting worse but if they remove the gravel bar, it will give the stream a chance to re-align with the culvert.

Mr. Gray said Mr. Plutto is trying to address what will eventually be a Township problem and they should do something to help him. We can't do anything in the right-of-way, but what can the Township do to help Mr. Plutto.

Mr. Martino said what about the other people in the Township that come and want help with the stream in their yard.

Mr. Gray said if they are building up the bank and we can contribute stone, but what they do now will set a precedent.

Mr. Martino asked if they wanted to set that precedent because there are many people who have flooding issues, so if they help one resident out, they will have many other people looking for the same thing.

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Mr. Gray said they have given miles of pipe over the years to people who have had flooding. The Township hasn't installed it.

Mr. Moffatt said he thought they did away with the pipe policy.

Mr. Gray said he lead Mr. Plutto to believe that the Township would want to work with him to move this project forward.

Mr. Moffatt said they need to know what the options are whether to give him stone, sell it at cost or at a discount.

Mr. Gray said they don't know how much stone Mr. Plutto needs.

Mr. Blenko said they know the thickness needed to lay the stone down and know the width and length of the bank.

Mr. Moffatt said he didn't know what the scope of the project would be.

Mr. Herold asked how much of the bank would have to come out where it is washed out.

Mr. Blenko said they shouldn't take any out of what is there now. They should put in a 2 -3 ft. thickness of rip rap and smooth out the bed to put the rocks into the bank.

Mr. Martino said the side of the bank that is coming down is not Mr. Plutto's property and he wants to fix someone else's property who has to agree to let him do that.

Mr. Blenko said Mr. Plutto and Mr. Wright have applied for permits to do work on property they don't own.

Mr. Martino said if the Township wants to help him with the project, he has to get the approval of that property owner.

Mr. Blenko said you can't build a house on that property as it is in a flood plain and he doesn't know why she would say no.

Mr. Martino said they need that information first.

Mr. Moffatt said they should work on the right-of-way and the cost of the rip rap.

Mr. Gray said the property that Ms. Gray owns is where the bank has eroded on the left.

Mr. Blenko said where the bank of hedges is on the Plutto property is where the erosion is and he sees it getting worse with every storm.

Mr. Gray said he doesn't feel that Mr. Plutto and Mr. Wright know that the property belongs to someone else.

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Mr. Blenko said the property information is up to date.

Mr. Gray said he thought Mrs. Wright told him they acquired the property and split it.

Mr. Blenko said it may have not reached the tax office as that property is still under Ms. Gray.

Mr. Dice said there should be an address where the taxes are coming from and they should contact Ms. Gray. He asked if they anticipated a 100 Tons of rip rap which would be \$3,500 at \$35/Ton. If you do this one time, you may be setting a precedent, but that may be the type of precedent you want to set to get it corrected downstream.

Mr. Gray said it would be a benefit to the Township to protect the box culvert.

6) Planning Commission Agenda Items:

a) SP-2-2010, Cleaveland-Price Site Plan, 14000 Route 993, I Zoning.

Mr. Blenko said this is a proposed 38,600 sq. ft. addition to the plant. He has some issues with the parking lot and lighting and the adequacy of the storm water pond. Mr. Cleaveland stated the building addition would match the existing building. The Planning Commission recommended approval with the condition of approval of the Storm Water Management Plan and the Erosion and Sedimentation Control Plan by the Westmoreland Conservation District. There is no side yard setback in Industrial Zoning and the back of the building is almost touching the line. There will be a new loading dock and the storm water detention pond will be enlarged.

b) S-9-2010, Kingsbury Development, Nike Road, R-1A Zoning.

Mr. Blenko said this is proposed by RWS Development for a plan of 26 large estate lots accessed from a single cul-de-sac. A waiver of the 750-ft. cul-de-sac length is requested along with a request for waivers on street lights and sidewalks because of the reduced density of the development. Runoff from a portion of the new street will be handled by a conventional detention pond and the remainder of the street and developed portions of the lots will be routed to infiltration swales toward the rear of the lots. The Planning Commission recommended approval with the following conditions and waivers.

The waivers are:

- a) Street width and curbs
- b) Street lights
- c) Cul-de-sac length (2,721 ft. requested)
- d) Sidewalks

Conditions of approval are:

- a) Approval of the Storm Water Management Plan and Erosion and Sedimentation Control Plan.
- b) Approval of Sewage Planning Exemption for 26 EDU's from D.E.P.

Manor Borough wants Nike Road bonded during construction. There is concern with the swales on the property because there are problems with residents filling the swales in when adding pools, gazebos or other things. It was suggested to record an easement on the property but most people don't check when building a home. This is the least intrusive way to develop the property. They plan to leave the trees in place, but he is concerned about the storm water.

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Three parcels were rezoned to R-1A, but the demand is for the larger estate lots. In Carlisle, there are swales on the side of the road with no curbs and there are storm inlets at the intersections to take the water. For this development, the road is on the ridgeline and the water will drain away naturally. Nike Road is narrow and varies in width. They can make the developer so off-site improvements. Nike Road is a shared Road by North Huntingdon Township and Manor Borough.

Bob Shuster, RWS Development, 8958 Hill Drive: Even though this sounds controversial, he had a lot of meetings to try to develop this. He has two huge detention ponds in Lincoln Hills that took them three days and large equipment to clean them out last Fall. The ponds are owned by the Township now. They need to look at other ways for storm water detention. In this new development, they are trying to get the water to run to dissipate in the woods. He cut the street down in width and got rid of the sidewalks which are  $\frac{3}{4}$  of an acre less of paved area. The water will run to the ends of the roads and be diverted around the homes built. The lots are larger and people will build larger homes. There will be no maintenance for the Township there and the detention pond will be run into the storm water pipes.

Mr. Gray asked about the water being run into storm pipes and not on property.

Mr. Shuster said there is a small detention pond that is 6 ft. deep and they plan to divert that water so as not to put water on anyone else's property. It can be taken out to the front to the storm pipes. He is suggesting they put a tree preserve on every plat and put a swale around the trees and put that on the deed. Also, when they write the covenant for the plan, they can put it in that for the Township to have control over it.

Mr. Herold said when they had the flooding in June last year, was Lincoln Hills affected by flooding.

Mr. Shuster said there wasn't any flooding but there were seven or eight homes where the downspout water and French drains ran into the storm drains. There was so much water that the pipes filled up with water and pushed it back up the hill and into the dual French drains. He took care of those problems.

Mr. Moffatt asked if the swales would all be on right-of-ways.

John Vozel, Tri-County Engineering: There will be easements on the property lines to go to the back and at the swale areas. Half of the street will go around the house and to the back of the property.

Mr. Moffatt asked about the piping to the small pond.

Mr. Vozel said there are storm sewers that go into the detention pond. The grade of the street is 5 -6% slope and then it goes to 10%. They were worried about erosion problems, so there are catch basins along side the road.

Mr. Moffatt said if there is no pipe besides the small section, why does the Township want the easements.

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Mr. Shuster said in Lincoln Hills, there are six lots on a hill and he put a catch basin in each yard, starting at six inch and going up to 24 inches and then put a swale so when the water went down the hill, the swale took the water to the catch basin and underground to the next lot. Someone came in and took the swale out and the resident at the top of the hill didn't like the grade of his lot. He put a pool in and buried the catch basin. They did uncover it. He put another 24 inch pipe in at the bottom and two catch basins. He didn't record any easements though.

Mr. Moffatt asked why the Township would get involved in a homeowner's runoff.

Mr. Shuster said it is the law and you have to get involved.

Mr. Moffatt said if it goes to the road, pipe it from the road down but there is no pipe there.

Mr. Shuster said the Township road is creating runoff because it is an impervious surface. When it is dedicated to the Township, you have the problem.

Mr. Moffatt said instead of just worrying about the detention pond and the pipes, they have to worry about the swales and the trees.

Mr. Shuster said with the rules today, it either has to dissipate into the lot or into a detention pond. If it is put into the covenant about not taking out the swales, you can force them fix it.

Mr. Vozel said the intent of the swales is that they are maintained by the lot owner which will be in the covenant. The easements are if a landowner does not take care of the swales or fills it in, the Township can tell them to take care of it.

Mr. Moffatt said he likes less water going into the detention pond but doesn't like the idea of being responsible for five things instead of one.

Mr. Shuster said Lincoln Hills has easements all over the plan that the Township is responsible for.

Mr. Dice said the Homeowner's Association has rights and the individual owners will have rights within the covenant.

Mr. Moffatt said there is no Homeowner's Association but it would be a civil matter.

Mr. Blenko said when you concentrate storm water, water has to go somewhere. The new theory behind storm water management is to prevent it from becoming concentrated flow and that is why there is a push towards curbless roads.

Mr. West said on the site plan, the plan is to put a house on a lot and 1/3 of the property is open ground and 2/3 is with the trees on it.

Mr. Shuster said he doesn't want to take out any trees and say that is a tree conservation area. A water conservation area should be on there also. The houses will be set back as this will be like a gated community. He would like to put gas lights on all the houses built. He wants the waiver

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on for no street lights, but put in the covenant for the lights out front. No one uses the sidewalks in Lincoln Hills.

Mr. Blenko said the proposal is to bring the road along the ridge line and the water will run off in both directions from the road. He feels we should try to preserve the trees. In the North Hills, they fit the house to the contour of the property.

Mr. Pillsbury said storm water is operating under new rules and when someone develops land, they need a permit that matches the D.E.P. new requirements. It is not adequate now to build just one detention pond. Their regulations require storm water be handled under the new regulations of disconnect, decentralize and distribute. On any site, it is good to disconnect the impervious surfaces, such as the roof water should not go on the driveway and not into the street but into the grass. Distribute would be to have the water distributed all over the surface of the ground. To decentralize would be to have many places to hold the water over the site. In Mt. Pleasant, there is a new program they are doing that they applied for a grant for. They are putting in individual rain gardens in 40 homes. This puts the roof water of 40 homes into 40 rain gardens and distributes that water in that development. You can do that in this area. There is no fence around it and it is not a deep hole in the ground and there are plants and flowers around it.

Mr. Shuster asked Mr. Dice if there was something they could put in legally about the easements that would nail it down.

Mr. Dice said you can put whatever you want in the covenants, but there will still be violations, so it is a question of enforcement. A covenant will give the Township the right to enforce it.

Mr. Blenko asked about the thoughts on the waivers requested.

Mr. Dice said he should put it together as proposed and if the Board has questions, they can ask.

Mr. Blenko said this is a small development with 26 lots and they won't have to walk on sidewalks to avoid cars and they will know everyone they see. He doesn't see the cul-de-sac length a problem. And there should be no issues with the street lights or road width. He proposes a condition of approval be that Mr. Dice sign off wording on the recorded plan that will insure the storm water systems are maintained.

Mr. Moffatt asked if all that and the trees in the conditions.

Mr. Blenko said he could market the plan as a conservancy district and maybe there could be a handout given to the property owner explaining why it looks different.

Mr. Dice said Mr. Shuster can market that to say that it is different from other communities and it would be a good sales approach.

Mr. West said if you sign a covenant and you sell the property, is the covenant transferable to the next homeowner.

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Mr. Dice said the covenant runs with the land and it is transferred.

c) S-10-2010, Saunders-Brozeski Plan, 13880/13900 Valley View Drive, R-2 Zoning.

Mr. Blenko said this is a boundary line revision between neighbors where Mr. Brozeski wished to purchase .25 acres from Mr. Saunders. Both lots will be .73 acres in size and will meet the dimensional requirements. The Planning Commission recommended approval.

Mr. Gray asked about the draft of the Nixle Policy and that the original document was from Georgia.

Mr. Shepherd said the town was Tyrone and this draft is very close to their policy except where things didn't mesh and he took out.

**ADJOURNMENT**

Motion: Mr. Gray                      So move.  
Second: Mr. Haigis

Motion Carried 7 – 0 – 0 (Meeting adjourned at 8:38 P.M.)

- Special Meeting Minutes of June 10, 2010 were approved by the Board of Commissioners on \_\_\_\_\_.

\_\_\_\_\_  
Lee D. Moffatt, President

\_\_\_\_\_  
John M. Shepherd, Township Secretary

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