

Lower Heidelberg Township
Planning Commission Minutes
Monthly Meeting
January 13, 2014

The Lower Heidelberg Planning Commission's regularly scheduled meeting was held at the Lower Heidelberg Township Building on the above date.

Present were: Chairman Michael Levan and Members William Moser and Ronald Limpus. Also attending were Solicitor Michael Crotty and Engineers Ryan Rhode (GVC), Glenn Neuhs (SSM) and Pamela Stevens (SDE). Absent was Member Neal Nevitt. Vice Chairman David Seip arrived during the meeting.

The Chairman called the meeting to order at 7:05 p.m. Mr. Levan turned the meeting over to Mr. Crotty, who noted that the reorganization of the Planning Commission takes place during the first meeting of the year. Mr. Crotty called for nominations for the office of Chairman. **On Motion** by Mr. Limpus, second by Mr. Moser, to appoint Michael Levan as Chairman of the Lower Heidelberg Planning Commission for 2014, and to appoint Neal Nevitt as Vice-Chairman of the Lower Heidelberg Planning Commission for 2014. Mr. Crotty then turned the meeting back over to Mr. Levan. **On Motion** by Mr. Limpus, second by Mr. Moser, to appoint Theresa Connors as Recording Secretary of the Lower Heidelberg Planning Commission for 2014. Motion passed unanimously. Mr. Levan noted that the review of the December Planning Commission minutes would be tabled until later in the meeting.

Timberlake Phase 2 – Lot 9 Preliminary Subdivision

Kirk Barnett presented for Grande Construction. The SSM review letter of January 10, 2014 was discussed. Mr. Levan explained that the Board of Supervisors did not take any action on the Preliminary Plan approval at their December meeting. Mr. Crotty noted that the Board would like to see the applicant address the outstanding issues on the review letter. Mr. Neuhs and Mr. Barnett reviewed the issues from the January 10th letter.

Mr. Neuhs noted that the zoning has been corrected to R-2, but area and bulk regulations should be listed as Section 407.5. He also noted that slopes more than 25% are proposed to be disturbed; this is acceptable only if the slopes are man-made. Mr. Barnett said steep slope data was provided with the last plan submission. Mr. Crotty noted the distinction between man-made versus natural steep slopes will be made by the Zoning Officer.

Mr. Neuhs noted the requirement for the recreation fee in-lieu-of amount of \$1,100 dollars, and the three items not shown on the plans: the Site Context Map, the Site Analysis Plan and the Resource Impact and Conservation Plan. Mr. Barnett said a waiver request for those three plan items has been submitted. Mr. Neuhs said the two real issues are the Zoning Officer concurring on the man-made slopes and the Planning Commission agreeing with the waiver requests.

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Mr. Rhode said his only comment was that any waivers granted will need to be noted on the plans prior to final approval. Ms. Stevens has not heard back from DEP to clarify whether or not a planning module exemption will be allowed. SDE issued a letter to Robesonia-Wernersville Municipal Authority asking for written confirmation as to whether or not the plant has reserve capacity for the two new lots. Clarification should be obtained as to whether or not the same tapping fees will apply for the two new lots as for the other 68 lots. Mr. Limpus asked what the existing lot condition was; Ms. Stevens responded that there were 68 lots, which equates to 16,184 gallons per day (gpd). There were previously 19,380 gpd allotted. Two new lots would equal 70 EDU's, which would equate to 16,660 gpd, which is well under the capacity which was in the agreement. Mr. Barnett said that since they are under the allotted gpd, they should be able to obtain the exemption.

Mr. Barnett said he has not yet gotten the approval letter from Wernersville Municipal Authority for the water service, but approval was given at their last meeting; he will contact Lori at WMA to follow up.

On Motion by Mr. Levan, second by Mr. Moser, to recommend to the Board of Supervisors to approve the following waiver requests: waiver of Section 404(F) for the required Site Context Map; waiver of Section 404(m) for the required Existing Resources and Site Analysis Plan; and waiver of Section 404(t) for the required Resources Impact and Conservation Plan for the Timberlake Lot 9 Subdivision. Motion passed unanimously.

Mr. Levan asked for any other public comments; there were none.

Green Valley Dental SD & LD - Preliminary Plan

Greg Bogia presented for the applicant. The plan shows a 1 ½ acre lot being subdivided from the existing Stereo Barn parcel, and a proposed 2,000 square foot building to be constructed on the new lot. Mr. Bogia noted that there were some previous drainage issues, but the proper permits were obtained, and the basins have been cleaned up. Mr. Rhode explained that the problems were on the two adjoining properties for Stereo Barn and Aluminum Alloys. The applicant applied for E&S permits to clean out the basin. Mr. Bogia said the basin is now functioning better. The SSM review letter of January 10, 2014 was discussed. Mr. Bogia handed out a list of items for which the applicant will seek relief, including waivers from sections of the Route 422 Overlay District and waivers from sections of the Subdivision and Land Development Ordinance.

Mr. Seip arrived to the meeting at this time.

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Mr. Neuhs explained the Route 422 Overlay District is imposed over the commercial district to "show green"; it requires a 100' building set back and a 100' parking set back, to create a type of "green" corridor along Route 422. The Board of Supervisors can allow more intense development, as in greater coverage, provided that certain architectural treatments, pedestrian amenities, etc. are taken care of; yet the ordinance also specifically states the 100' setback requirement. The Supervisors may not have the power to grant the relief from the setback requirement.

Mr. Bogia said the applicant proposes a 60' building setback, with 15-25 feet for the parking. Mr. Levan asked if it will be a single story building; Mr. Bogia replied the architectural drawings were not available for tonight's meeting. Mr. Crotty explained that the Board of Supervisors may be able to reduce some of the requirements by Conditional Use. On smaller parcels, it may be difficult to comply with the building setbacks. Mr. Moser questioned whether the Board of Supervisors should look at the application before the Planning Commission if a Conditional Use is involved. Mr. Crotty explained that the applicant needs zoning relief first. Mr. Bogia said that was why he was presenting tonight; to get a feel for how the Planning Commission would like the applicant to proceed. Mr. Levan asked the engineers what areas should be discussed. Mr. Neuhs said some of the issues are landscaping, screening, the detention pond, parking areas, architectural treatment, light fixture design and lighting levels. It would be helpful to get these areas addressed and have the additional information provided, so that the issues could be narrowed down to the Overlay District.

Mr. Rhode said the applicant will need to deal with the existing basin as they cannot push the building any further back. He asked the applicant if a Highway Occupancy Permit had been obtained. Mr. Bogia said they will attempt to combine access with the existing driveway. Mr. Rhode said that feedback from PennDOT will be required as to how they want to deal with the entrance. Lot 2 is proposed to be conveyed to the dental office. Since the stormwater management co-exists within all the lots, it will need to be enclosed with easements.

Mr. Levan asked for any other public comments; there were none.

Joint Discussion Green Valley Estates West & Cacoosing Crossing North

Mr. Levan explained that a unique situation has arisen, since both projects are located so close together and share access to Gaul Road. It would be helpful to discuss some of the common areas of concern for both developments together, and then begin the review process for each development separately. Kurt Barnett and James McCarthy presented for Green Valley Estates West; Aristides Otero and Robert Stackhouse presented for Cacoosing Crossing North. Mr. Levan first asked about the EDU count; Mr. Barnett said that Mr. Greth has 110 EDU and it was his understanding that Mr. Greth gave Grande 55 of the 110 EDU's; Grande would then apply for the additional 53 EDU's needed for Green Valley Estates West. Mr. Crotty confirmed that he received an email from Mr. Greth agreeing with the 55/55 split.

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Ms. Stevens said the original proposed total was for 108 EDU's and that Green Valley Estates West will need to apply for 53 EDU's. Mr. Levan then addressed Mr. Stackhouse on the same issue. Mr. Stackhouse responded that they have 55 EDU's, and the proposed number of lots is 55. Mr. Crotty said there was a deposit amount put down for the 110 EDU's and the Township needs to know how that is being allocated. Ms. Stevens clarified that Green Valley Estates West builds first and then Cacoosing Crossing North connects on Gaul Road at manhole #29.

Mr. Levan said that both developments have the issue of the road width of 32 feet. Mr. Otero said they used the 2006 Ordinance. Mr. Levan explained that is not the most recent one. Mr. McCarthy said they will be asking for a waiver on the street width. Mr. Levan said that was when they were using the old plans, but that the applicant must now start at square one. Mr. Rhode said that Cacoosing Crossing North will have a 32 foot wide road with parking on one side only. Green Valley Estates West is proposing a 32 foot wide road with parking on both sides; this will require the waiver.

Mr. McCarthy noted as a resident that he feels the streets in the township are too wide. Mr. Levan said how the residents feel is not the issue, they do not write the ordinance. Even if the Fire Marshal looks at it, and feels the truck can make it, the fact is that he does not review the plans per the ordinance; the engineers are charged with designing to the ordinance. The applicant can ask for the waiver, but four feet less on the road width goes to safety issues. Mr. McCarthy said four feet is arbitrary. The engineer has made a recommendation that they use 34 feet; that is acceptable, and they can amend the waiver to 34 feet. Mr. Moser noted that the Planning Commission does not have to go by the engineer's recommendation, though it will be taken into consideration.

Mr. Rhode said the Fire Marshal contacted him, and said that if there is going to be parking on both sides, it should be the same as Green Valley, which is 34 feet wide. Mr. Levan noted that he did not receive a copy of the Fire Marshall's review or comments, but said that Mr. Rhode's comments did shed light on the 34 foot width recommendation. Mr. Limpus said he would like to see something more formal from the Fire Marshal pertaining to his review of the plan. Ms. Stevens produced a copy of the Fire Marshal's review for the commission members. Mr. Levan asked Mr. McCarthy if the applicant would consider the 34 foot road width. Mr. McCarthy said they can revise the plans to accommodate the 34 foot road width; if they have to go to 36 foot wide that would be a major change.

Mr. Levan addressed Cacoosing Crossing North, and asked Mr. Rhode if the developer can design one side parking with a 32 foot wide road. Mr. Rhode said yes, it is permissible with approval of the Board of Supervisors. Mr. Levan said the point he wants to make is that if these roads are turned over to the Township, and there is posting of No Parking Signs, the police will have to enforce. During holidays, graduations and neighborhood events, there will be parking on both sides, and it's not the developer who has to deal with it, but the Township.

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Mr. Stackhouse said that he could not say that no one will park there, but 32 foot wide will be adequate with the larger lot size and longer driveways. Mr. Levan asked why the road is designed as a cul-de-sac, as opposed to going out to Gaul Road. Mr. Stackhouse responded that to take it as a drive out to Gaul Road requires more permitting and major elevations. Mr. Levan asked about the original ZHB decision. Mr. Crotty replied that approval was given for the number of lots. The Township entered into a settlement agreement with the developer for up to 55 lots, contingent upon issues with the neighboring property owner. Mr. Neuhs asked that the Zoning Hearing Board decision be distributed. Mr. Limpus asked Mr. Stackhouse what the applicant's preference would be for the road width. Mr. Stackhouse said 32 foot wide with parking on one side. Since this is allowed under the ordinance, he would not be inclined to change it. Mr. Levan then noted that the Commission would continue with the regular Subdivision review process.

Green Valley Estates West – Preliminary Plan

James McCarthy presented for the applicant. The SSM review letter of January 10, 2014 was discussed. Mr. McCarthy said that most of the major issues have been resolved. Item #8 involves reverse frontage lots. Mr. Neuhs said the applicant may need more evergreens there; the applicant should provide the size of the trees and the species. Mr. Barnett said when they did Green Valley they used forsythia and evergreens and it made a significant buffer. Mr. Neuhs said his concern is the slopes issue. The east side is man-made, the west side is natural, and it is unclear how much of the woods is protected slopes. Mr. Crotty said if the current plan is not clear on the protected slopes, it will be an issue for the Zoning Officer to determine. Mr. McCarthy noted that the street lighting design is from PP&L. The applicant has submitted a waiver request for curbs and sidewalks along Gaul Road. Mr. Levan asked about the comments on basins. Mr. McCarthy explained that Basin 1 and Basin 2 are now on Lot 25. Mr. Rhode said that under the new design there is no homeowners association. Stormwater management will be on private lots and will be maintained by the lot owners. Mr. Levan asked if that will be on the deed. Mr. McCarthy stated there will be an on-lot maintenance agreement for each lot. Mr. Rhode said the developer needs to make sure that information comes up to the buyer. Mr. Levan asked if any information will be given to them that will instruct them as to what they are supposed to be doing to maintain it. Mr. McCarthy said the document instructs them as to what they must periodically do for maintenance, as well as what to do when they have a problem.

Mr. Levan asked if the crosswalk shown going across to Gaul Road could be brought over to cross to the school. Mr. McCarthy said the area is within the floodplain and wetlands; they will not be able to get a permit to construct the sidewalk at that location. Mr. Levan asked if there are any planned improvements to Gaul Road. Mr. McCarthy said the road will be reconstructed and realigned and the bumps will be evened out. Mr. Levan asked Mr. Stackhouse what is proposed for Gaul Road with respect to Cacoosing Crossing North. Mr. Stackhouse said they will be widening Gaul Road.

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Mr. Levan asked if back-up sump pumps will be provided for the houses where the road will be widened. Mr. Stackhouse said it is low, but drains very well and the lots will drain away from the houses. The low points will draw into a proposed storm sewer system. Mr. Rhode asked what improvements are already in place at that location on Gaul Road. Mr. Stackhouse said the sanitary system is there, but the storm sewer is not in yet.

Mr. McCarthy said the applicant is looking for a recommendation for the street width, and the waivers for the curbs and sidewalks to that they can proceed to the Board of Supervisors. The notes on the review letter will be addressed. Ms. Stevens asked if the applicant was aware of the agreement with the Country Club involving restrictions on hours of construction; Mr. Barnett said he was aware of the agreement. Ms. Stevens said the other plan information is being provided; most of the comments have been resolved, mostly involving plan notes to be revised.

Mr. Levan asked for any other public comments; there were none.

On Motion by Mr. Levan, second by Mr. Limpus, that the Planning Commission recommends the Board of Supervisors approve the waiver request for Green Valley Estates West for relief of the curb and sidewalk requirements for Gaul Road, per Section 652 and Section 653 of the Subdivision/Land Development Ordinance. Motion passed unanimously.

On Motion by Mr. Levan that the Planning Commission recommends the Board of Supervisors approve the waiver request for Green Valley Estates West for relief of the required road width, to allow the change down to 34 foot minimum road width with two side parking, per Section 505 (c), of the Subdivision/Land Development Ordinance. Mr. Seip noted that compared to roads in other townships in the county, 34 feet is a compromise and is do-able. Mr. Seip seconded the motion. Motion carried with Mr. Levan, Mr. Limpus and Mr. Seip voting aye, and Mr. Moser voting nay.

Mr. Levan asked for any other public comments; there were none.

Cacoosing Crossing North – Preliminary Plan

Aristides Otero and Robert Stackhouse presented on behalf of the applicant. The SSM review letter of January 10th was discussed. The plan shows the tract located to the north and west of the intersection of Faust Road and Gaul Road, with a current zoning class of A-1. Ms. Stevens asked for a refresher of the changes made on the current plan as she noticed a major change from gravity with a pump station to low pressure with individual grinder pumps. Mr. Stackhouse explained the original proposal showed a pump station near the creek, dedicated to the Township. The applicant now believes that a better solution is a low pressure system; there will be nothing for the Township to maintain.

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The pumps will all be individual in each home and are maintained by the homeowners. They will not need to go as deep with the sewer lines, and they have rock to deal with on the east side of the project. Ms. Stevens said that typically you can continue gravity easier than you can continue pressure. The pump furthest away has to really pump to get it to the connection point. That's why she requested the calculations. Each homeowner will have his own "pump station". Anyone connecting to the system in the future would have to have a grinder pump and be responsible for the maintenance. Ideally the Township would have courtesy emergency backup units on the shelf, and these can't be bought at Lowe's. Everyone on the system will have a pump, and it could be a different size pump as you get further away. She questioned the specs for design of the pumps, and she understands the engineer is working on providing them. Mr. Crotty said the Township will require a grinder pump maintenance agreement with each homeowner, similar to a stormwater basin maintenance agreement. Mr. Levan asked Ms. Stevens if it can be determined which system requires less maintenance. Ms. Stevens said there will be less maintenance for the Township on this system. To compare, Rosewood Hills has a large pump station which the Township must maintain. One third of the homes in Glen Ridge Estates will have individual grinder pumps. The Supervisors need to plan for the future and consider long term which design model they prefer. This was originally proposed as standard gravity with a pump station; now this whole system is low pressure. SDE spends substantial time inspecting the pump stations. Once the Township takes dedication of the pump station, you are looking at a substantial investment of Township resources for the next thirty years, and ultimate repairs or replacement of the Township facilities.

Mr. Limpus asked how this system ties into the existing network. Ms. Stevens explained it will tie into Green Valley Estates West at the intersection of Gaul and Regina, and then from there it is all gravity, down to Green Valley Estates West and to the interceptor being constructed at the Country Club. Mr. Seip asked who will own the transmission run off from Gaul and Faust roads where all the lines come together at Manhole #29. Ms. Stevens said it will be dedicated to the Township. The lines will not actually be in the street, but the new utility lines will be installed in front of the homes there on Gaul Road.

Mr. Otero provided the background on the plan submission. The applicant is proposing to subdivide 87 acres into 55 one-acre units, with four roads. The roads will be 32 feet wide with parking on one side only and sidewalks. Mr. Neuhs asked if the sidewalks can be connected to connect the east and west sides of the development. Mr. Stackhouse said there is a pipe in the way. Mr. Rhodes said the Township may consider looking at this pipe with the applicant. Mr. Rhodes said the pipe is located near the Gaul Road Bridge sign; it is an existing metal corrugated pipe. William Koch expressed concern about any changes to the water flow pertaining to his property. Mr. Stackhouse said he would meet with Mr. Koch to show him the plans. Ms. Stevens noted that there is a sanitary sewer line proposed along with a swale, and both features get very close to the trees. Mr. Koch said that the trees will die.

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Ms. Stevens replied that the sanitary sewer system will be on top of tree roots; the swale could be an infiltration swale to allow some water to penetrate to the roots. Mr. Koch said he would prefer to not see so many sidewalks, it creates more water run-off. Mr. Levan said that relief for sidewalks and curbs has been granted to developers with lots substantially larger than one acre. Mr. Koch said it would be helpful to let the water flow more naturally; there would be less problems with the flooding of Little Cacoosing Creek. Since many of these lots are larger than one acre, the Board could consider not having sidewalks there. Frank Gabell noted that in Green Valley, where the stormwater ponds were supposed to take care of the run-off, little of the water goes in. Mr. Levan explained that the basins are designed to dissipate gradually. Mr. Stackhouse noted that they will be using a combination of stormwater detention and infiltration so that the water is released slowly. Mr. Rhode noted that the DEP review and NPDES permit process is far more restrictive than the Township's. Mr. Stackhouse said they have done extensive percolation testing to determine how well the basins will work.

Mr. Koch said his neighbor is an active farmer and uses the barn for storage of his equipment. He currently accesses the barn from the north side. Mr. Levan noted that in the winter he probably cuts through the grassy area to get to the barn and this is where the berm will be located. Mr. Otero said the berm will be 3 or 4 feet high. Mr. Koch asked if he will have enough room there. Mr. Otero (pointing to plan) said if he pulls parallel there. Mr. Koch said this is an active barn. He has been maintaining it for forty years. Mr. Crotty said from the Township's perspective, we don't determine if you have the right. Mr. Koch asked how someone would get access from the two new sites to the school. Mr. Stackhouse said the school district's position is that they will be busing the students. Mr. Koch said the Township should think about future sewer access for neighbors. Mr. Stackhouse said it could be run up Gaul Road. The Township Act 537 plan shows this area as public sewer. Mr. Otero noted that the planning module was submitted this evening. Ms. Stevens will review the packet. Mr. Greth has a serviceability letter from PA American Water. Mr. Stackhouse will obtain a more recent letter to forward to the Township.

Mr. Otero will meet with the Fire Marshal to review the plan. Mr. Stackhouse addressed the recreation fee, and said the applicant will submit the \$5000 dollar fee per lot in lieu of improvements. Mr. Crotty said the Township must look at the agreement to see if the fee is inclusive or exclusive of improvements. Mr. Stackhouse noted that in regard to screening of the retention pond, they will try to not put trees on the berms; infiltration areas would be screened. Mr. Levan asked where on the plan the school pedestrian path will be located. Mr. Otero replied that there is no sidewalk on Gaul Road on the school side. Mr. Rhode said there is a general concern as to how residents will get across the street. Mr. Stackhouse said they could put a sidewalk on the other side of Gaul Road, on the north side of the school driveway. Mr. Otero said the applicant will be requesting a waiver for the lot width to depth ratio on Lot #1 and Lot #6. Mr. Stackhouse asked for the Commission's opinion on this issue. Mr. Limpus said he had no issue with it, as it would help the roads to line up there. Mr. Levan said as long as the overall lot size is good, he has no issue with it.

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Mr. Levan asked if there is any type of temporary access road for the cul-de-sac, or is it just a dead end. Mr. Stackhouse said they did discuss having a wide pathway there, which could be used for emergency access, but then who maintains it? Ms. Stevens said if it was installed, it should be stone, since there will be sewer and water lines under it. Mr. Stackhouse said the problem with stone, is that if it is used as a walkway to the school, it will be difficult to keep clear. It could be made wide enough that the utility lines are laid to the side of the walkway. Mr. Limpus asked from the far end of the cul-de-sac to the lot-line, are there wet land issues? Mr. Stackhouse replied that there are wetland issues, the flow comes down from the street and to put a road there is a big deal. To put a utility easement there instead of a pathway is do-able. Ms. Stevens asked if the Army Corp of Engineers is involved with the wetlands delineation; will the applicant need the Army Corp to do a jurisdictional determination (JD). Mr. Stackhouse said they were not planning on doing a JD. Mr. Neuhs noted that the farmland does not show an access easement. Mr. Stackhouse said they are planning on creating an easement for the barn as discussed earlier. Mr. Koch said that Mr. Greth agreed to a 25' wide easement, since they have been maintaining the farm path for 40 years.

Mr. Levan said a path to the school driveway should be considered along with a sidewalk, if not so much for the students, then for those residents who would use the facilities after school and on weekends. Mr. Stackhouse will schedule a meeting to go over the manufacturer's specs for the grinder pumps.

Mr. Levan asked the engineers if they had any specific concerns about floodplains, wetlands or steep slopes. Mr. Rhode replied that this design is not nearly as close to the floodplain as is Green Valley Estates West. It should not impact their public improvements. Mr. Seip said it would be interesting to look at the easement agreement with Green Valley Estates. That agreement covers going through the wetlands. Mr. Neuhs said he would ask for the additional drawing on the Site Analysis. There are some steep slopes that will need to be confirmed. Mr. Koch said that the applicant should look at the old floodplain before it was changed. Mr. Seip said if PennDOT would come in and straighten out Green Valley Road, it would solve a lot of the drainage problems. The pipes are aging and collapsing.

Mr. Levan asked for any other public comments; there were none.

Approval of Minutes

The minutes of the December 9, 2013 Planning Commission Monthly Meeting were reviewed. Mr. Limpus asked Ms. Stevens if she was in agreement with the wording of the minutes on page 3, paragraph 1. Ms. Stevens said she was. Mr. Limpus asked Mr. Rhode if he was in agreement with the wording of the minutes on page 3, paragraph 3. Mr. Rhode said he was. **On Motion** by Mr. Limpus, second by Mr. Levan, to approve the minutes of December 9, 2013. Motion carried with Mr. Levan, Mr. Limpus and Mr. Seip voting aye, and Mr. Moser abstaining.

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Time Extensions

There were no time extension requests.

Other Business

Mr. Levan announced that the next Planning Commission workshop will be held on January 29th.

The Planning Commission discussed the upcoming Zoning Hearing Board hearings. The Commission also discussed whether or not restrictions on further subdivision are possible in the A-1 Zoning District.

Mr. Levan asked for any other public comments; there were none.

Adjournment

On Motion by Mr. Limpus, second by Mr. Seip, to adjourn at 9:58 p.m. Motion passed unanimously.

Respectfully submitted,



Theresa Connors

Approved on: February 10, 2014