

HALFMOON TOWNSHIP
Planning Commission Meeting
July 17, 2012 7:00 pm

Present: Danelle Del Corso, Bob Eberhart, Larry Fennessey, Jordan Finkelstein, Lorin Nauman, John Stevens, Joe Tylka
Absent: none
Others present: D. J. Liggett, CRPA; Susan Steele, Township Manager; Steve Bair, Fire Director for the Centre Region; Roy Ellenberger, Chief, and Bruce Cox, Warriors Mark Volunteer Fire Company; Mark Haefner, Keller Engineers; Shawn Kauffman, Centre Region Emergency Management Coordinator; Ben Pisoni, Certified Operator for the Upper Halfmoon Water Authority; Melissa Gartner, Recording Secretary

1. Call To Order

Chair Ms. Del Corso called the meeting to order at 7:00 p.m.

2. Citizen Comments

none

3. Approval of June 19, 2012 Minutes

Motion. Mr. Stevens moved to approve the minutes of June 19, 2012. Mr. Fennessey seconded. Vote: 6-0. (Mr. Nauman was not yet present.)

4. Reports

a. BOS Update

Ms. Steele reported that the BOS met on July 12. The BOS approved the Way subdivision and waiver request. Mr. Maloney did not attend that meeting and has not yet submitted his sewer planning module to Township staff. The shared driveway issue discussion was continued, and Ms. Liggett will conduct more research for future BOS discussions.

b. Zoning Officer's Report

No report, because Mr. Piper was not present.

c. CRPC Update

Ms. Del Corso reviewed the discussions from the July 10 CRPC meeting. More sections of the Comprehensive Plan were reviewed. The DRI from Harvest Fields was not unanimously approved. Ms. Liggett then explained that two of the six municipalities (State College Borough and Ferguson Township) voted no in a straw poll. If someone voted no in a regular vote, the DRI would be denied and the applicant would need to wait for 2 years to resubmit. The DRI now moves to the COG Public Services and Environmental committee. This committee met last week to review issues and options. The Borough wanted a deed restriction on the remaining property because the 28 acres was part of a larger 106-acre property.

Ferguson Township wanted an exchange of land; if 28 acres is being added to the RGB, they wanted 28 developable acres to be removed. Harvest Fields said they actually only need 15 acres, located in Harris Township. Harris Township offered 15 acres of the Yoder Preserve in exchange but these are not developable acres. The Executive Committee decided not to put this on the agenda for the July 23 meeting, but will wait for the August General Forum meeting.

5. Gray's Woods Partnership – Phase 6 Plan

Ms. Liggett said that Keller Engineers submitted a preliminary final plan for the Gray's Woods Planned Community – Phase 6. The majority of this development is in Patton Township, but a storm water facility will be located on the Halfmoon Township side of the municipal boundary.

Mr. Franson reviewed the plan and submitted written comments. He indicated that the PC could approve with the condition that his comments would be addressed.

Mr. Mark Haefner, Keller Engineers, presented the plan and explained that the development would include 137 townhouse units and 13 single family units, with some commercial buildings to be added at a later date. Ms. Liggett asked when construction would begin, and Mr. Haefner indicated as soon as possible.

Mr. Fennessey asked specific questions about soil types and infiltration options at the proposed location. He then asked if a maintenance agreement had been settled. Mr. Fennessey said that the EPA has indicated that MS4 boundaries in the future could be extended to the entire municipality if any portion of the municipality lies within the MS4. This storm water facility would not be within Patton Township's MS4 boundary, but they do have an MS4 permit. If there is a surficial sinkhole or a problem with the pond located in Halfmoon Township, there would be questions of maintenance, inspection, and proper operation. Mr. Haefner said that Dan Hawbaker would own this until the Grays Woods Homeowner Association takes over. This storm water facility would be built under the NPDS MS4 permit. Mr. Fennessey said that Halfmoon does not want any liability or financial responsibility for this facility. Mr. Haefner explained that in the language on the plans, any reference to Township needs to be clarified as "Patton Township."

Ms. Liggett said she would speak to Mr. Franson tomorrow about the details of his comments. Mr. Fennessey also asked for language clarifying Halfmoon Township's right to enter the facility but not any authority to inspect or bill, since there is a downstream property owner.

Mr. Eberhart asked about the land to be held in reserve for Patton Township Park, and Mr. Haefner clarified that of the 47 available acres, only 10 could be developed per DEP's instructions. Mr. Eberhart then asked if DEP was reviewing this plan, and Mr. Haefner said that DEP was reviewing it at this time.

Mr. Ben Pisoni asked how close this location was to the State College Borough well. Mr. Haefner was not certain, but estimated a distance of 500 feet.

Motion. Mr. Fennessey moved to recommend approval of the Preliminary/Final Subdivision Plan with the conditions that Mr. Franson's and Mr. Fennessey's comments would be addressed. Mr. Nauman seconded. Vote: 7-0.

6. Fire Protection Regulations

Ms. Liggett reviewed that in approximately 2003, Halfmoon joined with the other Centre Region municipalities to write a regional model ordinance for fire protection. Some topics concerned what needed to be incorporated into submitted development plans, ensuring that fire companies could review those plans, differentiating between the water supply inside and outside the water service area, and standardizing fire access roads. Then, the Township codified all of its ordinances. Previously, the model ordinance said that if you had 4 or fewer lots and were located outside the water service area, you were exempt from the fire protection requirements (i.e., an underground storage tank for water supply). When a subdivision plan for a property outside the water service area came before the PC, the owner was not interested in installing the underground tank and wanted to use the exemption. It was discovered that the exemption had been omitted when it was codified in 2011, and the BOS did not want an exemption to be re-inserted. The regulation that the Township currently has does not provide any specifics on maintenance of these tanks. The PC's concern was that if no one is maintaining them, what protection is actually being provided?

Guests and PC members introduced themselves, and discussion continued. Mr. Stevens asked if fire companies could be held liable if a residence cannot be saved. Mr. Bair said that applies only if there is gross negligence. He said that because fire companies become an agent of a municipality, they become tort-limited and protected like a municipality.

In the case of the recently discussed Shuey property, can the water company actually fulfill the requirements specified in the ordinance? Mr. Shuey was told by the Water Authority that they did not have fire flow rates from the hydrants. Mr. Bair said there is credible water in Halfmoon Township, according to the Insurance Services Office (ISO). The ISO street map also shows hydrant coverage with red circles. The Insurance Services Office, based in New Jersey, grades all municipalities from a risk perspective.

Mr. Pisoni said that in 1995, an ISO evaluator rated the hydrant on Municipal Lane at 750 gallons/minute and the hydrant on Shanelly Drive at 900 gallons/minute. Mr. Eberhart asked Mr. Pisoni if he would be interested in having the ISO map. Mr. Pisoni said he was not familiar with the map, but he knew the locations of the 30+ hydrants in the Township. Ms. Steele said she would request this map from ISO. Mr. Fennessey asked Ms. Liggett to review this map and determine if all of the Township residences outside the 1000' distance meet the ordinance requirements. Ms. Liggett said that existing properties would not be affected but new plans could be adjusted and new hydrants could be installed.

Mr. Pisoni said that one problem would be smaller water systems existing on the periphery of the Upper Halfmoon Water Authority. For example, the system in the Paul Smith development off Lutz Lane and the Centennial Hills development system cannot meet these requirements. He was not familiar with S&A's water system capacity.

Mr. Bair said that this might be moot because Item H in the Halfmoon ordinance references NFPA, and the NFPA regulation states that if a home is not located within a certain distance from a 500 gpm hydrant, it is not part of a fire water supply.

Essentially, NFPA only cares if you have access to a fire plug, not where the water comes from. Ms. Steele asked Mr. Kauffman and Mr. Bair for the DEP definition. The DEP uses a criterion of 15 homes or 25 residents to qualify as a community water system. Ms. Liggett used the term community water, while Mr. Bair preferred municipal-type water supply (physical pipes with fire hydrants).

Ms. Steele asked Mr. Kauffman for clarification in the ordinance. He said that it was to protect the community water supply and prevent developers from merely installing dry hydrants and water tanks without extending the water lines or improving the water supply. The smaller systems were not built out to supply fire hydrants.

Mr. Tylka asked Mr. Bair about the ISO rating system. Mr. Bair said each residence is rated based on their proximity to a fire plug and a fire station. The report Ms. Steele would receive would be based on specific residences, not the water system itself.

Mr. Bair said that despite three very good fire departments, they cannot bring an overwhelming supply of water quickly to suppress a fire. His suggestions were to strengthen the municipal-type water supply which will help protect residences and extend the municipal water supply at every opportunity. By the definition of fire protection, Halfmoon Township has a municipal water supply, but it is not owned by the municipality itself.

Mr. Tylka asked Mr. Pisoni what the water company would want to have. Mr. Pisoni reviewed a discussion with the S&A builders after DEP said they could not have 14 wells. The water company required an 8" line from the 8" main and all of their forage lines graded to 8", but the S&A builders thought that was too expensive. Trotter Farm now has a DEP controlled community water supply. Mr. Tylka asked if the Township had any leverage to comply or belong; Ms. Steele said that Halfmoon Township has nothing in their ordinances requiring developers to use UHWC if possible.

Mr. Kauffman said that because Trotter Farm was constructed before the ordinance codification, it was more economical to build its own system. If it had come in after the ordinance, it would have been more cost-effective to improve the UHWA instead.

Mr. Nauman said from his research, sprinkler systems do not automatically turn themselves off. They will continue to run until someone shuts them off. If you leave a cigarette burning when you go to bed or experience a kitchen fire, the sprinkler system will help. Mr. Nauman asked, since Halfmoon does not have the high density development apartments where sprinklers would be most effective, why should residents be required to install them in isolated private residences?

Mr. Bair said residents have choices - they can put in a pond, they can put in a cistern, they can put in a hydrant, or they could put in a sprinkler. He added that he never saw someone reconstruct something that was burned to ash, but he has seen many people dry things out. Mr. Bair said that he knows of no municipality that requires sprinklers that is repealing their ordinance because sprinklers work. Municipalities are required by law to provide fire protection. However, municipalities also have the right to tell residents that they have an obligation to help provide fire protection.

Mr. Kauffman said that in 2001, Pennsylvania allowed sprinkler laws. He said that staff came forward and advocated sprinklers first, but reduced it to an option after community comments indicated they were not in favor of sprinklers.

Mr. Nauman asked what is reasonable to ask a home owner to install, that would still help the fire companies in practice. Mr. Bair said this area is largely rural and residential, so 4,000 gallons is a compromise tank size. The ordinance as it was constructed tried to be pragmatic, reasonable, and standardized.

Mr. Nauman said currently, the PC would like the BOS to allow the exemption back into the ordinance, because it believes this is putting undue expense on the residents. Mr. Bair said the ordinance conserves fire fighter time; even if it is a high-loss dwelling, the on-site water supply would reduce the number of fire fighters needed to handle the residence remnants.

Ms. Steele asked about ambiguity in the ordinance. For example, Ways wanted to use an existing pond but the ordinance language states "4,000 water storage source (tank)". Ms. Yurchak required a waiver because of the ambiguity. Mr. Bair said any pond used as a water source must be accessible to a fire department and must always have water in it.

Ms. Del Corso asked what happens when a tank is installed in the ground and perhaps never checked again. Mr. Bair said that was a gap in the ordinance. For example, in Ferguson Township, a home owner pays \$6,000 to install a cistern and also pays \$6,000 to the Township escrow account for cistern maintenance and replacement. Their ordinance is written so the Township has jurisdiction over that physical feature. Centre Region Code Administration inspects the tank and charges whoever is responsible for fixing and/or maintaining. Also, Mr. Kauffman and Mr. Bair discussed the seasonality of swimming pools, and their effectiveness only when filled. In their opinion, Halfmoon's ordinance should address these issues.

Mr. Bair referred to the NFPA 1142 standard, because it defines what constitutes a water supply: 300 gpm, easily accessible, fitted out with a dry hydrant, has water 365/24/7 at minimum required volume, etc. Mr. Kauffman said that the entire definition section was omitted from the Halfmoon ordinance, which should also be addressed.

Mr. Cox said he understands both sides of the issue, as a home builder and a fire fighter. He said he just built a home in Ferguson Township, where the owner paid \$8,000 for a sprinkler and was not pleased. That owner's reduction on his premium was 7.5% on an \$1100 policy. He also said the reduction for an ADT security system monitored by a central dispatch was 11%.

Ms. Liggett asked Mr. Cox and Mr. Ellenberger if they check the flow rates when their fire company sees development plans. Mr. Ellenberger said that the only plan he saw recently was the development proposed for Paul Brown's farm that was never constructed. Warriors Mark's service area ends at Davidson Lane, and the UHWA ends at Winesap Lane.

Mr. Tylka asked for sprinkler standards for homes serviced by an individual well. Mr. Bair said that the standard is NFPA 13, and then explained that a sprinkler is a life-saving tool to allow people to get out of a building. If it is a properly designed system, it could also save a dwelling or at least partially suppress a fire until fire personnel arrive on scene. Mr. Bair continued to explain for a domestic sprinkler

system, there is a 300 gallon tank and fire pump installed in the basement near the water heater and furnace. A domestic water well can have a flow rate as low as 4 gpm, so the tank serves as the needed water supply. When the room heats to 130°-135°, the head opens and 12 gpm sprays out of ceiling sprinklers mounted every 8 feet. Rooms under a certain size (bathrooms, garage, attic storage) are not sprinklered. Once the sprinkler empties the 300 gallon supply, it tries to refill from a domestic well but it won't. Rural systems have the added expense of the pump.

Ms. Liggett asked Mr. Kauffman about the ordinance requirement stating the fire access road has to handle 75,000 pounds. Mr. Kauffman said he reviewed a lot of materials and did not know exactly why that was specified. He thought perhaps a staff member misinterpreted the amount. Mr. Bair added that it would be difficult to certify that road without a compaction coring. His recommendation was to specify a packed gravel surface with a width of 12 feet.

Mr. Fennessey asked if rental multi-units on a community water system would be exempt from the sprinkler requirement. Mr. Kauffman said that building codes and State law requires that multi-family units have commercial-grade sprinkler systems.

Ms. Liggett asked Mr. Pisoni about the water flow rates being required on plans. Mr. Pisoni said that he could require the developer to test the hydrant and obtain this information. She followed with a question about an infill development, rather than a new development. Discussion continued on lot subdivision and what fire protection could be required. Mr. Kauffman said that because the RPD allows four lots of subdivision from a parent tract, the fire protection ordinance adopted the same standard.

Ms. Liggett asked if the Region was going to review this fire protection issue. Mr. Bair said that Halfmoon and Ferguson Townships were discussing this at length. Since it has come up enough recently, he suggested presenting it to both Centre Region Planning and Emergency Management to gauge interest. As a side note, Harris, Halfmoon, and Ferguson Townships are the only municipalities that are not completely served by community water systems.

Ms. Del Corso and Ms. Liggett summarized and suggested that the PC take time to review what was discussed this evening. Mr. Bair asked that the PC formally ask the Port Matilda Volunteer Fire Company for comments on the Township ordinance.

Mr. Nauman asked Mr. Bair how much a typical tanker could carry, and what it would cost. Mr. Bair said it would carry 2,000 gallons and cost approximately \$450,000. Mr. Ellenberger said they bought a tanker two years ago and paid \$275,000. Mr. Bair said that fire apparatus costs have gone up 23%.

Mr. Bair and Mr. Ellenberger agreed that the number of volunteer fire fighters is dwindling rapidly, and this is a critical problem. Mr. Ellenberger added that their new tanker can be used by one fire fighter which frees up manpower for other equipment.

7. Centre Region Comprehensive Plan – Community Facilities and Housing

Ms. Del Corso proposed that this agenda item be postponed until August 21. Ms. Liggett will not attend the August 7 meeting, but Mr. Vorwald will present two other elements of the Plan.

8. Matters of Record

- The next PC meeting will be held on August 7. Potential agenda items may include a continuing discussion of the fire protection regulations and a review of the Sustainability and Community & University Relationships chapters of the Comprehensive Plan. Ms. Liggett and Mr. Nauman will not be present.
- At their June 28 meeting, the BOS requested that staff provide additional information regarding the shared driveways. The BOS asked Ms. Liggett to identify how many shared driveways exist in the Township, and how many houses are served by each shared driveway.
- Ms. Steele responded to Mr. Eberhart's question about the recent zoning hearing board. The shared driveway issue will be continued to August 15. Don Houtz gave shared driveway access to his neighbor in 2002 and now feels that the use has changed. The Township does not think they can stop driveway access at this time. Mr. Houtz appealed the decision to the Zoning Hearing Board. The Nittany Greyhound Rescue is the organization located on the neighboring property. Ms. Steele said the question is to determine if anything exists in the Township Zoning Ordinance that would allow the Township to cite the Nittany Greyhound Rescue? The next question would be: Is Nittany Greyhound a commercial kennel or a not-for-profit operation? Mr. Piper's interpretation that this is a Code issue, not a zoning issue. Kennels are not prohibited anywhere in the Township. There are no limits on animals. Discussion will continue on August 15.

7. Adjournment

Motion. Mr. Nauman moved to adjourn. Mr. Stevens seconded.

The meeting was adjourned at 9:02 p.m.

Respectfully submitted,
Melissa Gartner
Recording Secretary