

Maidencreek Township Planning Commission
September 5, 2012 7:00 pm

Present: James Schoellkopf, Jr., David Anspach, Joel High, Matt Davenport, Zack Moore, Eugene Orlando- Orlando Law Office, Tom Unger- Systems Design Engineering, Inc., Diane Hollenbach - Township Manager

Guests: Kathleen Thompson,

James Schoellkopf called the September 5, 2012 regular meeting of the Maidencreek Township Planning Commission to order at 7:00 p.m. in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge to the Flag.

Approval of Meeting Minutes

A motion was made by Zack Moore, seconded by Joel High, to waive the reading of the minutes and approve the minutes of the August 1, 2012 regular meeting as presented. Hearing no questions on the motion, all members voted, "Aye". Motion carried

Approval of the Agenda

A motion was made by Joel High, seconded by David Anspach, to approve the agenda as presented. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Acceptance of Plans - None

Communications

Diane Hollenbach presented for the record the letter received from Kathleen Thompson regarding the Village at Summit Crest Phase III (attachment).

Public Comment

Ms. Thompson expressed concerns about the Village at Summit Crest proposed water system, specifically that it has been stated in the past that the water system would be owned by a different entity and that the developer has offered to drill new wells should his well impact the neighboring property's wells. Ms. Thompson asked what happens if the entity owning the water system does not have enough money to make good on this promise and asked if the Township can require a written document and a bond to protect the residents.

Gene Orlando stated that the Planning Commission cannot regulate ownership structure but there are remedies that legal counsel can help with against a landowner or water company. Mr. Orlando did recommend that the Planning Commission look at the concerns raised. Tom Unger added that the well would be permitted by the PA Department of Environmental Protection and regulated by the Public Utility Commission. Mr. Unger will look at the water permit for the owner's name and any conditions that may have been put on it to protect adjacent wells.

Ms. Thompson stated that she is also concerned with the storm water run off once the project is started. Her son's property had a lot of flooding from the timbering and they were unable to buy flood insurance to protect themselves. She asked if the developer's bond would cover damage off site. Tom Unger stated that the municipal bonds for the improvements did not cover off site damage. Zack Moore suggested that an attorney should be able to help her and her son with recourse.

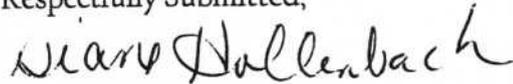
Engineer Agenda
Subdivision Status

Esbensshade Preliminary Plan - A motion was made by David Anspach and seconded by Joel High, to recommend the Board of Supervisors grant the developer's request for a time extension to the review period for the Esbensshade Land Development Plan until December 28, 2012. Hearing no questions on the motion, all members voted, "Aye". Motion carried.

Solicitor Report - none

Having no other business, a motion was made by David Anspach, to adjourn the meeting. Zack Moore seconded the motion. All members voted, "Aye." Motion carried. Meeting adjourned at 7:27 p.m.

Respectfully Submitted,



Diane E. Hollenbach, secretary

NEXT MEETING: WEDNESDAY, October 3, 2012 @ 7 PM

CC:	Board of Supervisors	Tom Unger, SDE	Barbara Hassler
	Planning Commission	Eugene Orlando, Solicitor	Chief Scott Eaken
	Park & Recreation	Patrick Donovan	Dan Miller
	Authority	Zoning Hearing Board & Alt.	

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* *Admitted in NJ and PA Bars*

August 23, 2012

Maidencreek Township Planning Commission
1 Quarry Road
Blandon, Pennsylvania 19510
Attn: Diane Hollenbach, Mgr., Recording Secretary

Re: Kathleen Thompson/Heath Thompson
Village at Summit Crest

Dear Ms. Hollenbach:

Kindly be advised, pursuant to previous correspondences, that this law firm represents Kathleen and Heath Thompson, residing at 94 Lee Spring Road in regard to the proposed Village at Summit Crest Development, pending final approval before the Board.

Please be further advised that I am corresponding in order to provide further objection regarding the grant of final approval for said development. The basis for my objections has been the subject of previous correspondence relating to proposed detention basins adjacent to Lee Spring Road, together with additional general issues relating to construction, buildup, traffic, flow of construction vehicles, obstruction of the soil and of the earth adjacent to the roadway, diminishment of aesthetics regarding this roadway and community, etc.

My objections and concerns now encompass additional issues raised by my clients as adjacent landowners regarding liability issues. The private water system effecting well supply and further, protection to my clients and the neighboring residents regarding performance bonds and liability insurance.

The water system supply to the Village at Summit Creek Development has been changed from a public water system to a private water system to be owned by the developer. The initial concerns in review of the Carlisle Gray Associates water testings are with regard to the diminishment of the water supply for the wells of the adjacent property owners. Ms. Kathleen Thompson had appeared at the prior meeting and voiced her concerns regarding the diminishment of water supply. The

owner of the development had specified in response to her concerns, that he would bear the responsibility of digging a new well for any of the local residents who have experienced diminishment or depletion of water supply. I would request that in the event of final approval, that a condition attached to said approval regarding the responsibility of the developer in the event of diminishment or depletion of water supply to the residents. The Board may additionally consider coverage of the water supply system in a performance bond.

An additional concern with the private water supply system involves the issue of legal ownership of the community water system as a separate entity. The Minutes of September 1, 2010 specify that the owner has represented that a separate entity from the development would be effectuated "for liability purposes". The representation by the owner encompasses the insulation from damages to the adjacent property owners and the insulation of the subdivision property assets from liability in the event of damage to the adjacent owners. I would request that the Board consider a condition of any approval of the development requiring that the water supply system be included in the entity encompassing the ownership of the common facilities for the protection of the residents.

It is my understanding from a review of the conditions of the subdivision plan for final approval that a performance bond has not been required by the owner. I would request that the Commission, with input from the Township attorney and engineer, require a stringent performance bond, which encompasses protection to the adjacent property owners involving potential surface water runoff, the community water system, together with the improvements required for the development.

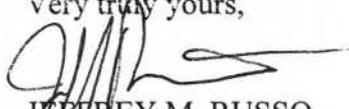
In addition, I had previously corresponded regarding damages to my client's property regarding surface water runoff, with minimal excavation by the owner. In a review of the subdivision data, it is my understanding that other residents have also been damaged by surface water runoff. The Commission should be cognizant that the properties affected by the within development do not qualify for flood insurance and therefore, there is no insurance protection in the event of surface water runoff damages causing flooding to the properties. I therefore, request that damages for the surface runoff be evaluated via a performance bond or monetary deposit to be held by the Township in the event of damage from surface water runoff.

It would be greatly appreciated in the event that the subdivision moves forward to final approval, that the Commission consider the issues raised in the within correspondence.

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Thank you for your kind attention and cooperation in this matter.

Very truly yours,



JEFFREY M. RUSSO
JMR:ks

cc: James Schoellkopf, Jr., Planning Chairman
Matt Davenport, Vice Chairman
Dave Anspach, Board Member
Joel High, Board Member
Zack Moore, Board Member
Thomas Unger; Karen Pollock, SDE, Inc., Engineering Consultants
Eugene Orlando, Jr., Esq.