

SUPERVISORS OF FAIRVIEW TOWNSHIP
7471 McCray Road
Fairview, PA 16415

Regular Meeting
April 5, 2018
7:00 P.M.

The regular meeting of the Supervisors of Fairview Township was called to order at 7:00 P.M. on April 5, 2018 by Chairman Ralph Heidler, followed with the Pledge of Allegiance.

Present: Supervisors Mark Gennuso, Ralph Heidler, and Peter Kraus; Secretary-Treasurer Michelle Barnes, Planning/Zoning Administrator James Cardman, Andrew Holland, P.E., Urban Engineers, Inc., Andrew Schmidt, Esquire, Quinn Law Firm

Visitors: Tony Mitcho – 8400 Beckman Road; Art Kuholski – 6055 Brandy Run; Larry Biggie – 6928 West Lake Road; Mark Wells – 6640 Field Valley Lane

CITIZEN'S CONCERNS/INQUIRIES:

Mr. Kuholski questioned enactment of an ordinance, specifically where the language states “shall”, when enforcement is discretionary.

Mr. Kraus made motion to close the Regular Meeting at 7:10 P.M. seconded by Mr. Gennuso. Unanimous.

Mr. Kraus made motion to open the Public Hearing at 7:10 P.M. seconded by Mr. Gennuso. Unanimous.

Proposed amendments to the Fairview Township Zoning Ordinance to include an amendment to the permit requirements for fences, including changing the minimum height for requiring a permit and requiring an opening mechanism for fences placed over or near public easements to permit access to maintain the easement or provide emergency access through fence openings. Also amendments to the density of multi-dwelling units on a lot of record in the R-3 zoning district changing the maximum number of units on a lot from 8 to 6 units. Consideration of a change to the parking requirements for group residence facilities in the R-1, R-2 and R-3 zoning districts. Also include consideration of requirements for the storage areas in the B-2 Highway Commercial District.

Mr. Kraus made motion to close the Public Hearing at 7:35 P.M. seconded by Mr. Gennuso. Unanimous.

Mr. Kraus made motion to open the Regular Meeting at 7:35 P.M. seconded by Mr. Gennuso. Unanimous.

Ordinance No. 2018-1: Amendments to the Zoning Ordinance was unanimously approved on motion by Mr. Gennuso, seconded by Mr. Kraus.

Mr. Gennuso made motion to close the Regular Meeting at 7:36 P.M. seconded by Mr. Kraus. Unanimous.

Mr. Gennuso made motion to open the Public Hearing at 7:36 P.M. seconded by Mr. Kraus. Unanimous.

Consideration of changes to the current Stormwater Management Ordinance to comply with newer DEP mandates and other requirements.

Mr. Gennuso made motion to close the Public Hearing at 7:45 P.M. seconded by Mr. Kraus. Unanimous.

Mr. Gennuso made motion to open the Regular Meeting at 7:45 P.M. seconded by Mr. Kraus. Unanimous.

Mr. Gennuso, in response to Mr. Kuholski's question that was asked prior to the Public Hearing, cited Section 404 of the Stormwater Ordinance as justification for Attorney Burroughs' prior opinion that enforcement is discretionary. Whereas Section 404(E)(5) reads "Side slope of storage ponds shall not exceed a ration of three to one (3:1) horizontal to vertical dimension", Section 404(E) states "Other considerations which should be incorporated into the design of the detention facilities include...". Discretion would not be applicable if "should" were replaced by a stronger word such as "must", but the language as passed along by the DEP allows for discretion.

Ordinance 2018-2: Amendments to the Stormwater Management Ordinance was unanimously approved on motion by Mr. Kraus, seconded by Mr. Gennuso.

MINUTES:

Minutes of the March 15, 2018 Regular Meeting were approved on motion by Mr. Gennuso, seconded by Mr. Kraus.

Workshop Minutes of the March 7 and 28, 2018 were approved on motion by Mr. Gennuso, seconded by Mr. Kraus.

PAYMENT OF BILLS:

Unanimous approval was given for the payment of bills, per the list attached to the agenda on motion by Mr. Gennuso, seconded by Mr. Kraus.

ENGINEER'S REPORT:

The Supervisors unanimously approved to award the Tanager Drive Project to Russell Standard. They submitted all necessary documents and provided the lowest bid at \$71,379.00, on motion by Mr. Kraus, seconded by Mr. Gennuso.

PLANNING/ZONING REPORT:

The Supervisors unanimously approved tabling Brandy Run, Phase 5, Preliminary Subdivision Plans on motion by Mr. Kraus, seconded by Mr. Gennuso.

SECRETARY/TREASURER'S REPORT:

March 31, 2018 Treasurer's Report was unanimously approved on motion by Mr. Gennuso, seconded by Mr. Kraus.

Resolution 2018-7: Board of Supervisors of Fairview Township amend and update the Fairview Township Subdivision and Land Development Fees and Other Fees Schedule was unanimously approved on motion by Mr. Gennuso, seconded by Mr. Kraus.

FAIRVIEW TOWNSHIP
Erie County, Pennsylvania
RESOLUTION NO. 2018-7

BE IT RESOLVED and enacted by the Board of Supervisors of Fairview Township, Erie County that the Board of Supervisors of Fairview Township amend and update the Fairview Township Subdivision and Land Development Fees and Other Fees Schedule.

WHEREAS, to include the Recreation fee as per the Pennsylvania Municipal Planning Code of \$200.00 per residential lot and \$200.00 per household for a Multi-Family lot.

Adopted this 5th day of April, 2018.

SUPERVISORS OF FAIRVIEW TOWNSHIP

Ralph A. Heidler, Chairman

Peter D. Kraus

Mark A. Gennuso

Attest: _____

Michelle Barnes Secretary-Treasurer

SUPERVISORS' REPORT:

Mr. Kraus discussed with the Board that the outflow pipe on the north side of the Beckman Road culvert near Mr. Mitcho's house needs reinforced with riprap.

Mr. Heidler informed the residents the Township is working on the paving list.

The meeting was adjourned at 8:30 P.M. on motion by Mr. Gennuso, seconded by Mr. Kraus. Unanimous.

Respectfully submitted,

Michelle Barnes
Secretary-Treasurer