

## ***SUPERVISORS OF FAIRVIEW TOWNSHIP***

7471 McCray Road  
Fairview, PA 16415

Workshop Meeting  
August 20, 2014  
1:00 P.M.

The workshop meeting of the Supervisors of Fairview Township was called to order at 1:00 P.M. on August 20, 2014 by Chairman Peter Kraus. Present were: Supervisors Peter Kraus; Mark Gennuso and Ralph Heidler; Zoning Officer James Cardman and Assistant Secretary Michelle Zirkle.

Guests: Engineers George Willis and Andrew Holland; Art Kuholski and Dave McLallen

Mr. Kuholski came to the Workshop Meeting to discuss Brandy Run Subdivision's stormwater management. He brought in two copies of easements he received from the Erie County Courthouse. He wanted to show how the copies are very hard to read since the Township sends the copies in color explaining that any homeowner would not be able to determine their own easements from these copies. Mr. Willis explained to Mr. Kuholski, the Township does have a copy of the mylar and two prints available for viewing in the Zoning Office.

Mr. Kuholski presented the Supervisors with copies of the Township's Stormwater Management Ordinance with highlighted sections throughout the ordinance which he has concerns about:

### **§ 320-2 Purpose.**

This chapter have the following general purposes and objectives:

A. To promote the health, safety and welfare within the community.

### **§ 320-11 General criteria.**

Not all stormwater control methods may be advisable or allowable at a particular development site.

C. Best management practices must be designed to protect and maintain existing uses

D. To control post-construction stormwater impacts from regulated earth disturbance activities, state water quality requirements can be met by BMPs, including site design, which provide for replication of preconstruction stormwater infiltration and runoff conditions, so that post-construction stormwater discharges do not degrade the physical, chemical or biological characteristics of the receiving waters. As described in

the DEP Comprehensive Management Policy (No. 392-0300-002, September 28, 2002), this may be achieved by the following:

(3) Use of infiltration structures.

E. Infiltration practices shall be used to the extent practicable to reduce volume increases and promote groundwater recharge. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for rejecting each of the preferred practices based on actual site conditions.

F. DEP has regulations that require municipalities to ensure design, implementation and maintenance of best management practices (BMPs) that control runoff from new developments and redevelopment after regulated earth disturbance activities are complete. These requirements include the need to implement post-construction BMPs with assurance of long-term operations and maintenance of those BMPs.

#### **§ 320-12 Infiltration systems.**

A. Infiltration systems shall be sized and designed based upon local soil and groundwater conditions.

#### **§ 320-14 Stormwater detention facilities.**

E. Other considerations which should be incorporated into the design of the detention facilities include:

(5) Side slope of storage ponds shall not exceed a ratio of three to one horizontal to vertical dimension.

(6) Landscaping shall be provided for the facility which harmonizes with the surrounding area.

(7) Facilities shall be located to facilitate maintenance, considering the frequency and type of equipment that will be required.

(10) Fencing shall be provided if required by Fairview Township.

#### **§ 320-15 Collection/conveyance facilities.**

(5) Wherever construction stops or concentrates the natural flow of storm drainage in such a way to affect adjoining properties, approval of the owner should be obtained in writing, in a format approved by the Township, and a copy filed with the Township.

### **§ 320-16 Requirements.**

F. Evidence of any necessary permit(s) for regulated earth disturbance Activities from the appropriate DEP regional office or County Conservation District must be provided to Fairview Township prior to approval of the stormwater management plan.

### **§ 320-18 Maintenance agreement for privately owned stormwater facilities.**

A. Prior to final approval of the site's stormwater management plan, the applicant and Fairview Township shall execute a maintenance agreement covering all stormwater control facilities which are to be privately owned. The maintenance agreement shall be recorded with the final subdivision/land development plan for the site. The agreement shall stipulate that:

(1) All facilities shall be maintained in accordance with the approved maintenance schedule and in a safe and attractive manner.

(2) Easements and or rights-of-way shall be conveyed to Fairview Township to assure access for periodic inspections by Fairview Township and maintenance if required.

### **§ 320-19 Municipal Stormwater Maintenance Fund.**

(1) If the storage facility is to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by Fairview Township for a period of 10 years, as estimated by the Municipal Engineer. After that period of time, inspections will be performed at the expense of Fairview Township.

(3) The amount of the deposit to the fund shall be converted to present worth of the annual series values. The Municipal Engineer shall determine the present worth equivalents which shall be subject to the approval of the governing body.

### **§ 320-20 General requirements.**

No final subdivision/land development plan shall be approved, no permit authorizing construction shall be issued, or any earth-moving or land disturbance activity initiated until the final stormwater management plan for the site is approved in compliance with state water quality requirements and in accordance with the provisions of this chapter.

### **§ 320-22 Stormwater plan contents.**

B. Existing and proposed features. The plan shall show the following under both predevelopment and post-development conditions:

(5) Contours. Show existing and final contours at intervals of two feet; in areas with slopes greater than 15%, five-foot contour intervals may be used.

(6) Land cover. Show existing and final land cover classifications as necessary to support and illustrate the runoff calculations performed.

F. Easements; rights-of-way deed restrictions. All existing and proposed easements and rights-of-way for drainage and/or access to stormwater control facilities shall be shown along with any areas subject to special deed restrictions relative to or affecting stormwater management on the development site.

H. Maintenance program. The proposed maintenance plan for all stormwater control facilities shall:

(2) Identify the type of maintenance, probable frequencies, personnel and equipment requirements and estimated annual maintenance costs.

(3) Identify the method for financing the continuing operation and maintenance of the facility if the facility is to be owned by other than a governmental agency.

(4) Include copies of any legal agreements required to implement the maintenance program and, if applicable, copies of the maintenance agreement as required Article VI of this chapter.

#### **§ 320-24 Stormwater plan reviews.**

A. Submission of plans. Stormwater plan applications shall be submitted with the preliminary and final subdivision/land development applications.

#### **§ 320-25 Status of stormwater plan after final approval.**

A. Upon final stormwater plan approval, receipt of all necessary permits, and recording of the final subdivision or land development plan in the Erie County Recorder of Deeds' Office, the applicant may commence to install or implement the approved stormwater management controls.

B. If site development or building construction does not begin within two years of the date of final approval of the stormwater management plan, then before doing so, the applicant shall resubmit the stormwater management plan to verify that no condition has changed within the watershed that would affect the feasibility or effectiveness of the previously approved stormwater management controls. Further, if for any reason development activities are suspended for two years or more, then the same requirement for resubmission of the stormwater management plan shall apply.

### **§ 320-26 Stormwater plan modifications.**

A. If the request for a plan modification is initiated before construction begins, the stormwater plan must be resubmitted and reviewed according to the procedures contained in this article.

B. If the request for a plan modification is initiated after construction is underway, the Municipal Engineer shall recommend approval or disapproval of the modification based on field inspection, provided the requested changes in stormwater controls do not result in any modification to other approved municipal land use/development requirements (e.g., building setbacks, yards, etc.)

### **§ 320-27 Inspections.**

B. No work shall commence on any subsequent phase until the preceding one has been inspected and approved. If there are deficiencies in any phase, the Municipal Engineer shall issue a written description of the required corrections and stipulate the time by which they must be made.

### **§ 320-34 Suspension or revocation of permit or approval; violations and penalties.**

A. Any building, land development, or other permit or approval issued by Fairview Township may be suspended or revoked by Fairview Township for:

- (1) Noncompliance with or failure to implement any provision of the permit or approval;
- (2) A violation of any provision of this chapter; or
- (3) The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution, or that endangers the life or property of others.

C. A permit or approval that has been revoked by Fairview Township cannot be reinstated. The applicant may apply for a permit under the procedures outlined in this chapter.

The meeting continued...

Mr. Kuholski questioned the Supervisors, Mr. Cardman and the Engineers if the current drawings show current conditions? Mr. Holland is going to check their drawings at Urban Engineers and get back to him. The Township requires current conditions and the last current conditions he has seen was from 2003. The developer is making changes to phases 1, 2 and 3, the new design there should be a resubmittal of survey on map in backyards. Mr. McLallen stated the design of the pond reflects the current

grade of the backyards and posts are currently up. Mr. kuholski responded that you cannot propose without current existing conditions. Conditions are not the same from 11 years ago.

The Supervisors thanked everyone for coming to the meeting.

Meeting was adjourned at 3:05 P.M.

Respectfully Submitted,

Michelle Zirkle