

**Minutes of the Regular Meeting of the  
PALMYRA BOROUGH PLANNING COMMISSION**

Wednesday October 5, 2016

Jim Hartman called the meeting to order at 7:00 p.m. in the Council Chambers of the Palmyra Municipal Building, 325 S. Railroad Street, Palmyra, PA, 17078.

**Attendance:** Jim Hartman, Steve Ricker, Joe Templin, Gretchen Van Scyoc, Borough Manager Roger Powl, and Frank Chlebnikow (Rettew) were present. Mark Smith was absent.

**Public Comment:** None

**Approval of Minutes:**

A **Motion** was made by Steve Ricker, seconded by Gretchen Van Scyoc, to approve the September 7, 2016 meeting minutes as written. **Motion Carried.**

**Action & Discussion Items:**

1. Wireless Communications Facilities Ordinance for “Distributed Antenna Systems”:

Ms. Van Scyoc started the discussion by explaining that the Borough Solicitor has asked whether the Borough desires the ordinance to contain a provision requiring the operator of the facility to provide insurance, and the Planning Commission members agreed that the insurance clause should be added. Mr. Hartman explained that on page #3 (Section 380-64.1.E(3)), third line, that he believed the sentence should read “...and comparable antennae of future users...” He also explained that on page#3 (Section 380-64.1.G), sixth line, that he believes “a” should be removed after “position of any.” Mr. Chlebnikow questioned whether the ordinance needs to reference that a PennDot Highway Occupancy Permit (HOP) would be required in addition to meeting the Borough’s zoning requirements for any small cell tower proposed within a PennDot right-of-way. Mr. Chlebnikow explained that Rettew is also suggesting that the maximum height of 50-feet in (Section 380-64.1.E(4)) be reduced to 40-feet. Mr. Chlebnikow also suggested that the Borough Council adopt the fee schedule due to the Borough for a small cell tower at the same time that the ordinance is enacted.

A **Motion** was made by Steve Ricker, seconded by Joe Templin, to make a recommendation to Borough Council to adopt the proposed zoning ordinance amendment with the corrections discussed at this evening’s meeting, and to establish and adopt the fee schedule for small cell towers at the same time that the ordinance amendment will be enacted. **Motion Carried.**

2. Proposed Ordinance to Amend the Palmyra Stormwater Management Ordinance – Deposits in Streets:

Mr. Powl explained that the genesis of this ordinance amendment prepared by the Borough Solicitor originated with Mayor Carpenter expressing to Borough Council that something should be done to regulate folks who allow the grass clippings from their mowers to be blown onto the street and do not return to remove the clippings from the street, which is unsightly. Mr. Powl also explained that Pennsylvania Department of Environmental Protection (DEP) considers grass clippings to be a pollutant in regards to Municipal Separate Storm Sewers System (MS4) permitting, therefore, Borough Council agreed that the Palmyra Stormwater Management Ordinance would be the appropriate place to add regulations to prevent grass clippings from being allowed to be placed and remain within a Borough street right of way. Mr. Hartman asked what is considered as the MS4 area in the Borough, and Mr. Powl explained that the entirety of the Borough is considered as part of the MS4 area since it is a defined urbanized area with street run-off. Mr. Powl explained that the Borough will be applying to DEP for a

waiver of the MS4 permitting process since stormwater run-off is not conveyed to any “waters of the Commonwealth” and therefore not subject to the MS4 permit requirements. However, he was unsure if DEP has updated its definition of “waters of the Commonwealth” to include groundwater, which, with the Borough’s stormwater injection wells, would require the Borough to be an MS4 permittee. Mr. Ricker asked why a simple ordinance couldn’t be written to cite people for placing grass on the streets and Mr. Powl explained that Borough Council agreed that since we are located within the Chesapeake Bay area and subject to the Chesapeake Bay DEP requirements, that it would be easier to enforce as a stormwater management ordinance violation versus a simple nuisance ordinance violation, which is often more difficult to enforce. Mr. Hartman asked how many of the Council members were on board with this, and Mr. Powl & Mr. Templin confirmed that it was unanimous. Ms. Van Scyoc explained that on the first page, Section 1, third line, “shall be” is repeated twice after “Public Nuisance.” Mr. Hartman explained that he feels Section 310-32 – Right of Entry is too open in regards to allowing Borough employees free reign to enter private property, especially if there are no stormwater management facilities on the property. Mr. Hartman explained the he feels that Section 310-36.A(1), second line, would read better if “be” is inserted after “...SWM site plan or...” After a lengthy discussion concerning Section 310-40.1 (protection of municipal separate storm sewer systems), the Planning Commission agreed that this section would be much more palatable if it would be reworked so that anyone who is in the act of mowing their grass could not be immediately cited for their mower directing grass onto the street without any opportunity (i.e. - time limit) to clean up the clippings after mowing is finished. Ms. Van Scyoc expressed her concern that the wording in Section 310-40.1 (“No person shall sweep into or deposit into any street...”) is limiting and feels that the wording should be revised to say “No person shall purposely direct or deposit into a street...” The Planning Commission agreed. They also discussed the ramifications concerning leaves being required by the Borough to be placed/deposited along the curblineline of a paved street right of way for collection by the leaf vacuum truck, since leaves cannot be vacuumed from gravel alleys due to damage to the leaf collection equipment. The Planning Commission members wondered if an exception would need to be inserted into the ordinance so that placing the leaves as directed would not constitute a violation under the new ordinance. The Planning Commission asked Mr. Powl to take their comments back to Borough Council in order for Council to agree to have the ordinance re-worked by the Solicitor to satisfy the comments and be reviewed further at next month’s Commission meeting.

**Communications:** None.

**Other Business:** None.

**Adjournment:**

A **Motion** was made by Gretchen Van Scyoc, seconded by Steve Ricker, to adjourn the meeting at 7:49 p.m.  
**Motion carried.**

Respectfully Submitted,

Roger E. Powl  
Borough Manager