

VALLEY TOWNSHIP SUPERVISORS' MINUTES
Monday, February 11, 2009

Attendance:

Chairman Gary Derr, Vice-Chair Mike Kull, Supervisor/Secretary Judy Achy, Solicitor Tom Leipold, Road Foreman Frank Lehman, SEO Bill Toth and Zoning Officer George Plafcan. Public was represented by Walter Rupert, Kevin Kovacs and Danville News Reporter, Karen Blackledge.

Call to Order:

Chairman Derr called the meeting to order @ 7:00 pm. with all in attendance reciting the Pledge of Allegiance.

Approval of Minutes:

Motion to approve the minutes of 1-28-09 made by Mike, 2nd by Judy and motion passed unanimously together with the financial report dated 2/11/09.

Citizens Comments: None offered.

Reports:

(1)

Fire Department – Nothing to report with the exception that the Valley Township Fire Department will be holding a fish fry on Friday, March 13 beginning @ 5 pm.

(2)

Planning Commission – None with the exception that Paul Krizan will be invited to their next meeting basically so the commission can meet our new engineer.

(3)

Solicitor – Tom Leipold reported on the request from Mr. Kovacs' Attorney, Mr. Scott Diclaudio as concerns to the following:

1. The accessory building “garage” is in the front yard area of the Primary Structure/house. (Response) *The proposed garage was approved as an accessory structure under the applicable provision of the Valley Township Zoning Ordinance. It is not located in the front yard area, which the Ordinance defines as the area between the principal structure and the street line.*
2. The accessory building “garage” is within 15 feet of my side boundary of my property and violates Valley Township set back guidelines. (Response) *Pursuant to Section 302 of the Zoning Ordinance, the minimum required setback for an accessory structure in the R-1 Zoning District is 10 feet on each side. The garage meets that requirement.*
3. The garage was built on fill, which was dumped/placed on my property by Moya, and now covers the property boundary of my property at a height of approximately 28 feet deep from at what was my previously undisturbed grade. This action should have been stopped by the zoning officer long before it was started. (Response) *The zoning ordinance does not prohibit or otherwise regulate, the placement of fill. This issue is not within the authority of the Zoning*

Officer. If your client believes there has been a wrongful encroachment on the property, I am sure you will advise him of the private civil remedies which may be available to him.

4. It appears the accessory building “garage” has a heat pump, plumbing and sewage. From the way your ordinance reads, I believe that 2 separate residences on one parcel of ground are not permitted in Valley Township. Please explain if I am incorrect. (Response) *Your client is correct that Section 501B of the Zoning Ordinance establishes a limit of one principal residential building and its accessory structures on one lot, except in the case of permitted multi-family housing units or mobile home parks. Your client is incorrect, however, in his apparent inference that the garage is a second residential structure. The proposed garage was permitted as an accessory use, which is appropriate. The Zoning Ordinance defines a garage as “a building or structure used for the parking and storage of vehicles.” By reasonable implication and common usage, storage of lawn and garden equipment, bicycles, other tools and equipment and similar items, in addition to vehicles, would also be permitted. Residential occupancy of the garage is not permitted. The fact that the garage may have HVAC and plumbing facilities is not prohibited under the Zoning Ordinance.*
5. *Finally, in response to your inquiry about a “Cease and Desist Order,” no such order has been issued by the Township because no such order is appropriate under the circumstances.*

Mr. Kovacs was in attendance at tonight's meeting and Tom went over all of these points with him. He asked for a copy of the letter that our solicitor sent to his attorney and a copy was given to him.

The only other business that Tom mentioned was that a letter was sent out to Jack Diehl regarding all of the water run-off on McCracken Road.

(4)

Zoning Officer – George reported that he would like to follow up with more involved training regarding the open record policy and he will be attending a course in Union County on 2/26/09.

(5)

Municipal Authority – No meeting since our last meeting.

(6)

Road Foreman/Equipment – Frank reported that a great deal of their time has been spent on snow removal and he reported that thus far we have used 225 tons of salt over the winter. Other than this there has been patching on Bogart, Roup, Hendrickson and Klein Roads with some tree removal on McCracken, Gearhart and Roup Roads.

(7)

SEO – Bill Toth reviewed the possibility of having a sewage management program in Valley Township. He wants to sit down with Tom Leipold to “tweak” the program prior to presenting it to the Township. Discussion ensued about the fact that this would not be a popular program amongst the township residents. Bill felt that a great deal of education

would need to be offered in order to get “everyone on board”. There was talk of having the program township wide but no decisions were made.

New Business: The only other business was the possibility of purchasing a large supply of “forever” stamps ahead of time before the next increase goes on. Judy will discuss this with Bruce.

Approval of Bills:

Motion by Mike, 2nd by Judy to pay the bills and motion carried unanimously.

Adjournment:

Motion to adjourn made by Judy @8:00, 2nd by Mike and motion passed unanimously.

Respectfully submitted,

Judy Achy
Valley Township Supervisor/Secretary