

BOROUGH OF ROSE VALLEY
Planning Commission Meeting
November 5, 2020

The Rose Valley Planning Commission was convened by Chairperson Stephanie Middleton on November 5, 2020 at 7:30 pm via Zoom. All members were present including Steve Karlovic, Jim Kaufman, Lynn Kelley, Stephanie Middleton, Ron Ploeg and Hope Thurlow.

Additional members of the feasibility study working group attending the meeting were Jim Audley and Roger Latham. Monica Gagliardi was excused.

Council members attending the meeting included Councilpersons Debra DeMasi, Dave Firn, Bill Hale, Stephanie Middleton and Vippy Yee, Controller John Nielson, Solicitor G. Guy Smith and Manager Paula Healy.

Other residents attending the meeting included Ed Bendinsky, Cornelia Haselberger, Joanne Lewis, Susan Ploeg, Sally Jenkins Redgrave and Ian Rubin.

Consultant Robert Thomas of Campbell & Thomas Co. attended as an invited guest.

Minutes

The Minutes of the October 1, 2020 Planning Commission Meeting were reviewed and adopted on a motion made, seconded and unanimously passed.

Feasibility Study

Stephanie reported that Borough Council has engaged Robert Thomas of Campbell & Thomas Co. as a consultant on a time and materials basis to assist in the preparation of a feasibility study for a 3' - 4' wide pathway along Rose Valley Road from Possum Hollow Road to the Moylan/Rose Valley Train Station at a cost of under \$10,000. The Planning Commission will be responsible for the project with assistance from EAC members Jim Audley, Monica Gagliardi and Roger Latham who will be part of the working group. Borough manager Paula Healy will advertise that Planning Commission meetings will be held on the first and third Thursday of each month going forward to provide the option of holding additional meetings on these dates if desired. Stephanie submitted a budgetary number of \$20,000 for the Planning Commission in the draft 2021 Budget. Rose Valley Troop 272 has a Scout who needs an Eagle project. Bob Thomas will be asked when he visits the site if it would be appropriate to do some preliminary trail work on the Borough property around to the Hedgerow curve with a bridge over a small stream.

Ron Ploeg has volunteered to coordinate the people who will be talking to residents and institutions along Rose Valley Road and handle discussions with State Representative Leanne Krueger.

Bob Thomas then introduced himself, outlined his experience and answered the following questions which were provided prior to the meeting:

1: How should we discuss the projects with residents whose property the pathway could potentially cross? It has been suggested that we ask residents what their concerns are and what could be done to improve their property, such as improving sightlines.

-Bob also suggested that someone who knows the resident make the initial contact and that the number of people talking to the resident be kept small, preferably 1 or 2, so they are more willing to openly discuss their feelings and concerns. He said a public Zoom meeting is not the appropriate forum. Ron Ploeg mentioned we can also offer to ameliorate their concerns with landscaping and screening accommodations.

2. How can we address concerns about increased liability? Are liability concerns lessened if the pathway is within the PennDOT Right-of-Way?

-The PA landowner liability protection act provides protection for landowners who allow a public trail located in a right-of-way or easement on their property provided they do not charge for usage. Stephanie pointed out that if they are sued, they will still need to defend themselves by invoking the act in court. Bob felt landowner's liability would not be increased because people already walk along Rose Valley Road and the pathway would make walking substantially safer.

4. Can maintenance and repair of the pathway be the responsibility of the Borough or Nether Providence Township instead of the residents whose properties it crosses?

-Yes. The Borough could agree to maintain and repair the pathway. The Borough could also maintain the pathway in NP through a memorandum of understanding, although hopefully NP would agree to maintain its own pathway.

5. Can the pathway be a fair-weather pathway so that both the residents and the Borough are relieved of the responsibility of removing snow and ice? It would be difficult to clear a gravel or crushed stone pathway.

-Yes, it can be a fair-weather pathway. A "no winter maintenance" sign could also be posted.

6. Will the pathway require lighting beyond what is available from existing streetlights?

-The pathway is not required to have lighting, although some could be added for safety. Pedestrian scale lighting could also be considered.

7. How involved is the process of increasing the width of the PennDOT Right-of-Way? Can residents simply sign a document stating the width of the PennDOT Right-of-Way across their property along Rose Valley Road is twenty feet (or twenty-five feet or whatever). Does a plan of the property showing the widened Right-of-Way need to be prepared and recorded?

-Expanding the PennDOT Right-of-Way is a lengthy and involved process which can take 3 to 4 years. It would be much easier if residents grant an easement to the Borough or divest a portion of their property to the Borough if they could still meet the zoning requirements. A recorded property plan and easement would be required.

8. Can residents claim a charitable deduction for increasing the width of the PennDOT Right-of-Way?

- It would be much easier dealing with the Borough than PennDOT. A charitable deduction to the Borough is possible but it might not be worth the expense. A real estate appraiser would have to value the donation and landowners have to seek their own tax advice.

9. What material should be used for the pathway? Can the pathway be gravel or clean crushed stone or modified crushed stone in places where it does not abut driveways or roadways? Should the pathway material be macadam for a certain number of feet where it abuts driveways and roadways to prevent gravel or stones from being kicked into the driveway or road? The pathway surface will need to be macadam in sloped areas subject to erosion from water runoff. Roughly what slope can be tolerated before macadam is required?

-Appearance and longevity must be considered in selecting the material. The pathway should be macadam when the slope is above 5 to 8 percent depending on erosion potential and when near driveways and roads. Best management practices should be followed for stormwater runoff. A good faith effort should be made to meet ADA accessibility requirements, but the terrain may preclude this so just do the best you can. Bob will recommend trails we might want to go see.

10. Where substantial spatial separation from the roadway is not possible, how much grade separation (where the pathway is several inches higher than the road surface) is recommended?

-The grade separation does not have to be much. In some areas, people may want to be able to drive up onto the pathway to unload groceries and such, so a few inches could be enough. Fire trucks and utility vehicles may also need to be able to drive onto the pathway. A combination of a change in material, texture, color and height can all work together to demarcate the pathway where it has to be close to the road.

11. If the pathway is completely within the PennDOT Right-of-Way and PennDOT approves the project and issues a Highway Occupancy Permit, can the Borough or Township go ahead and install the pathway?

-Yes, the municipality has the right to proceed, but politically it may not want to do so without first trying to address the concerns of opposed individual landowners and make accommodations. In the end however, the public good can outweigh individual preferences.

12. What grants are available to fund design work, construction work, or both? When do we need to submit requests for these grants?

-Bob will provide a list of potential grants and submission dates. For grants with matching requirements, volunteer time contributed can be counted. DCED multimodal grants fund construction only and have a \$100,000 minimum; PennDOT multimodal grants are similar. DCNR may fund design and construction. For DCNR it is better to describe the project as a trail connecting with other existing trails in the community that come out to Rose Valley Road, and not just a pathway to the train station.

Dave Firm took part in DCNR's annual grant workshop and volunteered to help investigate available grants and the application process.

Ron Ploeg will provide a list of residents abutting the road with contact information.

Bob Thomas plans to come out to Rose Valley with his assistant Doug Maisey and measure and document the potential locations for the pathway in preparation for next month's meeting.

Adjournment

There being no further business, on a motion made, seconded and unanimously passed, the meeting adjourned at 10:00 pm. The next Planning Commission Meeting will be held on Thursday, December 3, 2020 at 7:30 pm via Zoom.