

**DOVER TOWNSHIP  
LOCAL AGENCY HEARING  
January 11, 2016**

The Dover Township Local Agency Hearing for Monday, January 11, 2016, was called to order at 6:00 PM by Chairperson Matthew Menges in the Meeting Room of the Dover Township Municipal Building. Supervisors present were Matthew Menges, Charles Richards, Stephen Parthree, Stephen Stefanowicz, and Robert Stone. Other Township Representatives in attendance were Laurel Oswalt, Township Manager; Charles Rausch, Township Solicitor, Michael Fleming, Township Public Works Director; Richard Baade, Township Sewage Enforcement Officer; Terry Myers, Township Engineer; Tammy Rinehart, Stenographer; Trena Hall, Secretary and Tiffany Strine, Recording Secretary. There were three citizens present. This meeting is being recorded for the purpose of minutes only.

**3481 CONEWAGO ROAD – LAU-GERMAN AND GERMAN PROPERTY**

Here by request; Dover Township Resident's Jenna Lau-German and Nelson German, from a denial by the Township Sewage Enforcement Officer for a site change of a holding tank at 3481 Conewago Road.

Chair Menges stated that this Local Agency Hearing has been advertised in the York Dispatch and the York Daily Record on December 29<sup>th</sup>, 2015 and appears on the agenda for the Board's consideration.

Attorney Charles Rausch recognized the presence of each Board member and the presence of a Court Appointed Stenographer.

Richard Baade, Township Sewage Enforcement Officer presented his case. R. Baade performed original testing on the property address of 3481 Conewago Road, to determine the proper action for sewage disposal. R. Baade performed a perk test on this property and the test was deemed a complete failure. R. Baade represented the German's in their application to the Township Supervisors to install a holding tank system and prepared the documentation. R. Baade's documentation included a plan to show witness as to where the tank and system were to be placed. R. Baade clarified that his approved plans indicated the installation of a holding tank into the ground, a pipe extension made to the tank to set the tank to an above grade level and the installation of an alarm system to prevent overflow. A permit was approved and issued from The Pennsylvania Department of Environmental Protection for the Installation of an On Lot Sewage Disposal System – Application number Z-108099. The permit was issued on August 13<sup>th</sup> of 2013 to Nelson German for the property address of 3481 Conewago Road, Dover, Pennsylvania 17315.

R. Baade issued the above stated permit for this project with a copy of the installation plans. R. Baade stated that he had heard nothing from the German's or anyone else until he was called to inspect the installation of the holding tank. R. Baade stated that upon the arrival to the property; a contractor had installed a tank in a non-designated area per R. Baade's issued permit and plan.

R. Baade stated that no request was made to alter the approved permitted plans. R. Baade addressed many concerns on the altered location of the holding tank. R. Baade stated that Conewago Road and the surrounding areas flood frequently and that the contours on this ground suggest drainage to neighboring properties. R. Baade stated that this particular type of tank needs to be pumped frequently to prevent overflow and that the distance and access to pump this tank may prove to be difficult. R. Baade stated economically, the location will be of a higher cost to be pumped, due to the extra time needed to gain access to the tank.

R. Baade stated that utilizes The Best Practices Program taught by The Pennsylvania Department of Environmental Protection which advises Sewage Enforcement Officers to maintain a specific level of care in choosing the best possible location for projects. R. Baade informed the Board that in dealing with flood plains; one must install projects and perform projects as far away from any known flood plains as possible. R. Baade indicated that his plan took this advisement into consideration.

R. Baade stated that the contractor possessed a copy of his approved plan and permit on site; however, he did not follow the plan and had the tank installed in a different location. R. Baade stated that no attempt was made to contact him or inform him of a request to change the tank location. R. Baade stated that the German's are requesting permission to install a tank behind a rain garden on their property. R. Baade maintained that should that water feature ever fail; the failed water feature is going to flow directly into the holding tank. R. Baade indicated that this is not good practice. R. Baade stated that the currently installed holding tank lies in a limited flood plain location and possesses limited access for maintenance.

Chair Menges noted that R. Baade presented a Property Survey for the installation of a holding tank at 3481 Conewago Road, Dover; from Biscon Land Surveying Company, Inc. Chair Menges noted that a second plan was presented by J. Lau-German from Johnston and Associates, Inc. that shows a holding tank installed in the rear of the property and house which R. Baade states is unacceptable.

C. Richards inquired if the German's were to move the tank to the opposing side of where it currently resides, within the back of the property, if the move would place them in a concerned area due to close proximity to the property's well. R. Baade stated that the separation from the well and the holding tank are not like that of a drain field procedure and therefore distance requirements with that respect do not apply in this circumstance.

Solicitor Rausch asked R. Baade; if at any time, anyone explained to R. Baade, why the drawing of the plans from Johnston and Associates, Inc. displays the holding tank placed in an opposing area from the permit approved location. R. Baade stated that he had no indication that any changes were being sought. R. Baade stated that no attempt was made at any time to notify him or inform him of the changed plans for the permitted holding tank placement and installation. The explanation given for the creation and implementation of the new holding tank plan installment was from the German's contractor whom informed R. Baade that the new location was chosen by the German's. R. Baade is unaware of the current status as he has not been to the property since witnessing the incorrect installation.

Solicitor Rausch clarified that the presented permit for this property does not contain R. Baade's official signature. R. Baade stated that he does not sign the permit until the project is completed. R. Baade stated that he issued the permit thus granting permission to install a holding tank in a designated area. R. Baade has not officially signed the permit because the holding tank is said to be in an incorrect location. R. Baade reaffirmed that through The Pennsylvania Department of Environmental Protection there are currently no restrictions in place to prevent the German's from utilizing the unpermitted area; however, the unpermitted location does not follow The Best Practice protocols.

R. Stone inquired as to where the overflow from a tank in the undesignated area would flow. R. Baade stated that any overflow from a tank in the undesignated area would overflow into the flood plain and potentially into the Conewago Creek. Per the elevation lines from the house; R. Baade stated that he approved the installation in an area least likely to flood.

Chair Menges addressed Nelson German and Jenna Lau-German in asking why they feel as though the currently installed holding tank should remain in its current location.

Jenna Lau-German spoke on the reasoning for the placement of a holding tank on her property; herein referred to as 3481 Conewago Road. J. Lau-German stated that the current holding tank was placed in an area that conflicted with R. Baade's approved plans. J. Lau-German stated that Flood Certification Elevation tests were performed on their property and that the results proved positive to build on their property. Biscon Land Surveying Co., Inc. performed and created the first Flood Certification Elevation and Survey plans. Eric Johnston; with Johnston and Associates, Inc., performed the second. The plan created by Biscon shows the holding tank located in the front of the property as deemed approved by R. Baade. The plan created by Eric Johnston shows the holding tank as being installed in the rear of the property.

J. Lau-German stated that Eric Johnston informed her that he had submitted and received approval from the Township for the plans he had created. J. Lau-German stated that she then moved forward with Eric Johnston's designed project thru their contractor and work began. After learning of R. Baade's disapproval of the new location; the resident was referred to Carrie Wilt with The Pennsylvania Department of Environmental Protection. Carrie Wilt instructed the resident to submit the plans of the currently installed holding tank to her for review. After review; it was discovered that the holding tank was installed within the regulatory isolation distance guidelines where it currently lies. The resident provided documentation to the Board affirming her request to keep the currently installed holding tank in its current location. J. Lau-German provided a letter and various e-mail communications from Carrie Wilt approving the current holding tank installation. J. Lau-German provided a letter from Young's Sanitary Septic Service of Dillsburg; stating the company will be able to service the holding tank located at 3481

Conewago Road. J. Lau German noted the currently installed holding tank possesses the required alarms per Township code.

Chair Menges asked J. Lau-German whom originally retrieved the approved Department of Environmental Protection permit documentation and plans for the installation of a holding tank from the Township. J. Lau-German replied stating R. Baade mailed the permit and plans to her home. The resident claims she followed the Eric Johnston and Associates, Inc. surveyed plans for she felt that these were the final plans to execute. J. Lau-German stated she felt as though the Biscon Land Surveying Co. Inc. survey only represented the flood plain elevation plans.

Chair Menges stated that there are various processes of submission of permits and documents to the Township. Chair Menges stated that the Biscon Land Surveying Co. Inc. and the Eric Johnston and Associates, Inc. plans meet all the designated regulations and stipulations; however, it is the Township Board whom gives final approval of a permitted matter. Chair Menges stated the Township exercises its right to let the property owner have as much choice as possible in the operation of making decisions for one's own property. However; in this case, the Township needs to remain vigilant in the protection of Pennsylvania streams in order to prevent sewage overflow into them.

Chair Menges inquired with Township personnel regarding the Township permitting process. Chair Menges asked G. Sprenkel if she reviews storm water management plans and septic plans. G. Sprenkel stated that the Township only reviews the storm water management plans. G. Sprenkel stated that all septic issues and questions are directed towards the Township Sewage Enforcement Officer and that that the Township does not review any plans for septic systems. Chair Menges clarified that a property owner would seek a septic permit before approaching the Township for a building permit. G. Sprenkel affirmed his statement. Chair Menges affirmed that it is not within the scope of the Township staff to review a septic permit and plan in any manner or to review a septic permit and plan in comparison with a storm water management plan. Chair Menges asked if any Township personnel indicated to anyone during the course of this matter that the Johnston and Associates Inc. surveyed plan was an approval for the change of a septic location. G. Sprenkel replied they did not.

Manager Oswalt noted that the plan would have only been reviewed by C.S.Davidson Engineering for storm water management project plan conformance. Chair Menges addressed T. Myers and asked him what information was reviewed by C.S.Davidson on the Johnston and Associates Inc. plans. T. Myers stated that C.S.Davidson reviewed the plan for compliance with the Dover Township storm water management ordinance only. T. Myers stated that C.S.Davidson does not receive or review any information with regards to Sewage Enforcement Officer matters including septic plans or permitting.

Manager Oswalt confirmed that R. Baade issues his necessary permit directly to the applicant and that upon signing and approving his permit; the permit must then be submitted to the Township. The permit is then filed for that appropriate property address. The Board inquired with the Township Engineer if the Johnston and Associates Inc. plans would meet the current Township storm water management ordinance requirements. T. Myers stated that in briefly viewing the Johnston and Associates Inc. plans; upon proper grading, these plans would meet the requirements of the Township ordinance.

Chair Menges concluded the testimony for the Local Agency Hearing for the Lau-German and German property located at 3481 Conewago Road. Chair Menges stated that the Board will take the evidence and testimony that was proposed under advisement and will issue a written decision accordingly. Per Chair Menges; the Board was issued a brief recess to deliberate on the matter.

With no further business, Chair Menges adjourned the Local Agency Hearing meeting at 6:55 PM.

Respectfully submitted by: \_\_\_\_\_  
Tiffany Strine, Recording Secretary