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Civil/Environmental/Municipal Engineers/Land Surveyors

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FROM THE DRAFTING TABLE



SESI Office—Lebanon, PA

Steckbeck Engineering & Surveying, Inc. (SESI) presents the latest edition of our quarterly newsletter, titled “From The Drafting Table.” The purpose of the newsletter is to share services that we can provide and to convey relevant information which may affect our clients as they consider and begin new projects. This can include anything from changing regulations and new design concepts, to our experiences and lessons learned. It is our goal at SESI to provide our clients with the best service and up-to-date engineering practices that are cost effective solutions for your needs.

Regulation Update

Impending Changes to the PADEP’s Chapter 102 NPDES/Erosion and Sediment Control Regulation Changes Will Affect Future Land Development Projects

As of November 19, 2010 the Pennsylvania Department of Environmental Protection’s new Chapter 102 rules and regulations will take effect. These regulations, which were last amended in 2000, “incorporate the Federal Clean Water Act “Phase II” NPDES [National Pollutant Discharge Elimination System] requirements for stormwater discharges associated with construction activities, codify PCSM [Post Construction Stormwater Management] requirements, including long-term operation and maintenance requirements of PCSM BMPs [Best Management Practices], include specific antidegradation implementation provisions, update agricultural planning and implementation requirements, updates E&S [Erosion & Sedimentation] control requirements and establish riparian buffer and riparian forest buffer provisions.”

One of the significant revisions to the regulations states that an NPDES permit must be obtained for “construction activities...involving 1 acre or more of earth disturbance activity.”



Currently, until November 19, 2010, an NPDES permit is required for any earth disturbance activity of greater than 5 acres OR for any earth disturbance activity greater than 1 acre with a new point source discharge.

Permit fees will also be increased as a result of the impending regulation change. Applicants for an NPDES permit will be subject to a “\$500 administrative filing fee for general permits and a \$1,500 administrative filing fee for individual permits. In addition, \$100 for each disturbed acre is required to be added to the base administrative filing fee for projects of 1 acre or greater of disturbance.”

As with any new regulation, there is a transition period and questions about how this will affect existing NPDES permits. The regulations state “a person conducting earth disturbance activities under a permit issued before November 19, 2010, and renewed prior to January 1, 2013, shall implement, operate and maintain the PCSM requirements in accordance with the terms and conditions of the existing permit. After January 1, 2013, the renewal of a permit issued before November 19, 2010, shall comply with” the regulations effective November 19, 2010.

If you have any questions about how this will affect existing or future projects please do not hesitate to contact Steckbeck Engineering & Surveying, Inc.



Refrain from Consolidation: A Surveyor's Recommendation

Consolidation of adjoining tracts of land into one parcel can often be completed by simple preparation of one legal description encompassing the tracts of land and recording a new deed. However, with some foresight and consideration of how lengthy and expensive the process of subdividing land has become, more often than not it is best to keep parcels separate if at all possible.

Recently a client came to Steckbeck Engineering & Surveying, Inc. with a project to subdivide one parcel of land into two lots. The site included an existing residential duplex dwelling built on the property and the client desired to subdivide the lot through the common party-wall of the duplex. Through deed research our surveyors learned that the property at one time was two separate parcels. The client originally owned one of the units and after purchasing

the second attached unit, the client's attorney combined both units into one legal description. By doing so the attorney had joined the two properties into one parcel. Therefore, in order to create two lots our client is required to process a subdivision plan and under current zoning regulations the units could not be subdivided without obtaining multiple variances from the zoning hearing board. In hindsight, it would have been better for our client to record a separate deed or even add a second tract to the current deed instead of combining both units into one legal description.

Another client of Steckbeck Engineering & Surveying, Inc. recently explained that he purchased two lots from a subdivision plan which was completed in the 1970's. His home was built upon one lot and he purchased the adjoining vacant lot as an investment with the idea that one day he would sell the lot for a nice profit. The description on our client's deed clearly referred to his property as Lot #6 and Lot #7 on the recorded plan, although the legal description encompassed both lots in one description. It was determined by the reviewing agency that by recording the deed in this manner the attorney extinguished the common line between the two lots and a new subdivision would have to be processed to create two lots.



These two examples serve as guidance that if a person or entity owns two or more adjacent properties, do not combine all properties into one legal description. Leave the properties deeded separately, with separate legal descriptions, as this will reduce the potential future headaches associated with trying to reverse the process. This will also save some money in the present which would be required to combine all properties into one deed.

If you have any questions regarding Parcel or Deed Consolidation and how it may affect your property, please do not hesitate to contact Steckbeck Engineering & Surveying, Inc.



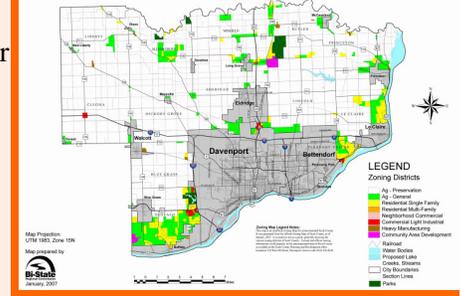
How does Zoning affect your property?

In today's era of government, we are seeing an increase in government's role in our lives. Some may agree with it and some may not. However, in a civilized society, there is a need for rules and some form of government in order to coexist. As we all try to live and work alongside one another, those rules and regulations allow us to do so harmoniously. One of the areas where rules and regulations are necessary is with land use of our properties. Land use is most often governed at the local level with the regulations established in a Zoning Ordinance. One of the legal definitions for Zoning is "*The separation or division of a municipality into districts, the regulation of buildings and structures in such districts in accordance with their construction and the nature and extent of their use, and the dedication of such districts to particular uses designed to serve the general welfare*". Zoning is a complex issue and governs many rights of property owners.



Since a Zoning Ordinance governs the land use of a property, it will determine how you can use your property which affects the current and future use and the values of all properties within a municipality. In any market, zoning has an impact on value. Every appraisal describes the property's current zoning in its entirety and whether or not the property being appraised is in compliance. If the use of your property (i.e. residential, office, hair salon, retail, etc), is not listed as a permitted use in the zoning district where your property is located, the municipality may consider your property a non-conforming use. Therefore, if you try to borrow money from a financial institution to make improvements or construct something new on your property and your property is determined to "not be in compliance" (non-conforming use), the financial institution may not lend you the money, making it difficult to improve your economic situation or your family's well-being. Additionally, a more restrictive Zoning Ordinance can have a severe economic effect on every property. For example, when selling a property, Realtors are becoming compelled to disclose the zoning

Scott County Zoning Districts



to prospective purchasers to avoid liability. Such a disclosure duty can cause volumes of questions and more than likely can provoke purchasers to look elsewhere, causing you to lose the income from the sale of your property. Also, businesses wanting to bring their goods and services to you, may not want to choose to build in your municipality if the zoning regulations are not conducive to business. Thus, all the taxpayers in that municipality lose out on the goods and services of the business and the additional influx of money to the tax base by the business.

Zoning also helps municipal planners bring about orderly growth and change. Zoning districts are created within a municipality to provide separate residential, commercial, industrial and agricultural areas, thereby preserving the desirable characteristics of each type of setting. It controls population density and helps create attractive residential areas. In addition, zoning helps assure property owners and residents that the characteristics of nearby areas will remain stable. The zoning regulations limit dimensions in each zone and require building setbacks from streets and other boundaries. Many regulations require certain building features; restrict the number of

buildings on a lot; limit the number and location of parking and loading areas and the use of signs; and establish nuisance standards. Other regulations provide space for schools, parks, or other public facilities. Zoning also requires consideration of future growth and development, adequacy of drainage and storm sewers, public streets, pedestrian walkways, density of population, and many other factors.

Zoning regulations cover a broad spectrum of issues regarding land use, and require every property owner within a municipality to invest their time to become informed about the Zoning regulations that affect their property. There are some questions every property owner needs to ask themselves regarding zoning of their property. Do you know what zoning district your property is located in? Do you know what regulations are governed by the zoning ordinance in your municipality? Are you permitted to use your property the way you choose? Having the answers to these questions will allow you to have a better understanding of how Zoning affects your property and its value.

If you have any questions regarding Zoning in your area and how it may affect your property, please do not hesitate to contact Steckbeck Engineering & Surveying, Inc.

