

03-72-CD
RICHARD L. KOVALICK, et al. vs. BRADFORD TOWNSHIP SUPER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

RICHARD L. KOVALICK and LINDA L.
KOVALICK; BRYAN G. AVENI and
MARCELLA J. AVENI; NORMAN
MCDOWELL and KELLY MCDOWELL; and
DONNA J. LIPPERT

Appellants,

vs.

THE BOARD OF SUPERVISORS OF THE
TOWNSHIP OF BRADFORD,

Appellee.

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* No. 2003- 72 -CD

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

| | | |
|----------------------------------|---|-----------|
| RICHARD L. KOVALICK and LINDA L. | * | |
| KOVALICK; BRYAN G. AVENI and | * | |
| MARCELLA J. AVENI; NORMAN | * | No. 2003- |
| MCDOWELL and KELLY MCDOWELL; and | * | -CD |
| DONNA J. LIPPERT | * | |
| Appellants, | * | |
| vs. | * | |
| THE BOARD OF SUPERVISORS OF THE | * | |
| TOWNSHIP OF BRADFORD, | * | |
| Appellee. | * | |

LAND USE APPEAL under §1001 of the PENNSYLVANIA MUNICIPALITIES
PLANNING CODE From Action Pursuant to BRADFORD TOWNSHIP'S
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Appellants all of whom are adult individuals jointly appeal from the decision of the Bradford Township Supervisors acting as the Subdivision and Land Development Board of the Township of Bradford, Pennsylvania, (hereinafter the "Board"), and in support thereof state the following:

1. Appellants, RICHARD L. KOVALICK and LINDA L. KOVALICK, his wife, are the owners of premises at 1545 Pine Top Road, Woodland, PA 16881 and are aggrieved by the decision of the Board.
2. BRYAN G. AVENI and MARCELLA J. AVENI, his wife, are the owners of premises accessible only from Pine Top Road, Woodland, PA 16881 and are aggrieved by the decision of the Board.
3. NORMAN MCDOWELL and KELLY MCDOWELL, his wife, are the owners of premises located along Pine Top Road, Woodland 16881 and are aggrieved by the decision of the Board.

4. DONNA J. LIPPERT is the owner of premises located along Pine Top Road, Woodland 16881 and is aggrieved by the decision of the Board..

5. Appellee is the Board of Supervisors.

6. RONALD L. KRISE (hereinafter "Applicant") who resides at RR #1, Box 287, Woodland, PA 16858, is the owner of a 0.828 acre parcel of land (County Tax Map Parcel No. 106-N8-108) located along PA State Route 970 (a/k/a Pine Top Road) in Bradford Township, Clearfield County, Pennsylvania known as the "Ron Krise Land Development", (hereinafter "Property").

7. The Property is a parcel of land with a mobile home thereon situated in a residential area along Pine Top Road which the developer seeks to convert into a Mobile Home Park under the provisions of the "*Township of Bradford Subdivision and Land Development Ordinance; Ordinance Number 96-3*" (hereinafter the "Bradford Ordinance").

8. On or about February 25, 2002 Applicant filed an application for a Mobile Home Park Development (hereinafter MHP) with the Township of Bradford.

9. Prior to his application for approval of a MHP Applicant was in violation of the Bradford Ordinance because he had constructed a mobile home lot and placed a mobile home on the subject property which is contiguous to his other parcel on which his 1st Mobile Home was situated. See definition of Mobile Home Park in "Section 202 Meaning of Words" of the Bradford Ordinance.

10. The appellee Board acting as the Planning Commission made a final land use decision by approving the MHP on December 19, 2002.

11. The meeting on December 19, 2002 was designated a "Special Meeting" called to order at 4:01 p.m. and adjourned at 4:03 p.m. During the "special" meeting 7 motions were made and voted on and three of these pertained to the Krise Mobile Home Park (2 were waivers of deficiencies and 1 was approval of the plan), no citizen input was taken and clearly none was desired,

furthermore the requisite documents approving the MHP had all been signed prior to the perfunctory vote.

12. Attached hereto and marked as Exhibit "A" and incorporated herein by reference is a copy of the Minutes of the "Final Land Use Decision" as received by facsimile from the Township Solicitor at 4:07 p.m. on January 16, 2003.

13. Appellants had previously protested the request of RONALD L. KRISE to obtain approval of the MHP in violation of the ordinance and made their concerns known to the Board.

14. The Board has refused to provide appellants with a copy of the Plan submitted by Applicant and for that reason a copy cannot be attached to this appeal within the time necessary to perfect an appeal.

15. It is believed and therefore averred that one of the decision makers or influencers in the approval of the said MHP is the father of the Applicant.

16. In November 2002 the Township Supervisors were asked to aid Mr. Ronald L. Krise in the obtaining of a PennDot Highway Occupancy Permit for his MHP by having the speed limit on PA Route 970 (Pine Top) reduced from the existing 40 m.p.h. to 30 m.p.h. The said Supervisors then caused Township Employees to place 30 m.p.h. speed limit signs on the section of PA Route 970 adjacent to the proposed MPH without the benefit of a current traffic engineering study.

17. In January 2003 PennDot conducted an engineering study which confirmed that the proper speed on the subject area of PA Route 970 should be 40 m.p.h. and appropriate speed signs are expected by the Commonwealth to be placed on the subject area of PA Route 970 to confirm the correct speed limit at their earliest available opportunity.

18. Appellants reserve the right and ask this Court to grant to them the right to raise any claims as to deficiencies or irregularities that become apparent to them within 30 days from the

delivery to them or their counsel of the plan approved for the said MHP by the Board.

19. The action of the Board in granting the MHP status was arbitrary, capricious, and an abuse of discretion and contrary to the law in that:

(A) The Bradford Ordinance is invalid and does not apply to a MHP as it is less restrictive than the Clearfield County Subdivision and Land Development Ordinance, effective January 1, 1996 (hereinafter "Clearfield Ordinance") at Section 1101 **Applicability**, the Clearfield Ordinance states its preemptive quality as specifically regards Mobile Home Parks i.e. "In any municipality which has a locally adopted ordinance which governs Mobile Home Parks with greater restrictions, the ordinance, whose standards are more restrictive shall apply."

(B) The Bradford Ordinance states at Section 1105A. "**Minimum Area of Tract or Park** - There are no minimum area requirements for the Park; ...". The Clearfield Ordinance states at Section 1105A. "**Minimum Area of Tract or Park** - The minimum area of the Tract or Park shall be five (5) acres." The Clearfield Ordinance is obviously more restrictive. The parcel in question is stated in the application to be a mere 0.828 acres in area.

(C) Even if the Court should find that a MHP can exist on the subject premises the Board erred in finding that there is sufficient space to place five mobile homes on the subject premises taking into consideration the required road rights-of-way, the building set back requirements and the side/front/rear yard requirements.

(D) The Bradford Ordinance is invalid and fatally defective because it makes no provision for parties aggrieved by *approval* of a plan to appeal. Section 1505 **Appeals** states in its entirety as follows, "In any case where the Township Board of Supervisors *disapproves* a plan, any person aggrieved thereby may, within thirty (30) days thereafter, appeal to the Court of Common Pleas of Bradford (sic)Township, Pennsylvania in accordance with Article X-A of the Pennsylvania

Municipalities Planing Code.” [53 Pa.C.S.A. §10101, et seq.]

(E) The Board has refused to provide appellants with a copy of their decision of approval of the Mobile Home Park or of the Plan submitted by Applicant.

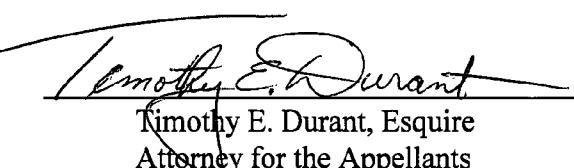
(F) The Board’s grant of this approval was based on Nepotism.

(G) The precipitous changing of the speed limit signs without a current traffic study had no other purpose than to give the applicant an advantage in his MHP application for a Highway Occupancy permit.

(H) The Board has granted waivers in every area where they agree the applicant falls short of the requirements for a MHP and ignored areas where the applicant is in violation of the Township and/or County Mobile Home Park requirements all of which are in derogation of the requirements of the Ordinance which is to provide certain, known, minimum and/or uniform standards.

WHEREFORE, the Appellants hereby file this Notice of Appeal so that the Prothonotary of Clearfield County may forthwith and as of course send to the Supervisors of Township of Bradford, County of Clearfield, Pennsylvania, by registered or certified mail, a copy of the “LAND USE APPEAL under §1001 of the PENNSYLVANIA MUNICIPALITIES PLANNING CODE, (MPC) 53 P.S. §11001-A.” together with a Writ of Certiorari commanding said Township Supervisors within twenty (20) days of receipt thereof to certify to the Court its entire record in this matter, including the transcript of testimony.

January 17, 2003


Timothy E. Durant, Esquire
Attorney for the Appellants

**BRADFORD TOWNSHIP BOARD OF SUPERVISORS
SPECIAL MEETING, 2002
DECEMBER 19, 2002**

CALL TO ORDER

The Special Meeting of the Bradford Township Board of Supervisors was called to order at 4:01 P.M. in the Township Office by Chairman William M. Graham.

PRESENT

SUPERVISORS: William M. Graham, Ronald L. Maines and Charles G. Read

SECRETARY: Linda M. Wooster

OTHERS: Ron Woodling, Ronald L. Krise, Linda Kovalick, and Marcella Aveni

CITIZEN'S INPUT

There was no citizen's input.

**KRISE MOBILE HOME
PARK WAIVERS FOR
EXISTING MOBILE HOME
GARAGE AND SHED**

Moved by Ron Maines and seconded by Charles Read that the waivers from the following land development design requirements for the Ronald L. Krise Land Development Final Plan are granted with regard to the existing mobile home, shed and garage: Section 1105(d)4&5 and Section 1105(c)(3)(d). These waivers are granted upon the express condition that should the existing mobile home, shed and/or garage be removed, replaced or altered in such a manner that it would no longer be a hardship to comply with design requirements, such requirements shall be at that point in full force and effect. All votes yea.

Motion Carried

**KRISE MOBILE HOME
PARK WAIVER FOR
STREET LIGHTS**

Moved by Charles Read and seconded by Ron Maines that the waiver from the following land development design requirement for the Ronald L. Krise Land Development Final Plan is granted with regard to the Mobile Home Park: Section 1006(D). All votes yes.

Motion Carried

**KRISE FINAL LAND
DEVELOPMENT PLAN**

Moved by Ron Maines and seconded by Charles Read to approve the Ronald L. Krise Land Development Final Plan. All votes yes.

Motion Carried

CBDG FUNDS

The Township would like to apply for CBDG funds to extend the waterline to Houser Road and the Shiloh Loop from the Shiloh Church to the Bumbarger residence. These extensions would provide public water for approximately 24 homes.

APPLY FOR CBDG FUNDS

Moved by Ron Maines and seconded by Charles Read to approve applying for CBDG funds to extend the waterline in the Shiloh area to Houser Road and the Shiloh Loop from the Shiloh Church to the Bumbarger property. All votes yes.

Motion Carried

JAN-16-2003 04:07 PM KESNER
V-17-10480

814 765 7006
BRADFORD TOWNSHIP

P. 03
PAGE 09

BRADFORD TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING DECEMBER 19, 2002

ADJOURNMENT

Moved by Charles Read and seconded by Ron Maines to adjourn the meeting.
All votes yes.

Motion Carried

Meeting adjourned at 4:03 P.M.

Respectfully submitted,

Linda M. Wooster

Linda M. Wooster
Bradford Township Secretary

FILED

80 cc

(BPR)

JAN 17 2003

Atty Descant

Atty pd 85.00

William A. Shaw

Prothonotary

cc made to
Bradford Corp. Signatures

TIMOTHY E. DURANT
ATTORNEY AT LAW
201 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-1711

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

RICHARD L. KOVALICK and LINDA L.
KOVALICK; BRYAN G. AVENI and
MARCELLA J. AVENI; NORMAN
MCDOWELL and KELLY MCDOWELL;
and DONNA J. LIPPERT,

Appellants

vs.

THE BOARD OF SUPERVISORS OF
THE TOWNSHIP OF BRADFORD,
Appellee,

: No. 2003-72-CD
: Type of Case: Land Use Appeal
: Type of Pleading: Certification of Record
:
: Filed of Behalf of: The Board of Supervisors
: of The Township of Bradford
:
: Counsel of Record for this Party:
: Kim C. Kesner, Esquire
: Supreme Ct. I.D. #28307
:
: 23 North Second Street
: Clearfield, PA 16830
: (814) 765-1706
:
:
: Opposing Counsel of Record:
: Timothy E. Durant, Esquire
: 201 North Second Street
: Clearfield, PA 16830
: (814) 765-1711

FILED *EGIC*
01/15/2004 3cc
OCT 01 2004 without
exhibits

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

RICHARD L. KOVALICK and LINDA L. : No. 2003-72-CD
KOVALICK; BRYAN G. AVENI and :
MARCELLA J. AVENI; NORMAN :
MCDOWELL and KELLY MCDOWELL; :
and DONNA J. LIPPERT, :
Appellants :
: vs. :
: THE BOARD OF SUPERVISORS OF :
: THE TOWNSHIP OF BRADFORD, :
: Appellee, :
:

CERTIFICATION OF RECORD

TO: The Honorable Judges of said Court

In accordance with Article X-A of the Pennsylvania Municipalities Planning Code, 53 P.S. §11003-A(b), I, Linda M. Wooster, Secretary of the Board of Supervisors of Bradford Township, on behalf of Bradford Township being the governing body to whose decision this Appeal has been filed hereby certify that the following are true copies of the action(s) of the Board of Supervisors and matters considered by it:

1. Application for Preliminary Subdivision and/or Land Development Plan (Ron Krise Land Development) submitted February 25, 2001, 2 pages.
2. Letter from Woodland-Bigler Area Authority confirming sewage capacity to the proposed subdivision dated May 23, 2001, 1 page.
3. Township certification of sewage capacity dated June 6, 2001, submitted to Pennsylvania Department of Environmental Protection on June 20, 2001, 1 page.
4. Department of Environmental Protection letter of June 29, 2001 confirming planning exemption, 2 pages.

5. Pennsylvania-American Water letter dated July 9, 2001 confirming availability of water service to proposed subdivision, 1 page.
6. Letter of Township Engineer dated March 21, 2002 with comments and recommendations on proposed Preliminary Subdivision and/or Land Development Plan, 2 pages.
7. Written recommendation of Bradford Township Planning Commission dated March 25, 2002 of approval of Preliminary Subdivision and/or Land Development Plan, 1 page.
8. Solicitor's letter dated March 25, 2002 regarding review of proposed Subdivision and/or Land Development Plan, 1 page.
9. Approved Minutes of regular meeting of Bradford Township Board of Supervisors dated April 2, 2002 at which a motion was passed approving the Preliminary Subdivision and/or Land Development Plan, 5 pages.
10. Notice by Bradford Township to Ronald L. Krise dated April 8, 2002 of approval of Preliminary Subdivision and/or Land Development Plan, 2 pages.
11. Application for Final Approval of Subdivision and/or Land Development Plan (Ron Krise Land Development) submitted on September 18, 2002, 2 pages.
12. Clearfield County Planning Commission letter dated September 18, 2002 (review and report under MPC for municipalities with own subdivision and land development ordinance), 1 page.
13. Solicitor's letter of October 17, 2002 with comments and recommendations regarding Final Subdivision and/or Land Development Plan, 2 pages.
14. Township Engineer's letter dated October 24, 2002 with comments and recommendations regarding Final Subdivision and/or Land Development Plan, 2 pages.

15. Bradford Township Planning Commission written recommendation dated October 28, 2002 recommending approval of Final Plan subject to stated conditions, 1 page.

16. Woodland-Bigler Area Authority letter of October 28, 2002 confirming installation of sewer lateral lines by subdivider/developer in accordance with Authority specifications, 1 page.

17. Pennsylvania-American Water Company letter of October 28, 2002 confirming installation of water service connections in accordance with Company specifications, 1 page.

18. Bradford Township letter of October 29, 2002 to Pennsylvania Department of Transportation requesting written determination of driveway occupancy permit requirements for Subdivision/Land Development, 1 page.

19. Pennsylvania Department of Transportation response dated November 1, 2002, 1 page.

20. Highway Occupancy Permit issued by Pennsylvania Department of Transportation to Ronald L. Krise, 3 pages.

21. Request of Ronald L. Krise (undated) for final inspection of land development, 1 page.

22. Township Engineer's letter dated December 3, 2002 confirming results of final inspection of required improvements for Subdivision/Land Development, 1 page.

23. Bradford Township letter of December 3, 2002 requesting extension of time for action on Application for Final Subdivision and/or Land Development Plan, 1 page.

24. Ronald L. Krise letter of December 3, 2002 agreeing to extension of time of sixty (60) days, 1 page.

25. Letter of Ronald L. Krise (undated) requesting waiver of certain design requirements, 1 page.

26. Approved minutes of regular meeting of Bradford Township Supervisors dated December 3, 2002 at which a motion was passed granting the subdivider/developer waivers from land development design requirements 1105(D)(4) & (5), 1105(c)(3)(d) and 1106(D), 6 pages.

27. Approved minutes of special meeting of Bradford Township Supervisors dated December 19, 2002 at which a motion was passed approving Final Subdivision and/or Land Development Plan subject to conditions, 2 pages.

28. Bradford Township notice to Ronald L. Krise dated December 31, 2002 of approval of Final Subdivision and/or Land Development Plan subject to conditions, 2 pages.

29. Copy of Final Subdivision and Land Development Plan in the form approved by Bradford Township on December 19, 2002.

30. A Copy of Final Subdivision and Land Development Plan ("as built") recorded by the subdivider/land developer with the Recorder of Deeds of Clearfield County on December 20, 2002 as Instrument Number 200220407.

Linda M. Wooster
Linda M. Wooster, Secretary

"Seal"

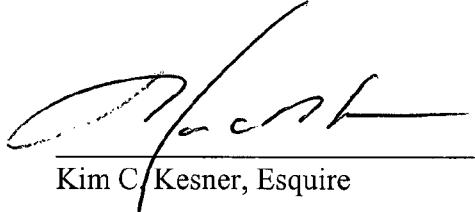
CERTIFICATE OF SERVICE

AND NOW, I do hereby certify that on the 1st day of October, 2004, I caused to be served a true and correct copy of the Certification of Record on the following by United States Mail, First Class, postage prepaid:

Timothy E. Durant, Esquire
201 North Second Street
Clearfield, PA 16830

Ronald L. Krise
812 Thompson Road
Woodland, PA 16881

Date: October 1, 2004



Kim C. Kesner, Esquire

Bradford Township Planning Commission

Application for Subdivision and/or Land Development Plan

General Information

1. Name of Subdivision or Development: Ron Krise Land Development
2. Date of Plan Submission: 2-25-01
3. Project Location: along PA 970 Bradford Twp., Clearfield County
4. Tax Map Parcel Number: NO8-000-001/03
5. Name Property Owner(s): Ron L. Krise
Address: RR 1 Box 287 Woodland PA 16881
Phone #: (814) 857-7983
6. Name of Applicant (if different from Owner): _____
Address: _____
Phone #: _____
7. Name of Engineering Consultant: GEOTECH
Address: RR1 Box 53A Morrisdale, PA 16858
Phone #: (814) 342-7090

Project Information

1. Existing Land Use: Residential
2. Number of Existing Lots: 1
3. Number of Proposed Lots: 1
4. Type of Subdivision or Development:

| | | |
|---|--|---|
| <input type="checkbox"/> single-family lots | <input type="checkbox"/> townhouses | <input type="checkbox"/> commercial (multi-lot) |
| <input type="checkbox"/> multi-family lots | <input type="checkbox"/> apartments | <input type="checkbox"/> commercial (one-lot) |
| <input type="checkbox"/> manufactured housing | <input checked="" type="checkbox"/> mobile-home park | <input type="checkbox"/> industrial (multi-lot) |
| <input type="checkbox"/> lot-addition | <input type="checkbox"/> campground | <input type="checkbox"/> industrial (one-lot) |
| <input type="checkbox"/> other: _____ | | |
5. Total Acreage (Square feet if less than 1 acre): .828
6. Plan Submission Type: Preliminary Final Combined Preliminary/Final *

* Note: The plan must conform to the requirements of Article II and Section 401.1 of the Bradford Township Subdivision and Land Development Ordinance

6. Existing Utilities (Check those which apply)

Public Sewer or Community Sewer System On-lot Sewage Disposal
 Public Water System On-lot Well Water Supply
 Public Electric Public Cable
 Public Gas Telephone

7. Do all lots have access to public:

Water Yes No
Sewer Yes No
Electric Yes No
Telephone Yes No

If yes, have the appropriate utility companies been contacted? Yes No

8. Proposed Project Improvements (Check those which apply)

Public Sewer or Community Sewer System On-lot Sewage Disposal
 Public Water System On-lot Well Water Supply
 Public Electric Public Cable
 Public Gas Telephone
 Stormwater Facilities Construction of New Public Streets
 Public Parking Construction of Private Streets
 Commercial/Industrial Facility Other: _____

9. Do all lots have access to a Public Road? Yes No

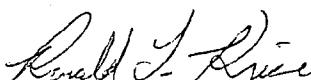
What type of Road is it? State Road Township Road

10. Are there any streams or wetlands located within the project area? Yes No

11. Has the project been designed in compliance with the Bradford Township Subdivision and Land Development Ordinance? Yes No

If not, what variances/waivers are requested? _____

12. The undersigned hereby represents that, to the best of my knowledge and belief, all information listed above is true and complete.



Signature of Landowner/Applicant

2-25-02

Date

WOODLAND-BIGLER AREA AUTHORITY
P.O. BOX 27
WOODLAND, PA 16881
(814) 857-2966

MAY 23, 2001

RE : CAPACITY

TO WHOM IT MAY CONCERN ,

THE WOODLAND-BIGLER AREA AUTHORITY STATES THAT AS OF THE ABOVE DATE , WE DO HAVE THE CAPACITY IN THE SEWAGE COLLECTION SYSTEM AND TREATMENT PLANT TO TAKE ON AN ADDITIONAL (4) FOUR E.D.U'S FOR THE PROPERTY OWNED BY RONALD L. KRISE IN PINE-TOP , PA.. PLEASE BE ADVISED THAT (2) TWO OF THE PROPOSED LINES ARE ALREADY IN THE GROUND AND HAVE MET AUTHORITY SPECIFICATIONS AND (2) TWO E.D.U'S ARE PENDING..

THESE ADDED FLOWS WILL NOT CAUSE ANY OVERLOAD OR PROJECTED OVERLOAD FOR THE (5) FIVE-YEAR PERIOD.

PLEASE DIRECT ANY QUESTIONS TO THE ABOVE NUMBER AND ADDRESS..

SINCERELY,

Douglas K. Ryz, Manager
Woodland-Bigler Area Authority

17909
CCT: 87459
APR: 358078
SIT#: 548330
AUT# 3359699

1. Development Information:

Name of Development Ronald L. Kriss
Developer Name Ronald L. Kriss
Address R.R. #1 Box 287
Woodland Rd 16881

Telephone # 814-857-7983

2. Location of Development:

a. County Clearfield
b. Municipality Bradford Township
c. Road or Street Coordinates North side of PA 922, approx. 1 1/2 mi. east of the intersection of PA 922 & TR 327, motion
d. USGS Quad Name Walla Walla, PA 922, motion
inches up 23 3/4 over 13 1/2

from bottom right corner of map.

3. Type of Development Proposed:
(check appropriate box)

Residential
 Multi-Residential
Describe Mobile Home Park

Commercial
Describe _____

Institutional
Describe _____

Other (specify) _____

4. Size
a. # of lots 1 # of EDUS 4
b. Development Acreage .823
c. Remaining Acreage _____

7. Request for Planning Exemption

5. Sewage Flows 400 gpd.

6. Proposed Sewage Disposal Method

(check appropriate boxes):

Sewerage System

Name of existing system being extended Woodland Bldg. Area Authority

Public Private

Interceptor Name _____

Treatment Facility Name _____

- Pump Station(s)/Force Main
- Construction of Treatment Facility
- With Stream Discharge
- With Spray Irrigation (not including IRSIS)

Other

Repair?

Name of waterbody where point of discharge is proposed (if stream discharge) _____

(Signature of SEO) _____ Date _____

Name (Print) _____ Certification # _____

(3) I certify that each lot in this subdivision is at least 1 acre in size

(Signature of Project Applicant/Agent) Date _____

b. Public Sewerage Service

Based upon written certification, I certify that the facilities proposed for use have capacity and that no overload exists or is projected within 5 years.

Williamson, Easton, Coffey
(Signature of Municipal Official) Date _____

Name (Print) _____ Title _____

Broadford Township
Municipality (must be same as in 2.b.)



Pennsylvania Department of Environmental Protection

**P. O. Box 209
Hawk Run, PA 16840-0209
June 29, 2001**

Hawk Run District Office

**(814) 342-8200
FAX (814) 342-8216**

Ronald L. Krise
R. R. 1, Box 287
Woodland, PA 16881

**RE: Sewage Planning
Code #01-369, Ronald L. Krise Subdivision
APS: 350078
Bradford Township, Clearfield County**

Dear Mr. Krise:

The Department has received your request for a planning exemption as allowed by the Pennsylvania Sewage Facilities Act. Please see the postcard copy attached. The planning exemption request is for the development of a mobile home park which is expected to generate 1600 gpd of sewage. The proposed flows will be conveyed by the Woodland-Bigler Area Authority (W-BAA) collection system and treated at the W-BAA wastewater treatment facility.

We have determined that this proposal is exempt from the Pennsylvania Sewage Facilities Act planning requirements.

This planning exemption cannot be used for proposals outside the parcel indicated on this postcard. The postcard submitted for this proposal will be kept on file in the Williamsport Regional Office.

If you have any questions, please contact me at (814) 342-8136.

Sincerely,

Samuel J. Jones
Sewage Planning Specialist
Water Management

Enclosure



01-369, Ronald L. Krise Subdivision
Bradford Township, Clearfield County

2

June 29, 2001

cc: Curt White
Elaine Bower /enclosure
HR File - Copy Enclosure
Bradford Township
Clearfield County Planning Commission
Woodland-Bigler Area Authority

SJJ/hao

**PA-American
Water**

PA-American Water
105 Sodom Road
Milton, PA 17847

Phone: (570) 742-4501
FAX: (570) 742-3591
e-mail:

July 9, 2001

Ronald L. Krise
R. R. 1, Box 287
Woodland, PA 16881

Dear Mr. Krise:

This letter is to advise you that water service is available to your property located along State Route 970 (Pine Top), Bradford Township, Clearfield County.

Please call Garry Kephart, Operations Superintendent, at (814) 342-0995 to make arrangements for your service tap.

Sincerely,



Robert F. Schnitzler, Jr.
Operations Manager



474 Windmere Drive, Suite 100
State College, PA 16801
(814) 238-7117
FAX (814) 238-7126

March 21, 2002

Bradford Township
P.O. Box 79
Woodland, PA 16881

Attn: Bill Graham, Chairman

Re: Ron Krise Land Development Plan Review

Dear Supervisors:

In accordance with your request, HRG has reviewed the plan for the development of land owned by Ron Krise, for compliance with the Bradford Township Subdivision and Land Development Ordinance (SALDO). This plan by GeoTech Engineering, Inc., dated February 25, 2002, was submitted on February 25, 2002. GeoTech Engineering, Inc. also provided additional stormwater management information to our office for our review. Based on our review, we offer the following comments and recommendations for your consideration:

1. The name and address of the Developer, the total acreage of the property and the tax map parcel number must appear on the plans. (§702.4B, D, R)
2. The names of all owners of any immediately adjacent land and the location and dimensions of SR 970 must appear on the plans. (§702.4H)
3. The size and location of the existing water line, which will provide service to the development, must be shown on the plan. (§702.4I)
4. The Pennsylvania Act 187 One Call System logo must appear on the plans. (§702.4S)
5. The appropriate certifications, as indicated in Section 703.6, must be included on the plans.
6. A letter from the County Planning Commission, stating that they have received and reviewed the plan must be included. (§703.7H)
7. Each mobile home must have a number placed on the lot in the form of a sign or directly on the Mobile Home. It shall be arranged in such a way so that it is visible from the road on which the Mobile Home is fronting. Such Mobile Home numbering shall be approved by the Clearfield County Emergency Management Department. (§1105.C.4)
8. The stormwater detention basin and conveyance channel design information (grading and cross sections) submitted to our office on a separate plan sheet, should appear on the final plan. Also, the design calculations should be submitted to the Township to keep as a record.
9. Prior to Final Plan Approval, the Developer must satisfactorily install all required improvements (stormwater facilities, sanitary sewer facilities, water lines, and access road) or execute a Developer's Agreement, in a form acceptable to the Township Solicitor. (§306)

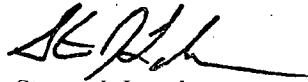
Bradford Township
Herbert, Rowland & Grubic, Inc.
March 21, 2002
Page 2

10. We suggest that as a minimum, the Township should require that the proposed Lumadue Lane be maintained in a mud-free condition.
11. We note that the Developer may be required to obtain approval from the Woodland-Bigler Municipal Authority for the construction of the proposed sewer laterals and Pennsylvania American Water for the water line construction.

Upon correction or completion of items 1-8, we recommend this plan for Preliminary Plan Approval. Upon completion of item 9, we recommend this plan for Final Plan Approval. If you have any questions or require additional information, please contact me.

Sincerely,

Herbert, Rowland & Grubic, Inc.



Steven J. Lynch
Project Manager

SJL/lpc

cc: File

Bradford Planning Commission

Kim C. Kesner, Attorney, 23 North 2nd St., Clearfield, PA 16830

GeoTech Engineering, Inc., RR 1, Box 532, Morrisdale, PA 16858 Attn: Joel L. Albert, P.E.

GeoTech Engineering, Inc. DuBois PA via FAX Attn: Rod Felix

G:\08\0862\105\RPT-001.doc

BRADFORD TOWNSHIP PLANNING COMMISSION

P. O. Box 79
Woodland, PA 16881

DATE March 25, 2002

Bradford Township Board of Supervisors
P. O. Box 79
Woodland, PA 16881

The Bradford Township Planning Commission recommends does not recommend
recommends with the following conditions: _____

approval of the Ronald Krise Subdivision or
Land Development Preliminary Plan Preliminary/Final Plan Final Plan.

Steven H. Gross
Secretary, Planning Commission

KIM C. KESNER

23 NORTH SECOND STREET, CLEARFIELD, PA 15830

ATTORNEY AT LAW
attykesner@usachoice.net(814) 765-1705
FAX (814) 765-7005

March 25, 2002

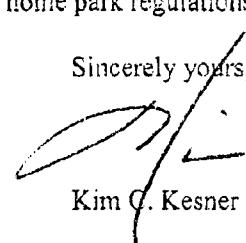
Linda Wooster, Secretary
Bradford Township Supervisors
P.O. Box 79
Woodland, PA 16881

RE: Application for Land Development Plan: Ron Krise Mobile Home Park

Dear Linda:

I wish to acknowledge receipt and review of the above application and submitted materials. I have also received and reviewed Steven Lynch's comments and recommendations dated March 21, 2002. I have nothing substantive to add to Steve's comments and recommendations. However, I believe that the application should be marked "Preliminary" rather than "Combined Preliminary/Final". I believe that the Plan constitutes a major subdivision. Alternatively, the mobile home park regulations require preliminary and final plans.

Sincerely yours,


Kim C. Kesner

KCK/klz

VIA FACSIMILE ONLY

BRADFORD TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING
APRIL 2, 2002

CALL TO ORDER

The Regular Meeting of the Bradford Township Board of Supervisors was called to order at 7:00 P.M. in the Township Office by Chairman William M. Graham.

PRESENT

SUPERVISORS: William M. Graham, Ronald L. Maines and Charles G. Read

SECRETARY: Linda M. Wooster

OTHERS: Doug Floyd, Ron Woodling, Jim Welker, Ronald L. Krise, Jim Wooster, and Steve Lynch from Herbert, Rowland and Grubic, Inc.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was said by everyone.

APPROVAL OF MINUTES

Moved by Charles Read and seconded by Ron Maines to approve the Minutes of the March 5th Regular Meeting. All votes yes.

Motion Carried

TREASURER'S REPORT

Moved by Ron Maines and seconded by Charles Read to approve the Treasurer's Report as presented. All votes yes.

Motion Carried

DISBURSEMENTS

Moved by Charles Read and seconded by Ron Maines to pay disbursements in the amount of \$13,013.56 - since not all invoices are in. All votes yes.

Motion Carried

OLD BUSINESS

The 2002 Paving Project on Pleasant Valley Road was not bid for this meeting because it was necessary to meet with PennDOT. The project will be bid for opening at next month's meeting.

STANDING COMMITTEES

DOG ENFORCEMENT
MARCH

Dog Enforcement Officer James English received 2 calls and picked up 2 dogs during the month of March.

HIGHWAY SAFETY

The road crew has been working on River Road to get the bridge put back in and open up the road for through traffic.

EMERGENCY MANAGEMENT No Report

SEWAGE ENFORCEMENT
OFFICER

No Report

BRADFORD TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING APRIL 2, 2002

TOWNSHIP ENGINEER
REPORT

Steve Lynch said the McDowell Subdivision was approved by the Planning Commission and the Ronald L. Krise Land Development Plan has been reviewed. Steve said the distribution of the grants for parks has been held up this year. He said he was told everyone applying for a grant will receive a letter in the mail to let them know whether or not they were approved for a grant. Steve said he didn't get to check into the Comprehensive Plan but he will call around. He said there are grants available for Comprehensive Plans. Steve said it could be set up that a firm would need to apply for a grant to pay for the Comprehensive Plan and if a grant was not received there would be no work done on the Comprehensive Plan.

NEW BUSINESS

ROAD USE AGREEMENT

Moved by Charles Read and seconded by Ron Maines to approve releasing the Surety Bond held for Robert Bryce Containers, Inc. as surety for their Road Use Agreement on Independent Road. All votes yes.

Motion Carried

Robert Bryce Containers is no longer in business.

FORM B NON BUILDING
WAIVER – MCDOWELL

Moved by Ron Maines and seconded by Charles Read to approve signing the Form B Non-Building Waiver for the residual lot of the Donald and Anita McDowell Subdivision. All votes yes.

Motion Carried

BJW PARADE
ROAD CLOSURE

The Township received approval from PennDOT to close the requested streets for the BJW Firemen's Parade to be held June 13, 2002.

STONE BIDS

The following stone bids were submitted:

2RC Grey Stone

| | |
|----------------------------|-------------------|
| Glenn O. Hawbaker | \$9.00/ton |
| Hanson Aggregates | \$7.10 /ton |
| New Enterprise | \$6.85/ton |
| Gallaher Supply, Inc. | \$6.85/ton |
| Bucktail Excavating | \$6.25/ton |

2A Grey Stone

| | |
|----------------------------|-------------------|
| Glenn O Hawbaker | \$9.00/ton |
| Hanson Aggregates | \$7.20/ton |
| New Enterprise | \$7.10/ton |
| Gallaher Supply, Inc. | \$7.70/ton |
| Bucktail Excavating | \$6.55/ton |

1B Washed Limestone

| | |
|--------------------------|-------------------|
| Glenn O. Hawbaker | \$7.00/ton |
| Hanson Aggregates | \$8.40/ton |
| New Enterprise | \$9.60/ton |
| Gallaher Supply, Inc. | \$9.70/ton |
| Bucktail Excavating | \$9.50/ton |

BRADFORD TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING APRIL 2, 2002

4B Limestone
Glenn O. Hawbaker \$11.00/ton
Hanson Aggregates \$7.90/ton
New Enterprise \$7.85/ton
Gallaher Supply, Inc. \$9.09/ton
Bucktail Excavating \$7.75/ton

2RC Sandstone
Glenn O. Hawbaker \$4.50/ton
Gallaher Supply, Inc. \$5.57/ton
HRI, Inc. \$5.00/ton

2A Sandstone
Glenn O. Hawbaker \$5.40/ton
Gallaher Supply, Inc. \$6.82/ton
HRI, Inc. \$6.82/ton

1B Crushed Sandstone
Glenn O. Hawbaker \$7.00/ton
Gallaher Supply, Inc. \$8.82/ton

4B Sandstone
Glenn O. Hawbaker \$7.00/ton
Gallaher Supply, Inc. \$8.07/ton

Moved by Charles Read and seconded by Ron Maines to award the bids to the lowest bidders. All votes yes.

Motion Carried

BITUMINOUS BIDS

The following bituminous bids were received:

E2 or E3 Emulsified Asphalt
Russell Standard \$.709/ton
Jefferson Paving \$.817/ton
Whitaker Roads **\$.70/ton**

E2M or E3M Emulsion
Russell Standard \$.889/ton
Jefferson Paving \$.917/ton
Whitaker Roads **\$.84/ton**

MC-70 Dust Oil
Russell Standard \$.915/ton
Jefferson Paving **\$.907/ton**
Whitaker Roads \$.92/ton

Moved by Charles Read and seconded by Ron Maines to award the bids to the lowest bidders. All votes yes.

Motion Carried

BRADFORD TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING APRIL 2, 2002

2002 COUNTY LIQUID FUELS Moved by Ron Maines and seconded by Charles Read to apply for County Liquid Fuels in the amount of \$3,330.36 to be used for the 2002 Paving Project. All votes yes.
Motion Carried

RONALD L. KRISE LAND DEVELOPMENT PLAN Moved by Ron Maines and seconded by Charles Read to approve the Preliminary Plan for the Ronald L. Krise Land Development Plan as recommended by the Township Planning Commission and the Township Engineer. All votes yes.
Motion Carried

PARK AND RECREATION BOARD FUNDING Moved by Charles Read and seconded by Ron Maines to give the Bradford Township Park and Recreation Board \$3,000.00 with the possibility of increasing the amount if they do not receive any grant money. All votes yes.
Motion Carried

BJW ANNUAL DONATION Moved by Ron Maines and seconded by Charles Read to give the BJW Volunteer Fire Company \$5,000.00 for 2002. All votes yes.
Motion Carried

PLANNING COMMISSION SECRETARY The Planning Commission would like to have the Township Secretary take minutes at their monthly meetings. It was decided to table a decision on this matter until next month's meeting.

2002 STATE LIQUID FUELS The Township received \$106,740.28 for the 2002 Liquid Fuels Tax Fund allocation.

I-80 BRIDGE REPLACEMENT The Township received notification from PennDOT concerning the replacement of the existing dual bridges where I-80 crosses over a single track of R. J. Corman Railroad Company.

RELIANT ENERGY COOLING TOWER The Township received Act 14 Notification of an application to the Pennsylvania Department of Environmental Protection for a Plan Approval for the Shawville Station Cooling Tower Replacement Project. The application is available for review at DEP's Northcentral Regional Office in Williamsport, PA. There is a thirty day comment period which began upon receipt of the letter.

CITIZEN'S INPUT

JIM WELKER Jim Welker said he just came to let the Supervisors know he didn't die.

DOUG FLOYD Mr. Floyd wanted to know what is being done on Clover Hill Road. He said Ted Rowles gave permission a year ago to move the stone wall. He also said there is a huge hole at the end of the road which needs fixed. The Supervisors said they could contact the property owner with the culvert to see if they could divert water to that culvert. The whole length of Clover Hill Road will be surveyed beginning where Clover Hill Road meets US 322. Once the survey is completed and the Supervisors know where the right-of-way is, anything on the Township right-of-way will be removed. Mr. Floyd plans to have his own road surveyed.

BRADFORD TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING APRIL 2, 2002

RON KRISE

Mr. Krise wanted to know when he would receive final approval from the County to name the street in his mobile home park Lumadue Lane. The County will call when they receive approval from the U. S. Postal Service.

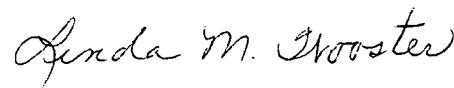
ADJOURNMENT

Moved by Charles Read and seconded by Ron Maines to adjourn the meeting.
All votes yes.

Motion Carried

Meeting adjourned at 7:50 P.M.

Respectfully submitted,



Linda M. Wooster
Bradford Township Secretary

BRADFORD TOWNSHIP

P. O. Box 79
Woodland, PA 16881
E-mail address: bradford_twp@clearnet.net

Phone (814) 857-7283
Fax (814) 857-5480

April 8, 2002

CERTIFIED MAIL 7099 3400 007 5066 1858

Ronald L. Krise
R. R. #1 Box 287
Woodland, PA 16881

RE: Ronald L. Krise Land Development

Dear Ron:

This letter follows the duly convened and publicly noticed meeting of the Bradford Township Board of Supervisors ("Board") on Tuesday, April 2, 2002. At that meeting the Board considered the application for approval of the above-referenced land development. Pursuant to Section 305.4 of the Township of Bradford Subdivision and Land Development Ordinance ("Ordinance") this letter serves to notify you of the Board's decision on this application.

By majority vote of a quorum of its members, the Board voted on April 2, 2002 to grant approval of the preliminary land development plan for a mobile home park. Based on evidence and testimony presented during the public hearings on this application, the Board finds as follows:

1. This application is for a mobile home park.
2. The subject property is located in the Pine Top area of Bradford Township along S.R 2030.
3. Under the proposed land development plan one mobile home is currently located on this parcel. It is the intention of the developer to retain ownership of the property and place three more mobile homes on lots. The developer will rent the mobile homes and the lots.
4. City sewage is available to these lots and the Woodland-Bigler Area Authority has the capacity to handle the additional EDU's. The Pennsylvania Department of Environmental Protection has granted a request for planning exemption.
5. The letter from Pennsylvania American Water Company, dated July 9, 2001, indicates that water service is available to this property.

6. An access road with a 10 foot cartway is proposed
7. The Developer must satisfactorily install all required improvements (stormwater facilities, sanitary sewer facilities, water lines, and access road) or execute a Developer's Agreement, in a form acceptable to the Township Solicitor prior to Final Plan approval.
8. The proposed Lumadue Lane must be maintained in a mud-free condition.

In consideration of the above findings, it is the conclusion of the Board that your preliminary land development plan should be granted approval.

Under the Pennsylvania Municipalities Planning Code, you have thirty (30) days from the receipt of this notice to reject the conditions set forth above. In the event of such rejection, the Board's preliminary/final subdivision approval for this project shall be automatically revoked and this project shall be deemed to have been denied by the Board. Such denial must be appealed to the Court of Common Pleas of Clearfield County, Pennsylvania within thirty (30) days of the date of service of this notice.

Very truly yours,
Bradford Township Supervisors

William Graham
William M. Graham

Charles G. Read
Charles G. Read

Ronald L. Maines
Ronald L. Maines

Bradford Township Planning Commission

Application for Subdivision and/or Land Development Plan

General Information

1. Name of Subdivision or Development: Ron L. Krise
2. Date of Plan Submission: 9-18-02
3. Project Location: Pine Top
4. Tax Map Parcel Number: No. 106 N-8 108
5. Name Property Owner(s): Ron L. Krise
Address: RR 1 Box 287 Woodland PA 16831
Phone #: (814) 857-7983
6. Name of Applicant (if different from Owner):
Address:
Phone #:
7. Name of Engineering Consultant: GEOTECH Engg, Inc.
Address: RR 1 Box 532 Morrisdale PA 16858
Phone #: (814) 342-7090

Project Information

1. Existing Land Use: Residential
2. Number of Existing Lots: 4
3. Number of Proposed Lots: 4
4. Type of Subdivision or Development:
 single-family lots townhouses commercial (multi-lot)
 multi-family lots apartments commercial (one-lot)
 manufactured housing mobile-home park industrial (multi-lot)
 lot-addition campground industrial (one-lot)
 other: _____
5. Total Acreage (Square feet if less than 1 acre): 0.828
6. Plan Submission Type: Preliminary Final Combined Preliminary/Final *

* Note: The plan must conform to the requirements of Article II and Section 401.1 of the Bradford Township Subdivision and Land Development Ordinance

6. Existing Utilities (Check those which apply)

- Public Sewer or Community Sewer System
- Public Water System
- Public Electric
- Public Gas

- On-lot Sewage Disposal
- On-lot Well Water Supply
- Public Cable
- Telephone

7. Do all lots have access to public:

Water Yes No
Sewer Yes No
Electric Yes No
Telephone Yes No

If yes, have the appropriate utility companies been contacted? Yes No

8. Proposed Project Improvements (Check those which apply)

- Public Sewer or Community Sewer System
- Public Water System
- Public Electric
- Public Gas
- Stormwater Facilities
- Public Parking
- Commercial/Industrial Facility

- On-lot Sewage Disposal
- On-lot Well Water Supply
- Public Cable
- Telephone
- Construction of New Public Streets
- Construction of Private Streets
- Other:

9. Do all lots have access to a Public Road?

What type of Road is it? State Road Township Road

10. Are there any streams or wetlands located within the project area?

11. Has the project been designed in compliance with the Bradford Township Subdivision and Land Development Ordinance? Yes No

If not, what variances/waivers are requested?

12. The undersigned hereby represents that, to the best of my knowledge and belief, all information listed above is true and complete.

Signature of Landowner/Applicant

9-18-02

Date



Clearfield County Planning Commission

209 E. Locust Street • Clearfield, PA 16830
(814) 765-2641 Ext. 5978 • FAX (814) 765-7505

DATE: September 18, 2002

TO: GeoTech Engineering

FROM: Clearfield County Planning Department

SUBJECT: Act 247 County Subdivision and Land Development

Review and Report for Clearfield County Municipalities who have their own
Subdivision and Land Development Ordinance

Application for Minor Subdivision: CCPC File No 20602-4A
Ron Krise Land Development (As-Built)

Location: Bradford Township, Off SR 0970

Name of Surveyor: Joel Albert

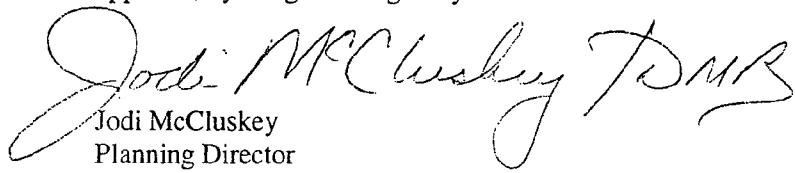
Date Received: 9/18/02 **Date Reviewed:** 9/18/02

No. of lots: 1 (Mobile Home Park) **Zoning:** N/A

Sewage: Existing Public

Water Supply: Existing Public

The Clearfield County Planning Department, as required by Section 502 (b) of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, reviewed this plan on September 18, 2002, and copy of the review and report is on file at the office of the Planning Department. This certificate does not indicate approval or disapproval of the plan by the Clearfield County Planning Department, and the Department does not represent nor guarantee that this plan complies with the various ordinances, rules, regulation, or laws of the local municipality, the Commonwealth, or the Federal government. We return the above-referenced application with no comments on the Plan before Municipal review for final approval, by the governing body.



Jodi McCluskey
Planning Director

cc: Bradford Township
Ron Krise

KIM C. KESNER

ATTORNEY AT LAW

attykesner@usachoice.net

23 NORTH SECOND STREET, CLEARFIELD, PA 16830

(814) 765-1706

FAX (814) 765-7006

October 17, 2002

Linda Wooster, Secretary
Bradford Township Supervisors
P.O. Box 79
Woodland, PA 16881

RE: Ronald L. Krise - Final Land Development Plan (Mobile Home Park)

Dear Linda:

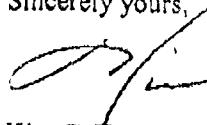
I wish to acknowledge receipt and review of the above referenced application. My comments are as follows:

1. I would defer to the Township Engineer as to the sufficiency of the design and content of the Plan. However, I would observe the following:
 - a. The dimensions of the access road referred to as "Lumadue Lane" and "new private access" are required to be set forth on the Plan by Section 702.4(i).
 - b. Acreage of each individual lot to be rented is not specified as required by Section 703.5(c).
 - c. A certificate to advise of the date by which the plan must be recorded is required by Section 703.6(e).
 - d. Storm water management plan certification is required to be shown on the Plan by Section 703.6(f).
 - e. Section 1105(c)(5) requires that plans specify that skirting shall be provided on all mobile homes.
 - f. Section 1105(d)(4) requires that mobile home stands be concrete pads with subsurface drainage base and pad thickness as approved by the Township Engineer. The information supplied to me does not confirm that this requirement has been met.
 - g. Section 1106(d) requires adequate lights to illuminate driveways. The Plan does not show what if any exterior lighting will be provided.
2. I would defer to the Township Engineer as to whether the "as-built" Plan confirms satisfactory installation of all required improvements.

Linda Wood, Secretary
Bradford Township
October 12, 2002
Page 2

3. I was provided a copy of the application dated September 18, 2002 and the "as-built" plan dated September 10, 2002. The Township must obtain from the owner/developer all of the other documents, information and confirmations required by Section 703.7 of Article VII and Article VI (Mobile Home Park Regulations).

Sincerely yours,



Kim C. Kesner

KCK/klz

VIA FACSIMILE ONLY



474 Windmere Drive, Suite 100
State College, PA 16801
(814) 238-7117
FAX (814) 238-7126

October 24, 2002

Bradford Township
P.O. Box 79
Woodland, PA 16881

Attn: Bill Graham, Chairman

Re: Ron Krise Land Development Final Plan Review

Dear Supervisors:

In accordance with your request, HRG has reviewed the "AsBuilt" plan for the development of land owned by Ron Krise, for compliance with the Bradford Township Subdivision and Land Development Ordinance (SALDO). The plan was prepared by GeoTech Engineering, Inc. and is dated September 18, 2002. Based on our review, we offer the following comments and recommendations for your consideration:

1. The Certificate of Ownership must be executed. (§703.6B)
2. The stormwater management plan certification must be included on the plans. (§703.6)
3. A note must be added to the plan, specifying that skirting shall be provided for each mobile home. (§1105.C.5)
4. We note that the discharge pipe for the stormwater detention facility is located on Pennsylvania Railroad Right-of-Way. The Developer must show proof that an easement has been obtained for this pipe, or relocate the pipe so that it is located entirely within the property lines. (§808.2, §810.7)
5. As a condition of approval, each mobile home must have a number placed on the lot in the form of a sign or directly on the Mobile Home. It shall be arranged in such a way so that it is visible from the road on which the Mobile Home is fronting. Such Mobile Home numbering shall be approved by the Clearfield County Emergency Management Department. (§1105.C.4)
6. Prior to Final Plan Approval, the Developer must provide documentation that the sanitary sewer and public water utilities have been installed to the satisfaction of the Woodland-Bigler Municipal Authority and the Pennsylvania American Water Company. (§901.3)
7. We suggest that as a minimum, the Township should require that the proposed Lumadue Lane be maintained in a mud-free condition. (§1105.E)
8. We note that the driveway for Unit 4 has a steep slope (approximately 2:1). This driveway should be re-graded to allow easier access.
9. Under Article V, a final inspection of the public and private improvements is required. The Developer should request this inspection, in writing, according to Section 502.

Bradford Township
October 24, 2002
Page 2

10. The parking spaces shown on the "As-Built" plan are larger than the 20"x20" spaces shown on the approved Preliminary Plan and Stormwater Management Plan. The Developer should install the parking space per the approved Preliminary Plan or revise and resubmit the Stormwater Management Plan to account for the additional impervious surfaces.

Upon completion of the items above, we recommend this plan for Final Plan Approval. If you have any questions or require additional information, please contact me.

Sincerely,

Herbert, Rowland & Grubic, Inc.



Steven J. Lynch

SJL/dmp

cc: File

Bradford Planning Commission

Kim C. Kesner, Attorney, 23 North 2nd St., Clearfield, PA 16830 (*via Fax and Regular Mail*)

GeoTech Engineering, Inc., RR 1, Box 532, Morrisdale, PA 16858 Attn: Joel L. Albert, P.E.

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BRADFORD TOWNSHIP PLANNING COMMISSION

P. O. Box 79
Woodland, PA 16881

DATE Oct 28-02

Bradford Township Board of Supervisors
P. O. Box 79
Woodland, PA 16881

The Bradford Township Planning Commission recommends does not recommend
recommends with the following conditions: after the all the

Comments from SHP and Kinkesner are met.
Also Highway O.P are met, Servicing trailer or dwelling
approval of the Subdivision or
are required space between
Land Development Preliminary Plan Preliminary/Final Plan Final Plan.

Merv. Flubell
Secretary, Planning Commission

WOODLAND-BIGLER AREA AUTHORITY

2912 HOGBACK HILL
P.O. BOX 27
WOODLAND, PA 16881

OCTOBER 28, 2002

PHONE 814-857-2966
FAX 814-857-2966

RE : LATERAL CONNECTION

TO WHOM IT MAY CONCERN,

THE SEWER SERVICE LATERAL LINES INSTALLED BY MR. RONALD KRIE ALONG PINE TOP ROAD, BRADFORD TOWNSHIP, IN CLEARFIELD COUNTY ARE INSTALLED TO THE SPECIFICATIONS OF THE WOODLAND-BIGLER AREA AUTHORITY.

ANY QUESTIONS CAN BE FORWARDE TO THE ABOVE ADDRESS AND NUMBER.

SINCERELY,



Woodland-Bigler Area Authority

**Pennsylvania American
Water Company**

P.O. Box 707
Philipsburg, Pa. 16866
(814) 342-0995

October 28, 2002

Roanld Krise
Woodland, Pa. 16881

Re: Water Service

To Whom It May Concern:

The water service connections installed by Mr. Ronald Krise along old route 970, Pine Top Road, Bradford Township, Clearfield are installed to Pennsylvania American Water Company specifications. Taps were made by the Pa. American Water Company employees and the meter pit installation is complete to specs.

If there are any further questions, please feel free to contact Gary Kephart at (814) 342-0995.

Sincerely,



Gary Kephart
Operations Supt.

BRADFORD TOWNSHIP

P. O. Box 79
Woodland, PA 16881

Phone (814) 857-7283
Fax (814) 857-5480

bradford_twp@clearnet.net

October 29, 2002

VIA FACSIMILE

Pennsylvania Department of Transportation
Engineering District 2-0
1924-30 Daisy Street
Clearfield, PA 16830

Attn: Richard Lewis, Permit Manager

RE: Driveway Occupancy Permit for the
Ron Krise Land Development

Dear Mr. Lewis:

At their regularly scheduled meeting on October 28, 2002, the Bradford Township Planning Commission met to review the Final Plans for the Ron Krise Land Development. The development consists of a Mobile Home Park containing one existing and three proposed trailer units with a single access to SR 2030 (formerly PA 970) via an existing minimum use driveway. During the meeting, the question was raised as to whether or not a new Occupancy Permit for the driveway must be obtained by the Developer from PennDOT.

We are requesting a written determination from PennDOT concerning the driveway occupancy permit requirements for this project. If you have any questions, or require additional information, please contact us.

Sincerely,
Bradford Township Board of Supervisors

William M. Graham
William M. Graham

Charles G. Read
Charles G. Read

Ronald L. Maines
Ronald L. Maines

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

Engineering District 2-0

1924-30 Daisy Street • P.O. Box 342 • Clearfield, PA 16830

Fax: (814) 765-0424



Phone: (814) 765-0400

November 1, 2002

BRADFORD TOWNSHIP SUPERVISORS
PO BOX 79
WOODLAND PA 16881

Dear Sirs:

I am responding to your letter of October 29, 2002 related to the Department's driveway requirements for the Ron Krise land development described in your letter. Your letter indicates the Krise development consists of a single property occupied by a mobile home with the addition of three more mobile homes proposed.

All driveways connecting onto a state highway require a permit. If Mr. Krise does not have a permit for this existing access, Department requirements are that he obtain a permit.

If Mr. Krise already has a minimum use driveway permit and does not subdivide this lot into more than three properties, no additional permitting would be required as long as the traffic volume authorized by the permit is not exceeded. A minimum use driveway permit allows up to 25 vehicles per day to use the permitted access. It is assumed that each vehicle could make one trip in and one trip out each day for a total of 50 trips per day.

If you have any further comments or questions regarding this matter, you may contact me at the above location.

Very truly yours,

Richard H. Lewis
District Permit Manager
Engineering District 2-0

COMMONWEALTH OF PENNSYLVANIA



HIGHWAY OCCUPANCY PERMIT

| | |
|---------------|----------|
| PERMIT NO. | 02015236 |
| ORGANIZATION | 022 |
| DATE ISSUED | 120402 |
| PERMIT FEES | 25.00 |
| ACCOUNT NO. | |
| COUNTY | 17 |
| TOWNSHIP/BORO | 206 |

| | |
|---------------|------------------|
| PERMITTEE | RONALD L. KRISIE |
| ADDRESS | RR #1 BOX 287 |
| POST OFFICE | WOODLAND |
| | PA 16881-9737 |
| ZIP CODE | |
| COUNTY | CLEARFIELD |
| TOWNSHIP/BORO | BRADFORD |

| | |
|------------------|-----------|
| DESCRIPTION | 513 |
| STATE ROUTE NO. | 2030 |
| SEGMENTS | 0034 0034 |
| OFFSET TO OFFSET | 1775 1775 |

ALL WORK UNDER THIS PERMIT MAY BE STARTED ON 12/04/03
 AND SHALL BE COMPLETED ON OR BEFORE 12/04/03

Immediately upon completion of the work, Permittee shall notify the permit office where application was made. Subject to all the conditions, restrictions, and regulations prescribed by the Pennsylvania Department of Transportation, (see in particular 67 Pa. Code, Chapter 203, 441 and 459) and subject to the plans, special conditions, or restrictions herein set forth or attached hereto. This permit shall be located at the work site and shall be available for inspection by any police officer or department representative.

| | |
|------------------|---|
| DESCRIPTION | 2 |
| STATE ROUTE NO. | |
| SEGMENT(S) | |
| OFFSET TO OFFSET | |

DESCRIPTION OF WORK
 ALTER EXISTING MINIMUM USE DRIVEWAY AT SR 2030 SEG 0034 OFFSET 1775 TO SEG 0034 OFFSET 1775 BY ADDING RADII.
 *NOTE: PER 441.6(2)(F): ALL WORK AUTHORIZED BY THE PERMIT SHALL BE SUBJECT TO ORDINANCES ENACTED BY LOCAL MUNICIPALITIES WHICH CONTAIN MORE STRINGENT SAFETY REQUIREMENTS THAN THIS CHAPTER.

| | |
|------------------|---|
| DESCRIPTION | 3 |
| STATE ROUTE NO. | |
| SEGMENT(S) | |
| OFFSET TO OFFSET | |

THE DEPARTMENT, IN GRANTING A PERMIT, WILL WAIVE NONE OF ITS POWERS OR RIGHTS TO REQUIRE THE FUTURE CHANGE IN OPERATION, REMOVAL, RELOCATION, OR PROPER MAINTENANCE OF ANY ACCESS WITHIN STATE HIGHWAY RIGHT-OF-WAY.
 MINIMUM WORK ZONE TRAFFIC CONTROL TO BE IN ACCORDANCE WITH PUB. 203, FIGURE(S): 5.

| | |
|------------------|---|
| TOWNSHIP/BORO | 4 |
| DESCRIPTION | |
| STATE ROUTE NO. | |
| SEGMENT(S) | |
| OFFSET TO OFFSET | |

IT IS THE PERMITTEE'S RESPONSIBILITY TO KEEP VEGETATION TRIMMED IN ORDER TO MAINTAIN MINIMUM SIGHT DISTANCE. NO OBJECTS MAY BE PLACED WITHIN THE LINE OF SIGHT.
 PERMITTEE MUST MAINTAIN EXISTING SHOULDER DURING CONSTRUCTION.

THIS PERMIT DOES NOT AUTHORIZE DRAIN PIPE TO BE INSTALLED ACROSS ANY DRIVEWAY.

X
 X
 X
 X

THIS PERMIT IS NOT VALID UNTIL SIGNED BY THE DISTRICT ENGINEER OR HIS AUTHORIZED REPRESENTATIVE

Acknowledgement of Completion

Permitted work has been completed.

Date _____ By _____

FOR BRADLEY L. MALLORY
 BY GEORGE M. KHOURY, P.E.
 Secretary of Transportation

District Engineer

PERMITTEE



APPLICATION FOR MINIMUM USE DRIVEWAY

A Minimum Use Driveway is a Residential or Other Driveway Which is Expected to Be Used By Not More Than 25 Vehicles Per Day (i.e. 50 A.D.T.)

READ INSTRUCTIONS ON REVERSE

Applicant / Property Owner

Ronald L. Krise

RR#1 Box 287

Address

Post Office

Woodland, PA

Zip Code

16881-9737

Phone

(814) 857-7983

Fee

\$25.00

Check No.

146

APPLICATION IS MADE TO

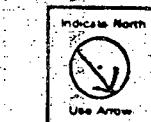
Increase usage of existing driveway.

 CONSTRUCT A
NEW DRIVEWAY ALTER AN
EXISTING DRIVEWAY
DATE WORK SCHEDULED TO BEGIN 11/25/02DATE WORK SCHEDULED TO BE COMPLETED 11/25/03

LOCATION OF PROPOSED DRIVEWAY

County Clearfield (17)Township/Boro Bradford Township (26)Route No. S.R. 970Name of Nearest Intersection T-612Distance to Nearest Intersection-in-Ft. 4280 ft.

For the purpose of measuring sight distance, the drivers' eye height shall be 3.50 feet above the proposed access surface and highway pavement surface and the vehicles' height shall be 4.25 feet above the proposed access surface and highway pavement surface.



CENTER LINE



AREA TO BE CLEAR OF VIEW OBSTRUCTIONS

FOR DEPARTMENT USE ONLY
RECEIVED NOV 25 2002

Code 369765

341

354

358

Spc Cons

Please AAA 6 (2) (F) All cars admitted by the permit shall be subject to ordinances enacted by local municipalities which contain more stringent safety requirements than this chart.

Under and subject to all the conditions, restrictions and regulations prescribed by the Pennsylvania Department of Transportation and on the issued Permit, Form M-945P.

The applicant certifies that all statements contained herein are true and correct.

By

SIGNATURE(S)

HAVE YOU READ INSTRUCTIONS ON REVERSE?

HAVE YOU COMPLETED ALL BLANKS?

PERMITTEE

APPL. NO 980809

11-4-02

DATE

to the undersigned
by Alvin Martin on 11/25/02
Date

Bradford Township Supervisors:

I Ron Krise of the Ron Krise Land Development am requesting the township engineer for final inspection of land developments.

Thank you,

Ronald L. Krise



474 Windmere Drive, Suite 100
State College, PA 16801
(814) 238-7117
FAX (814) 238-7126

December 3, 2002

Bill Graham, Chairman
Bradford Township
P.O. Box 79
Woodland, PA 16881

Re: Ron Krise Land Development Final Inspection

Dear Supervisors:

On November 25, 2002, I conducted a Final Inspection of the required improvements for the Ron Krise Land Development. Based on this inspection, I offer the following comments for your consideration:

1. Lumadue Lane has been installed as shown on the Final Plan, included a stone surface to ensure a mud free condition.
2. The lawn areas have been seeded and mulched.
3. The proposed water and sewer lines have been installed.
4. The proposed stormwater management facilities have been installed, as shown on the Final Plans.
5. The concrete pads have not been installed with the steel reinforcement as shown on the Preliminary Plan. The Developer should install the pads per this plan or submit a revised design bearing the seal of a registered Professional Engineer.
6. The dimension between the new trailer and the existing shed has been measured as 20.1 feet, meeting the required separation distance between trailers and accessory structures.
7. The parking areas have been reduced to the dimensions shown on the Preliminary Plans.
8. The driveway to Unit 4 has been re-graded to allow easier access.

Upon completion of item 5, all required improvements have been installed. If you have any questions or require additional information, please contact me.

Sincerely,

Herbert, Rowland & Grubic, Inc.



Steven J. Lynch

SJL/lpc

cc: File

Bradford Planning Commission

Kim C. Kesner, Attorney, 23 North 2nd St., Clearfield, PA 16830

GeoTech Engineering, Inc., RR 1, Box 532, Morrisdale, PA 16858 Attn: Joel L. Albert, P.E.

S:\080862\105\RPT-003.doc

stcol@hrg-inc.com ■ www.hrg-inc.com

Harrisburg ■ Lancaster ■ State College ■ Gettysburg ■ Pittsburgh ■ Stroudsburg



P. O. Box 79
Woodland, PA 16881

Phone (814) 857-7283
Fax (814) 857-5480

bradford_twp@clearnet.net

December 3, 2002

Mr. Ronald L. Krise
812 Thompson Road
Woodland, PA 16881

Dear Ron:

This letter is to request an extension of time for our review of your application for approval of your Final (As Built) Land Development Plan for a Mobile Home Park. We would like to request a 60-day time extension.

Sincerely,
Bradford Township Supervisors

William M. Graham
William M. Graham

Charles G. Read
Charles G. Read

Ronald L. Maines
Ronald L. Maines

812 Thompson Road
Woodland, PA 16881
December 3, 2002

Bradford Township Supervisors
P. O. Box 79
Woodland, PA 16881

I, Ronald L. Krise, agree to an extension of time for Bradford Township's review of my application for approval of my Final (As Built) Land Development Plan dated September 18, 2002 of 60 days.



Ronald L. Krise

Bradford Township Supervisors:

I am writing in reference to Ron Krise land development, for a request that existing trailer, shed, and garage on the plan to remain as is, also that streetlights would not have to be installed, due to the following hardships:

Due to the age of the existing trailer, of thirty-six years, damages could occur during a move. In case of this trailer ever being replaced a concrete pad will be installed, in the same location.

Because of the design of shed and garage, with concrete footers and floors relocation would be impossible.

Installation of streetlights would create a public inconvenience to surrounding residents.

Thank you,

Ronald L. Krise

A handwritten signature in black ink that reads "Ronald L. Krise". The signature is fluid and cursive, with "Ronald" and "L." being more stylized and "Krise" being more clearly legible.

BRADFORD TOWNSHIP BOARD OF SUPERVISORS

REGULAR MEETING – DECEMBER 3, 2002

CALL TO ORDER

The Regular Meeting of the Bradford Township Board of Supervisors was called to order at 7:00 P.M. in the Township Office by Chairman William M. Graham.

PRESENT

SUPERVISORS: William M. Graham, Ronald L. Maines and Charles G. Read

SECRETARY: Linda M. Wooster

OTHERS: Jim Wooster, Richard L. Kovalick, Linda Kovalick, Ron B. Krise, Douglas E. Floyd, Cherie Strathen, Ron L. Krise, Kim McDowell, Donna Lippert, Marcella Aveni, Daniel S. Herman, and Steve Lynch from Herbert, Rowland & Grubic, Inc.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was said by everyone.

APPROVAL OF MINUTES

Moved by Charles Read and seconded by Ron Maines to approve the Minutes of the November 4th Regular Meeting. All votes yes.

Motion Carried

TREASURER'S REPORT

Moved by Ron Maines and seconded by Charles Read to approve the Treasurer's Report as presented. All votes yes.

Motion Carried

DISBURSEMENTS

Moved by Charles Read and seconded by Ron Maines to pay disbursements in the amount of \$13,468.02+ since not all invoices are in. All votes yes.

Motion Carried

OLD BUSINESS

There was no old business to discuss.

STANDING COMMITTEES

DOG ENFORCEMENT OFFICER

Dog Enforcement Officer James English did not submit a report for November.

HIGHWAY SAFETY COMMISSION

The road crew put up 30 mph speed limit signs on SR 2030 beginning at the intersection of US 322 and ending in the Woodland near the Arden Read residence. This 30 mph speed limit was approved by PennDOT in 1994 but the Township never put the proper signs up. They repaired the Speed Limit signs on the Main Street of Woodland.

EMERGENCY MANAGEMENT

No Report

SEWAGE ENFORCEMENT OFFICER

No Report

BRADFORD TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING DECEMBER 3, 2002

TOWNSHIP ENGINEER

Township Engineer Steve Lynch said the Small Flow Treatment Facility Annual Report is done and ready to go to the Department of Environmental Protection. He also reviewed the Gargasz Subdivision and inspected the Ronald L. Krise land development project. Letters concerning both the review and the inspection have been submitted to the Township.

NEW BUSINESS

GARGASZ SUBDIVISION

Moved by Charles Read and seconded by Ron Maines to approve the David Gargasz Subdivision Preliminary/Final Plan Map contingent upon recommendation for approval by the Bradford Township Planning Commission and approval of the Component 1 by the Department of Environmental Protection. All votes yes.

Motion Carried

ESTIMATED REAL ESTATE
VALUE FOR 2003

The Township's estimated assessed real estate value for 2003 is \$26,844,148.00.

RESOLUTION 2002-7

Moved by Charles Read and seconded by Ron Maines to adopt Resolution 2002-7 setting the Real Estate Tax Rate at 4.0 mills, setting the Fire Hydrant Special Assessment at 1.0 mill, and setting the Street Light Special Assessment at 20 cents per linear front footage for the year 2003. All votes yes.

Motion Carried

RESOLUTION 2002-8

Moved by Ron Maines and seconded by Charles Read to adopt Resolution 2002-8 adopting the 2003 Budget with anticipated revenues of \$630,371.00 and expenditures of \$545,766.00. All votes yes.

Motion Carried

JANUARY REGULAR MEETING

Moved by Charles Read and seconded by Ron Maines to approve holding the January Regular Monthly Meeting immediately following the Re-organizational Meeting on Monday, January 6, 2003. All votes yes.

Motion Carried

The Auditors will hold their Re-organizational Meeting on Tuesday, January 7, 2003.

SPECIAL MEETING
DECEMBER 30, 2002

Moved by Charles Read and seconded by Ron Maines to approve holding a Special Meeting on Monday, December 30, 2002 at either 2:01 p.m. or 4:01 p.m. if it is necessary to make any changes to the 2002 Budget or handle any general matters or subdivisions. All votes yes.

Motion Carried

DEP PUBLIC HEARING

The Department of Environmental Protection will hold a Public Hearing at the Bradford Township Office on Wednesday, December 4th at 7:00 P.M. to discuss the Sky Haven Coal, Inc. Mayhew Operation.

BRADFORD TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING DECEMBER 3, 2002

EMERGENCY PREPAREDNESS

A Session is being offered on Municipal Government Emergency Preparedness. All municipal elected officials and local Emergency Management Coordinators are strongly encouraged to attend to learn about new state requirements for emergency planning. The Emergency Management Services Code, Title 35, requires that each municipality have a current, up-to-day disaster plan or Emergency Operations Plan, an Emergency Operations Center and a Local Emergency Management Coordinator. There is no charge. The session will be held Saturday, December 14th from 8:30 a.m. to 3:30 p.m. Lunch will be provided.

VELMA SMITH PROPERTY

The Township received notification that the Clearfield County Tax Claim Bureau has received a bid of \$850.00 for the Velma M. Smith property known as Map #106-M09-632-00023 which is a gas station and 2 lots. The sale is scheduled for January 23, 2003 at 9:00 A.M. Any party objecting to the sale price accepted for this property may object by January 6, 2003.

KRISE PROJECT INSPECTION

The Township received a letter from Township Engineer, Steve Lynch, concerning the Ron Krise Land Development Project. Upon completion of Item #5 all required improvements have been installed. Item 5 states "The concrete pads have not been installed with the steel reinforcement as shown on the Preliminary Plan. The Developer should install the pads per this plan or submit a revised design bearing the seal of a Registered Professional Engineer." Mr. Krise has submitted a revised plan to the Township Engineer with the requested changes made.

PINE TOP RESIDENTS

Marcella Aveni questioned the fact that Mr. Krise's Land Development Plan for his Mobile Home Park shows the cement pads have rebar and she feels Mr. Krise did not install rebar in these pads. Steve Lynch, Township Engineer, said as long as Mr. Krise's Engineer looked at the cement pads and put it on the final plan the way it was installed and signed and sealed the plan it was okay with him. Marcella Aveni and Dick Kovalick questioned the fact that the cement pads were shown with rebar on the approved Preliminary Plan. Steve Lynch said that was a Preliminary Plan and Mr. Krise revised the Final Plan to show the way they were installed. Marcella Aveni said she feels there were too many changes and exceptions being made. She feels the Township officials should have been monitoring this plan so that taxpaying citizens did not need to bring this to their attention. The Highway Occupancy Permit for Mr. Krise's driveway was also questioned. At the Bradford Township Planning Commission it was suggested that the Supervisors contact PennDOT concerning this Highway Occupancy Permit since they were a neutral party, but when the Supervisors called Mrs. Aveni had already called. When Supervisor Graham called Dick Lewis at PennDOT he said Mr. Krise did not need a Highway Occupancy Permit if less than 25 vehicles per day would be using the driveway. He said once the state became involved and was asked to look for an existing permit it became necessary for Mr. Krise to get a Highway Occupancy Permit. Steve Lynch said he ran a metal detector over the cement pads and the detector went off. He said the seal of Mr. Krise's Engineer is sufficient for him. Marcella Aveni also questioned the speed limit change on Pine Top Road. The Supervisors said the recently changed 30 mph speed limit on Pine Top Road was approved in 1994 by

BRADFORD TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING DECEMBER 3, 2002

PINE TOP RESIDENTS (cont'd.)

PennDOT. The Supervisors were checking the 25 mph speed limit signs in Woodland with Ron Ganoe, a PennDOT representative, when they couldn't find some segment markers. The PennDOT representative contacted Duane Collins concerning this problem. Mr. Collins checked the files at PennDOT and discovered that PennDOT approved a 30 mph speed limit in 1994 for the Pine Top area. Ron Maines is the only current Supervisor who was on the Board in 1994 when this change was requested. Ron said his name was on the letter but he did not sign it. He did not know the letter existed. Charles Read said once they discovered the permit they needed to put the signs up. When a state highway is posted at less than 40 mph it is the Municipality responsibility to put the signs up. Marcella Aveni wanted to know if the original mobile home was going to be made to comply with the Ordinance. The Supervisors said the original trailer was not going to be made comply. Dick Kovalick wanted to know whey Mr. Krise was not going to have to make the original trailer comply. Bill Graham said because the trailer was already there and Mr. Krise could not pick this trailer up and move it. Mr. Graham asked what brought all this on. Marcella Aveni feels Mr. Krise has not followed the rules of the Subdivision and Land Development Ordinance. Bill Graham said Mr. Krise followed the book from day one. Linda Kovalick said this all started because they do not want a trailer park in their backyard. Charles Read said you cannot hold everyone to the book, every project has a different scenerio. Marcella Aveni wanted to know if there was a limit to the number of exceptions the Township can grant. Kim McDowell wanted to know if Mr. Krise had to stop working on his project since an appeal has been filed and the attorneys are handling the matter. Charles Read said he can continue the way it is. Dick Kovalick wanted to know the correct way to appeal a subdivision or land development project. The Supervisors said they feel the residents did it the proper way. Dick Kovalick wanted to know if the Supervisors were going to approve this plan. They said they could not approve it yet because Mr. Krise does not have a Highway Occupancy Permit yet. Kim McDowell wanted to know if she could erect a fence. She was told she could erect a fence, whatever height and length she wants, but she would need to keep it on her side of the property line and leave room to maintain the fence. She was told she did not need a building permit to install a fence. Dick Kovalick wanted to know why Lumadue Lane did not meet the PennDOT Publication 70 regulations. He was told Lumadue Lane was a private road and Mr. Krise does not intend to turn this road over to the Township. Donna Lippert wanted to know what happened to the original complaint she filed. She was told the complaint was in the file. Since Bradford Township does not have zoning a trailer park can go anywhere in the Township as long as it meets the Subdivision and Land Development Ordinance requirements.

PINE TOP SPEED LIMIT
PETITION

Marcella Aveni presented the Supervisors with a petition concerning the Speed Limit on Pine Top Road. The people signing this petition would like the speed limit returned to 40 mph. Marcella wanted to know how they were going to make the hill in the winter time. Ron Maines said to call the State. Marcella wanted to know if Ron Krise would have gotten his Highway Occupancy Permit if the Speed Limit had not been changed. Marcella Aveni said his Highway Occupancy Permit was denied at the 40 mph speed limit. Dick Kovalick said he had a copy of a letter denying Mr. Krise's Highway Occupancy Permit. Ron

BRADFORD TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING DECEMBER 3, 2002

PINE TOP SPEED LIMIT (cont'd.)

Maines said the permit could not have been denied because Mr. Krise never applied for the Highway Occupancy Permit. Ron Maines said Dick Lewis from PennDOT, has said all along that Mr. Krise did not apply for a permit. Cherie Strathen said these people complained because Mr. Krise did not have a permit and now that he has applied for a permit they are trying to stop him from getting one. She said she doesn't understand what they want. Steve Lynch said if it is the intent of the Pine Top residents to stop a trailer park from opening in Bradford Township, it will not happen. Steve said this group is trying to tell someone else what they can do with their property. Steve Lynch said he doesn't know of any ordinance in Bradford Township that dictates what you can use your property for. Charles Read said it is time to let the lawyers handle this matter and move on.

KRISE PLAN
TIME EXTENSION

The Supervisors requested a 60-day time extension for a decision on the Ronald Krise Final Land Development Plan. Mr. Krise signed an agreement to give the Township a 60-day time extension.

WAIVER REQUEST FOR
RON KRISE LAND
DEVELOPMENT PLAN

The Township received a letter from Ron Krise requesting plan requirement modifications for the following areas of his land development plan: existing mobile home, shed, and garage and the street light requirement.

Moved by Ron Maines and seconded by Charles Read to grant the following waivers for Land Development Design Requirements: Mobile Home Stand Requirements for the existing mobile home (1105D.4&5), Yard Requirements for the existing shed and garage (1105c.3.d), and the Exterior Lighting Requirements (1106.D). Because of the age of the existing mobile home and also the fact that an addition has been built onto it, moving this home could cause damage to the existing mobile home and the addition. However, if the existing mobile home is replaced, the new mobile home must meet these requirements. Because the existing shed and garage have concrete footers and floors, it would cause a hardship for Mr. Krise to move these existing structures. We feel each mobile home will have an outside porch light and the installation of street lights would create a public inconvenience to the surrounding residents. All votes yes.

Motion Carried

CITIZEN'S INPUT

DOUG FLOYD

Doug Floyd wanted to know what was going on with the Clover Hill Road. He said he talked to Ted Rowles and Ted is not going to budge concerning cutting his wall. He said Ted will not give unless Conrad's give. He said Ted is concerned with Conrad's fence. The Supervisors said maybe they could talk to the Osewalt's and see if they could move their fence. Mr. Floyd wanted to know if he could cut the wall since it is in the right-of-way. The Supervisors told him not to cut the wall.

DAN HERMAN

Dan Herman said he needs some help concerning a sewage system he wants to install on property he is purchasing from Dave Gargasz. He has an agreement to buy with Mr. Gargasz. He is concerned that his time is going to run out on the purchase agreement and he will lose the money he has invested in the sewage testing. The Supervisors said they will contact DEP so see what the problem is.

BRADFORD TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING DECEMBER 3, 2002

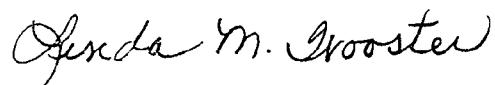
ADJOURNMENT

Moved by Charles Read and seconded by Ron Maines to adjourn the meeting.
All votes yes.

Motion Carried

Meeting adjourned at 8:00 P.M.

Respectfully submitted,



Linda M. Wooster
Bradford Township Secretary

**BRADFORD TOWNSHIP BOARD OF SUPERVISORS
SPECIAL MEETING
DECEMBER 19, 2002**

CALL TO ORDER

The Special Meeting of the Bradford Township Board of Supervisors was called to order at 4:01 P.M. in the Township Office by Chairman William M. Graham.

PRESENT

SUPERVISORS: William M. Graham, Ronald L. Maines and Charles G. Read

SECRETARY: Linda M. Wooster

OTHERS: Ron Woodling, Ronald L. Krise, Linda Kovalick, and Marcella Aveni

CITIZEN'S INPUT

There was no citizen's input.

**KRISE MOBILE HOME
PARK WAIVERS FOR
EXISTING MOBILE HOME
GARAGE AND SHED**

Moved by Ron Maines and seconded by Charles Read that the waivers from the following land development design requirements for the Ronald L. Krise Land Development Final Plan are granted with regard to the existing mobile home, shed and garage: Section 1105(d)4&5 and Section 1105(c)(3)(d). These waivers are granted upon the express condition that should the existing mobile home, shed and/or garage be removed, replaced or altered in such a manner that it would no longer be a hardship to comply with design requirements, such requirements shall be at that point in full force and effect. All votes yes.

Motion Carried

**KRISE MOBILE HOME
PARK WAIVER FOR
STREET LIGHTS**

Moved by Charles Read and seconded by Ron Maines that the waiver from the following land development design requirement for the Ronald L. Krise Land Development Final Plan is granted with regard to the Mobile Home Park: Section 1006(D). All votes yes.

Motion Carried

**KRISE FINAL LAND
DEVELOPMENT PLAN**

Moved by Ron Maines and seconded by Charles Read to approve the Ronald L. Krise Land Development Final Plan. All votes yes.

Motion Carried

CBDG FUNDS

The Township would like to apply for CBDG funds to extend the waterline to Houser Road and the Shiloh Loop from the Shiloh Church to the Bumbarger residence. These extensions would provide public water for approximately 24 homes.

APPLY FOR CBDG FUNDS

Moved by Ron Maines and seconded by Charles Read to approve applying for CBDG funds to extend the waterline in the Shiloh area to Houser Road and the Shiloh Loop from the Shiloh Church to the Bumbarger property. All votes yes.

Motion Carried

BRADFORD TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING DECEMBER 19, 2002

ADJOURNMENT

Moved by Charles Read and seconded by Ron Maines to adjourn the meeting.
All votes yes.

Motion Carried

Meeting adjourned at 4:03 P.M.

Respectfully submitted,

Linda M. Wooster

Linda M. Wooster
Bradford Township Secretary

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

: SS:

COUNTY OF CLEARFIELD :

NOTICE
The Bradford Township Board of
Supervisors will hold a Special
Meeting Thursday, December 19,
2002 at 4:01 P.M. in the Township
Building to act on the Ronald L.
Krise Land Development Plan and
other general matters.

12-18-1d-b

On this 27th day of December, A.D. 2002,
before me, the subscriber, a Notary Public in and for said County and
State, personally appeared Margaret E. Krebs, who being duly sworn
according to law, deposes and says that she is the President of The
Progressive Publishing Company, Inc., and Associate Publisher of The
Progress, a daily newspaper published at Clearfield, in the County of
Clearfield and State of Pennsylvania, and established April 5, 1913, and
that the annexed is a true copy of a notice or advertisement published in
said publication in

the regular issues of December 18, 2002.
And that the affiant is not interested in the subject matter of the notice or
advertising, and that all of the allegations of this statement as to the time,
place, and character of publication are true.

Margaret E. Krebs
Sworn and subscribed to before me the day and year aforesaid.

Ann K. Law

Notary Public

Clearfield, Pa.

My Commission Expires
September 16, 2004

Notarial Seal
Ann K. Law, Notary Public
Clearfield Boro, Clearfield County

My Commission Expires Sept. 16, 2004

Member, Pennsylvania Association of Notaries

BRADFORD TOWNSHIP

P. O. Box 79
Woodland, PA 16881
E-mail address: bradford_twp@clearnet.net

Phone (814) 857-7283
Fax (814) 857-5480

December 31, 2002

Ronald L. Krise
812 Thompson Road
Woodland, PA 16881

RE: Ronald L. Krise Land Development Final Plan

Dear Mr. Krise:

This letter follows the duly convened and publicly noticed special meeting of the Bradford Township Board of Supervisors ("Board") on Thursday, December 19, 2002. At that meeting the Board considered your application for final plan approval of the above-referenced land development dated December 10, 2002. Pursuant to Section 305.4 of the Township of Bradford Subdivision and Land Development Ordinance ("Ordinance") this letter serves to notify you of the Board's decision on this application.

By majority vote of a quorum of its members, the Board voted on December 19, 2002 to grant approval of the final land development plan with conditions. Based on evidence and testimony presented during the public hearings on this application, the Board found as follows:

1. This application is for a mobile home park.
2. The subject property is located in the Pine Top area of Bradford Township along S.R. 2030.
3. Under the proposed land development plan one mobile home is currently located on this parcel. It is your intention to retain ownership of the property and place three more mobile homes on lots. At this time you plan to rent the mobile homes and the lots.
4. City sewage has been installed to each lot.
5. Public water has been installed to each lot.
6. A 10 foot wide access road, known as Lumadue Lane has been installed and will be maintained in a mud-free condition.

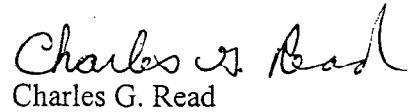
7. The following waivers have been granted for the existing mobile home, shed and garage only: Section 1105(d)4 & 5 and Section 1105(c)(3)(d). These waivers are granted upon the express condition that should the existing mobile home, shed and/or garage be removed, replaced or altered in such a manner that it would no longer be a hardship to comply with design requirements, such requirements shall be at that point in full force and effect.
8. A waiver of Section 1106(D), the Street Light Requirement, has been granted for the Mobile Home Park.
9. Approval to discharge water onto property owned by R. J. Corman Railroad Group has been received.
10. A Highway Occupancy Permit has been granted by the Pennsylvania Department of Transportation.

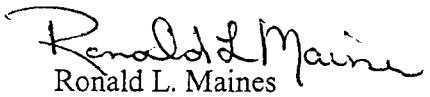
In consideration of the above findings, it was the conclusion of the Board that your final land development plan should be granted approval.

Under the Pennsylvania Municipalities Planning Code, you have thirty (30) days from the receipt of this notice to reject the conditions set forth above. Such rejection shall be in writing delivered to the Board within the thirty-day period. In the event of such rejection, the Board's final land development approval for this project shall be automatically revoked and this project shall be deemed to have been denied by the Board. Such denial must be appealed to the Court of Common Pleas of Clearfield County, Pennsylvania within thirty (30) days of the date of service of this notice.

Very truly yours,
Bradford Township Supervisors


William M. Graham


Charles G. Read


Ronald L. Maines

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

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RICHARD L. KOVALICK and *
LINDA L. KOVALICK; BRIAN G. *
AVENI, and MARCELLA J. AVENI; *
NORMAN McDOWELL and KELLY *
McDOWELL; and DONNA J. LIPPERT, *
Plaintiffs *

vs.

* No. 2003-72-C.D.

THE BOARD OF SUPERVISORS OF *
THE TOWNSHIP OF BRADFORD, *
Defendants *

William A. Shaw
Prothonotary

PROCEDURAL ORDER

NOW, this 12th day of October, 2004, Appellant having filed an appeal to this Court of a land use (or zoning) decision in accordance with the Pennsylvania Municipalities Planning Code, 53 P.S. § 11001-2, Appellee having certified its record to this Court in accordance with 53 P.S. § 11003-a, it is hereby ORDERED and DECREED:

1. Any motion by Appellant in accordance with 53 P.S. § 11005-a averring that the proper consideration of this Appeal requires the presentation of additional evidence shall be filed within twenty (20) days hereof. Appellee shall file any response within ten (10) days from service of Appellant's motion. Appellant's motion and Appellee's response shall include that party's position on whether a hearing to receive additional evidence shall be conducted by this Court or whether the matter shall be remanded to Appellee for further proceedings.

2. Within twenty (20) days from filing of any motion and response to present additional evidence or within forty (40) days from this date should Appellant elect not to file any such motion, Appellant shall file a preliminary statement with this Court setting forth:

a. A concise statement of the issues on appeal and whether they are issues of law, fact or mixed law and fact.

b. A statement as to whether the record below includes findings of fact.

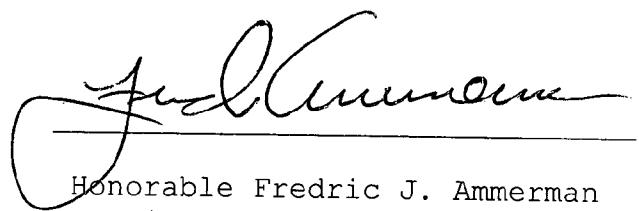
c. If the record below does include findings of facts, a listing of those findings of fact challenged.

d. If the record below does not include findings of facts, the findings which Appellant contends this Court should make from the record below (or from the record to be made, if additional evidence is to be presented).

3. Within twenty (20) days from service of Appellant's preliminary statement, Appellee shall submit to this Court a preliminary statement of its responses to Appellant's preliminary statement.

4. Hearing shall be scheduled by the Court upon the filing of an appropriate motion or petition by either party requesting the same. The motion or petition shall set forth the estimated time required.

By the Court,



Honorable Fredric J. Ammerman
President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

RICHARD L. KOVALICK and LINDA L.
KOVALICK; BRYAN G. AVENI and
MARCELLA J. AVENI; NORMAN
MCDOWELL and KELLY MCDOWELL; and
DONNA J. LIPPERT

Appellants,

vs.

THE BOARD OF SUPERVISORS OF THE
TOWNSHIP OF BRADFORD,
Appellee.

*
*
* No. 2003- 72 -CD
*
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*
* Motion for Presentation of
* Additional Evidence pursuant
* to 53 P.S. §11005-A

LAND USE APPEAL under PENNSYLVANIA
MUNICIPALITIES PLANNING CODE, (MPC)
53 P.S. §11001-A.

Filed on behalf of:

RICHARD L. KOVALICK and LINDA
L. KOVALICK; BRYAN G. AVENI
and MARCELLA J. AVENI; NORMAN
MCDOWELL & KELLY MCDOWELL;
and DONNA J. LIPPERT,

Appellants

Counsel of Record for this party:

TIMOTHY E. DURANT, ESQUIRE
Pa. I. D. No. 21352
201 North Second Street
Clearfield, PA 16830
(814) 765-1711

Opposing Counsel:

KIM C. KESNER, ESQUIRE
Pa. I. D. No. 28307
23 North Second Street
Clearfield, PA 16830
(814) 765-1706

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William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

| | |
|----------------------------------|------------------|
| RICHARD L. KOVALICK and LINDA L. | * |
| KOVALICK; BRYAN G. AVENI and | * |
| MARCELLA J. AVENI; NORMAN | * |
| MCDOWELL and KELLY MCDOWELL; and | No. 2003- 72 -CD |
| DONNA J. LIPPERT | * |
| Appellants, | * |
| vs. | * |
| THE BOARD OF SUPERVISORS OF THE | * |
| TOWNSHIP OF BRADFORD, | * |
| Appellee. | * |

**Appellants' Motion for Presentation of Additional Evidence pursuant to
Title 53 P.S. §11005-A in their:**

**LAND USE APPEAL under PENNSYLVANIA MUNICIPALITIES
PLANNING CODE From Action Pursuant to BRADFORD TOWNSHIP'S
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

Appellants by their counsel, Timothy E. Durant, Esq. do hereby file this Motion averring that proper consideration of this land use appeal requires the presentation of additional evidence for the reasons which follow:

1. There was no record made by the Bradford Township Board of Supervisors in this case.
2. There is no transcript in this case.
3. There was no sworn nor any unsworn testimony taken in this case.
4. There were no findings of fact in this case.
5. It is necessary to determine whether the Township of Bradford Subdivision and Land Development Ordinance; Ordinance Number 96-3" (hereinafter "Bradford Ordinance") is invalid as to the lack of acreage requirement for a Mobile Home Park in §1105A where it states, "*Minimum*

Area of Tract or Park - There are no minimum area requirements for the Park; ..." when in fact the "Clearfield County Subdivision and Land Use Ordinance of 1995; Ordinance Number 95-2" (hereinafter "County Ordinance) states in §1105A of its ordinance that, "***Minimum Area of Tract or Park - The minimum area of the tract or park shall be five (5) acres.***". The pre-emptive nature of the County Ordinance must be confirmed by this Court.

6. It is necessary to determine whether a valid permit for an access road has been obtained from PENNDOT by "Ron Krise Land Development" and whether in fact a confirming access road can be built or has been built where the Development enters State Route 2030 (Pine Top Road).

7. It is necessary to determine whether the Lot Minimum Width requirements [*the distance between the side lot lines measured at the building set-back line*] (as defined in the Definitions article) have been met in the Ronald L. Krise Mobile Home Park Final Plan, as built and consequently whether the Lot Area requirements have been met.

8. It is necessary to determine whether the internal street system complies with Bradford Ordinance §1105 E (and Article XIII and Article X as incorporated therein). It is believed that the street right of way does not comply with §§'s 802.1, 802.5 and by reference Appendix 1 inasmuch as the cartway width is not 20 feet wide and the required 26 foot minimum with curb has not been met and additional requirements such as for "cul-de-sacs" have not been met and are incapable of being met thereby creating inherently unsafe conditions for emergency vehicles or others.

9. It is necessary to determine whether the street width at the access point (S.R. 2030) has been completed in accordance with Bradford Ordinance §1105 F.

10. It is necessary to determine whether the necessary certificates have been included on the final plan, i.e. a seal by a Professional Licensed Surveyor (§703.6A) and certification by a

Professional Engineer (§703.6F) pertaining to storm water management issues.

11. It is necessary to determine how this development is harmonious with the neighborhood as required by §801.5

12. It is necessary to determine whether a §1102 C Storm Water Management Plan was submitted and whether is complies with Article XIV of the Bradford Ordinance.

13. It is necessary to determine whether the Bradford Ordinance is invalid and fatally defective because it makes no provision for parties aggrieved by *approval* of a plan to appeal. Section 1505 **Appeals** states in its entirety as follows, "In any case where the Township Board of Supervisors *disapproves* a plan, any person aggrieved thereby may, within thirty (30) days thereafter, appeal to the Court of Common Pleas of Bradford (sic)Township, Pennsylvania in accordance with Article X-A of the Pennsylvania Municipalities Planing Code." [53 Pa.C.S.A. §10101, et seq.]

14. It is necessary determine whether the MHP can exist on the subject premises taking into consideration the required road rights-of-way, the building set back requirements and the side/front/rear yard requirements.

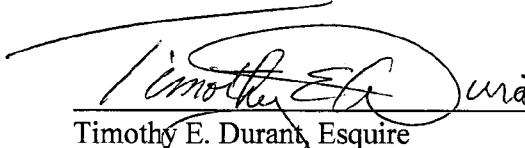
15. It is necessary to present positive testimony from a Professional Engineer (Wilson Fisher) as to the manner in which the Ronald L. Krise Mobile Home Park Final Plan fails to meet the requirements of the relevant Bradford Township and Clearfield County Ordinances and the relevant PENNDOT regulations.

WHEREFORE appellants pray that this Court schedule a hearing by the Court to receive evidence in accordance with §11005-A of Title 53 Article X so this Court may determine whether November 1, 2004 or not the requirements for a Mobile Home Park have been met by the said

Ronald L. Krise Land Development.

Respectfully Submitted

November 1, 2004


Timothy E. Durant, Esquire
Attorney for the Appellants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

RICHARD L. KOVALICK and LINDA L. KOVALICK, BRIAN G. AVENI and MARCELLA J. AVENI, NORMAN MCDOWELL and KIMBERLY MCDOWELL and DONNA J. LIPPERT, Appellants : No. 2003-72-CD
vs.
THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF BRADFORD, Appellee :
: Type of Pleading: Appellee's Written Response to Appellants' Motion for Presentation of Additional Evidence
: Filed on Behalf of: Appellee
: Counsel of Record for this Party:
: Kim C. Kesner, Esquire
: Supreme Ct. I.D. No. 28307
: 23 North Second Street
: Clearfield, PA 16830
: 814-765-1706

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Atty Kesner

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

RICHARD L. KOVALICK and LINDA L. : No. 2003-72-CD
KOVALICK, BRIAN G. AVENI and :
MARCELLA J. AVENI, NORMAN :
MCDOWELL and KIMBERLY :
MCDOWELL and DONNA J. LIPPERT, :
Appellants :
:
vs. :
:
THE BOARD OF SUPERVISORS OF :
THE TOWNSHIP OF BRADFORD, :
Appellee :
:

APPELLEE'S WRITTEN RESPONSE
TO APPELLANTS' MOTION FOR PRESENTATION
OF ADDITIONAL EVIDENCE

AND NOW, comes Appellee Bradford Township by its Solicitor, Kim C. Kesner, Esquire and files this Written Response to Appellants' Motion for Presentation of Additional Evidence in accordance with this Court's Procedural Order of October 12, 2004:

1. Whether to receive additional evidence in a land use appeal is discretionary with this Court under 53 P.S. §11005-a. However, it is specifically denied that there is no record of the approval by Appellee of the Subdivision and Land Development plan in this case. Appellee has filed its record with the Prothonotary.
2. Whether to receive additional evidence in a land use appeal is discretionary with this Court under 53 P.S. §11005-a. It is admitted that there is no transcript of testimony filed as a part of Appellee's record. However, the Pennsylvania Municipalities Planning Code ("MPC") does not require hearings with transcribed testimony to approve a subdivision or land development plan.
3. Whether to receive additional evidence in a land use appeal is discretionary with this Court under 53 P.S. §11005-a.

4. Whether to receive additional evidence in a land use appeal is discretionary with this Court under 53 P.S. §11005-a. However, it is specifically denied that no findings of fact were made by Appellee. Appellee's findings are contained in its letter dated December 31, 2002 to the Applicant for Final Plan Approval, Ronald L. Krise, which letter was filed in this case as a part of Appellee's record. ("Findings")

5. Whether to receive additional evidence in a land use appeal is discretionary with this Court under 53 P.S. §11005-a. However, the allegations contained in Paragraph 5 of Appellants' Motion constitute claims or conclusions of law which do not require a hearing to adjudicate. Appellants claim in this paragraph that the minimum area requirements of the Township Ordinance are pre-empted by the Clearfield County Subdivision and Land Development Ordinance is legally incorrect and without merit.

6. Whether to receive additional evidence in a land use appeal is discretionary with this Court under 53 P.S. §11005-a. By way of further response, in Paragraph 6, Appellants ask this Court to investigate "...whether a valid permit for an access road has been obtained from Penndot..." Appellee's Findings include:

10. A Highway Occupancy Permit has been granted by the Pennsylvania Department of Transportation.

Appellants do not claim that this finding is false; Appellants merely request that this Court investigate whether this finding is true. This is not a legitimate basis for a hearing.

7. Whether to receive additional evidence in a land use appeal is discretionary with this Court under 53 P.S. §11005-a. In Paragraph 7, Appellants claim that "it is necessary to determine whether the Lot Minimum Width requirement (of the approved Land Development Plan) had been met (by the Developer) as built..." This is an issue of enforcement of the approved plan, not a reviewable issue regarding the approval of the Plan. Appellants do not

claim that the Plan as built does violate the requirements nor that Appellants have exhausted their administrative remedies if such a violation exists or has occurred.

8. Whether to receive additional evidence in a land use appeal is discretionary with this Court under 53 P.S. §11005-a.

9. Whether to receive additional evidence in a land use appeal is discretionary with this Court under 53 P.S. §11005-a.

10. Whether to receive additional evidence in a land use appeal is discretionary with this Court under 53 P.S. §11005-a. If the averments contained in Paragraph 10 are construed as a claim that necessary requirements have not been met, determination of the issue can be made without hearing by reviewing the Plan and comparing it to the applicable ordinance.

11. Whether to receive additional evidence in a land use appeal is discretionary with this Court under 53 P.S. §11005-a.

12. Whether to receive additional evidence in a land use appeal is discretionary with this Court under 53 P.S. §11005-a. In Paragraph 12, Appellants do not claim that a Storm Water Management Plan was not submitted or that it does not comply with the applicable ordinance. Appellants merely request that this be investigated. This without more does not justify a hearing.

13. Whether to receive additional evidence in a land use appeal is discretionary with this Court under 53 P.S. §11005-a. The averments contained in Paragraph 13 that the Bradford Township Subdivision and Land Development Ordinance "is invalid and fatally defective" is a contention of law which does not require a hearing to determine. By way of further response, the contention made is without merit. Any failure by the Bradford Township Subdivision and Land Development Ordinance to acknowledge the land use appeal rights under the MPC of any parties in interest affected by approval of a subdivision and land development plan does not, as a matter of law invalidate the Ordinance.

14. Whether to receive additional evidence in a land use appeal is discretionary with this Court under 53 P.S. §11005-a. Again, in Paragraph 14, Appellants request this Court to investigate whether the approved mobile home park is in compliance with the Bradford Township Subdivision and Land Development Ordinance without affirmatively claiming that Appellee misapplied its Ordinance or that the mobile home park as planned or as built violates the Ordinance. This is not a legitimate basis for hearing.

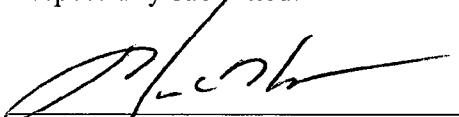
15. Whether to receive additional evidence in a land use appeal is discretionary with this Court under 53 P.S. §11005-a. Paragraph 15 constitutes an offer of a witness without an offer of proof.

New Matter

16. Many of the reasons set forth in Appellants' Motion for conducting a hearing go beyond the issues set forth in Appellants' Notice of Appeal.

17. If in the exercise of discretion the Court schedules hearing, that hearing should be limited to the issues raised in the Notice of Appeal. If this Court permits hearing on additional matters raised in Appellants' Motion, a specific order should be entered limiting the Appellants to those matters which this Court deems cognizable at hearing. As averred above, many of the contentions made are not legitimate bases for hearing.

Respectfully submitted:



Kim C. Kesner, Esquire
Supreme Ct. I.D. No. 28307

23 North Second Street
Clearfield, PA 16830

(814) 765-1706
(814) 765-7006 – facsimile

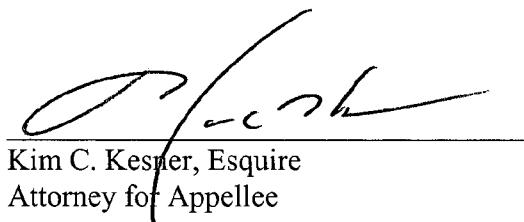
CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of November, 2004, I caused to be served a true and correct copy of Appellee's Written Response to Appellants' Motion for Presentation of Additional Evidence on the following and in the manner indicated below:

BY U.S. FIRST CLASS MAIL,
POSTAGE PREPAID

Timothy E. Durant, Esquire
201 North Second Street
Clearfield, PA 16830
(Attorney for Appellants)

Ronald L. Krise
812 Thompson Road
Woodland, PA 16881



Kim C. Kesner, Esquire
Attorney for Appellee

23 North Second Street
Clearfield, PA 16830

Date: November 9th, 2004

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

RICHARD L. KOVALICK and LINDA L.
KOVALICK; BRYAN G. AVENI and
MARCELLA J. AVENI; NORMAN
MCDOWELL and KELLY MCDOWELL; and
DONNA J. LIPPERT

Appellants,
vs.

THE BOARD OF SUPERVISORS OF THE
TOWNSHIP OF BRADFORD,
Appellee.

*
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* No. 2003- 72 -CD
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*
* PRELIMINARY STATEMENT
* In Support Of
*
* Motion for Presentation of
* Additional Evidence pursuant
* to 53 P.S. §11005-A

LAND USE APPEAL under PENNSYLVANIA
MUNICIPALITIES PLANNING CODE, (MPC)
53 P.S. §11001-A.

Filed on behalf of:

RICHARD L. KOVALICK and LINDA
L. KOVALICK; BRYAN G. AVENI
and MARCELLA J. AVENI; NORMAN
MCDOWELL & KELLY MCDOWELL;
and DONNA J. LIPPERT,
Appellants

Counsel of Record for this party:

TIMOTHY E. DURANT, ESQUIRE
Pa. I. D. No. 21352
201 North Second Street
Clearfield, PA 16830
(814) 765-1711

Opposing Counsel:

KIM C. KESNER, ESQUIRE
Pa. I. D. No. 28307
23 North Second Street
Clearfield, PA 16830
(814) 765-1706

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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

PRELIMINARY STATEMENT In Support Of

**Appellants' Motion for Presentation of Additional Evidence pursuant to
Title 53 P.S. §11005-A in their:**

LAND USE APPEAL under PENNSYLVANIA MUNICIPALITIES
PLANNING CODE From Action Pursuant to BRADFORD TOWNSHIP'S
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Appellants by their counsel, Timothy E. Durant, Esq. do hereby file this Preliminary Statement in support of their Motion:

A. A CONCISE STATEMENT OF THE ISSUES ON APPEAL AND WHETHER THEY ARE ISSUES OF LAW, FACT OR MIXED LAW AND FACT.

Law 1. The Bradford Township Subdivision and Land Development Ordinance (No. 96-3), is invalid in relevant part:

 a. because it is less strict than the Clearfield County Subdivision and

Land Development Ordinance No. 95-2, effective January 1, 1996 (hereinafter "Clearfield Ordinance") which in Section 1101 **Applicability**, states its preemptive quality as specifically regards Mobile Home Parks in mandatory language i.e. "In any municipality which has a locally adopted ordinance which governs Mobile Home Parks with greater restrictions, the ordinance, whose standards are more strict shall apply." The Bradford Township Ordinance in relevant part states at Section 1105A. "**Minimum Area of Tract or Park** - There are no minimum area requirements for the Park; ...". The Clearfield Ordinance states at Section 1105A. "**Minimum Area of Tract or Park** - The minimum area of the Tract or Park shall be five (5) acres." The Clearfield Ordinance is obviously more restrictive. The parcel in question is stated in the application and on the filed Plan to be a mere 0.828 acres in area.

- b. because it makes no provision for parties aggrieved by *approval* of a subdivision plan to appeal. Section 1505 **Appeals** states in its entirety as follows, "In any case where the Township Board of Supervisors *disapproves* a plan, any person aggrieved thereby may, within thirty (30) days thereafter, appeal to the Court of Common Pleas of Bradford (sic) Township, Pennsylvania in accordance with Article X-A of the Pennsylvania Municipalities Planing Code." [53 Pa.C.S.A. §10101, et seq.]

c. because it directs the aggrieved party to file an appeal in a non-existing court. Section 1505 **Appeals** states in its entirety as follows, “In any case where the Township Board of Supervisors *disapproves* a plan, any person aggrieved thereby may, within thirty (30) days thereafter, appeal to the Court of Common Pleas of Bradford (sic) Township, Pennsylvania in accordance with Article X-A of the Pennsylvania Municipalities Planing Code.” [53 Pa.C.S.A. §10101, et seq.]

Fact 2. Did the developer complete the work authorized (in the nature of adding radii to ensure his driveway line of sight to S.R. 0970) as was required before his permit expired on December 4, 2003?

Fact 3. Developer has failed to meet the requirement of B. T. O. §1105 **F Street Widths at Access Points** that his MHP street (Lumadue Lane) shall be 35 feet in width within 20 feet of the existing public street. Plan as filed shows Lumadue Lane scales to 18 feet in width at the point where it enters the public street.

Fact 4. Developer has failed to meet the requirement of the building setback lines as defined in §805.7 (B.T.O. 2000-1, adopted May 2, 2000) in that the minimum building setback line for a residential lot is 41.5 feet from the center line of the private roadway and 35 feet from the rear lot line.

Fact 5. Developer has failed to meet the requirement of B.T.O. §1105 **E Internal Street System** (incorporating Article XIII and Article X) in that the street

right of way through the MHP does not comply with §§'s 802.1, 802.5, 802.6 and by reference Appendix 1, Appendix 3 and PennDOT Publication 70 inasmuch as the cartway width is 12 feet rather than the requisite 20 feet (without curb). Nor has the required 26 foot minimum width (with curb) been met. This private road is a dead end street also known as a cul-de-sac and as such it is required to have a turnaround at the closed end with radius to the outer cartway edge or curb line of a minimum of fifty (50) feet. This radius requirement is incapable of being met as the dimension of the property limits the radius to no more than thirty-two 32 feet. Thus an inherently unsafe condition is created for fire and rescue vehicles or large delivery and fuel trucks.

Fact 6. Developer has failed to obtain a Certification with seal by a Professional Licensed Surveyor on his Plan as filed. Such a seal is required by §703.6A of the B.T.O.

Fact 7. Developer has failed to prepare and submit his Storm Water Management Plan to the Board and the Board failed to obtain a review and comment from the Clearfield County Conservation District prior to Plan approval.

Fact 8. The Storm Water Management Plan must be reviewed to determine whether it complies with the Article XIV **Storm Water Management** of the B.T.O.

B. THE RECORD BELOW DOES INCLUDE FINDINGS OF FACT.

The findings of fact as well as conclusions of law are set out by the Bradford Township Board of Supervisors in their two page Letter dated December 31, 2002 which letter is contained in

the Certification of Record filed on October 1, 2004.

C. THE FINDINGS OF FACT FROM THE RECORD BELOW WHICH ARE CHALLENGED BY APPELLANTS IN THIS APPEAL ARE:

1. Finding number 6 is challenged. From our review of the "As Built Land Development Plan" for Ron Krise which was filed with the Clearfield Recorder's office on December 20, 2002 as Instrument No. 2002-20407 and upon information and belief the access road is 12 feet wide not 10 feet wide. The sketch on the Highway Occupancy permit application shows the driveway to be 13 feet wide.

2. Finding number 10 is challenged. From our review of the Highway Occupancy Permit dated December 4, 2002 attached to the Certification of Record it appears to be a temporary or conditional permit with the requirement that the work authorized (in the nature of adding radii to ensure driveway line of sight) was required to be completed on or before December 4, 2003. Nowhere in the certified record or on the permit does it reflect that the permitted work was completed within the deadline.

D. THE FINDINGS WHICH APPELLANTS CONTEND SHOULD BE MADE FROM THE RECORD BELOW AND FROM THE ADDITIONAL EVIDENCE WHICH IS TO BE PRESENTED TO THIS COURT ARE:

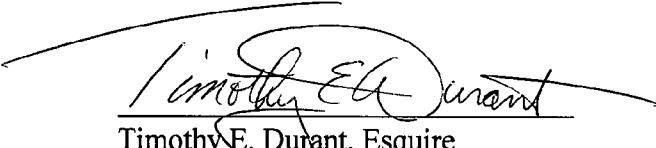
1. The Mobile Home Park Plan approved by the Board in this case does not meet the requirements of The Bradford Township Subdivision and Land Development Ordinance (No. 96-3).
2. The Mobile Home Park Plan approved by the Board in this case cannot meet the

requirements of The Bradford Township Subdivision and Land Development Ordinance (No. 96-3).

3. This development is not harmonious with the neighborhood as would be required by B.T.O. §801.5 to be found prior to approval of the subdivision.

Respectfully Submitted

November 29, 2004



Timothy E. Durant
Attorney for the Appellants

TIMOTHY E. DURANT

Attorney at Law

201 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
TELEPHONE (814) 765-1711
FAX (814) 765-9596

November 29, 2004

The Honorable Fredric J. Ammerman PJ
Clearfield. County Ct of Common Pleas
230 East Market Street
Clearfield, PA 16830

FILED *Filed per
E64 M/2:13/01 Judge
DEC 15 2004 Ammerman's
instructions*

William A. Shaw
Prothonotary/Clerk of Courts

Re: Richard L. Kovalick, et. al. vs. The Board of
Supervisors of The Township of Bradford,
No. 2003-72-CD

Dear Judge Ammerman:

Enclosed is a certified copy of the Appellants' Preliminary Statement as filed today in the above case.

After I filed and served the document I noticed that I had not included in my Section "D" (pages 5&6) a request that the Court make findings as to the validity of the Bradford Township Ordinance but in my Section "A. 1. a.-c." (pages 1-3) I did make this one of my issues to be determined. Obviously, I believe this is an important issue to my clients.

If the Court will permit, I would like this letter to serve as a correction to my Preliminary Statement and as such to add a fourth sentence to read:

"4. The Bradford Township Subdivision and Land Development Ordinance (No. 96-3) is invalid where it is less strict than the Clearfield County Subdivision and Land Development Ordinance No. 95-2 and specifically to the extent that it contains an acreage requirement in any amount less than 5 acres. We ask this court to mold the said Bradford Township ordinance (nunc pro tunc) to be in compliance with said the Clearfield County ordinance as regards this issue."

Thank you for your consideration of this matter. If other action on my part is required to accomplish this correction I would appreciate being advised of it.

Sincerely yours,


Timothy E. Durant

TED/plc
Enc: 1
pc: Kim Kesner, Esq. by fax only 765-7006

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

RICHARD L. KOVALICK and LINDA L. KOVALICK, BRIAN G. AVENI and MARCELLA J. AVENI, NORMAN McDOWELL and KIMBERLY McDowell and DONNA J. LIPPERT, Appellants

vs.

THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF BRADFORD, Appellee

: No. 2003-72-CD

:
: Type of Pleading: Bradford Township's Response to Appellants' Preliminary Statement

: Filed on Behalf of: Appellee

: Counsel of Record for this Party:

: Kim C. Kesner, Esquire
: Supreme Ct. I.D. No. 28307

: 23 North Second Street
: Clearfield, PA 16830

: 814-765-1706

FILED

DEC 16 2004 8:04
072:20 [initials]
William A. Shaw
Prothonotary/Clerk of Courts

5 cent to ATM

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

RICHARD L. KOVALICK and LINDA L. : No. 2003-72-CD
KOVALICK, BRIAN G. AVENI and :
MARCELLA J. AVENI, NORMAN :
MCDOWELL and KIMBERLY :
MCDOWELL and DONNA J. LIPPERT, :
Appellants :
:
vs. :
:
THE BOARD OF SUPERVISORS OF :
THE TOWNSHIP OF BRADFORD, :
Appellee :
:

BRADFORD TOWNSHIP'S RESPONSE
TO APPELLANTS' PRELIMINARY STATEMENT

TO: THE HONORABLE FREDRIC J. AMMERMAN, PRESIDENT JUDGE

In accordance with this Court's Procedural Order of October 12, 2004, Bradford Township files this written response to Appellant's Preliminary Statement.

A(1)(a) There is no legal basis for Appellants contention that the Bradford Township Subdivision and Land Development Ordinance (SALDO) is "invalid in...part...because it is less strict than the Clearfield County Subdivision and Land Development Ordinance..." Under §502 of the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. §10502, the Clearfield County Subdivision and Land Development Ordinance only applies in townships which do not have a subdivision ordinance. Where a Township has enacted a subdivision ordinance, "...it, and only it, (has) jurisdiction over the land located within its boundaries..." Atlantic Richfield Company vs. Della Vecchia, 450 A.2d 792 (Pa. Cmwlth. 1982).

A(1)(b) Appellants contention that §1505 of the Bradford Township SALDO only refers to a right to appeal in the case of disapproval of a subdivision plan is immaterial and

provides no basis for the relief requested. Notwithstanding any provisions in a subdivision ordinance otherwise, the MPC provides a right to appeal to parties aggrieved by approval of a subdivision plan. In fact, Appellants availed themselves of this right in filing this appeal.

A(1)(c) Appellants contention that §1505 of the Bradford Township SALDO refers to "the Court of Common Pleas of Bradford (sic) Township, Pennsylvania" is immaterial and provides no basis for the relief requested. Notwithstanding any provisions in any subdivision ordinance otherwise, the rights and procedures for appeal are stated in the MPC which is recited in §1505. Also, the Court of Common Pleas of Clearfield County where Appellants filed this appeal, is the Court for Bradford Township.

A(2) Appellants are asking this Court to investigate whether the developer completed work required by his Penndot highway occupancy permit before the permit expired on December 4, 2003. This Court has no plenary power to investigate; no allegation of error is made by Appellants in this paragraph. Furthermore, the adequacy of the developer's compliance with Penndot's highway occupancy permit requirements is not a proper issue in this appeal. Finally, Bradford Township believes and therefore avers that all work required by Penndot to be completed by December 4, 2003 was done to Penndot's satisfaction.

A(3) The driveway into this developer's mobile home park accesses a Penndot right-of-way. Bradford Township was within its discretion to defer to Penndot's requirements which Bradford Township believes and therefore avers were satisfied. Furthermore, there would have been no material purpose to be served by strict enforcement of B.T.O. §1105(f) in this case.

A(4) B.T.O. §805.7 clearly reserves to Bradford Township discretion in determining "lot size, width, depth, shape, orientation and the minimum building setback lines..." for a mobile home park in determining whether they are "...appropriate for the location

of the subdivision or land development and for the type of development and use contemplated.” Greater building setback lines as contended by Appellants would serve no material purpose.

A(5) The sections of the B.T.O. cited by Appellants do not support Appellants’ contention that the driveway into the mobile home park was required to be a width of twenty (20’) feet (without curb) or twenty-six (26’) feet (with curb) or the requirements for cul-de-sacs cited. By way of further answer, the B.T.O. differentiates a “driveway” from a “street”. See §202. The particulars of the approved plan regarding the driveway are appropriate under the circumstances.

A(6) The approved and recorded plan contains the required certification with seal of professional licensed surveyor Joel Albert.

A(7) The developer properly prepared and submitted a stormwater management plan which was reviewed and approved by the Township Engineer and Board of Supervisors. There is no requirement that a stormwater management plan be submitted to and reviewed by the Clearfield County Conservation District.

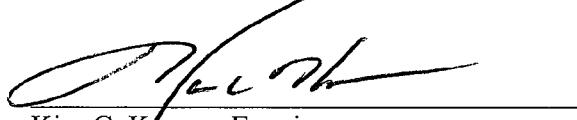
A(8) No allegation of error is made by Appellants in this paragraph. This Court has no plenary power to investigate; Appellants make no contention of error in this Paragraph.

C(1) The contention that the Board of Supervisors’ findings regarding the width of the access road is in error by two feet provides no basis for reversal of the Township’s action. If this finding is error, it is harmless error.

C(2) This Court has no jurisdiction in this appeal to determine whether the developer complied with Penndot’s highway occupancy permit. Assuming arguendo that the Court has such jurisdiction, it does not have any plenary power to investigate; no allegation is made in this Paragraph by Appellants that the permitted work was not completed within the deadline.

Summary. This Court's scope of review is limited to determining whether the Board of Supervisors of Bradford Township in enforcing its Subdivision and Land Development Ordinance made an error of law or abused its discretion (cite). Appellants' Preliminary Statement discloses no genuine issue of law or cognizable allegation of abuse of discretion. On its face, Appellants' statement sets forth no material issue of law or fact which if proven could provide a basis for the relief requested (reversal and rejection of the developer's subdivision and land development plan).

Respectfully submitted:



Kim C. Kesner, Esquire
Supreme Ct. I.D. No. 28307

23 North Second Street
Clearfield, PA 16830

(814) 765-1706
(814) 765-7006 – facsimile

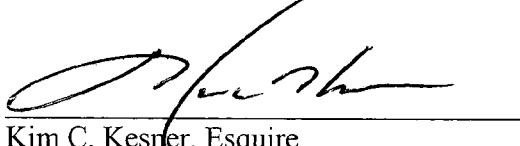
CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of December, 2004, I caused to be served a true and correct copy of Bradford Township's Response to Appellants' Preliminary Statement on the following and in the manner indicated below:

BY U.S. FIRST CLASS MAIL,
POSTAGE PREPAID

Timothy E. Durant, Esquire
201 North Second Street
Clearfield, PA 16830
(Attorney for Appellants)

Ronald L. Krise
812 Thompson Road
Woodland, PA 16881



Kim C. Kesner, Esquire
Attorney for Appellee

23 North Second Street
Clearfield, PA 16830

Date: December 16th, 2004

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

RICHARD L. KOVALICK and LINDA L.
KOVALICK; BRYAN G. AVENI and
MARCELLA J. AVENI; NORMAN
MCDOWELL and KELLY MCDOWELL; and
DONNA J. LIPPERT

Appellants,

vs.

THE BOARD OF SUPERVISORS OF THE
TOWNSHIP OF BRADFORD,

Appellee.

*

*

*

No. 2003- 72 -CD

*

*

*

MOTION FOR HEARING

*

*

*

For Presentation of Additional

*

Evidence pursuant to

*

53 P.S. §11005-A

LAND USE APPEAL under PENNSYLVANIA
MUNICIPALITIES PLANNING CODE, (MPC)
53 P.S. §11001-A.

Filed on behalf of:

RICHARD L. KOVALICK and LINDA
L. KOVALICK; BRYAN G. AVENI
and MARCELLA J. AVENI; NORMAN
MCDOWELL & KELLY MCDOWELL;
and DONNA J. LIPPERT,

Appellants

Counsel of Record for this party:

TIMOTHY E. DURANT, ESQUIRE
Pa. I. D. No. 21352
201 North Second Street
Clearfield, PA 16830
(814) 765-1711

Opposing Counsel:

KIM C. KESNER, ESQUIRE
Pa. I. D. No. 28307
23 North Second Street
Clearfield, PA 16830
(814) 765-1706

FILED 4CC
0134001 Atty Durant
AUG 03 2005

William A. Shaw
Notary/Clerk of Courts

Filed by
Timothy E. Durant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

RICHARD L. KOVALICK and LINDA L.
KOVALICK; BRYAN G. AVENI and
MARCELLA J. AVENI; NORMAN
MCDOWELL and KELLY MCDOWELL; and
DONNA J. LIPPERT

Appellants,

vs.

THE BOARD OF SUPERVISORS OF THE
TOWNSHIP OF BRADFORD,

Appellee.

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No. 2003- 72 -CD

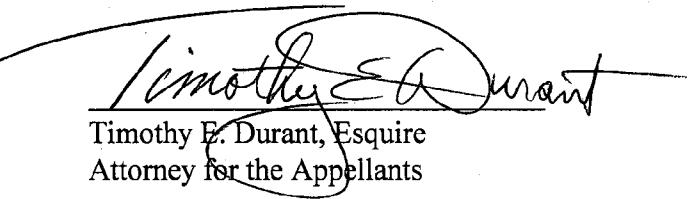
MOTION FOR HEARING

Appellants by their counsel, Timothy E. Durant, Esq. do hereby Move to have this court
schedule a hearing for presentation of additional evidence in regard to the above captioned appeal.

Appellants estimate the time required for the appeal hearing to be one full day.

Respectfully Submitted

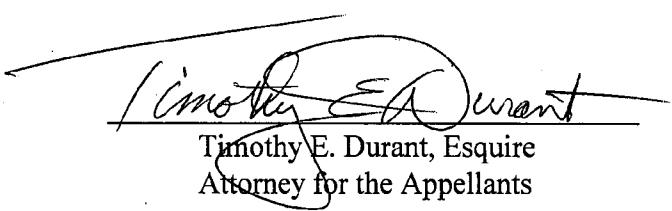
August 3, 2005


Timothy E. Durant, Esquire
Attorney for the Appellants

AFFIDAVIT OF SERVICE

I hereby verify that I have this date placed a certified copy of the above captioned Motion For Hearing in the U.S. Mail, prepaid, to counsel for Bradford Township, KIM C. KESNER, ESQUIRE addressed to him at his office at 23 North Second Street, Clearfield, PA 16830.

August 3, 2005


Timothy E. Durant
Attorney for the Appellants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

RICHARD L. KOVALICK and LINDA :
L. KOVALICK; BRYAN G. AVENI :
and MARCELLA J. AVENI; :
NORMAN McDOWELL and KELLY :
McDOWELL; and DONNA J. :
LIPPERT :
:
vs. : No. 03-72-CD
:
THE BOARD OF SUPERVISORS OF :
THE TOWNSHIP OF BRADFORD :
:

O R D E R

AND NOW, this 16th day of August, 2005, upon consideration of Plaintiffs' Motion for Hearing filed in the above matter, it is the Order of the Court that hearing has been scheduled for the 5th day of October, 2005, at 9:00 A.M, in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA. One (1) day has been allotted for this matter.

FILED

01/11/02/01
AUG 17 2005

William A. Shaw
Prothonotary/Clerk of Courts

2cc
Attn: Durant
w/memo
Re: service
m

BY THE COURT:


FREDERICK J. AMMERMAN
President Judge



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
SUITE 228, 230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

MEMO: To all parties filing Petitions/Motions in Clearfield County:

Please make note of the following:

Rule 206(f) The party who has obtained the issuance of a Rule to Show Cause shall forthwith serve a true and correct copy of both the Court Order entering the Rule and specifying a return date, and the underlying Petition or Motion, upon every other party to the proceeding in the manner prescribed by the Pennsylvania Rules of Civil Procedure (see PA. R.C.P. 440) and upon the Court Administrator.

Rule 206(g) The party who has obtained the issuance of a Rule to Show Cause shall file with the Prothonotary, within seven (7) days of the issuance of the Rule, an Affidavit of Service indicating the time, place and manner of service. Failure to comply with this provision may constitute sufficient basis for the Court to deny the prayer of the Petition or Motion.

***** Please note: This also includes service of scheduling orders obtained as the result of the filing of any pleading.**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

AFFIDAVIT OF SERVICE

I hereby verify that I have this date placed a certified copy of the Order For Hearing, dated August 16, 2005 in this matter, in the U.S. Mail, prepaid, to counsel for Bradford Township, KIM C. KESNER, ESQUIRE addressed to him at his office at 23 North Second Street, Clearfield, PA 16830.

August 19, 2005

Timothy E. Durant, Esquire
Attorney for the Appellants

FILED 4CC
01250801 Atty Durant
AUG 19 2005 LM
William A. Shaw
Notary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

RICHARD L. KOVALICK and LINDA L. *
KOVALICK; BRYAN G. AVENI and *
MARCELLA J. AVENI; NORMAN *
MCDOWELL and KELLY MCDOWELL; and *
DONNA J. LIPPERT *
*
Appellants, *
* 72
* v. * No. 2003-~~72~~-CD
*
*
THE BOARD OF SUPERVISORS OF THE *
TOWNSHIP OF BRADFORD *
*
Appellee. *

ORDER

NOW, this _____ day of _____, 2005, upon
consideration of the Motion for Continuance filed by James A.
Naddeo, Esquire, it is hereby ORDERED and DIRECTED that the
hearing in the above-captioned case scheduled for October 5,
2005 be and is hereby continued.

It is the further ORDER of this Court that a new
hearing date be set for the _____ day of _____, 2005 at
_____ .m. in Court Room No. _____ of the Clearfield County Court
House, Clearfield, Pennsylvania.

BY THE COURT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

RICHARD L. KOVALICK and LINDA L. *
KOVALICK; BRYAN G. AVENI and *
MARCELLA J. AVENI; NORMAN *
MCDOWELL and KELLY MCDOWELL; and *
DONNA J. LIPPERT *

Appellants,

v.

* No. 2003-~~X~~⁷²-CD

THE BOARD OF SUPERVISORS OF THE *
TOWNSHIP OF BRADFORD *

Appellee.

* * Type of Pleading:

* * **MOTION FOR CONTINUANCE**

* * Filed on behalf of:
* Ronald Krise

* * Counsel of Record for
* this party:

* * James A. Naddeo, Esquire
* 207 East Market Street
* PO Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED *ice*
01/11/2005 *Atty Naddeo*
SEP 30 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

RICHARD L. KOVALICK and LINDA L. *
KOVALICK; BRYAN G. AVENI and *
MARCELLA J. AVENI; NORMAN *
MCDOWELL and KELLY MCDOWELL; and *
DONNA J. LIPPERT *
Appellants, *
* 72
v. * No. 2003-~~73~~-CD
*
THE BOARD OF SUPERVISORS OF THE *
TOWNSHIP OF BRADFORD *
Appellee. *

MOTION FOR CONTINUANCE

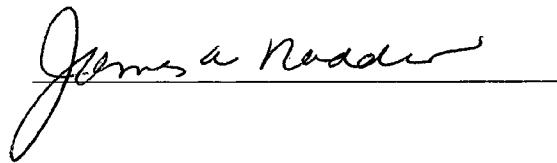
NOW COMES James A. Naddeo, Esquire, attorney for
Ronald Krise, and sets forth the following:

1. That a hearing upon the Appellants Land Use Appeal
filed in the above-captioned case has been scheduled for October
5, 2005.
2. That Ronald Krise is an owner of property located
in Bradford Township which will be effected by the outcome of
the appeal.
3. That Ronald Krise contacted your Petitioner and
requested that your Petitioner represent him at the hearing
scheduled for October 5, 2005.
4. That your Petitioner has a scheduling conflict and
cannot attend the hearing scheduled for October 5, 2005.

5. That your Petitioner has contacted Kim C. Kesner, Esquire, who represents the Appellee, Board of Supervisors of Bradford Township, who has no objection to a continuance.

6. That your Petitioner has contacted Timothy E. Durant, Esquire, who represents the Appellants, who is opposed to a continuance on behalf of his clients because of the fact that they have arranged for certain witnesses to appear on their behalf on October 5, 2005.

WHEREFORE, your Petitioner respectfully requests that the hearing scheduled for October 5, 2005 be continued to a later date and time.



A handwritten signature in black ink, appearing to read "James A. Nadeau", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'J' at the beginning.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

RICHARD L. KOVALICK and LINDA L. *
KOVALICK; BRYAN G. AVENI and *
MARCELLA J. AVENI; NORMAN *
MCDOWELL and KELLY MCDOWELL; and *
DONNA J. LIPPERT *
Appellants, *
* 72
v. * No. 2003-~~72~~-CD
*
THE BOARD OF SUPERVISORS OF THE *
TOWNSHIP OF BRADFORD *
Appellee. *

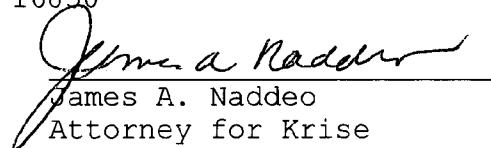
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of the Motion for Continuance was served on the following and in the following manner on the 30th day of September, 2005:

First-Class Mail, Postage Prepaid

Kim C. Kesner, Esquire
23 North Second Street
Clearfield, PA 16830

Timothy E. Durant, Esquire
201 North Second Street
Clearfield, PA 16830



James A. Naddeo
Attorney for Krise

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

RICHARD L. KOVALICK and LINDA L. :
KOVALICK; BRYAN G. AVENI and :
MARCELLA J. AVENI; NORMAN :
MCDOWELL and KELLY MCDOWELL; and:
DONNA J. LIPPERT :
VS. : NO. 03-72-CD
THE BOARD OF SUPERVISORS OF :
THE TOWNSHIP OF BRADFORD :

FILED *2cc*
10/21/05 Atty:
OCT 06 2005 Durant
William A. Shaw *Kesner*
Prothonotary/Clerk of Courts *CM*

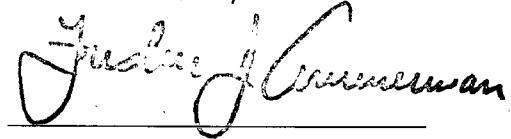
O R D E R

NOW, this 5th day of October, 2005, following the taking of testimony relative the land use appeal; the Court notes that the Court must rule on the Appellee's objections to the presentation of additional evidence and that the Court has previously taken said objection under advisement, it is the ORDER of this Court that counsel for the Appellee, Bradford Township, shall have no more than fifteen (15) days from this date in which to submit a letter brief to the Court on the objection as noted. Counsel for the Appellants shall have no more than fifteen (15) days thereafter to respond in kind.

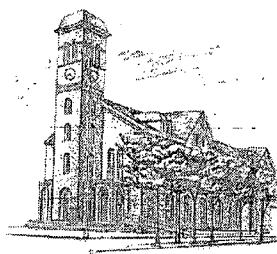
The Court further notes, upon ruling by the Court on the issue involving presentation of additional evidence, that the Court will thereafter issue a further Order for a second

brief on the substantive issues in conformity with the Court's decision as set forth above.

BY THE COURT,

A handwritten signature in black ink, appearing to read "Judge J. C. Newman". The signature is fluid and cursive, with "Judge" on the left and "J. C. Newman" on the right.

President Judge



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

RICHARD L. KOVALICK and *
LINDA L. KOVALICK; BRYAN G. AVENI *
and MARCELLA J. AVENI; NORMAN *
MCDOWELL and KELLY MCDOWELL; and *
DONNA J. LIPPERT, *

vs. *

NO. 03-72-CD

THE BOARD OF SUPERVISORS OF THE *
TOWNSHIP OF BRADFORD *

ORDER

NOW, this 8th day of December, 2005, upon review of the record and relevant provisions of the Pennsylvania Municipal Planning Code, this Court finds that the Appellants have not demonstrated that the record submitted by the Bradford Township Supervisors is incomplete; therefore, it is the ORDER of this Court that the Appellants' Motion for Presentation of Additional Evidence is DENIED. The Court hereby GRANTS the Appellee's objection to the additional testimony offered at time of the hearing on October 5, 2005.

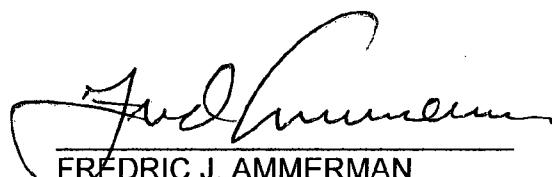
Counsel for both parties shall have no more than 20 days from this date to provide the Court with briefs on the substantive issues involved.

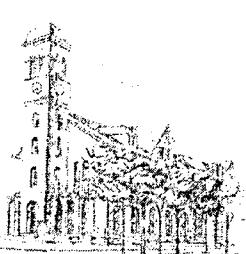
BY THE COURT,

FILED ^{rec}
010:2331
DEC 09 2005

Attns:
Durant
Kesner

William A. Shaw
Prothonotary/Clerk of Courts *CR*


FREDRIC J. AMMERMAN
President Judge



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,



William A. Shaw
Prothonotary

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

RICHARD L. KOVALICK and LINDA L. *
KOVALICK; BRYAN G. AVENI and *
MARCELLA J. AVENI; NORMAN * No. 2003- 72 -CD
MCDOWELL and KELLY MCDOWELL; and *
DONNA J. LIPPERT *
Appellants, *
vs. *
THE BOARD OF SUPERVISORS OF THE *
TOWNSHIP OF BRADFORD, *
Appellee. *

AFFIDAVIT OF SERVICE

I hereby verify that I have this date placed a certified copy of the Appellants' Brief on Substantive Issues in support of their Land Use Appeal under Pennsylvania Municipalities Planning Code, (MPC); pursuant to 53 P.S. §11001-A, et. seq. in this matter, in the U.S. Mail, prepaid, to counsel for Bradford Township, KIM C. KESNER, ESQUIRE addressed to him at his office at 23 North Second Street, Clearfield, PA 16830.

The original having been hand delivered to the Court on this same date.

December 28, 2005


Timothy E. Durant, Esquire
Attorney for the Appellants

FILED

O 12:02 p.m. 6K

DEC 29 2005 No cc

WP

William A. Shaw
Prothonotary

FILED

DEC 29 2005

William A. Shaw
Prothonotary

W.A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

RICHARD L. KOVALICK and
LINDA L. KOVALICK, BRIAN
G. AVENI and MARCELLA J.
AVENI, NORMAN McDOWELL and
KIMBERLY McDOWELL and
DONNA J. LIPPERT

-VS-

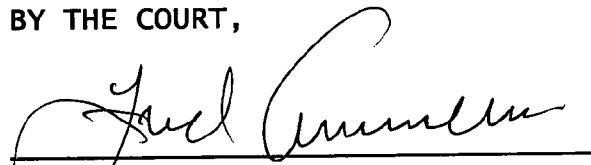
No. 03-72-CD

THE BOARD OF SUPERVISORS
OF THE TOWNSHIP OF BRADFORD

O R D E R

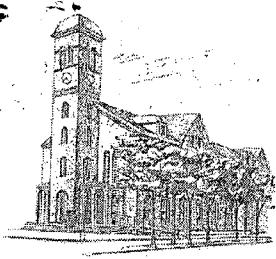
NOW, this 11th day of January, 2006, following
the Court's review of the record in the above captioned
matter, it is the ORDER of this Court that the Appellants'
Land Use Appeal be and is hereby dismissed. The decision
by the Appellee, Board of Supervisors of Bradford Township,
is hereby affirmed.

BY THE COURT,



President Judge

FILED 7CC
01/12/2006 Atty Durant
JAN 13 2006 2CC Atty Kesner
William A. Shaw
Prothonotary/Clerk of Courts
GP



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 11/13/04

 You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

X Plaintiff(s)/Attorney(s)

X Defendant(s)/Attorney(s)

 Other

 Special Instructions: