

Liberty Township, Adams County
39 Topper Road, Fairfield, PA 17320
Planning Commission Monthly Meeting

September 18, 2018

The Planning Commission of Liberty Township, Adams County, met on Tuesday, Sept. 18, 2018, at 7:30 p.m. in the Liberty Township Municipal Building, 39 Topper Road, Fairfield, for the regular monthly meeting.

Present: Nancy Wenschhof, Chair; Barb Ruppert, Secretary; Judie Hogan; Dominic Picarelli, Township Engineer; Alternate Rich Luquette

Also attending: Board of Supervisors members John Bostek, Robert Jackson and Walter Barlow and Township Zoning Officer Jamie Harbaugh

Not Present: Geoff Grant, Vince Gee

Nancy Wenschhof called the meeting to order at 7:30 p.m.

Public Comment:

None

Adams County Presentation on Economic Development:

Robin Fitzpatrick with the Adams County Office of Economic Development and Harlin Lawson, a planner and economic development specialist hired by Adams County, gave a presentation as part of county outreach efforts. The presentation included printed slides with key points and maps; members of the Planning Commission and Board of Supervisors were given copies of these.

Mr. Lawson explained that the update of the county's economic development plan is part of the county's comprehensive plan but is so important that they decided to make it a separate plan. He and Ms. Fitzpatrick are giving the same presentation and asking the same questions of each township in the county in order to gather input to help them revise the economic development plan to reflect each township's needs and goals.

Mr. Lawson presented Liberty Township statistics:

- Highest median income in county, but not the highest median wage
- Median income includes people who work outside the county
- Median wage is just employees who work in Adams County
- Population has decreased except for a bump in 2015
- Most people in the township work outside the township; this doesn't include ag employment because those stats are hard to gather
- Township workers live everywhere from Smithsburg to Emmitsburg to Carroll Valley
- Township residents work primarily in Gettysburg, Liberty Mountain Resort, Emmitsburg, Mount St. Mary's University and Frederick
- Largest industry employing residents: education/healthcare (due to Mount), then arts/rec (due to Liberty Mountain), manufacturing, construction, professional/scientific/management; education/healthcare and retail trade are largest segments in county
- Out of 1,326 residents the labor force/employed is 543, smaller than often seen; indicates many retired residents.

A member of the public asked if Mr. Lawson knew the exact number of retirees in the township. He said he didn't have that but it is broken down and considered in the county plan. He added that healthcare is the fastest increasing industry in the county, state and nation, due to an aging population. He will send the township the slide on the county age bands.

Mr. Lawson presented county tools we might want to use:

PCA Tool

This sets aside zoning for a moment and maps out where infrastructure is to see where it makes sense to encourage development; they started with prime ag preservation areas because there are so many good ones to protect. To map out, they looked at roads, intersections, sewer service, water service, soil type, soil suitability for commercial buildings. Then mapped out proximity to emergency services, schools, grocery stores, parks, etc., which workers would want to have if they were going to come to the area. This tool can show what areas are suited for what kind of development because you can change the weight of the factors.

Liberty Township doesn't have much infrastructure or many facilities to support econ. development. But we do have preservation where there should be preservation and development where there should be development. We could have development—for instance, Cumberland Township determined a high-growth area for Barlow-Greenmount area near Cunningham Road (old Boyds Bears). PCI could work with the county office to help a township get funds for infrastructure in a case like this.

Township Supervisor John Bostek noted that the township is slated for major residential development and sewer/water. Ms. Fitzpatrick noted in that case, it's better to have the developer share costs. If you want to attract development, you get county funds.

Tax Map

Colors show revenue generated per parcel; the map correlates highly to land use—certain uses generate more revenue. The ag land is shown red, with low taxes billed per acre, and that's most of the county. Yellows/greens are residential areas and generate more revenue. Dark green/blue generate the most revenue; these are in the boroughs where there's a concentration of commercial development. These are highest revenue/acre in county to generate money for schools, etc.

Tax-exempt parts are Michaux Forest, Site R, Battlefield, Gettysburg College, etc.

Adams Economic Alliance Business Tool

This helps specific businesses find the best area for their location. It helps you put yourself in the mind of a business owner; found at adamsalliance.org

Mr. Lawson concluded by asking specific questions of the township. He said that most townships haven't had answers right away but have sent him their thoughts later. The questions are:

- Types of development you're looking for?
- Types of industries you want to support?
- Does current zoning and infrastructure support this vision?
- Are there certain sites you'd like to develop or redevelop?
- Are you willing to consider incentives such as tax incentives, and would you like more info on this?

Ms. Fitzpatrick gave her contact info to Planning Commission Chair Nancy Wenschhof and said that Township Engineer Dominic Picarelli is on one of her boards and she is honored to have him. She noted that the county is trying to gather info and introduce people such as Gateway to funding sources.

Minutes: The Aug. 21 meeting minutes were reviewed. Judie Hogan moved for approval of the meeting minutes, and Nancy Wenschhof seconded the motion. All voted yes, and the motion passed.

New Business:

The Board of Supervisors requested that the Planning Commission review four proposed zoning ordinance amendments prepared by the township solicitor and prepare recommendations in writing within 45 days of the Sept. 14 request.

Proposed Zoning Ordinance Amendment, Section 303.4 (a) of Article III to be amended

This proposal applies to front yard setbacks for accessory structures.

Rich Luquette asked why this proposed amendment occurred. Mr. Harbaugh said it was because people with a house set way back couldn't put a garage in the front yard because the whole property is the front yard.

Walter Barlow asked why there was a different front setback here than in the proposed amendment adding Section 201.5 (d) to Article II. Barb Ruppert said that 201.5 applies to principal structures, and 303.4 applies to accessory structures. The 303.4 amendment applies to the question about accessory structures in the front yard that the PC has also been working on. The PC has been working on proposed amendments to submit to the Board of Supervisors that set standards for residential garages and small accessory structures in the front yard.

Dominic Picarelli noted that in the PC's July Minutes, the PC discussed and recommended not approving the 303.4 amendment because the PC is working on alternative amendments.

Judie Hogan made a motion that the Planning Commission not recommend approval of the proposed zoning ordinance amendment to Section 303.4 (a) of Article III because the Planning Commission is working on alternatives. Nancy Wenschhof seconded the motion. All were in favor, and the motion passed.

Proposed Zoning Ordinance Amendment, Section 600.3 (b) shall be added to Article VI

This proposal applies to land use permits.

The Planning Commission saw no problem with adding the proposed amendment. However, Rich Luquette noted that the way the current standard is organized implies that the section on land use permits only applies to variances because that whole section is a subsection under cases granted a variance. He also noted that the standard includes both building and land use permits. Therefore, he recommends the standard's title be changed from "Land Use Permits" to "Permits" and that the items within this standard be put in in order of hierarchy. He presented his proposed rearranged wording.

Judie Hogan asked whether the standard meant that land use permits for a structure such as a roof are not needed unless there is a variance, and why did she need a land use permit to repair her roof that was damaged.

Dominic Picarelli asked Jamie Harbaugh whether the township solicitor, in adding 600.3(b), is stating that *everyone* needs a land use permit, or just those who need a variance? Mr. Harbaugh said that the solicitor means everyone. Mr. Picarelli asked what Mr. Harbaugh thought of Mr. Luquette's proposed wording to make that interpretation clearer. Mr. Harbaugh said the proposed wording is fine with him as long as it includes the solicitor's new deadline wording, which it does. Mr. Picarelli and Mr. Harbaugh agreed that Mr. Luquette's proposed text makes sense and cleans up any misinterpretation.

Nancy Wenschhof made a motion to recommend approval of the proposed zoning ordinance amendment that adds new section 600.3(b) to Article VI, with the changes stated in Mr. Luquette's "Recommended Text" below. Judie Hogan seconded the motion. All were in favor, and the motion passed.

Recommended Text for Section 600.3 Land Use Permits in Article VI:

600.3. Permits.

- a. Building permits. A building permit shall be required in accordance with the Pennsylvania Construction Code Act in accordance with the rules and regulations of Liberty Township.
- b. Land Use Permits. A Land Use Permit shall be a statement issued by the Zoning Officer setting forth either that a building, structure, parcel or use of land complies with the provisions of this Ordinance.
 1. No vacant land shall be used, and no structure or part of a structure hereafter erected, substantially

- altered or changed in use shall be used until a Land Use Permit shall have been issued by the Zoning Officer.
2. In the case of the erection or alteration of uses granted for special exception use, conditional use, or variance, a Land Use Permit shall be obtained within twelve (12) months following the date of the decision or eighteen (18) months if the activities require approval of a subdivision or land development plan.
 3. A Land Use Permit for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, either for a whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the applications for a Land Use Permit, and shall be issued or denied within fifteen (15) days after a final inspection by the Zoning Officer.
 4. A Land Use Permit for changing or extending a nonconforming use, existing at the effective date of this Ordinance or of an amendment thereto, shall be applied for and issued before any such nonconforming use shall be changed or extended. Such Permit shall be issued within fifteen (15) days after a final inspection and approval by the Zoning Officer.
 5. A record of all Land Use Permits shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.
 6. All land use permits shall expire one (1) year after the date of issuance and may be renewed twice.

c. Other Permits: All other permits shall be obtained, as required by County, State or Federal authorities.

Walter Barlow then agreed with Ms. Hogan that she shouldn't need a land use permit to fix her damaged roof, since she wasn't changing the use or structural design but just fixing damage. He said the roof is not "substantially altered." Mrs. Wenschhof agreed. Mr. Harbaugh disagreed and said, yes, it is substantially altered because rafters were taken out.

Mr. Picarelli noted that the township could add wording to the section stating that a land use permit is not required when repairing a building to the same dimensions as the existing structure. Barb Ruppert asked if your house burned down and you changed where windows are, does that need a land use permit in addition to a building permit? Mr. Barlow said that if you have damage to your house, as long as you're not changing dimensions of the house, you do not need a land use permit. Mr. Harbaugh said that if you have damage and do not increase the square footage, it does not require a land use permit. Mr. Barlow noted that a land use permit fee is based on cost, so making a homeowner pay a land use permit fee on \$50,000 of required repairs isn't right.

Mrs. Ruppert made a motion to recommend adding the following wording to the above "Recommended Text" as a new section 600.3(b)(1):

7. A land use permit is not required when repairing an existing structure to its previous conditions.

Mrs. Wenschhof seconded the motion. All were in favor, and the motion passed.

Proposed Zoning Ordinance Amendment, Section 435.1 of Article IV

This proposal applies to home-based businesses.

The township received Adams County Office of Planning and Development Sept. 13, 2018, comments in which the county objects to the township solicitor's proposed changes. Dominic Picarelli asked Jamie Harbaugh why the solicitor is changing the ordinance, since the definitions have to match the Municipal Planning Code or they won't stand up in court if challenged. Mr. Harbaugh said that he had received a complaint and the solicitor said he couldn't use the language in the zoning ordinance to deal with the

complaint because the relevant language wasn't in the standard, it was only in the definition. Therefore, the language should be added to the standard.

However, the county disagrees. Mr. Picarelli noted that the township should go with the county, but that the solicitor should feel comfortable; therefore he recommends making the county's suggested changes as follows: Use the new definition received from the county and move everything into the standard, but leave the standard exactly mirroring what is in the MPC.

Barb Ruppert made a motion to recommend approval of the proposed zoning ordinance amendment to Section 435.1 of Article IV with the following changes: use the new definition received from the county (noted below) and move everything into the standard, but leave the standard exactly mirroring what is in the MPC, which would only include subsections d through k, as recommended by the county.

County's Suggested Definition for No-Impact Home-Based Business

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal junctions to or from the premises, in excess of those normally associated with residential use.

Nancy Wenschhof seconded the motion. All were in favor, and the motion passed.

Proposed Zoning Ordinance Amendments, Section 201.5 (d) to be added to Article II; Section 202.5 (d) to be added to Article II; and setbacks in Sections 201.5 (c) and 202.5 (c) to be revised

This proposal applies to setbacks for principal structures in the Conservation District and the Agricultural Rural District.

Jamie Harbaugh explained that when someone wants to build a subdivision, they have to delineate between conservation and development areas; but most of what Mr. Harbaugh is asked for permits has no conservation or development area. They're not nonconforming lots, but they are not covered by these areas. The new township solicitor has noted that to clarify this, the standards need to say "not located in either the development or conservation areas."

Barb Ruppert asked why not just roll this into subsection c? Mr. Harbaugh said the solicitor says that c is "we would never approve these lots today and here are the standards," while d is "we would approve it, but we don't know which setback requirements to apply." Therefore, the ordinance needs both. Ms. Ruppert noted that as long as there are the same setbacks in the new language suggested by the solicitor, so that the ordinance has streamlined standards instead of many different dimensions, the proposed changes seem fine.

In reference to the township's question as to whether the proposed amendments are in accordance with the objectives of the Township Comprehensive Plan, the Planning Commission agreed that the Southwest Adams County Joint Comprehensive Plan does not address details of land use permits, home-based businesses or setbacks, but that none of the amendments seem to contradict the objectives of the plan.

Judie Hogan made a motion to recommend approval of the proposed zoning ordinance amendments that add new section 201.5 (d) to Article II, add new section 202.5 (d) to Article II, and revise the setbacks in sections 201.5 (c) and 202.5 (c), because these do not contradict the comprehensive plan, with the correction of the typo "of" changed to "or" in Section 201.5 (d):

"Development of [or] Conservation Areas."

Nancy Wenschhof seconded the motion. All were in favor, and the motion passed.

Mrs. Hogan recommended that all amendments in discussion be packaged into one. Mrs. Wenschhof said no, the township solicitor notes that someone could be unhappy with one amendment and stop all of them in that case. John Bostek said it saves advertising money to package them.

Old Business:

None

Other Business:

SALDO Review Section IV – Members will continue reviewing the SALDO again at Article IV, Section 410, at the next meeting.

At 9:48 p.m., Judie Hogan moved to adjourn the meeting. Nancy Wenschhof seconded the motion. All voted yes, and the motion passed. The next meeting is scheduled for Oct. 16 at 7:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barb Ruppert". The signature is written in black ink and is positioned above the typed name.

Barb Ruppert
Planning Commission Secretary