

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

July 17, 2018

The Planning Commission of Liberty Township, Adams County, met on Tuesday, July 17, 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; Judie Hogan, Vice-Chair; Vince Gee, Geoff Grant, Alternate Rich Luquette, and Dominic Picarelli, Township Engineer.

Not Present: Barb Ruppert, Secretary.

Nancy Wenschhof called the meeting to order at 7:30 p.m. She announced that the meeting was being recorded because the secretary was absent, and the video would be used to compose the meeting minutes.

Public Comment:

Bart Hogan presented a sketch plan on behalf of his brother Thomas Hogan. The sketch plan proposed subdividing a property located at 845 Friends Creek Road, Parcel Number 25C18-0028A—000 and a lot addition to Parcel 25C18-0029A—000. The proposed plan will subdivide the 17.27 acre parcel in to two parcels 12.17 acres and 5.1 acres. It has been noted that county tax records list parcel 25C18-0028A—000 as 17.83 acres. The 5.1 acres will be added to Parcel 25C18-0029A—000 currently 78.68 acres which owned by both Mr. Bart Hogan and Mr. Thomas Hogan. In addition to the sketch plan, Mr. Hogan provided 1997 final plans for the property that were previously submitted but withdrawn and satellite images of the property. Judie Hogan announced that she would recuse herself from the Planning Commission discussion because of her relation to the property owner. The location of property access was discussed. Dominic asked if there was any legal determination of access to the landlocked property. Mr. Hogan noted that there are Carroll Valley Borough Roads that come to the property line on both sides of the property. It was determined that there was access to the land and it was not landlocked. There was discussion about resurveying. Dominic Picarelli stated if the surveyor signed and sealed the new submission standing by the original survey, then a new survey would not be necessary. It was noted that the original surveyor was deceased, and his son now has the business. Dominic Picarelli responded that with the addition of a note stating that he did not perform the survey but would take responsibility for the accuracy of it, a signature and seal from the son would be acceptable. Dominic additionally noted that, if allowed by the Planning Commission and Township Supervisors, and if properly noted on the plans, the property boundaries can be obtained from the deed and surveying can be limited to important affected areas of the subdivision saving time and money from surveying the entire property. Nancy Wenschhof stated that she had no additional comments. Vince Gee stated that he had no additional comments. Geoff Grant had no comments. Dominic Picarelli stated that it could be submitted as a final plan.

Minutes: The June 19 meeting minutes were reviewed. Geoff Grant moved for approval of the June 19 meeting minutes. Vince Gee seconded the motion. All voted yes, and the motion passed.

Old Business: There was no old business. Judie Hogan commented that although it was not listed on the agenda, the Planning Commission should consider reviewing the Zoning Hearing Board application for **Ryan Nyswanger 63 Sydnor Trail parcel ID 25AA0-0182--000**. It was decided to review the application after the agenda items listed under new business.

New Business:

Proposed Ordinance Amendment setting an expiration for Land Use Permits: The Planning Commission reviewed the proposed ordinance amendment setting an expiration for Land Use Permits. Judie Hogan made a motion to recommend approval of the proposed ordinance amending Zoning Ordinance of the Township is revised and amended as follows: ARTICLE 1. A new Section 600.3 (b) (6) shall be added to Article VI (6) and shall read as follows: "(6) All land use permits shall expire one (1) year after the date of issuance and may be renewed twice." Vince Gee seconded the motion. All voted yes, and the motion passed.

Proposed Ordinance Amendment For No Impact Home Based Business Section 435.1 Of Article IV And Definition in Section 112 Of Article I: The Planning Commission reviewed the proposed ordinance amendment for No Impact Home Based Business. There was some discussion if it was necessary to have the information listed in two places. The amendment proposed listing requirements in Section 435.1 of Article IV and the same text was to be added as the definition for no-impact home-based business in Section 112 of Article I. Geoff Grant had questions about existing home-based businesses. Nancy Wenschhof stated the existing business would be grandfathered in. Mr. Grant questioned the process of determining "normal residential use". There was discussion about the difference between Home based business and no impact home-based business. Discussion of taking an inventory of existing home-based businesses non-conforming use to aid in identifying any new business once the ordinance amendment is passed. Vince Gee made a motion to recommend approval of the proposed ordinance amending Zoning Ordinance of the Township revising and amending Section 435.1 Of Article IV Listing Requirements For No-Impact Home-Based Businesses Permitted In All Residential Zones And Revising The Definition For No-Impact Home-Based Business In Section 112 Of Article I. Judie Hogan seconded the motion. All voted yes, and the motion passed.

Proposed Ordinance Amendment For Section 303.4 (A) Of Article III: The Planning Commission reviewed the proposed ordinance amendment for Section 303.4 (a) of Article III (3) dealing with front yard setback for accessory buildings. After some discussed it was determined that the proposed amendment was not in line with the criteria the Planning Commission had been previously considering for this amendment. The proposed amendment required a ten-foot front yard setback. Some of the Planning Commission recommendations were a twenty-foot front yard setback and limiting the amount of accessory buildings. Vince Gee made a motion to not recommend the proposed ordinance amendment as presented, and to inform the Board of Supervisors that the Planning Commission would submit a revised proposed amendment to the Board of Supervisors for Section 303.4 (a) of Article III which includes their recommendations of a twenty-foot setback and limits on the number of accessory buildings and to present it to them following the August Planning Commission meeting. Geoff Grant seconded the motion. All voted yes, and the motion passed.

Zoning Hearing: The Planning Commission reviewed the notice of the July 31, 2018 Zoning Hearing for Ryan Nyswanger 63 Sydnor Trail parcel ID 25AA0-0182--000.

At 8:40 PM the meeting was interrupted by Police Chief Brand Briggs. The meeting was paused so that Geoff Grant could move his car. At 8:43 PM Mr. Grant returned, and the meeting resumed.

It was noted that they did not have a copy of the application which may have information on the hardship. The Applicants are requesting variance relief from the maximum height of four (4') feet permitted for fences in a front yard on residential lots as contained in section 301.1.d. of the Zoning Ordinance in order to place a five (5') foot fence on the property. Dominic Picarelli explained it was the Planning Commission's right to give a recommendation on the application. It was noted that the five-foot fence was already erected without obtaining a permit. There was discussion about the application and the zoning ordinance section 301.1.d regarding the height limitations for the fence. After review of the existing ordinance, Vince Gee made a motion to state that the zoning ordinance section 301.1.d is clear, and the Planning Commission stands by the ordinance. Judie Hogan seconded the motion. All voted yes, and the motion passed.

Other Business:

SALDO Review Section IV – Review of the SALDO starting at Article IV, Section 410, was postponed to a future meeting and after completing review of the zoning ordinance recommendation for Section 303.4.

At 8:55 p.m., Judie Hogan moved to adjourn the meeting. Vince Gee seconded the motion. All voted yes, and the motion passed. The next meeting is scheduled for August 21 at 7:30 p.m.

Minutes recorded from video by:


Wendy Peck, Township Secretary