

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

**June 18, 2019**

The Planning Commission of Liberty Township, Adams County, met on Tuesday, June 18, 2019, at 7:30 p.m. in the Liberty Township Municipal Building, 39 Topper Road, Fairfield, for the regular monthly meeting.

**Present:** Judie Hogan, Chair; Vince Gee, Vice Chair; Barb Ruppert, Secretary; Geoff Grant, Rich Luquette; Dominic Picarelli, Township Engineer; Nancy Wenschhof, Alternate

**Not Present:** N/A

Chair Judie Hogan called the meeting to order at 7:29 p.m.

**Minutes:** The April 16 meeting minutes were reviewed (there was no May meeting). Rich Luquette moved for approval of the meeting minutes, and Geoff Grant seconded the motion. All were in favor, and the motion passed.

**Public Comment:**

Piper Sketch Plan: Barbara Piper, of 2480 Pumping Station Road, presented a sketch plan for her mother-in-law's 123-acre property, which is 255 Wenschhoff Rd. She cannot figure out where in the ZO to find exact requirements for the subdivision of her mother-in-law's property for her children. What requirements are there for bequeathing land? Vince Gee said the only rule for lot additions is that you can't have a landlocked lot. Dominic Picarelli said it is a subdivision (SALDO), but she doesn't have to jump through preservation hoops because she is not building on it. Vince suggested doing the lot additions first and then figuring out the preservation requirements for the subdivision of the rest. Dom said you can either preserve 60% of the land and make lots any size, preserve 70% of the land and make lots any size, or do estate lots of 10 acres each. Barbara asked if her mother in law could keep the house and 15 acres together without preservation, and Dom said Yes. Barbara asked about the little lot in front of her mother in law's house with a house trailer, and Dom said a backup sewer solution would be required for that one and for the main house. Other lots would require a primary and backup sewer plan. Adjoining lot additions would just require the owner to sign that he or she isn't doing additional building and thus needs no sewage plan. Dom explained that a backup plan is just a spot that percs and that could be used in case the main system fails. This is needed for each lot. Vince said the smallest lot you could make without having to preserve 60% of the total is 10 acres. Dom said the first step is a sketch plan, which Barbara has already done (see Piper Sketch Plan diagram). The property owner must make sure each lot has road access. Each lot must have 125 feet of road frontage and must have soil testing (perc test). No panhandle lots are allowed anymore. No lot can have more than one house on it. The property owner needs to contact a surveyor to get the lots delineated per road frontage requirements, then contact an engineer to do perc tests. If a lot doesn't perc, you can still give it to an adjoining lot owner; but you can't just subdivide it on its own.

**New Business:**

**Application to Exchange 2 Parcels of Land Between Specialty Granules, LLC, 25A17-0072D—000 and The Orvis Company, Inc 25A18-0008---000**

Adam Culler presented a plan revised from the one he presented two weeks ago. It addresses the township engineer's comments. It's in Washington Township (Franklin County) and Liberty Township. He believes it was approved by Washington Township. The revisions include: adjoining property owners' lot and deed information and other items to address county and engineer's comments. The property owners are just swapping land triangles that cross Route 16 so the property is more tidy.

Dominic Picarelli drew attention to his Comment 15: he said that because the property is in excess of 500 acres, the developer may want to request a modification of some items. Without a modification, the required

items would create a plan of tremendous length, and wouldn't show anything necessary to the simple swap. For instance, showing contour lines of a property way down the road has nothing to do with the swap. The owner should request the modification in writing. If the PC does want all items shown, perhaps waive the size requirement. All county comments have been addressed; there was nothing major.

The PC doesn't see a need to meet all the requirements since it is a simple swap of two small pieces of the property. Rich Luquette noted a discrepancy between the parcel number shown in the chart on the plan and the parcel number shown on the Adams County property mapping website. Adam noted there was a minor error in the original Orvis deed, which they researched and corrected, so that may be why the number is different.

Re: Comment 8, the street monument, Adam noted that he would set these in two places once they have final approval.

Vince Gee made a motion to recommend approval of the modification, which applies to numbers 5, 6, 9, 10 and 11, once a written request has been received. Geoff Grant seconded the motion. All were in favor, and the motion passed.

Judie Hogan made a motion to recommend conditional approval to the supervisors if: they approve the requested modification; they receive evidence of Washington Township's approval; and sewage planning approval with a nonbuilding waiver has been received. Vince Gee seconded the motion. All were in favor, and the motion passed.

### **Old Business:**

#### **Campground Ordinance**

Judie Hogan, Geoff Grant and Rich Luquette presented the PC's thoughts and questions on this to the supervisors at their workshop in May. These are the bullet points Judie provided in advance of the workshop meeting:

- Need to be certain health and safety re water and sewage are addressed
- Issue arose because of campers using for living long periods and with discharge of water and sewage and as to which document should be used ZO or separate stand alone Camping Ordinance
- Possibly develop a temporary Camping Unit Permit for undeveloped land for seasonal use such as hunting with restrictions on discharge of water/sewage
- With penalties - tow away & impound at owners cost. Could this be limited to number of times per year permit could be issued
- Establish permit fee
- Do we need in Zoning Ordinance and in separate Campground Ordinance or can we reference separate Camping Ordinance in ZO (Mr Lisko said in memo that we do)
- Rights of citizens using their property (especially undeveloped property) (nothing currently addresses use of undeveloped land and one RV unit)
- Make ZO and Campground Ord match - change to one or more rather than 2 or more
- Who will monitor and enforce - Township, sewage Officer, DEP?
- Make definitions match in ZO, separate Ordinance and add definition to SALDO
- Issue of permits - possibly restrict number of days/weeks/number of times per year?

Judie reported from the workshop that the township solicitor, Mr. Lisko, does not want us to simply say, "See the separate Campground Ordinance." Geoff brought up the question: Are we talking about two different issues, a commercial campground versus camping? Rich and Geoff felt the supervisors generally agreed with the PC about the points to include, or at least didn't object. Judie noted the whole discussion all started because of people living in campers on undeveloped land in the township without sewer and water provisions.

After Judie's report to the PC, Geoff said we should address the above as camping and pick a time period, say less than five days, where a permit is not required. Beyond that, a permit is required; at its last meeting,

the PC had suggested 10 days twice a year as the maximum for the permit. Wastewater disposal should be addressed as part of the permit. Judie suggested that under the Campground Ordinance, we could separate it into two sections: "Commercial Campground" and "Camping on Undeveloped Land with a Camper or Recreational Vehicle."

Rich noted that in Title 28, Chapter 19; of the PA State Code, it defines a campground as "a portion of land for providing space for a camper, etc., regardless of whether a fee has been charged." The definition applies to as little as one space. A person may not operate in this space a campground without a permit, and the DEP requires a wastewater plan. Rich said we should change the standard to one unit in our ZO, and have a separate Campground Ordinance that would allow someone to camp in a yard short term.

Judie said she asked Mr. Lisko who would enforce this, and he said it would be reported and the township would send a zoning officer. Some PC members suggested that we just modify the current standard to "one or more" and notify people of the state certificate requirement. Dominic Picarelli said his company, which oversees sewage permits, would oversee the sewage requirement, not the state.

Geoff said he thinks that under five days does not require a permit, and Rich suggested that part of a person's application to the township for the permit could just ask if they were camping short term in a developed lot.

Geoff Grant made a motion that we have a Camping Ordinance that permits occasional camping (tents and/or camper) for 5 days or less on any lot. Permits are required over that length of time, capped at 10 days each, with no more than 2 permits per year. The permit would require the camper to address appropriate disposal of both gray and black water. Vince Gee seconded the motion, if the ordinance were to say no more than 5 days "per month." Judie said she wants all sewage addressed even if someone is camping for just one day. Dom said the PC in its last meeting noted the requirement for a camper to be "self-contained and effluent properly disposed of in an appropriate off-site location per Pennsylvania regulations." Vince recommended a change to 7 days or less in a given month without needing a permit, to account for a relative visiting a property owner from out of town for a week and staying in their camper. Geoff modified his motion as follows: "that we have a Camping Ordinance that permits occasional camping (tents and/or camper) for 7 days or less in any 30-day period on any lot, with all sewage self-contained and effluent properly disposed of in an appropriate off-site location per Pennsylvania regulations. Permits are required over that length of time, capped at 10 days each, with no more than 2 permits allowed per year. The permit would require the camper to address appropriate disposal of both gray and black water." Rich suggested this case be delineated as a campground, per state regulations, but Geoff did not agree, since this is a Camping Ordinance, not a Campground Ordinance. Judie said she believes the proposed ordinance is much more enforceable as written, without getting into the state, because the local zoning officer can come out if there are any complaints. All were in favor of the modified motion, and the motion passed.

For the Campground Ordinance, Vince suggested that we reduce the standard to apply to one unit, and keep the rest as is. Judie said she wants the same self-contained language in it. Dom said that being defined as a "campground" already requires the site to have proper disposal. Geoff asked what the limit was, and Nancy Wenschhof noted that Rich is reading only the statute and not case law, so we do not know that.

Dom noted our ZO's current definition of a campground: "A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreational, education, or vacation purposes. Pennsylvania Department of Health requires a permit for campgrounds which meet the following definition: a portion of land used for the purpose of providing a space for trailers or tents for camping purposes regardless of whether a fee has been charged for the leasing, renting or occupancy of the space, in accordance with the Pennsylvania Code, Title, 28, Chapter 19. The campground may be an organized camp which includes a combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children,

youth, and adults with social, recreational, and educational objectives and operated and used for five (5) or more consecutive days occurring one or more seasons a year.”

PC members asked that if we change the Campground Ordinance to apply to one unit, what is the difference from the proposed Camping Ordinance? Barb Ruppert suggested that we include in the Campground Ordinance that it's for a fee. Vince suggested that if the primary purpose of the site is for camping, the Campground Ordinance applies. Dom said that, based on the current definition, if we change this to 1 unit, it would apply to someone showing up at your house in a camper. Some PC members noted that if we have a Camping Ordinance that addresses 1 unit, we could leave the Campground Ordinance at 2 and still cover every case. Rich thought we should change the Campground Ordinance to 1 unit but note that the Campground Ordinance applies if the property is being maintained for camping (for example, someone who buys a lot to camp and hunt on), and the Camping Ordinance applies if someone is letting a friend camp in their yard or field. This approach follows state regulations more closely, which emphasize the property being maintained specifically for camping.

Judie asked if the PC's recommendation is to leave the Campground Ordinance as applying to 2 units, or change it to 1? Rich said he thought it should be changed to 1, kept in the ZO, and then add a paragraph in the separate Campground Ordinance about “short term use on a lot not designed for camping is permitted under the Camping Ordinance.” Barb Ruppert asked if two campers visiting short term on a 40-acre residential lot would then not be a campground. Dom said the separate Campground Ordinance applies to all lots of 15 acres and above, so those two campers would be a campground.

A PC member asked if campgrounds were allowed in all zoning districts? Nancy noted that this use is not noted in any district, so it applies to all districts. But it should be listed as a conditional use in at least one district, probably Agricultural and/or Conservation.

Judie suggested that a committee of two PC members, which will not break the Sunshine Law, prepares a full proposal on a Camping/Campground Ordinance for voting on at the July meeting. Nancy recommended that we get rid of the separate Campground Ordinance and put conditional uses in the Campground part of the ZO (Section 412). Geoff and Judie agreed to prepare this proposal.

Judie noted that the PC also needs to address the Sign Ordinance. Vince and Barb agreed to prepare a proposal on this for the August meeting. Rich has some background on this that they can review. Dom will email the PC the sign ordinances for surrounding municipalities.

### **County Municipal Waste Plan**

Judie Hogan noted that the plan seems good, but there isn't anything about disposing of oil from changing oil in your car, or disposing of gasoline. The PC should comment individually; no need to comment officially as a group.

At 9:22 p.m., Rich Luquette moved to adjourn the meeting. Geoff Grant seconded the motion. All voted yes, and the motion passed. The next meeting is scheduled for July 16 at 7:30 p.m.

Respectfully submitted,



Barb Ruppert  
Planning Commission Secretary