

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

November 20, 2018

The Planning Commission of Liberty Township, Adams County, met on Tuesday, Nov. 20, 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; Vince Gee, Geoff Grant, Judie Hogan; Dominic Picarelli, Township Engineer; Alternate Rich Luquette

Not Present: None

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

Public Comment:
None

New Business:

Higgins (25000-0043---000) Land Development Plan Submission

Township Supervisor Bob Jackson explained that because of leftover Charnita lots there were little lots with no use for development, so the airport bought several for \$500 each lot. It was approved zoning for small accessory buildings. Several people built hangars, worth several hundred thousand dollars now, and increased the tax base of the township. He put in for a hangar that didn't get built for 12 planes and it cost \$450 for land use approval. Mr. Higgins recently proposed another hangar and has put \$3,000 into engineering studies. It seems a dramatic increase in the amount of money to get this approved.

Township Engineer Dominic Picarelli added that the township added hangars as a conditional use on that transitional set of lots even though there was no primary structure for them to go with. The soil is terrible and people can't build homes there, so the township changed the ordinance around 2010.

Vince Gee asked if the land is privately owned with privately owned hangars. Dom said yes—but the MPC says a land development plan is required for anything other than a single family residence—whether a hangar or a cell tower or a barn. This is according to the state.

Geoff Grant saw two questions from Land and Sea—would there be plumbing and parking in the facility? Terry Sheldon, engineer for Mr. Higgins, said one parking space is required and shown on the plan.

Dom went over his comments about the plan. He said the only non "routine" item is the note on the lot having hydric soils and maybe needing a wetland study. But they are not building in hydric soils and so he doesn't think this is needed. He just had to note it per township ordinance. The county asked if the owner did a wetland delineation, but the county didn't say the owner had to; these studies are expensive. Terry Sheldon said they are not disturbing hydric soils and do not feel any further wetlands delineation is needed.

Dom says it's simple to add the topsoil location as noted in his comment #6. If the lot is under an acre, the township can decide whether this must go to the county or not; Dom doesn't think it needs to because it's only 3,000 square feet, not even the equivalent of a big house.

Terry says he will show lines of sight for the driveway.

For the Stormwater Management Plan, comment #10, Terry says he can get this taken care of with Brandon in Dom's office. The as-built plan is only needed if there's a big stormwater system, but there isn't. Terry says the worst case might be that the berm gets a little bigger, but it wouldn't be a big basin or anything.

Dom said an as-built plan isn't needed probably, but again, he has to note this. He recommends that the PC approve the development plan with conditions as noted in his and county comments. Also, comment #4 could come off, and for #6, the PC could state that they recommend that there is no need to send it to the county.

The PC had the plan engineer confirm which lot in the photo is in question. Judie Hogan said she is uncomfortable with approving something where the engineer says he'll add everything. Terry said the township engineer and township still have to approve it, and the PC should recommend conditional approval and that all of our conditions must be satisfied. Dom will write a letter noting whether the reviewed plan appears adequate upon review.

Vince Gee motioned that the Planning Commission recommend conditional approval of the plan to the township supervisors based on conditions that Dom noted, striking item #4 and not needing to send the E&S Plan to the county (item #6). Judie Hogan seconded the motion. All were in favor and the motion passed.

Middle Creek Bible (25D16-0005---000) Subdivision Plan Submission

Ken Stonton with Beyond All Boundaries explained that this is a subdivision plan of a parcel owned by Middle Creek Bible. The parcel is 58 acres and has a treatment plant; in addition, Middle Creek runs through it. The owner is proposing to subdivide roughly 38 acres south of Middle Creek, including the meadows along Pumping Station Road, Lot 2, and join that with the property of John Holler. In doing so, they would be adding lands around Pumping Station Road to Middle Creek Bible Conference in one contiguous lot. By doing a lot addition to the Holler property, they are taking away the frontage of Lot 1 to Pumping Station Road, therefore landlocking it, with the exception that Middle Creek Bible has 380 acres to the north adjoining it. They will add Lot 1 back to the main 380 acres.

Dominic Picarelli explained that the Liberty Township ordinance doesn't allow landlocked lots, and they're not permitted in Freedom Township either. The Freedom Township PC tabled discussion of the plan. In the meantime, the plan went to Liberty Township. Stonton has revised the plan, which is no longer landlocked. Dom says the only issue is that Liberty Township shouldn't give final approval and sign the plan until Freedom Township gives approval, since Freedom has more issues with the plan—the sewage plant is on their side. Liberty should sign it after Dom sends the township an email saying the developer has taken care of Freedom's concerns and the plan is approved there. The PC can give conditional approval based on Dom's letter of today, where the only note is getting sewage approval.

Judie Hogan motioned that the Planning Commission recommend approval to the supervisors based on conditions being met in the county's letter of Oct. 31, 2018, and Dom's letter of today, Nov. 20. Vince Gee seconded the motion. All were in favor and the motion passed.

Middle Creek Bible (25D16-0005---000) Request for Planning Waiver & Non-Building Declaration

The PC was asked to sign this declaration.

Geoff Grant motioned to approve the non-building waiver. Vince Gee seconded the motion. All were in favor and the motion passed. Nancy Wenschhof signed the declaration.

Minutes: The Oct. 16 meeting minutes were reviewed. Judie Hogan moved for approval of the meeting minutes, and Barb Ruppert seconded the motion. All were in favor, and the motion passed.

Old Business:

Proposed Zoning Ordinance Amendments Update

There will be a public hearing on Dec. 4 on the three amendments related to Section 600.3 (b); Section 435.1; and Sections 201.5 (c), 201.5 (d), 202.5 (c) and 202.5 (d). Judie Hogan noted that a PC member should attend, but what does the time of "around 8 p.m." mean? Bob Jackson said he would check on that.

Proposed Zoning Ordinance Amendments: Section 303.4 (a)

The PC is revisiting the amendments it recommended at its last regular meeting (definitions and standards for detached residential garages and small accessory structures in the front yard) because Township Attorney John Lisko had questions. Rich Luquette reported from the supervisors workshop meeting this morning that Mr. Lisko thinks our ordinance currently does allow structures in the front yard—it only denies them in the required front yard. The standards are clear but the definitions seem confusing. Rich noted that Mr. Lisko said he thought he could write something that makes this clearer and would look at the standards such as those in Section 211. Rich reported that the consensus of the workshop meeting seemed to be that things should be allowed in the front yard, just not in the setback area.

Nancy Wenschhof noted that when this came up earlier with former township zoning officer Jamie Harbaugh, Mr. Phillips (the former township solicitor) thought the intent was to *not* allow accessory structures in front of the house. Dominic Picarelli thinks small structures might be ok with the county, but they won't like the detached garages. Dom thinks the next step should be to let Mr. Lisko write the ordinance the way he feels it needs to be legally, then let it go to the county and to the supervisors to vote on. Before the hearing, though, have Mr. Lisko go to the PC (or vice versa) to explain why he changed things the way he did so that the PC is comfortable explaining the changes to the public when they come in and have plans.

Rich said the way Mr. Lisko reads it, our ordinance only restricts people from building in the front setback, and Mr. Lisko is willing to clarify the ordinance in all places to make this clear. If the PC wants to restrict this in some way, the PC should meet with Mr. Lisko to let him know so he can advise the PC and write the ordinance that way.

Judie Hogan recommended that the PC chairman communicate with the solicitor. Nancy said the PC has already sent the solicitor our suggestions in a letter. The only difference is that he assumes anything can be in the front yard, but the PC wants to have some standards for what can go in the front yard.

Nancy Wenschhof motioned to inform Solicitor Lisko that the Planning Commission needs him to write an ordinance using the information in our letter of Oct. 24, however he deems the ordinance should be written. Judie Hogan seconded the motion. All were in favor, and the motion passed.

Dom recommended that Township Secretary Wendy Peck or one of the PC members send a letter to Mr. Lisko saying that the PC doesn't want a free for all; the PC would like some standards for what goes in the front yard, particularly limiting the size of the structures, and could he please make that happen. If the solicitor has questions, he can certainly talk to the PC.

Other Business:

Possible Plan – Dominic Picarelli reported that a man wants to build two houses off of Tract Road, one for him and one for his parents, astride Hamiltonban and Liberty townships—one house in each township. That is not allowed in the Liberty Township ordinance. Dom recommended that the man come to a PC meeting. Dom doesn't know how this works legally. The PC wondered if he should subdivide. Dom recommended that if this proposal comes up, the PC should get the township solicitor's advice right away.

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

At 8:52 p.m., Vince Gee moved to adjourn the meeting. Nancy Wenschhof seconded the motion. All voted yes, and the motion passed. The next meeting is scheduled for Dec. 18 at 7:30 p.m.

Respectfully submitted,

Barb Ruppert

Barb Ruppert
Planning Commission Secretary