

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

February 19, 2019

The Planning Commission of Liberty Township, Adams County, met on Tuesday, Feb. 19, 2019, at 7:30 p.m. in the Liberty Township Municipal Building, 39 Topper Road, Fairfield, for the regular monthly meeting.

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

Not Present: Judie Hogan

Vice Chair Vincent Gee called the meeting to order at 7:31 p.m.

Public Comment:

Sue Tichy of 620 Tract Rd. asked where to start: she has a 10.64 acre property in Clean and Green. She's considering selling but would like to keep 1/3 to 1/2 acre to build a house on; can she do that? Township Engineer Dominic Picarelli said there's no minimum lot size in her zoning district, and as long as 60% of the total land stays in open space, it should be ok. Vince Gee said 10 acres does keep that parcel in Clean and Green, but she needs to make sure the lot percs. Geoff Grant noted that both parcels would need road frontage. Dominic said her first step is to do a soil test; contact him for that as township engineer. Then she should contact a surveyor.

Judy Weikert of 194 Old Waynesboro Rd. is looking to purchase a 17-acre property that is for sale. Can they split off 2–3 acres with the house and leave the rest to build on as a separate lot? It's at 300 Harbaugh Valley Rd. Dominic Picarelli said yes, but in that zoning district, she would need to conserve 70% of the land. She can develop 30% of the total land. Vince Gee added make sure she has enough road frontage because township doesn't allow panhandle or flag lots. Dominic said it must have 150' of road frontage per subdivided lot. Her first step is to do a soil test; contact him for that as township engineer, and contact a surveyor.

Minutes: The Jan. 15 meeting minutes were reviewed, with the following corrections noted by Barb Ruppert: Rich Luquette is now a member, not an alternate, and Middle Creek/Braun requested a nonbuilding "planning" waiver. Geoff Grant moved for approval of the meeting minutes as corrected, and Rich Luquette seconded the motion. All were in favor, and the motion passed.

Old Business:

Middle Creek Bible (25D16-0007---000)/Braun (25D16-0037---000) Subdivision and Lot Addition Plan Review

Barb Ruppert noted that the PC has already recommended approval and the Board of Supervisors already voted to approve the modification requests and plan, so there is nothing the PC needs to do at this time.

Crum (25C17-0010C—000)/Fitez (25C17-0029---000) December 20, 2018 Subdivision and Lot Addition Plan Review

Lee Royer noted that the Crums own Parcel C and wish to convey it to their neighbor. It's a simple lot addition. The issue that keeps coming up is that the property line goes through a pond. The owners put a note on the plan about a maintenance agreement.

Dominic Picarelli said Lee was granted the waivers, taking off Dominic's comments 2 and 3 from his letter of Feb. 13, 2019, and it is up to the PC to recommend sewage plan approval or not. Lee said he has a note on the plan (#26) about the maintenance agreement and this should be enough, but he does not have a signed agreement. Dominic passed out language that the township solicitor wants added to the plan:

The notes on this plan shall be binding on the current owner of the property and the heirs, personal representatives, successors and assigns of said owner.

The county commented on a pile of junk that is all within the residence's parcel, not Parcel C. Lee said the township could go to the owner of the residence if the township has an ordinance on this, but it has nothing to do with the subdivision. Dominic said the zoning officer hasn't said anything about this being outdoor storage or a problem.

Barb Ruppert asked why the owners didn't sign each revision each time. Dominic said that when Lee does the mylars for courthouse recording, then the owners will need to sign and date those plans.

Barb asked about what the PC needs to know for sewage approval. Dominic said that once the PC has approved the waiver it's approved, and we send it to DEP. There are no problems he sees with this.

Barb Ruppert motioned to approve the plan with the solicitor's added language and a written maintenance agreement approved by the township solicitor. Geoff Grant seconded the motion. All were in favor, and the motion passed.

Crum (25C17-0010C—000)/Fitez (25C17-0029---000) Request for Planning Waiver & Nonbuilding Declaration

Barb Ruppert motioned to approve the nonbuilding waiver for the sewage plan. Geoff Grant seconded the motion. All were in favor and the motion passed. Vince Gee signed the waiver.

New Business:

Machamer – Hangar 25000-0047-000 Land Development Plan Review

Terry Sheldon, engineer for the Machamers, noted that the owner is building a hangar similar to an earlier one that came before the PC. He got the county's and Dominic Picarelli's comments. Dominic sent a letter Feb. 18 and one today. The new letter went from 13 comments to five, and four of these dealt with stormwater. Dominic went over his comments and said the only big one is stormwater. All of the county's comments have been addressed. Terry said the owners will provide signatures for #1 and #5. He has requested a waiver for #3. Dom explained that for parcels under one (1) acre, the township can decide whether E&S Conservation District review is needed or not. This is the same size as the last waiver we approved, so he sees no problem with that. Terry will get new copies of the plan to Wendy Peck. Nancy Wenschhof noted that conditional approval conditions do not seem major and we could vote.

Geoff Grant made a motion to recommend that the supervisors approve the waiver of the E&S plan being submitted to the county's Conservation district. Rich Luquette seconded it. All were in favor and the motion passed.

Vince Gee made a motion to recommend conditional approval of the plan to the Board of Supervisors based on having comments 1, 2, 4 and 5 from Dom's letter of Feb. 19 implemented. Geoff Grant seconded the motion. All were in favor and the motion passed.

Review of Proposed Zoning Ordinance Amendment to Section 112 of Article 1 (definitions of "Setback" and "Yard")

Barb Ruppert asked if the PC should also change wording elsewhere to avoid confusion in the ZO, specifically:

- Change Section 205.4.b. in both charts in Article II to say either "Not permitted in *required* front yard" or "Not permitted in front *setback*" (instead of "front yard")?
- Change Section 303.4.a. in Article III to say "... shall be located within the front setback" or "... shall be located within the required front setback for the principal structure" (instead of "required front yard")?

Members agreed there is no confusion/problem if the definition now clearly states that a setback = a required yard = a yard. The PC can clean up the language everywhere else later if we edit the ZO like we are editing the SALDO.

Rich Luquette motioned to recommend approval of this amendment. Geoff Grant seconded the motion. All were in favor and the motion passed.

Campground Ordinance

Rich Luquette noted that the supervisors passed a resolution today to have the PC review the ZO definition for a "campground" and evaluate a change to include ground with a single campsite. Someone wanted to put a camper on their lot during hunting season, and the zoning officer wanted to say no because there's no water, sewer or power there. But the current definition of a campground says it has two or more camping sites; so the supervisors would like to change it to one. Dominic Picarelli said the definition only applies to undeveloped land; if you own a house and have an RV on the lot, then you've got power, sewage and water, so it's no problem.

PC members didn't want to stop, for example, someone hunting on their property and pitching a tent, or having a self-contained RV that didn't require sewage. Members were concerned about extending the campground definition to a single-use by owner because of the practical implications of having to comply with all the requirements of Section 412 (parking, an office, etc.). This would prohibit anyone from using their land just to pitch a tent for fun or hunting, or prevent them from living in a self-contained RV on their land while their residence is being renovated or repaired, or if their septic tank fails.

Members would like more time to consider how to revise the definition so that it doesn't include the above examples. Vince Gee said he wants to look into what the state is calling a campground and what definitions other townships have. Nancy Wenschhof said deed restrictions on Charnita lots say camping is not allowed, but property owners have to enforce that and take them to court, not the township. Dominic said the PC should consider asking if the zoning officer could help us out with this. Rich said that at today's supervisors' workshop the zoning officer agreed with the single site idea.

Members suggested adding a camping permit instead of classifying single use as a campground. Dominic suggested the PC have Wendy ask the solicitor if it's legal for us to require a camping permit, since we have concerns labeling one person a "campground." A permit can allow someone to go on-site and contain their sewage through a permitting process.

Vince Gee made a motion that the PC table the discussion until next month, until further research and contacting the solicitor can be done. Geoff Grant seconded the motion. All were in favor and the motion passed.

Upcoming Watershed Workshop

Rich Luquette noted this. Rich, Geoff Grant and Vince Gee would like to go. Barb Ruppert will ask Wendy to ask if one of the supervisors wants to go, and if not, Vince will go.

Washington Township Ordinance Changes

Dominic Picarelli explained that Washington Township provided this as a courtesy since Liberty Township adjoins them. The only issue might be looking at the borders of the township to make sure they haven't made a change that might affect our township adversely, such as having a school right there and they're doing something harmful. He said it looks like they are changing something from Commercial to Commercial Neighborhood.

Vince Gee made a motion to recommend that the supervisors send a letter to Washington Township saying that we have no comments on their proposed ordinance change. Geoff Grant seconded the motion. All were in favor and the motion passed.

Sign Ordinance

Dominic Picarelli noted that the township was specifically concerned with electronic signs, and do we need more definitions to avoid citizens challenging what is a sign? PC members have looked at some other ordinances and are concerned with readability (ours seems somewhat difficult to get through compared to others), and for electronic, with the number of lumens so that signs aren't too bright as to be a hazard to drivers on the road. Dominic said we could keep the number down or keep the sign shielded and off the road.

Comparing the township ordinance to others for exact recommendations will take a long time, as sign ordinances are very detailed. Should a PC member come back with proposed language based on other ordinances we looked at, or do we all keep going through our sign ordinance and discuss it? Rich Luquette asked if the State Highway Administration has sign restrictions; if so, we don't need to recreate this. Dominic said SHA requires just that signs are not in the right of way or throwing light onto the roads, and no flashing signs that would distract drivers.

Do we just need to add electronic signs to our ordinance and maybe some definitions, or totally revise it?

Old Business:

Well Ordinance

All agree we should have a well ordinance for public health protection. The state or county does not have any requirements here, so it's up to our township. The PC will continue recommendations here and SALDO review at its next regular meeting.

At 9:33 p.m., Vince Gee moved to adjourn the meeting. Geoff Grant seconded the motion. All voted yes, and the motion passed. The next meeting is scheduled for March 19 at 7:30 p.m.

Respectfully submitted,



Barb Ruppert
Planning Commission Secretary