

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

August 21, 2018

The Planning Commission of Liberty Township, Adams County, met on Tuesday, Aug. 21, 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; Geoff Grant, Vince Gee, and Judie Hogan; Dominic Picarelli, Township Engineer; Alternate Rich Luquette arrived at 7:55 p.m.

Not Present: --

Nancy Wenschhof called the meeting to order at 7:34 p.m.

Public Comment:

Liberty Township Supervisor John Bostek noted that there will be a tree ordinance to address dead and dangerous trees coming up for discussion at the next Board of Supervisors' meeting. The ordinance is based on Second Class Township Code Sections 2325 and 2907 and is an attempt to stop anonymous reports. Could the Planning Commission attend upcoming meetings and voice their input on this? Issues include who would decide which tree is dangerous, and what about the liability if a tree were determined safe and then fell on someone. Nancy Wenschhof noted that there is a form a person can fill out and sign at the township office if he or she sees a problem tree.

Mr. Bostek also noted that a lawn height ordinance was proposed by a resident but is not coming up for discussion as far as he knows. Planning Commission members noted this would not be in keeping with the rural character of the township and would be an HOA issue, anyway, if a subdivision went in.

Minutes: The July 17 meeting minutes were reviewed. Judie Hogan moved for approval of the July 17 meeting minutes with one change: Delete the word "original" in the following sentence from Bart Hogan's public comments because the surveyor is deceased:

"There was discussion about resurveying. Dominic Picarelli stated if the original surveyor signed and sealed the new submission standing by the original survey, then a new survey would not be necessary."

Barb Ruppert seconded the motion. All voted yes, and the motion passed.

New Business:

Proposed Zoning Ordinance Amendment, Section 201.5(d)

The Board of Supervisors at their meeting today worked with Zoning Officer Jamie Harbaugh to draft a new section relating to setbacks in the Conservation Zoning District. They requested that the Planning Commission review this new section. Mr. Bostek explained that they drafted the section because Mr. Harbaugh did not know what setbacks a lot owner should use when building a house if the lot were in neither the Development nor Conservation Area. Township Supervisor Bob Jackson agreed that the ZO needed a clear default setback.

The PC noted that the new section should say Development or Conservation "Areas" instead of "Districts" because that is how the ZO is worded; there is no "Development District." Subdivisions in the Conservation District must have both a Conservation Area and a Development Area. Judie Hogan asked if it would be

better for the PC to draft ordinances and see if they meet the supervisors' needs, rather than the other way around. Nancy Wenschhof said it could be done either way.

Barb Ruppert noted that the current ZO section 201.5(c) already addresses this question, but in somewhat confusing language. A "nonconforming" lot is exactly what is asked in the question because it is (by definition) an existing lot that doesn't meet later requirements (in this case, the requirement to be put into either a Development or a Conservation Area if the lot is part of a subdivision).

The PC agreed to revise section 201.5(c). Township Engineer Dominic Picarelli recommended that instead of having three sets of setbacks in section 201.5, the nonconforming lot setbacks should match those in the Development Area standards. So to avoid having a completely different group of setbacks in section 201.5(c), while having setbacks that are closer to what the Board of Supervisors drafted, the PC recommended dimensions that match those in both the Development and Conservation Areas: Front 25' and Rear 15' match those setbacks in the Development Area, and Side 10' matches that setback in the Conservation Area (since the 5' setback of the Development Area seemed much smaller than what the Board of Supervisors suggested).

Barb Ruppert moved to recommend the following revision to the Board of Supervisors. Judie Hogan seconded the motion. All voted yes, and the motion passed.

PC RECOMMENDED REVISION 8-21-18

Instead of adding a new section, 201.5(d), change the current section 201.5(c) to:

The following setbacks will be followed for individual lots that are nonconforming because they were existing at the time this ordinance was adopted by the Township.

- 1. Front Yard: Twenty-five (25) feet.*
- 2. Side Yard: Ten (10) feet.*
- 3. Rear Yard: Fifteen (15) feet.*

Barb Ruppert will send the above motion separately to Wendy Peck to distribute to Jamie Harbaugh, John Lisko and the Supervisors to get their input.

Dominic Picarelli noted that the Township must send the revision to the County for approval. The County has 30 days to review it. After the revision comes back from the County, it comes back to the PC to make a formal recommendation to the Board of Supervisors. Then the Township must advertise and hold a public hearing on the revision. For something simple like this, the hearing could be held a half hour before the regular Board of Supervisors meeting. This applies to any Zoning Ordinance amendment, even changing one word.

Nancy Wenschhof asked, then, whether the No Impact Home Business and the Land Use Permit amendments went to the County. They should go if they haven't done so. John Bostek and Bob Jackson will double-check on this.

The PC recommends that Jamie Harbaugh come to the PC meeting when he has a question about the ZO. The Board of Supervisors can ask him to come with them to the PC meeting to all look at proposed revisions together.

Old Business:

Accessory Building Proposed Ordinance Amendment in Section 303.4

The Planning Commission continued to work on a revised proposed amendment for Section 303.4 (a) of Article III that includes their recommendations of a 20-foot setback and limits on the number of accessory buildings.

Rich Luquette had drafted a proposed detached garage ordinance for PC discussion. PC members brought up several questions: Are all three requirements needed? How not block the house but allow for accessory structures in the front yard? Use the PC's old Small Accessory Building amendment and Detached Garage amendment they had drafted before the Supervisors drafted an amendment?

Can you have a detached garage if you have an attached one? Yes, if the driveway is really long. Why does the amendment have a 200' setback? It could just be 50'.

What does it mean, covering 25% of the house or covering a certain view of the house? Your view changes as you move along the street on a corner lot.

The goal of the detached garage amendment is that if you have a large lot with a house in back, you can build a garage in front as long as it's far enough back from the road (could just be 50') and doesn't completely block the house. We could add a drawing but it won't work in real life. In a corner lot, do we say only the address street counts as being blocked? Apply flag lot rules to this? How protect safety (not blocking the view of the house from police and other first responders, or of lines of sight from the road on a curve or corner), property values, aesthetics and not be so detailed that it's confusing and unenforceable?

Should we create a definition of the front façade of the house? But in this area, houses don't all face the road. Old farmhouses face all over. Do we look at the reverse: You can't build within x feet of front of your house?

Since we're making a new use, we have to decide whether it's either permitted everywhere or only in certain districts. And it must be written one of three ways: 1) it's a regular permitted use; or 2) it needs a Zoning Hearing Board Hearing to determine hardship before allowing for a variance; or 3) it is a conditional use where the Board of Supervisors has to approve and have a hearing and lay conditions on each suggestion. We have to advertise it as a special meeting (or the simple ones could be right before the regular business meeting). Making it a Conditional Use is probably cheaper than needing ZH Board approval, but it should have a stenographer (especially in the case of big developments). So approximately \$700 is what it will cost the lot owner and \$700 is what it will cost the township. Plus it delays things so a person can't build. Let's just add it as a regular use to aid residents.

In the PC's draft, it should say "cannot cover more than 25% of the front of the house as shown in these drawings" and then we show our drawings and notes to Jamie Harbaugh and the solicitor. When we present the proposed amendments to the Board of Supervisors, we should ask the township solicitor and Mr. Harbaugh to review them and make sure they understand our goals, vision and what they mean. Mr. Harbaugh needs to understand what we are looking for and how to enforce it.

Below are the two drafts the PC discussed and revised related to the above:

PC DRAFT 8-21-18

Detached Residential Garage

Definition: *a detached building for parking or storing the residents' vehicles that does not directly adjoin or connect by a breezeway to the principal building (house).*

Standard to Add to Section 303.4: *One (1) detached residential garage is permitted in the front yard area on lots zoned Agriculture or Conservation if it meets the following standards:*

- a) *The principal structure must be at least 200 feet from the road.*
- b) *The detached residential garage must meet the minimum setbacks for principal structures in that district.*
- c) *It may be no more than one (1) story high.*

- d) It may not exceed a maximum square footage of 750 square feet in the front yard area. It could extend farther back into the back yard as long as it meets the minimum rear setback for principal structures.
- e) It may not cover more than 25% of the front façade of the house. See drawings. [ADD 2 DRAWINGS TO CLARIFY THIS ITEM; SEE JPGS OF SKETCHES FROM MEETING]

PC DRAFT 8-21-18

Small Accessory Building/Structure

Definition: a subordinate building or structure of 200 total square feet or less, serving a purpose customarily incidental to the use of the principal building or structure and located on the same lot as the principal structure or use.

Standard to Add to Section 303.4: Up to two (2) small accessory structures are permitted in the front yard area on properties occupied by a residential use if they meet the following standards:

- a) The structure(s) must meet the required minimum setbacks for the principal structure on the property.
- b) The structure(s) may be no more than 15 feet high.
- c) The building (or the two buildings together) may not exceed a maximum square footage of 200 square feet.
- d) Examples of such structures include, but are not limited to, gazebos, garden sheds and playhouses.
- e) Structures to house livestock, such as chicken coops, are not permitted in the front yard.

The PC is still working on the above amendments. To speed the process, Barb Ruppert will send them to the PC members ahead of the Minutes, along with photos of the lot sketches members made during the meeting. Members will be able to review them and bring their comments to the September PC meeting so that the PC can recommend amendments to the Board of Supervisors in October.

Other Business:

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

At 9:50 p.m., Judie Hogan moved to adjourn the meeting. Geoff Grant seconded the motion. All voted yes, and the motion passed. The next meeting is scheduled for Sept. 18 at 7:30 p.m.

Respectfully submitted,



Barb Ruppert
Planning Commission Secretary