

STRABAN TOWNSHIP PLANNING COMMISSION

Alan Zepp, George Mauser, Patt Kimble, Sharon Hamm, John Hartzell

The Straban Township Planning Commission met this date, as publicly advertised, at 7:00 p.m. in the meeting room of the Straban Township Municipal Building, 1745 Granite Station Road, Gettysburg, PA 17325 with Chairman Alan Zepp presiding. Others in attendance were: Vice-Chairman George Mauser; Member Sharon Hamm; Member John Hartzell; Zoning Enforcement Officer David Clapsaddle; and Township Engineer Erik Vranich. Secretary Pat Kimble was not present.

Others in attendance: Robert Sharrah, Sharrah Design Group; Sandra and Lawrence Martin; Bob Spangler; Steve Smith; Steve Smith, Sr.; Doug Stambaugh; Tony Sanders; Norris Flowers; Skip Strayer; Peter Martin; Pamela Redding; and Kim Guise.

Public Comment/Agenda Items:

None.

Minutes:

Ms. Hamm moved, seconded by Mr. Mauser to approve the June 26, 2019 minutes as presented. Motion carried unanimously.

Land Use Reviews (Preliminary/Final Plans):

Freedom Valley Worship Center – Freedom House – Preliminary/Final Land Development Plan (3140 York Road) – Must act by 12/06/19.

Mr. Sharrah stated that the attorney is still working on connecting those two properties so that they could hook up into the sewer. At this point, there is nothing new.
No action.

Mark Gettysburg Associates, L.P. – Preliminary Subdivision/Land Development Plan (York Road and Hanover Road) – Must act by 09/15/19

No action. They are still waiting on the NPDES Permit from DEP.

Stonehedge Realty – Final Land Development Plan (ACEDC lot #17 Phase I) – Must act by 08/20/19

Mr. Martin informed the Commission that they have a meeting scheduled with Erik Vranich and Dave Clapsaddle tomorrow so they would request a time extension to September 24th.

Ms. Hamm moved, seconded by Mr. Mauser to grant an extension of time to October 10, 2019 on the condition that a letter of request for extension is received prior to the Board of Supervisors meeting on August 5, 2019. Motion carried unanimously.

Smith's Septic Disposal Facility* – Final Land Development Plan (660 Beaver Run Road) – **Must act by 08/20/19*

Mr. Clapsaddle informed the Commission that there are zoning issues with this plan and handed out a Determination Letter that he had e-mailed to the applicant, Steve Smith, earlier in the day. Mr. Clapsaddle also handed a copy of his Determination Letter to the applicant and his engineer, Doug Stambaugh. Mr. Clapsaddle reviewed his letter with the Commission.

Mr. Stambaugh and Mr. Smith reviewed their plan with the Commission. This plan depicts the construction of a new 150' diameter holding tank. Also included in this plan is the construction of all related infrastructure, including gravel area, modified stormwater management facilities, and related appurtenances. There was discussion on the millions of gallons annually allowed by DEP to be applied to 660 Beaver Run Road. Mr. Smith would like to add one (1) additional tank and build a storage building for his equipment that he uses to apply the septage.

Since there are outstanding zoning issues and a number of SALDO and SWM comments to work thru, the Commission asked if the applicant was going to entertain a time extension. Mr. Smith stated that he had been advised not to agree to an extension of time tonight. The Board of Supervisors, at its meeting on Monday, August 5, 2019, will need to act upon the plan. **Ms. Hamm moved, seconded by Mr. Hartzell that if the applicant requests a time extension, the Planning Commission consents. Motion carried unanimously.**

Amblebrook – Amenity Area Lots H-1 & H-7* – Preliminary/Final Land Development Plan (Shriver's Corner Road) – **Must act by 10/01/19*

Mr. Sharrah informed the Commission that this plan does not increase the impervious lot area. In fact, it drops three (3) lots but is exactly the same size. There will be a Welcome Center that will be open to the public. There will be a ballroom, Social Building, Fitness Building, indoor/outdoor swimming pool, restaurant and maintenance building. These buildings will be for the residents and their guests only.

Mr. Vranich stated that this plan depicts the modification of the previously proposed improvements within the amenity areas. This is in accordance with the Developer's Agreement and has been reviewed in accordance with the Ordinance in place at the time of the initial Preliminary Plan approval. There are waiver requests that are consistent with the approved waivers of the Preliminary Plan.

Mr. Sharrah stated that there is one additional modification that he would like to get the Commissions opinion on. It is outlined in comment number 14.a. of Wm. F. Hill & Associates letter dated July 15, 2019. Section 117-31.A – Parking cannot be located between the building and the adjacent road right-of-way. The Welcome Center is surrounded by roads and the plan shows parking between the building and road right-of-ways. Mr. Hartzell was alright with this modification; Ms. Hamm had no opinion at this time; Mr. Mauser had no opinion at this time; and Mr. Zepp was alright with this modification.

Amos Conley Farms (solar panels) – Final Subdivision Plan (Old Harrisburg Road/Flickinger Road) – Must act by 10/15/19

Mr. Vranich stated that this plan depicts subdivision of the 180.791 acre parent tract located at the intersection of Riley Road and Flickinger Road, into two lots, with the newly created Lot 2 being 10.079 acres. The plan appears to be in compliance with the Zoning Ordinance. The future plan for Lot 2 is a solar facility which is not included in this plan. The plan before the Commission tonight is strictly the subdivision of land.

There is a Request for Planning Waiver & Non-Building Declaration to be acted on by the Commission. **Mr. Zepp moved, seconded by Ms. Hamm to recommend approval of the Request for Planning Waiver & Non-Building Declaration for Lot 2 to be signed by the Chairman once approved by the Sewage Enforcement Officer. Motion carried unanimously.**

Mr. Vranich reviewed with the Commission the comments listed in the Wm. F. Hill & Assoc., Inc. letter dated July 17, 2019 that are still to be satisfied.

The Straban Township Planning Commission recommended conditional approval based on the review letter of Wm. F. Hill & Assoc., Inc. dated July 17, 2019 to be satisfied as follows:

1. SALDO 117-20.A – All Sewage Facilities Planning approval must be obtained prior to Final Plan approval. It appears that a Request for Planning Waiver and Non-Building Declaration would be appropriate for this project however future development of Lot 2 may require additional sewage planning at that time.

2. SALDO 117-27.B(26)(a) – A statement of use of Lot 2 must be provided that states the intended use of Lot 2 and the future development of Lot 2 may require the preparation of a Land Development Plan, traffic impact fees, and approval of applicable permits from the Township, County and State.

3. SALDO 117-27.B(29) – The Owner’s and developers’ notarized signatures must be provided on the Plans.

4. SALDO 117-32.B(3 & 4) – It is noted that an existing gravel driveway is depicted, however it must be verified that the access point for Lot 2 will be sufficient sight distance.

5. SALDO 117-35.D – It must be noted on the Plan that a drainage easement is provided for the full width of the FEMA floodplain located within Lot 1.

6. SALDO 117-38.D – All property corners shall be bonded items or field verified prior to Supervisors’ signatures being added to the Plans.

7. The comments of the Adams County Office of Planning and Development should be considered prior to Plan approval.

Mr. Hartzell moved, seconded by Ms. Hamm. Motion carried unanimously.

Appearances:

None.

Old/New Business

1. **Proposed Map/Text Amendment – Kimberly K. Guise & Pamela D. Redding** – Ms. Redding stated that their property at 2145 Old Harrisburg Road is surrounded by R-1 which allows for solar panels. They would like to utilize part of the property for solar panels and keep the remaining property in agriculture. The property is now zoned MU-2 which is the most intense use but does not allow solar panels.

Mr. Clapsaddle prepared a Memorandum concerning this text amendment request for the Planning Commission.

“The Petitioners’ specific request is that Table 140-11-1 be modified to include “Solar Electric Facilities,” as that term is defined in Section 140-5 of the Ordinance as a permitted use within the zone subject to the use regulations found at Section 140-21D of the Ordinance. In the Alternative, the Petitioners request that the Property be re-zoned to R-1”.

Mr. Clapsaddle explained that pertaining to the text amendment, we can say that adding solar electric facilities is consistent with the overall description and intent of the Rural Landscape character area of the Comprehensive Plan, as it will not result in an increase in the intensity of use and not result in an increase in traffic. It will not result in spot zoning. Allowing solar electric facilities as a permitted use in the MU-2 zoning district may not result in noxious or objectionable uses being introduced, except for the intrusion of view sheds. However, it will result in the expansion of low intensity uses into areas being reserved or allocated for more intense residential, commercial and mixed uses. This should not result in objectionable traffic or environmental conditions. The amendment is compatible with the current surrounding zoning and land development patterns; it may not be compatible with the future zoning and land development patterns envisioned by the Official Map.

Mr. Clapsaddle explained that pertaining to the rezoning to R-1, it is conforming to the recently adopted Joint Comprehensive Plan. The existing MU-2 allows, perhaps, the most intense uses permitted in the zoning Ordinance. The R-1 district encourages single family dwelling development at far less density than the MU-2 District. Spot zoning is generally defined as allowing the creation of a small island of property zoned inconsistently with its surrounding properties; the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners." Rezoning to R-1 is not spot zoning, because: 1) The request conforms to the Future Land Use Map of the Joint Comprehensive Plan; 2) The property is abutted by other R-1 properties and is in keeping with the existing and future land use pattern of the surrounding area; and 3) It does not provide the applicant with a direct benefit, as it is a less intense district.

The rezoning and subsequent development will result in less traffic and noxious impacts and adverse environmental conditions that would be permitted under the MU-2 District. Rezoning to R-1 is harmonious and compatible with the surrounding area.

Mr. Clapsaddle gave three (3) options that he sees: 1) **Maintain the Status Quo**; do nothing. The submission of either a text amendment or map amendment to the Zoning Ordinance requires no action. 2) **Support/Encourage the Text Amendment Approach**. The Commission may find no objection to allowing solar electric facilities as a permitted use in the MU-2 district. This approach could result in facilities being spread out over a larger area, and not impacting a smaller area. Two concerns to consider are: a) There is already a large amount of land available in the R-R and R-1 districts where solar electric facilities are a permitted use; and b) why expand an essentially passive use into areas zoned for more intense uses? 3) **Support/Encourage the Rezoning Approach**. This approach conforms to the Future Land Use Plan Map of the Joint Comprehensive Plan; allows less intense uses than the current zoning; and limits the expansion of solar facilities to this property. The Plan was recently adopted in April. While the rezoning is not a Plan amendment, it is a change to the Official Map, which is a major tool that implements the plan.

Mr. Clapsaddle recommended option 3 to the Commission.

The Adams County Office of Planning and Development comments are not in yet so the Commission tabled action until those comments are received.

2. Ordinance amendments –

Agricultural Operation and Agriculture definitions – These are currently not defined in the Ordinance. These definitions are from the Pennsylvania Municipal Planning Code. We need to clarify where these go. Mr. Hartzell felt that the proposed language in Section 2 was not defined correctly. Septage does not fall under solid waste.

Chapter 94 – This clarifies the definition of Vendor and adds a definition for Permit. This ordinance also addresses when a hearing is needed and when it is not needed. Mr. Hartzell pointed out that the application is called Peddling and Soliciting however, this Ordinance does not address the door-to-door issue.

Chapter 140 – Various items addressed in this proposed Ordinance. Removal of Animal husbandry in the R-1 Allowed Uses; keeping of horses for personal recreation use to include R-2 District; amend Section on Special Events; and anyone that commences construction without first acquiring a land use permit, the application fee for the land use permit to be three times the amount of the original fee.

Excavation of Streets – To include a section entitled “Openings and Excavation of public rights-of-ways” and to include a means for the township to require bonding/financial security when an excavation permit is requested.

Since it was getting late, there was no discussion on the nuisance ordinance.

Ms. Hamm moved, seconded by Mr. Mauser to recommend that the Board of Supervisors allow these draft ordinances to be forwarded to the Adams County Office of Planning and Development for a courtesy review prior to an official review. Motion carried unanimously.

It is the desire to keep these ordinances all together.

Adjournment

Mr. Hartzell moved, seconded by Ms. Hamm to adjourn the meeting at 9:30 p.m. Motion carried unanimously.

NEXT MEETING: SUPERVISORS: August 5, 2019
PLANNING COMMISSION: August 28, 2019

Respectfully Submitted,

Robin K. Crushong, Office Manager