

# Hamiltonban Township Planning Commission

23 Carrolls Tract Road, Fairfield, PA 17320

## Regular Meeting

April 27, 2010

**Planning Commission Members Present:** Chairman Russell Ryan, Vice Chairman Stephen Jacobs, Secretary Doreen Premo, William Shriner, and Michael Pastovic.

**Board of Supervisors Present:** Robert Gordon, and Harry Rood.

**Staff/Others Present:** Rob Thaeler, Township Planning Consultant from ACOPD; and Jason Reichard, from CS Davidson, Inc., Township Engineer.

**Public Present:** J. Edward Deardorff, representing Carroll Valley Farm Subdivision Land Development Plan.

**Call to Order:** At 7:03 PM Chairman Ryan called the meeting to order.

**Public Comment:** None.

**Agenda Approval:** Chairman Ryan asked for agenda additions or corrections. There were none.

**Approval of Minutes:** Chairman Ryan asked for additions or corrections to the minutes from March 18 Joint PC & BOS Workshop on the revision of the fee schedule, March 23 Regular PC meeting, and April 19 PC Workshop on SALDO items. There being no changes, Chairman Ryan then called for a motion to approve the minutes. **Bill motioned to accept the March 18 Joint PC & BOS Workshop minutes, and Michael seconded. The motion carried unanimously. Steve motioned to accept the March 23 Regular PC minutes, and Michael seconded. The motion carried unanimously. Steve motioned to accept the April 19 PC Workshop minutes, and Bill seconded. The motion carried unanimously.**

**Public Comment:** None.

### Old Plans:

**Dan Sanders Land Development Plan.** Mr. Dan Sanders was not present as his engineer, Riley Redding, is consolidating two plans into one. This plan should be ready for recommendation next month (May 25).

**New Plans:**

**Carroll Valley Farm Land Development Plan.**

Mr. Deardorff signed the Time Waiver form when requested by the Planning Commission Secretary, Doreen Premo.

Discussion was held on the problems created between the Clean & Green requirements and the township requirements for rights-of-way on properties in the agricultural zone. In Clean & Green, the property must be two acres only. The township requires two acres plus the right-of-way along the road. Mr. Deardorff indicated he wants the plan approved first, and then he will go to the tax office to get a clarification of the Clean & Green regulations. He asked what he had to do to receive a waiver of the township requirement, and the Township Engineer, Jason Reichard, stated that this would be a zoning variance.

There was detailed discussion about the definitions of setbacks and their locations, and the different requirements between the township and the Clean & Green program. Mr. Deardorff indicated that he “would be nailed by the rollback tax” (if he had more than two acres in the lot). Mr. Reichard replied, the problem is not really with the setback, it’s with the public right-of-way for the street. He said the definition in the (township’s) zoning ordinance requires the right-of-way to be excluded when calculating the area of lot. Two acres are needed, so in this case, 2.11 acres overall are required in order to have two acres of net area excluding the right-of-way. Mr. Reichard and Mr. Thaeler are in agreement that (Mr. Deardorff ) has to apply for a variance. Mr. Reichard said the lot area is defined as exclusive of the right-of-way. Mr. Deardorff said does that mean anyone who sells a lot in an R2 District has to go through a zoning variance to sell a lot? The answer is yes if the seller wants to stay in Clean and Green. Mr. Reichard said he’s talking about choice. Mr. Deardorff said what he needs to do is wait until after it’s approved. Mr. Thaeler said it can’t be approved for Clean and Green, but it can be approved with the current sizes, just not to stay in C&G.

Mr. Deardorff was presented with options on resolving his problem with the lot size. He could stay with his preliminary plan and end up paying roll back taxes for withdrawing from the Clean & Green Program, he could apply to the township for a waiver from the right of way requirement by appearing before a Zoning Hearing Board and stay in Clean & Green, or he could present a request to the township to consider amending the zoning ordinance which

would have to go through all the approval steps and delay the whole process probably requiring approximately six months and a lot of money.

Mr. Deardorff said he would assume the rollback tax as he doesn't want to hold it up. He indicated that he could not prove this is a hardship as it's a definition hardship.

Mr. Reichard said we'll continue to work on our side, and he should continue to work on his side. Mr. Deardorff said he needs preliminary approval for his plan and asked if the township was going to be addressing that. Mr. Gordon, Chairman of the Board of Supervisors, said we will be looking to our experts as to what to do, and if we have a zoning ordinance that is causing a problem for those people in Clean and Green, then we ought to look at it. Mr. Ryan said as he's in Clean & Green, if he wanted to divide a lot off, he would have to do a two acre lot. Mr. Jacobs said he could sell one lot a year. Mr. Deardorff said he wasn't selling, he's just subdividing. He said he's not ready to sell yet.

A discussion followed about the timing for taking a property out of Clean and Green, and Mr. Ryan mentioned that ACOPD's and Mr. Reichard's comments just came out, and all of them are minor. Therefore, the next step is for Mr. Deardorff to finish this up with a new plan. Mr. Deardorff said his engineer is working on the changes, and he should be able to come in with a plan in plenty of time for us to look at next month. According to section 401 this is a preliminary plan, so to be considered a preliminary/final plan according to Section 404, Jason said he thinks they need a waiver. **Steve Jacobs motioned that the Planning Commission recommend the Board of Supervisors grant a waiver of Section 404, and allow submission of the Carroll Valley Farm Plan as a preliminary/final plan. Bill Shriner seconded. The motion carried unanimously.**

There was discussion on the timing of the plan. Secretary Premo said the original plan came in on time. All agreed that the clock started with this meeting.

There was discussion on how Mr. Deardorff perceived there were changes in the procedures from his time as a supervisor. He proceeded to ask for conditional approval tonight as he said all that is doing is starting the clock. Secretary Premo replied that this was not so, and that it would go to the Board at that point. Mr. Deardorff continued by saying that his plan started back on

the sketch plan. Mr. Reichard replied that it all starts at the first PC meeting according to the MPC (Municipal Planning Code). If it is given conditional approval, then it is just presented to the board and the Planning Commission won't see it again. Mr. Ryan said we should be ready by the May meeting and that we're going to table it for now.

Mr. Ryan said we're not going to make the applicant do stormwater at this time. Discussion took place on when stormwater management plans are needed and when they can be deferred. Right now, the Monocacy Act 167 says subdivision kicks in a stormwater management plan. Therefore, Mr. Deardorff's plan will need to have a note to do a stormwater management plan at the time of building. Mr. Deardorff asked if he could provide for a shared driveway. Mr. Reichard said he thinks the ordinance provides for it. Points discussed were that a shared driveway could create a hardship if one lot is sold and not the other, with a shared driveway there are fewer access points onto the road, but a maintenance agreement would be needed.

There was a brief update on Mrs. Bream's problem with the stream running along her property.

Mr. Deardorff left at 7:42 PM.

Discussion was continued on the stormwater issue. Mr. Reichard mentioned that in the future we can come up with some basic plans that the builder can choose from.

Discussion on the Hamiltonban Planning Commission Workshop held on April 19 with Township Planner, Mr. Rob Thaeler, brought all members up to speed on the Fairfield/Hamiltonban Joint Planning Commission Workshop held in March. We will try to coordinate our ordinances to be consistent with the borough ordinances when there is a "shared" subdivision, i.e., when a subdivision crosses over political boundaries.

There was a brief discussion on revising the nuisance ordinances and the section on trees under Conservation by Design. Secretary Premo will contact Pam Wiehagen for her comments on this section. Mr. Thaeler said this is an advisory section, and as such, is not enforceable. Recommendations may be made such as trying to stay away from steep slopes, but it doesn't require the builder to do so. Some zoning requirements need to be in the SALDO to simplify the ordinances.

**Old Business:** Mr. Gordon, supervisor, would like to clean up the nuisance ordinance as to junk cars. It was suggested that the code enforcement officer, Mr. Dave Lutz, come to the May PC meeting. Mr. Gordon said he will e-mail Mr. Lutz. We may ask the police officer to appear at a meeting sometime in the future for a revision of the noise ordinance. PSATS may have sample ordinances.

**Township Engineer's Report:** Mr. Reichard suggested that we clean up any differences or discrepancies, conflicts, etc. between the Zoning Ordinances and the SALDO.

**Township Planner's Report:** Mr. Thaeler agreed and said that's what he's trying to do with Conservation by Design. Our construction standards need to be separated into its own document. Right now, it's lumped in with the SALDO. Updates should be done by resolution as they can be easily changed in the document according to changing standards. Overlaps amongst the books should be cross-referenced.

**New Business:** The question as to whether a new porch enclosure would require a permit was brought up. The consensus was that this would require a building permit.

**Township Meetings:** The following meetings will be held at the Township Office at 23 Carrolls Tract Rd. at the local prevailing time of 7:00 PM.

1. BOS Workshop - April 29, 2010.
2. BOS Regular Meeting – May 4, 2010.
3. Recreation and Parks Meeting – May 12, 2010.
4. Planning Commission Regular Meeting – May 25, 2010.

**Other:** State of the Waters Conference – May 13.

Course in SALDO review. \$80 for two Fridays at Mt. Pleasant.

**Public Comment:** None.

**Adjourn:** The meeting was adjourned at 8:26 PM upon motion by Rusty Ryan, seconded by Steve Jacobs, and unanimously approved.

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Doreen C. Premo, Planning Commission Secretary