

**Planning Commission
CHANCEFORD TOWNSHIP**

MEETING DAY & TIME: December 18, 2007

John Shanbarger opened the meeting of the Chanceford Township Planning Commission at 7:00 p.m. in the Community Building, 51 Muddy Creek Forks Rd., Brogue, PA. Mr. Shanbarger led those in attendance in the pledge to the flag.

Members present: Chairman John Shanbarger, Vice-chairman Bruce Miller, Members Ralph Daugherty, Mark Bupp, Henry Tyson, John Urey, and Thomas Gizzi.

Others present: Township Engineer Casey Deller, Zoning Officer Jeffrey Koons, Secretary-Treasurer Brenda Gohn, and Township Solicitor Timothy Bupp (arrived at 7:45 p.m.)

There was a quorum present.

APPROVAL OF MINUTES:

Ralph Daugherty made the motion to waive the reading of the minutes of 11/20/07 and to approve the same as amended. Seconded by Bruce Miller, motion carried.

SUBMITTALS AND SKETCH PLANS:

Douglas Miller (EM-63Z) was present to inquire about subdividing an add-on lot or obtaining a long term lease from the adjoining property owner (daughter and son-in-law) in order to allow him to build a garage. After reviewing the sketch, several issues were discussed. He would need to reconfigure the lot for it to remain the same size and a lease would be circumventing the Ordinance by not meeting the setbacks and would still require a subdivision plan. If he went to an oversized lot, he would then be using prime soils which may or may not be an issue. In addition, where he would like to locate the accessory structure would actually be in the front yard which is prohibited. The Planning Commission suggested having his daughter and son-in-law build the building on their property for Mr. Miller's use. By doing this, Mr. Miller would not need to do anything further.

Nelson and Debra Horn, 13895 Fake Road – although the Horns were not present, Casey Deller reported on his findings for this property. The summary from Casey Deller and John Klinedinst was that it is a decision the Planning Commission will need to make regarding whether the Horns would need to purchase 40,000 sq. ft. However, Casey and John concluded this square footage would not be needed due to the steep sloping, poor agricultural land and the creek in the bottom. It was suggested they could subdivide the whole portion between their property and the road to clean up the lot lines, do a land swap with the adjoining property owner giving him a portion of their land (EM-33G) and

December 18, 2007 Chanceford Township Planning Commission Regular Meeting Minutes

taking a portion of his land (FM-22) up to no less than the 150 feet so that the Horns would have a conforming lot with frontage and a dwelling right. John Shanbarger agreed that from a planning point, it would make sense to let them purchase less than the 40,000 sq. ft. It is setting a precedence. However, in this case, there is justification for doing so. Bruce Miller read Section 207.5(b) which supports justification for this type subdivision. The point was also made that by doing it this way, 40,000 sq. ft. of soil would be saved on the one side (FM-22) and put on the opposite side (EM-33G) with the poor soils. The whole process involving both property owners could be put on one plan. The Planning Commission finalized by saying they would like to see on a subdivision plan the small sliver of ground on the Horn property disappear by adding it to the adjoining property which would result in cleaning up property lines.

SUBDIVISION PLANS TO BE TABLED:

Concord Commons Preliminary Land Development Plan #2022.001 – Bruce Miller made the motion to table the plan due to the lack of revised plans and representation. Seconded by Ralph Daugherty, motion carried.

Cool Country Properties Preliminary Plan #060619 – Bruce Miller made the motion to table the plan due to lack of representation. Seconded by Henry Tyson, motion carried.

PUBLIC COMMENT:

Edward Grissinger and Martin Weiss were present to discuss the proposed noise/nuisance ordinance. The Chairman told them it will be discussed when the Township Solicitor arrives.

Floor closed.

ZONING HEARING APPLICATION:

Charles and Jeannine Knisely have applied for a variance from Section 205.1 in order to allow for the creation of a lot with less than the minimum required width.

John Shanbarger made the motion to recommend approval due to the fact that it is making the lot more conforming to the Ordinance and the ten feet the lot is short is de minimus. Seconded by Bruce Miller, motion carried unanimously.

PROPOSED AMENDMENTS:

Draft Nuisance/Noise Ordinance

Vice Chairman Miller feels the fine of \$50 is too low. Attorney Bupp explained that the fine is a policy decision and is brought up separately to the District Justice. Attorney Bupp further explained the enforcement mechanism and the three enforcement methods; Zoning Officer, State Police, and private action.

All agreed it must be an enforceable ordinance.

December 18, 2007 Chanceford Township Planning Commission Regular Meeting Minutes

It was discussed taking Section 2 of the draft ordinance and plugging it into Section A of 301.2 of the current ordinance. Also if the draft ordinance is going to be adopted, wording would need to be added exempting agricultural uses.

A certain distance from the property lines and times of day for operation were also discussed.

Edward Grissinger asked that the ordinances be enforced evenly.

The final decision was to try to enforce the current ordinance first before adopting the proposed ordinance.

Airport Ordinance

Attorney Bupp stated that the Township needs to adopt an airport ordinance that is in the best interest of the Township and its residents. It needs to comply with the court decision and Airport Zoning Act. It needs to be tailored to be the least intrusive as possible.

The directive from the court says we must adopt an ordinance that is in compliance with the Act but we have discretion as to what it includes. However, the Act itself says we have to adopt the model ordinance which appears to give the Township no discretion as to what to include.

Attorney Bupp believes that the judge has given the Township discretion as to what must be included and therefore, has come up with these revisions to the model ordinance:

1. Taking out the cover page.
2. Taking out the letter addressed to the Township Secretary dated 6-28-89.
3. Taking out the Table of Contents.
4. Taking out the Declaration of Policy.
5. Since the Aviation Act itself has the definitions in it, Attorney Bupp is going to take out the definitions but reference the Act.
6. He is going to incorporate the township map in its entirety but will concentrate on the trapezoid zone in the center.

Attorney Bupp further explained that if the ordinance is adopted and a structure is built that is in the hazard zone, the township will need to address it.

There is presently in the legislature a bill introduced by Rep. Stan Saylor to amend the Airport Act.

In the meantime, Attorney Bupp would like to put appropriate wording in the ordinance to protect the township from hazards.

It was mentioned that ACRE could be affected by this proposed ordinance.

By May of 2008, an ordinance has to be adopted.

This ordinance and further revisions will be discussed at the next meeting.

ADJOURNMENT:

There being no further business, Ralph Daugherty made the motion to adjourn the meeting. Seconded by Bruce Miller, motion carried unanimously. The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Brenda C. Gohn
Secretary

