

**Planning Commission  
CHANCEFORD TOWNSHIP**

**MEETING DAY & TIME:** January 15, 2008

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, and Thomas Gizzi.

Member absent: John Urey

Others present: Township Engineer Casey Deller, Zoning Officer Jeffrey Koons, Secretary-Treasurer Brenda Gohn, and Township Solicitor Timothy Bupp (arrived at approximately 7:20 p.m.)

There was a quorum present.

**REORGANIZATION:**

A motion was made by Ralph Daugherty to retain John Shanbarger as Chairman. Seconded by Bruce Miller, motion carried.

A motion was made by John Shanbarger to retain Bruce Miller as Vice-chairman. Seconded by Ralph Daugherty, motion carried.

**APPROVAL OF MINUTES:**

Ralph Daugherty made the motion to waive the reading of the minutes of 12/18/07 and to approve the same as written. Seconded by Bruce Miller, motion carried.

**SUBDIVISION PLANS TO BE TABLED:**

Cool Country Properties Preliminary Plan #060619 – Bruce Miller made the motion to table the plan due to lack of representation and to give the Engineer time to review the revised plans. Seconded by Ralph Daugherty, motion carried.

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.

**PUBLIC COMMENT:**

No comment.

Floor closed.

**REQUEST FOR PLANNING EXEMPTION:**

Jared Wotring submitted a Request for Planning Exemption. However, the Township Engineer felt more information was needed. Casey Deller will bullet items that need to be addressed.

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## **PROPOSED AIRPORT ORDINANCES:**

Attorney Bupp submitted a copy of House Bill #2159 (Amendment to Aviation Act Title 74) for all to review. Mr. Bupp also passed out copies of the Proposed Airport Hazard Zoning Ordinance to be reviewed with the Planning Commission.

It was noted that when this ordinance is in place, not only will a building permit be required for structures but also an airport hazard permit.

Section 2.2 Primary Surface – A surface longitudinally centered on a runway. The width of the primary surface *of the Baublitz Airport is equal to the width of the existing runway (which is currently equal in width to the current property, or one hundred (100') feet)*. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Section 2.3 Runway – A defined area on an airport prepared for landing and takeoff of aircraft along its length. *The existing width of the runway for the Baublitz Airport is one hundred (100') feet.*

Section 3.1 - the words *horizontal surfaces and conical surfaces* were deleted.

Section 5.2 Use Restrictions – the words *in such a way as to create unsafe conditions for the residents of Chanceford Township* were added.

Section 6.1(a) – was deleted and replaced with *Nothing in this ordinance should be construed to in any way limit or interfere with normal operations involving annual crops or vegetation.* Sections (b) and (c) were deleted.

It was noted that approximately twenty to thirty property owners may be affected. Also noted, the primary surface needs to be 400' and since the Baublitz Airport has only 100', this means the airport does not own the primary surface.

Section 6.5 Hazard Marking and Lighting – deleted words *at its own expense.*

Section 7.1 Local Enforcement – the words *Application for action by the Board shall be subject to any applicable fee schedule then in place by the Township for zoning hearings. Any application for action by the Board made to the zoning officer by complaint from a landowner shall be accompanied by a written determination from the Federal Aviation Administration that the condition complained of is a hazard to the public safety of the residents of the area, and a recommendation from the Federal Aviation Administration as to the appropriate action to correct the condition* were added.

Section 8 Recovery of Damages and Costs – entire section added by Attorney Bupp.

*8.1.1 In the event of the initiation of a takings claim against the Township based upon the adoption, administration, or enforcement of this ordinance, within 30 days of the initiation of such an action, the airport owner shall be required to institute a bond in favor of the Township for one hundred ten (110%) percent of the estimated value of the takings claim as estimated by the Township, which bond shall be used to recompense the Township for its actual damages and any legal costs incurred from such claim. If the airport owner shall fail to post such a bond within the required time period, then this ordinance shall be null and without effect as related to the property in question.*

*8.1.2 In the event damages, whether pursuant to court order or court-approved settlement, are awarded to a landowner as result of the initiation of a takings claim against the Township based on the adoption, administration or enforcement of this ordinance as related to all or part of a landowner's property, an amount equal to the damages and the legal costs incurred by the municipality in defending the takings claim shall be assessable and recoverable by the municipality against the owner of the airport which directly benefited from the municipal regulatory action. If the airport owner fails to reimburse the municipality within 60 days of the municipality's tender of the assessment, either party may, within 30 days of the end of the 60-day period, petition the court of common pleas in the county where the airport is located to assume jurisdiction of the matter. Upon the filing, the court shall assume jurisdiction and shall determine whether the airport owner is liable for reimbursement to the municipality under this section and, if so, the amount of reimbursement due.*

Attorney Bupp explained that in Section 8.1.1, the bond comes into place when a taking is initiated.

John Shanbarger made the motion to send the revised draft into York County Planning Commission for review and comment. Seconded by Bruce Miller, motion carried unanimously.

**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 8:50 p.m.

Respectfully submitted,

Brenda C. Gohn  
Secretary

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