

**Tulpehocken Township Planning Commission Meeting
February 1, 2018**

Present: Planning Commission Members: Robert Sattazahn, Laverne Frey, John Zimmerman, Ray Daub, Scott Hetrick, Chris Hartman, Matt Mack and Heather Claman.

The Planning Commission meeting began at 7:34 p.m. and continued with the pledge to the American Flag.

Reorganization for 2018: Ray Daub made a motion to nominate Robert Sattazahn for Chairman of the Tulpehocken Township Planning Commission Board. Motion seconded by Scott Hetrick. Scott Hetrick made a motion to nominate Laverne Frey as Vice-Chairman. Motion seconded by John Zimmerman. Nomination closed by Scott Hetrick. Motion seconded by Laverne Frey. All members present were in favor of the Chairman and Vice-Chairman nominations, motions were carried. The Planning Commission Secretary stated that for Reorganization for 2018, Robert Sattazahn was declared the Chairman of the Tulpehocken Township Planning Commission Board and Laverne Frey was declared the Vice-Chairman of the Tulpehocken Township Planning Commission Board.

The minutes from the November 2, 2017 meeting were reviewed and approved as written. The December 7, 2017 and the January 4, 2018 Planning Commission meetings were cancelled due to inclement weather.

Public Comments: None.

Active Plans:

Mountain Meadows Phase II: Time expires March 8, 2018. Pioneer Management LLC, the applicant's engineer, presented a time extension letter to the Township for a 182 day time extension. The Township Engineer stated that he and Lester Feick met with Louie Hurst, the developer for Mountain Meadows. The sewer main for the Lancaster Avenue Pump Station is going to be upgraded from a three inch line to a four inch line to help with the sewer issues that have been ongoing under the CAP (Corrective Action Plan) with DEP. Louie will be paying for the complete pump station upgrade for Phase II. *Laverne Frey made a motion to recommend to the Board of Supervisors to grant the time extension request for Mountain Meadows as a 182 day time extension to September 6, 2018. Scott Hetrick seconded the motion. All in favor, motion carried.*

Camp Calvary: Time expires March 4, 2018. The staff housing project is almost complete. They are expecting to receive their occupancy permit in the very near future to use this building. Camp Calvary presented a time extension letter to the Township for a 180 day time extension. *Ray Daub made a motion to recommend to the Board of Supervisors to accept the time extension letter for 180 days, giving a new date of August 31, 2018. Scott Hetrick seconded the motion. All in favor, motion carried.*

New Plans:

Urie Stoltzfus Final Minor Subdivision Plan: Hershey Surveying Inc. submitted a Final Minor Subdivision Plan for Urie Stoltzfus who resides at 1359 Hilltop Rd. They are requesting a waiver/deferral of land development due to 7/10th of an acre of the proposed Lot 2 being in Tulpehocken Township. The total acreage for the proposed Lot 2 is 12.6 acres (gross) and is being used for agricultural use only. The majority of this parcel is in Jackson Township.

The Township Solicitor stated that he would think that if a portion of the plan is in Berks County, it would need to be recorded in Berks County. There was question on how Berks County would record the plan without performing a review. Ron Hershey, with Hershey Surveying Inc. stated that he spoke to the Recorder of Deeds in Berks County and was told that since it is not an assessed parcel, that the plan would not need to be recorded nor would a deed be necessary in Berks County. The Township Solicitor does not agree with this statement. Usually there is a signature block on the plan for the Township to sign and waive review of the plan. The Township Solicitor will contact the Berks County Planning Commission to see if they would like to review this plan and have the plan recorded in Berks County. This property could be subject to further subdivision or development in the future and then the information would not appear with the County if it is not recorded in Berks County.

Ray Daub made a motion to recommend to the Board of Supervisors to grant the request to waive a review of this subdivision. John Zimmerman seconded the motion. All in favor, motion carried.

Walk-In Discussions: None.

Other Business:

Zoning Hearing Application for Michelle Giorgio: The Planning Commission discussed the Zoning Hearing Board Application of Michelle Giorgio for a use variance from Section 741 of the Tulpehocken Township Zoning Ordinance of 2013, as amended, to allow residential use of a proposed single family dwelling on a pre-existing, separately deeded lot. The residential use would be located at 5250 Route 419, Tulpehocken Township, within the Township's I/C – Industrial/Commercial District. Residential use is not allowed as a separate use in the district where the property is located.

There is an existing home on the one lot, owned by Michelle Giorgio. The existing house was there prior to being zoned in the Industrial/Commercial District, therefore is a non-conforming use. The Township Ordinance does not provide new residential use lots in the Industrial/Commercial District. The two lots are currently owned by Michelle Giorgio. Until the second lot is sold it will not have its own tax parcel number. If a variance would be granted, it would change the purpose of the zoning district. A use variance should not be granted from a legal standpoint unless there is a hardship of the

property which prevents it from being used in accordance with the issues already allowed in the zoning district. The property has not be marketed for a commercial use. There are a number of commercial uses that this lot could be used for. The use variance is frowned upon because it brings incompatible uses together. And one of the primary uses of zoning is to group compatible uses of zoning together. Residential is typically not compatible with industrial/commercial. No evidence of a hardship is listed on the application and it could negatively impact the neighboring properties in the future.

Another option, the Planning Commission could recommend a condition to the Zoning Hearing Board that states that there should be a deed restriction recorded as a condition of the approval of the variance that whoever uses this property for a residential use cannot complain about industrial/commercial uses on the adjoining parcels. This option is not recommended.

The Planning Commission commented that the zoning for this lot allows Industrial/Commercial uses of property, that the undeveloped lot appears to be usable for several of the permitted uses in the district, and that the application does not indicate a hardship of the property to justify a variance. *John Zimmerman made a recommendation to the Zoning Hearing Board to deny the application. Ray Daub seconded the motion. All in favor, motion carried.*

Rufus Eugene & Susan Martin Poultry Plan: The Planning Commission will need to re-approve and sign revised plans for the Rufus Eugene & Susan Martin Poultry Plan. There were a couple revisions with the pond when the Conservation District reviewed the plan and the names on the plan needed to all match as well. *Laverne Frey made a motion to re-approve and sign revised plans. Scott Hetrick seconded the motion. All in favor, motion carried.*

There was discussion regarding the two standing barn walls and two silos in *Phase II of the Mountain Meadows Subdivision*. When will the developer be required to remove these items? The Township Solicitor stated that it is part of Phase II and this Phase has not been approved. Once this occurs, this will be a requirement as part of the improvements agreement. The developer will have to post an escrow and will be required to complete the conditions listed on the plan before having the escrow released.

The Township Engineer discussed the recreation area with the developer for *Mountain Meadows Subdivision*. Mr. Hurst is open to different options for recreation space. Recreation space/money will only be turned over to the Township in Phase II. Whether it is land or money. John Zimmerman stated that the Recreation Board would like either money or a lot in which could possibly be sold in the future for money. This is something that the Board of Supervisors, Planning Commission and the Recreation Board should discuss.

John Zimmerman wanted to inform the Planning Commission that we have been awarded the joint municipal planning grant for recreation space. This is a joint municipality grant with Marion Township, Bethel Township and Tulpehocken Township. All of the Townships have securely matched the funding for this grant. There may be a joint meeting with DCNR and the Townships the end of February.

Laverne Frey made a motion to adjourn the meeting at 9:30 p.m., seconded by Ray Daub. All voted in favor. The meeting was adjourned.

Respectfully submitted,

Heather Claman

Planning Commission Secretary