

Tulpehocken Township Planning Commission Meeting
November 2, 2017

Present: Robert Sattazahn, Gary Deck, Ray Daub, John Zimmerman, Laverne Frey, Beth Auman, Matt Mack and Heather Claman.

Members absent from the meeting: Scott Hetrick.

The Planning Commission meeting began at 7:31 p.m. and continued with the pledge to the American Flag.

The minutes from the October 5, 2017 meeting were reviewed and approved as written.

Public Comments: None.

Active Plans:

Mountain Meadows Phase 2: Time expires March 8, 2018. No discussion.

Camp Calvary: Time expires March 4, 2017. No discussion.

Nelson Auker Poultry Operation: This 11.27 acre property is located at 16 Rehrersburg Road and is in the RR District. Red Barn Consulting was present as well as the applicant to discuss a revised sketch plan. The site exceeds more than 2.0 animal units per acre. Mr. Auker did obtain signatures from surrounding neighbors who are in favor of the plan that he has presented.

There are two zoning issues to overcome. Since this is in the Rural Residential District, the maximum impervious building coverage allowed is 10%. This plan proposes 14.6% coverage. The existing coverage is 8.5%. Secondly, intensive agriculture activities should be on land that exceeds 25 acres in size. This parcel is only 11.27 acres. Therefore, the use is allowed however the intensive agriculture lot area is a non-conforming use.

The Township Solicitor received a letter from Attorney Susan Bucknum. Attorney Bucknum states that the entirety of the property has served as grazing land so it has always been in agriculture. And then the poultry piece of the operation has been an existing use. And under some of the existing state acre laws that deal with agriculture, where you have an existing use that may not be conforming, you have a natural right of expansion. The intensive agriculture would not be permitted if brand new operation would be starting on this parcel. The Township Solicitor stated that with the existing agricultural use and poultry operation she is comfortable with the way this proposed operation fits under the nonconforming expansion right that the applicant may have. Unless the Planning Commission feels strongly that we should take a different position, the Township Solicitor does feel that the applicant has a valid point under state law that the proposed operation is permissible.

The Township Solicitor stated that it is reasonable to interrupt that the dimensional requirements applicable to the agriculture use in the agriculture district could apply to this situation because that was the intent of the 2014 amendment to add agricultural use to the RR district.

The current operation houses 60,000 birds currently and is proposing a maximum of 72,000 birds. There is an issue with the non-conforming use for the acreage but meets the zoning requirements with the impervious surface. This is even if it was zoned agricultural.

The current houses are turning into a liability and becoming outdated.

The ordinance states that the EAP District should be followed for the setbacks but doesn't discuss the impervious surface.

The Township should make sure that it is noted on the plan of what the footage of the floors is prior and the new footage of the floors.

The existing driveway will ultimately shift and not be shared with the neighbor all under PennDot regulations.

Tulpehocken Township is predominately agricultural at this time, however in the future this could change. So the Planning Commission feels that they need to set a presentence for the future. The concern is how much and an existing operation can expand?

The Township Solicitor stated that this is a limited scenario. The existing property's use is grandfathered and the owner has a legal right to some expansion under the current acre law. It is reasonable to apply the building coverage requirements where that use is actually is now permitted which would give you that 15% building coverage. And the owner has gone to all of the neighbors and had them all sign off that they would not have an issue with his proposal.

The Planning Commission is comfortable with the plan as presented. There should be documentation should be noted on the plan the existing floor area and what the future floor area will be. The applicant should also provide the neighbors signatures with the plan as well. The applicant will need to present his plan to the Zoning Hearing Board and the Planning Commission will get to give recommendations to the Zoning Hearing Board with conditions.

Rufus Eugene & Susan Martin Poultry Plan: Time expires December 6, 2017. The Township Engineer will need to review and approve the cost estimate for this project. The applicant will be enforcing the shoulder on the opposite side of the road for trucks turning into the driveway. The applicant is going to try and get a letter from the neighbor for emergency access to the pond on the neighboring property. There is a new legal description combining the 2 tracts which were on one deed to one tract on one deed. The Township Solicitor will need to review and be satisfied with the combination and the deed will need to be re-recorded. Page two (2) of the plan there is a section where the date that the waivers were approved needs to be filled in before plans are released for recording or a revised page two needs to be submitted.

John Zimmerman made a motion to recommend to the Board of Supervisors to grant the following waivers. Ray Daub seconded the motion. All in favor, motion carried.

- Section 302. This plan was submitted as a combined submission. This requires a waiver.
- Section 302.F. The key map for the purpose of locating the property being subdivided drawn to a scale. The scale of the map is appropriate for the subject property.

- Section 303.1H. The location of all existing and proposed monuments is required. This plan has most of the property pinned. One corner is not pinned due to farming in that area.
- Section 310.K.2. The toe of the slope of any fill shall be located no less than 25 feet from any property line. The plan notes that the property line will be staked prior to construction.

Laverne Frey made a motion to recommend to the Board of Supervisors to grant conditional preliminary/final plan approval with the conditions listed below. John Zimmerman seconded the motion. All in favor, motion carried.

- *Conditions in the Township Engineer dated October 31, 2017 which includes maintenance responsibilities and agreements.*
- *E & S and NPDES approval is still needed.*
- *Township Solicitor needs to review the combined deed and blanket easement.*

New Plans: None.

Walk-In Discussions:

Delmas Witmer was present to discuss the property located at 5267 Four Points Road. The property is in the Commercial Zoning District and will use the current driveway. His brother-in-law, Dwight Kauffman is purchasing the property for a woodshop. He will use the existing building for the woodshop and he is proposing a new 960 square foot building for office and showroom space. He is anticipating one to two customers per week.

There is an existing holding tank on this property. The Township Engineer stated that it would best if there would be a maintenance agreement and an alarm installed on the existing holding tank. E&S is not needed due to proposed addition being under 5,000 square foot. He will still need to erect a silt fencing for runoff during construction. There should be roof liters installed to capture rainfall and have it drain into a stone trench.

The applicant will need to build the new building to the Labor and Industry standards.

Mr. Kauffman will need to provide a Sketch Plan for the Township Engineer to perform a formal review. The Sketch Plan will need to provide boundary lines, existing and proposed buildings with dimensions, setbacks, parking and also show handicap accessibility. A written waiver of land development should also be submitted with the Sketch Plan.

Thomas Wise owns property at 31 Witman Road and would like to construct an 80 x 55 bank barn for agricultural and commercial storage on an adjoining lot. Mr. Wise was at the September 2017 Planning Commission meeting. The Planning Commission stated at the September meeting that they feel that it would be beneficial for the applicant to annex the two separate lots to the farm lot making it all one parcel.

The 2/3 of the existing 35 x 45 building is used for construction storage and the remaining is used for personal.

The Planning Commission needs to again think about the future and limit this use so that there are no adverse on any of the other properties around them. The Township needs to make sure that the zoning conforms to our ordinance.

Mr. Wise will need to amend his application to show the annexation and present it again to the Zoning Hearing Board. If he annexes the two lots to the farm parcel, it may be more favorable. The Planning Commission will review the application and give recommendations to the Zoning Hearing Board with a list of conditions. He should list exactly what part of the barn is used for business storage and agricultural storage.

Other Business:

The Planning Commission Secretary gave a list of proposed meeting dates for Planning Commission meetings for next year. The proposed dates were acceptable and the Planning Commission Secretary will notify the Township Secretary.

The Department of Environmental Protection issued a notice that after December 7, 2017 they will not be able to issue a general construction permit due to letting the permit with EPA expire. Permits will start to be issued again in April of 2018.

The Planning Commission

Ray Daub made a motion to adjourn the meeting at 10:15 p.m., seconded by Laverne Frey. All voted in favor. The meeting was adjourned.

Respectfully submitted,

Heather Claman

Planning Commission Secretary