

**HALFMOON TOWNSHIP OPEN SPACE PRESERVATION BOARD
REGULAR MEETING – MINUTES
AUGUST 3RD, 2011**

1. CALL TO ORDER

Chair Ron Hoover called the meeting to order at 7:02 p.m. Other members present were Bob Eberhart, Ben Pisoni, Jerry Brown, Andy Merritt and Brooks Way. Staff present was Kathleen Yurchak (arrived at 7:11 p.m.), Township Solicitor; Susan Steele, Manager; Dave Piper, Zoning Officer and Amy Smith, OSPB Administrator. Audience present: Mr. Joe Tylka and Mr. Don Houtz.

2. PLEDGE OF ALLEGIANCE

3. INTRODUCTION OF NEW OSPB MEMBER

Mr. Hoover introduced Mr. Tylka as a new member of the board. Ms. Steele stated Mr. Tylka is not an “official” member until the Board of Supervisors appoints him to the Open Space Preservation Board at their next meeting on August 11th. Mr. Strauss volunteered to serve as an alternate member.

4. MINUTES

Mr. Hoover questioned whether the date was correct for the minutes dated May 18th, 2011. Ms. Smith stated she felt the date was correct but would check and make any corrections if necessary. The minutes were tabled until the next meeting.

5. SUBDIVISION REQUEST/DISCUSSION

Mr. Houtz requested clarification of the rules and regulations regarding subdivision of a property that is in the Open Space Preservation Program so he could decide his next move in purchasing the property. This property is currently in mediation. Mr. Houtz stated his understanding of the OSPP Ordinance for every 60 acres he could build a house and have a 10% exemption. Mr. Houtz stated under Halfmoon Township Rural Preservation regulations he could subdivide 50% and build about 10 houses on a property not in the open space program. Ms. Steele clarified that he could take 10% out and for every 60 acres he would get 1 tract of land. This property contains approximately 213 acres. Mr. Houtz stated he is looking to subdivide three tracts of land out of this property. Mr. Houtz stated he had no interest in taking 10% out but rather purchase the property and allow a portion to be sold back to an adjoining landowner that is in the OSPP. Mr. Piper commented this would be a pin alignment and would be acceptable under the OSPP Ordinance. Mr. Houtz stated he would like to subdivide the remaining acreage left after the pin alignment into two 25 acre lots and a third lot out of whatever acreage is left. Mr. Houtz stated he would like the ability to build three farmettes (one on each lot) and all the land would stay in the open space program. Ms. Yurchak questioned how many total acres were included in this property. Ms. Smith stated that there was approx. 167.4 acres in Halfmoon Twp. and 46.4 acres in Worth Twp. Mr. Hoover stated that he could transfer land in open space to another land owner under the open space preservation regulations. Ms. Steele stated that if Mr. Houtz buys the total piece of land then the 1:60 acre ration is met but only if 10% is taken out. Ms. Steele further clarified that the 10% comes out first and then it goes to the ration. Ms. Yurchack explained that one acre was for residential and the remainder would be in open space. Mr. Houtz questioned if he could take the acre out after the land subdivided and sold. Ms. Yurchack stated that as long as it was written that one acre was reserved for that then he could. Mr. Piper stated he could transfer land, as long as it stays within the program. Mr. Pisoni questioned whether the total acreage should even be used in determining how many lots could be subdivided or if only the portion in Halfmoon Township should be used. Ms. Smith explained that the Ordinance states, “The number of tracts subdivided under this provision shall not exceed one per each 60 acres of the parcel of land **initially** leased under the open space preservation program”, so the total number of acres would include the 46.4 acres in Worth Township. Ms. Smith explained the property owner is not receiving payment on the portion in Worth Township. There was discussion on whose subdivision rules the portion in Worth Township would follow. There was discussion whether Mr. Houtz should have to reserve the acre that would contain the house and outbuilding for the farmettes during subdivision.

Mr. Houtz stated he would rather not since he does not know where the potential property owner would want to build. There was discussion on what language could be used to clarify the sections referring to open space uses, non-open space uses, 10% exception and the 60 acre provision. Ms. Steele stated staff would work on language and bring it back to the next meeting for review.

Mr. Pisoni questioned if there was language regarding how an advanced payment should be paid back on properties when the 10% taken out of the program. Ms. Yurchak stated there is language that states the property will be assessed that shall not be less than the total lease payments paid in advance on any lease for the remaining term of any lease that has been paid in advance. It was suggested that language be added to this section referring to that language.

Ms. Yurchak stated Mr. Houtz would have to follow the Subdivision/Land Development rules and Zoning regulations when subdividing. It was questioned what rules would apply to the 10% exception that is taken out of the program; would the subdivision/land development rules apply or the open space preservation ordinance rules apply. Mr. Piper stated that he did not see a problem with this subdivision inquiry but suggested to Mr. Houtz that he come in and meets with members of staff so that he could better understand what he is getting into with subdivision. Mr. Piper stated Mr. Houtz may have to use some of his 10% to build the road. There was discussion whether this road could be built since there are no more private roads allowed in the Township. Ms. Yurchak and the Board members agreed that this request for subdivision follows the guidelines in the Open Space Preservation Ordinance that refers to subdividing off a piece of property and selling it to an adjoining open space preservation applicant and subdividing to allow acres large enough to remain in the program.

6. OTHER BUSINESS

Ms. Steele requested that the codification be put into the next meeting's agenda to allow time to make revisions for review to clarify language and clearer definitions of words.

Mr. Eberhart requested the five year review be put into the next meeting's agenda. Mr. Hoover stated that if anyone had not seen the presentation it is available on C-Net. Mr. Hoover stated the five year review committee bullet pointed recommendations and the OSPB could review those recommendations for comment.

7. CITIZEN'S COMMENTS

There were no citizen's comments.

8. ADJOURNMENT

The meeting was adjourned at 9:03 p.m. Mr. Merritt left the meeting at 8:30 p.m.

- ***MOTION: Mr. Eberhart moved to adjourn the meeting at 9:03 p.m.; Mr. Way seconded; Vote 5-0-0; Motion Carried.***