

HALFMOON TOWNSHIP
Planning Commission Meeting
April 16, 2013 7:00 pm

Present: Danelle Del Corso, Bob Eberhart, Jordan Finkelstein, Sam Evans, Lorin Nauman, John Stevens
Absent: Allen Wilson
Others present: D. J. Liggett, CRPA; Susan Steele, Township Manager; Melissa Gartner, recording secretary

1. Call To Order

Chair Ms. Del Corso called the meeting to order at 7:04 p.m.

2. Citizen Comments

None.

3. Approval of April 2, 2013 Minutes

Mr. Finkelstein noted that the lot size for the Jodon property should be consistent throughout the minutes. In some places it says 0.80 acres and in others it says 0.08 acres. (The correct size is .80 acres.) Motion. Mr. Nauman moved to approve the minutes of April 2, 2013 with that change. Mr. Finkelstein seconded. Vote: 6-0.

4. Reports

a. BOS Update

Ms. Steele reported two issues from the April 11 BOS meeting. Regarding the walking trail that uses an un-opened Township right-of-way between Shanelly Drive and Lutz Lane, the BOS decided to take it off the Official Map because three adjacent residents do not want this trail crossing for public use. Ben Pisoni, Upper Halfmoon Water Company, will be putting a water line through that area and asked if a wider trail area should be created when he is finished laying the line. Ms. Liggett said the Official Map will return to the PC for ratification because the PC previously recommended it for approval as is.

Ms. Steele also reported that the Township's Ag Zone regulations and the current kennel issue will be the focus of the May 7 PC meeting. Kathleen Yurchak, Township Solicitor, will attend this meeting to address ambiguous language in the Ag Zoning regulations. The BOS would like the PC to look at the Ag Zone and define the term 'limited commercial.' The Township will hold a public hearing on any changes in June or July 2013. Since it is a zoning change, it must also go before the CRPC. The Township needs to identify a zoning district in which kennels are a permitted use because currently, kennels are not allowed anywhere in the Township. Ms. Yurchak hopes to bring a draft ordinance to the BOS for their first meeting in June.

Ms. Liggett explained that there are three definitions for kennels in Township regulations. One definition appears in the General Zoning regulations and two

definitions appear in the Village Zoning regulations. However kennels are not listed as a permitted or conditional use anywhere in the Township. The kennel in question is located in the Ag District, and it is being challenged because it is not specifically allowed as a permitted or conditional use there. Mr. Piper felt it was not a commercial kennel, but rather a home occupation, which is a permitted use. However, the Zoning Hearing Board considered it to be a commercial kennel.

b. Zoning Officer's Report
None.

c. CRPC Update

Ms. Del Corso reported that the CRPC met on April 4. Their agenda has been relatively light recently. Mark Boeckel presented a zoning analysis report. Ms. Liggett said that Halfmoon is ahead of other municipalities, because of its work on the future land use map and identifying zoning inconsistencies with the Comprehensive Plan for locations outside the RGB/SSA. The next CRPC meeting will be a joint meeting with TLU.

d. Open Space Board Update

Mr. Eberhart reported that previously the BOS asked the OSB to review the system used to rate properties. After the April 11 BOS meeting, the OSB has three subjects to consider:

- Evaluate liens vs. subordination (is a mortgage superior or subordinate to the lease?)
- Ensure OSP finances are on a sound footing
- Review the property rating system

If a mortgage is superior, and a property is foreclosed, the Township will lose its position on the lease and any cash advances already paid out. Currently, there are five properties at risk and the Township is watching this carefully.

5. Future Land Use Map – Options for Implementation

For this meeting, Ms. Liggett compared definitions from the other Centre Region municipalities for the following terms:

- Open space/open land
- Home occupation
- Limited agricultural uses

Ms. Liggett noted that no local municipality has a definition for 'limited agricultural uses,' nor is a definition included in the American Planning Association's (APA) planners dictionary. Limited agricultural uses are currently allowed in the R-1 district on properties less than 10 acres. The term 'limited' is ambiguous because it does not specify what is allowed, compared to larger agricultural operations. Ms. Liggett spoke with Dave Piper as Zoning Officer regarding any issues with enforcement. As of now, he has not received any complaints regarding chickens or goats in the R-1 district. The PC has been concerned that newer residents might not share such a flexible attitude. Ms. Liggett suggested that the PC consider the rural nature of the Township and the recent actions taken by other municipalities to allow chickens in

residential neighborhoods. She noted that the issue of restricting limited agricultural uses could be addressed through a homeowners' association covenant for specific neighborhoods rather than by a Township-wide ordinance. The R-1 lot size is a minimum of 1 acre, which will not change in the near future because of the need for primary and secondary sewer sites on each lot. This lot size provides a bit of buffering between property owners and gives some space to accommodate a small number of outside animals.

Ms. Liggett offered a definition for "Agriculture, Home" from the APA dictionary that might clarify what the PC wants to allow. This definition is: "*The production, principally for use or consumption of the property owner, of plants, animals, or their products and for sale to others where such sales are incidental, including but not limited to: gardening, fruit production, poultry, and livestock products for household use only.*" Discussion continued as members debated the types and numbers of animals allowed in this definition. Finally, the PC decided not to limit the number of animals in the definition.

Mr. Evans asked about bees. Ms. Del Corso and Ms. Liggett suggested adding 'apiary' to the Agriculture Home definition.

Mr. Nauman asked where this R-1 will be located in the Township. Members reviewed the Township zoning map. Ms. Steele suggested taking the present map and color-coding the R-1 parcels to delineate their size (i.e. give all 1-acre properties, 1+-acre, and larger acreage properties different colors). Members then reviewed and discussed the different types of residential zoning on the Ferguson Township map. For the second meeting in May, the PC would like to see Ferguson's permitted uses for RR (Rural Residential), R-1 (Suburban Residential), and R1B (buffer) zoning districts.

Ms. Liggett reviewed different definitions for the term 'home occupation,' which members then discussed. College, Ferguson, and Harris Townships use a definition stating a home occupation is an accessory use to a dwelling for gainful employment. Halfmoon and Patton Townships have more complex definitions. Ms. Steele said with a more complicated definition, the challenge is enforcement because Halfmoon does not have an enforcement officer. Ms. Liggett noted that the APA dictionary defines a home occupation as "an accessory use that is clearly incidental or secondary to the primary use" to Halfmoon's definition. She noted that would clarify that the occupation is not the primary use of the home. Members agreed to add this language to the Home Occupation definition.

Ms. Liggett and Ms. Steele then discussed different definitions for the terms 'open space,' 'open land,' and 'public land.' Other local municipalities use the following terms in similar ways:

College: open space

Ferguson: private recreational area, public recreational area, public space

Harris: park land

Patton: open land, open space

Ms. Liggett said in the Township's existing code, there is a definition for 'open space' but it is not associated with the Act 153 open space regulations. The Township definition says open space is land intended for public use. Act 153 land is not intended for public use, so this discrepancy needs to be addressed. The

Township's other definition says "open land is that portion of a tract within a development meeting the Rural Preservation design standards and set aside for the protection of sensitive natural features, farmlands, scenic views. Open land may be accessible to the residents of the development and/or the municipality. It may contain areas of farmland..." Mr. Nauman said that the RPD requires 50% of the development dedicated to open space, but Ms. Steele quoted the Township Solicitor as saying the language may state 'open space' but it has been enacted as 'open land.'

Ms. Liggett summarized the following actions:

- Change the open space definition to reflect Act 153
- Add the open area definition from VZD
- Keep the open land definition from RPD
- Add the public grounds or space definition from VZD

Ms. Del Corso said with these definitions, the PC has now covered the permitted and accessory uses in the R-1 zoning district.

Mr. Eberhart asked for Ms. Steele's suggestion of a large-scale map with the R-1 lot sizes color-coded for the next R-1 zoning discussion.

The following are the uses and definitions currently supported by the PC for the R-1 zoning district:

Permitted Uses

(primary use of the land)

- Dwelling, Single Family
- Public Grounds or Space
- Open Areas
- Open Land
- Designated well sites, potable well pump station facilities, water treatment facilities and storage tanks

Accessory Uses

(secondary uses)

- Home Occupation
- Accessory Use or Building
- Agriculture, Home
- Customary Household Animals
- Horticulture

ACCESSORY USE OR BUILDING

GZ

A subordinate use or building customarily incidental to and located on the same lot with the main use or building or any other man-made change on the property.

AGRICULTURE, HOME

APA

The production, principally for use or consumption of the property owner, of plants, animals, or their products and for sale to others where such sales are incidental, including but not limited to: gardening, fruit production, and poultry, *apiculture*, and livestock products for household use only.

ANIMALS

GZ

Customary household animals shall include dogs, cats, caged birds and animals of similar size and nature, but shall not include customary farm livestock such as horses, goats, sheep, pigs, chickens and similar fowl, cows, donkeys, mules; zoo animals shall be construed as farm livestock.

DWELLING, SINGLE-FAMILY

GZ

A building designed for or occupied exclusively by one family.

HOME OCCUPATION

GZ

An accessory use of a dwelling, attached garage, or detached garage or accessory building for gainful employment *that is clearly incidental or secondary to the primary use*. A home occupation must be solely operated or managed from a private dwelling, attached garage, or detached garage or accessory building that is the primary residence of the owner/operator of the home occupation. To be a primary residence, the landowner must sleep at the private dwelling at least 200 nights per calendar year. The home occupation shall be carried on completely within the dwelling unit, attached garage, detached garage or accessory building. The home occupation shall be carried on only by members of the immediate family residing in the dwelling unit plus not more than two additional employees. Only one home occupation shall be carried on in a private dwelling, attached garage, detached garage, or accessory building.

HORTICULTURE

VZD

The cultivation of a garden or orchard.

OPEN AREA OR SPACE

VZD

Unoccupied space open to the sky and on the same lot with the principal use. Open areas or space shall usually be in a natural state, but may include squares, plazas and formal gardens which contain no impervious surfaces.

PUBLIC GROUNDS OR SPACE

VZD

Includes parks, playgrounds, trails, paths, recreational areas, schools, scenic or historic sites which are owned and operated by a governmental body or a nonprofit agency created by a governmental body.

USE

GZ

The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied or maintained.

6. Matters of Record

- The next PC meeting will be held on May 7. Agenda items will include a review of the Township agricultural zoning district related to kennels, and may include the final review of the Kristie and Richard Weiss preliminary/final plan.
- Because of the Primary Election on May 21, 2013, the Planning Commission agreed to reschedule its second meeting in May to May 14, 2013.
- The BOS will discuss the fire regulations at one of their June meetings.

7. Adjournment

Motion. Mr. Finkelstein moved to adjourn. Mr. Stevens seconded. Vote: 6-0.

The meeting was adjourned at 8:22 p.m.

Respectfully submitted,
Melissa Gartner
Recording Secretary