

**HALFMOON TOWNSHIP
Planning Commission Meeting
February 2, 2016**

Present: Melissa Gartner; Jeff Martin; Lorin Nauman; Mike Brown

Others Present: Susan Steele, Manager; Jim May, CRPA, Tammy Terosky, Recording Secretary; Jeff Stover solicitor; Bryan and Miles, representing Sweetland Engineering for Mike and Patty Burns

Not Present: Jason Little, Chair; Bob Strauss; Kathy Kelly

1. Call to Order

Ms. Gartner called the meeting to order at 7:03 P.M.

2. Citizen Comments

None

3. Approval of January 16, 2016 Minutes:

Mr. May stated that he needs to complete the January 5th minutes. Mr. Nauman moved and Mr. Brown seconded approval the January 16, 2016 minutes. Vote in favor 4:0.

4. Consideration of Minor Subdivision of Lands:

- Minor Subdivision of Lands of Patricia Burns and Diane Trullinger
- Sweetland Engineering representing Mike and Patty Burns
- January 6 the open space area of 2 acres was approved
- Land is in clean and green
- No substantive comments and recommend that the PC move forward for approval with the condition of the open space
- A note is needed on the subdivision for a lifetime 10% exception
- Motion for approval of sewer plan; Mr. Nauman motioned and Mr. Brown seconded. Motion passed 4:0
- Motion to approve the minor subdivision plan with the 3 conditions of:
 1. A note added to the plan with the total of 22.4 acres and 2 parcels of 20.4 acres
 2. The applicant must repay \$1140 of the 20-year advance to the Township prior to final subdivision approval by the township Board of Supervisors
 3. The applicant is responsible for the costs of recording, attorney and lease amendments required to amend the open space preservation agreement with the township
- Mr. Nauman motioned Mr. Brown seconded. Motion passed 4:0

5. Discussion of Non-Conforming Issues; Zoning Ordinances

Discussion led by Jeff Stover:

Non- conforming or grandfathered uses:

- If property is owned and developed, after rezoning what is done on it can't be changed by the government, unless they want to pursue immanent domain and purchase it.

- Continued use may be had, but it is a non-conforming use. If the landowner continues to use it beyond the date the new ordinance is proposed, then it can't be taken away if it is already established, the owner can pursue reasonable expansion. The business has to be able to grow and modernize.
- Expansion must be on the existing property on which the business is established; sometimes only on a portion of the property may be expanded.
- It is possible to put in the ordinance that if there is a non-conforming use, it can only expand a certain percentage or a reasonable expansion, according to some ordinances.
- In any expansion the structures must conform to dimensional requirements.

Non – conforming structures:

- Grandfathered also, but not given the right to expand in a non-conforming manner. They would need a variance.
- The status goes with the land, not with the owner, as long as the same use continues. Can't change the type of business.
- If there is a gap in time, may use the law of abandonment.
- Non-conforming use, but goes idle. Is it abandoned?
- The Court can trump the ordinances. If the owner of that property intended to come back to it, then there is no abandonment.
- Abandonment is 1) cessation of use and 2) intent to abandon.
- It is possible to have a non-conforming use and change to another non-conforming use, but it has to be what the ordinances recognize as the same type of use.
- It is helpful to have a non-exhaustive list of uses for the benefit of zoning officer interpretation.
- Mr. Nauman inquired about the Rural Preservation District. Mr. Stover stated that the landowners may have the right to divide differently. They own the land, so most likely the landowners will be able to change the division.

6. Annual Report:

Ms. Gartner – at the last meeting, the suggestions made were added and no further changes are needed.
Motion to present to the Board: Mr. Nauman motions to move forward and Mr. Martin seconded.
Motion passed with a vote of 4:0.

7. Commercial and Industrial Zoning:

- Consensus to approve the commercial zoning statement of intent as prepared. (C1).
- Approval of bulk regulations.
- Commercial ordinance is almost finished.
- May want to add a statement about public sewer.
- Need to consider what is wanted to be identified as industrial.

Consensus that the definition of impervious coverage will include :

Centre region municipalities use impervious coverage and lump in any surface that prevents infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to: roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, and any new streets or sidewalk. Decks, parking areas, and driveway areas are not counted as impervious areas if they do not prevent infiltration.

- Industrial bulk regs and statement of intent will be reviewed again at the next meeting.

8. Listening Sessions: Outline of Listening Session Document

Mr. May stated:

- Both the BOS and PC have vested interest in the project and perhaps somebody else could facilitate the meeting. The board will be listening, but not defending.
- Must determine how the information is going to be introduced or presented to the community, because the community may not be ready for considerations of rezoning.
- Frame the discussion in a way the people can relate to.

A neutral moderator will be helpful so that the PC doesn't have to respond, or be responsible. A planner from another area to facilitate may keep the environment calmer.

9. REPORTS:

Board of Supervisors Update: January 28th Meeting

- Jim Smith spoke for the Open Space Committee
- Don Franzen will be the CCMPO technical committee representative
- Talked about what to do with the township building

Zoning Officer Report:

None

CRPC update:

Mike Brown stated that the first meeting is the upcoming Thursday.

Open Space Update:

Mr. Nauman stated the plan was approved. They will meet tomorrow and continue revising the 10% exemption clause in the program.

Matter of Record:

The next meeting of the Planning Commission will be on February 16, 2016 and will include discussions on:

- facilitator/moderator for the listening sessions
- forward the revised official map to supervisors
- commercial and industrial finalization

Other:

- Erica Ehly will be starting as senior planner, giving 40% of her time for local planning.

Adjournment

Mr. Nauman moved to adjourn; Mr. Brown seconded. Vote in favor was 4:0.

This meeting was adjourned at 8:40 P.M.

Respectfully submitted,
Tammy Terosky
Recording Secretary