

**Mt. Joy Township
Planning Commission Regular Meeting
Tuesday, July 9, 2019**

Meeting Minutes

Present: Kim Birkhead, Chairman; Ken Roberts, Vice-Chairman; Kenneth Mutzabaugh; Linda Spellman; Shannon Hare, Zoning Officer/Code Enforcement Officer; Susan J. Smith, Solicitor; Sheri Moyer, Secretary

Absent: Sindy Jennings

The Mount Joy Township Planning Commission met this date, as publicly advertised, at the Mount Joy Township Building located at 902 Hoffman Home Rd., Gettysburg, PA 17325.

Call to Order: Starting Time: 7:00 pm

Public Comments: None

Approval of Minutes:

- Planning Commission Meeting Minutes from March 12, 2019: Mr. Mutzabaugh moved, seconded by Ms. Spellman, to approve the minutes as presented. Motion carried unanimously. Ken Roberts abstained as he was absent from the March meeting.

Preliminary/Final Plans:

- AAR Plastic & Glass LLC – Preliminary/Final Land Development Plan, Light Industrial Re-development: Ms. Hare said she received an email from AAR Plastic & Glass stating they will not be attending the meeting. They stated they received the comments from PennDOT's review on Monday. AAR Plastic & Glass indicated they are in the process of addressing all the various review comments from Mr. Vranich and Ms. Hare's review letters. Ms. Hare said Bob Sharrah, Sharrah Design Group will provide a written letter to the Board of Supervisors' requesting an extension. She said Mr. Sharrah indicated the revised plans should be completed and received by then. Mr. Mutzabaugh moved, seconded by Mr. Roberts to table the plan based on the information received. Motion carried unanimously.

Business:

- Request for Planning Waiver & Non-Building Declaration for Stephen L. and Beverly J. Hale: Ms. Smith explained that every municipality must have adopted a plan for the provision of sewage within the township. That plan is prepared by the Township, sent to DEP for approval and once approved by DEP it is the controlling document within the Township. Every land development or subdivision must either do a planning module, which is a plan to extend the public services, or indicate that there is no necessity for a planning module because there is an on-lot system, or the project does not require sewage treatment at all (example: a pole building for storage). Ms. Smith said the form was prepared by DEP. It goes before both the Planning Commission and the Board of Supervisors for review and approval. Once approved and signed it is then sent to DEP. Ms. Hare stated that both are minor subdivision plans for lot additions with no construction planned. She said that Bryan Leese, SEO, approved both non-building waivers. Mr. Mutzabaugh moved, seconded by Mr. Roberts to recommend waiver request for these lot

additions. Mr. Mutzabaugh moved, seconded by Mr. Roberts to amend the motion to authorize the Chair to sign and forward it on to the Board of Supervisors. Motion carried unanimously.

- Request for Planning Waiver & Non-Building Declaration for The Links at Gettysburg LLC: See motion above.

- Zoning Ordinance Amendment: Ms. Smith said this amendment came before the Board by a private request from an entity that is interested in a solar energy use as a principal use (Solar Farm). They are concerned about a provision in the ordinance that says if they do not build out the project within one year of the conditional use approval, the conditional use goes away. Ms. Smith said they are requesting an amendment to the time provision within the conditional use section of the Zoning Ordinance. Ms. Smith's recommendation to the Board was to consider an alternative placement specifically as a provision of the solar energy use. Ms. Spellman said she spoke with her son-in-law who is a solar engineer. Based on her conversation with him she said the two main reasons listed at the end of the letter; the Transmission Upgrade and Equipment Acquisition and Final Design were valid reasons. The Off-take Agreement was not a valid reason because the utility is required to buy the energy and they are just seeking a buyer willing to pay more. She said her feeling was that it should be limited to the solar energy because it is unique to them only. Ms. Spellman said her one concern was with the language ... "provided, however, that the Board of Supervisors may grant extensions of six months beyond any of the expiration periods, upon finding that (i) the application as acted with due diligence and (ii) reasonable grounds exist for such extension." She is concerned with the language, "extensions of six months." How many extensions? Her recommendation would be ... "provided, however, that the Board of Supervisors may grant one six month extension beyond any of the expiration periods, upon finding that (i) the application as acted with due diligence and (ii) reasonable grounds exist for such extension." Ms. Spellman said it appears they could continue to get six month extension after six month extension in perpetuity. Ms. Smith said, as written, the requestor wrote that flexibility in. Ms. Spellman said she is basing her comments on the conversation she had with the solar engineer who said four years is definitely a reasonable time period. She said there still is some control there with the word "may" instead of "shall" grant. Ms. Spellman moved, seconded by Mr. Mutzabaugh to recommend approval with consideration of capping the number of extensions. Motion carried unanimously.

Adjournment: With no further business, Mr. Mutzabaugh moved, seconded by Ms. Spellman, to adjourn the meeting. Motion carried unanimously. Meeting adjourned 8:29 p.m.

Respectfully submitted,

Sheri L. Moyer
Secretary