

**Mt. Joy Township
Planning Commission Regular Meeting
Tuesday, September 14, 2021**

Minutes

Present: Kim Birkhead, Chairman; Dan Moore, Vice-Chairman; Kenneth Mutzabaugh; Sindy Jennings; Bubba Grimm

Also Present: Susan Smith, Solicitor; Melissa Zirkle, Administrative Assistant; Shannon Hare; Secretary/Zoning Officer/Code Enforcement Officer

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. In addition to being in person, the meeting was also accessible by remote StartMeeting platform. Roll call was taken for all votes.

Chairman Comments-None

Public Comments-None

Approval of Minutes. Mr. Moore moved, seconded by Mr. Mutzabaugh to approve the minutes for August 10, 2021. 4 yeases, Ms. Jennings abstained because he was not present at this meeting.

- Solicitor Smith explained Act 65 to the Planning Commission Act 65. She mentioned that the agendas will be longer because the item needs to be listed along with the action that will be taken. She mentioned that the meeting agendas must be uploaded to the website and posted on the Township Building 24 hours before the meeting. Solicitor Smith said that no additional items can be added to the agenda after that period, unless it is an emergency matter which presents clear and present danger.

Subdivision and Land Development Plans:

- Minor Final Subdivision Plan Review for Mark H. Kitzinger. Mr. Moore moved, seconded by Ms. Jennings to approve the Non-building Waiver and Sewage Facilities Planning Module and its signing by the Chair on behalf of the Planning Commission. Motion carried, unanimously.
- The Links at Gettysburg Planned Golf Community Preliminary Subdivision Plan for Wade Run Community. The plan was tabled on August 10, 2021 for the applicant and its engineer to respond to the August 9, 2021, review comments of the Zoning Officer and the August 10, 2021, review comments of the Township Engineer. No revised plans were submitted to date. Mr. Moore moved, seconded by Mr. Mutzabaugh to table the Wade Run Community Plan. Motion carried, unanimously.
- Planning Module Revised for The Links at Gettysburg Planned Golf Community Preliminary Subdivision Plan for Wade Run Community. Mr. Moore moved, seconded by Ms. Jennings to approve the Planning Module and completion and signature of the Component 4A form, with the condition that the Board of Supervisors take action on the policy issue of Aqua expanding its PUC certificated service territory to include the Wade Run property. Motion carried, unanimously.

Business

- Warehouse/storage and trucking related uses. For the Planning Commission's reference, Solicitor Smith handed out a summary of district setbacks and current supplemental standards for intensive uses in the Zoning Ordinance. She noted that each of the uses either involved substantial structure or intensive activity. The Planning Commission discussed setback and buffer sizes for each of the warehouse, storage, and trucking related uses. They decided not to recommend additional standards beyond that of the zoning district for any of the. Solicitor Smith handed out sample plans created by Erik Vranich, the Township Engineer, showing storage facility sizes in the Open Countryside and Agricultural Conservation Districts. The Planning Commission has a lengthy discussion about whether to allow and, if so, what to do with the size of a storage facility in the Open Countryside District. Solicitor Smith will come back next month with alternative proposals for the Planning Commission's to discuss.
- Act 50 of 2021 Small Wireless Facilities Deployment Act proposed compliance ordinance amending the Zoning Ordinance. Solicitor Smith explained that Act 50 mandates zoning regulation of small wireless facilities in public rights-of-way as permitted a permitted use by right in all districts. She noted that Act 50 calls for zoning regulations to be applied to public rights-of-way, not private property. The Planning Commission was not receptive to the idea of these small wireless facilities, as dictated by Act 50. Mr. Mutzabaugh moved, seconded by Mr. Moore to make no recommendation to the Board of Supervisors regarding the proposed Act 50 compliance ordinance amending the Zoning Ordinance. Motion carried, unanimously.

Solicitor Smith provided a number of updates.

- Gettysburg Concrete was granted-variances by the Zoning Hearing Board, from which a land use appeal was taken by some residents to the Court of Common Pleas. The Court of Common Pleas reversed the decision of the Zoning Hearing Board. Gettysburg Concrete has now filed an appeal with the Commonwealth Court.
- Brookview has filed land use appeal from the Board of Supervisors tie vote (by operation of law a denial) decision to the Court of Common Pleas. The Court has scheduled a conference next week to address preliminary issues.
- Brandenburg and Stein Funeral Home were variances granted variances, but their appeal from the determination of the Zoning Officer was denied. Site work for the improvements along 97 required by PennDOT have begun.
- Solicitor Smith mentioned that there an amendment to the SALDO dealing with the submission of plans would be before the Planning Commission for recommendation next month.
- Solicitor Smith updated the Planning Commission on the Board of Supervisors' progress with drafting Zoning Ordinance amendments relating to a solar energy facility use.

Adjournment. With no further business, Mr. Moore moved, seconded by Mr. Mutzabaugh to adjourn the meeting. Motion carried unanimously. Meeting adjourned 8:51pm.

Respectfully submitted,

Shannon M. Hare
Secretary