

**FREEDOM TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING  
June 26, 2019  
7:00 P.M.**

**PLANNING COMMISSIONERS**

Wayne Belt, Chairperson  
Paul Sharrer, Vice-Chairperson  
Kim Beckett, Secretary  
John Sica  
Edward Buchheit, Jr.

**TOWNSHIP OFFICIALS PRESENT**

Zachary Gulden, Township Manager  
Robert Thaeler, Adams County Planning Dept.  
Harlan Lawson, Adams County Planning Dept.

**MEMBERS OF THE PUBLIC PRESENT**

Susanne Maruskin, Ronald Hegarman, Joan Andes, Chris Andes, James Rife, Philip Plank, Rebecca Kurnat, & Gary Reed

**CALL TO ORDER**

Chair Belt called the Planning Commission's Meeting to order at 7:00 p.m.

**PUBLIC COMMENT**

None

**APPROVAL OF MINUTES**

Vice-Chair Sharrer made a **MOTION** to approve the Minutes of the June 12, 2019 meeting. The **MOTION** was **SECONDED** by Mr. Sica. The motion carried unanimously (5-0).

**OLD BUSINESS**

**A. Zoning Ordinance Update Discussion**

Chair Belt said the Planning Commission (PC) was asked to think of uses that they would like to see be allowed inside and outside the Designated Growth Area (DGA). He asked who created the DGA. Mr. Gulden said the 2015 Southwest Joint Comprehensive Plan (Plan) created a proposed DGA for the Township, which was recently reviewed and recommended approval by the Freedom Township Planning Commission and adopted by the Board of Supervisors. Chair Belt questioned the need for a DGA in the Township, which is largely rural. He stated that the Adams County Planning Department created the DGA, and he questioned if the Township is following what the County wants. Mr. Thaeler said the Township's first comprehensive plan from 1993 also identified an area around the Emmitsburg Road / US 15 interchange that would have been suitable for growth – basically a DGA. The original policy direction of the Township at the highway

interchange was established around 1993 and was followed by a zoning ordinance that reflected those policies. The current Mixed Use Zoning District was a result of this policy. The current Plan is very consistent with the original comprehensive plan in terms of the location. The Township's growth policy has been very consistent for the past 30 years. Mr. Thaeler stated they come up with growth area recommendations, because it is a common planning function. He said the Pennsylvania Municipal Planning Code requires municipalities provide for all forms of residential, commercial, and industrial uses somewhere in their jurisdiction. That is a requirement of PA law.

Chair Belt questioned if the Township needs to change anything in the current zoning ordinance if the ordinance already covers the Township's wants from the 1993 comprehensive plan. He questioned the need for the current Plan when the 1993 plan, in his opinion, covered everything the Township needs. Mr. Thaeler stated the decision to adopt the new Plan has already been made by the Board of Supervisors, and the Planning Commission unanimously recommended approval of it. It is Township policy at this point. He said he does not know it serves a great purpose to re-debate the comprehensive planning policy. The basic policy direction from the 1993 comprehensive plan is still the same as the current Plan. Mr. Thaeler stated that the Adams County Planning Department was asked by the Board of Supervisors to help update the Township's Zoning Ordinance, because there was a feeling that it needed to be reevaluated. We have not gotten to a point yet where the Planning Commission has decided how much change, if any, is needed.

Chair Belt said he is looking at two maps – one is existing land use and the other is future land use map. Currently the DGA consists of agricultural, open space, and residential uses. The map showing future land use turned 2/3 of the area to Mixed Use. That would be a change. What type of development can happen in a Mixed Use area compared to what is existing? Vice-Chair Sharrer said they should only make changes required by the PA Planning Code. No other changes are needed. Chair Belt asked if the State is mandating the Township change the current Zoning Ordinance. Mr. Gulden said no. The current zoning ordinance was last updated in 1996. In the past 23 years, technology has changed; therefore, there are new uses. He does not believe the Supervisors want to change the map, but make sure every use is accounted for in order to protect the Township in case of future development. Mr. Thaeler stated that any municipality that adopts a zoning ordinance has to accommodate for all legal uses somewhere in the municipality. Chair Belt said the community does come together if a use is proposed that the community does not feel is a right fit. Mr. Thaeler said for example, say the Township decides that the only type of housing that is acceptable is single-family dwellings and only allows that in the zoning ordinance. A developer then comes in and says they are interested in multi-family dwellings / townhouses / apartment buildings. The first thing the developer will do is file a validity challenge to the zoning ordinance and they will rely on a series of cases that the PA Supreme Court has issued over the past 30 years saying that if you fail, as a municipality, to provide for the range of housing choices that the PA Planning Code requires, your zoning ordinance is exclusionary and will be invalidated. So if we purposely design a zoning ordinance that excludes legal uses of property from occurring within the jurisdiction, the Township will lose validity challenges regardless of what the citizens want.

Mr. Sica said we designate a growth area, because 1) it needs to be in conformance with the Commonwealth's requirements and 2) we want growth to occur in the best place for that to happen. So when someone comes in here who wants to build townhomes, we are going to direct them to the best place in the Township for townhomes. If we do not have a designated growth area and they want to place townhomes in an inappropriate area, we will not have a strong argument in court that area is not the property place. We are trying to direct the uses that come to the Township to the best and most appropriate place. It may not suit every citizen, but it is for the common good of the Township. Chair Belt said people moved to Freedom Township to live in a rural environment, so what are we going to say to those currently living in the DGA when a townhome development gets built next to their property? Mr. Gulden said that he personally sent letters to every property owner in Freedom Township notifying them of the zoning update discussion meetings. The residents are aware that changes could occur, yet not many have attended the meetings. Mr. Thaeler said someone who has already bought a property in the DGA has already bought into a location where it would have been significantly possible that a development would have occurred around the US 15 interchange. That area already includes commercial, industrial, and mixed use zones on both sides of the interchange. They have bought into an area in which that type of development has already been possible for almost 30 years – it just has not happened. Before the zoning ordinance was put into place, that type of development could have happened anywhere in the Township.

Chair Belt stated that if the Planning Commission is mandated to provide something to the Supervisors, they should come up with ideas. Mr. Gulden said that the Planning Commission is not mandated to provide them anything. He said the Planning Commission can vote to tell the Supervisors that no changes are necessary at this time, and see what they say. Chair Belt asked the Board for their opinion. Secretary Beckett said no one has mentioned natural resources when talking about potential development. What happens to the natural resources if a developer comes in and wants to build a bunch of townhomes and it drains other resident's wells. Why aren't there any protections for natural resources? Mr. Gulden said the zoning ordinance can limit density to help protect the natural resources. Mr. Lawson said the water and sewer facility plans for any type of development must be approved by the PA Department of the Environment (DEP). Zoning ordinances are valuable, because it allows the municipality to designate where legal growth can occur. Chair Belt said if the Planning Commission votes to recommend no changes to the current zoning ordinance, then the Supervisors will be making all of the decisions. He stated it would be more beneficial to have the Planning Commission propose updates. Mr. Buchheit questioned if the Township could keep the current zoning ordinance and only make changes required by recent court decisions by an addendum. Mr. Thaeler said that PA Supreme Court decides if a particular matter is legal within the PA Constitution, so it does not need to be added as an addendum. Mr. Buchheit asked if the Adams County planners have a list of required changes to the current ordinance. Mr. Thaeler stated they have been reading through the ordinance and marking things that they want to discuss with the Planning Commission. For example, they would like to improve the formatting, so it is easier to read and interpret. Mr. Sica said the Board of Supervisors asked the Planning Commission to look at the zoning ordinance and make recommendations of revisions that are necessary and would be a good fit for the community.

Chair Belt said that he has been reading through the Mixed Use Zoning District in the current Zoning Ordinance, and the uses that can be built there now vary from single-family dwelling to cluster development. He said they should mandate that every lot in the Mixed Use District has a well and a septic approval before it is sold. He does not want to pay extra taxes to cover issues in areas that they have designated higher density. Mr. Thaeler said any lot that is created must have an approved septic system / perc in accordance with the Sewage Facilities Act 1967. PA does not have state level standards for well drilling provisions. He said municipalities can adopt their own well drilling ordinance, and they would be willing to share a model ordinance with the Township. Many municipalities in Adams County has adopted this model ordinance. Mr. Thaeler said the Township's zoning ordinance under Cluster Development / Planned Community Development, for example, does already require large developments to have sewer and water plans approved by the PA Department of the Environment. Even if the Township did not have that provision, the developer would still have to get approval from the State.

Vice-Chair Sharrer made a **MOTION** to recommend that the Township keep the current zoning ordinance and only make changes required by any state court rulings or the PA Municipal Planning Code. The **MOTION** died due to a lack of a second.

Mr. Hegarman said the motion was foolish. The Planning Commission should be instructing the County planners to help update the zoning ordinance. He said if they do not want to do their jobs as Planning Commissioners, they should resign, and let the Board of Supervisors appoint a new board.

Mr. Gulden said that the Board of Supervisors hired the Adams County Planning Department to update the zoning ordinance in order to be proactive and not reactive to new uses to protect its residents. He said many things have changed since 1996, and there are new trends – for example, medical marijuana.

Mr. Sica said it can be overwhelming to look at the whole ordinance at one time, but it is easier if it is broken down into components. He said that he would like to: 1) make the zoning ordinance language / format easier to understand; 2) reexamine the goals, objectives, and purpose of the ordinance; and 3) examine the current permitted uses in the agricultural areas and expand them to make sure the farmer does not sell the land to the big developer. Chair Belt said he does not want to see factory farming as an allowed use.

Ms. Murasko said that Mr. Gulden stated that he did not receive any zoning ordinance feedback from residents from the recent citizen mailer. She said that was because it had three tax questions with the notice. Mr. Gulden said the main purpose of the letter was to inform residents about zoning ordinance update meetings. Ms. Murasko said they were the first three items on the letter. Mr. Gulden said that is incorrect. The zoning update paragraph was first and the tax questions were at the bottom of the page. He said there was a lot of extra space on the letter, so he thought it would be beneficial to ask if residents want the Township to give more money to the fire department; do residents want the Township to consider a police force contract; and do residents want parks or trails? He said it was a planning tool for the Board of Supervisors. She

said the tax questions caught her eye more than the zoning update paragraph. Ms. Murasko said the Planning Commission needs to be more specific when they talk about new uses, for example, she does not want to see an X-rated facility across the street from her house. Mr. Gulden said that the X-rated facility is a perfect example, because that use is something the Township must allow somewhere in the municipality. The purpose of the zoning ordinance is to allow the citizens the power make sure those types of uses go in a location that they prefer. Mr. Thaeler said the current zoning ordinance does accommodate that use, and Mr. Gulden is right. Ms. Murasko said she is concerned about the Mixed Use Zoning District, because she lives near it.

Ms. Kurnat said yes they received the letter, but it did not include a lot of details. She said the community cares, could mobilize quickly, and they want to see more details. Mr. Gulden said the purpose of the Planning Commission zoning ordinance update meetings are to go through the details and gain public input. The letter to property owners was optional, and the purpose was to get their attention, so residents can give the important input and feedback. Mr. Gulden said the Township has a great website, which includes the meeting minutes since early 2018 when he was hired. He said he is currently working on scanning all of the minutes all the way back to 1950's. Ms. Kurnat asked how the PA Municipal Planning Code could be changed. Mr. Thaeler said she would have to talk to her state representative. Any changes would have to be passed by the State House of Representatives and Senate then signed by the Governor. He said recent changes to the Planning Code have been pretty bad. Mr. Gulden said many recent changes favors developers and not the individual land owner. Mr. Thaeler agreed and said it would be nice to see a wholesale change to the Planning Code.

Mr. Buchheit said it would be beneficial if the Adams County planners gave the Planning Commission their notes on potential updates/changes to the current zoning ordinance. Mr. Thaeler said they need to finish reading the ordinance, but they will discuss the recommendations with the Planning Commission in the near future. Mr. Buchheit said the Southwest Joint Comprehensive Plan is only a guideline, and they do not have to follow its recommendations.

Mr. Gulden recommended that the Adams County Planning Department take a month or two and create a document that outlines all of their recommended updates/changes. He said he can then provide that to the public and Planning Commission to review. Mr. Thaeler said it sounds like the Planning Commission's general consensus is that they wish to improve on the existing ordinance and not start from scratch.

Chair Belt said he likes the idea of getting more specifics. He also said in regards to Mr. Hegarman's comments – none of the members of the Planning Commission are land use planners. They are people who volunteer to be on this committee who do the best they can do for the citizens of Freedom Township. He does not believe this board will disband.

Mr. Thaeler said they will make a list of recommended changes and bring them back to the Planning Commission and residents for consideration. He said the past four meetings have been to explain the requirements and obtain general guidance from the Township on what type of

product they want.

**NEW BUSINESS**

None

**OTHER BUSINESS**

None

**PUBLIC COMMENT**

None

**ADJOURNMENT**

There being no further business Mr. Sica made a **MOTION** to adjourn. The Motion was **SECONDED** by Vice-Chair Sharrer. Chair Belt adjourned the meeting at 9:21 p.m.