

**FREEDOM TOWNSHIP BOARD OF SUPERVISORS
PUBLIC HEARING
JUNE 8, 2020
7:30 P.M.**

BOARD OF SUPERVISORS

Allen Beckett, Chairperson
Paul Kellett, Vice-Chairperson
Matt Young

TOWNSHIP OFFICIALS PRESENT

Zachary Gulden, Township Manager
Linus Fenicle, Township Solicitor

MEMBERS OF THE PUBLIC PRESENT

Bob Sharrah (applicant's engineer), Jane Eyler, Tom Laser, Melvin Chapman, Bonnie Chapman & Denise Travis (Stenographer).

CALL TO ORDER

Chair Beckett called the Board of Supervisor's Public Hearing to order at 7:38 p.m.

PURPOSE OF HEARING

- Conditional use application for 2047 Pumping Station Road (Rural Events Venue – Middle Creek Conference Center).

Mr. Gulden stated:

- The property was posted on June 12, 2020;
- The hearing was advertised in the Gettysburg Times;
- Adjacent property owners were notified by the mail.
- The Township's Planning Commission recommended approval of the conditional use application at their June 3, 2020 meeting;
- Adams County Planning Department provided comments on July 8, 2020; and
- KPI Technology, Township engineer, provided comments on June 2, 2020.

Ms. Travis swore in Mr. Sharrah.

Mr. Sharrah explained the conditional use application by going through the applicant's project narrative, which is attached to the minutes.

Mr. Gulden stated that the Planning Commission recommended approval of the proposed conditional use application with four recommended conditions:

1. The applicant will need to provide the maximum occupancy calculations that any one event will hold (staff, overnight guests, etc.) to determine if adequate parking and handicapped spaces are provided (1302.SS.3).
2. The applicant will need to supply the expected maximum occupancy (1302.SS.6).
3. A copy of the permit for the wastewater facility is needed to ensure it has enough capacity for the proposed Use. Also, a copy of the last maintenance report should be provided to the Township to ensure that the current facility is working properly (1302.SS.10).
4. No further subdivision may take part in Freedom Township, with the exception of subdividing along the Freedom/Liberty Township's boundary line.

Mr. Gulden stated that the first three conditions are from KPI Technology's review memo dated June 2, 2020. He said that the applicant was emailed the recommended conditions by KPI Technology (conditions 1, 2, & 3), and by himself (conditions 1-4). He also stated that he is still waiting on the applicant to respond to the recommended conditions.

Mr. Sharrah stated he is currently working on addressing the comments.

PUBLIC COMMENT

Ms. Travis swore in Ms. Eyler, Mr. Laser, Mr. Chapman, & Ms. Chapman. All four residents expressed great concern regarding noise coming from 2047 Pumping Station Road. They all stated that the property, when occupied, is extremely loud at all times of the night. The noise affects their quality of life.

BOARD OF SUPERVISOR'S COMMENT

The Board agreed that they were not comfortable approving the project until the applicant addressed the noise concerns and the recommended conditions from KPI Technology & the Planning Commission. Mr. Sharrah agreed that a continuance would be appropriate.

ADJOURNMENT

There being no further business Chair Beckett made a **MOTION** to adjourn. The Motion was **SECONDED** by Vice-Chair Kellett. Chair Beckett adjourned the meeting at 8:15 p.m.

PROJECT NARRATIVE

LOCATION & CONTEXT

This project is located at 2047 Pumping Station Road Fairfield, PA 17320. The project contains a total of approximately 332.64+/- acres of land. The main access to the site is along Pumping Station Road. There is additional road frontage on Bullfrog Road in Liberty Township. Approximately 130 acres of the 332.64 is located in Freedom Township. The remainder is in Liberty Township.

The Freedom Township portion of the site was developed over twenty years ago after approval of a land development plan for “The Middle Creek Bible Conference & Retreat Center”. The Freedom Township side of the site is improved with an existing residential structure, a meeting building, a community water supply and a PADEP approved sewage treatment plant. There are three residential dwellings located on the property in Liberty Township.

PROPOSED PROJECT

To understand what the proposed use of the property will be, it is important to understand what it formerly was. When opened in the late 1990s, the Middle Creek Bible Conference held religious retreats and provided spiritual development. Attendees were provided housing in the building on site. This operation was considered nonprofit since it was faith based and qualified under the tax code as such.

Now, the owners of the land propose to use the existing facilities for family reunions, fellowship gatherings, and similar events. No outward changes to the facilities will be made as a result of approval of this Conditional Use application.

COMPLIANCE WITH CONDITIONS

In the following paragraphs the conditions set forth in §1303.SS of the newly adopted Zoning Ordinance will be enumerated and a response provided as to addressing or otherwise complying with the condition. The Ordinance criteria are presented below in *italics* type and the Applicants’ demonstration of compliance is in **bold** type.

§1303.SS Rural Events Venue

1. *A proposed Rural Events Venue shall be of a scale and intensity so that the Use is compatible with existing or proposed Uses on adjacent parcels, or in the immediate vicinity. Adequate Setbacks and Buffers must be provided so as to prevent adverse impacts on adjoining parcels.*

Since this facility is existing and there will be no outward changes, we believe its scale and intensity of use is in conformance with the immediate environs. Significant buffers and forested areas already exist to screen the use from the existing neighborhood. The existing improvements can barely be seen from the public roadway.

2. *For event barns and Rural Events Venues on agricultural, or formerly agricultural Lots, the Use must not interfere with the ability of the property to return to an agricultural Use in the future.*

This condition is not applicable since the property was not used for agricultural purposes in the recent past.

3. *Handicapped Parking Spaces shall be provided in accordance with ADA requirements. All other parking may be provided as reinforced grass, or similar method so as not to interfere with any future return of the property to an agricultural Use.*

There are existing handicap accessible parking spaces in the existing paved parking area.

4. *The Lot on which the Rural Events Venue is located shall be a minimum of twenty-five (25) acres.*

As indicated in the opening paragraphs, this parcel contains approximately 332.64+/- acres, approximately 130 of which is in Freedom Township. One hundred thirty (130) is significantly more than the 25 acre minimum. Please note that Sharrah Design Group, Inc. is in the process of preparing a two lot subdivision plat that will separate the Freedom Township lands from the Liberty Township lands. This will be submitted for review and approval in the near future, after completion of the boundary survey and accurate establishment of the Township line.

5. *The maximum Floor Area for all permanent structures associated with the Rural Events Venue shall be no more than fifteen percent (15%) of the total Lot Area.*

Based on existing land records and the Adams County GIS mapping location of the Township line, there are 130 acres of land in Freedom Township. Fifteen percent of that would be 19.5+/- acres. The total approximate square footage of all buildings existing on the site in Freedom Township (inclusive of all floors) is about 24,000sf or 0.55+/- acres. This is only about 0.43% of the total land in Freedom Township.

6. *The maximum permitted occupancy for all Rural Events Venues shall be 199 persons.*

The applicants will adhere to the stated maximum occupancy of 199 persons.

7. *All Buildings, parking, loading, and other indoor or outdoor use areas shall be located a minimum of two hundred (200) feet from existing residential Dwellings on adjacent parcels, and shall be Buffered as deemed appropriate by the Board of Supervisors.*

All buildings, parking, loading, indoor and outdoor uses associated with the Rural Events Venue are more than 200' from existing residential dwellings on adjacent parcels.

8. *Events and activities must cease by 11:00 PM on Friday and Saturday, and 9:00 PM Sunday through Thursday unless further restricted by the Board of Supervisors in accordance with Section 1401.PP.10.*

The applicant will adhere to the cessation of activities at 11:00 PM on Friday and Saturday and 9:00 PM Sunday through Thursday.

9. *Overnight accommodations shall be accessory to the Principal Use of the property as an Events Venue and shall not primarily be open to the general Public as a stand-alone Use. The maximum length of stay for any guest(s) shall be seven consecutive days per singular event.*

The existing overnight accommodations are indeed intended as an accessory use to the Rural Events Venue and are not open to the general public as a “stand-alone” use.

10. *Approval of application with Sewage Enforcement Officer is a prerequisite to issuance of a Zoning Permit.*

The existing wastewater treatment plant is operating under an active Water Quality Management Permit and NPDES Permit. The potable water system on the property is likewise a PADEP approved Community water system.

11. *The Board of Supervisors shall have the authority to further limit hours of operation, number of events per year, number of attendees, etc. on a case-by-case basis.*

While this comment is acknowledged, we would prefer to have the free market determine how many events the venue can handle and operate per year.

SUMMARY

This “Rural Events Venue” can be summarized as nothing more than the continuance of the previous church related use; but for profit. As demonstrated above, and as will be stated at the Hearing, the use is compliant with all of the stated Zoning criteria and the Conditional Use should be granted.