

**Liberty Township, Adams County  
39 Topper Road, Fairfield, PA 17320  
Planning Commission Monthly Meeting**

**Aug. 18, 2020**

The Planning Commission of Liberty Township, Adams County, met on Tuesday, Aug. 18, 2020, at 7:30 p.m. in the Liberty Township Municipal Building, 39 Topper Road, Fairfield, for the regular monthly meeting. The meeting was livestreamed via RingCentral for physical distancing safety measures, with Vince Gee in person running the meeting at the township offices.

**Present:** Vince Gee, Vice Chair; Barb Ruppert, Secretary; Rich Luquette; Dominic Picarelli, Township Engineer

**Not Present:** Judie Hogan, Chair; Geoff Grant; Nancy Wenschhof, Alternate

Vice Chair Vince Gee called the meeting to order at 7:30 p.m.

**Minutes:** There were a few minor corrections to the minutes from Rich Luquette. Vince Gee motioned to approve the minutes as corrected, and Rich Luquette seconded the motion. The Feb. 18 meeting minutes were unanimously approved as corrected.

**Public Comment:**

None

**Chair Comments**

Chair Judie Hogan could not be present, so sent an email noting:

*Wendy has sent you the agenda and sketch plan which has been submitted. The applicants want to subdivide 2 acres from their farm to be given to their grandchild. There are 2 possible locations noted, there are no specific measurements given, and there have been no perc tests done. There is also an issue of use of a driveway of an adjacent property owner (a relative) for access, which will need to be addressed. The applicants and other family members will participate in the Zoom meeting.*

*Relative to Ordinances:*

*The Supervisors have been working with Mr. Alexander, using Freedom Township Ordinances, in developing a Well Ordinance. From my understanding listening into the August Supervisors meeting, they will have this ready for adoption at the September meeting. There will be time for comments at the meeting.*

*The Supervisors decided to not adopt a Nuisance Ordinance.*

*The Supervisors want the PC to complete the Burn Ordinance. They feel the last draft distributed by Geoff "has too much stuff in it," and is "too detailed for an agricultural community." They suggested reviewing it and decide what is applicable to Liberty Township*

**New Business:**

**Sketch Plan Submitted by Roy and Gail Crum for subdivision of 2 acres 25D17-0026---000**

John and Dana Talcott, and Meghan and Brandon Fitz, all of 380 Wenschhoff Rd., and Gail and Wally Crum, 201 Stultz Rd., attended the meeting to discuss their sketch plan and get advice on next steps.

The Crums would like to give their grandchildren, the Fitzes, 2 acres of their land. They're considering sharing the Talcott's driveways (the two properties adjoin) and giving right of way in the deed so they don't have two driveways right next to each other. The Crums also have a driveway off of Stultz Rd. that could be used, depending on what the PC recommends. What should they do next?

Dominic Picarelli noted that shared driveways are allowed in the township, but flag lots are not. Both of their sketches for possible subdivisions are flag lots. The Crums could ask the township supervisors if they would give a waiver to allow a flag lot, and then the Crums may also have to go to the Zoning Hearing Board because they would be creating a parcel that's not allowed. The township's zoning ordinance says you can't have a shared driveway to avoid flag lots. Dom noted the easiest way to avoid this issue is to give the Fitzes a lot that fronts the road and hope that it percs. They'll need three perc sites: a primary and a backup for the new lot, plus a backup for the existing house that is on the property.

Gail Crum said they've talked to soil engineers and they have a small-flow system for their other daughter's lot, since they have a stream on the property they can use. Dom said they would probably need another small-flow system since they already needed one, but maybe they could find an alternative such as a sandmound that is less expensive.

Dana Talcott asked if an option would be to add some property from their land to give the Fitzes driveway access. Dom said it would have to be wide enough to get the amount of road frontage required in the zoning ordinance, unless they get a waiver.

Dom suggested the families' next step should be to attend the next supervisors meeting, explain what they want to do and ask if they might be open to a waiver of the flag lot restriction. If the supervisors are favorable to the idea, then the family should call the township zoning officer to ask whether they would need to go to the Zoning Hearing Board for this. If that is favorable, they should do soil testing for percs. For the septic system, they could start with KPI to see if they can find a soil scientist; Mark Mills and John Watt also do this.

## Old Business:

### **Burn Ordinance**

Geoff Grant could not be present, so sent an email noting:

*Here are a few comments on the burning ordinance based on my review of the Carroll Valley ordinance.*

#### *Risks/Concerns*

*a) **Types of materials:** some people are concerned about potential harm to residents and/or environmental concerns from burning different types of materials. They range from these examples:*

- 1) leaves and landscaping materials- sometimes viewed as low risk, but a breathing irritant to some people;*
- 2) household garbage- a somewhat higher irritant risk, and a potential environmental concern;*
- 3) construction materials, including treated lumber, wire, paint, styrofoam, etc.- high irritant and high environmental concern.*

*b) **Types of fires:** some people are concerned about types of fires. They range from these examples:*

- a) large open fires, no constraints on size;*
- b) contained fires by size, fire rings, etc.;*
- c) incinerators, barrels, etc. (note: The Carroll Valley ordinance seemed to imply that a resident could burn almost anything in a barrel fire.)*

*c) **Safety:** safety provisions included various conditions: They ranged from:*

- 1) no constraints, no supervision*

2) constraints on size of fires, time of day, distance from property boundaries and/or distance from neighbors;

3) supervision, notification to the township or borough, fire department, contact points, etc.

Our ordinance might also address agricultural and residential zones because they represent fairly different issues, although if one is concerned about potential breathing irritants to residents then distance is an issue.

Rich Luquette noted his edits and comments to the proposed burn ordinance in an email sent to meeting attendees:

1. *Format for paragraph numbering inconsistent.*
2. *Change "man-made materials" to "manufactured materials" throughout. Rationale: Various wood products are included as a "man-made material". Wood is a natural product. "Manufactured" seems a better descriptor.*
3. *Definitions. The document restates the definition for construction and man-made (manufactured) materials. Reference IV. 6., IV. 9., IV 14., V. (7) (B). Language in IV. 6. and IV. 9 inconsistent. Recommend elimination of duplicate (inconsistent) language.*
4. *Addition – Restrict location of outdoor burn site with respect to the property line. Included with Geoff's comments.*
5. *Address burn ban associated with dry conditions/high fire risk. Prohibit all outdoor burning. Possible exceptions: outdoor cooking, recreational fires.*

The Planning Commission considered Judie Hogan's notes from the supervisors on the burning ordinance. PC members are not clear on what the supervisors want in the ordinance and what they think is too detailed. They were not sure how to make a recommendation without knowing what the supervisors want to prevent.

Dom said he has seen some ordinances that say you can only burn on a certain day, such as Wednesday, but you can burn anything except pressure-treated wood. He has seen others that say you can burn anytime, but you can only burn leaves and brush.

The PC noted that items that give off harmful gases—pressure-treated wood, construction debris, plastics, rubber, Styrofoam, cushioning, etc.—should not be allowed. Members suggested that perhaps the supervisors could send out a public education letter explaining what the new burn ordinance is and what health and safety issues they seek to address with it so the township doesn't get pushback from citizens who think the ordinance is simply a nuisance. The township needs to explain to the public that we need something in place so our local officer can come out if there is a complaint.

The PC discussed whether the township should consult with Fairfield's fire chief, where and when burning should be allowed (for instance, not on construction sites but allowed when burning off brush during normal agricultural operations), and what is allowed to be burnt. Should the township go to Rob Thaeler at the County Office to help draft an ordinance? Or should the township just adopt the state's model burn ordinance, since we legally can't do anything less stringent or in violation of that ordinance? The state model ordinance can be found at:

<http://files.dep.state.pa.us/Air/AirQuality/AQPortalFiles/GeneralInformation/openburn/docs/modelburnord.pdf>

Vince Gee motioned that the Planning Commission should look for the Adams County model ordinance on burning and clean air and send that and the state ordinance to the supervisors so they can add what they would like to it, with preference given to what is in the state ordinance. Rich Luquette seconded the motion. All were in favor and the motion passed.

Barb Ruppert will contact Rob Thaeler to obtain the county ordinance and to confirm that we have the correct link to the state ordinance.

At 8:34 p.m., Rich Luquette moved to adjourn the meeting. Vince Gee seconded the motion. All voted yes, and the motion passed. The next meeting is scheduled for Sept. 15, 2020, at 7:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barb Ruppert".

Barb Ruppert  
Planning Commission Secretary