

HELLAM TOWNSHIP
PLANNING COMMISSION MEETING
Minutes of March 9, 2023

The meeting was called to order at 6:02 PM by Chairman Devin Winand. The meeting was held at the Hellam Township Municipal Building. Chairman Winand led the Pledge of Allegiance. Other members present were, Jay Kokiko, Fred Owens, Rick Cooper, Steve Fetrow (alternate) and Michael Shillott. Other attendees included Rachel Vega, Zoning Officer, Corina Mann, Township Manager, Bill Conaway, Supervisor, Mark Myers, Supervisor via Zoom and Nedette Otterbein, Supervisor via Zoom.

Approval of Minutes

The Planning Commission reviewed draft minutes from the February 23, 2023 meeting. Mr. Owens pointed out that on page two, paragraph four, the word "fire" should be added. Upon a motion by Mr. Kokiko, seconded by Mr. Shillott, the Planning Commission approved the minutes with the above addition. Motion carried 6-0.

New Business

Z-2023-5 Colla, Variance Request for 4732 Libhart Mill Road

Brenden Colla presented his variance application. He is requesting a variance from the required 60-foot rear yard setback for an addition to a single-family dwelling. Mr. Colla's mother-in-law was widowed about six months ago. She is 80 years old and needs help. Mr. Colla, his wife and two children would like to move in with her to care for her and the property however an addition for more space is needed.

Mr. Shillott asked about some of the calculations on the lot coverage worksheet. The math on the house calculation is not correct. It seems like the driveway dimensions are not accurate and a part of the addition is not on the lot coverage worksheet. Mr. Shillott asked that the applicant double check the calculations on the lot coverage worksheet. There was a discussion about the shed structure on the east side of the house. Mr. Colla stated that it is a spring house. Mr. Colla proceeded to describe the addition and mentioned that a kitchen would be added. Ms. Vega asked if this would be a separate dwelling unit. Mr. Colla stated that it would not be a separate unit as there is access between the existing house and the addition.

The Commissioners next discussed the riparian buffer modification request. It was suggested by the Planning Commission that an amount of riparian buffer equal to the square footage of the addition be added. Mr. Colla was agreeable to this request.

Upon a motion by Mr. Cooper, seconded by Mr. Shillott, the Planning Commission recommends approval of the variance and riparian buffer modification with the condition that the addition remains part of the existing single-family dwelling and is not converted into an accessory dwelling unit without conditional use approval and a riparian buffer equal to the square footage of the addition be added. Motion carried 6-0.

Z-2023-6 Blessings, Variance Request for Parcels LL-70, 70V, 69D and 51

Matthew Swanner and David Koratich of Warehaus presented the variance application. This variance request is to allow the creation of four lots in the RA Zone that are greater than 2.5 acres and one less than 50 acres. The maximum lot size permitted for residential use is 2.5 acres and the minimum lot size for an agricultural use is 50 acres. The purpose of this request is to allocate land to the Blessings children in estate planning. No development is proposed with this request. If the property owner complied with the 2.5 acre maximum lot size this would remove them from the Clean and Green program. There are a total of six lots existing and will remain six lots after the subdivision. These lots will just have a different size and configuration.

The Planning Commission discussed the minimum 50-acre lot size requirement for agricultural use. The proposed lot that does not meet this requirement is close to 50 acres. The Commissioners asked if the lots could be reconfigured to meet this requirement. The applicants do not think this is possible due to topography and Subdivision and Land Development Ordinance requirements for such things as road frontage and access. The Commissioners asked if these properties could be further subdivided after this subdivision. Ms. Vega explained

that the properties have a certain amount of development rights and the remaining development rights will be noted on the subdivision plan along with which lots will retain them. Ms. Vega suggested that the Commissioners could place some sort of size limit on the lots. For example, the lot size should be a minimum of 40 acres. Most of the Commissioners felt that the property owner should have the discretion to determine the size of the lots.

Upon a motion by Mr. Shillott, seconded by Mr. Cooper, the Planning Commission recommends approval of variance request Z-2023-6 to allow the Blessings to subdivide the properties that do not meet the maximum lot size for residential use of 2.5 acres and do not meet the minimum lot size of 50 acres for agricultural use in the Rural Agricultural Zone. Motion carried 6-0.

SL-22-02 Blessings Subdivision (Waivers Only)

Matthew Swanner and David Koratich of Warehouse presented the waiver requests for the Blessings subdivision plan. They are requesting the following waivers:

- §430-10.D – Preliminary Plan
- §430-12.A.1 – Preliminary Plan
- §430-17.A(6) – Existing Features
- §430-17.C(1)(a)[3] – Wetlands
- §430-17.C(1)(b) – Man-made Features
- §430-17.C(1)(a)[6] – Geologic Features
- §430-17.C(1)(a)[1] – Topography
- §430-17.C(1)(a)[8] – Delineation of Woodlands
- §430-17.E – Accompanying Reports
- §430-18.F(3) – DEP Sewer Planning
- §430-30.B – Wetland Studies
- §430-33.C(3)(a)[1-3] – Roadway Curbing and Widening

Mr. Cooper's only concern is with the waiver request from §430-33.C(3)(a)[1-3] – Roadway Curbing and Widening. He would like to see the six month note added to the plan. Mr. Winand pointed out that the application states that if this waiver is not approved the Blessings would not be able to proceed with the subdivision plan. Mr. Koratich asked what would trigger the installation of curbing and sidewalks. It would be at the discretion of the Township. Mr. Winand explained the purpose of the six month note is to allow the Township to have the power to require the curbing, sidewalks and street widening when the properties are developed and the area is no longer rural. Mr. Swanner asked if curbing, sidewalks and road widening could be addressed at the permitting level. The cost of installing curbing, sidewalks and road widening in such a large area would be huge. If the properties are developed in the future, the note could be added then. Ms. Vega explained that larger development and commercial development would require land development approval. It is likely that if building a house, curbing, sidewalks and road widening would not be necessary. If the properties in the C/I Zone and MU-2 Zone are developed they would be required to submit a land development plan. A six month note could be added at this time and it would not be such a cost burden because the properties would be smaller after the subdivision. Each lot could be looked at individually as it is developed.

Mr. Owens asked about the waiver from §430-17.A(6) – Existing Features. Mr. Koratich explained that they are proposing to use aerial images to show the existing features. Ms. Vega explained that this waiver is usually requested for large areas of land due to the time and cost of surveying such a large area. Mr. Koratich further added that the Subdivision and Land Development Ordinance goes so far as to require the diameter of each tree to be measured. This would require a surveyor to go out and physically measure each tree on 270 acres of land. This would take a very long time and cost a lot of money. Showing the existing features by using an aerial would be sufficient to document the condition of the properties at this time.

Upon a motion by Mr. Owens, seconded by Mr. Shillott, the Planning Commission recommends approval of the waiver requests for SL-22-02, Blessings Subdivision, with the condition that the concessions listed on the waiver applications are used. The waiver requests recommended for approval are as follows:

- §430-10.D – Preliminary Plan
- §430-12.A.1 – Preliminary Plan
- §430-17.A(6) – Existing Features

§ 430-17.C(1)(a)[3] – Wetlands
§ 430-17.C(1)(b) – Man-made Features
§ 430-17.C(1)(a)[6] – Geologic Features
§ 430-17.C(1)(a)[1] – Topography
§ 430-17.C(1)(a)[8] – Delineation of Woodlands
§ 430-17.E – Accompanying Reports
§ 430-18.F(3) – DEP Sewer Planning
§ 430-30.B – Wetland Studies
§ 430-33.C(3)(a)[1-3] – Roadway Curbing and Widening

Ongoing Business

Mr. Winand stated that he has received more vision statements and wanted to reiterate that bullet points are acceptable. We will continue the discussion regarding short-term rentals and accessory dwelling units at the next meeting. Ms. Vega provided a revised draft ordinance and will email it out to the Commissioners tomorrow so there is sufficient time to review it.

Correspondence/Reports

Ms. Vega provided the February 2023 zoning report.

Mr. Fetrow announced that there will be a tree planting on April 1, 2023 from 1-4 pm at the Gavin's property on Ore Bank Road. Volunteers are needed to help plant about 100 trees.

The next meeting is scheduled for March 23, 2023.

Meeting adjourned at 7:03 PM.

Respectfully submitted,



Rachel Vega, Zoning Officer