

**Freedom Township Board of Supervisors
Public Hearing
March 9, 2022
6:00 P.M.**

Board of Supervisors

Matt Young, Chairperson
Paul Kellett, Vice-Chairperson
Brett Johnston

Township Officials

Zach Gulden, Township Manager
Linus Fenicle, Township Solicitor

Members of the Public Present

Ed Buchheit, Mary Buchheit, Janis Groomes, Joan F. Wiles, Penny Sica, William Schmalix, Henry Rajotte, Mike Simpson, Wade Alexander, Roger Johnson, Jim Geleta, Melvin Chapman, Judy Bugert, Elaine Floyd, & Herb Milligan.

Call to Order

Chair Young called the Board of Supervisor's Public Hearing to order at 6:00 P.M.

Purpose of the Hearing

- **Conditional use application for 602A Middle Creek Road – Cottage Industry.**

Mr. Gulden stated that the Township Solicitor notified neighboring properties by mail and placed advertisement of tonight's public hearing in the Gettysburg Times as required by the Township's zoning code. He also said he put this information on the Township's website and posted the Township door. Mr. Gulden posted the property with the required yard sign on February 11, 2022.

Mr. Gulden read the Adams County Planning Department review memo dated March 1, 2022 and Zoning Officer review memo dated February 27, 2022, which are attached to these minutes. He also stated that the Township's Planning Commission recommended approval of the conditional use application at their meeting on March 2, 2022 with the following condition:

1. The Township Solicitor shall review the application to determine if the applicant meets the criteria set forth in Township Code 230-62A.18.b.15.

4 Planning Commission members voted to recommend approval with 1 abstention.

Mr. Alexander provided testimony on how he believes his application meets the minimum criteria set forth in Township Code 230-62A.18.b.1-16

Board of Supervisor's Comment

Vice-Chair Kellett outlined his concerns, which included noise from shooting guns for commercial purposes, the property is a non-conforming lot on a private lane – a lane maintenance agreement should be in place, potential signs on the building, storage of ammunition that can cause a fire hazard, and not all of the guns sold will be manufactured on the property as required by Township code.

Chair Young outlined his concerns, which included not all of the guns sold will be manufactured on the property as required by Township code and noise from shooting guns for commercial purposes.

Public Comment

Penny Sica questioned the definition of firearms, will security be in place at the testing site, would the firearms be secure once delivered by UPS/USPS/Fed EX while Mr. Alexander is at work, would a lockbox be required by the Fire Department, and how will the Township monitor this cottage industry to ensure it does not become a commercial store.

Janis Groomes stated the applicant already fires firearms on the property and produces a lot of noise. She was worried that this use will create more noise that can harm her family and livestock.

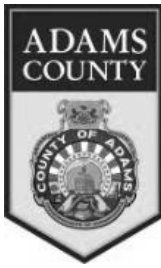
Joan F. Wiles stated she was worried about noise and additional traffic from the proposed use. She was concerned that additional traffic during the delivery of firearms and the possibility of hitting her livestock.

Mike Simpson stated that Fed Ex and USPS already goes down that road a lot, and the addition of this use would not cause a substantial increase of traffic that is not already there. He also asked if there was a limit to shooting for personal purposes.

Henry Rajotte stated he was concerned with noise from shooting and affecting the wildlife. He said shooting from this property is currently significant.

Adjournment

There being no further business, Chair Young made a **MOTION** to adjourn. The **MOTION** was **SECONDED** by Vice-Chair Kellett. Chair Young adjourned the meeting at 7:05 P.M.



ADAMS COUNTY OFFICE OF PLANNING AND DEVELOPMENT

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Ph: 717-337-9824 | Fx: 717-334-0786

Sherri Clayton-Williams, AICP, Director

DATE: March 1st, 2022

TO: Freedom Township Board of Supervisors
Freedom Township Planning Commission
Linus Fenicle – Township Solicitor

FROM: Harlan Lawson
Economic Development Specialist

SUBJECT: Conditional Use Application Review
602A Middle Creek Road
Application Date: February 10th, 2022

In response to Freedom Township's request, the following review of the 602A Middle Creek Conditional Use Application is respectfully submitted for your reference. The proposal is to convert 800 square feet within a newly constructed accessory building located at 602A Middle Creek Road into space dedicated to a Cottage Industry use relating to the sales, transfers and maintenance services of firearms.

The applicant has indicated the operation will be regulated under the authority of the Bureau of Alcohol, Tobacco and Firearms. The applicant has also expressed within the conditional use application that all components of the required use standards for a Cottage Industry, as described in the Freedom Township Zoning Ordinance, will be met satisfactorily. Our review of all currently verifiable standards has not found any discrepancies with the information provided by the applicant. However, we offer the following comments for consideration:

Monitoring - At this time many of the requirements included under the Cottage Industry use requirements are unverifiable and will only become verifiable once the accessory use begins. We recommend the Township regularly monitor all identified Cottage Industries to ensure these requirements continue to be met.

It currently does not appear the applicant plans to improve the property with any construction that meets the Township's definition of Land Development, which is contained in the Freedom Township Subdivision and Land Development Ordinance. However, we recommend the project be monitored to ensure any planned construction meeting this definition has an approved Land Development Plan before construction begins.

cc. Robert Thaeler – Principal Planner

SUPERVISORS OF FREEDOM TOWNSHIP

ADAMS COUNTY, PENNSYLVANIA

BOARD OF SUPERVISORS:

Matt D. Young, Chairman
Paul C. Kellett, Vice-Chairman
Brett T. Johnston, Supervisor

TOWNSHIP MANAGER:

Zachary R. Gulden, MPA

February 27, 2022

Board of Supervisors & Planning Commission:

I have conducted a zoning review of the cottage industry conditional use application dated January 3, 2022 for 602A Middle Creek Road, Fairfield, PA 17320. It is in my opinion, that in its present form, the application does not meet the minimum criteria set forth in Zoning Ordinance Section 230-62.A.18.b.1-16 - more specifically, item 15. More information should be required before issuing an approval.

- 1. The person primarily responsible for the cottage industry shall be a full-time resident.**
 - The applicant meets this criterion as he lives on the premises.
- 2. No more than two persons not in residence in the dwelling shall be employed in the cottage industry.**
 - The applicant meets this criterion as he will be the sole owner and operator of the business.
- 3. The cottage industry shall be conducted entirely within the dwelling and/or accessory building on the same lot as the dwelling.**
 - The applicant meets this criterion as the business is proposed to be located in a pole building (accessory structure) on the property.
- 4. The total floor area of the cottage industry shall not exceed 2,000 square feet.**
 - The applicant meets this criterion as the floor space for the cottage industry is proposed at 800 sq. ft.
- 5. A cottage industry shall not be located on a lot which is less than five acres in size.**
 - The applicant meets this criterion as the property is 29 acres.
- 6. An accessory building utilized for a cottage industry shall comply with all lot coverage and yard requirements contained in the applicable zoning district regulations for single-family detached dwellings.**
 - The applicant meets this criterion as the dwelling and accessory structure were recently permitted through the Township.
- 7. No more than one cottage industry shall be permitted on any lot.**
 - The applicant meets this criterion as only one cottage industry is proposed.

- 8. No displays or change in the building façade shall indicate from the exterior that the dwelling or accessory building is being utilized for purposes other than a dwelling or accessory building.**
 - The applicant meets this criterion as no displays or change in the building façade are proposed.

- 9. To prevent on-street parking, the resident responsible for the cottage industry shall provide adequate off-street parking.**
 - The applicant appears to meet this criterion as a large gravel area is available for parking in front of the pole building.

- 10. Storage of materials, finished products, or machinery used for the cottage industry shall be wholly enclosed by the dwelling or accessory building, within the maximum floor area previously defined, and shall not be visible from any adjacent lot or street.**
 - The applicant appears to meet this criterion as the application states all materials and products will be stored within the 800 sq. ft. cottage industry space.

- 11. Deliveries shall not restrict traffic circulation.**
 - The applicant appears to meet this criterion as it seems there is sufficient space for deliveries and turn arounds in the gravel area in front of the pole building.

- 12. No traffic shall be generated by the cottage industry in greater volumes than would normally be expected in a rural area.**
 - The applicant appears to meet this criterion as the business is proposed to be operated mainly online, by appointment, or within the two-hour window they are proposed to be open each week. It does not appear this will create greater traffic volumes than normal.

- 13. A cottage industry shall not produce noise, obnoxious odors, vibrations, lighting glare, fumes, smoke, or electrical interference detectable to normal sensory perception outside the structure.**
 - The applicant appears to meet this criterion as this cottage industry will be for the sales of firearms during very limited hours.
 - It does not appear a shooting range is being proposed.

- 14. There shall be no illegal discharge of any materials, fluids, or gases into the sewage disposal facilities or in any other manner which would be in violation of any applicable government code.**
 - The applicant appears to meet this criterion. The application states that there will be no illegal discharges into the sewage system.
 - **Is a bathroom required in order to gain an occupancy permit through PMCA? If so, the applicant shall obtain a sewage permit from the Township's Sewage Enforcement Officer to ensure adequate capacity in the existing sewage system.**

15. Sales of goods on the premises shall be limited to goods made on the premises or goods relating to services performed on the premises.

- It is not clear that the applicant meets this criterion.
 - Will all firearms being sold be made on the premises?
 - Is this a gunsmithing facility?
 - The code is clear that the sale of goods on the premises **shall be made on the premises.**

16. Any accessory structure utilized in a cottage industry shall be architecturally and structurally compatible with the residence on the property.

- It appears that the applicant meets this criterion as an existing pole building will be utilized for the cottage industry.

If approved, PMCA will need to conduct an inspection and an occupancy permit shall be obtained.

A sprinkler system may be necessary in order to protect neighboring properties and first responders from ammunition stored on site.

Sincerely,

Zach Gulden

Zoning Officer of Freedom Township