

**Halfmoon Township Planning Commission**  
100 Municipal Lane, Port Matilda PA 16870

Minutes  
Tuesday, December 4, 2007

Attendance: Planning Commission - Lorin Nauman, John Stevens, Bob Eberhart, Rob Brooks, Larry Fennessey, Scott Sheeder. Member absent: Dave Piper. Halfmoon Township Zoning Officer: Greg Love. OSPB members: Jerry Brown, (Bob Eberhart).. BOS: Reed Moyer, Ben Pisoni, Bob Neff. HMA: Mark Maloney, Chris Rand, and Steve Weingarten; Others present: Kathleen Yurchak - Township solicitor, Eric Vorwald - CRPA, Tammy Perkins-citizen, Jason Slocum (Keller Engineers) and Dan Hawbaker – Grays Woods Partnership. Becky Brooks, minute taker.

I. Chair Mr. Nauman called the meeting to order at 7:08 PM.

II. Minutes; **Motion. Mr. Sheeder moved to accept the minutes of, November 20, 2007. Mr. Fennessey seconded. Motion passed, unanimously.**

III. Citizens Comments. None. Those sitting around the table introduced themselves.

IV. Reports-

- A. BOS meeting- No update.
- B. Centre Region updates - Thursday night's meeting was cancelled.
- C. Zoning Officer - no report.
- D. PC holiday party - will be the next meeting. PC members will bring snacks or cookies. Mr. Eberhart and the Brookses will bring beverages, Brookses will bring cups plates and napkins, etc.

V. East End Zoning District. A recap of information compiled by the PC was distributed. Mr. Weingarten said that his group had given many presentations to different groups. He showed the summary of his findings. He reviewed the fee-in-lieu concept, which provides the Township with money for conservation efforts. He said he thought that \$950 seemed appropriate for the extra 600 units.

Mr. Moyer – Why only 600 and not the remaining 400?

Mr. Weingarten- That is to make sure land is being acquired, and that the developer just doesn't pay money. With this proposal, the development rights for all available acreage could be purchased, which might result in using additional funds for a variety of land preservation measures.

Mr. Moyer- Does it make sense to do fee-in-lieu because the OSPP will be able to lease all the remaining acreage available? They will have enough funds. Originally the plan involved 1 acre preserved for each building unit, we are no longer talking about developable acres, we are using general acres. The fee seems to be decreasing in ways that I do not like.

Mr. Weingarten-The Township must think of the benefits that the Ordinance is providing: commercial areas, affordable housing, and possibly public sewage. The fee-in-lieu was a creative way of making the Ordinance work. If you take into account all the benefits, it is a true public/private partnership. We are trying to create an Ordinance that is usable.

Mr. Moyer- The Township is committed to preserving land. The fee-in-lieu is fine, I just want to make sure the Township is getting enough. We need to make sure the fee is adjusted with inflation.

Mr. Moyer- This will not create neutral density.

Mr. Weingarten- This concept is really good planning for the Township.

Mr. Moyer- It will be our responsibility to explain to the Township citizens that this is a good concept. The public/private partnership does not sit well with me.

Ms Perkins- What is the public / private partnership?

Mr. Moyer- The “public” is the Township. I am willing to be flexible with the neutral density, but I am not sure of the public / private partnership.

Mr. Brooks- The fee-in-lieu is not tied to acreage, it is equivalent to a development unit. Mr. Brooks reviewed the PC’s viewpoint from previous meetings.

Mr. Moyer-What about the issue of developable acres?

Mr. Nauman- The south side of SR 550 is more developable than the north side. Let me use my property as an example. I have about 35 acres that are developable. How do I know that my preserved acres are not being used for increased development in this area?

Mr. Moyer- We need to simplify this plan.

Mr. Weingarten- It still boils down to what is good for the Township. If the Township concludes that it does not want work force housing or commercial development, then this plan will not work. If there is already enough money to preserve land, then the money can be used for other preservation needs. These numbers that we have presented work for the developer. There is concern that we could create something that no one would use.

Mr. Moyer- We need it to make sense.

Mr. Brooks- We should be more concerned with the big picture. If we penny-pinch, then we will not have a good plan. This plan includes on-site preserved open space, possibly fee-in-lieu payments, and off-site preservation.

Mr. Nauman- I think attaching it to the OSPP is not a good idea. We are going to get opposition.

Mr. Moyer- This plan is just another funding source.

Mr. Brooks- It is not tied to the OSPP, it is just money available for land preservation.

Mr. Weingarten- The Ordinance will state that the money is not tied to the OSPP at all. The dollars just go into a fund for conservation efforts.

Mr. Moyer- I don’t get the 70%/ 30% option. What is the status of other options? Can new acres be brought in? Can they but remainder interest from 99 years to infinity? There was discussion about these options. I don’t see great value in the 99-infinity idea. It is a better deal with the fee-in-lieu concept.

Mr. Weingarten- The partnership could be: the Township pays from 0 to 99 years, and the developer pays from 99 to infinity. Fee-in-lieu is more costly to the developer.

Mr. Eberhart- Do we have any idea how much the remainder value is for leased lands?

Mr. Maloney- There is no data. That is something we do not know. The concept is different because the land would go from lease to permanent conservation of development rights. At this point we are looking for more than one tool to preserve land in other areas of the town.

Mr. Moyer- Can we change the Ordinance if, for example, fee-in-lieu does not work?

Mr. Brooks- We can change or tweak the Ordinance through a public process.

Mr. Weingarten- If the master plan is accepted, the Ordinance cannot be changed.

Mr. Love- We have been going back and forth between net and gross- it is net. The sewage plan will have to go through regional planning. Since the master plan and the sewer plan run side by side the Ordinance will state that “x” number of DUs are permitted. Whether the developer decides to do it (the increased density) or not, we have still established a maximum density. There is no place where it say where the 3 options can be used.

Mr. Brooks- The developing is done with phases, but the final maximum density remains fixed.

Ms Yurchak- Access to public sewage disposal is not an entitlement.

Mr. Weingarten- The process allows 2 methods- either land is purchased or a fee-in-lieu payment is made. We haven’t figured out how to pay some now and some later. There can be 800 homes built without purchasing land or paying a fee-in-lieu payment. It is hard to figure the phasing of the fee-in-lieu, we don’t have the timing but it is do-able.

Mr. Brooks- Let's focus on the principles.

Mr. Maloney went through the email that HMA sent out. He explained the Open Space Density Methods (spreading out the cost). Mr. Rand said the first payment would be upon Master Plan approval.

Mr. Hawbaker- The key for us is to make sure there is public sewer. We are a ways off from starting development in Halfmoon Township, and Mr. Maloney wants to start sooner than we do.

Mr. Moyer- Do we get the balance if the final 400 homes are not built?

Mr. Weingarten- Yes.

Mr. Maloney- There would be no reason not to build the last 400 units that is our profit.

The 3 questions compiled from the last PC meeting were reviewed and discussed. The fee-in-lieu concept is something that the BOS will have to decide upon. Is it a good idea?

Mr. Love – Has it been adjusted for inflation? Yes, that has been addressed and it would be adjusted annually.

Mr. Pisoni- Again, this is a detail that can be addressed later. What do we feel about the \$950.00 amount?

Mr. Eberhart- That is only 70% of the \$1340, which is not enough.

Mr. Nauman- I think it should be a fair market value, a deal between the landowner and the developer. The Township should not set the price. That is the feedback I have gotten from several people I have spoken to.

Mr. Moyer- I think there is value to the plan and it is worth it to provide incentives.

Mr. Nauman- We do not know what the value of a conserved acre is.

Mr. Brown- Developable Ag land is worth \$4-\$5,000 per acre for a purchased conservation easement (throughout the county).

Mr. Stevens- We are talking about inflation and deflation- it is hard to pick a number. I would hate to have a certain number hold up the whole process, though I think it should probably be higher than the numbers we have been discussing.

Mr. Fennessey- Fundamentally, I do not think we should develop that area with that kind of density. I think the developer should pay 100% plus more, so that the Township is better off at the end of the day. Fee-in-lieu is a bonus to the developer. I don't think this plan can be done. I think the developers should go ahead and do A-1. It is a sensitive place. I would never want injection wells. The DEP is getting more and more stringent. I am concerned for the township, so I think it has to be 100%-plus.

Mr. Sheeder- I don't want to debate the \$1,340.00. I think the 70% is fair because I value the things put in place with this development. The Township is getting benefits, so it is fair to ask them to pay 30%. I am skeptical that it will get built to that maximum density. The BOS will have to explain to the citizens what would be fair.

Mr. Maloney- What percent does everyone think is fair? Tell us what is fair. Can we come to an agreement?

Mr. Moyer- If \$1,340.00 is a fair value and the developer pays 100%- that would avoid risk to the Township.

Mr. Maloney- If it is going to be 100% that is easier to explain to the Township.

Mr. Moyer – I could live with 100%.

Mr. Maloney- The longer this goes on, the longer the monthly carrying costs are for us. If we can come to an agreement we can move on. It is better for us to agree to 100% now than to wait for the possibility of 70% months down the road. Waiting will cost us more.

Mr. Pisoni- I am not hung up on the amount. I think the benefits of this plan to the Township are worth something. I would like to see one benefit tied into a sewage facility.

Mr. Neff- I agree basically with the 100%. I am worried about fire and police and other services. If we don't have the majority of the money up front the Township will have to provide services anyway. I think \$1,340 is on the low side.

Mr. Hawbaker – What if we came in now and said we will pay you 70% of the fee-in-lieu right now? Is that something the BOS would consider?

Mr. Slocum- There may be other options that would allow for bonus density.

Mr. Maloney- The Township might want to consider the early 70% option. It is possible that the developer might be able to come in early with acreage of fee-in-lieu costs. Either option.

Mr. Love- Mr. Hawbaker's plan is a win-win situation for the Township. Why would we turn it down?

Mr. Brown- Where would the money go? It should be specified that the money be used for conservation?

Mr. Love- We haven't decided where the money would go. It would be separate from the Act 153 monies.

Mr. Brown- I think the smartest thing would be to do it now. I like Mr. Hawbaker's idea. It would be the maximum benefit to the Township.

Mr. Love- Preserving land up front is good planning- we should focus on that. Let's make the best of it now.

Mr. Nauman- Has anyone talked to an appraiser? If a developer comes to a farmer and asks how much he wants for his land the farmer won't name a price because he is afraid the developer will accept whatever price he offers. This may happen to farmers who are not ready to sell yet.

Mr. Maloney – We need to make sure the amount we establish is a valid amount.

Mr. Moyer- I think \$1,340 is a discount. We should decide if there should be a discount for early entry or a discount for cash up-front.

Mr. Brooks- My guess is that the 20 people sitting around this table could not reach an agreement. Either the BOS has to make these decisions or there needs to be a small group that meets to try to make the best possible decisions.

Mr. Moyer- There are 4 questions that must be addressed. The fee-in-lieu plan seems to be pretty well established. The \$1,340 seems ok. We are generally in agreement that the developer should pay 100% of the payment. We need to decide if the fee-in-lieu can be broken up into payments. I feel that as long as we get the money I don't think we need to get it up-front.

Ms Yurchak- The CPI index is lower than many methods of calculating future payments. If the Township gets less later on, you are losing buying power as 30 years go by.

Mr. Love- Does anyone have any suggestions?

Mr. Hawbaker- Cash is king. Put the money in the hands of the Township early.

Mr. Brown- If we get money now we can buy land now, if we take it down the road, it's not worth it.

Mr. Maloney- I think an advanced up-front payment should maybe be 70%, and later in the process 100% should be required.

Mr. Brooks- Works for me.

Mr. Moyer- I think the \$1,340 seems reasonable.

Mr. Weingarten- The CPI over the long term is essentially accurate. It is an easily accessible number for calculating.

Mr. Maloney- If a developer is willing to pay up-front I think 70% is reasonable.

Mr. Fennessey- I would agree to the \$1,340 if it were paid today. It should be 100% of what it costs today.

Mr. Moyer- We don't want to keep moving the numbers up, I am comfortable with \$1,340.

Mr. Weingarten- I think \$1,340 is 100% with an adjustment for inflation. I will try to make that number work.

Mr. Nauman- It is a voluntary program. If the Township wants to put a price on land, they have eliminated the landowner from possibly getting a higher price. This plan cannot be done under the lease program.

Mr. Brooks- The money would be used only for land preservation. The discussion now needs to be about : payment schedule, discount for up-front payment, and limits on options.

Mr. Hawbaker- If the Township is looking for funds, the up-front discount should be considered. If not, just keep on going with the other options.

Mr. Maloney – I would consider the 70% payment up-front.

Mr. Brooks- Do we have a plan to move forward?

Mr. Vorwald- An Ordinance can be changed even if a Master plan has been submitted. The Phases would have to follow the Ordinance.

Ms Yurchak – Once the Ordinance is passed you are stuck with the density.

Mr. Weingarten- Once the Ordinance is adopted you cannot change the Ordinance as to that Master Plan that has been submitted.

Mr. Maloney- I think we should keep in mind the big picture, which seems ok, the details will change.

Mr. Weingarten – I think an Ordinance can be developed and by early next year an Ordinance could be adopted. A payment schedule will be developed.

Mr. Maloney- Can we change the payment schedule?

There was discussion. Mr. Maloney would consider changing it to 1/3, 1/3, 1/3.

Mr. Nauman- If Mr. Hawbaker doesn't like the Ordinance, can they oppose it so that it won't go through?

Mr. Brooks- We are saying that this plan is good for the Township and if it passes and Mr. Poole and Mr. Hawbaker don't approve, they could sell the property.

Mr. Love- This Ordinance involves 4 properties. The previous Ordinance involved 868. It won't be nearly as complicated.

Mr. Hawbaker- If it is a plan that everyone can live with it will be best for everyone.

Discussion will involve: early payment with a 30% discount up-front, a payment schedule of 1/3, 1/3, 1/3, and no limitation on preservation options.

Mr. Eberhart- I think the 1/3, 1/3, 1/3 makes no sense. The developer is paying the last third after the DUs have been built.

Mr. Nauman- I question the density incentive payment up-front. I think \$1,340 is not a number we should work with.

Mr. Moyer- We need to move forward. How?

Mr. Stevens – We need to have the BOS involved.

Mr. Maloney- How about 2 BOS members and 2 PC members?

Mr. Brooks- Can we agree that what the subcommittee comes up with is what will go onto the Ordinance?

Mr. Maloney- Mr. Weingarten and Mr. DeGregorio will work on the Ordinance with Ms Yurchak's examination and input.

Mr. Weingarten- We will clean up the current version, it doesn't need too much more. I will work on a fee-in-lieu draft with Mr. DeGregorio. We will finish drafting the rest of the issues.

Mr. Maloney- Could the developer pay one payment within the development band of density range? There are 2 separate issues- one is the discount payment up-front and two is that 100% is paid when density is reached.

Ms Yurchak- The PC needs to make a recommendation. I still think you need a small subcommittee, to discuss issues and then I can review the document, and then it will be presented to the BOS

Mr. Brooks- perhaps the subcommittee could meet next week. The group will be Mr. Moyer, Mr. Nauman, Ms Perkins and Mr. Brooks. Mr. Moyer will write an outline and send it to everyone.

The subcommittee will meet Tuesday December 11<sup>th</sup> at 2 pm, and the PC will review the document and try to agree on the concepts on the 18<sup>th</sup> of December.

Mr. Love- it will be late February before anything is finalized with the BOS.

The meeting was adjourned at 9:50 PM.

Respectfully submitted, Rebecca P. Brooks, minute taker