

# DTPC MINUTES

## Dickinson Township Planning Commission

January 8, 2025 Dickinson Township Meeting Room  
6:00 pm

### Attendance

#### Commission Members:

Chairperson Elizabeth Grant, Vice Chairman Nathan Merkel, Secretary, Beth Kikla, Robert "Bob" Line, Mark Hockley

#### Staff:

Receptionist/Secretary/Treasurer, Laci Hockenberry, Zoning/Codes Officer, Abigail Miller, Solicitor Matthew Boyer

#### Absent:

Justin Smith, Kenwood Giffhorn, Jason Reichard

#### Visitors:

Charley Westcott & Marty Williams

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## CALL TO ORDER

The January 8, 2025 Dickinson Township Planning Commission meeting was called to order at 6:05PM by Chairperson Grant followed by Roll Call and the Pledge of Allegiance

## OPENING ANNOUNCEMENTS

- a. A reminder that more information about our community can be found on our website at [www.dickinsontownship.org](http://www.dickinsontownship.org)

## AGENDA APPROVAL

Beth Kikla requested an amendment to the agenda noting that at the December 11, 2024 meeting that Justin Smith had requested to include a discussion on Planning Commission quorum concerns. She asked that it be added under old business 16c. A motion was made by Beth Kikla to include the aforementioned comments. The motion was seconded by Bob Line and unanimously passed to approve the agenda as amended.

## APPROVAL OF MINUTES

Beth Kikla requested that the comment regarding the quorum and agreement to discuss be added to the minutes. Vice Chairman Merkel motioned to approve the December 11, 2024 meeting minutes as amended. The motion was seconded by Beth Kikla and passed by majority vote. Elizabeth Grant abstained

**CHAIRPERSON'S REPORT** - Chairperson Grant stated she was thankful for the memo that Solicitor Boyer provided the Planning Commission, and the work staff put in to find information on ordinances regarding FPRs.

**PUBLIC COMMENT** - None

**PLAN REVIEW** - None

**NEW BUSINESS**

Changes to Packet Format

Zoning/Codes Officer Miller noted that the Township is moving to providing meeting packets digitally. She explained that hard copies will be provided at the meeting and if PC members would prefer to have a hard copy earlier to view, they may pick them up at the Township office.

Beth Kikla was concerned that reading the digital plans can be difficult and she questioned what the reasoning behind the change was? Zoning/Codes Officer Miller explained that the Township is trying to go more digital and unfortunately time doesn't always allow for packets to be delivered in a timely manner.

Vice Chairman Merkel understands that viewing plans on a computer can be nice because you can scale it depending on what PDF reader you have, however being able to view the full-size plan set is extremely helpful. He asked if PC members wanted to look at the plan set could they take a copy home and bring it along back to the meeting. Zoning/Codes Officer Miller explained that it would be fine.

**ZONING OFFICERS REPORT** – Nothing Additional

**SOLICITORS REPORT** – Nothing Additional

**ENGINEERS REPORT** - Nothing Additional

**PARK & RECREATION LIAISON REPORT**

The Park and Recreation committee will be holding a Free Family Bowling Night on Thursday February 6, 2025. Contact the Township office to sign up.

**SUPERVISOR LIAISON REPORT**

Supervisor Line announced to the Planning Commission that Marjorie Bear is no longer employed with the Township. He also noted that there are three people vying for the manager position and the Board of Supervisors will be conducting interviews on Monday January 20, 2025.

**OLD BUSINESS**

FPR Discussion

Zoning/Codes Officer Miller explained that during the December 11, 2024 Planning Commission meeting she was asked what the PC's roles and responsibilities were in regard to FPRs. She explained that the Municipal Planning Code states that the Planning Commission may ask, prepare and present to the governing body a zoning ordinance and make recommendations to the governing body on proposed amendments as set forth in this act. Zoning/Codes Officer Miller also provided the Planning Commission with a copy of an ordinance passed by East Coventry Township as well as emails with Antrim Township, Franklin County.

Solicitor Boyer provided his comments and recommendations to the Planning Commission. He explained that as far as how FPRs would relate to the PC it would be through the Agricultural Security Area evaluation. Solicitor Boyer noted that however, it is difficult to find a specific route for the Planning Commission given

that case law indicates that the only fact that is relevant should be direct if the subject property is appropriate for Agricultural uses. Solicitor Boyer notes that he was able to identify a few areas of leeway that could potentially bring FPRs into the scope of the Planning Commission. The first would be if the governing body would request the agency, it can prepare and present to the governing body an environmental study. If there was an environmental impact, then it could possibly bring FPRs into the PC's scope of work.

Beth Kikla cited the ASA manual under evaluation criteria, paragraph five that states; additional factors to be considered in nature of farm improvements, anticipated trends and agricultural economic and technological conditions and any other matter that may be relevant. She asked if this would give the Planning Commission an avenue? Solicitor Boyer referenced a case in which a township had denied an ASA addition based on the potential use of the property. The court deemed it irrelevant under current case law because you cannot look at the specific use if the land is used for farming.

There was a brief discussion on the ordinances passed and proposed by East Coventry and Antrim Townships. Solicitor Boyer noted that it appears that they are trying to take a position to push the issue but both Township anticipate litigation, and they may not be successful in defending their ordinances. The ordinance passed by East Coventry does not do anything beyond what DEP has required aside from an enforcement mechanism which he sees as problematic. Solicitor Boyer explained that the Planning Commission could recommend an ordinance to the Board of Supervisors but ultimately, he is unsure that it would withstand scrutiny.

The Planning Commission held a discussion on the environmental study aspect and how it would fall within the parameters of the Planning Commission. Solicitor Boyer explained that the statute provides that if there is a negative environmental impact that is not ok, but there is no current information out there to substantiate a negative impact. Vice Chairman Merkel questioned if the Planning Commission was able to request the Board of Supervisor to allow the PC to put out a request for an RFP to do an environmental assessment for potential FPR impact on the township? Solicitor Boyer said that if the Board of Supervisors ask the Planning Commission to conduct an environmental study, then the MPC does allow for that. There was a brief discussion on what to encompass and how to define the parameters for the RFPs. Beth Kikla suggested making it voluntary in nature to avoid opening the Township up to potential litigation. Bob Line suggested expanding it to farmers who are not spreading FPRs, citing one that is adjacent to a property that is spreading FPRs and has failed the dairy water test for the first time in 20 years. Chairperson Grant noted that there are some specialists in the area such as Penn State Extension and NRCS that we could consult. After discussion the Planning Commission agreed that Bob Line will bring the discussion to the next Board of Supervisors Meeting scheduled for Wednesday, February 5, 2025. He encouraged the Planning Commission members to attend.

#### ASA 7 Year Review Timeline

Zoning/Codes Officer Miller provided the PC with a memo to give an overview of the timeline and noted that she will provide the ASA properties on February 14<sup>th</sup> for the board to review and discuss at the March meeting. There was a brief discussion on the parameters of the review process and what constitutes a discrepancy. Zoning/Codes Officer Miller will provide a guideline with a detailed description and list for discussion.

Confirmation of Quorum

Beth Kikla noted that at the December 11, 2024 meeting the concern was brought up on the Planning Commissions ability to maintain a quorum. She noted that there is the option of calling in via phone or discussing the option of setting up a zoom style meeting. Vice Chairman Merkel stated that having the flexibility to call in or attend via zoom, especially in summertime should be utilized to ensure a quorum as members have made a commitment to the PC and out of respect for staff. Zoning/Codes Officer Miller noted that the MPC does allow for alternate members if the PC would so choose to do so. Vice Chairman Merkel suggested sticking to the call in or virtual meeting first before discussing adding alternate members. The board agreed that a zoom meeting if multiple members are unable to attend in person or attending via phone are good options to ensure a quorum.

**ADJOURNMENT**

**Nathan Merkel motioned to adjourn the meeting at 7:27 PM. The motion was seconded by Beth Kikla and passed unanimously.**

Respectfully submitted,

Laci Hockenberry  
Receptionist/Asst Secretary/Treasurer