

Hamilton Township Planning Commission

Regular Meeting Minutes
10/17/2023

Meeting was called to order at 7:00 PM by Chairman Mel Lebo.

Members Present: Mel Lebo, Ira Bitner, Ron Weidner, and Alternate Susie Kaiser.

Also Present: Assistant Secretary Hannelore Furst; Zoning Officer James Graham, Chad Clabaugh P.E., of C.S. Davidson, Inc., and Andrew Merkel of ACOPD.

Motion to Adopt the Agenda: *Ira Bitner made a motion to approve the agenda with a second by Ronald L. Weidner. Motion carried unanimously.*

Minutes: The regular meeting minutes of September 19, 2023, were presented for approval. *Ronald L. Weidner made the motion to approve the minutes with a second by Ira Bitner. Motion carried unanimously.*

New Business:

Trimmer Minor Subdivision-The Zoning Officer, James Graham has finished his review. *The motion was made by Ira Bitner with a second by Ronald L. Weidner to accept the plan for review by the engineer and Adams County Planning. Motion carried unanimously.*

Old Business:

- K-Hill Enterprises, LLC: Ron stated he has talked to the property owners at the cul-de-sac and has a verbal agreement for the work to be done and is waiting on the revised plan. (Twp would cut the moons out, put top soil in, reseed, and redo the driveways from where they cut to the edge of the road. Chad mentioned they are just waiting on a revised plan. Ron mentioned that 5 or more lots requires public water and sewer and he relayed that to Jack Powell. *A motion was made by Ronald L. Weidner to table the plan with a second by Ira Bitner. Motion carried unanimously.*
- New Oxford Logistics, LLC: They are still waiting on the corridor study. *A motion was made by Ronald L. Weidner to table with a second by Ira Bitner. Motion carried unanimously.*
- Cross Keys intersection: Andrew mentioned that they are waiting for the cross proposal to be returned to the county for details. They have a deadline of June 2024. *A motion was made by Ronald L. Weidner to table with a second by Ira Bitner. Motion carried unanimously.*
- Pennwood Products Concept Plan: There was brief discussion on whether some of the property was in East Berlin Borough, and who would get the tax benefit. Andrew mentioned that the tax service office would know who would get the tax benefit. *A motion was made by Ronald L. Weidner to table with a second by Ira Bitner. Motion carried unanimously.*
- Redding Rentals Zoning Hearing: Nothing new. *A motion was made by Ronald L. Weidner to table with a second by Ira Bitner. Motion carried unanimously.*
- Royal Farms: Still working on and waiting to see what they are going to do. *A motion was made by Ronald L. Weidner to table with a second by Ira Bitner. Motion carried unanimously.*
- Church of the Brethren/Hamilton Twp. Subdivision: Chad stated they have to work out the zone the triangle lot is in, they did get the comments back from the county planning office, minor items have to be filled in, file the planning module waiver, consolidate the deeds, solicitor will take the township thru the closing. The triangle lot was part of the rezoning effort,

according to the county all the tracts didn't line up and that was not included in the rezoning. The townships lot is in Agri-Preservation now and the triangle lot is still in Rural Reservation. Currently, the Agri-Preservation doesn't have a lot coverage, but once the new ordinance is adopted for Agri-Preservation there will be a 30% on the parent tract and the Rural Residential won't be changed which is at 25%. The reason it was changed to Agri-Preservation was for the cell tower issue. Andrew mentioned they could not identify what tract (the triangle) was being described for the legal advertising as part of the amendment when the zoning was changed. So it was dropped and put in the Agri district once you have the description to be able to identify the tract. It was originally going to be in the Agri-Preservation and got dropped because of the technical requirement. Ron commented the three parcels which includes the triangle were changed when they changed the zoning and according to him the only thing that wasn't done was the map. There was a discussion on the triangle tract and why it wasn't done and about the property being in "Clean and Green" program. Ron spoke with the Adams County Tax Service Office about the property being in "Clean and Green" program and how much roll-back penalty would be owed to take it out of the "Clean and Green" program. It would be approximately \$37,000. Ron will do more research.

The items required to complete the project are: 1. Planning Commission's approval; 2. Address County comments, complete planning module, add right of way dedication note from solicitor and resubmit plan; 3. Meeting with church personnel for signatures(notary); 4. Board of Supervisor's approval; 5. Finalize discussion on "Clean & Green" roll back taxes, zoning boundaries/lot coverage; 6. Setting corners/pins; 7. Plan signatures/reproduction and recording; 8. Closing, conveyance efforts and documentation.

Chad summarized what needs to be done is to address County's comments, add right of way dedication note from solicitor to the plan, and setting of the corners.

*A motion to recommend approval to the Board of Supervisors the subdivision pending conditions are met was made by Ronald L. Weidner with a second by Ira Bitner. **Motion carried unanimously.***

Ordinance Amendment Status/Completion:

- **The Stormwater Management Ordinance** was revised by adding information about repairing buffers and the fencing. *A motion to recommend to the Board of Supervisors to adopt the New Stormwater Management Ordinance pending solicitor review, public hearing and meeting; was made by Ira Bitner with a second by Susie Kaiser. **Motion carried unanimously.***
- **Nuisance Ordinance:** James Graham emailed everyone a copy of the amended Nuisance Ordinance, there were no comments. *A motion to recommend to the Board of Supervisors to adopt the Nuisance Ordinance was made by Ira Bitner with a second by Susie Kaiser. **Motion carried unanimously.***
- **150-98AA Self-Storage Facilities:** Mel stated the ordinance was revised with adding number 3- All applications for a self-storage facility shall be accompanied by vehicle turning movement templates that demonstrate how vehicles of various sizes will move through the proposed site. *A motion was made to recommend to the Board of Supervisors to adopt amended Ordinance 150-98 AA -Self-Storage Facilities pending solicitor's review, public meeting and hearing by Ira Bitner with a second by Ronald L. Weidner. **Motion carried unanimously.***
- **The AP and the RR District draft Ordinance updates:** Andrew mentioned he and the solicitor have been discussing accessory buildings with vacant properties that have no home on it. He

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stated they created a model for another municipality to use under the accessory structure as 150.96 (Personal use building). It would be for personal use only and cannot be leased, with a maximum square footage of 1000 sq ft. it cannot be connected to water or sewer. There was a brief discussion about that model, which may not be used by us, that would have to be decided on. Ron mentioned you can make it work with the Health, Safety, Welfare Ordinance. Be fair and be reasonable, so someone else doesn't devalue your property. Andrew questioned whether there was a footprint threshold you want to clear and do you want to inspect it annually. It was decided to delete the annual inspection. A UCC permit would trigger any accessory building over 1000 sq ft. *A motion was made by Ronald L. Weidner to table with a second by Ira Bitner. Motion carried unanimously.*

Township Engineer's Comments: Chad showed a mapping on the Pennwood Products proposed building and where it sit as far as East berlin Borough and Hamilton Twp.

Adams County Planning & Development Comments: Andy nothing else.

Zoning Officer Comments: None

Supervisors Comment: Jeremy stated we should go back to the church property owners to let them we are doing this for future expansion.

Members Comments: Nothing

Public Comments: Ryan Fox mentioned New Oxford Logistic and stated the Berwick Twp is adding signs around Cross Keys for 10 Ton weight limit, because they will be impacted by the future warehousing. He suggested Hamilton Twp should probably copy what they are doing. He referenced Chapter 135 of our Ordinances where there are exceptions and protect the areas before the warehousing issues come back. He stated as we are updating our Ordinances the concept of warehouse or distribution center doesn't seem practical for the commercial land. He quoted sections of Ordinance 150-63. He stated now is the time to change or update to remove the risk of a distribution center. He was told that it must be allowed somewhere in the township. Andrew stated that case law states you must provide for every legal use. He stated that where the least impact is the calculus for it. Ryan mentioned the Pending Ordinance Doctrine, and before anything else is done they would talk to the solicitor. Susie mentioned that to get commercial properties you must have rooftops (homes), and if you want commercial properties like stores you need development.

A motion was made by Mel Lebo with a second by Ira Bitner to advise the Board of Supervisors to talk to the solicitor about zoning changes before the warehouse/distribution center projects are started.

Motion carried unanimously. Mel requested James Graham be involved in this also.

A motion was made by Ronald L. Weidner to adjourn the meeting at 8.51 PM; with a second by Ira Bitner. Motion carried unanimously.

Respectfully submitted.

Hannelore Furst
Assistant Secretary