

Hamilton Township Planning Commission

Regular Meeting Minutes

11/15/2022

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

Members Present: Mel Lebo, Ira Bitner, Lela Reichart, Ronald L. Weidner, Christine Myers came in at 7:30pm, Alternates Susie Kaiser, and Stephanie Egger.

Also Present: Assistant Secretary Jessica Baim, Zoning Officer Scott Weaver, Chad Clabaugh P.E., of C.S. Davidson, Inc., Andrew Merkel of ACOPD.

Motion to adopt the agenda as presented: Mel Lebo presented the agenda to the Planning Commission and asked if there were any questions or concerns. *Ira Bitner made a motion to approve the current agenda with a second by Lela Rechart. Motion carried unanimously.*

Minutes:

The minutes dated 10/18/2022 for the regular meeting were presented for approval, *A motion to approve was made by Ronald L. Weidner with a second by Ira Bitner. Motion carried unanimously.*

New Business:

- A. Park & Recreation Fee 120-38 B 5: Mel Lebo reviewed the Township needs to update the wording for the Park and Recreation fees due to the Act of September 24, 2014, P.L. 2474, No. 135 Cl.53. To remove Section 1. 503 (11) (vii), Upon request of any person who paid any fee under this subsection, the municipality shall thereon from the date of payment, if the municipality had (failed to utilize) used the fee paid for a purpose other than the purposes set forth in this section (within three years from the date such fee was paid). Lela Reichart wanted to confirm how the fee is accessed, Scott Weaver confirmed per any subdivided lot. *A motion to recommend removing the words "within three years from the date such fee was paid" to the Board of Supervisors was made by Ira Bitner with a second made by Ronald L. Weidner. Motion carried unanimously.*

Old Business:

- A. Redding Properties: Larry Redding, Phil Redding, and Paul Minnich, Esq. present. Paul Minnich reviewed several correspondences that were made with the Township Solicitor. The correspondences were from September 30th, October 13th, and November 8, 2022. Paul Minnich reviewed the Township Ordinance Definition of "hotel", a building consisting of lodging rooms designed or occupied primarily as the temporary place of abode for individuals who are lodged for compensation (with or without meals), in which provisions for cooking are generally not made in individual rooms or suites. Paul Minnich, Esq. feels that they meet the definition and discussed that the Township has a loose definition of a dwelling, but a hotel does not fit into that Ordinance. Paul Minnich, Esq. reviewed the 10 questions that were asked by the Township Solicitor in the correspondence dated November 8, 2022: 1. How will guests register to stay on premise? In person. 2. How will the property be marketed? Signage on property, along with website. 3. Will guests have to enter into any written agreement, such as a lease? A

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sales agreement typical with other hotels. 4. Can an individual driving through stop at the premises and secure a room? Yes, assuming there is a vacant room available. 5. In terms of utilities, will the installation and construction be required to meet the standards for a residential or commercial establishment? Installation and construction will meet all standards for a commercial hotel. 6. Is there any expectations that a school bus stop would be necessary? No. 7. Will guests be permitted to store personal belongings outside of the units in any manner (except for parked motor vehicles)? No. 8. Who will guest contact if there is a maintenance, billing, amenities, or other issue that arises during their stay? Receptionist/Manager. 9. What amenities and services will be provided to guests? Laundry service, housekeeping, coffee. 10. Are there any recreational activities or entertainment planned? No. Mel Lebo expressed that long term stays like doctors or tree trimmers are ok because they have a permanent address elsewhere. The Township is ok with the restaurant, hotel, storage units but the Township does not want to see this turn into apartments. Ronald L. Weidner explained that the Township Solicitor had no answer as of November 7th Board of Supervisors meeting from Mr. Minnich, the Township will not make any decisions without discussion and advice from the Township Solicitor. Andrew Merkel of ACOPD questioned/ raised concerns about policing this property from an operations standpoint that this will remain a "hotel"? *A motion to table was made by Mel Lebo since correspondence was outstanding with a second made by Ira Bitner. Ronald L. Weidner voted no. Motion carried.*

- B. K-Hill Enterprises, LLC: Susie Kaiser and Todd Grimm present. Chad Clabaugh reviewed his comment letter dated November 15, 2022. Chad Clabaugh explained the plan creates four new lots from 11.3 acres to 18 acres and two lots in the back that have acres attached to current lots. There is an extension of the cul-de-sac at the Pheasant Way and sewer extension. Chad Clabaugh P.E., of C.S. Davidson indicated his review letter was separated into three sections Street and Right of way, Sewer, and Stormwater. Chad Clabaugh P.E, of C.S. Davidson started with Street and Right of way, comment Number 4; The existing cul-de-sac paving needs to be removed. Number 8; The adjacent street was adopted as fee simple title. The property lines don't go to the center of the street, instead they stop at the "right-of-way" line. The proposed properties and cul-de-sac should follow suit. This will require the lot area for lots three and four to be adjusted. Number 9; Research needs to be completed to determine the status of easements or rights-of-way on Lots 35 and 36 from the Pheasant Meadows Subdivision, for what was described as a "temporary" cul-de-sac on that plan. If easements existed, then they may need to be vacated and extinguished. C.S. Davidson will present alternate options for the lay out of the cul-de-sac that if agreed upon, will require new/permanent easements or rights-of-way to be established on those properties. The suggestion of the cul-de-sac would create possible road frontage issues with the properties. Discussions on options were had without any resolutions. The Sewer section comment: Number 11; The isolation distance circles encroach on the neighbor's properties which could restrict what the neighbors may do on their property. We recommend either getting neighboring property owner approval or move the perc/prob site. C.S. Davidson did confirm that the public sewer is within the growth area and there is enough EDU's. Andrew Merkel of ACOPD provided his comments from the letter dated November 9, 2022. Comment D. Section 120.14.B (2) requires the submission of a sewage facilities planning module. Comment G. Section 120.14.B (11) requires new deeds to be recorded for any subdivision. The new deed for the parcels receiving add on A and add on B should include a single metes-and-bounds description for the entire property rather than individual description for the original lots and the lot addition. Any individual description of

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existing lots or tracts that comprise the proposed lot should be extinguished. Following this procedure will ensure that individual lots/tracts of the proposed lot will never be held as a separate lot nor sold separately without benefit of subdivision. *A motion to table till the comments have been addressed was made by Ira Bitner with a second made by Ronald L. Weidner. Motion carried unanimously.*

Pending Review: None

Ordinance Amendment Status/Completion:

- A. Lighting: (Solicitor for Review)
- B. Estate Lot Review: (Solicitor for Review)
- C. Sorenson subdivision (BOS-meet conditions) Mel Lebo reviewed this was tabled as nothing submitted to meet the conditional approval requirements.
- D. Stormwater Ordinance: (Solicitor for Review)- Chad Clabaugh P.E., of C.S. Davidson will review comments and provide update at the December Planning Commission meeting.
- E. Affordable Pet Supply: (BOS-Signature)

Adams County Planning & Development Comments: Andrew Merkel of ACOPD questions about updating the AP District. Andrew Merkel of ACOPD will pull and clean up to provide at the December Planning Commission meeting. Andrew Merkel of ACOPD requested the Planning Commission think about how AP District should be evaluated, per land types, floodplains or slopes?

Township Engineer's Comments: Chad Clabaugh P.E., of C.S. Davidson advised the guiderails for both Home Road and Protectory Road should be in this week.

Township Supervisors Comment: None

Members Comments: None

Public Comments: None

A motion was made by Ira Ronald L. Weidner to adjourn the meeting at 8:50 PM; with a second by Ira Bitner. Motion carried unanimously.

Respectfully submitted

Jessica Baim
Assistant Secretary