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Hamilton Township Planning Commission

Regular Meeting Minutes

8/17/2021

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

Members Present: Mel Lebo, Ira Bitner, Lela Reichart, Christine Myers, Ronald L. Weidner, Alternates-Stephanie Egger.

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

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

Minutes:

The minutes dated 7/20/2021 for the regular meeting, were presented for approval. Christine Myers indicated that Ronald L. Weidner was missed in the members present section. Ronald L. Weidner *made a motion to approve the minutes with the correction of his name added to the members present section, with a second by Ira Bitner. Motion carried unanimously.*

New Business: Tawny Sentz at 1246 B Route 194 North wanted to address the Planning commission. Scott Weaver reviewed with the Planning Commission that Ms. Sentz was approved through PMCA for the interior of the building and received her Use and Occupancy permit, her building is zoned Commercial. She provided a sketch plan of the building to inquire about how many parking spaces are needed besides the two handicapped that are painted. Ms. Sentz indicated that per PMCA the max load is 254 people. Ms. Sentz informed that she does not have a current tenant right now, is preplanning. Andrew Merkle of ACOPD reviewed that through the Zoning Ordinance the spaces are based on the retail size of the building which is one space per 200 square feet accessible to retail customers. He indicated that Ms. Sentz needs to divide the 3,000 square feet by 200 and that will be the required amount. With the calculation based on the Zoning Ordinance §150-116 she will need 15 spaces with at least one handicap accessible space. The spaces would need to be 10 x 20 based on the Zoning Ordinance requirement. This number is the minimum needed but if they can fit more on the blacktop area that would not matter. The stone part of the property would be left for overflow and would not be required to be a no-dust parking area. Based on the type of business rental she receives this could change a little but to reference the Zoning Ordinance §150-116 chart and that will answer if it would need to change the number of needed spaces. Ms. Sentz will need to provide a drawing to the Zoning Officer with how the spaces will be striped and he can approve/decline. No additional approval needed unless they are adding additional blacktop from Zoning Officer. Lela Reichart questioned if this would cover outdoor space and Scott Weaver indicated that this discussion is only based on the indoor space being used, would need to add more if using both outdoor and indoor at the same time. Mr. Sentz asked if they change the current stones into blacktop would need additional permits. Chad Clabaugh P.E., of C.S. Davidson indicated that millings would count for blacktop and Scott Weaver informed if they are not changing the size or shape of current property, they will not need new permits.

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Public Meeting:

1. Solar- Mel Lebo opened the floor to any questions or concerns. Timothy D. Beard, III questioned if wind farms should be included in the solar amendment since Michigan property has both sources on the same property. Timothy D. Beard, III is concerned because the setbacks are different for wind vs. solar. Andrew Merkel of ACOPD informed in Adams County this is highly unlikely as the demographics are not high-level ground to pick up the wind and make them efficient. *A motion to forward to the Board of Supervisors to adopt was made by Ira Bitner with a second made by Christine Myers.* **Motion carried unanimously.**

2. Medical Marijuana- Mel Lebo opened the floor to any questions or concerns, nothing was brought up. Lela Reichart questioned Andrew Merkel of ACOPD why this was not classified as agriculture? Andrew Merkel of ACOPD informed that based on the State Law, when it was passed, specific things were placed within the Law. This is an industrial use and must be in separate locations. The grower processor is in the industrial and the retail is in the commercial zone. Marijuana is not an environmentally friendly crop. This grows inside due to the needed security concerns and the environment can be controlled. *A motion to forward to the Board of Supervisors to adopt was made by Ronald L. Weidner with a second made by Ira Bitner.* **Motion carried unanimously.**

Old Business:

- A. Pine Run Phase III- Chad Clabaugh P.E., of C.S. Davidson informed nothing new to report. *A motion was made to table by Ronald L. Weidner, with a second by Ira Bitner.* **Motion carried unanimously.**

- B. Lighting- Andrew Merkel of ACOPD informed he is currently working on the draft. Andrew Merkel of ACOPD wanted to clarify on lights on a building? The Planning Commission agreed that as long as the light does not shine into someone's window. Andrew Merkel of ACOPD indicated that there are options for the building lights to be motion sensed, a timer, dusk to dawn light, or a switch. Lela Reichart does not think that an agriculture zoning is the best way to determine the standards. Andrew Merkle of ACOPD reminded the Planning Commission that this will be a stand alone Ordinance, so the Board of Supervisors would have room to make changes. Chad Clabaugh P.E., of C.S. Davidson questioned what the trigger would be for this Ordinance? Andrew Merkel of ACOPD indicated that this would need to be cross referenced through the SALDO which would be a land development plan. Andrew Merkel of ACOPD indicated this will not be retroactive. Andrew Merkel of ACOPD indicated that if something changes on the property and would need to obtain a permit then the Township would get to review. Most concerns are from neighbor complaints to the Township. Timothy D. Beard, III informed that with agriculture purposes lights are for security and a lot of insurance companies require to have the lighting. Andrew Merkel of ACOPD indicated he is finding more Ordinance within the suburban area. He will try and find a definition that will work for Hamilton Township. Andrew Merkel of ACOPD reminded everyone that light trespass does not mean I can see your light, so it is trespassing my property, it is if a person holds up a piece of paper and puts one hand on the piece of paper and one can see the shadow on the paper then it is reaching the property line. Timothy D. Beard, III questioned about the American Flag needing to be lite and how many lumens are needed for this to occur. Scott Weaver indicated those lights are straight

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up and should not be shining on the neighbor's property. Chad Clabaugh P.E., of C.S. Davidson informed that he has heard more about the kelvins of the light which make them different shades of color (yellowish to white/blue). Andrew Merkel of ACOPD informed he can add that to the Ordinance. Andrew Merkel of ACOPD will include a maximum of 4000 kelvins within the Ordinance. Ronald L. Weidner feels that the Ordinance should include the shielding type for any light. Chad Clabaugh of P.E., of C.S. Davidson informed any commercial application for land development will come with a lighting plan. This Ordinance will be more for a single property owner or farmer. *A motion to table till September Planning Commission meeting was made by Ronald L. Weidner, with a second by Ira Bitner. Motion carried unanimously.*

- C. Inners Amusements: Nothing to report. *A motion was made to table by Ronald L. Weidner, with a second made by Ira Bitner. Motion carried unanimously.*
- D. Fire Hydrants: Mel Lebo asked Stephanie Egger to review the response from the attorneys on the topic of fire hydrants. The Attorney's provided a template from the Township of Richland, PA for review. Stephanie Egger reviewed that both attorneys recommend the hydrants and lights should not go through the HOA. If the HOA goes defunct, there is no teeth to go after the people to pay for the hydrants and lights. What is recommended is to do an assessment on the fire hydrants, and lights (streetlights). Ira Bitner agreed with the attorney's recommendations. Mel Lebo asked Stephanie Egger what the administration cost would be to manage per household? Stephanie Egger informed she can not give exact figure but once set up will not be difficult. The assessment can be set up however the Township would like but the current Ordinance references annual payments. Stephanie Egger informed that the assessment would need to cover the cost of rents, upgrades, and repairs. This would be included in the yearly budget. Chad Clabaugh P.E., of C.S. Davidson questioned the cost of unpaid invoices and the charges being small. Ronald L. Weidner felt that any new resident with a new development needs to come into the Township and speak to the Zoning Officer to find out the total cost that will be charged to cover the fire hydrants or lighting. The NFPA references fire hydrants should be placed every 500 feet. Lela Reichart confirmed this would be for any new hydrants and not the preexisting ones. Stephanie Egger informed that the Township currently has three fire hydrants that are paid by the Township. These were installed based on the Fire Marshall's request once public water was run down Route 94. Andrew Merkel of ACOPD reminded the Planning Commission that the template is based on a larger size Township and Class type. Lela Reichart thought that under a certain threshold the courts will not lien property, the judge will throw it out. Discussion was had about different scenarios for the fire hydrants, locations, who to charge, and useability. Andrew Merkel of ACOPD suggested he will reach out to the Township of Richland to obtain more details on how they define the fire and street light districts; is it by parcel, radius base? Andrew Merkel of ACOPD informed he plans on reporting back to the Planning Commission at the September meeting. *A motion to table was made by Ronald L. Weidner with a second made by Ira Bitner. Motion carried unanimously.*

New Ordinance/Amendment Status:

Pending Review:

- A. 120-21 N 1 Streets- Fee in-Lieu: Mel Lebo reviewed this was forwarded to the Solicitor to review but is currently on hold till the fire hydrants and HOA are figured out.
- B. Ordinance Tracking Sheet: Mel Lebo reviewed the handout which indicated that the Solar Energy Amendment and the Zoning Ordinance Table of Uses reflected the Planning

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Commission public meeting tonight and the Board of Supervisors Public Hearing occurring September 13,2021. Mel Lebo asked for any questions. Jessica Baim asked if Medical Marijuana should reflect the same status of the public meeting and the public hearing? Stephanie Egger informed yes will update for the September Planning Commission meeting.

Adams County Planning & Development Comments: Andrew Merkel of ACOPD reviewed the transportation survey was sent out and he did see that it is located on the Township website and thanked everyone for that. This survey is closing the end of September 2021. Please go to the website and fill it out, if have not done so.

Township Engineer's Comments: Chad Clabaugh P.E., of C.S. Davidson reviewed that the Township must have an approved Stormwater management Ordinance by June 2022. The Township filed for an exemption the last time request but if we file again that will put a ding on the record for the Township. C.S. Davidson has an Ordinance that they created that Chad Clabaugh P.E can update with the Township information for \$500.00 plus his time which would normally cost a Township between \$10,000-\$15,000. *A motion was made to forward the request of the Stormwater Ordinance to the Board of Supervisors for approval by Ronald L. Weidner with a second made by Christine Myers. Motion carried unanimously.*

Township Supervisors Comment: None

Members Comments: None

Public Comments: None

Zoning Officer: None

A motion was made by Ronald L. Weidner to adjourn the meeting at 9:20 PM; with a second by Ira Bitner. Motion carried unanimously.

Respectfully submitted



Jessica Baim

Assistant Secretary