

APPROVED

Hamilton Township Planning Commission

Regular Meeting Minutes
10/19/2021

Meeting was called to order at 7:05 PM by Chair Mel Lebo.

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

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

Motion to adopt the agenda as presented: Ira Bitner 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 9/21/2021 for the regular meeting, were presented for approval. *A motion to approve was made by Ronald L. Weidner with a second made by Ira Bitner. Motion carried unanimously.*

New Business:

- A. K Hill Enterprises, LLC (Woods Road & Rolling Lane)- Comment letter was submitted by Chad Clabaugh P.E., of C.S. Davidson and Andrew Merkel of ACOPD. Ira Bitner indicated that Jack Powell was on via zoom, and he would like to review some of the comments. Jack Powell indicated they are going to change the plan from Estate Lots to Agriculture Lots. There is a 12,16, and a 17-acre lots all over 10 acres. The definition of a farm which allows a single-family dwelling, the principal use of the lot must be agriculture. Susie and Mr. Powell have spoken about this and agree this will be a condition of the lots. This will address a large portion of Adams County Office of Planning & Development comments. Jack Powell indicated that Chad Clabaugh P.E., of C.S. Davidson were housekeeping comments. Ronald L. Weidner asked Mr. Powell what part of this Andrew Merkel and Mr. Powell did not agree upon. Mr. Powell informed whether the lots should be called Estate lots or agriculture lots. Andrew Merkel of ACOPD indicated he agrees with Jack Powell with section 150-21-B. The issue his office has is that it is being followed through as a farm. The Township would have to confirm the farming component is being established with the house. These lots cannot be further subdivided per the Townships current Ordinances. Scott Weaver asked Andrew Merkel of ACOPD if he was ok with the change? Andrew Merkel of ACOPD indicated that it does not matter with the county. It is a difference of either going through the Zoning Hearing Board for Estates Lots versus the agriculture lots would be after the fact to make sure the primary use is farming. Jack Powell indicated the big difference is that a bubble on an Estate Lot indicating the dwelling without knowing what the buyer has intended for the lot where agriculture the dwelling can be located anywhere on the property with the principal remainder of the lot being farmed. The Township needs to make sure the definition of farm is being followed otherwise the Township is creating a loophole for Estate Lots. Ronald L. Weidner confirmed he is ok with either type of lot and Ira Bitner confirmed

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he is ok with either lot type. Mr. Powell needs to figure out what direction Susie Kaiser wants to go and present the changes to the Township. Chad Clabaugh P.E., of C.S. Davidson confirmed with Susie that she understands the difference that could be with the cost per acre and agrees with this change? This change could hinder her profits versus having to wait an extra three months to make Estates Lots. Susie Kaiser indicated she just wanted a person to have their house and the flexibility of the lot. Jack Powell indicated that either way the cost per lot will be the same. Chad Clabaugh P.E., of C.S. Davidson brought up the concern that maybe the Estate Lot Ordinance should be reviewed and possibly changed from the need of Zoning Hearing Board. Andrew Merkel of ACOPD indicated that if a plan is listed as agriculture lots then it should list what agriculture will be done on the lots. Mr. Powell brought this up to get a feel for approval from the Planning Commission to prevent wasting another month. Chad Clabaugh P.E., of C.S. Davidson indicated a large change would require a resubmittal to the ACOPD for review. Scott Weaver suggested to Mr. Powell before the next meeting to address the comments from both Chad Clabaugh, P.E., of C.S. Davidson and Andrew Merkel of ACOPD and provide updated paper copies to the Township for review at the November Planning Commission meeting. *A motion was made by Mel Lebo to table 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 they submitted Phase III and will be in attendance for November Planning Commission meeting to review. Chad Clabaugh P.E., of C.S. Davidson indicated his comments are the same from the original plan of March 2020. Pine Run is hoping for approval at the December Board of Supervisors meeting. The revised plan shows they are removing the hill on Pine Run Road which will allow two ways in and out of the development. They have filed their financial security estimate. Chad Clabaugh P.E., of C.S. Davidson reviews all the calculations and makes sure the security is correct to cover the construction. Phase I & Phase II items are down to the final few items before the security can be released. Chad Clabaugh P.E., of C.S. Davidson informed that a waiver was submitted for Phase III. The waiver referenced Ordinance Number 117-19. L (3). The waiver indicated that in order to meet the required stormwater runoff storage area for each facility within the proposed property area, the side slopes must be designed at three horizontal to one vertical. A planting schedule has been added to the post construction stormwater management plan set to demonstrate embankment stabilization. Scott Weaver asked if this would hold more water? Chad Clabaugh P.E., of C.S. Davidson indicated this slope change will not affect much. Ronald L. Weidner confirmed with Chad Clabaugh P.E., of C.S. Davidson that this is common and approves this change. This should be listed on the plan. *A motion to recommend this waiver to the Board of Supervisors for approval by Mel Lebo with a second made by Ronald L. Weidner. Motion carried unanimously. A motion was made to table till next month by Ronald L. Weidner, with a second made by Mel Lebo. Motion carried unanimously.*
- B. Lighting- Andrew Merkel of ACOPD informed nothing new to report. *A motion to table was made by Ronald L. Weidner, with a second by Mel Lebo. Motion carried unanimously.*
- C. Inners Amusements: Stephanie Egger informed that based on a conversation she had with Scott Inners there is a verbal agreement with East Berlin Area Community Center to purchase the entire fairground property. Chad Clabaugh P.E., of C.S. Davidson suggested they have not submitted a plan and feels should be removed from agenda at this point. *A motion to remove*

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from the agenda was made by Mel Lebo with a second made by Ronald L. Weidner. Motion carried unanimously.

- D. Fire Hydrants: Andrew Merkel of ACOPD reviewed maps with the fire hydrants located in Hamilton Township per York Water Company. The handout shows where the 780 feet would cover. The one hydrant locate on Route 94 by the old Pixie is owned by D&J Homes. Stephanie Egger informed that Berwick charge through the HOA. Stephanie Egger informed that Berwick does charge a fire tax .25mils which they use to pay for the hydrants. Stephanie Egger read the comments from her conversation she had with the York Water Company. The developer is initially responsible for the hydrants when they are installed. When installed they are activated. York Water Company is responsible for the maintenance and operations of the hydrants, so they are functional when called upon. The developer will pay the monthly fees until the time the HOA is established. The HOA would become the customer and pay monthly. Be sure the responsibility is codified in your Ordinance. The cost of the hydrants is \$7000.00 per hydrant. The York Water Company will review the developer's layout and where the fire chief is requesting the hydrants. They review the placement and conflict. Be sure the Ordinance addresses the charter of the HOA and their responsibility for the hydrants for the fire protection. If an HOA goes defunct and the homes are occupied the York Water Company will remove the hydrants and the residents will lose their fire protection. The Chief Operations Officer has offered to take a look at the Ordinance for Hamilton Township. Chief Rabine indicated that the 780 feet came from the fire code. Mel Lebo indicated that insurance companies do a credit if a resident is within 500 feet of a fire hydrant. Chad Clabaugh P.E., of C.S. Davidson reminded the Planning Commission this discussion over fire hydrants came from how many lots triggered street improvements. Chad Clabaugh P.E., of C.S. Davidson suggested that the HOA requirements put together by him and Andrew Merkel of ACOPD. Mel Lebo indicated he feels that the requirements of the HOA should be all located in the HOA Ordinance. Chad Clabaugh P.E., of C.S. Davidson informed that the Board of Supervisors can approve a waiver on any topic within the SALDO. No waivers are permitted in zoning or stormwater management items. Andrew Merkel of ACOPD suggested that anything to add should be in the SALDO versus the Ordinance. Chad Clabaugh P.E., of C.S. Davidson suggested a new topic of HOA and items to list should be on the agenda and remove fire hydrants. Mel Lebo indicated Hamilton Township wants the developer to write their own HOA and provide to Hamilton Township for review except for the current Township roadway requirements. Ronald L. Weidner asked Chad Clabaugh P.E., of C.S. Davidson or Andrew Merkel of ACOPD if they are aware of Townships that list no dedication of new Township owned roadways. Chad Clabaugh P.E., of C.S. Davidson indicated he is only aware of Straban Township that has a formal policy. Ronald L. Weidner indicated that it is hard to find new workers and some current Public Works staff are about to retire to maintain the new roadways. A discussion on what should trigger an HOA. Andrew Merkel of ACOPD suggested the type of infrastructure and what is required should be the trigger. When someone proposes any of those infrastructure items triggers an HOA. A discussion was had on what zoning districts are allowed HOA's. HOA's are not a land use item it is a ownership and operation technique, and can exist in any district. *A motion to remove fire hydrants from the agenda was made by Ronald L. Weidner with a second made by Mel Lebo. Replace fire hydrants with HOA criteria which will fit under the SALDO section 120-42. Motion carried unanimously.*

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New Ordinance/Amendment Status:

Pending Review:

- A. 120-21 N 1 Streets- Fee in-Lieu: (Road Widths) Mel Lebo informed 120-21 N 1 Streets-Fee in-Lieu was reviewed and returned from the Solicitor. *A motion to recommend to the Board of Supervisors to advertise and adopt was made by Mel Lebo with a second made by Ronald L. Weidner. Motion carried unanimously.*
- B. Wireless Communications: *A motion was made to recommend to the Board of Supervisors to advertise and adopt by Mel Lebo with a second made by Ronald L. Weidner. Motion carried unanimously.*
- C. Ordinance Tracking Sheet: Ira Bitner reviewed with the motions for Streets-Fee in-Lieu and wireless communications there was nothing outstanding.
- D. Solar Bonding: Mel Lebo reviewed an email that was sent from Chad Clabaugh P.E., of C.S. Davidson about Solar Bonding and the current Senate Bill 284. Mel Lebo wanted to make sure Hamilton Township is covered with the current Ordinance versus needing to add additional language. Andrew Merkel of ACOPD informed he was not familiar with this and looked up the full bill. Within the bill it indicated that the Federal Government would hold a solar bond which Hamilton Township currently has it listed as the Local Government would hold the solar bond. Andrew Merkel of ACOPD indicated that this has not passed so the Township should not worry about at this time and given the current Township Ordinance the Township is covered either way no matter who would hold the Solar Bond. Andrew Merkel of ACOPD informed he will continue to research and follow up with what is found out.

Adams County Planning & Development Comments: None

Township Engineer's Comments: None

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 9:05 PM; with a second by Mel Lebo. Motion carried unanimously.

Respectfully submitted



Jessica Baim
Assistant Secretary