

Hamilton Township Planning Commission

Regular Meeting Minutes

7/18/2023

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

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

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

Motion to Adopt the Agenda: Chairman Mel Lebo made a change to the numbering on the agenda, and Chad corrected #7 D which should be Pennwood Products Traffic Study. *Ira Bitner made a motion to approve the revised agenda with a second by Ronald L. Weidner. **Motion carried unanimously.***

Minutes: The regular meeting minutes of June 20, 2023, were presented for approval. *A motion to approve the minutes as presented was made by Ronald L. Weidner with a second by Lela Reichart. **Motion carried unanimously.***

Opened at 7:04 PM

PUBLIC MEETING-ORDINANCE AMENDMENT §150.98 DD Truck Terminals, Warehouses and/or Wholesale Businesses. The Planning Commission recommends the Board of Supervisors conduct a public hearing and adopt §150.98.DD and delete §150.98 HH. *A motion was made to forward to the Board of Supervisors to conduct a public hearing and adopt §150.98.DD and delete §150.98 HH by Ira Bitner with a second by Lela Reichart. There were no questions. **Motion carried unanimously.***

Closed at 7:06 PM

Old Business:

- A. K-Hill Enterprises, LLC: Jack Powell introduced Charmain Neiman representing Paul Minnich, Attorney for K-Hill. Jack presented a handout of a proposed mapping of the four lots around the cul-de-sac. His option D should satisfy everyone. This would involve pushing the cul-de-sac into K-Hill's property completely. This would give sufficient frontage for each lot and provide a buffer between the agricultural lots and the two neighbors by adding two small residential lots as a buffer between the agricultural lots and the development that is there right now. This meets all the zoning requirements of the frontage, and the cul-de-sac meets SALDO. The stormwater would be on each individual lot, they are looking at public sewer to all four lots and they would permanently dedicate the cul-de-sac to the township. The actual frontage for Lot 4 and Lot 5 is 175' and Lot 3 and Lot 6 is 150', the cul-de-sac is shrinking to a 42-foot radius as per ordinance and the right of way is a 50-foot radius. Chad commented that the revised plan seems to solve the problems.
*Ira Bitner made a motion to table until they get the revised plan with a second by Christine Myers. **Motion carried unanimously.***
- B. Minor Subdivision for DJ Homes, LLC: Chad sent an email today with his concerns. Two of these were that it should be clear that this is for **new** impervious surface, and the agreement is for access **and** maintenance.

Kris Raubenstine, Project Manager for Hanover Land Services, Inc. stated that since the last meeting there has been nothing they have really done. Kyle Smith stated that at the last meeting one of the major concerns was the road maintenance agreement. Since the last meeting they have been working with the attorneys as well as the buyers. As of yesterday, they have all parties in agreement at this point. Chad listed his concerns:

1. Surveyor's signature needs to be added.
2. Proposed property corners need to be set prior to approval.
3. Owners Signature needs added.
4. Shared access and road maintenance agreement has been drafted just not yet recorded.
5. Non building note was added.
6. The monument is shown on the plan.
7. Planning module was addressed with note.
8. Stormwater responsibilities have been addressed with note.
9. A new draft deed needs submitted for review.
10. The financial security amount is now ok since much of the lot was paved, and lights installed. Would still recommend the security be cleaned up soon for proposed lot 2. This can be handled separately from this subdivision.
11. Last "clean" sheet was added.

Items 1,2,3,4,9 are administrative in nature, and would be conditions of recommendation for approval should the Planning Commission be inclined. *The motion was made by Ronald L. Weidner to recommend to the Board of Supervisors with the conditions (1,2,3,4, & 9) listed as Chad stated with a second by Ira Bitner. Motion carried unanimously.*

- C. New Oxford Logistics, LLC: Mel mentioned he attended the scoping meeting with PennDOT on July 17, 2023, to go over the whole concept and what is involved in trying to get a traffic study moving. Chad stated he also attended the meeting. He showed on the map what it would consist of-On G. Scholl and D Lawrence property there would be a 612 square foot warehouse and on L Myers property a 129 square foot building. Then there is the Royal Farms area. Chad's concerns are that the two plans are talking to each other. Chad has a concern about what exactly the warehouse will be used for. The scoping proposal submitted to PennDot is for 200 morning trips and 200 afternoon trips. Andy stated the developer was avoiding the questions about who the tenant would be. The engineer submitted 150 warehouse, that is how the trips are generated, depending on the use. PennDOT states if you change the use later, the approval will not be OK. Since it was a small amount of traffic generated it did not require any new traffic signals. Berwick Twp and Oxford Twp did attend the meeting also. PennDOT had concerns on the new intersections lining up existing intersections. Andy stated the scoping traffic study from PennDOT is the precursor to them getting their highway occupancy permit with access to a state road. From the Zoning Hearing Board perspective, they can only put a condition on an approval based on testimony given at the hearing. There would be different questions or comments depending on larger warehouses vs. local warehouses. The discussion continued, with developer possible changing after they get permits. Andy states there are checks and balance to keep this from happening, but PennDOT does not have the capacity to track what is linked to highway occupancy permit. Andy suggests the plan goes to Plan Development plan stage and one of the conditions of lot plan approval is the HOP. That recommendation is very specific to the type of warehouse proposed at that time, linked to the HOP that was approved for that type of warehouse. If they come in with something different that would kick out that condition, which means they must get another permit from PennDOT. Mel asked what happens 10 years down the road, when the warehouse is sold to someone else. Chad stated there

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will be conditions on the permit and conditions on the land development plan. The township would get the trigger to call PennDOT. Jim stated if it sold there would be a change in Occupancy so a new U&O would need to be issued. Chad suggested there will be other discussion later about some of the streets that may be developed later. Mel was hoping for nice internal flow with the multiple things happening. Something that is safe, functional and moves traffic. Mel mentioned that any recommendations the Planning Commission has will go to James Graham, the Zoning Officer, not the Board of Supervisors, because this is handled by the Zoning Office.

The Notice of Public Hearing was discussed for the application of NOBPA, LLC to be held August 22, 2023, at 7 PM, for the following special exceptions and variances for a proposed warehouse and trucking terminal, and business buildings, located in vacant parcels 17K11-0005---000, 17K11-0013---000, 17K10-0071---000 and 17K11-0013B—000. The parcels are in the Commercial District, Hamilton Township, Adams County, Pa.

- Proposed Lots 1 and 2: Special Exceptions pursuant to §150-63.M. of the Zoning Ordinance to permit development of the parcels as warehouses.
- Proposed Lots 1, 2, 3 and 4: Variance pursuant to §150-118.E. of the Zoning Ordinance, which requires one-way directional travel within the parking lots. The applicant is proposing to develop the parking areas with two-way directional travel.
- Proposed Lots 1 and 2: Variance pursuant to §150-65.A. of the Zoning Ordinance, which requires buildings to be constructed at the front yard setback line. The applicant is proposing to build contrary to the ordinance and as depicted on the proposed plan.
- Proposed Lot 2: Variance from §150-98.HH(6) of the Zoning Ordinance, which requires loading and unloading docks to be located on the side of the building farthest from the closest adjacent residential structure. The applicant is proposing to locate loading and unloading docks on both the north and south side of the building on Proposed Lot 2.

After much discussion it was decided that there was not enough information for a recommendation. It was suggested that they should create a list of items of what they want to know so that they can make a recommendation to the Zoning Officer. There is another planning meeting before the hearing, it was suggested to share the packet with the Board, review it and then answer the questions after everyone has a chance to look it over. *A motion was made to table by Ronald L. Weidner with a second by Ira Bitner. Motion carried unanimously.*

- D. Pennwood Products Traffic Study: Chad commented Pennwood Products is another industrial development along with a retail area. The scoping meeting that was held for Pennwood Products was for a more modern warehouse and to set it up for other potential developments. They are proposing a loop street to line up with Primrose Lane. The other street would line up with East Berlin Borough's Beaver Street. The traffic study should be within the next couple of months. *A motion was made to table by Ronald L. Weidner with a second by Ira Bitner. Motion carried unanimously.*

Ordinance Amendment Status/Completion: §150-21

- A. Stormwater Ordinance: *A motion to table was made by Ronald L. Weidner with a second by Ira Bitner. Motion carried unanimously.*
- B. AP District/Estate Lots: Mel stated this is an amendment to the Agricultural and Rural Residential (RR) Districts. There were some additions and revisions. *A motion was made by Ira Bitner to recommend to the Supervisors to forward to the solicitor Amendment §150-98.DD (Articles 2,4,5,15, and*

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17) and removal of §150-98.HH, *for review before adoption, with a second by Lela Reichart. **Motion carried unanimously.***

The Ordinance Tracking Status was reviewed:

- §150-12 Zoning Amendment-2 parcels to AG Preservation was sent to General Code-did not get back yet.
- §150-19-26, §150-98, §150-116- Ready to advertise for public hearing
- Lighting sent to General Code
- §120-38 B.5- Park & Rec fee elimination sent to General Code
- §150-98 DD-Truck terminals- ready for the hearing

C. Nuisance Ordinance: Mel stated the definitions for the following:

- Trash -Things you throw away because you no longer want or need. Things that are no longer useful or wanted, that have been thrown away, worthless items.
- Refuse – Liquid or solid household waste, hazardous, medical, electrical, recyclable construction & demolition, green.
- Junk – Discarded articles that are considered useless. Discarded, broken or disabled material including but not limited to furniture, appliances, tools, machinery, vehicles of any kind or other items that are not in functioning condition. Things that are useless, worthless or of low value.

Andy suggested asking the solicitor, she may have a template to help with this, and James Graham will also review. *A motion to table until next month was made by Ira Bitner with a second by Christine Myers. **Motion carried unanimously.***

Township Engineer's Comments: None

Adams County Planning & Development Comments: None

Zoning Officer Comments: None

Supervisors Comment: None

Members Comments: None

Public Comments: Jack Powell announced on Dec 9 he is expecting his first grandson. Heidi Hartlaub questioned how Dillsburg was able to stop some development. Andy stated he didn't know but would try to find out. Donna Vasek mentioned there were some pools in her neighborhood that need fencing. She doesn't want to see anything happen to the children in the area.

*A motion was made by Ronald L. Weidner to adjourn the meeting at 8:45 PM; with a second by Ira Bitner. **Motion carried unanimously.***

Respectfully submitted.

Hannelore Furst

Recording Secretary