

Hamilton Township Planning Commission

Regular Meeting Minutes

8/15/2023

Meeting was called to order at 7:03 PM by Chairman Mel Lebo.

Members Present: Mel Lebo, Christine Myers, and Alternates Stephanie Egger.

Members Absent: Ira Bitner, Ron Weidner, and Lela Reichart.

Also Present: Assistant Secretary Hannelore Furst; 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 presented the agenda to the Planning Commission and asked if there were any questions or concerns. *Christine Myers made a motion to approve the agenda with a second by Stephanie Egger. Motion carried unanimously.*

Minutes: The regular meeting minutes of July 18, 2023, were presented for approval. *Christine Myers made the motion to approve the minutes with a second by Stephanie Egger. Motion carried unanimously.*

New Business:

Rebecca Davis Subdivision: Jack Powell sent an email apologizing he is out of town on personal business and summarized the plans he has before the Township. This plan is for estate planning. Troy Starner corrected the section that Jack mentioned as Zoning Ordinance §150-12. A, which should be §150-16.2D. Jack's email continues, the existing parent tract previously had four lots (Lots 2-5) subdivided off and can have one more lot subdivided from it. The final subdividable lot (Lot 6) is being broken off from the parent tract (Lot 1) as a stand-alone Agricultural lot. Since both the final Lot 1 and 2 acreages are greater than 20 acres, this transfer does not count as a separate lot towards the allowable lot numbers. No construction/development is proposed as part of this plan. Jack understands that the plan is just being received for review and no other action is being taken currently. Troy stated he is here to represent Rebecca and Colby in this transaction. Lot 1 is Parent Lot which would maintain 27 acres, Lot 2 is the Barn lot which would have 50+ acres, and Lot 6 would utilize the subdivision with 30+ acres. *A motion was made by Stephanie Egger to accept the plan for review by Adams County Planning and Development with a second by Christine Myers. Motion carried unanimously.*

Old Business:

- A. K-Hill Enterprises, LLC.: Jack Powell's email stated they will have the revised plan at next month's meeting. They are completing the Planning Module Waiver with the sewer Authority. They have been notified that the subdivision will require an NPDES Permit since DEP considers it a Planned Unit Development so a municipal notification letter will be forthcoming. He is asking that the plan be tabled until next month. *A motion was made by Christine Myers to table the plan until next month with a second by Stephanie Egger. Motion carried unanimously.*
- B. New Oxford Logistics, LLC: Mel mentioned the scoping meeting with PennDOT was held on July 17, 2023. Andy stated from the County's perspective there is certain land use code in the trip generation manual that traffic engineers use to project the usage. They are coding it as 150-Warehousing-Long term storage. There are many uses. PennDot made it clear at the meeting the study was based on the 150 Code, and if they came back later and changed to possibly a fulfillment

center, then it would have to be rescoped. At this point there is no tenant in mind, so they are trying to get it approved then market the warehouse. There are some concerns on whether this would have 1 shift, there should be a list of your concerns, or 24/7 -365 days a year working schedule, there could be other concerns, and should be put on the record. The Board must consider all options. The testimony given at the Zoning Hearing is all the Zoning Hearing Board can rely on, and only that. *A motion was made by Christine Myers to table with a second by Stephanie Egger.*

Motion carried unanimously.

- C. Royal Farms: Jacob Spear stated the Royal Farms provided their initial scoping, CS Davidson was working with TRG and supplied them with comments. They have replied to those comments and CS Davidson will be giving them a second round of comments, regarding scoping. *A motion was made by Christine Myers to table with a second by Stephanie Egger.* **Motion carried unanimously.**

- D. Logistics-Cross Keys intersection: Andy mentioned the second part of the scoping meeting was about Cross Keys and they met with the three municipalities (Oxford Twp., Berwick Twp., and Hamilton Twp.) and discussions with PennDot, through ACTPO, and he mentioned there are funds available and were approved on July 26, 2023, to do a Route 94 corridor study. They plan on pursuing this, and the end date of the study would be July 2024. They are looking at a broader study, further north and south. This is only one of three projects along the 94 Corridor from Cross Keys to York Springs, that has triggered the MPO level to look at. PennDOT offered comments on what they would or wouldn't allow. It is going to be a challenge, and it's a good thing the two projects have the same traffic engineer.

On the corridor study they must finish the scope of work and get PennDOT's approval. Andy stated they are looking at the list of improvements, the ballpark costs they can use to prioritize, and the time frame for the study. There are long standing issues with the Route 30 and Route 94 Corridor. *A motion was made by Christine Myers to table with a second by Stephanie Egger.* **Motion carried unanimously.**

Pennwood Products Traffic Study: Andy stated the scoping meeting on July 18th was more about East Berlin Borough's concerns as far as Beaver Street connection and traffic cutting through the development to Route 234. *A motion was made by Christine Myers to table with a second by Stephanie Egger.* **Motion carried unanimously.**

- E. New Oxford Logistics, Zoning Hearing Review: They are seeking Special Exception, which is allowed. Mel stated if you look at the proposed variances, he's not sure if Zoning Hearing Board has enough information to talk about or make any recommendations to James Graham, Zoning Officer, since he is going to be representing the Township on that, other than the items Andy brought up. The traffic flow there probably be drawings showing the traffic flow. Mel suspects they are taking the plot of land and using it the best they can based on stormwater management and wetlands. Mel stated that the crossdocking he sees no problem with that. According to Andy they will need one of the variances for the special Exception to be approved. The last requested variance about the loading docks is a requirement of the warehousing. He recommends they demonstrate what their hardship is and financial is not a reason. He also stated that ACOPD frowns on dimensional variances, or site design variances that they seek because they are trying to attempt to put ten pounds in a five-pound bag. Andy's concern was curious why they want to do away with two directional traffic on the two smaller lots, when there was discussion in the scoping meeting about the cross access with Royal Farms and those sorts of things. He is curious why the smaller lots can't be designed with two-way access, is it the nature of the lots prohibiting it. The solution would be to downsize your project and comply with the Ordinance. He stated there is a design decision in our Ordinance and question why it's in the Ordinance, it's been there a long time. Is it a design technique you still want

APPROVED 9/19/2023

and is it only for certain types of uses. Andy asked what type of general impact these types of uses you have and want to bring to the hearing? With the new Lighting Ordinance, they would have to address lighting. Another thing to address would be staging, where and how they are going to stage the trucks-on site or on public road, what plan do they have for idling. They should be staging on their property and not on public roads. The Zoning Hearing is scheduled for next Tuesday August 22, 2023, at 7 PM at Twp office. No conditions can be added if there is no testimony in the record.

- F. Redding Rentals Zoning Hearing: Scheduled for Monday, September 18, 2023, at 7 PM. Kris Raubenstine, Project Manager for Hanover Land Services, Inc. stated he here to talk about the variance request §150-98 AA (1), for the site at 3345 Carlisle Pike. They are proposing a self-storage facility. One of the criteria for a self-storage facility is you are not allowed anything taller than 12 feet. The intent for the storage units is for (RV) recreational vehicles (motor homes, and boats) he is proposing a height of 14 feet clearance and the roof trusses. Mel stated self-storage has taken a whole different look from when it was started in the 1970; 1980, and 1990's. The whole concept has changed, and there is a need for an update to the Ordinance. Mel would like to see drawings. Jim agreed and stated the average motor home is an average 12'-13' and anything smaller would be unrealistic. Jim questioned if it is strictly storage, no dumping facilities, and no cleaning facilities. He was told that was correct. Andy would check for standards for storage such as height restrictions and circulation issues.

Ordinance Amendment Status/Completion:

Mel stated §150-98. DD Truck Terminal Warehouse had their public hearing and adopted §150-98. DD on August 7, 2023, at the Board of Supervisor's meeting.

- A. Stormwater Ordinance: *A motion to table was made by Christine Myers with a second by Stephanie Egger. Motion carried unanimously.*
- B. AP District/Estate Lots: Mel stated the proposed amendment was voted on by the Board of Supervisors on August 7, 2023, to forward to the solicitor for review.

Nuisance Ordinance: Mel stated they have come up with some definitions: Ordinance 88-1

(E) Dumping, storing, or accumulating or causing or allowing the dumping, storing, or accumulating of any junk or junked automobiles on public or private property in excess of one junked vehicle which is stored inside or to the side or the rear of the residence or principal building. A "junked vehicle" shall be any vehicle without a current Pennsylvania registration, or a current Pennsylvania inspection sticker, or an ascertainable vehicle identification number. [Added 9-13-2004 by Ord. No. 108]. It was suggested to remove inside or from the meaning and add exception would be antique cars are exempt from inspection requirements. There was a brief discussion about whose perception of a junk vehicle is to be used and they also discussed if someone is working on a project and how long it should take them to complete it. It was stated it is hard to be all inclusive/exclusive in this. It devalues the neighboring properties if these cars are just sitting there and not being repaired. Jim mentioned some municipalities really define explicitly, such as broken glass, missing fenders, protruding parts, etc. Jim stated he would acquire copies of other municipalities for reference. Mel stated he would like to add the Agricultural Use disclaimer to this Nuisance Ordinance. Susie Kaiser stated Carrol County, MD has had this for years and it is called "The Right to Farm Law" (Act 133 of 1982). Mel read a portion of the law and thinks it needs to be looked at further.

The Ordinance does not have a clear definition of Junk. Jim suggested adding this to the Ordinance.

(H) The storing or accumulation of the following, including but not limited to, are hereby declared to be illegal.

APPROVED 9/19/2023

(1) Waste, liquid or solid household waste, hazardous materials, or chemicals, clinical or medical waste, demolition materials, recyclable materials, glass, scrap metals, scrap lumber from demolition or recycling activities, junk, and refuse.

(2) Discarded. Broken or non-serviceable machinery, furniture, and appliances stored or accumulated in excess of thirty (30) days.

Ordinances need to be updated; it is a time process to finalize.

A motion to table the Nuisance Ordinance was made by Christine Myers with a second by Stephanie Egger.

Motion carried unanimously.

Township Engineer's Comments:

Church Property: Jacob Spears reported for Chad Clabaugh that the survey of the church property is proving to be a challenge, because of how old and complicated the deed tract descriptions are, and he should have the subdivision plans to the township by August 29th.

Adams County Planning & Development Comments: None

Zoning Officer Comments: None

Supervisors Comment: Jeremy Smith stated the self-storage area really needs looked at, there is a massive need for storage of RV's.

Members Comments: None

Public Comments: Heidi Hartlaub questioned Andy what he meant by testimonies at the Zoning hearing, she was told it is just like a trial you would be sworn in and your comments and concerns are placed in the record. Andy also stated he checked about the Dillsburg development and found out that the developer withdrew the plans but does not know why. Susie kaiser commented that we do want commercial properties, this would help take some of the tax burden off the residents. Mel stated when we rezoned in 2014 the Comprehensive Plan had to allow for all uses in the township. It made sense to put the commercial area in the Cross Keys area because of the utilities were there.

*A motion was made by Stephanie Egger to adjourn the meeting at 8:36 PM; with a second by Christine Myers. **Motion carried unanimously.***

Respectfully submitted.

Hannelore Furst

Recording Secretary