

## Hamilton Township Planning Commission

Regular Meeting Minutes

9/19/2023

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

Members Present: Mel Lebo, Ira Bitner, Ron Weidner, Christine Myers, Lela Reichart and Alternates Stephanie Egger.

Also Present: Assistant Secretary Hannelore Furst; Chad Clabaugh P.E., of C.S. Davidson, Inc., and Andrew Merkel of ACOPD.

Motion to Adopt the Agenda: Chairman Mel Lebo amended the agenda by adding 7 D. Draft Ordinance Updates-AP and RR to the Planning Commission agenda and asked if there were any questions or concerns. *Christine Myers made a motion to approve the revised agenda with a second by Lela Reichart. Motion carried unanimously.*

Minutes: The regular meeting minutes of August 15, 2023, were presented for approval. *Lela Reichart made the motion to approve the minutes with a second by Christine Myers. Motion carried unanimously.*

### New Business:

Chad Clabaugh presented Minor Subdivision Plan for the Church of the Brethren/Hamilton Twp. Subdivision. He stated the existing tracts were hard to follow, the descriptions were from the 1800's. He suggested that the township confirm with the church about combining the 9 tracts of land, and then a reverse subdivision can be done; and adding the triangular piece to the Township parcel. Also, Chad stated that on the diagram the Zoning Table shows the maximum lot coverage at 40% and the lot coverage is lower in the new zone, he suggests maybe amending that. Andrew Merkel was questioned on how that compares to other municipalities, he stated maybe 25% to 30%, but would have to research it. Chad stated that the subdivision has been submitted to ACOPD for their review and will be submitted to Hamilton Twp and Hamilton Township's Zoning Officer.

This plan proposes the right of way be offered for dedication to the Township by the developer and a note will be added to the plan. He wants to make sure the Solicitor approves it.

*The motion was made by Ronald L. Weidner with a second by Ira Bitner to accept the plan. Motion carried unanimously.*

### Old Business:

- A. K-Hill Enterprises, LLC.: Chad mentioned the new plan has addressed everything except who will eliminate the existing cul-de-sac; Ron suggested the developer should eliminate it because they are the ones making the change. Chad stated typically there would be a recommendation from the Planning Commission and a decision by the Board of Supervisors on behalf of the property owners for direction on the matter. The new plan has a new cul-de-sac. The plan will have one waiver for the distance of the cul-de-sac. One resident wants his driveway and yard to extend to the new cul-de-sac. Ron stated he wants to settle this in a reasonable manner. There was a question on where the utilities are located.

*A motion was made by Ronald L. Weidner to table the plan with a second by Ira Bitner. Motion carried unanimously.*

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- B. New Oxford Logistics, LLC: Zoning Hearing Results. The Special Exception was denied by the Zoning Hearing Board.

Chad mentioned there is still an active Traffic Impact Scoping Study going on. Chad suggested the developer provide additional right of ways on the plan.

It will be on next month's agenda pertaining to the traffic study not the zoning hearing.

*A motion was made by Ronald L. Weidner to table with a second by Ira Bitner. **Motion carried unanimously.***

- C. Cross Keys intersection: Andrew Merkel mentioned the July meeting with the three townships (Berwick, Oxford, and Hamilton). He stated he sent a draft scope out to the three municipalities at the end of August. He heard back from Oxford and Berwick which stated they were fine with it. As soon as Hamilton Twp. gives their approval then it can be sent to PennDot. It would then go to the consultant at PennDot to develop the actual proposal and give the MPO the cost. They would issue the work order and they would get started. Andy is requesting Hamilton Twp's approval of the scope. The scope is from Hanover St (Rt 94) to Dick's Dam Road and the Traffic light at New Oxford shopping Center to Stanley Drive and all the intersections in between. They would prioritize and dig into it in depth and go at it from there. It is structured like a safety audit. Check out range of solutions and costs, so they know what the options are and can decide when they afford to implement the project. He needs something from the township that they are OK with the plan. Mel stated an email will be sent tomorrow to confirm that Hamilton Twp is on board. Andrew stated there is a contractual deadline of next year to get the work done. The big-ticket items to be done are the field view of selected intersections and meeting to discuss the findings. There will be other meetings later with the school board and neighbors. Andrew also stated the meetings would prioritize the short term, medium term and long-term items and what funds will be available to get there. It was stated that part of the study is to acquire state or federal funding. On the study Andrew did state they were looking at the high-level cost's estimates, for a program starting point. That is not the same as ACOPD having the money to do anything for this. Some of these improvements could be a transportation improvement project (TIP) or the developer may agree to some of the improvements. ACOPD would not be pursuing this if they did not believe there would be a regional effect.

*The motion was made by Ronald L. Weidner to recommend to the Board of Supervisors at the October meeting ACOPD can proceed with the recommended draft scoping for PennDot with a second by Ira Bitner. **Motion carried unanimously.***

- D. Rebecca Davis/Starner-ACOPD & Engineer: Jack Powell stated there are some changes (name change Rebecca Staub) to the plan, but they were submitted to CS Davidson. CS Davidson did their review and provided comments, most have been addressed. The outstanding items on CS Davidson's letter are: **#2** The Certificate of Ownership, Plan Acknowledgement, and offer of Dedication shall be signed by the owners and notarized. Jack letter states "Notarized signatures shall be provided on the final plan set for approval/recording." **#6** Provide one concrete monument per new lot created at the corners of parent tracts in multi-lot developments. Monuments should be set at the property line and right-of-way line to be a witness to the actual corner. Jack letter states "So called out to be set along the Dicks Dam Rd. R/W on both sides of Lot 1." **#9** A new deed shall be recorded for any reverse subdivision. A draft of the deed shall be submitted along with the plan for review by the Twp. prior to approval of the plan. Jack letter states "Said deeds are being prepared and shall be provided." Chad mentioned the planning module waiver needs to be sent to

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the plan administrator which would be James Graham and to make sure he submits to DEP. *The motion was made by Christine Myers to recommend to the Board of Supervisors for Conditional Approval for the Davis & Starner Minor Final Subdivision Plan with a second by Stephanie Egger.*  
**Motion carried unanimously.**

- E. Pennwood Products Concept Plan: Eric Johnston provided a diagram of a proposed facility on the 125 acres in Hamilton Township. There have been discussions with PennDot and East Berlin Borough. Andy Brough stated this is a concept plan, and they would like to know if there was anything the township would have an issue with. The project has been stalled because of interest rates. The initial goal is approval of the land development for the warehouse. They will be checking on sewer connections first. Once that is done then the land development will follow, and get it ready for DEP. He discussed the different lots and proposed uses. The goal is to get Lot 1 approved and with sewer hookup. Jim Graham questioned some of the information: **1.** Lots 9, 10 and 11 should have roadway access from the street across from Primrose Lane. **2.** There should not be driveway access from lots 2, 5, 6, 6, 7, 8, 9 or 10 directly onto SR 0194. East side of main building on Lot 1. 75' buffer between SR 0194 and the building. Will this be flat? Will fire equipment have access to the east side of the building. **3.** Will the access road be built at the initial development, piece meal? **4.** The proposed uses designated at lots 1, 2, 5, 6, 7, 8, 9 and 10 are permitted uses. **5.** In the future, depending on what is developed in lots 3, 4 and 11, will the intersections at primrose Lane and Beaver Street be able to handle the type and volume of traffic? Will traffic back up on the access road and therefore, back up onto SR 0194? **6.** Where will water be supplied from?

A brief discussion continued about the access roads. Ron Weidner was suggesting this plan of the street should be treated like a Homeowners Association. Chad stated it should be possibly Business Owners Association and gave several examples of the roads. (Access drives) This would be looked at later once plans are approved. Andrew encourages them to check with Economic Alliance to help market the lots. *A motion was made by Ronald L. Weidner to table with a second by Ira Bitner.*

**Motion carried unanimously.**

- F. Redding Rentals Zoning Hearing: The hearing was held on Monday, September 18, 2023, at 7 PM. The Zoning Hearing Board granted them approval on their variance.
- G. Royal Farms: Still working on and waiting to see what they are going to do. *A motion was made by Ronald L. Weidner to table with a second by Ira Bitner.* **Motion carried unanimously.**

Chad Clabaugh was stuck in the restroom. The door would not unlock.

#### Ordinance Amendment Status/Completion:

- A. Stormwater Ordinance: Chad stated he was able to get through all the solicitor's comments, he has updated the draft and there were two things he wants to go over. DEP is allowing them to buffer for volume control, DEP is promoting buffers. That means along a stream they are allowing 100 feet for a normal stream or 150 feet for a high quantity stream. Chad is just mentioning this, he thinks there will be more to come from DEP. The other item is the fencing around stormwater basins, some are not being maintained. Are they doing what they are intended to do-keep children from drowning? He gave an example of Mt. Pleasants Ordinance where it was worded-If you are below 2' and the developer can always get 2' or below, by making it wider and shallower, they want you to first try to

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do it and if you can't do it then you would have to get approval from the municipality to go deeper and wider then you have to put the fence up. Chad is suggesting rewording the Ordinance like Mt. Pleasants. *A motion to recommend to the Board of Supervisors changes to the Stormwater Ordinance was made by Ronald L. Weidner with a second by Ira Bitner. Motion carried unanimously.*

B. Nuisance Ordinance:

Mel called the attention to the exceptions: B. 1. Cars that have been altered to be used for racing, off-road, or show purposes and are kept free from rodent and vermin harborage. 2. A vehicle of any type which is undergoing repairs or restoration, provided that such work is performed inside a structure or similarly enclosed area, fence or obstructed from view by being covered with a tarpaulin when not being worked on, and is kept from rodent and vermin harborage.

Vehicle Nuisances A. It shall be unlawful for any person, owner, or lessee to maintain a vehicle nuisance upon the open private grounds of such person, owner, or lessee within Hamilton Twp. or on a public roadway. *(Add: or Twp right-of-way.)* A vehicle nuisance shall include any vehicle of any kind which is on private property for an excess of 90 days or on a public roadway *(Add: or Twp right-of-way.)* at any time and: Mel would like to move #18 to #1 spot.

*18. Has such other defects which could threaten the health, safety and welfare of the citizens of Hamilton Twp.*

1. Is wrecked, or unable to move under its own power due to damage or mechanical failures.
2. Has broken windows, mirrors, lights or other glass with sharp edges
3. Is missing doors, windows, hood, trunk or other body parts, or deterioration which could permit animal harborage
5. Has any body parts with sharp edges
6. Has disassembled parts, apart from the motor vehicle stored in a disorderly fashion
7. Is suspended from the ground in an unstable manner
8. Is leaking or has a damaged gas tank which could cause fire or explosion
9. Has an inoperable locking mechanism for doors or trunk
10. Has open or damaged floor boards, trunk or firewall
17. Is being used to store junk, refuse, household items, etc. inside or on the vehicle

Mel would like to add that if someone has junk on the property and a neighbor complains and it devalues the neighboring property as defined by the taxing authority.

*A motion to consider adding the above to the Nuisance Ordinance was made by Ira Bitner with a second by Christine Myers. Motion carried unanimously.*

C. 150-98AA Self-Storage Facilities:

1. Structure containing self-storage units shall be limited to one story and shall not exceed 12 feet in height. *Andy recommends eliminating the requirement completely. Jim suggests allowing height to be consistent with underlying district.*
2. Each individual storage unit shall have a paved access aisle at least 20 feet wide. *Andrew questioned does this need to be widened for RV/boats, etc. storage units? Should they require turning movement templates? Jim states yes, to ensure adequate room to navigate RV's and fire equipment.*
3. A security fence at least 6 feet high shall surround a self-storage facility and access through fence shall be by way of an automatic gate, security guard or similar. *Andy questions Is 6' high enough*

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*or do they need to be higher? Jim states most large RVs are 12' 6" high. Outdoor storage areas should be only permitted at the rear of the site.*

4. Everything looked OK.
5. The use of individual storage units shall be restricted to household goods and business equipment, supplies, and records. No storage of perishable items or hazardous, explosive, or highly flammable materials or materials that emit noxious odors shall be permitted. No business activities including, but not limited to, equipment servicing or repair, shall be conducted on the site. Storage units shall not be used as areas for rehearsals by musical groups. *Jim stated to add no stockpiling of construction materials or using the facility as a contractor meeting location or trucking terminal.*
6. *Combine with Seven.*
7. *Delete.*
8. No storage of unlicensed vehicles shall be permitted. A discussion was held on whether antique cars would be considered here. Andy stated this is trying to control storage for junk cars. If you have an Ordinance that deals with junk vehicles, then you wouldn't need this here. If it is allowed on personal property, then it should be allowed at storage facilities. Just trying to make it consistent. *Andy suggests this be removed.*
9. Everything OK.
10. All access drives, aisles, parking, and loading areas shall be constructed in accordance with applicable requirements of the Hamilton Twp. Subdivision and Land Development Ordinance. *Andy questioned, does this need strengthened? Should RV/boat/etc. storage require paved surfaces? Jim suggests "The access drive should be long enough to ensure no blockage of the access roadway creates obstruction on SR 0094.*
11. Lighting shall be permitted in accordance with the Hamilton TWP. Lighting Ordinance (See Chapter 89-Street and Site Lighting).

Mel suggested there should be more research on Number 2.

*A motion to table the Self-Storage was made by Ronald L. Weidner to table with a second by Ira Bitner. Motion carried unanimously.*

The AP and the RR District draft Ordinance updates: Andy went over the comments the solicitor sent. Cottage Industries include, in part, brewing & distilling, and retail sales of products produced or repaired on site, Andy mentioned that this is a bigger version of a home occupation. Under §150-98.TT #9 The production of beer, wine, liquor, hard cider, or other similar spirits shall be permitted as part of a Cottage Industry, however the retail sale of such products on site shall not be permitted as part of the Cottage Industry. This may trigger a liquor license problem. Andy stated the solution is they can produce on site but sell somewhere else.

Rural Events Venue: add to the definition of or otherwise hosts for profit or commercial gain.

§150-16.A.1 the exceptions to the development allotment should be noted on the subdivision or land development plan to restrict the use of the subdivided lot to the applicable exception.

§150-16.C any restrictions on the resultant lots should be included on the lot addition plan, such as the allotment is not increased on the lot to which it was added.

§150-13.O and §150-13.C Greenhouses are allowed as an accessory to a residence, farm or agricultural operation. We need to distinguish the difference between private and commercial greenhouses. There was a discussion about if they care if someone builds an accessory building on a

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vacant lot. The Boards consensus was they can have an accessory building on a vacant lot in AP and RR districts.

Township Engineer's Comments: Chad had nothing else.

Adams County Planning & Development Comments: Andy nothing else.

Zoning Officer Comments: None

Supervisors Comment: Jeremy stated the with the nuisance ordinance they need to take their time and not rush through it and try to be fair and reasonable.

Members Comments: Nothing

Public Comments: Todd Grim mentioned Ken Baugher's property and he is thinking about subdividing it into two 10-acre parcels. Chad stated he should present a sketch plan so it can be checked. They had a brief discussion of the road frontage.

*A motion was made by Ira Bitner to adjourn the meeting at 9:28 PM; with a second by Ronald L. Weidner.*

***Motion carried unanimously.***

Respectfully submitted.

*Hannelore Furst*

Recording Secretary