

Hamilton Township Planning Commission

Regular Meeting Minutes

6/20/2023

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 Alternate Stephanie Egger.

Also Present: Assistant Secretary Hannelore Furst, Attorney Melissa Kelso, from Kelso Law LLC; Chad Clabaugh P.E., and Jacob Spear, E.I.T of C.S. Davidson, Inc., Andrew Merkel of ACOPD and Zoning Officers James Graham of PMCA.

An Executive meeting was held by the Supervisors prior to the regular meeting.

Motion to Adopt the Agenda: Chairman Mel Lebo made a change to the agenda of the Planning Commission, adding Adams County Planning & Development Comments to it. *Ira Bitner made a motion to approve the revised agenda with a second by Ronald L. Weidner. **Motion carried unanimously.***

Minutes: The minutes of May 23, 2023, for the regular meeting were presented for approval. *A motion to approve was made by Ronald L. Weidner with a second by Ira Bitner. **Motion carried unanimously.***

New Business:

- A. New Oxford Logistics, LLC: Eric Brinser of Rettew Associates, Inc. (representing his client John Schick) presented a general overview of the concept plan for the properties of Myers Trust, Gertrude Scholl, and Dean Lawrence at the intersection of Route 94 and Route 30. Eric stated the purpose of tonight's meeting was to gain any feedback the planning commission may have on his project to incorporate on their final design. They are trying to be proactive. He thought they would have to get a special exception. His client would have property on both sides of Rt 94, behind existing commercial properties, a lot of farmland and woodland that they will have to work around. Their plan includes having two warehouses and two commercial buildings. The buildings on the east side of Rt 94 is roughly 600,000 square feet and the one on the west side is approximately 130,000 square feet. Mel mentioned that the township is in the process of adopting a new ordinance concerning warehousing and trucking, but everything on paper so far looks ok. Chad shared that he superimposed their drawing and Royal Farms drawing to show other potential connections, trying to be proactive with PennDot scoping process. He mentioned they were looking at other locations for entrances, exits and possible roundabouts. His biggest concern is the traffic. There is a meeting set up with PennDot on July 17, and they will have suggestions. Andrew questioned whether the warehouses were regional spec warehousing targeting interstate shipping or local warehousing and do they have tenants. Eric stated at this point, he doesn't have an answer, but he speculates it is just spec warehouses, but would have to confirm with his client. Eric stated this is not an official plan. It was also brought to Eric's attention that the southern two corners of the Cross Keys intersection are in two other townships, and they will have to work with them also. *A motion to table was made by Ronald L. Weidner with a second by Ira Bitner. **Motion carried unanimously.***

Old Business:

- A. K-Hill Enterprises, LLC.: Paul Minnich, Counsel for K-Hill Enterprises introduced himself, and stated their goal is to get conditional recommendation with a preview of the last two years. Paul Minnich turned the presentation over to Jack Powell. A revised plan was submitted by Jack Powell; Jack stated they have answered the engineer's previous review letter off the initial subdivision, and they have gone back to the option of as it is, tying into the existing cul-de-sac and not shifting it at all, and going by the ordinance. They had proposed a shared driveway, but the engineer stated no, they need to be broken up into two driveways. Mel questioned if they proposed the lots as agricultural lots with no houses. Jack stated they would be just like the subdivision they did on Rolling Lane. It will have the notes on the plans that they will remain an agricultural use, but you will still be allowed to have a dwelling on the lot. Mel stated he didn't think that would be the case, after reviewing the zoning and you will need 150-foot frontage to have a residence. The only way to do that is to put a cul-de-sac on that property that has 150 feet for each of the two separate lots, then you are fine; otherwise, they would have to remain as agricultural lots and not be able to build on those. Jack would like to see a decision to that effect, since they have received notification from the county and the engineer that we did not need frontage. Mel let Melissa comment on the decision, she stated that agricultural use does not need 150-foot frontage, but if the use is going to be a single-family residence, it does. Since there are sewer lines on the plans then you intend to put single family dwellings on the property. Once the use changes there are different requirements. Paul mentioned there was concern of the appearance of this, with the existing cul-de-sac, they are trying to address that with the property owners, and they went to great lengths but were unable to get cooperation. He also stated if you look at this globally, why do we have to create more impervious surfaces, when these driveways are only going to serve single family residents, which cuts against public policy. We would like to work this out and we may need a variance. The creation of the cul-de-sac is expensive and creates an unnecessary area and doesn't move the ball forward. Chad stated there are some possibilities; ask for a variance; combine Lot 3 & Lot 4 to create an agricultural use lot; build the cul-de-sac with the 150 feet and then you're done. Jack covered the other things in Chad's letter, the financial security will be taken care of later, as far as the planning module; a waiver has been submitted to Abbottstown-Paradise Sewer Authority, there is sewer capacity. There is a primary and back up for sewer. Lots 3 & 4 would be public sewers and Lots 1 & 2 are private sewers; Tim Wargo and the township is fine with this. Chad mention that Lot 2 with a sand mount would be very close to neighboring property. A note would need to be added to the planning module that there are other potential spots on this property that could be more suitable for the sewer. The location of the cul-de-sac is the biggest issue. Jack is asking for conditional approval. Mel stated he is not willing to entertain conditional approval based on all the discussion on the cul-de-sac and where they are going with it. By consensus the planning commission will not be entertaining a conditional approval. *Ira Bitner made a motion to table the revised plan with a second by Ronald L. Weidner. Motion carried unanimously.*
- B. Minor Subdivision for DJ Homes, LLC: Kris Raubenstine, Project Manager for Hanover Land Services, Inc. provided a Minor Final Subdivision Plan for DJ Homes, LLC. He stated this property has history and dates to around 2005. Its original use was for condominiums under mixed use. As time went by the property was rezoned as commercial. Currently there are 6 town houses on the property. Kris is here tonight to get this property saleable. The proposed plan would reconfigure

- C. two existing lots and extinguish all remaining unbuilt phases of the original project. The current plan is the best avenue, giving the lots more area. There is no proposed development of the property right now. They are just dividing property for Lot 2 & Lot 3; they have received both Adams County Planning & Development's comments dated May 15, 2023, along with CS Davidson's comments, dated May 31, 2023. Kris also received the second round of comments, from county dated June 20, 2023. They will add the right-of-way agreement to the plan. Chad mentioned CS Davidson has the latest plan dated 6/14/2023, and most of his comments of May 31, have been addressed. Things that need addressed yet are the proposed access along Connor Court to Molly Drive Chad stated the location of existing and proposed rights-of-way and easements need to be defined, along with ownership and maintenance responsibilities of Connor Court. An access agreement will be submitted with the next cycle, which should include any private utilities, and address ownership and maintenance responsibilities of the stormwater conveyance facilities and the stormwater management responsibilities for the imperious area needs to be clarified in Connor Court. Chad questioned how Molly Drive area stormwater was approved. Kris stated Molly Drive had a NPS permit years ago and has now expired. Chad stated the remaining public improvement financial security approved by Resolution #2016-51 is insufficient to satisfy the remaining improvements previously approved on this site. The resolution reduced the security to \$21,205.35 since the stormwater piping and paving has been done. On the stormwater piping there is an issue with the north side not draining properly, they plan on waiting to fix it later when other work is being done, so they don't tear it up twice. Once the subdivision is done then they plan on opening a new letter of credit. Chad had concerns on whether the security is adequate, but feels it is since the paving is done. He just wants the township to be protected. Andy only had two comments and one was because of zoning and time the plan has expired for the rest of the units, and the other is the stormwater piping to make sure that is taken care of. Kris is requesting conditional approval; Chad thinks the plan should be cleaned up a little more with a draft deed and the agreement exhibit added. You need to get it down to just signatures. *A motion was made to table by Ira Bitner with a second by Christine Myers. **Motion carried unanimously.***
- D. Logistics-Cross Keys Intersection: Chad presented a handout with potential roundabouts to be considered for the Cross Keys area. He stated roundabouts are considered safer and there is no maintenance. An Adams County Office of Planning & Development meeting is scheduled for June 21 for the three municipalities to set the stage on what could happen at Cross Keys with all the development planned. They will be discussing the development, local issues and the three townships' concerns. Will the three townships be able to come to an agreement on the highway occupancy permit? Cross Keys Intersection has the highest average volume of traffic on a yearly basis. Financing is going to be the biggest problem. It could be beneficial to divert the traffic around Cross Keys. There were some concerns about people being able to get to work on time and not just the truck traffic. *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.***

Approved 7/18/2023

- B. AP District/Estate Lots: Andy stated he is almost finished with Agricultural Preservation District §150-11 through §150-116. His recommendation are as follows:
- Under §150-12 Delete S; §150-13 Delete Q; §150-14 Delete as a Principle use or, §150-20 Delete W; §150-21 Delete O.
 - Under Article XV: §150-98. XX and §150-98. YY Eliminate completely.
 - Under Article II: §150-5 Definitions-delete the definitions for Homestay, Vacation Rentals and §150-5 Agribusiness Operation eliminate C. Other

*A motion to table was made by Christine Myers with a second by Lela Reichart. **Motion carried unanimously.***

- C. Nuisance Ordinance: Mel stated he would like the board to read the copies of other townships' Nuisance Ordinances and be prepared to discuss them at next month's meeting. *A motion to table till next month was made by Ronald L. Weidner with a second by Ira Bitner. **Motion carried unanimously.***

Adams County Planning & Development Comments: Reminded the board of a scoping meeting at ACOPD tomorrow, June 21 at 1:30 PM and that the other two townships are not as informed as Hamilton Twp. on the Cross Keys intersection.

Township Engineer's Comments: None

Township Zoning Officer: None

Township Supervisors Comment: None

Members Comments: None

Public Comments: Donna Vacek commented that she hopes the warehousing will not turn into a nightmare.

*A motion was made by Ronald L. Weidner to adjourn the meeting at 8:59 PM; with a second by Ira Bitner. **Motion carried unanimously.***

Respectfully submitted.

Hannelore Furst

Recording Secretary