

Hamiltonban Township Planning Commission
23 Carrolls Tract Road, Fairfield, PA 17320
Regular Meeting
November 25, 2008

Planning Commission Members Present: Chairman Curt Musselman, Vice-Chairman Stephen Jacobs, Secretary Doreen Premo, William Shriner, and Pam Wiehagen. (Recorder Amy Harbaugh had a personal commitment.)

Board of Supervisors Present: Chairman Robert Gordon, and Police Coordinator Coleen Reamer.

Others Present: Zoning Officer Milton Nicks, Township Engineer Tim Cormany from Martin and Martin, Inc., and Township Auditor Barbara Nicks.

Public Present: Bob Costello (Liberty Worship Center), Rusty Ryan (ACCD), Harry Rood, Craig Schmitz, Ronald Howe (& others with Mr. Howe).

Chairman Musselman called the meeting to order at 7:32 PM.

AGENDA APPROVAL: Unanimous approval.

PUBLIC COMMENT: None at this time.

APPROVAL OF MINUTES: Chairman Musselman asked for corrections or comments on the previous month's minutes. As none were offered, Pam Wiehagen made the motion to approve the October 28, 2008 minutes, seconded by Vice Chairman Steve Jacobs. The Planning Commission unanimously approved this motion.

OLD BUSINESS:

Liberty Worship Center: Pastor Bob Costello was present to represent the plan this month. He asked if the Planning Commission had any questions for him. Chairman Curt Musselman stated that it looked like a decreasing list of things to address (list filed in the LWC folder). Mr. Cormany of Martin and Martin, Inc. commented that he had just received yesterday by e-mail the revised drawings, and didn't know if the township had received them yet. (We haven't.) He said the list is being whittled down with mostly non-plan related items remaining (see **Engineer's Report** below). Mr. Cormany also stated that Mr. Costello will need to provide bonding, and indicate a sidewalk easement on the plans. Mr. Cormany said he did not see any easement provision on the latest drawing, and the Planning Commission does not have plans in front of it to tell if that has been addressed. Mr. Costello said he would get together with the township in the future, as already discussed, to do a sidewalk. Supervisor Chairman Robert Gordon remarked on a question about the status of the plan that the Board did take action on Preliminary/Final approval of the plan at the last Board meeting (November 5, 2008). Mr. Gordon added that the township has activated the application to Penn Dot for the Highway Occupancy Permit so that the entrance driveway could be developed. Mr. Cormany summed up the

discussion by saying that Mr. Costello should return to the Planning Commission with an updated set of plans for the December 30, 2008 Planning Commission meeting. No action was required tonight. Tim said he had e-mailed a copy of his comments to Mr. Costello's engineer yesterday.

Empire Homes: No comments were made.

Orchard Estates-Mt. Hope Road: There was no one present to represent the plan this month. It is still in the extension period (*New extension ends February 3, 2009. The township received a letter dated 10-23-08 from R. Lee Royer & Associates requesting a 90-day extension that was granted by BOS on November 5, 2008.*)

Old Orchard Farm (GOIG): Secretary Premo has signed the sewer planning module for return to DEP for this agency's review. Tim spoke to the GOIG surveyor who said the developers do not want to redo the plans until they know they have DEP approval. (DEP approval will meet one of the two conditions imposed on this plan by Hamiltonban Township's Board.) The second condition, resolution of the Homeowner's Association Declaration, is still under consideration by the lawyers. The Greenway Easement Agreement was discussed briefly, but is also still in the draft stage. The Greenway Easement Agreement will be submitted to the Planning Commission when finished, and then sent on to the Board. Mr. Cormany said he will work up some questions on this agreement for the Planning Commission. No action was required by the PC at this meeting.

Fairfield Market: Curt remarked that the Planning Commission has not received any revised plans for this meeting. Tim Cormany mentioned that we should have received a letter from C.S. Davidson stating that hopefully the Fairfield Municipal Authority (repair) work will be done by end of February, and FMA will lift its restrictions on sewage capacity with Fairfield Market the first development in line for the available capacity. He said this plan will then be back for consideration by the Planning Commission at the December 30 meeting. He said the weather is the big issue for getting the plant work done, and the groundwater must also be at a certain level to do some of the work and to get a good read on ...(whether the repairs are enough).

Mr. Gordon mentioned the JDH fax letter that just came in today from attorney Zwally relating that Mr. Sharrah is still working on the revised plans. The revised plans are not submitted yet, but will be, as the developers want to appear at the next PC meeting. They are coming to the Board of Supervisors meeting on December 2 to answer questions and ask for an extension until January 6th.

NEW BUSINESS: Mr. Ronald Howe stated that he is thinking about buying the Beachy property (on Fairfield Station Road). He would like to know the zoning designation for this property as the Adams county tax assessor has it zoned agricultural and the township has R1. Chairman Musselman said it's in Clean and Green, and Pam agreed. Mr. Howe was told the property is R1 (residential single family). Mr. Howe said he was thinking of developing the land to have an indoor riding arena and have horses on the property. Mr.

Howe stated that the land is 62.37 acres. Zoning Officer Nicks indicated that the animal ordinance is under the jurisdiction of the police department, but he doesn't think there are any restrictions on animals in any zoning district the way its written now. Secretary Premo mentioned that this would be a business. Mr. Howe said possibly, yes. Tim Cormany mentioned that they would need to submit to the "conditional use" process as the land is in R1. Mr. Howe would need to get specific approval of the proposed use of the land by sending in an application, appearing before the supervisors for approval, and providing a land development plan. Mr. Cormany said it would take a couple of months to go through the process. Mr. Howe said he is also thinking of building small rental cottages for those using the riding arena facilities or skiers. He mentioned there would probably be sewage issues – a holding tank or sand mound. Tim Cormany said he could do a land development to sell the houses, but not to do rentals. He is going beyond what is allowed in R1. This is mainly for single family homes only. Mr. Nicks brought up a "dude-type" ranch that this riding academy might fit into. Tim Cormany said there could be a neighborhood outdoor, not-for-profit, recreational use of land, but this is becoming somewhat commercial. Mr. Howe then asked about the possibility of developing a B & B, but he was told that these types of buildings could only be located in higher density R2 and R3 zoning areas. Mr. Cormany said a hearing would take about a month to arrange. Mr. Rood then mentioned that there are some properties in R1 with two houses now, but Curt replied that these are grandfathered. Milt then said there is a conditional use application on the website, or Mr. Howe could contact him. Milt then explained what had to be done for conditional use. There is a hearing that must be advertised for two different weeks in the newspaper, the lawyer's schedule must be worked around, a survey must be conducted, it takes time to prepare for the hearing, and ends up being about a month to process it all.

OTHER:

Engineer's Report: This is Mr. Cormany's report to the Hamiltonban Township Supervisors herein entered into the Planning Commission minutes of November 25, 2008, Re: Preliminary/Final Land Development Plan, Liberty Worship Center (Revised)

Our office has reviewed the above referenced, revised application in accordance with the Township Ordinances and in light of our previous comments dated September 26. We would note the following remaining comments for your consideration.

1. *Pennsylvania DEP planning approval is required. (701.7)*
2. *The applicant is requesting the plan be considered as "Preliminary/Final." (404)*

Our office has no objection to this request.

3. *The owner's certification statement must be signed and notarized. (600.1.K)*
4. *County Conservation District approval is required. (600.6)*
5. *A wetlands delineation report and associated plan notes have been provided. The Township is seeking concurrence on the findings from the Army Corps of Engineers. (600.10, 908.C)*
6. *The applicant will be required to guarantee the completion of all public improvements prior to the release of an approved Final Plan. (700.5) Our office is prepared to review an engineer's cost estimate in an effort to determine an appropriate amount for said security. Following completion of the improvements, the applicant is*

required to submit a certified as-built survey for Township review and prior to the release of any security. (700.8)

7. The responsible surveyor's and engineer's signatures must be added to the plan. (600.1.J)

8. Documentation concerning an easement agreement for the proposed shared driveway with the neighboring Township property must be presented and approved by the Township Solicitor. (904.7)

9. Planning Commission discussions also requested the applicant to consider providing accommodations for pedestrian traffic (sidewalk, easement) along its Carroll's Tract Road frontage. The applicant should respond to this comment.

Mr. Cormany further mentioned that he was looking at other townships' ordinances, and he developed some new forms for conditional use and other processes. He said he could send them to us if we would find them useful. Mr. Nicks stated that Mr. Rood and Mr. Premo were working on forms to include on the webpage.

Zoning Officer's Report: Zoning Officer Nicks reported that permit requests are slow, and he is only on permit #39 for the year. He is looking for junk cars in the township (for removal). He asked those present to pass around the word that if anyone has any information on junk cars to let him know, and he will work on them. Mr. Rood asked if they could be out in the woods, too. Mr. Nicks replied that they could be. He said the old method of relying on complaints is not working to clean up the township, so he and (Officer) Juanita (Larmer) are now actively on the lookout for those vehicles.

Mr. Nicks then asked Tim Cormany about a couple of (hypothetical) scenarios he might come across. He asked if two houses could be on one property. Tim said yes, but they must follow current rules and be able to subdivide in the future. Milt Nicks asked if he went through and did a land development plan, could he build two and rent out one. The answer was no as this would not qualify under R1 (single family). Milt then asked if he could have a person stay with him, and all said no.

ADJOURN: Chairman Musselman questioned all present if there were any further comments. When no one replied, he suggested we adjourn the meeting, and asked for a motion. At 7:59 PM Pamela Wiehagen made the motion to adjourn the meeting, seconded by Bill Shriner. The Planning Commission unanimously approved this motion.

Due to the Christmas holidays, the next Planning Commission meeting is scheduled for December 30, 2008 at 7:30 pm.

Respectfully submitted,

Doreen C. Premo, Secretary, Planning Commission