

Hamiltonban Township Planning and Zoning Commission
23 Carrolls Tract Road, Fairfield PA 17320
Regular Monthly Meeting Minutes
Platform Startingmeeting.com
March 23, 2021

Chair Betty Izer called the meeting to order at 7:04 PM. She announced that the meeting is being recorded for the sole purpose as a review aid in compiling the written minutes per Resolution 2018-08.

Public comments will be held two times during the meeting at the beginning and at the end of the meeting. The public was asked to announce their name and address and to limited their comments to five minutes.

Commission Members Present:

Because of Covid 19, Commission members and public are able to use Platform Startmeeting.com. Member present were using Startmeeting.com: None, Members present were: Chair Betty Izer, Calvin Bream, LuAnn Dille, Sherry Roger-Frost and Stephen Jacobs

Supervisors and Staff/Consultants Present: Using Startmeeting.com: Nina Garretson Hamiltonban Township Secretary/Treasurer, Members present: Rob Thealer of the Adams County Office of Planning and Development, and Fred Heerbrandt, Township Engineer of Wm. F. Hill & Associates, and Supervisor Robert Gordon

Public Present: Using Startmeeting.com: Kenneth Scott of Beyond All Boundaries for Ray F. Strayer Estate 456 Water Street, Fairfield PA., Brett Riegelman representing Petrus Holdings, someone in Pepperwood CA., from 8:16PM to 8:28PM Todd King representing Petrus Holdings

Agenda Review: The Planning Commission approved the March 23, 2021 agenda by general agreement

Approval of the Minutes: Chair Betty Izer made a motion to approve the February 23, 2021 Platform Startingmeeting minutes, seconded by Calvin Bream. The motion was approved.

Public Comment: No comments.

Plans:

Strayer 456 Water Street

A Zoning Hearing was held on February 24, 2021 starting at 6:00PM, at the Fairfield Borough Office Building at 108 West Main Street, Fairfield, PA., for the Strayer's of 456 Water Street, Fairfield, PA 17320 request for a special exception. The Zoning Hearing Board was in favor of the special exception requested. The Zoning Hearing Transcript is on record at the Hamiltonban Township office.

The Strayer submitted a subdivision plan. Fred Heerbrandt reviewed the plan and created a review correspondence dated March 4, 2021. The review suggested a recombination deed be drafted, reviewed by Township Solicitor and recorded with a copy to the Township plus street right-of-way lines be shown. There was a discussion

between Fred Heerbrandt and Kenneth Scott of Beyond All Boundaries concerning the requirement of showing the street right-of-ways. Fred Heerbrandt stated this is a requirement in the Hamiltonban Township Subdivision and Land Development Ordinances. Kenneth Scott from Beyond All Boundaries made the point that roadways shift over time and the road is pre-existing. Water Street has no official dedicated right-a-way but the right-a-way is noted on the plan. The plan is a lot addition plan and no new lots are being established.

At 7:23PM Attorney Battersby arrived at the meeting.

Calvin Bream made a motion to recommend granting the Strayer's waiver requesting that the street right-of-way distances and bearing not be added to the plan, seconded by Stephen Jacobs. This motion was unanimously approved. The Hamiltonban Township Board of Supervisor may want to review the ordinance concerning right-of-ways on new and existing roadways. LuAnn Dille made a motion recommending the conditional approval of the Strayer Minor Subdivision Addition Plan per Wm. F. Hill & Assoc., Inc. correspondence dated March 4, 2021 with the waiver granted plus with a note on the plans concerning the zoning hearing approval, seconded by Calvin Bream. This motion was unanimously approved. Kenneth Scott left the Startmeeting at 7:28PM.

Swamp Creek Lane-Petrus Holdings

There was nothing new submitted therefore no action taken.

Zoning Amendment re: Place of Worship

Attorney Battersby stated that Hamiltonban Township received a correspondence from Attorney Todd King of Salzman Hughes, PC. stating that Petrus Holding believes two Planning Commission members, Sherry Roger-Frost and LuAnn Dille, are incapable of fairly applying the only relevant standards to their plan. Todd King requested that at least recuse these two members from any plans and decisions related to this plan in the future.

There was a very long discussion on Adams County Planning and Development (ACP& D) Rob Thaeler's amendment concerning Place of Worship, which was reviewed by Attorney Battersby and the amendment Todd King submitted on January 5, 2021, which simply removes the four acre limit. The ACP&D amendment included the rural zoning districts of Hamiltonban Township in a similar matter.

Brett Riegelman first questioned the definition of floor space. Rob Thaeler responded he implied standard total building footprint. This does includes usable floor space, not attics, basements, porches, mechanical rooms. Internal space is livable space.

Bret Riegelman second question, he asked what is considered structures. Rob Thaeler responded Pennsylvania State Law states all permanent buildings, not including pathways and driveways.

Brett Riegelman third question was why not remove the maximum parcel size requirement from only the Open Space Zoning District. Rob Thaeler responded ACP&D amendment has similar requirements in the other Hamiltonban Township rural zoning districts, standardizing the similar uses. The Hamiltonban Township Community wants to maintain the rural setting, environment and natural resources. This was a major concern when the zoning ordinances were being updated three years ago. There are exceptional water ways that need to be protected. Also citizens do not want to increase traffic on the rural roadways. There must be a balance which is

reasonable and supported by Federal Law, the Pennsylvania Constitution and planning code.

Brett Riegelman fourth questioned the maximum floor area. The ACP&D amendment stated: The maximum floor area for all permanent structures associated with the Place of Worship shall be no more than 10% of the total lot area or forty thousand square feet, which ever is less. Other Hamiltonban Township Zoning Districts standards maybe higher than the Open Space District. Open Space District is to be consistent with the conservation of nature and natural features. Comments was made as church are usually unitized less time than retreats, and environment camps with longer attendance time. Consistent and compatible uses to comply with Federal Law.

Brett Riegelman fifth question why use the universal 10% now adequate with Place of Worship as other assemblies. Rob Thaeler responded standard is applied to other similar uses to maintain the rural setting. Such as environmental camps, retreats, environment educational events. Limits on building size, limits the number of people attending. Brett Riegelmen does not believe equal with other environment uses. Rob Thaeler asked what would be equal. Brett Riegelman did not respond.

Brett Reigelman thought their amendment was equitable.

Chair Izer made a motion to recommend that the Hamiltonban Township Board of Supervisors approve the Zoning Ordinance Amendment drafted by Rob Thaeler with adding definitions for floor area and defining what are considered structures. This motion was seconded by Calvin Bream.

Floor space does not include attic, basements porches, bathroom and hallways. Floor space is livable space.

Structures do not include walkways, driveways, septic system areas.

There was a roll call vote, This motion passed with all members voting yes with LuAnn Dille not voting. The proper ordinance procedures will be followed which will probably take till mid-May. Attorney Battersby left the meeting at 8:34PM.

New/Old Business

Sherry requested the the Riparian buffer discussion be table till next meeting.

Planning Commission was instructed to review amendments to SALDO, and Zoning submitted by ACD&P.

Also review codification information which is mostly minor changes for clarification. Supervisor Gordon stated a new subdivision plan may be submitted for the golf course on Bullfrog Road utilizing Conservation By Design Ordinances.

Next Planning Commission Meeting

Next Planning Commission meeting will be April 27, 2021, starting at 7:00PM at the Hamiltonban Township Municipal Building

Adjournment

At 8:43PM the Planning Commission by general agreement adjourned the meeting

Respectfully submitted,

LuAnn M. Dille
Secretary