

Hamiltonban Township  
Board of Supervisors and Planning Commission  
Joint Meeting Minutes for McGinley Choice Plan Review and Pan Handle Lots  
23 Carrolls Tract Road, Fairfield, PA 17320  
April 4, 2007

**Supervisors Present:** Chairman James E. Benner, Vice-chairman William E. Eckert, Sr., Road Master Jay Edward Deardorff, Police Coordinator Coleen N. Reamer, and Robert L. Gordon

**Planning Commission Members Present:** Vice-chairman Stephen Jacobs, Guy Donaldson, and William Shriner  
Chairman Curtis Musselman and Secretary Pamela Wiehagen were absent.

**Borough of Fairfield Council member and Planning Commission member** Carroll Smith

**Others:** Timothy Cormany and William Kick from Martin and Martin, Inc., Secretary/Treasurer LuAnn Dille, Solicitor Henry O. Heiser III, and Zoning Officer Milton Nicks

**Public Attendees:** Barbara Nicks, Dale and Doreen Premo, Douglas Woerner, and Harry Rood

At 7: 04 PM Chairman Benner called the meeting to order.

Mr. Kick has reviewed the stormwater management and flood plain plans for the McGinley's Choice Development. Mr. Kick explained some of his comments and explained some stormwater management principals as they relate to the McGinley's Choice Development.

1. There are concerns with the elevation of Union Avenue. The design of Union Avenue as it is currently designed does not comply with the requirements of a 100 year flood plain. In a 100 year flood the stormwater could be three feet above Union Avenue at the intersection of Water Street. This section may flood with any significant rain fall. Mr. Kick believes the current design is the best design possible considering the elevation of the properties and as not to create more problems with existing Water Street. Stormwater flows towards the Borough of Fairfield. If Union Avenue would intersect with Water Street at a different location other problems may be created.
2. The Union Avenue Bridge has been designed to prevent stormwater constriction as much as possible. The two existing bridges currently constrict the flow of stormwater.
3. There must be proper erosion and sediment (E & S) controls for the volume of stormwater flow. This may require large aggregate to slow the velocity of the stormwater. There are several areas which will need extensive E & S controls.

4. Most likely after each rain storm, water will be in the road side swales for a period of time.
5. Empire Homes engineers are documenting where the flood plain is located. In the past an arbitrary line was drawn 50 feet from a stream.
6. Mr. Kick disagrees with the McGinley's Choice stormwater engineering data in the area of Union Avenue and Route 116/Fairfield Road. Empire Homes' engineers are amending the calculations and the professional who did the original calculations is no longer working for the firm.
7. Most of the stormwater management plan appears accurate.
8. The five retention pond areas have not been completed because other issues are being resolved which are impacting their design. Mr. Kick believes this is an important issue and needs to be continually updated until all other issues calculations have been completed. Two ponds are located in Hamiltonban Township on the south side of Union Avenue.
9. Minimum slope and grade line for swales should be 1%.

Solicitor Heiser shared his concern about McGinley's Choice.

1. Solicitor Heiser stated Empire Homes may have equitable ownership of the Carl Sturges' property. Several documents have several different entities, Empire Homes, Empire Holdings, LLC. Fairham Development Corp. This should be clarified.
2. All legal documents should have a consistent entity.
3. The Township's engineer Cormany has concerns about safety issues with the driveways accessing Union Avenue, the Township would require Empire Homes to explain why this can not be changed or offer other options.
4. The Township will require a performance bond for 110% of construction cost of Union Avenue and the bridge.
5. An escrow maintenance bond will be required for at least 18 months.
6. Any extra improvement should also be bonded.
7. As part of Phrase One the Township may require Union Avenue to be completely constructed.
8. All of the Township's engineers comments should be satisfied before plans are preliminary approved.
9. Adams County Planning and Development review comments should be considered.
10. Preliminary plans can be approved with conditions but the conditions must be resolved before final plan approval.
11. All agencies approval requirements must be met
12. All inter-municipal agreements must be completed before final plan approval.
13. All private legal issues should be resolved before final plan approval
14. Correct and updated copies of the preliminary plan must be submitted to the Township before approval.
15. Hamiltonban Township is responsible to ensure that the homeowners' agreement is dutifully executed, signed, and recorded.
16. All modifications should be verified and correctly noted on the plans.

Mr. Smith stated a couple of the Borough of Fairfield's concerns.

1. A couple of revised pages were hand carried to the last Borough of Fairfield's Council meeting. These have not been reviewed by their engineer.
2. A complete and accurate preliminary plan needs to be formally submitted.
3. Fairfield Council has granted Empire Homes an extension till May 2, 2007 for McGinley's Choice Preliminary Plan but preliminary approval was granted with several conditions
4. The private purchase of land from Mr. Paul has not been recorded yet.
5. The homeowners' agreement has not been approved.
6. The retention basins will be dedicated to the homeowners association but have not been designed to C.S. Davidson's satisfactions.
7. At a Fairfield Zoning Hearing two right-of-ways were approved, to date these have never been added to the plans.

Mr. Cormany and Mr. Kick in summary would like the following issues resolved.

1. Mr. Cormany would like a written response from the Fairfield Municipal Authority granting Well Number Three in a planned recreation area in the townhouse section. Mr. Cormany would like to know the design and what type of recreation equipment will be installed.
2. The Phase plan needs to include more details including a timeline, what infrastructures will be completed and a schedule of off sight improvements to support the different phases.
3. The three private property legal issues need to be settled.
4. All documentation should have the same entity.
5. The driveways accessing Union Avenue must be resolved.
6. Any deed restrictions/covenants should be noted.

At 8:23 Solicitor Heiser and Mr. Kick left the meeting.

Zoning Officer Nicks and Mr. Kick went to Zoning Officer Nicks' office to discuss how to enforce the Townships Monocacy and Conocheague Stormwater Management Plan.

Mr. Cormany distributed two handouts. One was an updated copy of Section 803.5-Flag Lots implementing comments from the last joint meeting. The seconded handout was general information on curbs and sidewalks for discussion tonight.

Chairman Benner stated that he does not want to limit the length of private roads. Mr. Cormany believes there should be some limit.

Section 803.5 was briefly discussed. Mr. Cormany had included what was requested and discussed at the last meeting.

Mr. Cormany asked the Board for input as to where to require sidewalks-each side of a road way or only one side as in Growing Greener: Conservation By Design. He also asked what type of construction material the Township wanted for sidewalks -concrete, asphalt, brick or other construction material.

The meeting was adjourned at 9:33 PM.

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LuAnn M. Dille  
Secretary/Treasurer

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James E. Benner  
Chairman