

**Hamiltonban Township Board of Supervisors**  
23 Carrolls Tract Road, Fairfield, PA 17320  
**Hearing - Zoning Amendments**  
**Meeting Minutes**  
**January 18, 2022**

At 6:00 PM Solicitor Matthew Battersby called the hearing to order and welcomed the public. The meeting was held in person, as well as via platform Startmeeting.com. He announced the meeting is being recorded for the sole purpose as a review aid in compiling the written minutes.

**Supervisors Present:** J. Edward Deardorff, Douglas Woerner. Robert L. Gordon, David B. Martin and Coleen Reamer.

**Staff:** Township Solicitor Matthew Battersby, Secretary/Treasurer Nina Garretson.

**Public:** Betty Pue, Michael Pue Jr, Duane Williams, Dave Sites, Bob Sharrah, William Jenkins, and Jett Jenkins, and Atty. Henry Heiser. Via Startmeeting platform: Cliff Frost, 301 Mt Hope Rd on a recorded line, those who did not announce themselves: Daphne DeGennaro, Brenda and Bill Rigby.

**Business:** Solicitor Battersby stated the purpose of the hearing is to take comments regarding draft text amendments for the Zoning Ordinance for Section 375-40 be amended by adding Subsection D Conditional Uses, and 375-80 amended by adding Subsection AAA Residential Housing Community. He noted that the hearing was duly advertised twice as required and Secretary provided proof of publication in *Gettysburg Times*. He stated the Hamiltonban Township Planning and Zoning Commission and Adams County Office of Planning and Development (ACOPD) both reviewed all amendments and provided reviews. All of which entered into record of proceeding.

Solicitor Battersby stated the Hamiltonban Township Planning and Zoning Commission review is noted in their meeting minutes of October 26, 2021. And, ACOPD review letter dated December 7, 2021, and had assisted with language for these amendments.

Solicitor Battersby stated the following email comments will be entered into the records from: Brenda Rigby dated January 17, 2022; Daphne DeGennaro dated January 17, 2022; Tessa Reading dated January 17, 2022; and Cliff Frost dated January 18, 2022 which included a copy of the ACOPD review. He said Board of Supervisors has had ample time for review.

Solicitor asked if anyone from the public had any comments regarding Amendments to Zoning Ordinance.

Duane Williams, 1091 Fairfield Station Road, Fairfield, PA presented (16 pages) written comments to be entered into the record. He stated he is concerned with water system, electric grid, transportation grid, school system, etc. He said he estimates four people per house would amount to an additional one-thousand people to the Township and would put stress on fragile economy, and environment. He feels that there are a lot of unanswered questions, that the developer or builder should have provided further information, and responded to concerns raised by Planning and Zoning Commission. And, that he recommends until this information is provided that the consideration of the amendment be postponed or postponed indefinitely.

Cliff Frost, 301 Mt. Hope Road, Fairfield, PA, in addition to written comments, stated no analysis was done of impact of school or service taxes and traffic, and would this impact need for police department. He went on to say the ACOPD letter notes the amendment was poorly written by attorney of developer and terms are not defined. He said it removes protections from the township rather than providing restrictions on the developer. He asked why the Supervisors have not asked for information regarding taxes and traffic, and why they would consider a poorly written amendment. He stated there is no open space buffer or trails would be required. He said the simple solution would be to simply rezone the parcel to single family residential, and the standards and restrictions are already in the Township Zoning Ordinance, and the density of the development would be much more reasonable. He said changing ordinance should include impact analysis.

Mike Pue, 341 Fairfield Station Road, Fairfield asked if they could read or obtain copies of the statements entered into the record. Solicitor Battersby said this is a public hearing and all documents being entered into the record are public documents. Copies can be obtained from the township business office during normal hours.

Solicitor asked if anyone else from the public on the phone or in the room had any further comments regarding Amendments to Zoning Ordinance. Hearing none Solicitor Battersby said the Board of Supervisors will consider at their next regular meeting.

**Adjournment:** Solicitor Battersby closed public hearing at 6:10 PM.

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Matthew Battersby, Esq.  
Solicitor Hamiltonban Township

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Nina Garretson  
Secretary/Treasurer

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J. Edward Deardorff  
Chairman

**ORDINANCE NO. 01 OF 2022**

**AN ORDINANCE OF THE TOWNSHIP OF HAMILTONBAN, ADAMS COUNTY,  
PENNSYLVANIA, AMENDING THE HAMILTONBAN TOWNSHIP ZONING  
ORDINANCE**

**BE IT ENACTED, ADOPTED, AND ORDAINED** by the Township of Hamiltonban, Adams County, Pennsylvania, by the Hamiltonban Township Board of Supervisors, and it is hereby **ENACTED, ADOPTED, AND ORDAINED** by the authority of the same as follows:

**SECTION 1: TEXT AMENDMENT**

Section 375-40 shall be amended by adding Subsection D to read as follows.

D. Conditional Uses: The following uses are permitted by Conditional Use in the C District in accordance with the following standards and criteria, any reasonable conditions that the Board of Supervisors may deem necessary, and in accordance with the procedures set forth in § 375-111A of this chapter.

- (1) Residential Housing Community, in accordance with § 375-81.AAA.

**SECTION 2: TEXT AMENDMENT**

Section 375-80 shall be amended by adding Subsection AAA to read as follows.

AAA. Residential Housing Community

- (1) The following standards, requirements, and provisions shall be the only standards, requirements, and provisions that apply to Residential Housing Communities and shall supersede all other requirements, standards, and provisions of the Zoning Ordinance.

- (2) Minimum dimensional regulations shall be as follows.

- (a) For purposes of this land use only, "Net Developable Area" shall be defined as follows: All land excluding such portions that, prior to development.

- [1] are within the right-of-way of previously dedicated streets or roads.

- [2] contain slopes greater than 20% (excluding man-made slopes).

- [3] are identified as wetlands and/or waters of the Commonwealth by the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection, as applicable.

- [4] are encumbered by areas identified in the Township Flood Insurance Rate Maps as included within the 1% annual chance flood plan.

- [5] are encumbered by easements or deed restrictions that prohibit the development of the land.

- (b) Minimum lot width.

- [1] Single-family detached dwellings: 45 feet.

[2] Single-family semi-detached dwellings: 35 feet.

(c) Minimum lot area.

[1] Single-family detached dwellings: 5,500 square feet.

[2] Single-family semi-detached dwellings: 4,000 square feet per dwelling unit.

(d) Maximum development coverage: 70% of net development area.

(e) Maximum density: 5 units per developable acre.

(f) Maximum building height: 45 feet.

(g) Minimum setback for residential buildings.

[1] Minimum front setback: 25 feet.

[2] Minimum side setback: 5 feet.

[3] Minimum rear setback for properties with no access alley at the rear of the property: 20 feet.

[4] Minimum rear setback for properties with access alley at the rear of the property: 10 feet.

(h) Minimum setback for nonresidential buildings.

[1] Minimum front setback: 50 feet.

[2] Minimum side setback: 20 feet.

[3] Minimum rear setback: 25 feet.

(3) Other Requirements

(a) All utilities serving a proposed Residential Housing Community shall be public or PADEP approved community systems and all utility lines shall be underground.

(b) A minimum of twenty-five percent (25%) of the development area shall be set aside for either:

[1] open space, stormwater management systems (limited to traditional grass-lined detention facilities and/or bio-retention facilities); or

[2] passive and/or active recreation use (including community buildings, related parking and other facilities) by the residents of the Residential Housing Community, or

[3] a combination thereof.

(c) A 50 foot wide external, circumferential buffer area shall be provided from all perimeter property lines and existing road right-of-way lines. No buildings or parking facilities shall be permitted in this buffer area. A calculation showing the total buffer area shall be provided. Twenty-five percent (25%) of this buffer area may be included in the "open space" required by § 375-80.AAA(3)(b) above.

(d) Streets or portions thereof that area proposed to be constructed within a Residential Housing Community shall be privately owned and maintained. Additionally, the streets shall be constructed to Township standards in accordance with § 320-30 of the Hamiltonban Township Subdivision and Land Development Ordinance.

(e) All residential, nonresidential, and commercial buildings constructed within a Residential Housing Community shall be accessed from the internal street system. That is, no individual building or parking lot access shall be permitted directly from an existing state or Township road.

(f) Nonresidential and residential areas of the Residential Housing Community shall be linked through sidewalks or other pedestrian trails. Direct pedestrian access shall be provided to the principal entrance of each principal building. Sidewalks constructed along the streets in a Residential Housing Community shall be constructed in accordance with § 320-38 of the Hamiltonban Township Subdivision and Land Development Ordinance.

(g) A lighting plan, also known as a photometric plan, shall be required with the submission of the Land Development Plans for a Residential Housing Community. Such plan shall demonstrate adequate lighting levels on site and no offensive light encroachment off site. The standards set for in Section § 375-41.F apply.

(h) Hiker/biker trails shall be provided to enhance physical fitness and encourage exercise. Such trails shall be a minimum width of six (6) feet and shall have activity stations, benches, and other amenities.

(i) **Parking Requirements**

[1] For residential uses, 2.5 parking spaces (may include garage and off-street driveway spaces) for each dwelling unit shall be provided.

[2] The total number of parking spaces that are required to serve the nonresidential uses of a Residential Housing Community shall be a total of one (1) parking space for each six (6) dwelling units of such development, unless:

[a] a reduced number is deemed sufficient by the Board of Supervisors in connection with approving a land development for the development, and

[b] if required by the Board of Supervisors, land of sufficient area to construct the number of spaces by which the required parking was reduced is set aside for such parking spaces in the event that the initially-reduced number of spaces is deemed by the board of Supervisors to be insufficient to satisfy parking needs.

[3] Parking spaces for nonresidential uses shall be subject to the following additional standards.

(a) Each such parking space shall be conveniently located to the nonresidential use that it is intended to serve.

[b] If the Residential Housing Community is to be constructed in phases, the total number of parking spaces required to serve all nonresidential uses of the overall development also may be constructed in phases, provided that:

[1] a sufficient number of parking spaces is installed with each phase to serve the nonresidential uses of such phase and any prior phase(s), and

[2] upon completion of the final phase of such development, the total number of parking spaces for nonresidential uses required under this section is satisfied (as reduced by the Board of Supervisors, if applicable).

(j) The following uses shall be permitted as part of a Residential Housing Community and shall be subject to the dimensional standards set forth in § 375-80.AAA(2) above.

[1] Single-family detached dwellings.

[2] Single-family semi-detached dwellings.

[3] Recreational and cultural facilities for the sole use of the residents of the Residential Housing Community and their guests, including but not limited to clubhouses, community centers, lounges, bars, ballrooms, libraries, places of worship, swimming pools, tennis courts, shuffleboard courts, bocce courts, pickle ball, fitness centers, walking paths, golf putting greens and riving areas.

[4] Personal care, assisted living, and/or nursing (skilled) care facilities that provide for a continuum of care for those residents of the community who wish to stay in the community in declining health. For the purposes of density calculation, every eight (8) beds in a personal care, assisted living, or skilled care facility shall equal one (1) equivalent dwelling unit.

[5] Accessory buildings and uses that are located within the Residential Housing Community and are customarily incidental to any of the above permitted uses.

[6] Public utilities, water facilities, and public sewer facilities. Such utilities and facilities may serve areas outside of the Residential Housing Community.

(k) Corner Lot Front Yards: Notwithstanding, a corner lot in a Residential Housing Community shall be deemed to have only one front yard. If a driveway that serves the corner lot is located in a yard that could be deemed a front yard, then the yard with the driveway shall be deemed the front yard and any other yard that could have been a front yard shall be deemed a side yard.

### SECTION 3: TEXT AMENDMENT

Article XXII shall be amended by adding Section 375-108A to read as follows.

§ 375-108A. Conditional Use Hearings

The Board of Supervisors shall conduct hearing and make decisions regarding Conditional Use applications in accordance with the following requirements.

- A. Public notice shall be given and written notice shall be given to the owner(s) of the subject land parcel(s), the applicant(s), the Zoning Officer, and all adjacent property owners to the subject land parcel(s), and any person who has made a written request for the same within fifteen (15) days of the scheduled hearing. Written notices shall be given at such time and in such manner as prescribed by the rules of the Board of Supervisors. In addition to the written notice provided for herein, a sign shall be conspicuously posted on the affected property at least one (1) week prior to a scheduled hearing date. Such sign(s) shall bear on its face, at a minimum, the name of the hearing body, the time and place of the hearing, and a phone number to contact the Zoning Officer to obtain additional information.
- B. The Board of Supervisors may prescribe reasonable fees with respect to Conditional Use hearings before the Board of Supervisors. Fees for said hearings may include notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board of Supervisors, expenses for engineering, architectural or other technical consultants or expert witness costs.
- C. The first hearing before the Board of Supervisors or hearing officer shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board of Supervisors or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his or her case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board of Supervisors or hearing officer shall ensure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his or her case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Hamiltonban Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- D. The hearings shall be conducted by the Board of Supervisors, or the Board of Supervisors may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board of Supervisors. However, the appellant or the applicant, as the case may be, in addition to Hamiltonban Township, may, prior to the decision of the hearing waive decision or findings by the Board of Supervisors and accept the decision or findings of the hearing officer as final.
- E. The parties to the hearing shall be the any person affected by the application who has made timely appearance of record before the Board of Supervisors, and any other person including civic or community organizations permitted to appear by the Board of Supervisors. The Board of Supervisors shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board of Supervisors for that purpose.
- F. The chairperson or acting chairperson of the Board of Supervisors, or the hearing officer presiding, shall have power to administer oaths and issue subpoenas to compel the attendance of

witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

I. The Board of Supervisors, or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and Hamiltonban Township. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors or hearing officer, or shall be paid by the person appealing from the decision of the Board of Supervisors if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

J. The Board of Supervisors or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

K. The Board of Supervisors or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before Board of Supervisors or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

L. If the hearing is conducted by a hearing officer, and there has been no stipulation that his or her decision or findings are final, the Board of Supervisors shall make his or her report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board of Supervisors prior to final decision or entry of findings, and the Board of Supervisors' decision shall be entered no later than thirty (30) days after the report of the hearing officer.

M. Where the Board of Supervisors fails to render the decision within the period required by this subsection, or fails to commence, conduct or complete the required hearing as provided in subsection C of this Section, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as hereinabove provided, the Board of Supervisors shall give public notice of said decision within ten (10) days from the last day the Board of Supervisors could have met to render a decision in the same manner as provided in Subsection A of this Section. If the Board of Supervisors shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

N. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him or her not later than the day following its date. To all other



persons who have filed their name and address with the Board of Supervisors not later than the last day of the hearing, the Board of Supervisors shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

#### **SECTION 4: TEXT AMENDMENT**

Article XXII shall be amended by adding Section 375-111A to read as follows.

§ 375-111A. Conditional Uses.

- A. Where the Board of Supervisors, in this chapter, has stated Conditional Uses to be granted or denied by the Board of Supervisors, pursuant to express standards and criteria, the Board of Supervisors shall hear and decide requests for such Conditional Uses in accordance with such standards and criteria.
- B. Applications for any Conditional Use shall be made to the Board of Supervisors through the Zoning Officer. The Zoning Officer shall concurrently refer the matter to the Township Planning and Zoning Commission for a report thereon as specified in this chapter.
- C. All applications shall include the following.
1. The submittal of an Application for a hearing before the Board of Supervisors..
  2. A plan drawing including the same elements as those required in § 375-115C of this chapter.
  3. Information of sufficient detail to evaluate conformance with the standards specified in the pertinent section of this chapter.
- D. In granting a Conditional Use, the Board of Supervisors may attach such reasonable conditions and safeguards in addition to those expressed in the Zoning Ordinance as it may deem necessary to implement the purposes of the Municipalities Planning Code, the Zoning Ordinance and to anticipate and ameliorate any negative impacts on the health, safety, and welfare of citizens residing nearby as well as the general public.
- E. In considering Conditional Uses, the Board of Supervisors shall utilize the following procedures.
1. The Board of Supervisors' decisions to approve or deny a permit for a special exception use shall be made only after public notices and hearing as set forth in § 375-108A of this chapter. Such permit shall apply only after public notice and hearing.
  2. No permit shall be granted by the Board of Supervisors for any Conditional Use until said board has received and considered advisory reports thereon received from the Township Planning and Zoning Commission with respect to the location of such use in relation to growth patterns within the Township, and wherever appropriate, with reference to the adequacy of the site plan design and the arrangement of buildings, driveways, access points, parking areas, off-street loading spaces, signage, lighting and any other pertinent features of a site plan.
  3. The Township Planning and Zoning Commission and Zoning Commission shall have thirty (30) days from the receipt of an Application for Hearing within which to file a report thereon. In the event that the Township Planning and Zoning Commission shall fail to file its report within thirty (30) days, such Application shall have deemed to have received a neutral review from said agency. The Township Planning and Zoning Commission may have representation at the public hearing held by the Board of Supervisors.

**SECTION 5: EFFECTIVE DATE**

This Ordinance shall be effective on and as of \_\_\_\_\_.

**ENACTED AND ORDAINED** into an Ordinance this \_\_\_\_\_ day of \_\_\_\_\_.

ATTEST:

BOARD OF SUPERVISORS  
HAMILTONBAN TOWNSHIP

\_\_\_\_\_  
Nina Garretson  
Secretary/Treasurer

By: \_\_\_\_\_  
Chairman J. Edward Deardorff

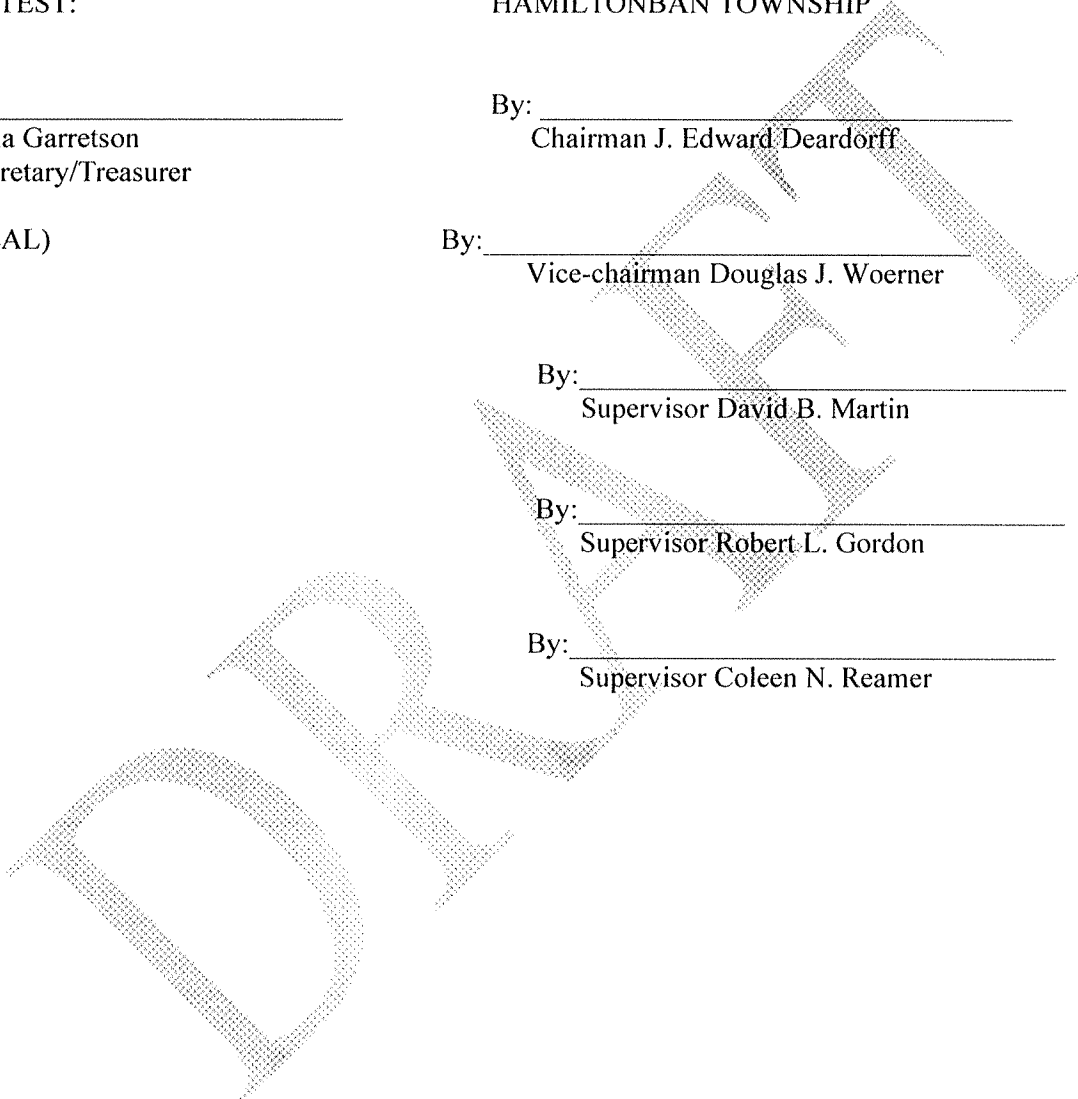
(SEAL)

By: \_\_\_\_\_  
Vice-chairman Douglas J. Woerner

By: \_\_\_\_\_  
Supervisor David B. Martin

By: \_\_\_\_\_  
Supervisor Robert L. Gordon

By: \_\_\_\_\_  
Supervisor Coleen N. Reamer



**Proof of Publication of Legal Notice**

Under provisions of "Newspaper Advertising Act" of Pennsylvania and its Supplements.

**STATEMENT**

It is hereby stated and declared that the Gettysburg Times is a daily newspaper as defined under the "Newspaper Advertising Act" of the Commonwealth of Pennsylvania approved May 16, 1929, and its several supplements and amendments, published at its place of business in the Township of Cumberland, Adams County, Pennsylvania, and is of general circulation throughout said County. That it was established in the year 1902 and has been issued regularly and continuously circulated and distributed from its established place of business daily, from the date of its establishment to the present time; that said newspaper is owned and published by Gettysburg Times Publishing LLC, a corporate organized and existing under the laws of the State of Pennsylvania. That a legal notice, a true copy of which exactly as printed and published, is securely attached hereto, was published and appeared in the regular editions and issues of said newspaper on the following dates, viz. 12/22/2021, 01/05/2022

That all of the charges, costs and expenses, including the fee for the affidavit to this proof of publication has not been paid in full.

*Carolyn Schreiber*  
Advertising Clerk  
of Gettysburg Times Publishing LLC

Commonwealth of Pennsylvania } ss.:  
County of Adams

On 01/05/2022, before me, the subscriber, a Notary Public in and for said State and County personally came the above named CAROLYN SCHREIBER who having been by me duly sworn according to law on his/her oath doth depose and say that he/she is the Advertising Clerk of Gettysburg Times Publishing LLC, a corporation, and is an officer duly authorized by resolution of the Board of Directors of said corporation to make the foregoing statement and this affidavit on its behalf; that the affiant is not interested in the subject matter of the notice or advertising referred to in the foregoing statement and that all of the allegations contained in the foregoing statement as to the time, place and character of publication therein referred to are true.

*Carolyn Schreiber*  
Advertising Clerk

Sworn to and subscribed before me the day and year aforesaid.

*[Signature]*  
Notary Public  
My commission expires

Commonwealth of Pennsylvania - Notary Seal  
HARRY J HARTMAN - Notary Public  
Adams County  
My Commission Expires August 28, 2025  
Commission Number 1276879

Statement of Advertising Costs  
Gettysburg Times  
To Gettysburg Times Publishing LLC,  
for publishing notice or advertisement attached hereto

On the above dates                      \$574.00  
Probating same                      \$5.00  
Total                      \$579.00

**Publisher's Receipt for Advertising Costs**

Gettysburg Times Publishing LLC, a corporation, publisher of the Gettysburg Times, a daily newspaper, hereby acknowledges receipt of the aforesaid amount of costs and certifies that the same have not been fully paid.

Gettysburg Times Publishing LLC, a corporation  
publisher of The Gettysburg Times, a daily newspaper

Copy of	<p><b>NOTICE OF PUBLIC HEARING</b> Hamiltonban Township</p> <p><b>YOU ARE HEREBY NOTIFIED</b> that the Board of Supervisors of Hamiltonban Township, Adams County, Pennsylvania in accordance with Section 609 of Act 247 of 1968, as amended, the Pennsylvania Municipalities Planning Code, will hold a public hearing to consider Ordinance no. 2022-01 proposed respective text amendments to the Hamiltonban Township Zoning Ordinance, below, on January 18, 2022 at 6:00 PM, prevailing time, at the Hamiltonban Township Office, 23 Carrolls Tract Road, Fairfield, PA 17320, the purpose of which will be to receive evidence and hear public comment in respect to a proposed Text Amendment to the Hamiltonban Township Zoning Ordinance to allow for Residential Use in the Commercial (C) District, as a Conditional Use. The title of the proposed Ordinance is:</p> <p><b>AN ORDINANCE AMENDING AND SUPPLEMENTING THE ZONING ORDINANCE OF HAMILTONBAN TOWNSHIP, ADAMS COUNTY, TO ADD "RESIDENTIAL HOUSING" AS A CONDITIONAL USE.</b></p>	tion
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NOTICE OF  
PUBLIC HEARING  
Hamiltonban Township

YOU ARE HEREBY NOTIFIED that the Board of Supervisors of Hamiltonban Township, Adams County, Pennsylvania in accordance with Section 609 of Act 247 of 1968, as amended, the Pennsylvania Municipalities Planning Code, will hold a public hearing to consider Ordinance no. 2022-01 proposed respective text amendments to the Hamiltonban Township Zoning Ordinance, below, on January 18, 2022 at 6:00 PM, prevailing time, at the Hamiltonban Township Office, 23 Carroll's Tract Road, Fairfield, PA 17320, the purpose of which will be to receive evidence and hear public comment in respect to a proposed Text Amendment to the Hamiltonban Township Zoning Ordinance to allow for Residential Use in the Commercial (C) District, as a Conditional Use. The title of the proposed Ordinance is:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE ZONING ORDINANCE OF HAMILTONBAN TOWNSHIP, ADAMS COUNTY, TO ADD "RESIDENTIAL HOUSING" AS A CONDITIONAL USE IN THE COMMERCIAL (C) ZONE AND ADD SPECIFIC CRITERIA FOR SUCH RESIDENTIAL HOUSING IN THE COMMERCIAL ZONE.

A summary of the proposed Ordinance is as follows:

Amend Section 375-40 by adding Subsection D (1) Residential Housing Community, in accordance with Section 375-81.AAA.

Amend Section 375-81 by adding Subsection AAA, Residential Housing Community. The requirements and provisions which apply to Residential Housing Communities are set forth as well as minimal dimensional regulations and other requirements.

Amend Article XXII by adding Section 375-108A, Conditional Use Hearings. Requirements are set forth by which the Board of Supervisors shall conduct hearings and make decisions; and

Amend Article XXII by adding Section 375-111A, Conditional Uses. Criteria is set forth by which the Board of Supervisors shall deal with conditional uses is set forth therein such as - hearings, applications and what they shall contain; conditions and safeguards; procedures to be utilized; and the time frame within which to file a report.

The full text of this Hamiltonban Township Zoning Ordinance, Commercial District and Related Zoning Amendment is available for public inspection and review, during normal business hours without charge or obtained for a charge not greater than the cost thereof at the Hamiltonban Township Building, 23 Carroll's Tract Road, Fairfield, Pennsylvania.

The Hamiltonban Township Zoning Ordinance Amendment will be considered for adoption on January 18, 2022 at the Hamiltonban Township Board of Supervisors' meeting, commencing at 7:00 PM, prevailing time, at the Hamiltonban Township Building, 23 Carroll's Tract Road, Fairfield, Pennsylvania, 17320. The meeting will use the platform in [StartMeeting.com](https://join.startmeeting.com/Hamiltonban). To join: Dial in number US: 774-258-6696 or <https://join.startmeeting.com/Hamiltonban>. Information will be posted on the Township website at [www.Hamiltonban.com](http://www.Hamiltonban.com). It is suggested that questions or comments be submitted in advance, no later than 12 noon if by email January 18, 2021 to [Hamiltonban@emb.orgmail.com](mailto:Hamiltonban@emb.orgmail.com). You may reach the Business office at 717-642-8509

Hamiltonban Township  
Board of Supervisors

Matthew Battersby,  
Esq.  
Hamiltonban Township  
Solicitor

Hamiltonban Township Planning Commission  
23 Carrolls Tract Road, Fairfield PA 17320  
Regular Monthly Meeting Minutes  
Platform Startingmeeting.com  
October 26, 2021

Chair Betty Izer called the meeting to order at 6:57 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 limit their comments to five minutes.

The formal meeting started at 7:00PM.

**Commission Members Present:**

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

**Supervisors and Staff/Consultants Present:** Using Startmeeting.com: Nina Garretson Hamiltonban Township Secretary/Treasurer, and Supervisor Robert Gordon; Members present: Rob Thealer of the Adams County Office of Planning and Development, John Golanski, Township Engineer of Wm. F. Hill & Associates, Supervisor Eddie Deardorff, and Hamiltonban Township Solicitor Mathew Battersby

**Public Present:** Using Startmeeting.com: Father Thomas, who may have recorded the meeting, Clifford Frost 301 Mount Hope Road, Fairfield, PA., recorded the meeting, and Jason Wolfe 38 N. Duke Street York, PA., C. D. Davidson representing Petrus Holding, Inc. 225 Swamp Creek Lane, Fairfield, PA. 17320. The following were present for SGI's Land Development Plan: Kevin Moore, Craig Wilson, Bob Shusko, and Mike Ward.

**Agenda Review:** The Planning Commission approved the October 26, 2021 agenda by general agreement.

**Approval of the Minutes:** Betty Izer made a motion to approve the September 28, 2021 meeting minutes, seconded by Stephen Jacobs. The minutes was unanimously approved.

**Public Comments:**

Clifford Frost stated that he was told proposed zoning amendments are not public until the formal adoption process is approve but that submitted subdivisions and land development plans are public when they are formally submitted and the fees are paid. The proposed golf course may involve Conservation By Design Plan. Also, he commented on the Swamp Creek Project as to how the green roofs related to the stormwater plan and the septic system design.

**1765 Mount Hope Road-Michael and Shirley Sites**

This plan was tabled till next meeting as no new plans were submitted.

### **225 Swamp Creek Lane-Petrus Holding**

Revised Plans were submitted October 5, 2021. The changes are minor per the previously review comments. Sherry Roger-Frost questioned some of the stormwater management plan calculations with the parking area and heritages green roofs. Rob Thaeler and Jason Wolfe responded to her questions. Solicitor Battersby responded to Sherry Roger Frost that Hamiltonban Township (HBT) cannot go back to enforce items from the past. HBT must consider the current plans against current regulations and ordinances. Father Thomas asked about the timing of the review process. John Wolfe answer his questions. The hope is to have this plan ready for approval by Planning Commission (PC) next meeting, November 23, 2021.

This plan was tabled till next meeting as to give Planning Commission members time to review Wm F. Hills comments which were emailed late afternoon today.

### **Northern Tract Quarry-Specialty Granules, LLC. (SGI)**

SGI professional staff attended the meeting. Kevin Moore gave a paper slide review of SGI in general and the Northern Tract operations. SGI must, and have followed DEP requirements/permits and mining requirements/permits. It was stated SGI has received awards for good management procedures/practices. Sherry Frost-Roger questioned the reclaiming process. Supervisor Deardorff stated that SGI will follow all DEP and mining laws. SGI does have a bond. New plans were submitted per the Wm F. Hill comments and Adams County Planning and Development (ACP&D) comments. In 2014 HBT approved the SGI land development plan, there were three conditions which are to be now reviewed by HBT PC. The ACP&D comments have not been received to date.

At 7:53PM Supervisor Deardorff left the meeting. Solicitor Battersby stated SGI is required to adhere to Pennsylvania's legislative laws; requirements and permits, which HBT PC does not have control over those items. HBT did make conditions to the plan in the 2014 approval. One condition was of a larger than required buffer. SGI agreed to this condition. This plan was tabled till next meeting. SGI staff left the meeting at 8:01PM,

### **New/Old Business**

#### **Subdivision and Land Development Ordinances (SALDO)**

Formal adoption process in being completed for amending lot additions, estate lots and swimming pools ordinances by the HBT Board of Supervisors.

#### **Zoning Ordinance Amendment for the Commercial District**

In the future there may be some recommendations for changing some uses from special exception to permitted by right in the HBT ordinances as recommended by the HBT Small Group Working.

LuAnn Dille made a motion to recommend that the Hamiltonban Township Board of Supervisors approve the Amended Commercial District Zoning Amendment, seconded by Calvin Bream. Sherry Frost-Roger asked will this amendment will be effective in all HBT Commercial Zoning District. The answer was yes. Solicitor Battersby stated that the 17 acres at Route 16 and Iron Springs Road must be a commercial design per this amendment. This amendment will allow residential units in the commercial zoning districts. Solicitor Battersby stated the PC and Board of Supervisors can add appropriate conditions to the plans for approvals. It was noted that Conservation by Design is not required in commercial district amendment.

Conservation By Design is only required in one zoning district at this time. Sherry Roger-Frost stated she would like the Conservation By Design in all HBT zoning districts. Solicitor Battersby stated Rob Thaeler could amend this ordinance to include the correct codification number system and standardize the conditions per the HBT format. Comments were made as to Conservation By Design open space and stormwater management plans uses in open space. Stormwater management plans can be included in open space. John Golanski suggested that the new amendment should follow the codification number system and that this should follow the same procedures and requirements as the other zoning districts. Tonight, Rob Thaeler received the formal review request as required by Municipal Planning Code.

A roll call vote was taken on the original motion. All members voted no. LuAnn Dille amended the original motion. LuAnn Dille made a motion to recommend that the Hamiltonban Township Board of Supervisors approve the Amended Commercial Zoning District Amendment with the conditions that administrative standards be added, that the procedures and requirements be the same as other HBT zoning districts, and to use the codification number system, seconded by Betty Izer. This motion was unanimously approved. Rob Thaeler will complete the formal review for the Adams County Planning and Development and draft amendment as noted above.

#### **Amending Riparian Buffer Ordinance**

This discussion was tabled to the next meeting

#### **Township Engineer's Comments**

John Golanski stated that the possible development on the golf course may have a problem obtaining water and sewer capacity from the Fairfield Municipal Authority. Solicitor Battersby stated that David Sites has reserved water and sewer capacity for the commercial project at Route 116 and Iron Springs Road for many years.

SGI and Petrus have submitted revised plans that will be reviewed for the next PC meeting. New revised plans will be provided to the PC.

#### **Township Planner's Comments**

No additional comments at this time.

Solicitor Battersby stated that Planning Commission must trust the Township professional staff. There are many standards and requirements that are imposed by laws and government agencies, which have authority over HBT ordinances.

Sherry Roger-Frost questioned the sewer plan on the Petrus Development. Solicitor Battersby stated the HBT Sewer Enforcement Officer must abide by DEP regulations and he has the authority not HBT. Planning Commission cannot exceed their professional staff authority. Sherry Frost-Roger questioned why are the Petrus heritages on very steep slopes as there are ordinances that will not allow building on very steep slope of 20% or more. This has also already been stated in plan reviews.

#### **Public Comments**

Clifford Frost stated proposed ordinances are not public until formal process for approval. Plans are public after preliminary submission and fees paid. Solicitor Battersby stated that cellphone pictures are not allowed but public can pay for copies. Sherry Frost-Roger asked PC members if PC members want to meet twice a month. Solicitor Battersby stated that there is a small volume of plans and once of month

meeting are working for now. If a large volume of plans are submitted in the future that would be the time for twice a month PC meetings.

**Next Planning Commission Meeting**

November 23, 2021 is the next planned meeting starting at 7:00PM at the Hamiltonban Township Municipal Meeting 23 Carrolls Tract Road, Fairfield, PA

**Adjournment**

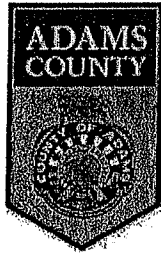
The meeting was adjourned at 8:55PM.

Respectfully submitted,

*LuAnn M. Dille*

LuAnn M. Dille  
Secretary





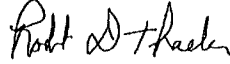
**ADAMS COUNTY OFFICE OF  
PLANNING AND DEVELOPMENT**

670 Old Harrisburg Road, Suite 100 | Gettysburg, PA 17325  
Ph: 717-337-9824 | Fx: 717-334-0786

Sherri Clayton-Williams, AICP, Director

**DATE:** December 7, 2021

**TO:** Hamiltonban Township Supervisors  
Hamiltonban Township Planning Commission

**FROM:**   
Robert Thaeler  
Principal Planner

**SUBJECT:** County Review  
Hamiltonban Township Zoning Ordinance Amendment  
Text Amendment – Residential Use in Commercial (C) District  
File ORD-21-033

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In accordance with Section 609.e. of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended), and following a review of the Adams County Comprehensive Plan and other relevant documents, the Adams County Office of Planning and Development held a staff meeting to review the above-referenced zoning amendment and offers the following comments:

**I. Introduction:** The proposed amendment would, if adopted, amend the text of the Commercial (C) District by allowing "Residential Housing Community" as a use permitted by Conditional Use. The amendment would also establish the procedural requirements for Conditional Use applications, and would establish specific standards applicable to "Residential Housing Community" uses.

**II. Comments:** We offer the following comments regarding the proposed amendment.

*A. General Comment – Format:* The proposed amendment is constructed in a manner that retains the format of the existing Hamiltonban Township Zoning Ordinance. The amendment establishes text and review procedures that are appropriate for the Conditional Use process, and the proposed language mirrors language that already exists for Special Exception uses and procedures. Further, inserting the proposed standards for the proposed use in the General Use Requirements section is also appropriate from an overall ordinance formatting perspective. If this ordinance amendment moves forward, we can support the proposed format of the amendment.

*B. Section Numbering:* There is an error in the proposed section numbering in the amendment. In the second section of the amendment, the proposed Residential Housing Community standards should be added as Subsection AAA to Section 375-80, not Section 375-81.

*C. Comments Regarding Proposed Standards:* While we can support the overall format of the proposed amendment, we are unable to support the proposed standards. We offer the following comments regarding the proposed standards.

1. Section 375-81.AAA(1): This section states that the listed standards for Residential Housing Communities are the only applicable standards, and they shall supersede all other requirements of the Zoning Ordinance. We cannot support this type of standard in any Zoning Ordinance. It is inequitable to allow one single use to not have to comply with the overall standards of the Zoning Ordinance while all other uses in all other zoning districts must comply. There is nothing unique or special regarding the proposed inclusion of residential use in the C District that provides a rational basis for this standard. We recommend that this standard be removed.

2. Section 375-81.AAA(2)(a): This section essentially defines the term "Net Developable Area." We do not necessarily object to the definition of the term, although we believe the slope exclusion should be for slopes exceeding 15% (this would be consistent with the slope thresholds outlined in Section 375-78 of the Zoning Ordinance). However, as a definition, the language of this section should be included in Section 375-5, and should be applicable throughout the Zoning Ordinance, rather than just to the Residential Housing Community use in question.

3. Sections 375-81.AAA(2)(b) through (h): These sections establish dimensional requirements for the Residential Housing Community uses. We offer the following comments.

a. General Comment: For most uses within the Township Zoning Ordinance, the dimensional standards are listed within the dimensional standards section of the zoning district where the use is proposed. We recommend that this approach be maintained for this use, and that these standards be integrated into Section 375-42.

b. Lot Areas, Lot Widths, and Setbacks: We do not necessarily object to the proposed lot area, lot width, and setback requirements for the uses within a Residential Housing Community. However, it should be realized that these standards will result in residential neighborhoods that appear very dense, with little spacing between buildings, and with residential buildings covering a high percentage of the available lot area. This type of layout is more commonly used in residential neighborhoods either within or adjacent to urbanized areas. Further, such a layout might be viewed as dissimilar to the existing residential neighborhoods in Hamiltonban Township and surrounding municipalities.

We would be willing, if requested by the Township, to identify existing locations that have developed using dimensions comparable to that proposed. We can provide aerial photos of such locations for the Township to evaluate. Again, we do not necessarily object to the dimensional standards, but we want to make sure the Township considers, and is comfortable with, the likely configuration that will result from the standards.

c. Section 375-81.AAA(2)(d): This section establishes a "Maximum Development Coverage" of 70% of the "Net Development Area." The following comments regarding this provisions are provided:

- Terms: Neither term in this standard is defined. We anticipate that the term "Net Development Area" is supposed to be equivalent to the defined term of "Net Developable Area." At a minimum, consistent terminology should be used. The term "Development Coverage" should be defined.
- Applicability: We anticipate that the term "Development Coverage" is intended to convey the overall coverage from all individual uses within the entire development. The Township will find such a standard to be administratively difficult to apply and enforce. Essentially, the Township will have to determine a maximum permitted coverage area for the whole development, and then track how much coverage accrues as each lot within the project is developed. We recommend that a maximum coverage per lot standard instead be applied.

d. Section 375-81-AAA(2)(e): This section establishes maximum development density standard for Residential Housing Community" projects. We do not necessarily object to the proposed density standard. However, the standard uses the term "Developable Acre," a term that is not defined. We anticipate that this term is intended to be similar to the defined term "Net Developable Area." If so, either the term should be written in a more consistent manner, or a definition for "Developable Acre" that relates the term to the term "Net Developable Area" should be provided.

4. Section 375-81.AAA(3)(a): This section requires that Residential Housing Communities be served by public or PaDEP approved utility systems. This standard is not necessary, as the Township Subdivision and Land Development Ordinance already establishes such standards (see SLDO Section 320-13, at a minimum). This proposed standard should be removed.

5. Open Space, Buffers, and Trails: We are supportive of the notion of requiring open space, buffers, and trails as a component of residential development within the C District. However, the proposed standards will be ineffective with regard to requiring a development design that seriously incorporates such features. We note the following.

a. Open Space: Section 375-81.AAA(3)(b) would require that 25% of the "Development Area" (note that this term is not defined and is not consistently written with other related terms in the amendment) must be set aside for one or a combination of several uses. One of these is "Open Space." However, the text, as written, would enable all of the 25% area to be taken up by traditional stormwater management facilities, which would serve no "Open Space," community recreation, or community enjoyment value. In addition, the entire 25% area could be taken up by community buildings and associated parking, which again serves no "Open Space" or active outdoor recreation value.

b. Buffer: Section 375-81.AAA(3)(c) would require that a 50 foot "Buffer" be established around all perimeter property lines of a Residential Housing Community. We have seen this type of standard used in other Zoning Ordinances, but it rarely achieves the advertised goal of incorporating usable open space within a residential development. In this case, the proposed language may not even result in the "Buffer" area being held in common ownership. The only stated standard is that the "Buffer" may not include buildings or parking facilities. If the Township desires a perimeter "Buffer" for any residential project in the C District, it should include precise standards to ensure that the "Buffer" is commonly held, that the "Buffer" include usable open space, and that features be incorporated (like trails) to enable resident enjoyment of the space.

c. Trails: Section 375-81.AAA(3)(h) requires "Hiker / Biker Trails" of a minimum width and including activity stations and other amenities. We support the integration of trails into residential communities. However, the proposed standards do not include sufficient detail in terms of where and how such trails would be implemented. The language could result in the provision of a very short trail behind a community center building with a single activity station (like a pull-up bar) and a single bench. To ensure that the trail system will be useful and will result in a system that actually provides community benefit, a more robust set of standards should be applied.

d. Recommendation: We do not support use of the open space, buffer, and trails sections as prepared. If the Township intends to include such requirements within the design standards for a residential development in the C District, the provisions should be significantly strengthened. Open space should be fully integrated into the community, with a significant majority of dwelling units being provided direct access to open space. Stormwater management facilities should not be included in open space. A perimeter buffer area, if required, should be held in common ownership, and should be required to include recreation features that community residents can use. Trail systems should be required to extend throughout the community, and a significant majority of dwelling units should be able to access the trail system directly. The provided standards should be sufficiently strengthened to ensure that these design criteria are included in any residential development design.

Alternatively, the Township could achieve many of these design goals by simply requiring that the Conservation by Design standards, that already exist within the Zoning Ordinance, be applied to any residential development project within the C District. The types of design goals discussed above are already and specifically included in the Conservation by Design language, and would be appropriate for residential development in this setting.

6. Section 375-81.AAA(3)(d): This section establishes street standards for Residential Housing Community use. This standard is not necessary, as the Township Subdivision and Land Development Ordinance already establishes street standards. If a future applicant would want to develop a Residential Housing Community with private streets, the Subdivision and Land Development Ordinance already would allow such a proposal through the Private Lane provisions. This proposed standard should be removed.
7. Section 375-81.AAA(3)(g): This section requires that a lighting plan for any Residential Housing Community project. This standard is not necessary, as the Zoning Ordinance already establishes a standard requiring that lighting be provided for all uses within the C District. Assuming Section 375-81.AAA(1) is removed from the amendment (as recommended in Comment II.C(1) above), the standard will be applied to any residential project in the C District.
8. Section 375-81.AAA(3)(i): This section establishes parking requirements applicable to Residential Housing Community projects. We offer the following comments:
  - Need for Standard: The Zoning Ordinance already establishes minimum parking standards for the individual uses that could become part of a Residential Housing Community. Instead of creating a specific parking standard for the Residential Housing Community use, the existing minimum parking standards of Section 375-81 should be applied to each component use within a Residential Housing Community development.
  - Amount of Parking: The proposed amendment would require 2.5 parking spaces for each dwelling unit in a Residential Housing Community. This is excessive and could require additional paved area to achieve. We recommend that the minimum 2 parking spaces for each dwelling unit as required by existing Sections 375-81.AAA and BBB be applied as the minimum residential parking standards.
  - Complexity and Process: The proposed parking standards for nonresidential uses within a Residential Housing Community is unnecessarily complex and involves a decision-making process that is not enabled by the Pennsylvania Municipalities Planning Code. The Board of Supervisors does not have the discretionary ability to adjust minimum parking standards (or any zoning standard for that matter) during the Land Development Plan review process. It is questionable whether the Planning Code would even authorize such discretion to the Board of Supervisors in a Conditional Use review / approval process. We therefore recommend that the

currently proposed language regarding parking for nonresidential uses be removed and replaced by a simple, precise minimum parking standard.

- Location of Standard: To be consistent with the format of the Zoning Ordinance, we recommend that any parking standard proposed for Residential Housing Community uses be established in Article XIX, the parking and loading regulations section. This is the location for all other parking standards of the Zoning Ordinance.

9. Section 375-81.AAA(3)(j): This section defines specific uses that would be permitted within a Residential Housing Community. We do not necessarily object to the specific use types that may be included in such an overall use. However, we offer the following comments.

a. Term: We do not support the use of the term "Residential Housing Community" as a use type. The term is not defined and serves no other purpose than to provide a term to which a Conditional Use review process can be assigned.

b. Location of Standard: We do not support providing the list of specific component uses that may be included in a Residential Housing Community at the tail end of proposed Section 375-81.AAA. At an absolute minimum, the component uses should be listed first in this section. Preferable, and given the above comment regarding the "Residential Housing Community" term, we recommend that the individual component uses (single-family detached dwellings, single-family semi-detached dwellings, recreation and cultural facilities, etc.) be individually listed in proposed Section 375-40.D as uses permitted by Conditional Use.

c. Unnecessary References: The proposed amendment lists personal care etc. uses, accessory uses, and public utilities as permitted uses within a Residential Housing Community. These listings are not necessary, as the C District already enables all of these uses as permitted accessory uses. In the case of personal care, etc., the existing listing for Continuing Care Retirement Community, a use permitted by Special Exception, should be relied upon if a personal care type use is proposed for inclusion within an overall residential community.

10. Section 375-81.AAA(3)(k): This section would establish specific standards for corner lots within a Residential Housing Community. As written, this standard would supersede the general corner lot standards established in Section 375-65. We cannot support this type of standard in any Zoning Ordinance. It is inequitable to allow one single use to not have to comply with the overall corner lot standards of the Zoning Ordinance while all other uses and lots in all other zoning districts must comply with the corner lot standards of Section 375-65. There is nothing unique or special regarding the proposed inclusion of residential use in the C District that provides a rational basis for this standard. We recommend that this standard be removed.

**III. Summary:** The Office of Planning and Development recognizes that the general format of the proposed amendment is consistent with the overall format and construction of the Zoning Ordinance. We are comfortable with the proposed amendment from a format perspective. However, we are unable to support the proposed language and standards associated with the proposed "Residential Housing Community" use. The language includes statements that should not be included in any zoning ordinance, and it includes standards that are not necessary to include as they are already handled elsewhere in the Zoning Ordinance or in other Township ordinances. It also is inconsistently drafted with regard to terms used and the lack of definitions for said terms. Many of the standards will not result in project design we think the Township is hoping to achieve. Finally, the language provides the Board of Supervisors with a discretionary decision-making capability that is not enabled by the Pennsylvania Municipalities Planning Code. For these reasons, we recommend against moving forward with the amendment as drafted.

Instead of the currently proposed amendment, we recommend that an alternative amendment be prepared that addresses the concerns and comments raised above while accommodating an appropriate level of residential development within the C District. We would be pleased, if requested by the Board of Supervisors, to prepare such an alternative amendment.

**From:** Rigby, Brenda L. <rigby@msmary.edu>  
**Sent:** Monday, January 17, 2022 6:13 PM  
**To:** Hamiltonban@embarqmail.com  
**Subject:** Development off of Iron Springs Road and Fairfield Road

We are very concerned on many issues in reference to the Supervisors and planning commissioners support of the resent development talk/plans for a large residential housing complex located on the land adjoining a local developers property. This land is located on both sides of Iron Springs Road and Fairfield Road and is part of the Hamilton ban Twp Commercial District.

Our Township Board of Supervisors have shown support even though there has been many concerns from residents/taxpayers and even the Board themselves. With the development there could be (if 5 homes per acre) up to 250 new homes.

Approximately 1,000 new residents and a township that has around 2400 residents will make a substantial impact. Traffic, school district, taxes are several concerns that I believe have been put forth by concerned citizens.

What about water runoff, septic and rerouting of traffic. I'm sure the widening of roads will need to also be addressed as well as sidewalks. What about folks who have mailboxes on the other side of the road.

I know our township would love to see a thriving grocery store and gas station. But think about complete pricing when you have Gettysburg, Emmitsburg and Waynesboro close by. Even with the additional development these business will not thrive. Believe me when I say if we are going to save 15 cents a gallon for gas or hundreds of dollars in groceries many of us will travel a short distance for the savings, or stop off when traveling back and forth to work.

Bill and I are still fighting the access water from the NOW CLOSED gas station. It has destroyed our drainage field.....We certainly will not back additional building.....unless we come to an agreement that could benefit our property and those properties surrounding such a development.

Brenda L. Rigby  
Admissions Visit Coordinator  
Mount St. Mary's University Admissions  
301-447-5032  
[rigby@msmary.edu](mailto:rigby@msmary.edu)  
[www.msmary.edu/visits](http://www.msmary.edu/visits)

*Life is made up of many changes; and no state, be it bright or clouded, will continue.*



hamiltonban@embarqmail.com

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**From:** Daphne DeGennaro <daphned86@gmail.com>  
**Sent:** Monday, January 17, 2022 9:46 PM  
**To:** hamiltonban@embarqmail.com  
**Subject:** Comment on Zoning Hearing-Commercial District- January 18, 2022

As a resident of Hamiltonban township, and someone who resides on Iron Springs Rd. I wanted to convey my concerns with the proposed residential development. While I do not oppose having a residential development in this area, I have major concerns over the zoning dimensions the pursuait is asking for. The only thing that could be built to the proposed density that is being asked for are 3 story townhouses with very little green space. 5 feet between 5 unit town houses is not enough to drive a car through. The high density of the proposal does not fit within our community and a max of 2-3 dwellings per acre would be appropriate. Another pressing concern is "open space" planned to be parking lots or other unusable space is unacceptable, as pointed out already by Adams County Office of Planning and Development. I fully support and expect our zoning committee to require the adherence to Conservation by Design. Lastly, my concerns of lack of planning for disruption to traffic patterns, school district demands and sewage/ water systems is also something that needs clarification. Some of this needs to be the burden of the developer.

Thank You  
Matthew and Daphne DeGennaro

**From:** Tessa Reading <tneiderer@gmail.com>  
**Sent:** Monday, January 17, 2022 10:37 PM  
**To:** hamiltonban@embarqmail.com  
**Subject:** Comment on Zoning Hearing – Commercial District – January 18, 2022

Good day,

I am emailing in regards to the proposed zoning change. I for one would not like to see this happen at all. As an owner of property that is in clean an green, this goes against everything that stands for. We want to preserve what little land we still have left. There are houses going up all around the local area, that there is no need for more. If this does go through and there are that many more residents, how many of them will be families? How will our schools keep up? How will our roads handle the higher demand? We are all little townships and we need to work together in preserving our historic land. Over the years orchards, woodlands, and farmland be destroyed. With the development being so close to Toms Creek, also worries me. We need to protect this tributary and let our children enjoy playing and learning to fish in it. I would hate for this beautiful area I have lived in my whole life (and for generations) turn into a 'suburb'. Many people who live here do not want to live around a lot of people, some even move from the city for this reason. But adding significant more dwellings will turn this area into what we don't want, crowded.

With the land that I own (in two local townships) I would hate to see this pass as we will not have 'our slice of heaven' in Hamiltonban Twp. Giving people the OK to sell smaller lots of land because they will be able to build more. Please listen to the concerns of the local people.

Thank you for your time. =

hamiltonban@embarqmail.com

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**From:** Cliff Frost <clifford.frost@gmail.com>  
**Sent:** Tuesday, January 18, 2022 11:35 AM  
**To:** Hamiltonban Township  
**Subject:** Comments on the proposed change to zoning amendment, Commercial Zone  
**Attachments:** 20220117 Comments on the Proposed Amendment to the Commercial Zone in Hamiltonban Township to allow Residential Housing development.docx

Hi Nina,

Attached are my comments for tonight's Public Hearing.

Thanks,  
Cliff

## 2022-01-17 Comments on the Proposed Amendment to the Commercial Zone in Hamiltonban Township to allow Residential Housing development

I believe the proposed amendment is so **poorly written** it may result in seriously harmful consequences. The amendment also would allow development suitable for a **high-density urban area**, completely out of character for Hamiltonban Township.

The proposed density and layout are contrary to the very clearly expressed desires of citizens of the Township who took the time to provide input to the 2015 Southwest Adams Joint Comprehensive Plan. The proposed amendment would allow over 200 new housing units, which could easily result in a **40% increase** in the number of people living in Hamiltonban Township!

The board of supervisors have not produced any analysis of likely consequences if the proposed residential development is built. At a minimum they should study it and provide estimated impacts on residents' **taxes—both for services and for schools**, and on local **traffic**. Will we need a **police department**? How will our roads handle a **40% (or greater) increase in traffic**?

In fact, the entire amendment reads as a special gift for one particular developer. There are plenty of acres of land already zoned for residential housing in Hamiltonban Township, but this special developer decided not to purchase any of them and instead bought land zoned Commercial. Now he is asking for a completely unique and custom-designed amendment for his benefit. His lawyer is the primary author of this amendment, and has left many terms undefined, which just gives the developer added flexibility and reduces protections for existing citizens of the Township.

For these reasons I request that the supervisors send this plan back to the drawing board to address the above concerns.

### Some Detailed Concerns

#### 1. Potential Impacts on the Township

- a. New residents will pay taxes, so revenue will increase, but they will also use services. Emergency services and school requirements will go up—how much capacity is there? Will taxes for Township services have to go up? Will school taxes have to go up to enable school expansion?
- b. People living there will likely have to go to work, putting substantial extra traffic on the very few roads into and out of the location. Is this really a good location for hundreds of new cars? The proposed amendment would allow construction up to a planned **maximum of around 580 vehicles**.
- c. Will we need to have a police force to handle the huge increase in people and vehicles?
- d. **Why haven't the supervisors tried to address these questions?**

#### 2. The wording of the proposed amendment is careless, especially of Township concerns. The Adams County Office of Planning and Development experts studied this proposed amendment and concluded:

- a. "The language includes statements that should not be included in any zoning ordinance..."
- b. It "...is inconsistently drafted with regard to terms used and the lack of definitions for said terms."
- c. "...the language provides the Board of Supervisors with a discretionary decision-making capability that is not enabled by the Pennsylvania Municipalities Planning Code."
- d. "...we recommend against moving forward with the amendment as drafted." I agree.

3. The amendment is obviously a custom-fitted gift to a single person. The AC Office of Planning and Development says (emphasis added):
  - a. "...This section states that the listed standards for Residential Housing Communities are the only applicable standards, and they shall supersede all other requirements of the Zoning Ordinance. We cannot support this type of standard in any Zoning Ordinance. **It is inequitable to allow one single use to not have to comply with the overall standards of the Zoning Ordinance while all other uses in all other zoning districts must comply.** There is nothing unique or special regarding the proposed inclusion of residential use in the C District that provides a rational basis for this standard. We recommend that this standard be removed."
  - b. Why does one developer get such special treatment? This makes a mockery of good governance.
4. More poor wording means **no meaningful Open Space, Buffers, or Trails will be required!** Again, the AC Office of Planning and Development says:
  - a. "We are supportive of the notion of requiring open space, buffers, and trails as a component of residential development within the C District. However, the proposed standards will be ineffective with regard to requiring a development design that seriously incorporates such features."
  - b. The loopholes that allow this are available to exactly one person—the developer whose lawyer drafted this proposed amendment. **NO other property owner or developer who wants to build residential housing in Hamiltonban Township has access to these loopholes! And they shouldn't. No developer should.**
5. The 2015 Southwest Adams Joint Comprehensive Plan included a Citizen Survey and a SWOT analysis. People overwhelmingly expressed the desire to retain the "Rural Atmosphere / Open Space, Small Town Atmosphere, Safety, Farmland, and Recreational Opportunities ." The main concerns were "Taxes, Rate of Development too Fast, Loss of Farmland, and Loss of Open Space." **The supervisors haven't taken any of this seriously. They haven't even attempted to analyze the tax and other implications of this proposed amendment!**
  - a. The only justification that I have heard the supervisors express is that they have a desire for a local grocery store. Why is this such a high priority? Nothing like it is listed anywhere in the Comprehensive Plan! Is the potential for a new grocery store enough to justify the rush to pass an **ill-advised and poorly written amendment? No!**
6. There is a simple solution available to the Township if the supervisors want to allow housing in the parcel affected by this proposed amendment. They could simply rezone it Single Family Residential. **All** the standards and protections for the Township are already in the zoning ordinance. The density of development would be much more reasonable for everyone. Given that it would be a change to the existing ordinance, an impact analysis should also be done.

Thank you,

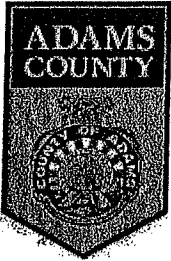
Clifford Frost  
301 Mount Hope Rd  
Fairfield, PA 17320

For the record, here is the text of the letter from the Adams County Office of Planning and Development referenced above. I request that this entire letter be entered into the record of this Public Hearing.

## ADAMS COUNTY OFFICE OF PLANNING AND DEVELOPMENT

670 Old Harrisburg Road, Suite 100 | Gettysburg, PA 17325 Ph: 717-337-9824 | Fx: 717-334-0786

Sherri Clayton-Williams, AICP, Director



**DATE: TO:**

**FROM: SUBJECT:**

December 7, 2021

Hamiltonban Township Supervisors Hamiltonban Township Planning Commission

Robert Thaeler Principal Planner

County Review

Hamiltonban Township Zoning Ordinance Amendment

Text Amendment – Residential Use in Commercial (C) District File ORD-21-033

Handwritten signature of Robert Thaeler.

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In accordance with Section 609.e. of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended), and following a review of the Adams County Comprehensive Plan and other relevant documents, the Adams County Office of Planning and Development held a staff meeting to review the above-referenced zoning amendment and offers the following comments:

**I. Introduction:** The proposed amendment would, if adopted, amend the text of the Commercial (C) District by allowing "Residential Housing Community" as a use permitted by Conditional Use. The amendment would also establish the procedural requirements for Conditional Use applications, and would establish specific standards applicable to "Residential Housing Community" uses.

**II. Comments:** We offer the following comments regarding the proposed amendment.

*A. General Comment – Format:* The proposed amendment is constructed in a manner that retains the format of the existing Hamiltonban Township Zoning Ordinance. The amendment establishes text and review procedures that are appropriate for the Conditional Use process, and the proposed language mirrors language that already

exists for Special Exception uses and procedures. Further, inserting the proposed standards for the proposed use in the General Use Requirements section is also appropriate from an overall ordinance formatting perspective. If this ordinance amendment moves forward, we can support the proposed format of the amendment.

*B. Section Numbering:* There is an error in the proposed section numbering in the amendment. In the second section of the amendment, the proposed Residential Housing Community standards should be added as Subsection AAA to Section 375-80, not Section 375- 81.

*C. Comments Regarding Proposed Standards:* While we can support the overall format of the proposed amendment, we are unable to support the proposed standards. We offer the following comments regarding the proposed standards.

1. Section 375-81.AAA(1): This section states that the listed standards for Residential Housing Communities are the only applicable standards, and they shall supersede all other requirements of the Zoning Ordinance. We cannot support this type of standard in any Zoning Ordinance. It is inequitable to allow one single use to not have to comply with the overall standards of the Zoning Ordinance while all other uses in all other zoning districts must comply. There is nothing unique or special regarding the proposed inclusion of residential use in the C District that provides a rational basis for this standard. We recommend that this standard be removed.

2. Section 375-81.AAA(2)(a): This section essentially defines the term "Net Developable Area." We do not necessarily object to the definition of the term, although we believe the slope exclusion should be for slopes exceeding 15% (this would be consistent with the slope thresholds outlined in Section 375-78 of the Zoning Ordinance). However, as a definition, the language of this section should be included in Section 375- 5, and should be applicable throughout the Zoning Ordinance, rather than just to the Residential Housing Community use in question.

3. Sections 375-81.AAA(2)(b) through (h): These sections establish dimensional requirements for the Residential Housing Community uses. We offer the following comments.

a. General Comment: For most uses within the Township Zoning Ordinance, the dimensional standards are listed within the dimensional standards section of the zoning district where the use is proposed. We recommend that this approach be maintained for this use, and that these standards be integrated into Section 375-42.

b. Lot Areas, Lot Widths, and Setbacks: We do not necessarily object to the proposed lot area, lot width, and setback requirements for the uses within a Residential Housing Community. However, it should be realized that these standards will result in residential neighborhoods that appear very dense, with little spacing between buildings, and with residential buildings covering a high percentage of the available lot area. This type of layout is more commonly used in residential neighborhoods either within or adjacent to urbanized areas. Further, such a layout might be viewed as dissimilar to the existing residential neighborhoods in Hamiltonban Township and surrounding municipalities.

We would be willing, if requested by the Township, to identify existing locations that have developed using dimensions comparable to that proposed. We can provide aerial photos of such locations for the Township to evaluate. Again, we do not necessarily object to the dimensional standards, but we want to make sure the Township considers, and is comfortable with, the likely configuration that will result from the standards.

c. Section 375-81.AAA(2)(d): This section establishes a "Maximum Development Coverage" of 70% of the "Net Development Area." The following comments regarding this provisions are provided.

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d.

development density standard for Residential Housing Community" projects. We do not necessarily object to the proposed density standard. However, the standard uses the term "Developable Acre," a term that is not defined. We anticipate that this term is intended to be similar to the defined term "Net Developable Area." If so, either the term should be written in a more consistent manner, or a definition for "Developable Acre" that relates the term to the term "Net Developable Area" should be provided.

4. Section 375-81.AAA(3)(a): This section requires that Residential Housing Communities be served by public or PaDEP approved utility systems. This standard is not necessary, as the Township Subdivision and Land Development Ordinance already establishes such standards (see SLDO Section 320-13, at a minimum). This proposed standard should be removed.

5. Open Space, Buffers, and Trails: We are supportive of the notion of requiring open space, buffers, and trails as a component of residential development within the C District. However, the proposed standards will be ineffective with regard to requiring a development design that seriously incorporates such features. We note the following.

Terms: Neither term in this standard is defined. We anticipate that the term "Net Development Area" is supposed to be equivalent to the defined term of "Net Developable Area." At a minimum, consistent terminology should be used. The term "Development Coverage" should be defined. Applicability: We anticipate that the term "Development Coverage" is intended to convey the overall coverage from all individual uses within the entire development. The Township will find such a standard to be administratively difficult to apply and enforce. Essentially, the Township will have to determine a maximum permitted coverage area for the whole development, and then track how much coverage accrues as each lot within the project is developed. We recommend that a maximum coverage per lot standard instead be applied.

Section 375-81-AAA(2)(e): This section establishes maximum

a. Open Space: Section 375-81.AAA(3)(b) would require that 25% of the "Development Area" (note that this term is not defined and is not consistently written with other related terms in the amendment) must be set aside for one or a combination of several uses. One of these is "Open Space." However, the text, as written, would enable all of the 25% area to be taken up by traditional stormwater management facilities, which would serve no "Open Space," community recreation, or community enjoyment value. In addition, the entire 25% area could be taken up by community buildings and associated parking, which again serves no "Open Space" or active outdoor recreation value.

b. Buffer: Section 375-81.AAA(3)(c) would require that a 50 foot "Buffer" be established around all perimeter property lines of a Residential Housing Community. We have seen this type of standard used in other Zoning Ordinances, but it rarely achieves the advertised goal of incorporating usable open space within a residential development. In this case, the proposed language may not even result in the "Buffer" area being held in common ownership. The only stated standard is that the "Buffer" may not include buildings or parking facilities. If the Township desires a perimeter "Buffer" for any residential project in the C District, it should include precise standards to ensure that the "Buffer" is commonly held, that the "Buffer" include usable open space, and that features be incorporated (like trails) to enable resident enjoyment of the space.

c. Trails: Section 375-81.AAA(3)(h) requires "Hiker / Biker Trails" of a minimum width and including activity stations and other amenities. We support the integration of trails into residential communities. However, the proposed standards do not include sufficient detail in terms of where and how such trails would be implemented. The language could result in the provision of a very short trail behind a community center building with a single activity station (like a pull-up bar) and a single bench. To ensure that the trail system will be useful and will result in a system that actually provides community benefit, a more robust set of standards should be applied.



d. Recommendation: We do not support use of the open space, buffer, and trails sections as prepared. If the Township intends to include such requirements within the design standards for a residential development in the C District, the provisions should be significantly strengthened. Open space should be fully integrated into the community, with a significant majority of dwelling units being provided direct access to open space. Stormwater management facilities should not be included in open space. A perimeter buffer area, if required, should be held in common ownership, and should be required to include recreation features that community residents can use. Trail systems should be required to extend throughout the community, and a significant majority of dwelling units should be able to access the trail system directly. The provided standards should be sufficiently strengthened to ensure that these design criteria are included in any residential development design.

Alternatively, the Township could achieve many of these design goals by simply requiring that the Conservation by Design standards, that already exist within the Zoning Ordinance, be applied to any residential development project within the C District. The types of design goals discussed above are already and specifically included in the Conservation by Design language, and would be appropriate for residential development in this setting.

6. Section 375-81.AAA(3)(d): This section establishes street standards for Residential Housing Community use. This standard is not necessary, as the Township Subdivision and Land Development Ordinance already establishes street standards. If a future applicant would want to develop a Residential Housing Community with private streets, the Subdivision and Land Development Ordinance already would allow such a proposal through the Private Lane provisions. This proposed standard should be removed.

7. Section 375-81.AAA(3)(g): This section requires that a lighting plan for any Residential Housing Community project. This standard is not necessary, as the Zoning Ordinance already establishes a standard requiring that lighting be provided for all uses within the C District. Assuming Section 375-81.AAA(1) is removed from the amendment (as recommended in Comment II.C(1) above), the standard will be applied to any residential project in the C District.

8. Section 375-81.AAA(3)(i): This section establishes parking requirements applicable to Residential Housing Community projects. We offer the following comments.

- Need for Standard: The Zoning Ordinance already establishes minimum parking standards for the individual uses that could become part of a Residential Housing Community. Instead of creating a specific parking standard for the Residential Housing Community use, the existing minimum parking standards of Section 375-81 should be applied to each component use within a Residential Housing Community development.
- Amount of Parking: The proposed amendment would require 2.5 parking spaces for each dwelling unit in a Residential Housing Community. This is excessive and could require additional paved area to achieve. We recommend that the minimum 2 parking spaces for each dwelling unit as required by existing Sections 375-81.AAA and BBB be applied as the minimum residential parking standards.
- Complexity and Process: The proposed parking standards for nonresidential uses within a Residential Housing Community is unnecessarily complex and involves a decision-making process that is not enabled by the Pennsylvania Municipalities Planning Code. The Board of Supervisors does not have the discretionary ability to adjust minimum parking standards (or any zoning standard for that matter) during the Land Development Plan review process. It is questionable whether the Planning Code would even authorize such discretion to the Board of Supervisors in a Conditional Use review / approval process. We therefore recommend that the

currently proposed language regarding parking for nonresidential uses be removed and replaced by a simple, precise minimum parking standard.

Location of Standard: To be consistent with the format of the Zoning Ordinance, we recommend that any

parking standard proposed for Residential Housing Community uses be established in Article XIX, the parking and loading regulations section. This is the location for all other parking standards of the Zoning Ordinance.

9.

permitted within a Residential Housing Community. We do not necessarily object to the specific use types that may be included in such an overall use. However, we offer the following comments.

a. Term: We do not support the use of the term "Residential Housing Community" as a use type. The term is not defined and serves no other purpose than to provide a term to which a Conditional Use review process can be assigned.

b. Location of Standard: We do not support providing the list of specific component uses that may be included in a Residential Housing Community at the tail end of proposed Section 375-81.AAA. At an absolute minimum, the component uses should be listed first in this section. Preferable, and given the above comment regarding the "Residential Housing Community" term, we recommend that the individual component uses (single-family detached dwellings, single-family semi-detached dwellings, recreation and cultural facilities, etc.) be individually listed in proposed Section 375-40.D as uses permitted by Conditional Use.

c. Unnecessary References: The proposed amendment lists personal care etc. uses, accessory uses, and public utilities as permitted uses within a Residential Housing Community. These listings are not necessary, as the C District already enables all of these uses as permitted accessory uses. In the case of personal care, etc., the existing listing for Continuing Care Retirement Community, a use permitted by Special Exception, should be relied upon if a personal care type use is proposed for inclusion within an overall residential community.

10. Section 375-81.AAA(3)(k): This section would establish specific standards for corner lots within a Residential Housing Community. As written, this standard would supersede the general corner lot standards established in Section 375-65. We cannot support this type of standard in any Zoning Ordinance. It is inequitable to allow one single use to not have to comply with the overall corner lot standards of the Zoning Ordinance while all other uses and lots in all other zoning districts must comply with the corner lot standards of Section 375-65. There is nothing unique or special regarding the proposed inclusion of residential use in the C District that provides a rational basis for this standard. We recommend that this standard be removed.

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Section 375-81.AAA(3)(j): This section defines specific uses that would be

**III. Summary:** The Office of Planning and Development recognizes that the general format of the proposed amendment is consistent with the overall format and construction of the Zoning Ordinance. We are comfortable with the proposed amendment from a format perspective. However, we are unable to support the proposed language and standards associated with the proposed "Residential Housing Community" use. The language includes statements that should not be included in any zoning ordinance, and it includes standards that are not necessary to include as they are already handled elsewhere in the Zoning Ordinance or in other Township ordinances. It also is inconsistently drafted with regard to terms used and the lack of definitions for said terms. Many of the standards will not result in project design we think the Township is hoping to achieve. Finally, the language provides the Board of Supervisors with a discretionary decision-making capability that is not enabled by the Pennsylvania Municipalities Planning Code. For these reasons, we recommend against moving forward with the amendment as drafted.

Instead of the currently proposed amendment, we recommend that an alternative amendment be prepared that addresses the concerns and comments raised above while accommodating an appropriate level of residential development within the C District. We would be pleased, if requested by the Board of Supervisors, to prepare such an alternative amendment.

**Duane E. Williams**  
**1091 Fairfield Station Road**  
**Fairfield, PA 17320**  
**717-642-9699/C 717-752-6320**  
**dwilliams@pa.net**  
**January 18, 2022**

Subject: Comments on Rezoning Hearing – Commercial District 18 January 2022

- As proposed the rezoning ignores the provisions of the **“Southwest Adams Joint Comprehensive Plan (SAJCP)”**

Potentially the proposed rezoning can have significant impact on the waters and water basin on Tom’s Creek due to storm water runoff and waste. ( According to the Chesapeake Bay Program, polluted runoff from urban and storm water runoff is the only source of pollution to the bay that is still on the rise.) Additionally the proposed high density housing project will severely restrict the ground water aquifer recharge ability. The land that the proposed rezoning will occupy is prime land for the recharge. Page 4-14 of the SAJCP specifically addresses these very vulnerable areas and the requirement for these areas to be protected. Of course, it is also true that commercial development is highly impervious and generates significant storm water runoff during precipitation events. However, there are two critical differences here.

- 1) Commercial storm water management is highly regulated and must follow very specific rules. The same is not true of residences. .
- 2) The typical practices on commercial sites do not introduce pollutants to the water resources; or if there is that potential, it is managed. Residential areas, on the other hand, commonly and frequently introduce pollutants, and do so completely unregulated

- **Water and Sewer:** Apparently the proposal indicates that the water and sewage services will be obtained by/through the Fairfield Water Authority. It should be noted that Carroll Valley has reserved 3000 “hookups” with the Water Authority. Currently the Authority services 330 “hookups” via 4 wells that are located in the Tom’s Creek “basin” area. And according to their 2020 report to PADEP they are experiencing a 29% water loss in the system. It also appears that the proposed project ignored or failed to take into consideration the planning factors in the

2001 Adams County Water Supply and Wellhead Protection Plan .

Additionally, has the FWA system been pumped at the sustained “new rate” to provide water to approximately 260 new residences? If new wells are required it is more likely than not that the current flow in the Tom’s Creek will be affected, potentially creating significant damage to the habitat depending on the creek for existence. A similar argument applies to the issue of septic service. Encl. A

- A report in Oregon found, in at least some circumstances, growth pays for itself. But “smart growth” (that is what we are to believe this is)...that is high density housing DOES NOT! Further it states that commercial/office uses contribute more in revenue than they generate in services costs. Encl. B

- **Adams County Planning Commission:** The reviewing report by the Adams County Planning Commission provides this warning: “However, it should be realized that these standards will result in residential neighborhoods that appear very dense, with little spacing between buildings, and with residential buildings covering a high percentage of the available lot area. This type of layout is more commonly used in residential neighborhoods either within or adjacent to urbanized areas. Further, such a layout might be viewed as dissimilar to the existing residential neighborhoods in Hamiltonban Township and surrounding municipalities” and goes on to state that they cannot approve the application due to the language in the proposed amendment that is in contravention to existing law. I believe that there is little doubt that the resulting landscape would in fact be dissimilar to the surrounding neighborhoods. In fact, this proposed amendment would clearly impact on three of the township strengths ( rural way of life, small town/village atmosphere, and beauty of the region) and one of the threats. Fear of losing rural way of life as identified as strengths and weakness in the SAJCP approved by the Board of Supervisors on 4 April 2015 . Encl. C

- **Agricultural Security Area exclusions:** It should be noted that the property under rezoning request is part of the 2017 Agricultural Security Area resolution dated 9 November 2017 for a period of 7 years. Are there any restrictions on the use of this parcel and if the parcel has enjoyed any tax reductions as a result of the designation is there a penalty if the property does not remain in the “security area”?

- **Impact on Fairfield School district:** Little attention has been given to the impact of 260 new residences on the Fairfield Area School District, emergency services and transportation network. Assuming that the average household in the proposed area would consist of 4 ( 2 adults and 2

children ) the potential school enrollment from the development could reach a number totaling 520 students. In 2020 the reported enrollment was 675 (335 elementary & 337 high school students). What is the impact on facilities, personnel and quality of education of a system that would almost double from the proposed housing area? Has the value of the proposed homes been calculated to ensure that they provided the revenue to cover the locally generated expenses to cover the new student load?

- **Public safety** opens up similar questions that are not addressed such as will it require an expanded fire department and the employment of at least one full time law enforcement officer and support? (reported salaries are \$50,000 - \$60,000 not including vehicle and other support)
- **Transportation** network (assuming at least one car per house): Is it adequate to support the increased traffic? What is the impact of 260 cars leaving the area in the morning and evening going to and from work. (Studies indicate that York County employs the largest numbers of Adams county residents and 48% of the working population leaves the county for work.) What is the impact on Fairfield and Gettysburg when the vehicle caravan heads to York County? Will stop lights be needed along Route 116 and Iron Springs Road? Miller Street and Main Street in Fairfield? Who will pay for them?
- **Electrical:** Has a needs assessment been made with either MetED or Adams Electric? I seriously doubt that the existing sub stations have sufficient capacity to carry the demands of the increased housing. Will the substations have to be enlarged? Or will new substations have to be constructed to service the development? What impact will that have on the area. Are the utilities above or below ground?
- **How much house is enough?** Has any effort been made to determine if the overall the value of the proposed houses will provide enough revenue to cover the services provided by the township, emergency service (law enforcement, EMT, medical and fire), school, etc.) According to the above mentioned study, housing as proposed, is a net loss.
- **CONCLUSION:** In closing, it is my opinion that this proposal potentially overtaxes an already fragile water reserve and could impact the environmental balance of Tom's Creek designated a high quality, cold water trout stream (page 251 PA Water Atlas) Further, it fails to benefit the citizens of the township as a whole and will create additional burdens on the infrastructure and services provided by the township, county and state governments while financially benefiting the landowner and the developer.

It is not in the best interest of the citizens of the township and this proposal should be overwhelming disapproved.

A handwritten signature in cursive script, appearing to read "Duane E. Williams".

Duane E. Williams

## Water Supply Issues

- Proposed residential development on ~62 acres at 5 lots/acre, or 310 new EDUs
- Local provider (Fairfield Municipal Authority, PADEP PWS ID 7010005)
  - does not have capacity to serve proposed development (cite source)
  - currently serves 330 domestic connections (from 2020 annual report to PADEP)
    - reported average of 34,637 gallons used per day (~105 gpd per connection)
  - currently serves 22 domestic connections (from 2020 annual report to PADEP)
    - reported average of 2,869 gpd (~130 gpd per connection)
  - daily losses reported at 19,325 gpd, or 29% of production water
    - industry standard is maximum 20% loss
- Individual on-lot domestic wells
  - at same domestic rate reported by FMA (105 gpd per connection), 310 new dwellings would draw an average of 34,600 gpd from the 62-acre site
  - 62 acres = 2,700,720 sq ft = 0.097 mi<sup>2</sup>
  - 310 dwellings, at local average usage rates, would demand 34,600 gpd
  - drought recharge = 220,000 gal/d/mi<sup>2</sup> (R.E. Wright, 1993) = 21,312.5 gpd UNDER IDEAL CONDITIONS
    - Ideal = natural. Undeveloped, open space. No impervious surfaces such as roofs, driveways and streets. No compacted soils. Natural and native vegetation
    - High density residential development (1/4 acre lots) is typically 25-30% impervious (various studies), but that does not account for the overly compacted soil typical of American housing development
    - Assume imperviousness reduces groundwater recharge by only 25%. Now drought recharge is about 16,000 gpd over the 62 acres
  - Even with drought-imposed water conservation measures (typically 5-15% of usage is achievable), the average demand of 310 dwellings (> 30,000 gpd) nearly doubles expected availability (16,000 gpd) during a drought
  - In that case, where does the water come from?
    - new wells draw water from deeper and farther away to meet demands
    - local water follows pressure gradient and will re-direct from existing wells, wetlands and streams to the new wells
  - Even under average rainfall conditions (7.5" recharge per year; various studies), 62 acres UNDEVELOPED can support only 34,750 gpd, which is approximately equal to the expected demand. Which means under development that land contributes NO groundwater recharge to local aquifers (such as those that serve FMA a short distance away) or those that feed local streams day in and day out as baseflow.
- conclusions
  - Absent service by local water supplier, the proposed development must be serviced by on-lot wells, but the land cannot support the projected demand
  - Unknown impacts, with unknown costs, and unidentified payers of that cost (won't be the new homes, it will be those adjacent to the site that suffer the impacts!)
  - At current rates, FMA could likely support commercial development
    - the site would still cease to provide groundwater recharge, but at least it wouldn't be drawing additional water on top of that
  - NO development should occur until FMA reduces water losses!
  - Other local environmental consequences are also unknown, but are the subject of strong cautions in Adams County planning documents (see below).

**Reference: Adams County Water Supply and Wellhead Protection Plan, 2001**

Opening sentence, page 1: "Water is an ongoing concern in Adams County."

Chapter I, County Water Supply Planning Information; Section C, page 3.

Hydrologic Cycle - Normal annual precipitation averages 39 inches for most parts of Adams County, with as much as 44 inches in the South Mountain area. While about 62% of this precipitation evaporates or transpires back into the atmosphere, another 20% runs into streams as surface runoff, and approximately 18% infiltrates into the soil as groundwater. Different characteristics of localities can create wide variances in amounts of runoff and infiltration. Groundwater which is not withdrawn returns to the surface as stream discharge or "baseflow", and flows from the County to other adjacent counties and states.

Chapter IV, System Viability and Alternative Solution Strategies; page 18.

*On-lot Residential Water Wells* - On-lot residential water wells are exposed to a high contamination risk from on-lot septic systems, which are often in close proximity to each other. These wells are nearly always ungrouted, and may be contaminated by nearby agricultural, residential, commercial, and industrial activities. On-lot residential water wells are the least expensive type of water system to construct and maintain. However, they have high environmental costs. For example, each new on-lot residential well is a potential conduit for contaminants to enter the groundwater. In addition, residences and other uses may be built in areas with insufficient water yields, especially in times of drought, which can cause serious problems for landowners. These systems are not regulated by the government. The sufficiency of on-lot residential groundwater quality and quantity depend upon local contaminant threats, surrounding aquifer withdrawal and subsurface geology. The combined effects of numerous on-lot residential wells, or a proliferation of new wells, could adversely impact water quality and yield.

It is not unusual for municipalities to inadvertently place groundwater quality and yield at risk by permitting low-density zoning (one and two-acre lots) that can only be served by on-lot residential water and septic systems. Dispersed development patterns in combination with a lack of public oversight for septic system maintenance has frequently resulted in localized areas of septic system failure and contaminated on-lot wells. This situation, in turn, creates a need to extend public sewer and water lines for great distances and at great public cost to remediate these situations.

It must also be recognized that even areas planned for growth are not always zoned or built at densities that are conducive to the development of new [p. 19] community water and sewer systems, nor are they always located near existing community water and sewer systems. Several municipalities within Adams County do not have municipal zoning. This places them at the greatest risk for potential contamination or overdrawing of groundwater because of unpredictable future land uses.

Municipalities can protect their groundwater quality and yields by taking the following actions related to on-lot water wells:

- Adopt well siting, construction, water quality testing, and abandonment standards as part of the subdivision and permitting process to protect groundwater quality; such requirements should involve siting wells at safe distances from potential contaminant threats, grouting, and the placement of a sanitary seal on all at- or below-grade well openings.
- Adopt on-lot septic system ordinances to assure adequate siting, maintenance, pumping, and replacement of systems so as to minimize potential adverse impacts on groundwater. On-lot septic systems should be pumped every three years. Alternatively, a municipality might create a



local sewer district in which it charges each household a small annual fee, and in return takes responsibility for the maintenance and replacement of septic systems.

- Adopt aquifer testing requirements for proposed new subdivisions and land developments to assure adequate water supply and to assure no adverse impacts on adjacent existing development.
- Require that any new development within one-half mile of an existing municipal community water system be connected to the municipal water system.
- Discourage the proliferation of on-lot water systems by revising comprehensive plans and zoning ordinances to:
  - 1) direct future development into planned growth areas with densities conducive to the provision of community water and sewer systems (three to four units per acre),
  - 2) rezone large areas of productive agricultural and forest lands using a fixed area or sliding scale district that results in a maximum density of one unit per 25 acres,
  - 3) rezone suburbanizing areas at the edge of municipal water systems for cluster development that can be served by the municipal system.

Groundwater quality in the County can only be protected through a coordinated effort among residents, municipalities and the County. Intensive community planning programs and the application of appropriate zoning standards are absolutely essential. Residents must also be educated as to the necessity of regularly pumping septic systems and proper septic system usage. At a minimum, municipalities should monitor the incidence of septage system pumping. If indicated, municipalities should require such pumping through the adoption of on-lot disposal system ordinances.

**Reference: Summary of Hydrogeologic and Ground-Water-Quality Data and Hydrogeologic Framework at Selected Well Sites, Adams County, Pennsylvania.** U.S. Geological Survey, Water-Resources Investigations Report 99-4108, Dennis J. Low and Diana L. Dugas, 1999. Excerpt from p. 60, *Recharge and Ground-Water Flow*

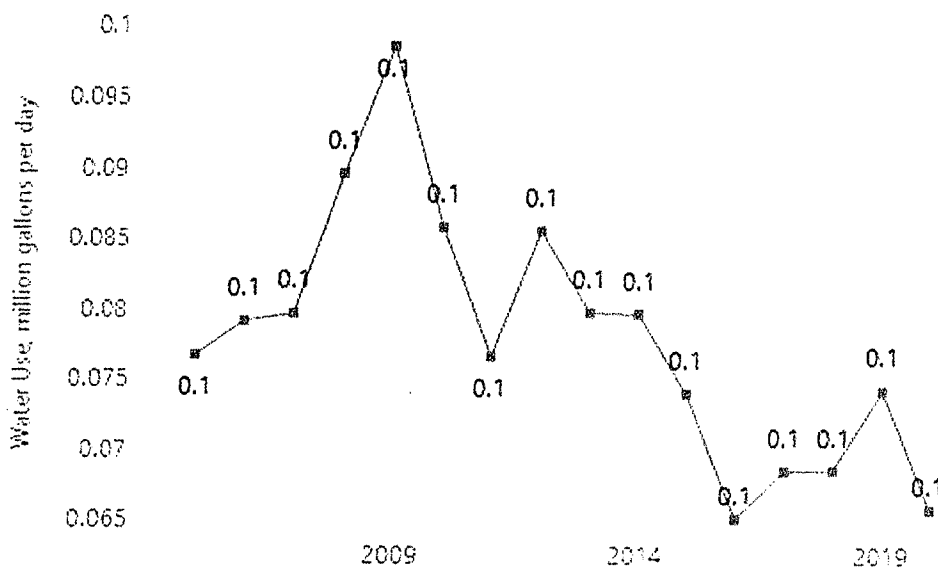
The average annual precipitation from 1904 to 1988 at Hanover, Pa., is 40.00 in. (National Oceanic and Atmospheric Administration, 1988); however, only a small part of this recharges ground water. Taylor and Royer (1981, p. 4) estimated groundwater recharge is only 7 in/yr in Adams County. Gerhart and Lazorchick (1988, table 12) estimated average annual ground-water recharge as ranging from 7.2 to 8.4 inches. R.E. Wright (1993b) estimated recharge to the New Oxford Formation as 8.6 in/yr or 410,000 (gal/d)/mi<sup>2</sup> during normal conditions and 4.6 in/yr or 220,000 (gal/d)/mi<sup>2</sup> under drought conditions.

1) of the 4 wells, are they all in routine usage? Are they used simultaneously or rotated? Are any of them inactive? Does the Authority hold operational permits from PADEP for all 4?

2) what are the maximum permitted usage rates? Based on recent usage reports, it appears demand will essentially double upon full build out. Does FMWA have that supply and wastewater treatment capacity? Will FMWA need to modify its PADEP permit(s) to ensure the new capacity?

3) water demand over the period when records are available showing demand decreasing. what assurances do we have that the wells can support double the current demand? have they ever been pumped at those rates for a sustained duration? have the potential impacts to other nearby wells and water features (such as springs that a local farm may rely on) been assessed?

Plot 1 - Total Daily Water Use



## **Growth Pays for Itself -- But Smart Growth Doesn't**

In fast-growing regions, smart-growth advocates often use people's fears that existing residents are forced to subsidize newcomers in order to build support for smart-growth policies. A recent report by an Oregon consulting firm finds that, at least in some situations, growth pays for itself. But smart growth -- that is, high-density housing -- does not.

"Fiscal Impact Analysis Related to City Growth and Annexations" was written by ECONorthwest, an Oregon economic consulting firm, for the city of Salem. While the report warns that its findings are based on circumstances specific to Salem as well as specific assumptions about future growth, the report's general conclusions are:

- Growth pays for itself. "The city's fiscal position in General Fund would be slightly stronger under the growth scenario than under the no-growth scenario" (p. vi).
- The report predicts some shortfalls, but the shortfalls will be at least as great without growth as with it. "Billing rates for water, sewer, and storm water services are lower under the growth scenario" (p. vii).
- Some shortfalls are due to poorly priced services. "Under the no-growth scenario, we estimate deficits of similar magnitudes. This suggests that the most critical issue facing the Public Works Department is not the rate of city growth but rather the Department's method of finance" (p. vii).
- All land uses pay for themselves EXCEPT multifamily housing. "Single-family, commercial/office, and industrial uses contribute more in General Fund revenues than they generate in service costs" (p. ix).

This last conclusion, which has grave implications for smart growth, makes a lot of sense. Taxes generated by multifamily housing tend to be much less, per capita, than from single-family housing. Yet multifamily housing can pose high costs on schools and other municipal facilities.

The report warns that it would be inappropriate for the "city to shun multifamily housing to foster its budget." But it makes even less sense to subsidize multifamily housing through property tax breaks, development fee waivers, or other subsidies, as many Oregon cities are doing in a misguided effort to promote smart growth.

Unfortunately, the report is not available in electronic form. Copies can be obtained from the City of Salem Community Development Department, 555 Liberty St. SE #305, Salem, Oregon 97301-3503. Thanks to Rodney R. Stubbs for bringing this report to my attention.



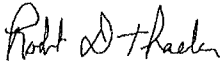
ADAMS COUNTY OFFICE OF  
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Sherri Clayton-Williams, AICP, Director

**DATE:** December 7, 2021

**TO:** Hamiltonban Township Supervisors  
Hamiltonban Township Planning Commission

**FROM:**   
Robert Thaeler  
Principal Planner

**SUBJECT:** County Review  
Hamiltonban Township Zoning Ordinance Amendment  
Text Amendment – Residential Use in Commercial (C) District  
File ORD-21-033

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In accordance with Section 609.e. of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended), and following a review of the Adams County Comprehensive Plan and other relevant documents, the Adams County Office of Planning and Development held a staff meeting to review the above-referenced zoning amendment and offers the following comments:

**I. Introduction:** The proposed amendment would, if adopted, amend the text of the Commercial (C) District by allowing "Residential Housing Community" as a use permitted by Conditional Use. The amendment would also establish the procedural requirements for Conditional Use applications, and would establish specific standards applicable to "Residential Housing Community" uses.

**II. Comments:** We offer the following comments regarding the proposed amendment.

*A. General Comment – Format:* The proposed amendment is constructed in a manner that retains the format of the existing Hamiltonban Township Zoning Ordinance. The amendment establishes text and review procedures that are appropriate for the Conditional Use process, and the proposed language mirrors language that already exists for Special Exception uses and procedures. Further, inserting the proposed standards for the proposed use in the General Use Requirements section is also appropriate from an overall ordinance formatting perspective. If this ordinance amendment moves forward, we can support the proposed format of the amendment.

*B. Section Numbering:* There is an error in the proposed section numbering in the amendment. In the second section of the amendment, the proposed Residential Housing Community standards should be added as Subsection AAA to Section 375-80, not Section 375-81.

*C. Comments Regarding Proposed Standards:* While we can support the overall format of the proposed amendment, we are unable to support the proposed standards. We offer the following comments regarding the proposed standards.

1. Section 375-81.AAA(1): This section states that the listed standards for Residential Housing Communities are the only applicable standards, and they shall supersede all other requirements of the Zoning Ordinance. We cannot support this type of standard in any Zoning Ordinance. It is inequitable to allow one single use to not have to comply with the overall standards of the Zoning Ordinance while all other uses in all other zoning districts must comply. There is nothing unique or special regarding the proposed inclusion of residential use in the C District that provides a rational basis for this standard. We recommend that this standard be removed.

2. Section 375-81.AAA(2)(a): This section essentially defines the term "Net Developable Area." We do not necessarily object to the definition of the term, although we believe the slope exclusion should be for slopes exceeding 15% (this would be consistent with the slope thresholds outlined in Section 375-78 of the Zoning Ordinance). However, as a definition, the language of this section should be included in Section 375-5, and should be applicable throughout the Zoning Ordinance, rather than just to the Residential Housing Community use in question.

3. Sections 375-81.AAA(2)(b) through (h): These sections establish dimensional requirements for the Residential Housing Community uses. We offer the following comments.

a. General Comment: For most uses within the Township Zoning Ordinance, the dimensional standards are listed within the dimensional standards section of the zoning district where the use is proposed. We recommend that this approach be maintained for this use, and that these standards be integrated into Section 375-42.

b. Lot Areas, Lot Widths, and Setbacks: We do not necessarily object to the proposed lot area, lot width, and setback requirements for the uses within a Residential Housing Community. However, it should be realized that these standards will result in residential neighborhoods that appear very dense, with little spacing between buildings, and with residential buildings covering a high percentage of the available lot area. This type of layout is more commonly used in residential neighborhoods either within or adjacent to urbanized areas. Further, such a layout might be viewed as dissimilar to the existing residential neighborhoods in Hamiltonban Township and surrounding municipalities.

We would be willing, if requested by the Township, to identify existing locations that have developed using dimensions comparable to that proposed. We can provide aerial photos of such locations for the Township to evaluate. Again, we do not necessarily object to the dimensional standards, but we want to make sure the Township considers, and is comfortable with, the likely configuration that will result from the standards.

c. Section 375-81.AAA(2)(d): This section establishes a "Maximum Development Coverage" of 70% of the "Net Development Area." The following comments regarding this provisions are provided.

- Terms: Neither term in this standard is defined. We anticipate that the term "Net Development Area" is supposed to be equivalent to the defined term of "Net Developable Area." At a minimum, consistent terminology should be used. The term "Development Coverage" should be defined.
- Applicability: We anticipate that the term "Development Coverage" is intended to convey the overall coverage from all individual uses within the entire development. The Township will find such a standard to be administratively difficult to apply and enforce. Essentially, the Township will have to determine a maximum permitted coverage area for the whole development, and then track how much coverage accrues as each lot within the project is developed. We recommend that a maximum coverage per lot standard instead be applied.

d. Section 375-81-AAA(2)(e): This section establishes maximum development density standard for Residential Housing Community" projects. We do not necessarily object to the proposed density standard. However, the standard uses the term "Developable Acre," a term that is not defined. We anticipate that this term is intended to be similar to the defined term "Net Developable Area." If so, either the term should be written in a more consistent manner, or a definition for "Developable Acre" that relates the term to the term "Net Developable Area" should be provided.

4. Section 375-81.AAA(3)(a): This section requires that Residential Housing Communities be served by public or PaDEP approved utility systems. This standard is not necessary, as the Township Subdivision and Land Development Ordinance already establishes such standards (see SLDO Section 320-13, at a minimum). This proposed standard should be removed.

5. Open Space, Buffers, and Trails: We are supportive of the notion of requiring open space, buffers, and trails as a component of residential development within the C District. However, the proposed standards will be ineffective with regard to requiring a development design that seriously incorporates such features. We note the following.

a. Open Space: Section 375-81.AAA(3)(b) would require that 25% of the "Development Area" (note that this term is not defined and is not consistently written with other related terms in the amendment) must be set aside for one or a combination of several uses. One of these is "Open Space." However, the text, as written, would enable all of the 25% area to be taken up by traditional stormwater management facilities, which would serve no "Open Space," community recreation, or community enjoyment value. In addition, the entire 25% area could be taken up by community buildings and associated parking, which again serves no "Open Space" or active outdoor recreation value.

b. Buffer: Section 375-81.AAA(3)(c) would require that a 50 foot "Buffer" be established around all perimeter property lines of a Residential Housing Community. We have seen this type of standard used in other Zoning Ordinances, but it rarely achieves the advertised goal of incorporating usable open space within a residential development. In this case, the proposed language may not even result in the "Buffer" area being held in common ownership. The only stated standard is that the "Buffer" may not include buildings or parking facilities. If the Township desires a perimeter "Buffer" for any residential project in the C District, it should include precise standards to ensure that the "Buffer" is commonly held, that the "Buffer" include usable open space, and that features be incorporated (like trails) to enable resident enjoyment of the space.

c. Trails: Section 375-81.AAA(3)(h) requires "Hiker / Biker Trails" of a minimum width and including activity stations and other amenities. We support the integration of trails into residential communities. However, the proposed standards do not include sufficient detail in terms of where and how such trails would be implemented. The language could result in the provision of a very short trail behind a community center building with a single activity station (like a pull-up bar) and a single bench. To ensure that the trail system will be useful and will result in a system that actually provides community benefit, a more robust set of standards should be applied.

d. Recommendation: We do not support use of the open space, buffer, and trails sections as prepared. If the Township intends to include such requirements within the design standards for a residential development in the C District, the provisions should be significantly strengthened. Open space should be fully integrated into the community, with a significant majority of dwelling units being provided direct access to open space. Stormwater management facilities should not be included in open space. A perimeter buffer area, if required, should be held in common ownership, and should be required to include recreation features that community residents can use. Trail systems should be required to extend throughout the community, and a significant majority of dwelling units should be able to access the trail system directly. The provided standards should be sufficiently strengthened to ensure that these design criteria are included in any residential development design.

Alternatively, the Township could achieve many of these design goals by simply requiring that the Conservation by Design standards, that already exist within the Zoning Ordinance, be applied to any residential development project within the C District. The types of design goals discussed above are already and specifically included in the Conservation by Design language, and would be appropriate for residential development in this setting.

6. Section 375-81.AAA(3)(d): This section establishes street standards for Residential Housing Community use. This standard is not necessary, as the Township Subdivision and Land Development Ordinance already establishes street standards. If a future applicant would want to develop a Residential Housing Community with private streets, the Subdivision and Land Development Ordinance already would allow such a proposal through the Private Lane provisions. This proposed standard should be removed.

7. Section 375-81.AAA(3)(g): This section requires that a lighting plan for any Residential Housing Community project. This standard is not necessary, as the Zoning Ordinance already establishes a standard requiring that lighting be provided for all uses within the C District. Assuming Section 375-81.AAA(1) is removed from the amendment (as recommended in Comment II.C(1) above), the standard will be applied to any residential project in the C District.

8. Section 375-81.AAA(3)(i): This section establishes parking requirements applicable to Residential Housing Community projects. We offer the following comments.

- **Need for Standard:** The Zoning Ordinance already establishes minimum parking standards for the individual uses that could become part of a Residential Housing Community. Instead of creating a specific parking standard for the Residential Housing Community use, the existing minimum parking standards of Section 375-81 should be applied to each component use within a Residential Housing Community development.
- **Amount of Parking:** The proposed amendment would require 2.5 parking spaces for each dwelling unit in a Residential Housing Community. This is excessive and could require additional paved area to achieve. We recommend that the minimum 2 parking spaces for each dwelling unit as required by existing Sections 375-81.AAA and BBB be applied as the minimum residential parking standards.
- **Complexity and Process:** The proposed parking standards for nonresidential uses within a Residential Housing Community is unnecessarily complex and involves a decision-making process that is not enabled by the Pennsylvania Municipalities Planning Code. The Board of Supervisors does not have the discretionary ability to adjust minimum parking standards (or any zoning standard for that matter) during the Land Development Plan review process. It is questionable whether the Planning Code would even authorize such discretion to the Board of Supervisors in a Conditional Use review / approval process. We therefore recommend that the



currently proposed language regarding parking for nonresidential uses be removed and replaced by a simple, precise minimum parking standard.

- Location of Standard: To be consistent with the format of the Zoning Ordinance, we recommend that any parking standard proposed for Residential Housing Community uses be established in Article XIX, the parking and loading regulations section. This is the location for all other parking standards of the Zoning Ordinance.

9. Section 375-81.AAA(3)(j): This section defines specific uses that would be permitted within a Residential Housing Community. We do not necessarily object to the specific use types that may be included in such an overall use. However, we offer the following comments.

- a. Term: We do not support the use of the term "Residential Housing Community" as a use type. The term is not defined and serves no other purpose than to provide a term to which a Conditional Use review process can be assigned.
- b. Location of Standard: We do not support providing the list of specific component uses that may be included in a Residential Housing Community at the tail end of proposed Section 375-81.AAA. At an absolute minimum, the component uses should be listed first in this section. Preferable, and given the above comment regarding the "Residential Housing Community" term, we recommend that the individual component uses (single-family detached dwellings, single-family semi-detached dwellings, recreation and cultural facilities, etc.) be individually listed in proposed Section 375-40.D as uses permitted by Conditional Use.
- c. Unnecessary References: The proposed amendment lists personal care etc. uses, accessory uses, and public utilities as permitted uses within a Residential Housing Community. These listings are not necessary, as the C District already enables all of these uses as permitted accessory uses. In the case of personal care, etc., the existing listing for Continuing Care Retirement Community, a use permitted by Special Exception, should be relied upon if a personal care type use is proposed for inclusion within an overall residential community.

10. Section 375-81.AAA(3)(k): This section would establish specific standards for corner lots within a Residential Housing Community. As written, this standard would supersede the general corner lot standards established in Section 375-65. We cannot support this type of standard in any Zoning Ordinance. It is inequitable to allow one single use to not have to comply with the overall corner lot standards of the Zoning Ordinance while all other uses and lots in all other zoning districts must comply with the corner lot standards of Section 375-65. There is nothing unique or special regarding the proposed inclusion of residential use in the C District that provides a rational basis for this standard. We recommend that this standard be removed.

**III. Summary:** The Office of Planning and Development recognizes that the general format of the proposed amendment is consistent with the overall format and construction of the Zoning Ordinance. We are comfortable with the proposed amendment from a format perspective. However, we are unable to support the proposed language and standards associated with the proposed "Residential Housing Community" use. The language includes statements that should not be included in any zoning ordinance, and it includes standards that are not necessary to include as they are already handled elsewhere in the Zoning Ordinance or in other Township ordinances. It also is inconsistently drafted with regard to terms used and the lack of definitions for said terms. Many of the standards will not result in project design we think the Township is hoping to achieve. Finally, the language provides the Board of Supervisors with a discretionary decision-making capability that is not enabled by the Pennsylvania Municipalities Planning Code. For these reasons, we recommend against moving forward with the amendment as drafted.

Instead of the currently proposed amendment, we recommend that an alternative amendment be prepared that addresses the concerns and comments raised above while accommodating an appropriate level of residential development within the C District. We would be pleased, if requested by the Board of Supervisors, to prepare such an alternative amendment.