



# MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

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## Minutes of a Regular Meeting of the Mount Joy Township Planning Commission Held on September 23, 2024

1. Vice Chairman Delmar Oberholtzer called the meeting to order at 7:00 p.m. in the Mount Joy Township Municipal Building located at 8853 Elizabethtown Road, Elizabethtown, PA 17022.
2. Pledge of Allegiance
3. Roll call of the Planning Commission Members:

Kevin Baker — Present

Rodney Boll — Present

Gerald Cole — Present

Michael McKinne — Present

Arlen Mummau — Absent

Delmar Oberholtzer — Present

Bill Weik, Jr. — Present

Other Township Representatives Present: Justin Evans, Zoning Officer; Kim Kaufman, Township Manager; Josh Brengel, Lancaster Civil Engineering (Township Engineer)

4. Public Comment:

Bruce Garman from 1551 Grandview Road addressed the Commission regarding a proposed building addition and related changes to his facility. He wishes to relocate the loading dock from its current location along Grandview Road to a building behind it. The new dock would be accommodated by demolishing a portion of the other building and adding approximately 2,500 sf. to the structure. Mr. Evans commented that he has met with Mr. Garman multiple times to improve the operation as well as the flow of traffic on site.

Mr. Garman stated that the addition will not change the operation or increase traffic. It will help his trucks get off the public road and maneuver deliveries around internally. His brother is relocating the mobile grinding and repair operation to his property on Rissermill Road. Activities like equipment washing related to that business will go to that property once the Rissermill Road building is constructed. Mr. Garman's trucks are typically washed off site at a truck wash facility. The matter was brought before the Planning Commission to raise awareness prior to construction activities taking place. Permits are required.

5. Consent Calendar:

- a. Approve and ratify the minutes of the August 26, 2024 meeting
- b. Sign the Preliminary / Final Land Development Plan for Tiny Estates (#22-14-PLDP)
- c. Sign the Final Subdivision & Land Development Plans – Phase 1 1925 Sheaffer Road (#21-15-FLDP)

A motion was made by Gerald Cole and seconded by Michael McKinne to approve the Consent Calendar as written. All members present voted in favor of the motion.

6. Old Business:

- a. Final Land Development, Subdivision, and Lot Add-On Plan for Raffensperger – Phase 1 (#24-10-FLDP): Proposal to develop Phase 1 of the Raffensperger project that includes the subdivision of 53 single-family residential lots on the 33.97-acre site. The project is located in the R-2 – Medium-Density Residential District and will be served by public water and sewer. A small add-on parcel will be divided from the parent tract and combined with the adjoining Erb lot at the northeast end of the site.

Kim Fasnacht of Rettew Associates presented the plan to the Commission on behalf of the applicant. The plans have been updated since the initial view of the project to address the Township's reviews. Improvements along Sheaffer Road will be extended across the entire frontage while phase one is under construction. The applicant is not requesting any waivers. The remaining outstanding comments are largely administrative.

Mr. McKinne discussed the comment concerning plot plans for each individual lot intended for the future property owners. Conservation easements and other non-construction encumbrances should be shown on the plan for the owners' awareness. These plot plans are also useful to township staff when processing permits after the homes are constructed. A discussion took place regarding the township's responsibility to monitor and inspect easements and stormwater facilities. The HOA will be responsible for maintaining the stormwater facilities and ensuring that any easements are not encroached upon.

A motion was made by Gerald Cole and seconded by Kevin Baker to grant approval of the Final Land Development, Subdivision, and Lot Add-On Plan for Raffensperger – Phase 1 (the "Plan") prepared by Rettew Associates, Inc., Drawing No. 019792000, dated April 12, 2024, subject to the following conditions:

1. To the extent not otherwise provided in these conditions, Applicant shall address the comments of the Township Engineer's review letter dated August 21, 2024.
2. To the extent not otherwise provided in these conditions, Applicant shall address the comments of the Township Solicitor's review letter dated May 17, 2024.
3. A deed with a perimeter legal description incorporating Mr. & Ms. Erb's existing lot with the small triangular tract proposed to be granted to the Erbs shall be recorded within 30 days of the recordation of the Final Plan.
4. Applicant shall submit a fully executed Storm Water Management Agreement and Declaration of Easement, which shall be acceptable to the Township Solicitor and in recordable form. The Agreement, fully executed, shall be submitted and approved prior to the release of the final plan for recording. Per the Township Solicitor's review letter, this agreement shall be extended to include J. Leon Rutt and the homeowners' association as parties.
5. Applicant shall submit a fully executed Agreement Providing for Grant of Road Maintenance Easement, which shall be acceptable to the Township Solicitor and in recordable form. The Agreement, fully executed, shall be submitted and approved prior to the release of the final plan for recording.
6. Applicant shall provide additional right-of-way for Sheaffer Road and Market Street (SR 0230) as shown on the Final Plan prior to the release of the final plan for recording.
7. Applicant shall provide the Township and each lot purchaser a plan of each individual lot showing all easements and the building area at the time of building permit submission for each dwelling.
8. Applicant shall install no parking signs as specified on the Final Plan prior to the issuance of the first certificate of occupancy for a dwelling on such a street.
9. Applicant shall pay Mount Joy Township traffic impact fees, as required by Chapter 125 of the Code of Ordinances of the Township of Mount Joy, in the total dollar amount of \$95,364 (54 P.M. peak hour

trips @ \$1,766/trip). Payment of the traffic impact fees shall be made at the time an application is made for the required building permit. Applicant shall not at any time in the future seek return of such impact fees, or any earned accrued interest thereon, or authorize any successor to make such claim, whether or not the Township expends the traffic impact fees within the time limitations set forth in Act 209 of 1990, as amended, 53 P.S. §10501-A, et seq., expends the traffic impact fees for improvements set forth in the Transportation Capital Improvements Plan or for other road improvements not addressed in the Transportation Capital Improvements Plan or for road improvements to address existing deficiencies or for improvements (regardless of the percentage of the cost of improvements or the amount of the improvements paid for with traffic impact fees) to state highways. Applicant shall place a note on the final plan referencing this condition.

10. Applicant shall pay a fee-in-lieu of dedication of recreation land in accordance with §119-61, unless otherwise modified by the Mount Joy Township Board of Supervisors. This fee shall be \$148,082 (\$2,794 x 53 units). Applicant shall waive any right to request any refund of such fee is not expended within any required time period.
11. Applicant shall submit a fully executed Land Development Agreement, which shall be acceptable to the Township Solicitor. Said Agreement shall be submitted and approved prior to the release of the final plan for recording.
12. Applicant shall submit financial security to guarantee the proper installation of all improvements associated with this land development project prior to the release of the final plan for recording and shall be in a form acceptable to the Township Solicitor. The amount of said financial security shall be in the amount consistent with the construction cost opinion approved by the Township Engineer.
13. Applicant shall apply for and obtain all necessary permits prior to commencing any construction activities.
14. Applicant shall reimburse the Township for all reasonable engineering and legal fees incurred in the review of plans under the Subdivision and Land Development Ordinance, Storm Water Management Ordinance, and other governing ordinances; review or preparation of documentation required in connection with the development; review and approval of financial security and other documentation; inspection of improvements; and for other costs as set forth in these Conditions within 30 days after receipt of an invoice for such fees. If Applicant fails to pay such costs within 30 days after the date of a written invoice for such costs, Applicant shall be in violation of this Condition.

All members present voted in favor of the motion.

7. New Business:

- a. Land Development Plan Waiver for Daniel S. Beiler (#24-17-WAIV) – Proposal to construct a schoolhouse and related accessory structures at 2091 Milton Grove Road. The property is zoned A – Agricultural and is served by on-lot water and sewer facilities. The proposed use was approved by the Zoning Hearing Board at a hearing held on August 7, 2024.

Landowner Daniel Beiler addressed the Commission with the waiver request. The school will use a privy instead of an indoor restroom, which is subject to an agreement with the township and DEP approval. Mr. Beiler believes there will be one bus coming to the site for pickup and drop-off of children. The school is needed due to the growing number of Amish children in the area. A new driveway is proposed since the existing driveway is located near a curve with constrained sight distance. The Commission discussed access and safety for the children.

Mr. Beiler expects approximately 25 children to attend at first, with a maximum of 35. Many families in the area will travel to the school by foot. The others will be bussed. Currently, the local children travel

approximately 4 miles to another school and this location will be more convenient for the community. The Commission discussed approvals for the privy and holding tank, noting an additional condition for DEP approval of the sewage disposal method.

A motion was made by Michael McKinne and seconded by Bill Weik the Township Planning Commission grant a waiver of Chapter 119, Article III of the Code of Ordinances of the Township of Mount Joy, i.e. the Mount Joy Township Subdivision and Land Development Ordinance, i.e. plan processing procedure, relating to the requirement to prepare, submit, gain approval of and record a land development plan, subject to the following conditions:

1. To the extent not otherwise provided in these conditions, Applicant shall address the comments of the Township Engineer's review letter dated September 16, 2024.
2. If a new driveway is to be constructed, Applicant shall submit a copy of the Highway Occupancy Permit as issued by the Pennsylvania Department of Transportation or, in lieu thereof, evidence satisfactory to Township Staff that the Pennsylvania Department of Transportation will not require the issuance of a Highway Occupancy Permit.
3. Applicant shall address and comply with all conditions contained in the Mount Joy Township Zoning Hearing Board decision dated August 12, 2024 (Case #240009).
4. Applicant shall submit a fully executed Privy Agreement, which shall be acceptable to the Township Solicitor and in recordable form. The Agreement, fully executed, shall be submitted and approved prior to the issuance of any and all required permits.
5. Applicant shall obtain approval from the PaDEP for the proposed method of sewage disposal, or notice from the PaDEP that such approval is not required.
6. Applicant shall prepare, submit and gain approval of a Stormwater Management Site Plan, as applicable, and obtain a Stormwater Management Permit in accordance with Chapter 113 of the Code of Ordinances of the Township of Mount Joy, i.e. the Mount Joy Township Stormwater Management Ordinance.
7. Applicant shall submit a fully executed Stormwater Management Agreement and Declaration of Easement, which shall be acceptable to the Township Solicitor and in recordable form. The Agreement, fully executed, shall be submitted and approved prior to the issuance of any and all required permits.
8. Applicant shall submit financial security to guarantee the proper installation of all improvements associated with this project prior to the commencement of construction and shall be in a form acceptable to the Township Solicitor. The amount of said financial security shall be in the amount consistent with the construction cost opinion approved by the Township Engineer.
9. Applicant shall apply for and obtain all necessary permits prior to commencing any construction activities.
10. Applicant shall reimburse the Township for all reasonable engineering and legal fees incurred in the review of plans under the Subdivision and Land Development Ordinance, Storm Water Management Ordinance, and other governing ordinances; review or preparation of documentation required in connection with the development; review and approval of financial security and other documentation; inspection of improvements; and for other costs as set forth in these Conditions within 30 days after receipt of an invoice for such fees. If Applicant fails to pay such costs within 30 days after the date of a written invoice for such costs, Applicant shall be in violation of this Condition.

All members present voted in favor of the motion.

8. Initial View:

- a. 1376 Campus Road – Phase 1B Final Land Development Plan (#24-16-FLDP): Proposal to develop approximately 39.49 acres of this multi-phase residential development with 280 multifamily units in 11 buildings along with a clubhouse. The site is zoned R-2 – Medium-Density Residential and will be served by public water and sewer.

The application materials were distributed electronically prior to the meeting but hard copies of the plans were not provided. There were no project representatives present. Mr. Evans noted that he and the Township Engineer will be meeting with the applicant's team the following day to discuss the review comments. Mr. Brengel updated the Commission on the roundabout construction and Campus Road restoration activities. Campus Road is expected to be reopened next week.

A motion was made by Gerald Cole and seconded by Rodney Boll to table the item until a representative of the applicant is present. All members present voted in favor of the motion.

- b. Lot Line Change Plan for Bailey Family Limited Partnership (#24-18-LLCP): Proposal to reconfigure three tracts of land consisting of 55.48 acres at or near 1501 Mill Road. The subdivision will consolidate Lakewood Country Estates onto its own lot, a single-family home on another, and a larger farm parcel. Public sewer and a community well serve the manufactured home park. The subdivision is preceded by variances granted by the Zoning Hearing Board at their June 5, 2024 meeting.

Todd Smeigh of DC Gohn and Associates presented the plan with landowner Craig Bailey in attendance. Mr. Smeigh provided an overview of the entire subject area consisting of three parcels. One parcel contains nearly all of the Lakeview Country Estates manufactured home park, another is referred to as "the farm", and the third will ultimately contain the single-family home inhabited by a family member. The lot line change plan will situate all of the manufactured home lots on a single lot.

The parcel to be divided from the Lakeview Country Estates tract will be added to the farm. This is largely wooded and underlain by rock. Mr. Bailey confirmed the challenges with developing that area and would rather join it to the farm than leave it remaining with the manufactured home park in case it is sold in the future. Mr. Smeigh acknowledged the Zoning Hearing Board's approval of the requested items of relief – screening along the wooded areas and encroachments of several accessory structures into the proposed boundary setback.

The plan starts with three tax parcels and will result in three reconfigured parcels. Other adjacent lots under the same ownership shown on the plan are not part of the proposed lot line changes. The applicant acknowledged that brush and other yard waste is taken to the farm for composting but otherwise they wish to keep the properties separate. Additionally, there are three wells used by the manufactured home park. One is located on the park lot and the other two are located on the farm lot. An easement will be created to preserve the park's access to the water supply.

9. Correspondence: NONE

10. Other Business: NONE

11. The next regular meeting of the Mount Joy Township Planning Commission is scheduled to be held on **Monday, October 28, 2024** beginning at 7:00 P.M.

12. A motion was made by Kevin Baker and seconded by Rodney Boll to adjourn the meeting at 8:24 p.m. All members present voted in favor of the motion.

Respectfully Submitted,

A handwritten signature in black ink that reads "Justin S. Evans". The signature is written in a cursive style with a large initial 'J' and a long, sweeping underline.

Justin S. Evans  
Zoning Officer