



# MOUNT JOY TOWNSHIP

• Lancaster County, Pennsylvania •

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## Minutes of a Regular Meeting of the Mount Joy Township Planning Commission Held on November 25, 2024

1. Chairman Arlen Mummau 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 — Present

Delmar Oberholtzer — Present

Bill Weik, Jr. — Present

Other Township Representatives Present: Kim Kaufman, Township Manager; Justin Evans, Zoning Officer; Benjamin Craddock, PE, Township Engineer

4. Public Comment: NONE

5. Consent Calendar:

a. Approve and ratify the minutes of the October 28, 2024 meeting

b. Sign the Post Construction Stormwater Management Plan for 1376 Campus Road

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

6. Old Business:

a. Preliminary/Final Land Development Plan for Repler Investments LP (23-05-FLDP): Proposal to redevelop a 0.59-acre property located at 380 Hershey Road into a commercial establishment for Central PA Sweepers. The site is served by on-lot water and sewer facilities and is located within the MU – Mixed-Use District. A 3,375-sf. building and 1,440-sf. garage will be constructed on the site with access via a proposed shared driveway to be converted from two individual driveways.

Landowner Richard Williams and consultant Max Stoner of JHA Companies presented the revised plan to the Commission. There are several remaining technical comments pertaining to stormwater management; otherwise, the few outstanding land development comments are administrative in nature.

A motion was made by Gerald Cole and seconded by Delmar Oberholtzer to grant the following waivers based on the Township Engineer's review and recommendations:

a) §119-53.B – sidewalks along access drives

b) §119-53.C(1) – concrete curbs along access drives and landscaped areas of parking facilities

c) §119-56.D, §119-56.D, & §113-31.Q – access easement width for stormwater facilities

All members present voted in favor of the motion.

A motion was made by Gerald Cole to grant approval of the Preliminary/Final Land Development Plan for Repler Investments LP. (the "Plan") prepared by JHA Companies, Inc., Drawing No. CS-1, dated February 2, 2023, 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 November 20, 2024.
2. To the extent not otherwise provided in these conditions, Applicant shall address the comments of the Township Solicitor's review letter dated September 27, 2024.
3. Applicant shall address and comply with all conditions contained in the Mount Joy Township Zoning Hearing Board (MJTZHB) decision dated April 12, 2022 for Case #220005. The conditions of approval shall be provided on the Plan cover sheet.
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.
5. Applicant shall submit a fully executed Deferred Road Improvement Agreement, which shall be acceptable to the Township Solicitor and in recordable form. The Agreement shall include, but not necessarily limited to, provisions for pavement widening, concrete curb, and concrete sidewalk. The Agreement, fully executed, shall be submitted and approved prior to the release of the final plan for recording.
6. Applicant shall submit a fully executed Shared Driveway Easement and Maintenance 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 release of the final plan for recording.
7. Applicant shall submit a copy of the required Highway Occupancy Permit as issued by the Pennsylvania Department of Transportation prior to the release of the final plan for recording.
8. Applicant shall provide written notice from the Pennsylvania Department of Environmental Protection that approval of the sewer planning module has been granted or notice from the Department that such approval is not required.
9. Applicant shall pay Mount Joy Township a fee-in-lieu of having to prepare and submit a traffic impact study at a rate of \$1.50 per square foot of usable building floor area. Said payment shall occur prior to the release of the final plan for recording.
10. 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 at the rate of \$1,766 per net P.M. peak hour trip unless determined to be a de minimus application as defined in Chapter 125. 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.

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.

Prior to the motion being seconded, Mr. Boll asked about the Township Engineer's comment regarding use of the cistern for stormwater management. Mr. Craddock discussed the general assumptions for using the water stored in the cistern. The applicant will fill up five street sweeper trucks with the captured water as part of the business operations. An overflow into the stone infiltration trench provides an outlet that meets the Stormwater Management Ordinance requirements. Mr. Craddock believes the remaining review comments can be worked out between the engineers.

After completion of the discussion, Kevin Baker seconded the motion on the table. All members present voted in favor of the motion.

7. New Business:

- a. Curative Amendment of the Zoning Ordinance – Elizabethtown Mount Joy Associates, L.P.: Proposal to cure the Township Zoning Ordinance via Substantive Validity Challenge by the landowner of properties identified as Tax Account #461-41455-0-0000 & #461-95417-0-0000, located along West Main Street and generally situated between Cloverleaf Road and Ridge Run Road. The properties are currently located in the A – Agricultural District and are proposed to be rezoned to the MU – Mixed Use District.

Mr. Evans presented a curative amendment proposed by landowner Elizabethtown Mount Joy Associates, L.P., an affiliated entity of Pennmark Management Company. Pennmark filed a validity challenge of the Zoning Ordinance as it pertains to the zoning of the above two tax parcels. As a longtime Supervisor and Planning Commission member, Mr. Cole gave a brief zoning history of these properties going back to the 1970s.

A motion was made by Michael McKinne and seconded by Gerald Cole to recommend that the Board of Supervisors reject the proposed curative amendment to the Zoning Ordinance. All members present voted in favor of the motion.

8. Initial View:

- a. Final Subdivision & Land Development Plan for 1376 Campus Road Phase 2 (#24-20-FLDP): Proposal to develop Phase 2 of the residential development located at 1376 Campus Road. This phase consists of 27

single-family detached dwelling units in condominium ownership on Lots 6, 7, & 8 of the overall site, which is located in the R-2 – Medium-Density Residential District. The dwellings will be served by public water and sewer facilities.

Chris Venarchick from RGS Associates presented the Phase 2 Final Plan along with updates on the Phase 1A and Phase 1B plans. Phase 2 proposes the construction of 27 single-family homes on two lots created from the overall phased development tract. The individual homes are owned as condominiums with common ownership of the surrounding ground and amenities. A discussion took place regarding the legal ownership of land under a condominium, property tax payment, etc.

- b. Minor Land Development Plan for Bob Brubaker Ag Operation (#24-21-MLDP): Proposal to construct a 54' x 600' poultry barn at 2205 Camp Road. The 35-acre property is served by on-lot water and sewer facilities and is located in the A – Agricultural District.

No representatives of the applicant were present. The Commission had a general discussion about the sufficiency of well water to support a large number of chickens, nutrient management plans, and the mitigation of other effects from the raising of animals.

A motion was made by Gerald Cole and seconded by Bill Weik to table the plan to a future meeting. All members present voted in favor of the motion.

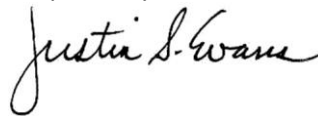
9. Correspondence: NONE

10. Other Business: NONE

11. The next regular meeting of the Mount Joy Township Planning Commission is scheduled to be held on **Wednesday, December 18, 2024** beginning at 7:00 P.M.

12. A motion was made by Michael McKinne and seconded by Gerald Cole to adjourn the meeting at 7:55 p.m. All members present voted in favor of the motion.

Respectfully Submitted,



Justin S. Evans  
Zoning Officer