



Hellam Township Planning Commission
January 25, 2024
6:00 P.M.

1. Opening Agenda

- A. Call to Order
- B. Pledge of Allegiance

2. Minutes Approval

- A. January 11, 2024 draft meeting minutes

3. New Business

None

4. Ongoing Business

- A. Variance Z-2023-15 327 Campbell Rd KK-01, Nathan Riedy
- B. Review of Shooting Range Ordinances
- C. Solar Ordinance Amendment
- D. Typical Flow for Ordinance Crafting
- E. Understanding the Township (review of prior research and tasks to continue and validate research)

5. Correspondence/Reports

- A. December 2023 Monthly Zoning Report

6. Upcoming Meetings

Next Planning Commission Meeting – February 8, 2024

7. Adjournment

Zoom Log In

Meeting ID: 634 220 1697

Password: Hellam44

**HELLAM TOWNSHIP
PLANNING COMMISSION MEETING
Minutes of January 11, 2024**

The meeting was called to order at 6:00 PM by Devin Winand. The meeting was held at the Hellam Township Municipal Building. Devin Winand led the Pledge of Allegiance. Other members present were Michael Shillott, Steve Fetrow, John Eifert, Jay Kokiko and Rick Cooper. Other attendees included Corina Mann, Township Manager.

Upon a motion by Mike Shillott, seconded by Jay Kokiko, Devin Winand was elected Chairman. Motion carried 6 – 0.

Upon a motion by Steve Fetrow, seconded by Rick Cooper, Jay Kokiko was elected Vice Chairman. Motion carried 6 – 0.

Minutes Approval:

Upon a motion by Mr. Kokiko and seconded by Mr. Fetrow, the minutes from the December 14, 2023 meeting were approved, with the minor correction discussed by Mr. Shillott. Motion carried 6-0.

New-Business:

A. Variance Z-2023-15: 327 Campbell Rd, KK-01; John Holden Jr./Nathan Riedy

Mr. Riedy presented his case stating they are looking for a variance that would allow a second principal use on their property to construct a new residence. The reason is they are getting older and would like one floor living. There was discussion about the prior variance which allowed for a greenhouse to be constructed near the roadway. Mr. Winand stated he thought the property already had two principal uses as the greenhouse closest to the road is used for retail sales. There was also some discussion on the reasoning for requesting the variance to construct the first greenhouse closer to the roadway and now there is a second greenhouse which is in the location that was stated it could not be built in the first place. Mr. Riedy explained it was not that it could not be built in that spot, it had to do with the daily traffic to the greenhouse from customers that they sought a variance for the location.

There was discussion about the current farmhouse that is an historic structure and they are seeking to preserve it. Mr. Riedy explained the request and the location and size information on the proposed structure. Mr. Winand asked if there was a thought to adding on to the current farmhouse to which the responses were that there would still be a second floor to maintain and Mr. Holden thought an addition would not be permitted due to being in the floodplain. It was asked what size house they wanted to construct and Mr. Holden stated approx. 2,500 to 2,700 sq. ft. It was stated that, while variances have been granted for accessory structures, they have never been granted for over 1,000 sq ft. This size would determine it to be another primary residence.

The Commission members discussed various scenarios to think about. Would it be possible to use the farmhouse as some other use besides a residence. Would there be a possibility to place some

sort of easement on the property that would stipulate that it could not be occupied as a residence. Would it be possible to subdivide a portion of the property to allow another structure.

Ms. Katina Snyder brought up the fact that just because someone wants to do something on their property, the Commission does not owe anything to work that out. She also stated she thought they knew what the property was before they bought it and knew of the limitations. Mr. Riedy stated he knows the Township does not owe him any resolution however he is appreciative of the conversations talking through various scenarios.

Supervisor Otterbein was attending the meeting via Zoom and stated she felt some legal assistance should be sought from our solicitor on all of the scenarios and ramifications of each. It was requested to have Solicitor Leber attend the next meeting. Ms. Mann stated she would send all of the information to the Solicitor and see what his thoughts were and if warranted, would request the Board to approve his attendance at the next meeting. There was much more discussion and it was decided to table the Commission's decision until more information was obtained. It will be heard at the next Planning Commission meeting which is January 25th. The Zoning Hearing Board will be hearing the case on February 26th so there is time to bring it back before the Commission.

- B. Review of Shooting Range Ordinances: The Board of Supervisors asked the Commission to review the current shooting range ordinances as well as the ordinance provided by Lt. Heistand and see if there were ways to combine the two to make the regulations a little more stringent to allow the police department to have more define outlines to follow when it comes to target shooting. Ms. Mann read the email as to the reasoning for the request from Lt. Heistand. Supervisor Otterbein stated North Hopewell created an ordinance and the LGAC recommended not adopting it. Ms. Mann was asked to have Mr. Test contact LGAC to inquire as to what it was that made them recommend not adopting. Mr. Fetrow stated that he feels this is an important issue to look at. More information will be gathered and this will remain on the agenda until discussion and decisions are made as to how to proceed forward.

On-going Business:

Solar Ordinance Amendment: Mr. Cooper and Mr. Shillott gave an update on the latest actions related to the Solar Ordinance. They are reviewing the comments from Supervisor Conaway and working on incorporating the existing ordinances with the proposed ordinances. There was discussion on the survey for solar and the possible hard-copy distribution as well as if it should be limited to just residents and how to decipher the difference.

Typical Flow for Ordinance Crafting:

There was discussion on the flow chart. The Commission was asked to review the latest version and decide if they liked it or if they felt more changes should be made. This will be discussed at the next meeting and possible approval for adoption.

Understanding the Township:

No discussion on this topic other than what the

Correspondence/Reports

The Commission members asked if they could start getting the monthly zoning report again. Ms. Mann stated she will talk to Mr. Test and let him know to start putting it in the packets.

The next Planning Commission meeting is scheduled for January 25, 2024

Meeting adjourned at 7:25 PM

Respectfully submitted,

Corina Mann, Manager



HELLAM TOWNSHIP

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BOARD OF SUPERVISORS

Dave Cox
CHAIR

Bill Conaway
VICE CHAIR

Mark Myers

Nedette Otterbein

Michael Shillott Sr

To the Planning Commission,

I spoke to Jesse King, York County Planning Commission, concerning the North Hopewell's Shooting Range Ordinance Amendment. According to Jesse there were several areas of concern.

The first area was the specific criteria for Personal Shooting Ranges. The Personal Shooting Range would be classified as an accessory use, but the factors do not contain any standards and are open to interpretation on a case-by-case basis.

There are sections of the amendment that include provisions for reduced setbacks and allowing projectiles to cross property lines with written consent from the adjacent property owner. According to Jesse this is considered a "consent ordinance" in zoning and is generally considered unconstitutional. He provided a copy of the case law, *Southpointe Golf Club, Inc v. Board of Supervisors of Cecil Township*.

There is a section of the ordinance that states the operator of the Personal Shooting Range should take "reasonable safety expectations" for ensuring that projectiles do not leave the operator's property. The LGAC felt that amendment should explain the "reasonable safety expectations."

The LGAC also suggested that the Township consider a minimum lot size requirement for Personal Shooting Ranges.

I explained the purpose of our review and he stated that he believes the ordinance should contain language for a minimum backstop. Lastly, if you would like a copy of the court case let me know and I will email it to you.

Respectfully,

Jason Test

YPCP PROJECT # 24-003
NORTH HOPEWELL TOWNSHIP
ZONING ORDINANCE AMENDMENT
TEXT: Definitions, Personal Shooting Range

PROJECT DESCRIPTION

The purpose of this project is to review and comment on a proposal submitted by North Hopewell Township to amend a section of the North Hopewell Township Zoning Ordinance. This amendment is being submitted for recommendations in accordance with Section 609(e) of the Pennsylvania Municipalities Planning Code (PA MPC).

PROJECT DISCUSSION

North Hopewell Township officials propose to amend and update the North Hopewell Township Zoning Ordinance. The changes to the ordinance are as follows (text proposed to be removed is represented with a ~~strikethrough~~, while text proposed to be added is represented with *“bold and italicized text in quotations”*):

1. Article II, “DEFINITIONS”, Section 203., “Specific Words and Phrases”, is being amended to add the following definitions in alphabetical order:

“ACCESSORY USE – A use conducted on the same lot as a principal use to which it is related and located and clearly incidental to and customarily found in connection with the particular principal use.

PERSONAL SHOOTING RANGE – The use of private land to obtain and maintain firearm proficiency through the use of targets in a manner that is clearly incidental to and customarily found in connection with an agricultural or residential use.

PRINCIPAL USE – The main or primary use of property or a structure.

SHOOTING RANGE – An indoor or outdoor facility, either public or private, used for rifle, pistol, trap, skeet, sporting clay and/or archery shooting sports, utilized by persons others [sic] than the property owner, family member, and limited invitees. This term does not include activity constituting a Personal Shooting Range.”

2. The ordinance is proposed to be amended by adding the following language:

“SECTION _____ [sic] PERSONAL SHOOTING RANGE

A Personal Shooting Range is a permitted accessory use in the A, CV, GC, and R Zones.

As an accessory use, a Personal Shooting Range must be operated in a manner that is clearly incidental to and customarily found in connection with an agricultural or residential use. To the extent that the “accessory” nature of a Personal Shooting Range is in question, the following factors will be considered in reaching a determination:

- a. The frequency and duration of operation, as well as the intensity of use, including the extent and nature of the improvements associated with the Personal Shooting Range and located on the property;*
- b. The use of the properties adjoining and in close proximity to the property upon with [sic] the Personal Shooting Range is being operated; and*
- c. The physical, audible, and visual impact of the Personal Shooting Range on the properties adjoining and in close proximity to the property upon with [sic] the Personal Shooting Range is being operated.*

A Personal Shooting Range is subject to the following restrictions:

- a. No person in the Township may operate a Personal Shooting Range in a manner that violates any applicable federal or state law or regulation with respect to the discharge of a firearm;*
- b. No person in the Township may operate a Personal Shooting Range within 150 yards of any occupied residence or other building, unless:
 - 1. The person discharging the firearm is the owner/lessee of the property on which the firearm is being discharged; or*
 - 2. The person discharging the firearm is the invitee of the owner/lessee of property on which the firearm is being discharged (and is able to demonstrate that the person is, in fact, an invitee); and*
 - 3. Permission has been given, and continues to be in effect, by the owner(s) of any and all occupied residences or other buildings located within 150 yards of the Personal Shooting Range;**
- c. No person in the Township may operate any portion of a Personal Shooting Range within 100 feet of any public right-of-way. A Personal Shooting Range includes, but is not limited to, the initial location of the discharged firearm and/or the final resting point of any discharged projectile.*
- d. No person in the Township may operate a Personal Shooting Range in such a manner so as to cause a projectile from a firearm to leave the property upon which the firearm is being discharged, unless permission has been given, and continues to be in effect, by the owner(s) of the property onto which the projectile will travel and/or land. Users of a Personal Shooting Range must be able to demonstrate that their use complies with reasonable safety expectations, such as a solid backstop (e.g., an "earthen berm") and other conditions to assure that projectiles will not leave the premises or cause danger to others.*
- e. At least one competent adult person, over the age of 18 years old, must be present to supervise the operation of the Personal Shooting Range when in active use.*
- f. No person in the Township may operate a Personal Shooting Range between the hours of 6:00 PM and 9:00 AM.*

These regulations of a Personal Shooting Range use within the Township shall in no way prohibit or restrict any of the following activities:

- a. The discharge of a firearm by a law enforcement officer of [sic] military personnel acting within the line of duty, including, but not limited to, active operations, training exercises, and ceremonies.*
- b. The discharge of a firearm in self-defense as legally permitted pursuant to the laws of the Commonwealth of Pennsylvania;*
- c. The discharge of a firearm in conjunction with an activity that is regulated by the Pennsylvania Game and Wildlife Code (e.g., hunting, trapping, etc.); or*
- d. The constitutionally and statutorily-protected ownership, possession, transfer, or use of firearms, ammunition, or ammunition components pursuant to 18 Pa. C.S.A. § 6120."*

YCPC PROJECT # 24-003
NORTH HOPEWELL TOWNSHIP
ZONING ORDINANCE AMENDMENT
TEXT: Definitions, Personal Shooting Range

RECOMMENDATION

- Municipality Adopt
- Municipality Not Adopt

COMMENTS

The YCPC does not recommend adoption of the proposed ordinance amendment, based on the following comments:

A. PLANNING –

1. The first portion of the specific criteria for Personal Shooting Ranges includes factors a., b., and c. that are to be considered when determining if a personal shooting range will be classified as an accessory use on the property in question. These factors do not contain any set standards to compare to, and seem to be open to interpretation on a case-by-case basis. Township officials should provide specific standards that proposals for personal shooting ranges can be measured against.
2. Sections within the amendment include provisions for reduced setbacks and allowing projectiles to cross property lines with written consent from the owner of the adjacent dwelling/property. This could be considered a delegation of the Township’s police powers. Such so-called “consent ordinances” in zoning legislation have generally been declared unconstitutional (see *Southpointe Golf Club, Inc. v. Board of Supervisors of Cecil Township*), and should not be included in zoning ordinances.
3. The amendment should further explain the “reasonable safety expectations” for ensuring that projectiles will not leave the property or cause danger to others in the first subsection “d”.
4. Township officials should consider including a minimum lot size requirement for a Personal Shooting Range.

B. EDITS –

1. The ordinance should be revised to specify where the specific requirements for a Personal Shooting Range are being added in the ordinance. If the addition of this language would require a renumbering of following sections, the ordinance should state so.
2. Assuming that the specific requirements for Personal Shooting Range are being added to ARTICLE VI, “STANDARDS FOR SPECIAL EXCEPTION USES”, the use Personal Shooting Range should be added to the list of uses permitted by Special Exception in each of the zones where the use is permitted.
3. In the second subsection “c”, the “/or” should be removed, as a Personal Shooting Range should include both the initial location of the discharged firearm and the final resting point of any discharged projectile.
4. Township officials should review the proposed amendment for typographical errors.

C. GENERAL COMMENTS –

1. Definitions for "Shooting Range" and "Personal Shooting Range" are proposed to be added to the ordinance. Definitions already exist for the terms "Indoor Range" and "Outdoor Range" (added by Ordinance 2021-02). Township officials should consider consolidating these definitions into a single definition with subsections to prevent confusion.

* *Please be advised that Section 609(g) of the PA MPC requires that a copy of any adopted amendment be forwarded to the York County Planning Commission within 30 days following its enactment.*

** *The preceding comments have been prepared by the staff of the York County Planning Commission and constitute a professional planning review, not a legal opinion.*

Zoning Department Summary November 2023

PERMIT APPLICATIONS: (Prior year listed in 0)	
<ul style="list-style-type: none"> • Received: 10 (9) • Issued: 8 (8) • In process: 1 	<ul style="list-style-type: none"> • Denied: 1 • YTD Issued: 151 (139)
COMPLAINTS:	
<ul style="list-style-type: none"> • Complaints/violations: 0 • Resolved: 1 	<ul style="list-style-type: none"> • Carried Over: 1
ZONING CASES:	
Z-2023-12 Moore 1250 Shore Ln PC-11/9/23 & ZHB-11/28/23 continued	
SALDO CASES:	
<ul style="list-style-type: none"> • SL-21-03: Spagnola (SD); In-House 9/21/21 • SL021-05: Witmer Automation, LD; In-House 11/16/21; PC 6/9/22; BOS 7/21/22 Conditional Approval 	
<ul style="list-style-type: none"> • Notes: • November 9, 2023- Stormwater Inspection training. Obtained Stormwater Inspector certification 	

OLDS	1	2	3	4
REPORT YEAR	2022	2023	2024	2025
Pumped	386	238	45	0
New System	1	3	0	0
Exemption	4	2	0	0
Vacant/Fore	1	0	0	0
Total	392	243	45	0
# OLDS/District	405	345	294	0
% Complete	97%	70%	15%	0
Issues identified				

NOTE:

- District 1** –
- District 2** – Reminder postcards mailed 9/7/23,
- District 3** – Reminder postcards to be mailed January 2024
- District 4** –

Septic Permits Issued –

- 6183 Vista Lane (11/16/23)

Exemption Requests –

- None

Notification Schedule

- January '24: District 3 Initial Letter
- January '24: District 2 Final Postcard Reminder
- Spring '24: District 2 Final Notice Letter
- Summer '24: District 3 Reminder Postcard