

## NORTH ANNVILLE PLANNING COMMISSION

### MINUTES OF AUGUST 7, 2023

The North Annville Planning commission met at the Union Water Works Fire Company Social Hall on August 7, 2023 for a regularly scheduled meeting. Members of the Commission in attendance were: Brian Keck, Ben Bow, Nelson Heagy. Charlie Bomgardner & Randy Leisure were absent. The following people from the community were also in attendance: Ron Weber, Gary Thompson, Wayne Kaufman, Eric Brummer, Aaron Miller, Joe Murray, Brian & Chandra Tshudy, Seth & Erica & Libby Custer, Jeffrey Hammer, Ed & Kathy Jocham, Steve & Sharon Getz, Tom Cassel, Scott & Deb Wertz, Michelle Martin, Barbara Wise, Dale Martin, Crytal Harris Thelma Deppen, Rachyl Plasterer, Randy Cardaine, Larry Buffemeyer, Monica & Derric ByDelay, Mel Gehman, Angie Bullock, David Stewart.

Nelson Heagy called the meeting to order at 7:30 pm.

A motion was made by Ben Bow seconded by Brian Keck to approve minutes from the June 5, 2023 meeting. Motion passed unanimously.

We received a letter with information on the license plate replacement event on Wednesday August 16 from 3-5 pm at the Northern Lebanon High School hosted by Russ Diamond.

We received copy of letter addressed to Andrew and Sherilyn Kreider 1005 N. State Rte. 934 that the Lebanon County Planning Department has been notified that Kreider's constructed a fence in their front yard without a zoning permit. This is a violation of Section 509 regulations regarding Fences, Walls, & Hedges. The Kreider's intend to apply for a zoning variance.

We received copy of letter from Lebanon County Conservation District to GLRA that the district conducted a partial inspection of the earth disturbance activities at the Electronics Warehouse at GLRA. The letter included a copy of the inspection report that identifies the site conditions and that they are in accordance with the approved erosion and sediment control plan and complies with Pennsylvania's.

We got a letter from Aquatic Resource Restoration Company about Project Quittapahilla Creek Restoration – Syner Road Project thru PA DEP which was stream restoration with in-stream fish habitat enhancement structures. This included a copy of Beral Permit Registration Application which will be submitted to PA DEP.

There were five approved zoning permits:

- 1) Michael & Darlene Zimmerman, 1775 Blacks Bridge Road, Annville 48'x30'x20 Hoop Barn
- 2) Rodney & Jay Meyer, 1551 Church Avenue, 16'x40' in ground pool with 1767 sq. ft. concrete patio
- 3) Idelys Villafane, 400 Kaufman Road, Annville 116 lin. Ft privacy fence
- 4) Douglas & Cynthia Eby 1721 Thompson Avenue, Lebanon 26'x16'x14'8" sunroom

We reviewed the Gun Range ordinance that the Planning Commission had submitted to the township supervisors for approval but the supervisors sent back to the Planning Commission for definition of terms and clarification. Brian Keck changed the name to "Outdoor Firing Range Ordinance" with the following definition: one that is operated as a commercial/for-profit business, or a private for-profit or non-profit club, or any association that operates an area for the discharge of firearms. This ordinance does not apply to private property and residential target practice nor does it seek to regulate the right to bear arms. Wayne Kaufman said that he has used his decibel meter and it registered 65-70 db from the pistol club. Brian will discuss with Paul Bametzreider which parts of the ordinance need revised.

Brian Keck presented the updated revised wind power ordinance which has gone thru at least 5 rounds of revision. Brian made a motion that the Planning commission approve the ordinance and pass it on to the township supervisors for approval. Ben Bow seconded and the motion passed unanimously.

Adam Wolfe, township supervisor, passed on email from ELA Group who is doing the traffic study for Clear Spring Road. Mark Henise from ELA Group stated they have completed the base plan of the entire length of the road and they are currently working on looking at the truck turning thru the curves. Mark is developing the future traffic volumes and pavement analysis. The cores are completed and will have a report showing the results. They are also working on analysis of structures. They hope to have this study completed by mid to late September.

Lebanon Solar has filed a reply brief to briefs presented by the township and Grady Summer, intervener on July 19. Next step is for Judge Charles to schedule hearing to hear oral arguments.

The township received preliminary plans from SESI(Steckbeck Engineering & Surveying, Inc.) for minor subdivision at 5850 Valley Glen Road for Michael and Brenda Groy. We also received letters from Lebanon County Planning Department and Bolt Engineering with comments on those plans. The Planning Commission did not have any comments on the plans.

Nelson Heagy, Chair for the North Annville Planning Commission read the following statement pertaining to possible purchase of Hill Farm Estates by Jubilee Ministries. The township received a phone call from Michelle Martin on July 24. Mrs. Martin stated that her mother and mother-in-law are current residents in the carriage house at Hill Farm Estates. According to Mrs. Martin, a group of individuals visiting the facility identified themselves as representatives of Jubilee Ministries to discuss the possible purchase of Hill Farm property by Jubilee Ministries. The township as not be contacted by any representative of Hill Farm Estate of Jubilee Ministries. The township has no control over who purchase the property. The zoning officer from Lebanon County Planning stated the zoning ordinance for R-2 which is where Hill Farm Estates is located does not define halfway house as a permitted use of the Hill Farm Estates. So if Jubilee Ministries would purchase Hill Farm Estates and want to turn it into a halfway house, they would have to get a zoning variance.

Public comments came from Kathy Jocham, 4020 Shanamantown Road as she has organized a group against having a halfway house at Hill Farm Estates. She is concerned that the Jubilee Ministries could use the wording "special needs" in the current zoning ordinance to get a halfway house. Kathy mentioned that there are 4-5 residential properties that border Hill Farm Estates as well as Lebanon Valley College. Michele Martin whose mother is in the carriage house also spoke about her concerns. Steve Getz, 4030 Shanamantown Road listed his concerns on a print out along with a petition against Jubilee opening a halfway house. Other residents spoke their concerns as well.

The following was emailed to Brian from *Stephen W. Getz, Concerned Citizens' of Annville against usage of Hill Farm Estates.*

Here is a list of Neighborhood Concerns:

1. Safety of children and citizens
2. Property Values
3. Lack of Police force
4. Proximity to college, elementary and high schools

5. Is Hill Farm a historic property?
6. Would they be able to add additional housing or warehouse space?
7. Does the zoning (R2) allow for their planned use?
8. What would happen if they did not adhere to their planned use?
9. Would they pay taxes?
10. Are there any rights of way that they could use or that would be affected?
11. What kind of offenders would be allowed?
12. Large lots without ability to protect neighbors
13. Theft concerns
14. We are not equipped as a community to handle a proposed halfway house in residential area
15. What is the effective rate of their program

Here is information on the Petition:

Concerned citizens of Annville, PA oppose the proposed sale of 200 Kauffman Rd. Annville, PA 17003, currently, locally, and formally known as “Hill Farm Estate” to any entity that desires to function a “halfway house”, “sober house”, “Megan’s Law house” (sex offender registry convicts) or similar operation.

Concerns:

- Halfway Houses do not reduce recidivism.
  - A Pennsylvania Department of Corrections study as presented in 2013 by the New York Times Article titled “Pennsylvania Study Finds Halfway Houses Don’t Reduce Recidivism” supports the concern.
  - <https://www.nytimes.com/2013/03/25/nyregion/pennsylvania-study-finds-halfway-houses-dont-reduce-recidivism.html?smid=url-share>
- Property Values will be negatively impacted.
  - *Linden, Leigh and Jonah E. Rockoff. 2008. "Estimates of the Impact of Crime Risk on Property Values from Megan's Laws." American Economic Review, 98 (3): 1103-27. <https://www.aeaweb.org/articles/pdf/doi/10.1257/aer.98.3.1103>*
- Crimes rates in the immediate area will likely increase
  - Groff, E. R., & Lockwood, B. (2014). Criminogenic Facilities and Crime across Street Segments in Philadelphia: Uncovering Evidence about the Spatial Extent of Facility Influence. *Journal of Research in Crime and Delinquency*, 51(3), 277–314. <https://doi.org/10.1177/0022427813512494>
- Rezoning.
  - We reject the rezoning of said property to accommodate said type of operation. Spot zoning has been rejected throughout the Commonwealth and we firmly stand united against rezoning for the purposes of accommodating said sale and/or operation as a halfway house or similar facility.
  - <https://www.foxrothschild.com/publications/commonwealth-court-tackles-issue-of-spot-zoning-in-conshohocken-neighbors-appeal>
  - <https://mpl-law.com/recent-spot-zoning-challenge-in-pennsylvania/>

The above is not an exhaustive representation of our concerns nor a comprehensive compilation of scholarly/peer reviewed resources supporting stated and unstated concerns. We have many questions. To date, we do not know the intent of the proposed facility other than interest in broadly operating it as a “halfway house”. Questions include, but are not limited to:

- What type of pre-release convict is this property being proposed to house?
- What type of safety measures will be committed to to assure area resident safety?
- How will the town, state, and local law enforcement hold the entity accountable to safety measures and current zoning allowances?
- If we citizens are unsuccessful in rejecting this type of business in our neighborhood, will the entity be limited in number and type of convict originally intended, meaning there would be zero tolerance to modify the type of convict eligible for prerelease and ?
- Will it house “non-violent” offenders only? (“Non-violent” defined as, but not limited to, a conviction involving physical harm to another person, a conviction of a sexual nature of any type, a conviction of a crime involving the use of a deadly weapon, a conviction involving any scheduled controlled substance per <https://www.dea.gov/drug-information/drug-scheduling> site whether or not it included “intent to distribute”)

The meeting was adjourned at 8:23 pm by Nelson Heagy.

Respectfully submitted

Brian Keck, Secretary