

Dover Township
Planning Commission Minutes
January 4, 2017

Chairman Wayne Hoffman called the regular Planning Commission meeting to order at 7:05 p.m. Members present: Eric Harlacher, Carol Kauffman, Brian Kimball, and alternate Justin Bigham. Absent with prior notice: Michael Curley. Absent without notice: Anthony Pinto. Also present: Solicitor Christopher King, Zoning Officer Georgia Sprenkel, Engineers Terry Myers and Cory McCoy, Recording Secretary, and five citizens.

Mr. Hoffman noted that Mr. Bigham will be a voting member tonight in Mr. Pinto's absence.

I. **Reorganization**

Motion by Kauffman, second by Harlacher, to nominate Wayne Hoffman as Chairman of the Planning Commission for 2017. All members voted aye; motion carried.

Motion by Kauffman, second by Kimball, to nominate Eric Harlacher as Planning Commission Vice Chairman for 2017. All members voted aye; motion carried.

Motion by Kimball, second by Harlacher, to nominate Carol Kauffman as Planning Commission Secretary for 2017. All members voted aye; motion carried.

II. **Minutes**

Motion by Kimball, second by Kauffman, to approve the minutes of the meeting of December 7, 2016. All members voted aye; motion carried.

II. **Zoning Cases**

A. ZHB 17-1 – Brian Widmayer, request for Variance to be able to build a single-family dwelling in the Industrial Zone; property at Fox Run and East Canal Roads

Mr. Widmayer, 2622 Abby Lane, Dover, was present on this application for a Variance. He was before the Planning Commission in December 2016, and the Commission suggested that he apply for a Variance to accomplish what he wants to do. He noted that he is generally aware of the environmental issues associated with this parcel, its having been a junkyard in a prior life. If Mr. Widmayer were to successfully obtain this Variance, Mr. Hoffman is concerned about the Township's implied or stated approval of this property's safe use as a residence. Attorney King noted that if the Township grants a Variance, the only items that the Township is "signing off on" are the conditions of the Variance request, not any implied or understood environmental conditions or issues. How about a disclosure form that a buyer would sign as a condition of sale? Mr. Widmayer noted that DEP has disclosed that there are no outstanding issues or environmental problems associated with this property. DEP asked the applicants to remove *two* tons of debris per year; the first year that Mr. Widmayer owned the property, he removed 22 tons of miscellaneous debris from the property. He noted that this property is right next to the Township well – is anyone worried about that?

Mr. King advised that the Planning Commission is free to place conditions on their recommendation for a Variance. Any purchaser or lender will likely require an environmental study.

This property is in an Industrial Zone; Mr. Widmayer would like to subdivide the property and sell the western portion as a residential building lot. Because of the location of the property, its layout, and the wellhead protection area, it's difficult to make a decent use of it. The applicants feel that a residence is the best use of the property. It's impossible to put an industrial use within the wellhead protection, according to the Zoning Ordinance. This is definitely a hardship, in Mr. Widmayer's opinion. Mr. King noted that uses other than industrial uses would be permitted on this property. Either way, a Variance would be required.

Mr. Hoffman gave Mr. Widmayer some suggestions as to what to present to the Zoning Hearing Board, including overhead photos or drawings, etc. If the Variance is granted and not used within six months, it would expire. It might be a good idea for Mr. Widmayer to request an extension of time from the ZHB to permit him to sell the property and make use of his Variance. He would request an extension of time relative to Section 27-1003.1.b, and he should add that request to the Application. If the time expires, the Variance would expire and the use would revert to its current zoning (Industrial) and its associated uses.

Motion by Harlacher, second by Kimball, to recommend approval of the request for Variance by Brian Widmayer, property at the intersection of East Canal and Fox Run Roads, to permit the applicant to build a single residence on the western side of Fox Run Road according to Section 27.409.2, meeting requirements of Section 27-1003.2.a-e. All members voted aye; motion carried.

The Planning Commission recommended that Mr. Widmayer request an extension of time from the ZHB.

Mr. Myers noted that in Zone 2 of the wellhead protection area a residence is not required to be served by public sewer.

B. ZHB 17-2 – John Wilson, request for Special Exception for home occupation of musical instrument repair in the R-3 zone; property at 2801 Sherwood Lane

Mr. Wilson was present on his request for Special Exception for a home occupation of musical instrument repair. His area would encompass a work bench and some power tools and some hand tools. He doesn't know exactly how many instruments he could fix per week. He will be taking a six-month apprenticeship course to fine-tune his skills. His work will be by appointment only, and he will likely receive some instruments via delivery. He will be the only employee. He meets all the requirements to be granted the Special Exception.

Motion by Kauffman, second by Kimball, to recommend approval of the Special Exception for Section 27-632 for home occupation of musical instrument repair. All members voted aye; motion carried.

III. Plans

A. PL16-1 – Bupp/McNaughton – Preliminary Plan; Conservation by Design tabled at December 2016 PC meeting

Byron Trout was present from Gordon Brown Associates, 2238 South Queen Street, York. Modifications have been made to the original plan – 198 buildable lots, 1 lot for the open space, and 1 lot for the community building.

Discussion was held on who will maintain the open space area, no matter if it's left wild, mowed, gardened, whatever. Mr. Trout will ensure that that information is included in the HOA documents and noted on the plan if necessary. This way the Township is aware of the plans and can inspect and ensure that the space is maintained as proposed.

Mr. Kimball had a concern about the early phases having only one means of ingress and egress. Could they add a temporary emergency access? Sure, good idea.

Two waivers are requested: Section 501.2.D, north arrow orientation; and Section 711, vertical curbing.

Mr. Myers reviewed the comments on the C. S. Davidson letter dated January 4, 2017. Open items: Zoning 3, approval of HOA documents (Section 27-605.8); SALDO 1, GIS disk (Section 22-502.2.A); 2, engineer's seal, signature, date (Section 22-501.2.H); 3, owner's notarized signature (section 22-501.2.H); 12, designate required clear sight triangle easements for areas outside the street ROWs (Section 22-501.2.CC); 14, Planning Module approval (Section 22-502.2); 15, approval of the Sanitary Sewer design by the Sewer Authority (Section 22-502.3); 16, Stormwater Management Plan approval (Section 22-502.8); 19, approval of the Utility Layout by the Township Engineer; 20, extend the "turnaround" walking trails to Shadowbrooke Drive along lots 14 and 15; 23, provide 20'-wide storm sewer easements between Lots 84-85, 58-59, 94-95, 50-51, 100-101; 24, install all sanitary sewer laterals and water services 90 degrees from the main to the cleanout or curb stop; 26 through 43 are open [with the exception of 35] but will be addressed under Item 19, Township Engineer approval of the utility layout; AND *added* 44, identify how the open space will be used and maintained AND in what condition it will be upon turnover to the Township; *added* 45, add temporary emergency access with Phase 1.

Motion by Kimball, second by Kauffman, to approve both waivers as presented, Sections 501.2.D and 711. All members voted aye; motion carried.

Motion by Harlacher, second by Kauffman, to recommend approval of the plan subject to the satisfactory resolution of the following open items from the C. S. Davidson letter referred to above: Zoning 3; SALDO 1, 2, 3, 12, 14, 15, 16, 19, 24-43; *added* 44, open space condition at time of Township turnover; and *added* 45, add emergency access with phase 1. All members voted aye; motion carried.

IV. Other Business

Ag Security request by Ronald Coleman, 4150 Eagle Scout Road, Thomasville; 24-JF-86A, 30.47 acres, Ag zone

Motion by Harlacher, second by Kauffman, to recommend approval of the request by Ronald Coleman to include 30.47 acres (parcel 24-JF-86A), 4150 Eagle Scout Road, into the Ag Security area. All members voted aye; motion carried.

Motion by Kimball, second by Harlacher, to authorize the Planning Commission Secretary and the Zoning Officer to sign the Planning Module for James Detter, Crone Road. All members voted aye; motion carried.

CAFO discussion – Mrs. Sprenkel reported that Ron Coleman is interested in building more chicken houses. The last time he built chicken houses, Mr. Coleman kept

the number of chickens just under the maximum required for approval and was not considered a CAFO. If he adds another house and more birds, will his operation be considered a CAFO? Does Mrs. Sprenkel need to worry about this, or will DEP take care of all of it? Mr. Hoffman feels that the Township shouldn't be concerned about it. Mr. Myers noted that if an operator/use is identified as a CAFO, then it's a Special Exception use, not a permitted use under Dover Township's ordinance.

Update on Ordinance Amendment for Accessory Buildings – Attorney King provided a sample ordinance. Mrs. Sprenkel feels that this should not fall under the Special Exception category. The situation arises where a person owns two different adjoining parcels. The house is on one lot, and the person wants to build a shed or garage on the empty lot. Currently, the ordinance does not permit this because this is considered an accessory use, and there's no principal use on the empty lot. Should this continue?

On another matter, Mr. Hoffman feels that the cost of say, just "erasing" a property line is exorbitant. There are so many rules with which to comply and so many hoops to jump through which increases the cost. Mr. Hoffman feels that since the Township developed a requirement, it can eliminate that requirement.

Discussion was held on what benefit is derived from following all the procedures. Is there a way to simplify all this? To distinguish between what goes on in a residential development and a larger residential area or zone?

If a person owns a lot and wants to put just a garage on it, right now he's permitted to do so if that structure is an accessory use to the future principal use. Is there a time limit on placing that principal structure on that lot? Can a shed remain on a lot for say, 20 years, without a principal use structure being built? What if the lot is not large enough to support a principal structure in the first place?

Is this fixable at this stage? Eliminate lot lines; what to do with a landlocked parcel – what could be built on it? And how to fix the situation of the accessory and/or principal use of the lot? Would a Variance be in order? There again, that's \$600 up front.

The Planning Commission requested that the Solicitor, Engineer, and Zoning Officer investigate the possibility of eliminating at least some of the hurdles involved with a simple task of erasing a lot line, in order to decrease the financial burden to the applicant.

Motion by Harlacher, second by Kauffman, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:43 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary