

Dover Township
Zoning Ordinance Review
and
Planning Commission Minutes
April 2, 2014

The workshop began at 6 p.m. Present: Chairman Wayne Hoffman, Eric Harlacher, Anthony Pinto, Carol Kauffman, Solicitor John Baranski, Zoning Officer Georgia Sprenkel, Engineer Terry Myers, Recording Secretary.

Mr. Myers provided a sheet outlining impact on adjacent property owners. Is this impact on residential neighbors or any neighbor? Mr. Hoffman noted that any change will have an impact on any neighbor, be that impact real or perceived. It's good to try to predict the impact, Mr. Baranski said, hence the existence of zoning. Unfortunately, to make this perfect would require a blank slate of uses, which will not happen. With regard to Mr. Myers' chart/sheet, after the Planning Commission members agree on what kind of impact each use will have on the adjoining properties (Industrial Zone), Mr. Myers will propose what the setbacks should be for each use. Can this be decided on a case-by-case basis without having regulations set in stone, so to speak? Should there be different classifications of Industrial businesses, light or heavy industry? Add more stringent regulations in the specific standards section in the ordinance. How about a list of items -- if the business falls within these parameters, it's a light industry or a heavy industry, etc.?

The setback in a Commercial Zone is 35/50' front, 10' sides, rear 30'; permitted lot coverage is 75%. Minimum lot size is 10,000 square feet; minimum lot width is 75', 133' long. Buildable area would then be 68' x 55'. How large a lot/building would equal 75% lot coverage? Undetermined at this time, as no one was interested in using algebra. The point is -- are the setbacks too large to make the lot useable?

Mr. Baranski noted that the Township has added uses to the Industrial Zones, which is making it rather difficult to fit everything into a classification.

How about letting the light and medium uses be set back a certain size setback and increase that setback for the heavy uses? The chart was examined.

[Amy Brinton arrived at this point, 6:39 p.m.]

Section 27-660 was discussed with regard to Automotive Repair Service; Vehicle Sales Lot; and Vehicle Service, Repair, and/or Body shop. Mr. Baranski will look at all the automotive uses to see if they need work.

Chart from Mr. Myers -- changes as follows:

Automotive repair service, to be determined

Light and heavy industry, to be discussed/determined

Public utility buildings and/or service structures, change to medium impact

Wholesale establishment, change to heavy impact

Shallow resource recovery uses of quarrying and recovering of shale and clay materials and related uses, to be determined.

Accessory uses customarily incidental to the permitted uses should have the same setbacks and standards as the primary use.

Vehicle sales lot, to be determined

Vehicle service, repair, and/or body shop, to be determined

Adult-oriented facility, to be determined

Business and professional offices, change to light impact
Refining operations, including the refining of raw materials, chemical, and/or
grain – still need standards in Section 600
Wholesale Establishment, change from medium to heavy impact.

Chairman Wayne Hoffman called the regular Planning Commission meeting to order at 7:07 p.m. Members present: Amy Brinton, Anthony Pinto, Eric Harlacher, and Carol Kauffman. Also present: Solicitor John Baranski, Zoning Officer Georgia Sprengel, Engineer Terry Myers, Recording Secretary, and five citizens.

I. **Minutes**

Motion by Harlacher, second by Brinton, to approve the minutes of the meeting of February 5, 2014. All members voted aye; motion carried.

Motion by Pinto, second by Kauffman, to approve the minutes of the March 5, 2014. All members voted aye; motion carried.

II. **Zoning Cases**

A. ZHB 14-1 – Lifestyle Foods, 5107 West Canal Road; request for Special Exception – Agribusiness -- Agricultural Zone

Attorney Robert Schefter was present with Jason Bross and Ray Lopez, on behalf of (or as) the applicants. They are requesting a Special Exception for an Agribusiness in the Ag Zone. The property owners are Tom and Wanda Bross, Jason Bross's parents, from whom the business would lease the land. Section 27-402.3.a is the appropriate section governing an agri-business. The proposed use is agricultural in nature. The lot is partially wooded, and the business would be located in that area that is unsuitable for farming. There would be private water and sewer. Mr. Schefter feels that the business meets the definition of agri-business and so should be permitted on this property. The business does not grow all the products that the facility will handle, but Mr. Bross would like to grow some of the products, eventually. This facility will handle, package, and distribute healthy food products. It was noted that no meat products are cooked or processed on this site.

Traffic impact was discussed. Truck traffic would likely use Big Mount Road from either Route 234 or 30. There would be approximately 27 trips per week, tractor trailers and/or smaller trucks.

The applicants presented an alternate site on the lot for the business/building. (Last month, the applicants presented a sketch plan with the building proposed at a slightly different location on the lot.) The site proposed tonight uses a bit more agricultural land that is suitable for farming. The site proposed last month uses a bit more woodland. If that location/version is preferred, the access drive would be lined up with Salem Run Road. The width of the road will be examined at the Land Development Plan stage of the process. What about the section of the road that goes through Paradise Township? Should be no problem. What about the standards of the road for truck traffic? The applicants will look up Publication 411 of the PennDOT STAA information. How about the intersection of Big Mount and Paradise – for truck traffic? That's on their property, so they'd be able to make improvements which would likely be necessary.

Would this be a separate lot or an accessory use to the principal use? The ordinance indicates that it “may be a principal use” so subdividing a separate lot might not be necessary.

There will be approximately 45 employees. Make sure there’s screening around the building and parking lot. It was anticipated that the ZHB will address this requirement. Perhaps a berm would be a good idea. Mr. Lopez noted that the building will be moved back into the woods as far as possible. The wooded area has a good slope to it, which means it’s not good for farming use. Mr. Myers suggested that the applicants might want to restrict access to all four sides of the building just to keep the construction area down. The building planned is 20-30’ high.

To present to the ZHB, the applicants should have some idea of how much water use they will require. There’s plenty of area to address storm water concerns. Mr. Baranski noted that their first requirement will be some sort of authorization from the property owners indicating their permission for Lifestyle Foods to proceed with the proposal. Perhaps a landscape architect or an engineer should be consulted prior to the Zoning Hearing Board meeting.

Motion by Brinton, second by Kauffman, to recommend approval of the request by Lifestyle Foods for Special Exception for Agri-Business in Ag Zone. All members voted aye; motion carried.

III. **Plans**

No plans this month.

IV. **Other Business**

Laura Steck, 911 Shenandoah Lane, York, 17404, and Crystal Scarce, 3122 Glen Hollow Drive, Dover, 17315, were present with a quandary. They each own one half of a duplex house in the Glen Hollow Drive subdivision, on one lot. They would like to split their house/lot, but their lot is 6” too short to meet the zoning ordinance requirements for minimum width. They are requesting a Variance to the requirement. They can’t sell their homes; nor can they refinance their homes because of this situation. Their lots are not 80’ wide each. State law indicates that this Variance may be so small that it doesn’t have to go through the Variance procedure. Mr. Baranski will check on this for them. If the lots meet the conditions, they can just apply for the subdivision and not apply for the Variance. It will depend, though, on where the house is physically located on the lot; run the line down the center and see what the numbers are. It could turn out that one person will need a Variance and one person will qualify for the di minimus ruling. Right now, it’s an existing non-conforming lot. They cannot create a greater non-conformity with a subdivision. Their surveyor will have to survey the property to get the firm numbers for the lot width. Then Mr. Baranski can investigate the possibility of their qualifying for the di minimus relief. What if they don’t qualify for the di minimus relief? Do they have a good chance of being granted a Variance? Unknown. Seems like they purchased their homes thinking that the measurements were sound. They will have the survey done and report back to Mrs. Sprenkel and Mr. Baranski for further advisement.

Motion by Harlacher, second by Brinton, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary