

Dover Township
Planning Commission Minutes
December 1, 2010

Chairman Wayne Hoffman called the meeting to order at 7:00 p.m. Members present: Monica Love, Bill Hansman, Robert Wright, and alternates Amy Brinton and Eric Harlacher. Absent: Anthony Pinto. Also present: Zoning Officer Georgia Sprenkel, Solicitor Nicole Ehrhart, Engineers Terry Myers and Karen Wilson, Recording Secretary, and nine citizens.

I. **Minutes**

Motion by Hansman, second by Wright, to approve the minutes of the meeting of November 3, 2010. All members voted aye; motion carried.

II. **Plans**

A. Members 1st Land Development Plan

Aaron Navarro was present on behalf of the applicant. This plan was tabled from last month's meeting to permit the Planning Commission to obtain more information on the access drive extension and the negotiation process surrounding the possible agreement between the Township and the applicant. At this time the applicant is not planning to dedicate any additional ROW for the connection/access drive. The applicant is requesting an additional waiver for some storm water issues.

Comments from the November 16, 2010, C. S. Davidson letter were reviewed. Open items remaining: 1, GIS disk (Section 501.2.A); 2, engineer's signature/seal (Section 501.2.F); 3, owners' signature (Section 501.2.H); 9, add note if there are no environmentally constraining resources (Section 501.2.P); 13, landscape architect's seal/signature (Section 501.2.II); 14, add DEP Planning Code number (Section 601.2.L); 15f, define abandonment requirement of existing water service (Section 501.3); 16, approval of traffic impact study (Section 501.4); 21, public improvement security (Section 601.I); 22, stormwater management approval (Section 602.3); 23, soil erosion and sedimentation control plan approval from York County Conservation District (Section 602.4); 30, add seal of professional lighting engineer/designer (Section 27-509); 34, street ROW for the future connection of Palomino Road from Carlisle Road to the Donwood Development; and 35, PennDOT Highway Occupancy Permit and a Modified Signal Permit to be obtained prior to final plan approval.

Regarding the ROW in Item 34, Mr. Hoffman reported that he checked with Attorney Rausch on the status of this plan and the discussions between the applicant and the Township.

John Lipka, Members 1st, addressed the negotiations process concerning the ROW; he was part of that process. The applicant is willing to consider additional ROW in the future, but they don't want to encumber themselves at plan approval time for something that hasn't happened yet. Evidently, the negotiations process failed at some point. Agreements had been drafted; the Township didn't want to assume costs that could not be locked in under the current arrangements. Were the negotiations concerning the ROW or the building of the street? Mr.

Lippa feels that the applicant has planned this project with the future possibility of the street extension and access. Mr. Hoffman urged the applicant to come to some sort of agreement with the Township on this ROW issue. He feels that it's not good business "to agree to agree on something in the future." Mr. Lippa feels that the applicant would not have designed this proposal as it is if there weren't a tacit agreement to cooperate with the Township in the future. Mr. Hoffman feels that if the applicant can agree to do this in the future, they can agree to do it today.

Any suggestions from the Planning Commission members? Mr. Hansman feels it's a good plan and the applicant has made a good-faith effort to assure future cooperation for the ROW issue. Mr. Wright feels that the plan should be tabled until this issue is resolved. Mr. Navarro reiterated the point that the applicant is already constructing the access road up to Township standards even though they are not required to do so. It's ready for the Township to extend the road at whatever future point. Mrs. Ehrhart noted that a denial of the plan needs to be accompanied by the specific section of the SALDO that has not been met. Mr. Myers has already indicated that the SALDO requirements have generally been met.

Motion by Hansman, second by Love, to recommend approval of the Members 1st Land Development Plan subject to the satisfactory resolution of the following open items from the CSD letter referred to above (1, 2, 3, 9, 13, 14, 15f, 16, 21, 22, 23, 30 34, and 35), **AND** to recommend that the applicant and the Township come to an agreement about the ROW issue, **AND** to approve the waiver of Section 19-306.1, ground water recharge. Vote: All members voted aye; motion carried.

Mr. Hoffman feels that the Township and applicant must work diligently to come to an agreement before this plan reaches final approval.

Mr. Lippa said the applicant has every intention of following through on their proposal, and he suggested that Mr. Hoffman get together with the other Township personnel regarding the negotiations before the Township and the applicant meet again to come to an agreement.

Concerning the Zoning ordinance and SALDO, is there a recommendation? Mrs. Love feels that the Supervisors should make the corrections suggested tonight and move forward.

Discussion on the request by Mrs. Kellison in the public meeting to re-zone the Conservation lot to an Agriculture lot – Mr. Hansman feels that the zone should remain the same and the applicant can apply for a Variance. Mrs. Love feels that there's no reason why the area shouldn't be Ag; there are no environmentally sensitive areas in that section.

Motion by Love, second by Wright, to recommend that Route 74, Carlisle Road, be re-zoned from Residential to Commercial, west of Route 74 across from the Grandview Golf Course, one lot deep; plan attached. All members voted aye; motion carried.

Motion by Love, second by Wright, to re-zone the north area of the Conservation Zone to Agricultural, from Kunkle Mill Road; plan attached. Three ayes; Hansman opposed, motion carried.

Motion by Love, second by Hansman, to recommend approval of the Subdivision and Land Development and Zoning Ordinances, subject to the changes proposed tonight being made, *except* the fence issue, and to recommend that the Supervisors look favorably on these changes and adopt the ordinances.

Mr. Hansman left the meeting at this point, 9:08 p.m. Discussion on fences: Mrs. Love noted that the wording in the proposed ordinance is unchanged from the language in the current ordinance. On a corner lot, there are two front yards and two side yards. How about a lot on an alley? If there are two front yards, and under the ordinance a 6' fence is not permitted in the front yard, that means a 6' fence is not permitted in either front yard of a corner lot. Mrs. Love feels that it's for continuity that the corner lot's fence be the same as the 4' stretch. However, in many cases, dogs can jump over 4' fences, which mean the homeowner comes to the Township to request a variance for the fence height to be able to build a 6' fence. Emergency personnel frown on a 6' fence in the front yard where the front door is, as it makes it difficult to see the house number.

Consensus is that if Mrs. Sprenkel can enforce the ordinance the way it is, it's fine. This section will stay as written. The vote: All members voted aye; motion carried.

III. **Zoning Cases**

Nothing this month.

IV. **Other Business**

Nothing at this time.

Motion by Love, second by Brinton, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:16 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary