

Dover Township
Planning Commission Minutes
December 7, 2016

Chairman Wayne Hoffman called the regular Planning Commission meeting to order at 7:06 p.m. Members present: Anthony Pinto, Eric Harlacher, Carol Kauffman,; alternates Michael Curley and Justin Bigham. Also present: Solicitor John Baranski, Zoning Officer Georgia Sprengel, Engineers Terry Myers and Cory McCoy, Recording Secretary, and four citizens. Brian Kimball was absent with prior notification.

I. Minutes

Motion by Kauffman, second by Pinto, to approve the minutes of the meeting of October 5, 2016. All members voted aye; motion carried.

II. Zoning Case

A. Fox Run Road and Butter Road – rezoning request

Brian Widmayer, 2622 Abby Lane, Dover, from Cash Now was present to request that the 24-acre parcel at Fox Run and Butter Road be rezoned. The property is currently not in use. The parcel is pretty evenly split by Fox Run Road and is zoned Industrial. The applicants would like to split and sell the property but it's located in the wellhead protection area. The property straddles Zones 1, 2, and 3. Zone 1's permitted uses do not include industrial uses. So, basically, they own a piece of property that is unusable as it's zoned. They would like it to be rezoned residential (R1) so that someone could purchase it and place a home on it. Mrs. Sprengel noted that the Supervisors do not want to see multi-family dwellings on this lot. A single-family residence or two would have less of an impact on the wellhead area. What happens if the property is rezoned to R1, and it's sold—no one has any control over how many homes are built on this property. This is a tough call, as there are so many uses that the Township doesn't want to see put there, so what would be suggested? Any residence built there would require public sewer and water. Water is available, but public sewer is not in that immediate area so would likely be a costly venture.

Mr. Hoffman feels that selecting the target zone merely to limit density is not a good reason to rezone the property. Mr. Baranski cautioned against spot zoning, which this request appears to be. Are there industrial uses that won't affect the groundwater? Would that be a better way to go rather than zoning it for residential use?

Mr. Widmayer noted that part of Zone 1's property is overlaid by high tension power lines, making that area even less useful for an industrial or commercial use.

Mrs. Kauffman feels that the property should remain zoned Industrial, and Mr. Curley is leaning that way, too. Mr. Pinto is concerned that it might indeed be spot zoning. Mr. Widmayer reiterated his case that the zoning of the area and the restrictions associated with the wellhead protection area make the property unusable. He noted that the applicant purchased the property at an auction or tax sale at a low, low price but they were not aware of the restrictions on the parcel until after the sale was final. The applicant has done a fair amount of clean-up as required by DEP.

Mr. Baranski noted that all the arguments fit with the pursuit of a zoning Variance, and Mr. Widmayer might consider applying for same. If the Zoning Hearing Board were

to grant a Variance, their ruling could specify that the applicant could build one home only. The applicant or owner would need to get a building permit within six months of the granting of the Variance. How feasible is that?

Mr. Hoffman feels that it should remain zoned Industrial. He feels that the latest Zoning Ordinance revisions have expanded the commercial uses permitted. Mr. Myers suggested that at the time of the granting of the Variance, the applicant should request an extension of time to at least one year within which time to market it and sell it and get something built on it.

Ultimately, the Planning Commission advised the applicant to request a Variance, or to market the property in terms of the permitted uses for its current zoning classification.

Motion by Pinto, second by Kauffman, to recommend that the applicant pursue one of two options: request a Variance for rezoning from the Zoning Hearing Board or market the property in terms of what uses are already permitted in its current zone. All members voted aye; motion carried.

III. Plans

A. PL 16-1 – Bupp/McNaughton -- Preliminary Subdivision Plan, Bull Road

Byron Trout was present to request that this plan be tabled for further review and action. Mr. Hoffman requested discussion on some of the troubling issues on this plan. Mr. Trout noted that revisions have been made to build 198 single-family, semi-detached units marketed to residents over age 55.

Motion by Curley, second by Pinto, to *table* this plan, per the request by the applicant. All members voted aye; motion carried.

Mr. Myers noted that, at the initial review, a Conservation By Design component was required. As part of that, the applicants were required to identify all environmentally sensitive areas, which they have generally done. The stream running through the property was of particular concern. The applicants have moved the houses nearest the stream farther away from the stream.

B. PL 16-2 – Faire Wynd -- Re-Subdivision Plan, Hilton Avenue

Byron Trout was present on this plan as well. The seven lots closest to Hilton Avenue have been revised to duplex lots. Some other lots have been eliminated. There will be an expanded common area which will serve as a buffer between the homes and Hilton Avenue. Nothing else major has changed; just some minor tweaks.

Mr. Myers reviewed his comments on the C. S. Davidson letter dated December 1, 2016. Outstanding items: General 1, add an additional plan to the set to show the intermediate transfer of land required between the two property owners in order to arrive at the proposed final lot configuration; SALDO, 1, GIS disk (Section 22-501.2.A); 4, Engineer's signature/seal/date (Section 22-501.2.h); 5, owners' signatures (Section 22-501.2.H); 9, show driveway easements on typical lot diagram (Section 22-501.2.CC); 11, update the stormwater management plan to identify the difference in the impervious area from the original approved stormwater management plan of Phase 1 and its anticipated impact (Section 22-502.8); 12, Township Sewer Staff approval of the proposed changes to the sanitary sewer system (Section 22-601.2.K.3); 13, PA DEP approval of the sewage planning modules prior to final plan approval AND add the DEP planning code number

on the plan (Section 22-601.2.L); 14, public improvement security (Section 22-602.1); 15, verify that the active NPDES Earth Disturbance Permit will cover the proposed improvements; review with YCCD and provide letter (Section 22-602.4); 18, label the offset dimensions between the water services and sewer laterals (Section 22-713.F); 19, if the walking trail is not intended to be constructed, it should be removed from the plan; letter from HOA pending; 20, the proposed disturbance of the recently adopted streets will necessitate that the disturbed portion be milled and overlaid with a new bituminous surface; the limits of the mill and overlay shall be clearly depicted on the plans. All utility cuts shall be covered.

Motion by Harlacher, second by Pinto, to recommend approval of the Re-subdivision plan of Faire Wynd, subject to the satisfactory resolution of the following items from C. S. Davidson's letter dated December 1, 2016, referred to above: General 1; SALDO 1, 4, 5, 9, 11, 12, 13, 14, 18, 19, and 20. All members voted aye; motion carried.

IV. Other Business

Accessory Building – discussion on changes to Zoning Ordinance

Mrs. Sprenkel has had issues with people who own two lots side by side and who want to put a garage on the vacant lot (where the house is not located). They are not permitted to put an accessory structure on a lot without having a principal structure on it. This is how she has been interpreting this section for years. Mrs. Sprenkel feels that the wording is incorrect in the Ordinance in the first place. Discussion was held on what's allowed in which zone and what the structure is accessory to. Mr. Baranski may have the proper language to make the Ordinance easier to interpret and enforce.

Motion by Harlacher, second by Pinto, to authorize the Planning Commission Secretary to sign the Firestone Planning Module to be sent to DEP. All members voted aye; motion carried.

Discuss Non-Building Waiver

Mrs. Sprenkel reported that Brad Hengst is having problems with plans that come before the Township stamped "Non-Building Waiver" – people want to build on that lot later, but it hasn't gone through any of the sewage planning and approval process, so it's not an approved building lot. How about those people who never want to build on a lot? Why do they need to go through any process for sewer design? That's a bit different.

If someone purchases a lot that had a non-building waiver, and subsequently, they want to build on it, it's their responsibility to go through the proper channels to get the appropriate testing done. Mrs. Sprenkel has been interpreting the ordinance and procedures correctly.

Motion by Harlacher, second by Kauffman, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:08 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary