

Dover Township
 Planning Commission Minutes
 March 6, 2019

Chairman Wayne Hoffman called the regular Planning Commission meeting to order at 7:00 p.m. Members present: Anthony Pinto, Eric Harlacher, Carol Kauffman, Brian Kimball; alternates Michael Curley and Justin Bigham. Also present: Solicitor John Baranski, Zoning Officer John McLucas, Engineer Cory McCoy, Recording Secretary, and six citizens.

I. **Minutes**

Motion by Kauffman, second by Pinto, to approve the minutes of the meeting of February 6, 2019. All members voted aye; motion carried.

II. **Zoning Cases**

None this month.

III. **Plans**

PL-19-1, Final Subdivision; Joan M. Dawson, 5530 Harmony Grove Road
 Charles Rodichok was present on behalf of the applicant. This plan had been on tonight's agenda and was removed prior to the meeting. Mr. Rodichok was present anyway, so discussion was held. Mr. McLucas noted that, in order to proceed with this plan, the applicant needs to apply for a Variance. The plan is to subdivide 3.3 acres off the parent tract to add to the adjacent property, and the plan is to put that resulting property into the clean and green program. The lots now are non-conforming; subdividing would render the lots even more non-conforming, hence the need for a Variance. Mr. Baranski noted that the larger lot is not large enough to be a farm parcel (minimum 25 acres). These parcels are in the Agricultural District.

It was noted that it might be costlier to do the subdivision to put the resulting property into the clean and green program than it would reap in tax savings. At this point, it's not known if the applicant will indeed apply for the Variance.

Discussion was held on the overall intent of the Agricultural District and some problems that have arisen lately when plans come before the Planning Commission. Sometimes it doesn't make sense when two adjoining property owners want to do a land swap, and they have to go through the entire subdivision process. In the Ag District, the minimum lot size is 1.5 acres, maximum size to subdivide is 2 acres, next size up is 25 acres to be a farm parcel. This needs to be revisited for purposes of changing the ordinance. Why is there even a two-acre maximum for subdivision in the Ag district? The intent was to preserve the land; the crafters of the ordinance agreed that two acres are plenty for a residence.

Should the staff look into changing the ordinance? Yes. If the applicant were to come before the Planning Commission with the intent to apply for the Variance and proceed to a Zoning Hearing, would the Planning Commission members be inclined to recommend approval? Likely. How about if the 3.3-acre parcel were decreased to 2 acres? One lot would still be non-conforming, but the other lot would be less non-conforming. If the applicant presented a plan involving a 12-acre lot and a 2-acre lot, he

might have better luck obtaining a Variance. Don't forget a replacement area for the septic system.

Is there language that can be drafted to cross all Districts? Mr. McCoy noted that the problem arises out of the 2-acre maximum lot size, which only occurs in the Agricultural District. He recommends reworking the Ag District rather than trying to draft something that would cross all districts.

IV. Other Business

A. Todd Lebo, subdivision question, 3701 School House Road, Agricultural District

Todd Lebo, 3701 School House Road, was present on this proposal. This property was in the Conservation District when he purchased it several years ago. He wants to do a small subdivision, 2 or so acres with 650' of road frontage, and build a house on it. His neighbor is William Brenner, with whom he shares a driveway.

Mr. McLucas explained the problem. In the Agricultural District, anything subdivided after 1988 cannot be subdivided again. However, this parcel was divided in 1998 when it was zoned Conservation. Once the property was rezoned to Agricultural, he would have then been permitted to subdivide. Two or five acres? Five would require a Variance from the Zoning Hearing Board; if he wants to subdivide only two acres, he would be permitted to do so. Great. Total acreage: 30 acres. This gives him one development right, not in excess of two acres.

Access? There are four acres between road and water easement. He crosses the stone bridge to get to his property. If he were to build a driveway for a new home, he would be relieved of any maintenance obligations for the existing bridge, as he would cease using it. Changing the bridge or making a new driveway would require a DEP inspection and permit, etc., which could be an expensive venture. Discussion was held on the feasibility of that particular 2-acre tract having enough suitable land that is not in the flood plain to build a house and have on-lot septic and water. Much of the land would be taken up with the on-lot septic system, etc. There are currently other structures on this parcel

Can he subdivide? Yes. Can he build on it? Unknown at this time.

B. Ted Ventre, subdivision question, 3971 West Canal Road, Agricultural District

Ted Ventre, 3971 West Canal Road, was present on this proposal. He has a one-acre lot which he wants to subdivide and build a home; he can't do it without a Variance. The lot is in the Agricultural District. The current residence is a trailer and needs to be removed. He would like to replace the trailer with a modular home. He feels that the neighborhood and the lot could support a subdivision and two identical homes. The lot has 280 feet of road frontage. Mr. Hoffman noted that any on-lot septic system requires 1.5 acres for one house. There's just no room for two. Plus, the well and septic system need to have 100 feet between. Any closer and there's the risk of getting nitrates in the well. The rest of the Planning Commission members were unsure about that 1.5 acre minimum for an on-lot system. Check with the SEO to be sure. Plus, the minimum lot size for the Ag zone is 2 acres, so the lot is non-conforming to start.

How about removing the house from the foundation/basement and replacing it in kind? Mr. Ventre said that the reasons are partly financial, partly just the difficulty of doing it. There is an existing on-lot system and well on the lot. All setbacks are currently met. The building code is going to apply whether he is replacing or remodeling. If the footprint remains the same, he should be okay.

To take a small lot in the Ag zone and make it even smaller is likely an uphill battle in front of the Zoning Hearing Board. Mr. Ventre accepts this information and will make a decision.

C. Agricultural District – discussion

Lots of non-conformities. Maximum lot size makes it difficult here and there. Simple moving of lot lines between adjoining properties is made more difficult.

Mr. McLucas will explore the different language re: exceptions to the minimum lot sizes to make it easier to transfer lots between adjoining property owners without requiring a full-blown subdivision plan. [Much of the discussion on this topic was held in the Dawson plan earlier in the meeting.]

Mr. Harlacher noted that early in 2013, there were comments in the Planning Commission's minutes about the Planning Commission's "mission." How about this: "The Planning Commission's mission is to help residents in the Township succeed in the planning and development in the growth of Dover Township."

The next meeting of the Planning Commission is scheduled for April 3, 2019, 7 p.m.

Motion by Pinto, second by Kimball, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:19 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary