

Dover Township  
 Planning Commission Minutes  
 August 7, 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 five citizens.

I. **Minutes**

**Motion** by Pinto, second by Kauffman, to approve the minutes of the meeting of June 5, 2019. All members voted aye; motion carried.

II. **Zoning Cases**

None this month.

III. **Plans**

A. PL-19-1, Dawson, 2-lot subdivision, 5530 Harmony Grove Road; Ag District Jeff Dawson was present on behalf of the 2880 School House Road, Dover, with Charles Rodichok. Jeff and his wife received the property from his parents 15 years ago, and the property has been in the family for 70 years. Mother Joan Dawson wants to keep some property in the family; this plan proposes to move the boundary line to retain the land with the house. No further development planned. There are two lots to start this process, and two lots will remain. 2.34 acres to be conveyed from the mother to the son.

This property is in the Ag Zone. A plan was previously submitted with both lots being non-conforming. The Dover Township ZHB granted a Variance for lot size. Septic system passed. Now the plan is before the PC for recommendation.

Mr. McCoy reviewed C. S. Davidson's letter dated August 2, 2019. Outstanding: 2, GIS disk (Section 22-501.2.A); 4, include the following lot area requirements: minimum lot area (single-family dwelling) 65,340SF or 1.5 acres, maximum lot area (single-family dwelling) 87,120SF or 2.0 acres, and minimum lot area (farm parcel), 25.0 acres (Section 22-501.2.I); 5, *remove* Waiver #3, regarding maximum lot width and depth as it is not required and should be removed from consideration (Sections 22-501.2.N.8 and 22.501.2.N.8.d); 7, show the three existing culverts on School House Road on the plan (Section 22-501.2.T)[*waiver request withdrawn*]; 8, show clear sight triangles of 75 feet for all intersections. Areas outside of the street ROW shall be designated as an easement (Section 22-501.2.CC)[*waiver request withdrawn*]; 11, a DEP non-building waiver is not appropriate for this plan. The applicant's engineer shall clarify with DEP if a Planning Module Exemption is appropriate for this subdivision; and 12, a new deed will be created upon approval and will be supplied to the Township and County.

Waiver requests:

Section 22-201.2.1, detailed location map 5000' in each direction;

Section 22-501.2.R, contours;

Section 22-704.b, cartway width;

Section 22-708.2, safe stopping distances

[Two waivers were withdrawn by the applicant's representatives tonight: Section 22-501.2.T (show culverts) and Section 22-501.2.CC (clear sight triangles).]

**Motion** by Harlacher, second by Kimball, to recommend approval of the waiver requests by Joan Dawson for the following sections: 22-201.2.1, 22-501.2.R; 22-704.b; and 22-708.2. All members voted aye; motion carried.

**Motion** by Harlacher, second by Pinto, to recommend approval of the Joan Dawson 2-lot subdivision plan for 5330 Harmony Grove Road subject to the satisfactory resolution of the following open items from the C. S. Davidson letter referred to above: 2, 4, 5, 7, 8, 11, 12. All members voted aye; motion carried.

#### B. PL-17-10, 2727 Grandview Avenue

Dunkin Donuts opened; sewage flows did not match what was on the plan. Apparently, there are three businesses (uses) on this lot now, and the EDUs are more than what was approved. Somehow this happened between plan approval and now...

The site was approved for 1 EDU, 400 gpd. Dunkin Donuts originally proposed that they would use 241 gpd; 159 gpd would be left for the other use on the lot. Actually, Dunkin Donuts is now proposing to use 600 gpd. The new proposed use for the site uses 400 gpd. How about the third use? The applicant thinks another 600 gpd. The property essentially is proposing to need 6 to 8 EDUs or around 1600 gpd.

Whatever happens, there must be complete information on what these three uses actually are on this site. Mr. Pinto is concerned with how the three uses came into being; he's not interested in accommodating any applicant who was pulling the wool over the Planning Commission's eyes, so to speak. He's concerned about traffic, parking, etc., with this mysterious third use/change in Dunkin's partner use. To most of the Planning Commission members, the surprise third use is of more concern than inadequate sewer capacity. Mr. McLucas confirmed that the applicant did submit an as-built plan. Why wasn't this brought back before the Planning Commission? That doesn't seem right. Parking was calculated on the square footage of the retail spot; fast food use parking was based on seats and employees. Switching a partner use with Dunkin Donuts with a different use in this case doesn't affect the parking calculations, Mr. McLucas said. How about traffic flows? Certainly, three uses would generate more traffic than two uses. Would a new traffic study be required?

Perhaps the Planning Commission should ask the applicants to submit a revised plan to show any third use, and, with that plan, add whatever sewer requirements are needed. This sounds like it's out of the Planning Commission's hands. It's up to the Township to make sure all's above board and okay.

**Motion** by Harlacher, second by Kauffman, to authorize the Planning Commission Secretary to sign the Planning Module for 2727 Grandview Avenue, Dunkin Donuts. Three members voted aye; *Kimball and Pinto opposed*. Motion carried.

For next month's meeting, Mr. McLucas will provide a timeline and plans to explain how the use went from two to three without the Planning Commission's knowledge.

#### V. Public Comment

A. Wayne Myers, 3850 South Salem Church Road, was present. He would like to take his 63ish acres in the farm preservation program and deed it to a family member. Currently, he has one deed for the total 114 acres. All on one side of the road. He didn't accept a dwelling right associated with this site. That means that nothing will ever be able to be built on this site (except farm buildings). How should he approach this? He

needs to submit a subdivision plan detailing his proposal. Any way to get around doing this (and paying the \$1500) to just have a new deed?

What if he wanted to subdivide the other area along Emig Mill Road into some lots? How many could he get? Three lots, 1.5 acres minimum, 2 acres maximum, plus the farm preservation parcel. There are public sewer and water. He could do all the steps at one time – convey the farm preservation parcel to his son and subdivide three other lots.

B. Mike Landis, 4071 South Salem Church Road, parcel 57C, spoke about the rezoning proposal for parcel 57A that was discussed at the June Planning Commission meeting. At that meeting, it was noted that there was no input from the owners of Lot 57C, and he is here to give his input. He opposes the rezoning of 57A, partially because his business that is on that lot would be rendered non-conforming. The current zoning is Agricultural; the proposal is to rezone that parcel to R-1. If the owners of 57A submit a formal request to rezone, Mr. Landis will be notified. Discussion was held on whether the Landises own the driveway or not. They should double-check their deed.

Mr. Hoffman gave a bit of history on this entire area. Perhaps the Landises might purchase Lot 57A to do with it what they please. Indeed, Mr. Landis confirmed, the parcel is being appraised to establish a price for that very purpose.

#### V. Other Business

Wireless Communication Facilities Ordinance draft –

Mr. McLucas reported that he has received an application for a wireless communication facility. First step toward the Russian invasion. It could happen.

Discussion was held on the usefulness of this ordinance and if it's overkill or will it serve a good purpose. Should this ordinance be adopted as is or should it (can it) be dovetailed into the current ordinance? Adopting with the proposed ordinance will cover the Township in all situations. Federal mandate requires that these facilities are permitted in all zones.

Trying to add bits and pieces from the 25-page document to the current ordinance is risky business – the risk is that in trying to do that work ourselves, something may well be missed or overlooked. This proposal gives the Township everything that the federal government says it can have. Ordinances must keep up with the changing technology. The current ordinance was drafted many years ago and much has changed since then.

Mrs. Kauffman feels that perhaps the terminology in the proposal is too specific, which might permit an applicant to slightly change a term which would then negate the entire ordinance or make it unenforceable in certain situations.

Mr. Harlacher feels that this ordinance is dynamic, meaning it will likely need an update in a few years. Mr. Baranski agreed that these updates will keep the drafting law firm in business for the next one hundred years. “We gotta put a stop to this bullshit,” Mr. Hoffman says.

Make sure to preserve as much power for the Township as possible. Make sure the ordinance protects the Township from obtrusive facilities AND lets the Township do what the federal government permits. What about if the technology changes? How about an even more fluid ordinance? Ordinance writing isn't a fluid or dynamic art, unfortunately. It's not like that. Can we have a “best management practices” for cell tower facilities?

The Planning Commission will make a recommendation to the Board of Supervisors. As is normal procedure with new ordinances, there will be a public hearing during which information can be exchanged and debated.

Mr. Harlacher referred to the comprehensive plan meetings in which the concept of flexible development overlay was discussed to deal with businesses. Can the Township adopt an adaptive development overlay for the Township to deal with cell tower facilities? Mr. Hoffman wants to know, “is the juice worth the squeezing on this issue?” Mr. Curley has some unanswered questions, which he will cover with Mr. McLucas and Mr. Baranski.

**Motion** by Harlacher, second by Kimball, to recommend approval small wireless communications facilities ordinance. Vote: four ayes; *Hoffman opposed*; motion carried.

Mr. McLucas urged the Planning Commission members that if they feel that the Board is overlooking their comments, they should most certainly attend the Board meetings and make sure their comments are heard.

The next meeting will be held on September 4, 2019.

**Motion** by Pinto, second by Kauffman, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:50 p.m.

Respectfully submitted,

Julie B. Maher,  
Recording Secretary