

Dover Township
Planning Commission Minutes
October 2, 2019

Chairman Wayne Hoffman called the regular Planning Commission meeting to order at 7:00 p.m. Members present: Eric Harlacher, Brian Kimball; alternates Michael Curley and Justin Bigham. Absent with prior notice: Anthony Pinto. Also present: Solicitor John Baranski, Zoning Officer John McLucas, Engineers Terry Myers and Cory McCoy, Recording Secretary, and seven citizens.

Justin Bigham will be a voting member for tonight's meeting, in Mr. Pinto's absence.

Chairman Hoffman reported that Carol Kauffman has resigned her position on the Planning Commission. She was the Planning Commission Secretary. Thanks so much to Carol for her years of service to the Township.

I. **Minutes**

Motion by Harlacher, second by Kimball to approve the minutes of the meeting of September 4, 2019. All members voted aye; motion carried.

II. **Zoning Cases**

A. ZHB-19-3, Special Exception request for Home Occupation/Bakery; 3115 Cardinal Lane; Alexis and John Payne

John and Alexis Payne were present. Alexis wants to start a baking business in their home (John is the father and owner of the home; Alexis is his daughter). She wants to do custom bakery work for occasions like weddings, baptisms, etc. The business will be located on the lower level, at the back of the house, in the addition. There's a separate entrance; there are two entrances to the addition, actually. Walk-in trade and/or customers coming to the home? No, most business is conducted through messaging, Facebook, phone calls, etc., and she delivers all merchandise.

The criteria for Special Exception approval: Section 27-632. Mr. Baranski reviewed the list of criteria. The owner is the operator/no employees. External appearance will not change. Can have nameplate not larger than two square feet. No more than 30 percent of the home will be used for the business; they are proposing to use exactly 350 square feet, a 14' x 25' area. Mr. Myers suggested refining the drawing for the ZHB presentation to mark off the exact area proposed to be used for the business. Parking: fine, have five spaces. SEO approval needed? No, there's public sewer and water. No fumes, vibrations, etc. No real additional waste will be generated.

She has indeed been supplying bakery items to friends and family, just to test the waters.

Motion by Curley, second by Harlacher, to recommend approval of the request for Special Exception by Alexis and John Payne for Home Occupation/Bakery as presented. All members voted aye; motion carried.

III. Plans

A. PL-19-5, Dover YMCA Land Development Plan; Palomino Road, R3 District Scott DeBell, Site Design Concepts, was present on this proposal to expand the YMCA branch on Palomino Road. This is an existing 8.8-acre parcel at the corner of Fox Run and Palomino Roads, consisting of an existing building and parking. The existing parking easement will be modified. The applicant is proposing an addition of 3100 square feet at the back of building. The addition will be two-story, and the use will be first-floor workout rooms and storage up on the second floor. There will be 31 additional parking spaces. Reason for the expansion: they've outgrown the existing space. They're not necessarily expanding to offer more programs for more people, just for using the space better.

Mr. Myers noted that the access strip leading back to Brookside Park is an existing access. There's another access for the YMCA as well. There is an agreement between the Township and the YMCA to use the shared access.

C. S. Davidson's letter dated October 2, 2019, was reviewed. Outstanding items: Zoning Ordinance: 1, lighting plan submission (section 27-707); 2, 15' Parking Setback line shall be required as the neighboring property to the South is a residential property (Section 27-708); SALDO, 1, GIS disk (Section 22-501.2.A); 2, Engineer's signature and seal (Section 22-502.1.F); 3, owner's signature (Section 22-501.2.H); 4, the proposed Access, Parking, and Dumpster Enclosure Easement for the benefit of Parcel 149.D must be approved in conjunction with final plan approval (Section 501.2.M). Note: the dumpster enclosure has been relocated and should be removed from the easement document and designation; 5, note any deed restrictions or the lack thereof (Section 22-501.2.X); 6, approval date for the granting of the waivers (Section 22-501.2.LL); 7, traffic study (add recommendation); 8, place a pin, offset 10' from the 24" diameter tree being used as the southern property marker (Section 22-601.2.H); 9, public improvement security (Section 22-602.1); 10, stormwater management approval (Section 22-602.3); 11, E&S and NPDES approval from York County Conservation District (Section 22-402.4); 13, include existing and proposed sewage flows on the plan (Section 22-713); 14, the proposed Do Not Enter sign, located at the Eastern Access Drive, shall be relocated to prevent traffic from exiting the property at that location. A stop sign and stop bar shall be placed at the western access drive; 15, remove the proposed tree that is located in the parking area; 16, obtain plan approval in the form of a letter from Texas Eastern; and 17, address comments by the Township Public Works Director.

Discussion of the sidewalks/walking trail: it would be a good idea to connect walking access for people from the Ashcombe and Wandering Streams subdivisions to the YMCA area and Brookside Park. The applicant is proposing a bit of sidewalk in front of the building to Palomino to connect to the walking path. Mr. Harlacher is concerned about the danger of instructing people to cross the roadway, just at a designated area with no stop sign or traffic light. Mr. Curley feels that the YMCA is a perfect role model for using walking as a form of exercise for people to stay fit. He feels it's good for the Y to encourage the use of this trail/crosswalk. Mr. Myers noted that the roadway could be striped and Pedestrian Crosswalk signs could be erected. It was also noted that there are no street lights at that area; perhaps some lighting should be required. Do they even need to add the proposed sidewalk anyway? Is it likely that pedestrians

will even want to use this sidewalk? Should they just use the six-month note? There's a note on the plan regarding installation of Palomino Road sidewalks upon notice by the Township (no time frame given). Mr. Kimball doesn't think the Township should make the applicant install a sidewalk ...ever.

Waivers requested: 22-501: Preliminary Plan (withdrawn), 22-704.B: Street Improvements along Palomino Road & Fox Run Road, 22-710.1: Sidewalks along Palomino & Fox Run Road, 22-711.1: Curb along Palomino & Fox Run Road.

Motion by Kimball, second by Curley, to recommend approval of the waiver request for curbs and sidewalks for Palomino and Fox Run Roads. Discussion proceeded and resulted in an **Amendment** to the above **Motion** by Harlacher, second by Kimball, to recommend approval of the waiver request for curbs and sidewalks along Palomino and Fox Run Roads EXCEPT that the sidewalk as depicted on the plan would indeed get built as proposed. Four members voted aye; *Curley opposed*. Motion carried.

The applicant has requested a waiver for street widening to 33'. Mr. Hoffman feels that traffic on the road to the site will not appreciably increase with this expansion, thereby negating the need for road improvements. **Motion** by Kimball, second by Harlacher, to recommend approval of the waiver request for street widening on Palomino and Fox Run Roads. All members voted aye; motion carried.

Motion by Kimball, second by Harlacher, to recommend that a traffic study is not required for Palomino and/or Fox Run Rods. All members voted aye; motion carried.

Motion by Harlacher, second by Curley, to recommend approval of the Final Land Development Plan for the Dover YMCA, subject to the satisfactory resolution of the following open items from the C. S. Davidson letter referred to above: Zoning 1, 2; SALDO 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17. All members voted aye; motion carried.

B. PL-19-3, Heritage Senior Center

Motion by Harlacher, second by Kimball, to authorize the Planning Commission Secretary to sign Component 4A for the Planning Module. All members voted aye; motion carried.

Scott DeBell, Site Design Concepts, spoke, discussing moving the access drive. Moving it closer to Route 74 reduces drivers' reaction time, but to move it farther back is affected by the slopes in the area, which are a little steeper than the applicant would prefer for a senior center with ADA parking spaces. Mr. Myers prefers the access drive location to be farther back, and he understands the slope issue. Right in and right out? Is the 12' distance enough? Mr. DeBell and Mr. Myers will continue to negotiate this issue. Stay tuned.

C. PL-19-4, Rodney and Linda Ferguson, 6451 Clearview Road; 3-lot subdivision in the Ag/CRV District

Linda Ferguson was present on this proposal. Part of the property is in the CRV Zone; another part is in the Agricultural Zone. These lots were created prior to the 1988 ordinance; that plan was not recorded until several years later. The applicants want to take the existing developed lot in the CRV zone and split 1.4 acres off, then take 1.8 acres off the Agricultural lot and combine the two into a residential lot that would be split by the zoning line. A family member would like to build a home on the new lot. When the

previous agricultural development was done, they used up all of their development rights. The Zoning Officer feels that the applicant needs to obtain a Variance to create a new residential building lot to do this OR have the property re-zoned (change the little part of the Ag zone to CRV).

A minimum of three Variances would likely be required, if they go that route. The rezoning option would certainly clean up the map a bit. If the new lot becomes all CRV, there are no limits on the building rights. This new lot would conform to the minimum lot size requirements for the CRV zone. How about the driveway location? Would need to clear some trees out of the way to get the HOP permit. Is it useable farm land?

Mr. Myers said that the applicant could now use part of the CRV lot and build a home on it. Could she then subdivide the Ag zone lot to make it more conforming (reducing the lot size from 5 acres to about 3), then add it to the CRV lot? He was a bit concerned about a driveway for the new lot. His proposal sounds better than trying to get the map changed.

Mr. McLucas still feels that the applicant will need to be granted some Variances in order to proceed, even with a letter from the SEO stating that additional area is needed to obtain satisfactory perks and probes. Mr. Myers will contact the SEO about the letter/assessment of the situation. Mrs. Ferguson will meet with her engineer/surveyor to find a way to proceed without making a map change. Mr. McLucas noted that they've actually already done that; no one is seeing that the SEO is going to send such a letter. That's partly why Mrs. Ferguson is here tonight. Does it make more sense to amend the zoning, if they can't get the letter from the SEO?

No formal application has been submitted yet; the applicants are just trying to get a feel of the Planning Commission's thoughts. Looks like they have some options.

Mr. Myers noted that this original subdivision was not within the ordinance bounds. It was approved in 1987, was not recorded, but it was recorded at a later date (1994). Lot 3 was a lot before the Ag Preservation program went into effect. So, they should have the original development right plus one. Correct? Hmmmmmm ... that also means that this lot should not have been approved at the recording in 1994. Let the Zoning Officer and engineers and attorneys figure this out. Great idea.

Oh, and by the way, situations like this need to be addressed in the next round of ordinance amendments. Add it to the list.

D. Sparrows Way, 2150 Pine View Drive

How can this applicant apply for an NPDES permit without designing the site yet? Interesting question! They can get their permit, and if they don't meet all ordinance requirements for the plan, the Township will not approve the plan, and the permit is moot. It's all a part of the process, no matter if it seems backwards or not. But Mr. McLucas can indeed add to the application form that it's not complete as no plan has been submitted to date. Will do.

Motion by Harlacher, second by Kimball, to authorize the Planning Commission Secretary to sign the Municipal Land Use letter for the NPDES Permit. All members voted aye; motion carried.

IV. **Other Business**

Public comment: There were two members of the audience present just to observe the proceedings. Perhaps one of them will decide to serve on the Planning Commission! So noted.

The next meeting will be held on November 6, 2019, 7 p.m.

Mr. McLucas was unable to find a suitable October date for the Township Planning Commission and the Borough Planning Commission for a joint meeting to review the Joint Comprehensive Plan. How's November look? Mr. McLucas will send an email tomorrow. Response by noon on Friday please!

Motion by Harlacher, second by Curley, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:46 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary