

Dover Township
 Planning Commission Minutes
 January 2, 2020

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

I. **Minutes**

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

II. **Reorganization**

It was noted that Brian Kimball requested to be an alternate on the Planning Commission. That means that Justin Biggam will be a voting member.

Motion by Pinto, second by Harlacher, to keep the slate of officers for 2020 the same as 2019: Chairman, Wayne Hoffman; Vice Chairman, Eric Harlacher; Secretary, Mike Curley. All members voted aye; motion carried.

III. **Zoning Case**

A. ZHB 19-4, 1474 Windemere Place (Faire Wynd Development) R-3 district; request by Anthony Randacciu for Variance to permit an enclosed structure in the rear setback (Section 27-502.1 and Section 27-503.C.5)

Anthony Randacciu was present on this request. He and his wife Dorothy have an existing deck, technically not “bolted” to the house, that is within the rear setback; they want to enclose it. Both parties have skin cancer, and they desire a covered place to enjoy their property. Plus, Dorothy has macular degeneration, and bright light hurts her eyes. Enclosing the deck with a roof (and subsequent blinds) will make it easier and more pleasant for her be outside. On the plan, it’s listed as a free-standing deck. It’s not really free-standing, as it’s essentially bolted to the house, done by the builder, as shown in a photo presented by Mr. Randacciu. Right now, it’s “considered” a free-standing deck, per the plan. Enclosing it will make it part of the permanent structure and be attached to the house. Mr. McLucas noted that this deck would not have been approved as an attached deck at the time of the building of the house.

Mr. McLucas feels that there’s a conflict between these two Sections: 27-502.1.G.(1) and 27-503.C.(5). The Section about Accessory structure (patios), is fine; but Section 27-503.C.5 says that once it’s attached to the house, it becomes part of the house and cannot be within the setback.

Is an awning a permanent structure? Apparently. Mr. Hoffman feels that this structure is actually temporary, as it could be removed from the house with no alteration to the house itself. If he moved the deck away farther from the house and enclosed it, it would be fine. The problem is that he has to attach it to the house, because of the fact that the deck is attached to the house, done by the builder. That attachment makes it a permanent structure. That would be “considered part of the main building and shall not

project into any building setback area” per the ordinance, Section 503.C.5. Can they accomplish this without attaching the screened area to the house? Mr. Randacciu says no. Plus, per Mr. Myers, an unattached screened area will not withstand any wind force, so it wouldn’t be approved in the first place. He also noted that the neighboring lot (the other half of the duplex) is a corner lot with a 30’ setback, so that homeowner could conceivably build to within 10’ of the property line. That person could do what Mr. Randacciu is proposing without the need for a Variance.

It was noted that neighbors have no problem with this request. Mr. McLucas noted that, at the Zoning Hearing Board hearing, the applicants might want to challenge the interpretation first, before requesting a Variance. Attorney Rausch noted that if there’s any ambiguity in these sections, the ambiguity has to go in favor of the landowner. Does this proposal negatively affect the character of the neighborhood? No. But, situations are all different and the Planning Commission cannot set a precedent. What was the intent of the ordinance?

Is a deck in the same category as a porch or patio? If so, then there’s ambiguity. Why is a patio or porch considered a part of the principal structure (Section 27-503) and a deck is not?

Motion by Harlacher, second by Pinto, to recommend approval of the request by Anthony Randacciu based on the ambiguities in the Ordinance regarding permanent or accessory structures as well as preexisting conditions on the house created by the way the free-standing deck was positioned. Three members voted aye; *Curley and Bigham opposed*. Motion carried.

III. Plans

A. PL-19-6, The Schaffer Group, LLC (Pro Pallet); Raycom Road; Industrial District

Scott DeBell, Site Design Concepts, and Mark Schaffer, The Schaeffer Group, were present on this proposal. This is a 24-acre parcel that is currently being farmed. Proposed is a 6,300 square-foot manufacturing facility with access onto the already-improved portion of Raycom Road. The existing facility borders this parcel with access onto Butter Road. Pro Pallet will rent the new facility from The Schaffer Group. There will be ample parking for the site. Raycom Road is to be extended. Mr. DeBell discussed the possibilities of how that extension will be accomplished. Discussion was held about the proposed cul-de-sac and surface possibilities. The “grinding operation” will be moved from the existing facility to the new one. Increased truck traffic? Not to start, per Mr. Schaffer. Likely will add some employees.

From the audience, Steve Stefanowicz asked about access to the new property. (Raycom Road.) Sidewalks and curbing were discussed, with Mr. Pinto saying that he certainly doesn’t want to encourage walking traffic in an industrial area. Mr. Miller feels that people are going to want to walk on their lunch break, so why not provide a safe space for it? But, would it just be a sidewalk to nowhere?

The Planning Commission feels that this sidewalk issue needs to be discussed at length, possibly at a work session, because this comes up every time.

Waivers requested: Section 22-501, preliminary plan; Section 22-704.B, street improvements on Raycom Road; Section 22-710.1, sidewalks along Raycom Road;

Section 22-711.1, curbing along Raycom Road; Section 22-1103.12, off-street landscape parking area (proposing the trees around the outside). Lengthy discussion was held on the waivers for road improvements, sidewalks, and curbing.

Motion by Harlacher, second by Pinto, to recommend approval of the waiver request for Section 22-501, preliminary plan. All members voted aye; motion carried.

Motion by Harlacher, second by Pinto, to recommend approval of the waiver request for 22-704.B, street improvements on Raycom Road. All members voted aye; motion carried.

Motion by Harlacher, second by Curley, to recommend approval of the waiver request for Section 22-710.1, sidewalks along Raycom Road. Two members voted aye; *three (Pinto, Curley, Bigham) opposed. Motion failed.*

Motion by Pinto, second by Curley, to recommend the standard six-month note in lieu of the waiver for Section 22-710.1. Three members voted ayes; *Harlacher and Hoffman opposed. Motion carried. The standard six-month note shall be added to the plans in lieu of waiver.*

Motion by Pinto, second by Curley, to recommend the standard six-month note in lieu of the waiver request for Section 22-711.1, curbing along Raycom Road. Three members voted aye; *Hoffman and Harlacher opposed. Motion carried. The standard six-month note shall be added to the plans in lieu of waiver.*

Motion by Harlacher, second by Curley, to recommend approval of the waiver request for Section 22-1103.12, off-street landscape parking area. All members voted aye; motion carried.

C. S. Davidson's letter dated January 2, 2020, was reviewed. Outstanding items:

Zoning 1, lighting plan (Section 27-509); 2, proposed use is manufacturing, which is classified as a heavy impact. Required buffer yard, along all side and rear lot lines, is 50' and the required screening is a Type 3 (100% opaqueness at 8' height and minimum 3' high berms at 3:1 slopes required). If existing vegetation is to be used to provide the required screening, then current photos must be supplied to justify its use (section 27-409.F and G)

During the lengthy discussion of Zoning 2, buffer yard, Mr. Myers noted that if the existing vegetation dies off, then what? The concern is for the residential properties adjacent to this site. If there's a conflict between the SALDO and the Zoning Ordinance, then the conflict is resolved in favor of the applicant. Mr. Stefanowicz is an adjoining property owner and would rather see a natural tree line between his property and the applicants'. Mr. Myers is concerned that if the natural buffer trees die off, how will the Township assure that the buffer is still maintained? A note on the plan?

Motion by Pinto, second by Curley, to note that the Planning Commission is in favor of *adding a note to the plan* requiring the applicant to ensure 100% opaqueness of vegetation as screening be maintained between residential use and heavy industrial use. All members voted aye; motion carried.

Continuing with the outstanding items: SALDO, 1, GIS disk (Section 22-501.2.A); 2, engineer's seal, signature, date (Section 22-501.2.F); 3, owner's signatures (Section 22-501.2.H); 4, all property boundary bearings and distances shall be shown on the plans (Section 22-501.2.K) – what subdivision plan created this lot. 6, include

approval date for all waivers (Section 22-501.2.LL); 7, Planning Module approval by DEP and proof of reserved sewer capacity to be provided (Section 22-502.2); 8, provide statements of adequacy from the Sewer Authority and the Water Department, stating that they are able to provide sanitary sewer and water service to the site (Section 22-502.3); 9, Public Improvement Security shall be provided (Section 22-602.1).

10, Stormwater Management approval from Township Engineer (Section 22-602.3). 11, Proof of NPDES approval from York County Conservation District (Section 22-602.4). 13, Sanitary sewer easement must be obtained from Marvin L. and Carol A. Schroll. 15, Trip generation report shall be submitted for review in lieu of a full traffic study. 16, Address all Public Works Director comments. plus address all the fire chief's comments.

Motion by Harlacher, second by Pinto, to recommend approval of the Final Land Development Plan for The Schaffer Group, LLC, subject to the satisfactory resolution of the following open items from the C. S. Davidson's letter referred to above: Zoning 1, 2 (add note to the plan; see above; SALDO, 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 13, 15, 16, plus fire chief's comments. All members voted aye; motion carried.

Motion by Harlacher, second by Pinto, to authorize the Planning Commission Secretary to sign the Planning Module for PL-19-6, The Schaffer Group (Pro Pallet) on Raycom Road. All members voted aye; motion carried.

B. PL-19-9, The Seasons, Phase III; Fox Run Road, R-3 District

Clark Craumer was present on this plan on behalf of the applicant. This is Phase III of this plan; they are jumping from the completion of Phase 1 to Phase III, which the Board of Supervisors approved. There are 29 lots associated with this phase, to be connected to Phase I. No change from the preliminary plan. The secondary access was discussed.

C. S. Davidson's letter dated January 2, 2020, was reviewed. Outstanding items: 1, on the cover sheet, note the number of approved EDUs and track the number of EDUs proposed with each phase of the subdivision; 2, add the following note to the plan: "The Existing driveway on Lot 181 shall be upgraded and maintained to emergency access requirements until such time as the entrance to Pebble Run Drive at the northern property line is completed." The existing state of the emergency access drive is in need of maintenance; 3, as a condition of the approved preliminary land development plan "Upon issuance of the building permit for the 205th dwelling unit with The Seasons subdivision or within seven years of the sale of the first dwelling unit with The Seasons subdivision by assigns, shall exercise the option under the declaration to include the Doherty Tract within the Homeowners Association as open space to be owned and maintained by the Association as a common element. At that time, The Seasons, LP, its successor or assign as declarant, shall demolish the existing single-family dwelling unit currently located on the Doherty Tract."; 4, all proposed improvements for Phase III should be clearly shown. We recommend using different line weights to delineate between existing utilities and proposed utilities/improvements; 5, the grading provided does not appear to match the most recent grading plan and current conditions of Phase I. the grading plan provided appears to be creating a swale along the building locations of lots 76-88 and 35. The grading plan shall show 1' contours and shall show how

stormwater will be directed away from the buildings on each lot; 6, GIS disk (Section 22-501.2.A); 7, engineer's signature/seal/date (Section 22-501.2.F); 8, owner's signature (Section 22-501.2.H); 9, boundaries of the property being subdivided showing bearings and distances should be shown on the plan (Section 22-501.2.K). the distance along the rear property line of lots 89-102 appears that it should be listed as 1,145.85', including the width of lot 89; 10, add an additional column in the site data table titled "Phase 1 & 3 – combined" and including the site data information as titled (Section 22-501.2.N); 11, include in the site data table the required amount of open space (30%), calculated from the gross area of phases I and III combined (Section 22-502.2.N); 12, a cross-section of the proposed temporary cul-de-sacs shall be detailed on the plans (Section 22-501.2.U); 13, areas outside of the street ROW and within the clear sight triangles should be hatched and labeled as clear sight triangle easements (Section 22-501.2.CC); 14, water valve clusters shall be provided at all intersections (section 220-501.2.DD); 15, a blow-off shall be provided at the termination of the proposed water line on Winter Drive (approx. Sta. 13 + 50) Section 22-501.2.DD); 16, the tie-in to existing water line needs to be clearly shown for the connection on Pebble Run Drive (Section 22-501.2.DD); 17, clearly show on the plans where the storm sewer is proposed to be tied into the existing storm sewer system. Storm sewer installation appears to be proposed beyond the limits of the temporary cul-de-sac on Fox Ridge Drive. Clearly show the limits of all proposed utilities to be installed with the Phase 3 improvements (Section 22-501.2.DD); 18, the line weight of the proposed water line within the profile on sheet 6 appears to be too large. Proposed blow-offs should be shown within the utility profiles (Section 22-601.2.G); 19, welded wire fabric should be removed from the typical sidewalk detail on sheet 7; 20, public improvements security will be required prior to final plan approval (Section 22-602.1); 21, approval of the layout/design of water, sanitary, and storm systems is needed from the Public Works Director and Township Staff; and 22, the amount of land required to be provided for public recreational purposes for all residential subdivision or land development plans shall be a minimum of 0.025 acres per lot or dwelling unit. Dedication of recreation land or fees in lieu of same for each dwelling unit is required on all residential subdivisions, and all multi-family developments, regardless of whether private recreational facilities are also provided (Section 718).

Motion by Harlacher, second by Curley, to recommend approval of Phase III for The Seasons, Fox Run Road, subject to the satisfactory resolution of the following open items from the C. S. Davidson letter referred to above: 1 through 22. All members voted aye; motion carried.

C. PL-19-8, Sparrows Way; Pineview and Poplars Road; R-3 District

This applicant submitted the Planning Module prior to submitting the plan. The Planning Commission sent the Module back, noting that there was no plan. The applicants have submitted the plan now and request that the Planning Commission sign the Planning Module at this point.

Motion by Harlacher, second by Pinto, to authorize the Planning Commission Secretary to sign the Planning Module for PL-19-8, Sparrows Way, Pineview and Poplars Road. All members voted aye; motion carried.

IV. **Other Business**

Ag Preservation – Mr. McLucas provided the ranking system for the Ag Security Area – a representative is willing to address the Planning Commission in perhaps February or March. Stand by. The Meisenhelder farm is involved in this discussion, as are a few other properties. Such an information session with the County might well be held prior to a regular Planning Commission meeting.

Mr. McLucas reported that he's been with the Township officially one year now! So far, so good. Mr. Hoffman spoke for the Planning Commission to say that everyone's pleased with Mr. McLucas and his service to the Township!

Public comment – all interested and/or disinterested parties had fled by this time, so there were no public comments.

The next meeting will be held on February 5, 7 p.m. Full agenda!

Motion by Harlacher, second by Curley, to adjourn. All members voted aye; motion carried. The meeting adjourned at 10:38 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary