

Special Work Session meeting  
Dover Township Planning Commission  
With Board of Supervisors Chairman  
February 5, 2020  
6 p.m.

Present: Planning Commission members Wayne Hoffman (Chairman), Eric Harlacher, Anthony Pinto, Mike Curley, Justin Bigham, and alternate Mark Miller. Absent with prior notice: alternate Brian Kimball. Also present: Solicitor Charles Rausch, Zoning Officer John McLucas, Engineer Terry Myers, Board of Supervisors Chairman Steven Stefanowicz, Township Manager Laurel Oswalt, and Recording Secretary.

Discussion was held regarding the roles of the Planning Commission and the Board of Supervisors. The Board of Supervisors directs the Township Manager in Township matters. The Planning Commission members are appointed by the Board of Supervisors. The Planning Commission members review plans and pass their opinions to the Board of Supervisors on planning issues; things that make sense; to provide help to the citizenry of the Township. The Supervisors might agree or disagree with the Planning Commission's recommendations.

Mr. Stefanowicz noted that the Board of Supervisors certainly appreciate the fact that the Planning Commission members are volunteers. Perhaps the Supervisors could provide a bit more guidance and training as to the purpose of the Planning Commission and to help its members do a good job. This is the purpose of this meeting, to start the process of guiding. Ultimate goal: Planning Commission members review all plans and make recommendations to the Supervisors. This would include the Comp Plan. This meeting might help the Commission and Board move in the same direction. Mr. Stefanowicz also noted that there is no Supervisor liaison to the Planning Commission. How about a third alternate – a Board member could serve in that capacity (voice, not vote unless necessary). Also, the Board of Supervisors never meet with the Planning Commission members. The Planning Commission members do not know any of the Supervisors. That isn't good.

Anyone have a problem with a Supervisor as a third alternate on the Planning Commission? Would it be better to just have a liaison? Mr. Stefanowicz has broached the subject with the Supervisors.

It was also side-noted that the Planning Commission website needs to be updated.

Overall, it seems like the Planning Commission members are fine with the idea of a Supervisor as the third alternate.

Mr. Bigham feels that currently the Planning Commission is putting out fires rather than being proactive on issues and direction. Mr. McLucas was disappointed that there isn't more training and information provided to the Planning Commission members. He also noted that each member has his or her own set of perspectives and filters which can affect outcomes.

Mr. Hoffman noted that at the last meeting, there was an inordinate amount of time spent discussing curbs and sidewalks. He said he's here for the people. Sometimes,

it seems that decisions are less than smart or sensible. Sometimes, reasons that sidewalks that are required are impractical. He feels that serves no one.

Mr. Stefanowicz noted that the new comp plan urges easier movement within the Township. Sometimes, a sidewalk that seems stupid might actually be warranted.

It would be helpful if the Planning Commission members were to know how the Board of Supervisors feel about certain waivers, ordinances, etc. Mr. Myers is a proponent of the "six-month note" giving a property owner six months' notice to install sidewalks. Is it the Planning Commission's duty to help the applicants use their funds wisely?

Mr. Harlacher referred to the YMCA's plan, expansion of the facility, required to put sidewalks in. That would have made the plan financially impossible.

So...reasonableness must prevail.

Mr. Stefanowicz noted that the Supervisors want to know the reasons behind the Planning Commission's decisions. The Planning Commission meeting minutes are nice but not as complete as having a Supervisor on the Planning Commission as the alternate. Some of the input to the Planning Commission is based on long-time members' historical recollection of issues/plans/projects.

Stormwater was another issue discussed. Mr. Hoffman referred to the ordinance that requires a stormwater plan for a building of 1000 square feet, whereas the state requires such a plan at 5,000'. This requirement can be financially impossible for the applicant, too. The Planning Commission members never discussed the stormwater ordinance. Ms. Oswalt noted that the ordinance was a model ordinance from DEP. The 1,000 square-foot figure was in the YCPC ordinance. If that's so, then why is it not the same in every Township? Mr. Myers noted those Townships modified the recommendation. Mr. Hoffman wanted to know why the applicant needs to go to a professional engineer to do the project. Mr. Myers thought that maybe at 1,000 square feet, the applicant is not required to go to a professional. There are different requirements.

Any Planning Commission applicant will need to think about stormwater. This is definitely something to discuss in the future, between the Planning Commission and the Board of Supervisors.

Helping the applicants come up with a good plan should not circumvent any ordinance requirements. Representing the people of the township, the Planning Commission helps to make sure the plans are properly presented and sensible. Use the Comp Plan as guidance.

Mr. Pinto referred to an article in the Township newsletter regarding the Township's need for affordable housing. He disagrees with that statement. He still wants a list of available housing in this Township. He feels that it's not the job of the Township to cater to a specific group. He feels there's plenty of affordable housing in this Township. If this information was in the Township newsletter, what was the basis for that article/statement? He feels that's not a consensus statement.

Mr. Stefanowicz feels that the PC and BOS should get together and discuss these issues. Mr. Curley noted that he and Mr. Harlacher served on the Comp Plan discussion panel and heard mostly that people like living here in the Township just the way it is.

Mr. Hoffman urged joint examination of the ordinances. He noted that often the project doesn't fit the ordinance – such as rehabbing or repurposing buildings/homes. Too often it can't happen, and that's a shame, as properties can be rejuvenated and re-used with good results, rather than tearing down and starting over.

Mr. Myers noted that each year, the Planning Commission is supposed to file a report to the Board of Supervisors with any issues to be noted in that report. Planning Commission members can ask for guidance on those issues. Good communication will be key.

It would be helpful if the members of the Planning Commission and Board of Supervisors could meet on a non-meeting night.

Dover Township  
Planning Commission Minutes  
February 5, 2020  
7 p.m.

Chairman Wayne Hoffman called the regular Planning Commission meeting to order at 7:00 p.m. Members present: Anthony Pinto, Eric Harlacher, Michael Curley, Justin Bigham, and alternate Mark Miller. Absent with prior notice: alternate Brian Kimball. Also present: Solicitor Charles Rausch, Zoning Officer John McLucas, Engineers Terry Myers and Cory McCoy, Recording Secretary, and 13 citizens.

**I. Minutes**

**Motion** by Harlacher, second by Curley, to approve the minutes of the meeting of January 2, 2020. All members voted aye; motion carried.

**II. Zoning Cases**

No cases submitted for this month. The applicant from last month withdrew his application for Variance. Mr. McLucas explained the details of the decision for withdrawal.

**III. Solar Overlay Ordinance**

The draft of the Solar Overlay Ordinance was submitted. Attorney David Jones, Stock and Leader, was present on behalf of the applicant. He outlined the reason for this proposed ordinance. The governor of Pennsylvania has implemented goals for solar energy sources to generate more power by Pennsylvania sites for Pennsylvania use. Attorney Jones noted that there is very little direction in this way. A project of 550 acres in Conewago Township is underway.

Neil Habig was also present, on behalf of Dakota Power Partners, a solar energy developer. The Dover project represents \$70M in investments. Construction 6-9 months, around 200 jobs at peak, with 2-4 permanent jobs for the project. No impact on services, no additional traffic after completion, no air emissions, no substantial additional impervious surface. Screening to be provided to diminish visual impact. The land is located along the TMI transmission line and to the west. Land to be considered is mostly in the Ag zone, some in other zones.

Why an ordinance? Because there's nothing there. Attorney Jones wants to develop reasonable restrictions and protections, setbacks, etc., for each project, for homeowners and developer. This use may give the agricultural property a chance to recharge minerals, etc., to enhance the growing state. These are long-standing leases. At the end of the lease, the agricultural area can be farmed again. This helps farmers who are looking for a steady revenue and want to keep the farm in the family, etc. Limited as to location in this Township.

Mr. Pinto referred to the draft ordinance for the radio towers, etc., that was recently before the Planning Commission.

Attorney Jones noted that this ordinance would need to come first – then the presentation of the project. He also noted that alternate energy is permitted in the proposed location by Special Exception.

How many houses might this project support per year? With a generation of 70 megawatts, perhaps 10,000 houses for one year. Thirty-year design length. Will the generation of electricity be as effective 30 years from now? Slight decline per year, of course, as with anything else. Do these panels need to be pointed in a certain direction? Couple of different ways to aim them. Any reflection? It's a glass surface, reflective at 90 degrees. It's manageable, certainly. Of the three plots shown, what would be the smallest plot to be feasible? Most of the lots would need to be used or it wouldn't be a feasible project. How about when they're no longer needed? There would be a decommissioning agreement in place, bonded. The developer would be responsible for removal and restoration. Why decommission it? Wouldn't the panels just be replaced? Possibly, but after that amount of time, technology likely will change, etc. How about the agreement with the power company? Would the power output be increased with an increase in technology? How about the substation? About 150SF footprint. Any hazardous materials? Not really. Materials can be recycled.

Who determines the decommissioning bond amount? The Township Engineer, just like with any other project. The cost of decommissioning would be revisited every year. How about if the developer doesn't follow through with the agreement? Zoning Officer would enforce, as with any other operation.

Regulated or monitored at the state level? No licensing. Local approval. PJM interconnection process to follow. No grant or cost-share with the state. Some tax incentives. Mr. Hoffman offered that current research shows that construction costs are not recouped by the power generation. How's that going to work? How many panels on all the lots? Tens of thousands. Will the applicant be using only open space or will they remove the forestation? Removing some of the trees. No disturbance of wetlands. Not put on slopes, etc.

The Planning Commission members will review and discuss this proposal/ordinance.

### **III. Plans**

A. PL-19-7, Dover Highlands Preliminary Subdivision Plan; Intermediate Avenue; R4 District

John Runge, Gordon Brown Associates, was present on behalf of the applicant. Also present: Attorney Jayne Katherman, Katherman and Perry, on behalf of the developer. Changes were made to the plan since the last Planning Commission meeting. There's a three-party agreement between the Township, developer, and school district for the alternate route on Intermediate Avenue.

There are many open comments (referring to C. S. Davidson's letter dated February 5, 2020) that can be addressed with no hardship, per Mr. Runge.

Seven waivers requested. Regarding waiver 4, Section 22-704.E, Mr. Runge noted that the waiver will be withdrawn, as the applicant will be able to comply with this part of the ordinance.

Waiver 7, Section 22-717, also can be withdrawn, *as long as the applicant builds the recreation areas as proposed*. Seven recreation units are required, and the applicant has now proposed eight units.

One method of ingress/egress so far. There will be a developer's agreement to address the extension of the roadway. It's a work in progress. It was noted that the fire

chief has approved the cul-de-sac as proposed. Attorney Katherman noted that there will be a rough-grade emergency exit.

Who pays for the extension of the roadway? That information will be contained in the developer's agreement. Is there an indication of the phasing of this plan? Mr. Hoffman wants to make sure that everything is shown on the plan. Mr. Runge noted that the original submission included everything, and the YCPC found it confusing. Ms. Katherman asked how the applicant is to include everything, when so much is still uncertain. It can be done, and Mr. Runge will revise the plan to show what's needed.

The Township has contracted with a traffic engineer to calculate the traffic numbers. The resulting information will determine several items.

Mr. Myers noted that there are several items that the applicant is working on, so there's no need to review his comments on the C. S. Davidson letter dated February 5, 2020. Praise Jesus, because there are 25 items on that letter.

**Waivers requested:**

§22-403.E, dwelling units located a minimum of 100' from Environmentally Sensitive Areas. *Waiver request is for 50' for the buildings.*

**Motion** by Harlacher, second by Curley, to recommend approval of the waiver request for 22-403.E, reducing the buffer from 100' to 50' for the buildings. All members voted aye; motion carried.

§22-704 – 8' shoulder width along roads classified as urban collector (4' shoulder requested)

**Motion** by Harlacher, second by Curley, to recommend approval of the waiver for §22-704, reducing the shoulder from 8' to 4' wide. All members voted aye; motion carried.

§22-704.A – 33' street width along roads classified as urban collector, asking to reduce to 30'.

**Motion** by Harlacher, second by Pinto, to recommend approval of the waiver request for §22-704.A, reducing the 33' street width to 30' street width along roads classified as urban collector. All members voted aye; motion carried.

§22-710.1 – sidewalks along roads classified as urban collector

**Motion** by Pinto, second by Curley, to recommend approval of the waiver request for §22-710.1, sidewalks along roads classified as urban collector. All members voted aye; motion carried.

§22-711.1 – curbing along roads classified as urban collector

**Motion** by Pinto, second by Bigham, to recommend approval of the waiver request for §22-711.1, curbing along roads classified as urban collector. All members voted aye; motion carried.

From the audience, a gentleman asked for clarification of when and where the temporary emergency access will be built. He owns property there and is interested. This will be shown on the plan, fear not. It'll be in the same footprint as the future road... which is, as yet, undetermined.

**No other action taken on this plan tonight.**

B. PL-19-8, Sparrows Way; Pineview and Poplars Road; R3 District

Attorney David Getz, Mitchell Kemp, RGS Associates; Mike Kearney and Brandon Johnson, Monarch Development Group were present on this plan.

Proposed are 23 rental multi-family residential units on a private street. *Staff recommends sidewalks from Pine View to Poplars Road, per TAM Exhibit #1.* Mr. Johnson noted that the corner property's owner is aware of the plan and the fact that sidewalks and curbs are to be installed (developer's expense), and the proposal for her off-street parking. It appears that the developer has covered all the bases and is adequately working with the resident to assure that all's well.

**Waivers requested:**

§22-501 – preliminary subdivision plan

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

§22-712.J.1 – fill slopes exceeding 3:1 (2:1 requested)

**Motion** by Harlacher, second by Pinto, to recommend approval of the waiver request for §22-712.J.1, fill slopes exceeding 3:1 (2:1 requested) *around the guard rail portion of the cul-de-sac.* All members voted aye; motion carried.

§22-712.J.2 – cut and fill slopes exceeding 20% within 20' of adjoining properties (3.5:1 requested)

**Motion** by Harlacher, second by Pinto, to recommend approval of the waiver request for §22-712.J.2, cut and fill slopes exceeding 20% within 20' of adjoining properties (3.5:1 requested). All members voted aye; motion carried.

§22-710 – sidewalks

**Motion** by Harlacher, second by Curley, to recommend approval of the waiver of §22-710, sidewalks, *as depicted on the plans as well as on TAM Exhibit 1 as attached, along Pine View Drive to Poplars Road.* All members voted aye; motion carried.

§19-308.3.A(3)(3) – maximum 4:1 side slopes for detention basins (3:1 requested)

**Motion** by Harlacher, second by Curley, to recommend approval of the waiver request for §19-308.3.A(3)(3), maximum side slopes reduced from 4:1 to 3:1. All members voted aye; motion carried.

C. S. Davidson's letter dated February 5, 2020, was reviewed.

Outstanding comments: Zoning: 1, add title block to Sheet 14, along with a note indicating that there are two parking spaces per unit: 1 in the driveway and 1 in the garage (§27-703); SALDO: 2, GIS disk (§22-501.2.A); 3, engineer's signature/seal (§22-501.2.F); 4, owner's signature (§22-501.2.H); 5, a thorough review of the Floodplain Analysis is pending. Additional comments relating to the floodplain analysis may follow (§22-501.2.T); 6, include on the plan the approval date for all waivers (§22-501.2.LL); 7, sewage planning module approval from DEP (§22-502.2); 8, add PADEP Code on the plan (§22-601.2.L); 9, public improvement security (§22-602.1); 10, stormwater management approval by Township Engineer §22-602.3). The required MS4 stormwater BMP information including BMP ID, drainage area, name of the receiving body, and inspection frequency shall be included on the cover sheet of the plans; 11, E&S and NPDES approval from York County Conservation District (§22-602.4); 12, recreation

fees (§22-718); 13, curb and sidewalk shall be extended from the proposed curb transition on Pine View Drive to Poplars Road. See attached sketch from staff recommendation; 14, the proposed water line shall be sized for fire suppression, and an analysis of the existing water line shall be completed to ensure that it is capable of providing service to the proposed facilities; 15, eliminate the drop entering proposed MH-1; 16, the detail for the proposed sewer connection shall show the pipe proposed to connect to the existing line as well as the size and material of the existing line. The manhole shall be connected to the existing line using SDR 35 PVC and PVC/AC couplers. The existing notes for the connection refer to a water meter pit; 17, remove Municipal Note 13 from the plans; 18, address all comments by the Township Public Works Director; 19, address all comments made by the Fire Chief; and 20 Township staff approval of the sewage collection system and water distribution system.

**Motion** by Pinto, second by Harlacher, to recommend approval of the Preliminary/Final Subdivision Plan for Sparrows Way, subject to the satisfactory resolution of the following open items from the C. S. Davidson letter referred to above: Zoning 1; SALDO, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20. All members voted aye; motion carried.

#### **IV. Other Business**

A. Old business – Ag Preservation Ranking System – The York County Planning Commission wants to meet with the Township Planning Commission at 6 p.m. on March 4. So be it.

B. Public Comment: nothing at this time.

*Discussion:* So, what was accomplished at the work session prior to the regular meeting? The Board of Supervisors has the power to change anything within the ordinances. The Planning Commission can certainly recommend changes. Mr. Hoffman is still concerned about the ongoing meeting discussions of curbs and sidewalks. Mr. Rausch urged that the Planning Commission should let the Board of Supervisors know when the PC runs into problems or troubling situations or items that make their job difficult. If the Supervisors know what the issues are, they can more readily examine and act on the issues.

What was accomplished at the work session? (1) Everyone agreed to the idea of a Supervisor as a Planning Commission alternate; (2) a year-end report will be filed from the Planning Commission to the Board of Supervisors; (3) it might be a good idea for the Planning Commission members and Board members to meet “out of meeting time” to get to know one another a bit and to see that everyone’s heading in the same direction; and (4) training for Planning Commission members.

It was noted that recently the Planning Commission recommended a change to the map, and the Board changed it. There was no follow-up as to why the Board changed it, though.

The Planning Commission’s guidelines are to follow the Township’s Comprehensive Plan and the Municipalities Planning Code. We’re still looking at the old Comp Plan. Does that matter?



Mr. Curley wants to see better time management at the meetings. He feels like the work session wasn't organized and too much time was spent in free discussion.

Mr. Stefanowicz said it's good to be interested in things; just make sure the questions are relevant and decide what is important to the conversation. It would be good to review the proposed solar overlay ordinance, meet with the applicant, and get more familiar with what is proposed.

And speaking of the solar farm ordinance: Mr. McLucas explained the reason behind the proposal presented tonight. The applicant came to him to request if the project could be done, and the answer was no, as the project was proposed. The applicants presented this ordinance tonight, and Mr. McLucas feels that it's better for their attorneys to do the work rather than paying the Township attorneys to do so. What's the harm in looking at it? Perhaps the Planning Commission members should have reviewed the ordinance instead of spending so much time asking about the business. Mr. Pinto isn't comfortable with a business providing an ordinance that will provide that business the opportunity to operate here. The Township's current ordinance does not address solar energy opportunities. Mr. Myers explained that the applicant is suggesting an overlay over top of the other zones that states that, within so many feet of the transmission line, the use is permissible. The applicant is providing the opportunity to "beef up" the ordinance to make it more palatable for the business to operate.

What good does changing the ordinance do the residents? Does it only affect the business? The Township? With the new ordinance, the Township can make limitations etc., on the businesses. There are definitely two schools of thought on this one.

## **V. Correspondence**

A. The Township received a letter from the York County Planning Commission regarding senior housing opportunities.

Mr. Pinto noted that 6 p.m. is too early for him to get to a meeting immediately from work. Could these special meetings be held on another evening, just not at 6 p.m.? Just an idea...

Justin feels that Mr. Myers' suggestion to extend the sidewalk was a perfect example of working together and good planning. He liked that someone looked at the bigger picture. John noted that the staff checks this with every plan.

The next meeting will be held on March 4, 6 p.m., with YCPC. Mr. Pinto will arrive as soon as he can.

**Motion** by Harlacher, second by Pinto, to adjourn. All members voted aye; motion carried. The meeting adjourned at 10:20 p.m. Seriously.

Respectfully submitted,  
Julie B. Maher,  
Recording Secretary