

Dover Township
Planning Commission Minutes
March 4, 2020
6 p.m.

The Planning Commission met in a work session to review the Ag Security Ranking System and to provide an Ag Preservation question/answer opportunity. Present: Chairman Wayne Hoffman, Eric Harlacher, Justin Bigham (arrived 6:25 p.m.), Michael Curley, and Anthony Pinto; alternates Brian Kimball, Mark Miller, and Stephen Stefanowicz. Also present: Patricia McCandless Director of the York County Agricultural Land Preservation Board; Solicitor John Baranski; Zoning Officer John McLucas; Engineer Cory McCoy; Recording Secretary, and one citizen.

Ms. McCandless explained the basics of the Ag Security law, noting that the Right to Farm Law was first. The purpose was to protect the rights of farmers to permit them to farm. The Right to Farm Law apparently didn't go far enough, so in June of 1981, the Ag Security Area law was passed (Act 43). To apply, a landowner must fill out a proposal for enrolling land in the Ag Security area. Dover Township has an Ag Security area far in excess of the minimum required by law. Ms. McCandless noted that the ASA law also protects farmers from some state-funded projects relating to condemnation. An applicant's proposal for inclusion then starts the 180-day process which includes Township review and approval. At the end of the 180-day period, the Township acts on a Resolution to include the land to its Ag Security program. There's also a Board for condemnation proceedings.

Many years ago, there was a search for lands for a low-level radioactive waste facility. The search included York County, but because so much of the land is included in the Ag Security area, that land was disqualified from being available for that use. That ended up being a benefit indeed.

Ms. McCandless recommended that the Township do a seven-year review of the Ag Security areas. No restrictions are placed on a farm that is in Ag Security. Still sub-dividable. Nutrient management and manure plans must be filed by the farmer. Restrictions occur in the *Ag Preservation* area. When Township ordinances are considered and/or drafted, new or changed ordinances may not supersede the Right to Farm law or similar protections.

Discussion was held on easements and their meanings and payments for farmers. Can land be removed from the Farmlands and Natural Lands Trust area? Ms. McCandless wasn't quite sure. Can land be removed from the York County area? In certain cases, and it's an involved process for sure. Utility easements are permitted, but private easements are not.

If an area is in the Ag Security and new neighbors start complaining about the farming operation, who steps up in defense? The landowner would have to defend himself, but he would indeed depend on the municipality to help him prove that he was acting properly. So, where's the protection? If the attorney general doesn't step in, what's the benefit? There's a built-in defense to the inclusion.

Discussion was held on the "What's the catch?" paragraph on the small handout that Ms. McCandless provided. Mr. Harlacher noted that the information says there are

no restrictions on how you use your land – could he race dirt bikes on it? The activity must be farm-related and the landowner must maintain his or her qualification. The designation travels with the title search. York County has 288 farms in the Preservation program.

Mr. McLucas noted that the Township has redrawn its Comprehensive Plan. How about the Ag Security ranking system? Ms. McCandless discussed the requirements for inclusion in the Ag Security program. Those farms with a high score have a better chance of getting into the program. There are some landowners in the growth boundary area who are losing points for the ranking system since the Township changed the growth boundary. The ranking system is important because the Agency wants to make sure that lands designated in the Ag Security Area are actually being farmed. So far, Dover Township gets points for several good ordinance parts, and those points help any Township residents who apply for inclusion. Is there any subjectivity involved in qualifying? Didn't sound like it. The soil score is a deciding factor for sure. Designation also depends on the amount of funding that is available. Higher scores are awarded inclusion.

Good farmland should not be included in the growth boundary.

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7 p.m.

Chairman Wayne Hoffman called the regular Planning Commission meeting to order at 7:01 p.m. Members present: Anthony Pinto, Eric Harlacher, Justin Bigham, Michael Curley; alternates Brian Kimball, Stephen Stefanowicz, and Mark Miller. Also present: Solicitor John Baranski, Zoning Officer John McLucas, Engineer Cory McCoy, Recording Secretary, and 13 citizens.

I. **Minutes**

A few corrections were made to the minutes from the meeting of February 5, 2020. Page 4, under Solar Overlay Ordinance, third line, should read, “The governor of Pennsylvania has implemented goals for solar ...” Should be goals, not requirements.

Page 5, line 7, should read “Most of the lots...” not most of ~~either of~~.

Page 5, third paragraph, fifth line, first full sentence... “Will the applicant be using only...”, delete second ~~using~~.

Motion by Harlacher, second by Pinto, to approve the minutes of the meeting of February 5, 2020, as amended above. All members voted aye; motion carried.

Motion by Pinto, second by Curley, to accept Stephen Stefanowicz as an alternate. All members voted aye; motion carried. Chairman Hoffman welcomed Supervisor Stefanowicz to serve as an alternate on the Planning Commission.

II. **Zoning Cases**

No cases submitted for March.

III. **Plans**

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

John Runge, Gordon L. Brown Associates, was present on behalf of the applicant. C. S. Davidson’s letter dated February 28, 2020, was reviewed. Outstanding items: 1, GIS disk (§22-501.2.A); 2, engineer’s signature and seal (§22-501.2.F); 3, owner’s signatures (§22-501.2.H); 4, include waiver approval date (§22-501.2.LL); 5, sewage planning module approval from DEP (§22-502.2); 6, Environmental Impact Assessment (§22-502.5); 7, stormwater management approval by Township Engineer (§22-602.3); 8, E&S and NPDES approval from York County Conservation District (§22-602.4); 9, rec fees (§22-718); 10, obtain necessary easement for the proposed SWM basin from Belmont Associates; 11, approval of the sewage collection system, water distribution system, and the storm sewer collection must be obtained from the Township Public Works Director; 12, approval of the sewage pump station design shall be obtained from the Sewer Authority’s Engineer; and 13, developers agreement must be executed prior to approval of the Final Land Development Plan.

All five waivers were recommended for approval at last month’s Planning Commission meeting.

Attorney Stacy McNeal, Katherman and Perry, was present on behalf of the applicant as well. She feels that this plan is ready for the Planning Commission's conditional approval, as most of the open items are either administrative or are very close to completion. How about the NPDES permit? And approval of the sewage design? Is this rushing those items? Attorney McNeal noted that if this were a final plan, those items certainly wouldn't be presented to the Supervisors – the plan would not be ready. But this is a preliminary plan, and approval or denial of this preliminary plan changes how the applicant must proceed with other agencies, such as DEP. Mr. McCoy corroborated that information.

Mr. Baranski noted that the Planning Commission has in the past conditionally recommended approval of plans with these same open items. Mr. Harlacher said that if anything changes after the Planning Commission's conditional recommendation, it will have to be presented to the Planning Commission again anyway. Plus, the Planning Commission will review this in the final plan stage.

After preliminary plan approval, the applicant can start work on the site, as long as the applicant follows all conditions, etc. Mr. Runge confirmed that the applicant can and certainly will comply with all of the open items.

Mr. Miller had questions on the elevation and screening. Mr. Runge noted that the building is not necessarily to be blocked, but the lights are. Mr. Miller disagrees with the size of the wetlands designation, but the tests indicate that the wetlands are indeed wetlands. No getting around it.

How are they dealing with the stormwater from the streets? Inlets in the street; then the water goes to the three stormwater basins.

Trey Elrod, Gordon L. Brown, provided additional insight into the water management system. Mr. McCoy noted that C. S. Davidson is comfortable with the design under their review so far. Further discussion was held to explain how the water is managed; it was noted that the school is also addressing stormwater management in conjunction with Dover Highlands' plan.

Buffer planting strip 1 was discussed. Mr. Miller's concerned with the buffer strip and its plantings and the longevity of the plantings. It's nice to show all this on the plans, but it might not show up in real life. Are the plantings adequate in the first place, and do they have to be maintained forever? This is an enforcement issue. It was noted that the applicant has presented the plan in accordance with the ordinance. Perhaps a rule change is in order. Should we add that to the list of ordinance amendments? Quite possibly.

Motion by Harlacher, second by Curley, to recommend approval of the Dover Highlands preliminary subdivision plan subject to the satisfactory resolution of the following open items from the C. S. Davidson letter referred to above: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, and including the five waivers from last meeting. **Discussion:** Mr. Hoffman's not too sure about the wisdom of the Planning Commission's recommendation of approval of the waivers last month. He's especially concerned about the waiver for §22-704.A, street width along roads classified as urban collector (33' to 30'). *Vote on the Motion:* All members voted aye; motion carried.

B. PL-20-1, Lebo 2-lot subdivision; Schoolhouse Road, Ag District

David Hoffman was present on behalf of the applicant. This is a 2-lot subdivision subdividing 2 acres from 30 acres on School House Road. Single-family residence is planned; on-lot water and sewer. This proposal was before the Planning Commission about a year ago just for the PC's input. This is zoned Agricultural, previously zoned Conservation. The applicant is permitted to subdivide this lot off, as long as it's no greater than two acres.

Mr. McCoy reviewed C. S. Davidson's letter dated February 25, 2020.

Outstanding items: 1, GIS disk (§22-501.2.A); 2, the existing electrical easement shall include the utility provider within the description on the plan (§22-501.2.M); 4, revise deed restriction to state "Existing deed restrictions are as shown on the plans. No new deed restrictions are proposed with this plan." (§22-501.2.X); 5, sewage planning module approval must be obtained from DEP (§22-502.2); 6, add PA DEP code number referencing approval of the plan revision module (§22-601.2.L); and 8, rec fees (§22-718).

Waiver requested for §22-704.B, street widening of School House Road. Currently the road width is 18'; ordinance requires widening to 28' for the width of the lot (400'), hence the waiver.

Motion by Pinto, second by Harlacher, to recommend approval of the waiver for §22-718, road widening on School House Road, as requested. All members voted aye; motion carried.

Motion by Pinto, second by Bigham, to recommend approval of the final subdivision plan for Todd M. Lebo, subject to the satisfactory resolution of the following open items from the C. S. Davidson letter referred to above: 1, 2, 4, 5, 6, and 8. All members voted aye; motion carried.

Motion by Harlacher, second by Curley, to authorize the Planning Commission Secretary to sign the Planning Module for the Lebo Subdivision. All members voted aye; motion carried.

On another matter, David Hoffman noted that Mr. Frederick Miller is here tonight to get Planning Commission input on his proposal for 3158 Brookside Avenue. He would like to subdivide the lot with the existing house off the larger tract and have a 4-acre lot on which to build another home. Property is zoned R3. At the other end of the lot is Covington Avenue, which is a private street. Mr. Miller said that there used to be a stick-built house and a mobile home on this lot. He removed the mobile home 3 or 4 years ago. He wants to use the same driveway off of Brookside, but wants to use Covington Avenue as the legal frontage. Mr. Miller owns the adjoining lot. Can he create the residential lot and use the private road as his legal frontage, AND can he use the existing driveway, which would now serve three lots? If the lot would front onto the private road, is that considered frontage? Does that matter to the Township, as long as the road is maintained? There is public sewer on Covington Avenue. Can he use the 700' of road frontage on Covington to use as the legal road frontage? Mr. Baranski will research and report back.

Mr. McLucas asked if the water and sewer service will run through one lot to reach another lot. No. David Hoffman explained. Can certainly draw the subdivision to keep the line on the new lot.

What if the applicant made the Covington Avenue to “country road standards”?

Overall, the Planning Commission is fine with the proposal. It would be good to use the land, since it’s in the R3 zone. The applicant would need a shared driveway agreement. No problem.

IV. Other Business

Public Comment

A. Craig L. Gross, 2381-A Deep Hollow Road, Dover, offered a proposal. He proposed a recreational area at the intersection of Route 74 and Conewago Road. Does the Sewer Authority own that land? Yes, and it was originally planned for a sewer plant, which apparently isn’t going to happen. Mr. Stefanowicz noted that the Sewer Authority has been approached about using this area for recreational purposes, but no action has been taken yet.

Mr. Gross can see a bicycle track in the area, a kayak launch, fishing, etc. He noted that there such areas in Colorado that are heavily used and enjoyed. He would gladly do some research on the activities that could take place. Mr. Stefanowicz can present this idea at the next Supervisors and Sewer Authority meetings.

The Township is pretty involved in other rec projects, so if someone would spearhead it, the Township likely wouldn’t turn down the input. There are the matters of the Sewer Authority’s permission, financing, ordinance compliance, access to the site, parking, floodplain concerns, etc.

Mr. Gross spoke to someone from York County, who noted that there might be funds available, if the County were to get involved. There are also grants available for projects such as these.

Review and approve annual plan report for Board of Supervisors – the MPC requires this to be done, but maybe it hasn’t ever been submitted before, whoops. Mr. McLucas has prepared a spreadsheet outlining the plans submitted, waivers, progress, etc. Mr. Curley suggested adding somewhere the number of dwelling units that were created as a result of the plans that were considered. It’s actually in there – Mr. McLucas will add a legend. Other than that, well done!

Would the Supervisors want to see the Zoning cases that were addressed? Mr. Stefanowicz said he would not be interested in that information; the information on the plans is more useful.

Motion by Harlacher, second by Pinto, to adopt the Planning Commission’s report summary as prepared by Mr. McLucas (with the addition of the legend) AND to transmit same to the Supervisors. All members voted aye; motion carried.

Also of interest to the Planning Commission would be land use, number of dwelling units occupied, density of units, approved subdivisions not built out, number of acres in each zone... also add Ag Security lands that are enrolled. As much information as can be given would be best. Mr. Stefanowicz noted that ICDC maintains a list of commercial properties available. Mr. McLucas noted that the Township has a wealth of information, maps, charts available and in use. The issue is that gathering and presenting all this information requires a lot of staff time. Too true.

Is there a requirement by the MPC to even have a Planning Commission? Mr. Pinto is seeing that some municipalities are doing away with the Planning Commission

and hiring a Planning Officer. Perhaps those are smaller municipalities. In that case, the County Planning Commission would do the reviews. All Planning Commission members are volunteers. The number of meetings required depend on how built out that municipality is. Is the Planning Commission a good use of time? Is the time spent efficient? Effective? Everyone agreed that there's value to the Planning Commission's job certainly. It's good to volunteer one's time to serve the community and to assure that people can use their land without adversely affecting neighboring property owners.

Dover Highlands was discussed again with regard to the power that the Planning Commission has. The big recommendation would be to remember all this strife for when the ordinances are amended, and make appropriate changes at that time.

Mr. McLucas will email or provide a hard copy of the Municipalities Planning Code to the Planning Commission members for their reference.

Also, from Mr. Pinto, he just can't do a 6 p.m. meeting. Any other "work session" meetings would suit him to start later.

Draft Solar Overlay Ordinance; Stock and Leader/Dakota Power Partners – *tabled*. Mr. Hoffman wants to be sure that someone addresses the runoff from the solar panels onto the grass/ground below. He feels that can be a problem on such a large area.

Mr. McLucas reported that Dover Borough just approved the draft of the Comp Plan; now it goes to YCPC. Hooray!

The next meeting will be held on April 1, 7 p.m.

Motion by Harlacher, second by Curley, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:34 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary