

Dover Township
 Planning Commission Minutes
 March 3, 2021 *via Zoom*

Using a virtual meeting format, Chairman Wayne Hoffman called the regular Planning Commission meeting to order at 7:06 p.m. Members present: Anthony Pinto, Eric Harlacher, Justin Bigham, Michael Curley; alternates Brian Kimball, Mark Miller, and Stephen Stefanowicz. Also present: Solicitor Charles Rausch, Zoning Officer John McLucas, Engineers Terry Myers and Cory McCoy, Recording Secretary, and five citizens (Allen Hollenbach, 4260 Admire Road; Attorney David Jones of Stock and Leader; Brittany Staszak and Jared Foreman of Enel Green Power; and Matthew Lamparter).

I. **Minutes**

Motion by Harlacher, second by Curley, to approve the minutes of the meeting of February 3, 2021. All members voted aye; motion carried.

II. **Zoning Cases**

None this month.

III. **Plans**

No plans this month.

A traffic study was presented for the Dover Highlands crosswalk. Mr. McCoy summarized. At the February meeting, the Planning Commission thought it would be a good idea to have a crosswalk at the intersection of ? and ?. The traffic engineer reviewed the Planning Commission's recommendation. A crosswalk will indeed be placed between driveways/buildings 6 and 12, per the recommendation. This will need to be incorporated into the final plan. Mr. McLucas noted that the Board of Supervisors has conditionally approved this plan with this crosswalk. No action is required by or requested of the Planning Commission tonight. How about signs? How about a more modern sign, such as a light-up sign? Planning Commission overall pleased with this outcome.

IV. **Ordinance discussion**

The Amendment to the Dover Township Zoning Ordinance to add Section 665a, Principal Solar Energy Systems was discussed. Mr. McLucas noted that this use would be permitted in the R1 District by Special Exception. There's a provision for "glint and glare" and the elimination of prime agricultural soils. Chairman Hoffman wanted to make sure that the change to the R1 District is included in the R1 Section. Attorney Rausch assured him that all Districts will indeed be amended to reflect the addition of the Principal Solar Energy System.

Attorney Rausch relayed that the "applicant" presented a draft to the Board of Supervisors, which essentially displaced the ordinance amendment that the Planning Commission had previously recommended.

Attorney David Jones spoke, noting that his client adopted all but two of the Planning Commission's recommendations. It will be eligible for use in the R1 District,

as long as the land was in ag use for two years prior. Also, the prohibition of using prime ag soils was removed because the land will still be good for farming after the solar use is discontinued. Chairman Hoffman spoke about the intent of the agricultural use/prime farmland language in the ordinance.

Ms. Staszak presented a short segment outlining the benefits of the solar project to the Dover area and York County. Some of the benefits include new tax revenue for 30+ years, shared value opportunities, promotion of clean air and soil in the County, as well as the infusion of cash and jobs using local construction companies for the project. Stormwater controls are of utmost importance to Enel Green Energy, and the applicant is looking to compliance in that regard. Minimum lot size for a project is 25 acres. Screening from non-participating adjoining parcels will be in place. The presentation showed that the area in the Township available for a solar farm is rather small and restrictive. Economic Benefits were shown and discussed. Mr. Curley requested that the Planning Commission members be provided with a copy of the presentation. Mr. McLucas will provide. Total project: 605 acres, with 75 or so acres in residential. The substation will be in the Industrial District.

How do the Planning Commission members feel about the changes overall? Permitted in the Residential District by Special Exception with conditions? Brian Kimball, no. Justin Bigham, no. Mike Curley, no. Alternate Mark Miller, no. Tony Pinto, no. Eric Harlacher, no. Mike Hoffman, no.

The Planning Commission members felt that the Board of Supervisors rather overlooked or ignored the Planning Commission's previous recommendation. The Planning Commission members feel that they were exercising good planning. Mr. Stefanowicz spoke, noting that the Supervisors felt that the inclusion in the R1 District was a good step for a number of reasons.

How about the exclusion of the prime soils language? There might be a discrepancy in the wording---in the Ag District, a Special Exception is permitted only in lesser classes of soils. If the ordinance amendment is approved, there would be a discrepancy because this is talking about the use as a solar farm on prime soils, by Special Exception. Attorney Jones feels that this ordinance amendment would control the other aspect. Attorney Rausch said that the Supervisors felt that the prime soils are not going to be destroyed, and they felt that they cannot tell a farmer what he can do with his land. If he wants to use it for a solar farm, okay. Sounds like the attorneys still have some work to do.

How do the Planning Commission members feel about the removal of the prime soils language? Will the members stay with their original position of not permitting a solar farm on prime soils? Eric Harlacher, not a problem with it being on prime soils. Mr. Myers asked if the substation and other structures will affect the prime soils area? Should the Township *require that those structures NOT be in prime soils*? Attorney Jones reiterated that the substations, etc., will be in the Industrial District. Only panels would be placed in the Ag soil. Brian Kimball likes that requirement, to make sure the substation is not in prime soil. Same for Eric Harlacher and Tony Pinto.

Is this a substantial enough change to have this amendment go back to the YCPC? Chairman Hoffman wondered about the 75 acres of industrial land that might be used instead of the land that Enel is proposing...

Mr. Pinto feels that the Planning Commission has done its homework, and it's time to move it along to the Supervisors. Let the attorneys work out the language to assure that the substations, etc., are not in residential areas or prime soils.

The Planning Commission members are fine with the "glint and glare" addition.

These comments will be forwarded to the Supervisors for their March 22 meeting. Attorney Rausch will summarize the comments for the Board of Supervisors. The Planning Commission will not make any formal recommendation tonight.

V. **Other Business**

Public comment -- Allen Hollenbach, 4260 Admire Road, had concerns about a subdivision at the intersection of Admire Road and Pinchtown Road. Two years ago, he looked into purchasing the property at the intersection and was told that it cannot be subdivided (which was his intention). Now, a mobile home has been moved onto the property, and apparently the lot is being subdivided now. He's concerned that more subdivision will occur on this lot that supposedly cannot be subdivided. Apparently, the electric company has moved in poles and transformers, etc., looking for all the world like it's going to hook up service to residences.

It was noted that this parcel is zoned Agricultural. There are no current subdivision plans filed with the Township. Were those lots already subdivided prior to the adoption of zoning in the Township? Are there plans on file with the York County Court House? Mr. Hollenbach said that the lots did not have their own deeds (per the then-Zoning Officer, Georgia Sprenkel). But, per Attorney Rausch, these are pre-existing, non-conforming, legal lots.

Mr. McLucas gave the details of the situation. This is not a new subdivision, simply a division of lots from a plan of Robert Parr from 1981. Lots 4 and 5 were separated to the same owner; current owner still owns lots 1, 2, 3. Sounds like they do have the legal right to separate those lots.

Mr. Hollenbach was under the impression that even though the lots had been subdivided, they couldn't be separated at this time. How about stormwater issues? Mr. Hollenbach feels that he had to follow one set of rules to be able to put up a pole building, yet the people who installed the trailer didn't have to do the same thing. Mr. McLucas explained the differences in the applications. Mr. Hollenbach is concerned that more trailers will appear. (A mobile home park is not permitted in this District.) He is also concerned that homes will be built closer to his property while he's trying to build a farm business. That's why he wanted to buy that property a few years ago.

It's unfortunate that this has come to light now. It's unfortunate that Mr. Hollenbach seems to have received conflicting information at various stages of his interest in the property. He feels that he can't trust information -- it wasn't subdividable, yet now it is. It wasn't recorded, but it was. He is afraid that just because a trailer park isn't permitted in this district, that doesn't mean that rule will be followed, just based on his perception of how it's all gone in the past. Chairman Hoffman assured Mr. Hollenbach that there's no way that a trailer park can be placed on those lots, which made Mr. Hollenbach feel much better about the whole situation.

VI. **Correspondence**

YCPC Development of Regional Significance; Westgate Campus in West Manchester Township

The plan involves assisted living, a long-term care facility, and office spaces. Right next to the UPMC hospital.

YCPC Corrective Action Process (CAP) and Common Ownership Merger (COM) with a sample ordinance from Warrington Township for discussion

This would simplify the lot consolidation process, which is a great idea. It would save the applicants a lot of money. Comments from YCPC were included. YCPC is looking for feedback. Mr. Myers worked on the Warrington Township ordinance, which might serve as a model for a future ordinance for Dover Township.

Short-term rentals – document presented for the Planning Commission members to review for a discussion in the future. Mr. McLucas gave details on a short-term rental situation that caused a fair amount of consternation within the Township. Look for an ordinance in the near future.

2020 Plan Report – The Planning Commission unanimously informally voted to approve the 2020 Plan Report as presented and to authorize Mr. McLucas to forward same to the Board of Supervisors.

Mr. Kimball asked if the public is aware of the solar farm information. The ordinance will be advertised prior to the March 22, 2021, public meeting. It is advertised in the local newspapers. How about on a FaceBook page? Good idea.

Sad news is that the Township fire chief died from Covid-19. Surely a great loss to the Township.

The next meeting will be held on April 7, 2021, 7 p.m. via Zoom again, at least for one more month for everyone's comfort and safety.

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

Respectfully submitted,

Julie B. Maher,
Recording Secretary