

Dover Township
Planning Commission Minutes
November 3, 2021

Chairman Wayne Hoffman called the regular Planning Commission meeting to order at 7:00 p.m. Members present: Anthony Pinto, Eric Harlacher, Justin Bigham; alternates Mark Miller and Stephen Stefanowicz. Absent: alternate Brian Kimball. Also present: Solicitor Charles Rausch, Zoning Officer John McLucas, Engineer Cory McCoy, Recording Secretary, and 14 citizens.

It was noted that Mr. Miller will be a voting member for tonight's meeting.

I. **Minutes**

Motion by Pinto, second by Bigham, to approve the minutes of the meeting of October 6, 2021. All members voted aye; motion carried.

II. **Plans**

A. PL 21-3 -- Conewago Road 3-lot final subdivision – Ag district
Lee Webb, Site Design Concepts, was present on behalf of the applicant. The applicant would like to subdivide two 1.5 acre lots from the parcel.

Waivers requested:

Preliminary plan

North arrow orientation

Plan scale

Mill and pave to the centerline of the road

Lot lines at approximately right angles

Mr. McCoy reviewed C. S. Davidson's letter dated October 29, 2021.

Outstanding: 1, GIS disk (Section 22-501.2.A); 2 north point, with north point oriented to the top of the plan sheet, graphic scale, written scale, and date, including the month, day, and year that the original drawing was completed, and the month, day, and year for each revision if any (Section 22-501.2.D) (waiver requested); 3, surveyor's signature, seal, date (Section 22-501.2.F); 4, owner's notarized signature (Section 22-501.2.H); 5, Planning Module approval (Section 22-502.2); 6, cartway improvements (Section 22-704.B); 7, lot lines shall be approximately at right angles or radial to street lines so long as reasonably shaped lots result (Section 22-705.1); 8, it appears that Conewago Road transitions to 55 mph at the intersection with Crone Road. The applicant shall recalculate the available sight stopping distances taking into account this transition from 30 to 55 mph (Section 22-708.2) (waiver requested); 9, recreational land or fees in lieu of (Section 22-718); and 10, address the Public Works Director's comments.

Discussion of Item 8, safe stopping distance on Conewago Road. The applicant cannot meet the safe stopping sight distance for a 55-mph speed limit but can meet the stopping sight distance for 35 mph. Lot 5 is a problem for sight distance for 55 mph. The engineers will do some calculations to figure this out.

Motion by Harlacher, second by Miller, 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 Section 22-501.B, north arrow. All members voted aye; motion carried.

Motion by Pinto, second by Harlacher, to recommend approval of the waiver request for Section 22-601.2.A, plan scale. All members voted aye; motion carried.

Motion by Bigham, second by Harlacher, to recommend approval of the waiver request for Section 22-704.B, mill and pave to the centerline of the road. All members voted aye; motion carried.

Motion by Miller, second by Bigham, to recommend approval of the waiver request for Section 22-705.1, lot lines not at approximately right angles. All members voted aye; motion carried.

Motion by Harlacher, second by Pinto, to recommend approval of the Final Subdivision plan of Keith E. Rodgers, 1195 Conewago Road, subject to the satisfactory resolution of the following items from the C. S. Davidson letter referred to above: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. All members voted aye; motion carried.

III. Zoning Cases

A. ZHB 21-2 -- application to appeal decision of Zoning Officer, and in the alternative, request a Special Exception to permit a short-term/vacation rental per Section 27-304 “use not specifically allowed elsewhere” on property at 3601 Admire Road, Crossroads Village Overlay district

Attorney John Elliott of Ream, Carr, Markey, and Woloshin, was present on behalf of the applicants. This involves a single-family dwelling on Admire Road. Currently the son lives there but is in the military, so he’s gone a bit. They want to use the property as a short-term rental while he’s gone. They feel that this use is not provided for in the ordinance, hence the application. The Zoning Ordinance provides that where a use is not specifically allowed elsewhere, that use can be done anywhere.

OR, if not that, they would need permission from the Zoning Officer/Township. Attorney Elliott noted that there is case law that provides that as long as the property remains as a single-family dwelling, the applicant doesn’t require permission. OR, maybe it’s a no-impact home-based business.

The applicants, Lloyd and Josie Kroft, were also present. They purchased this property last year. There’s a wedding barn venue in the neighborhood, and they feel that offering their property as a short-term rental would be beneficial. They don’t want to offer the rental use year-round, as they want to keep it open for their son to live in when he’s in town.

Originally, this was an appeal from the decision of the Zoning Officer. Mr. McLucas feels that it won’t qualify under Section 27-645.D, no-impact home business, which includes the provision that the property will offer no outside appearance of a business use. He feels this would not qualify under that section. There are other ways under which this use could qualify to be operated. A rooming house use is one that offers lodging for more than 14 days, so this application wouldn’t qualify as a rooming house, either. If it’s a “use not provided for” it can’t be defined as a rooming house. Plus, it’s not “owner occupied.”

How about just general rentals? If there's no prohibition for a property owner to rent his single-family dwelling, then what's the difference? There's a commercial component included which changes the single-family dwelling use.

It's similar to a bed and breakfast, which is permitted in this district. Perhaps this is the way to go for these applicants.

The consensus of the Planning Commission is that there's no problem with the applicants' proposal for this use.

Motion by Pinto, second by Miller, to recommend approval of the Special Exception under the provision that it's a "use not provided for" under Section 27-304 in this district but the use is similar to the bed and breakfast, which is permitted in this district. All members voted aye; motion carried.

B. ZHB 21-3 -- request for Special Exception to permit a principal solar energy system (PSES) on various parcels in the Ag, Industrial, and R1 zoning districts. Parcels include lands of D&D Bismark Partnership, Lamparter, Fissel, and Glen-Gery Corporation.

Attorney David Jones was present on behalf of the applicant, Dover Solar 1, with Enel Green Power. Brittany Staszak presented information on the application. The project is entirely in Dover Township. Hopeful construction – operation: 2023. This is a 30-year lease. The applicant is prepared to comply with all of the ordinance requirements. The PSES is proposed for R1 (residential), agricultural, and industrial zones.

The presentation outlined all points of the ordinance with which the applicant will comply. Included was the decommissioning and removal issue that was so important to the Planning Commission during the previous discussions on several occasions. Tax payment amounts are unclear; depends on how the land is assessed.

The applicant is requesting a recommendation for approval for its application for Special Exception to the Zoning Hearing Board.

How does the applicant intend to manage the noxious weeds? What the sheep can't reach, the company will maintain by removing/trimming the weedy areas.

There will be multiple accesses to these properties. Kyle Spayd, WSP, outlined how the company will access the properties. He noted that the large sections of panels will be fenced, and perhaps the access drives will be fenced as well. It was noted also that the first 25' of the access drives will be paved; the rest of the access drives will be stone.

Taxation was discussed. Attorney Jones noted that this use might not be contributing massive amounts of tax revenue, but the use isn't demanding much, either. No public services are required.

Attorney Steven Lucas reminded the Planning Commission that the issue before the panel tonight is the application for the Special Exception, not taxes.

Monica Love, 1548 Butter Road, asked if studies were done to identify endangered species on the sites. Erica Boyer-Grason spoke to this question. Studies were indeed done to assess habitats. Archeological sites and historical sites were

identified, and any sites will be avoided. Ms. Love also asked for clarification on the screening requirements.

Did the applicant meet the requirements for the Special Exception? The Zoning Hearing Board will determine that. From Mr. McCoy, the big zoning issues are the size of the parcels and all the setbacks, etc. Attorney Rausch noted that the applicant certainly will not present a full land development plan just to get a Special Exception for this use. Attorney Jones explained that the applicant is requesting an extension of the time permitted to prepare and present a land development plan.

Motion by Harlacher, second by Pinto, to recommend approval of the application for Special Exception by Dover Solar 1 for PSES use, under Sections 27-665.a.2.F; 27-665a.2.M; and 27-1004.5, assuming that the applicant will meet all ordinance requirements, as indicated in the presentation. All members voted aye; motion carried.

IV. **Other Business**

Public comment – nothing at this time.

Housing projections 2022-2027 -- Mr. McLucas provided information in the packets for proposals and current subdivisions. Total: 1114 new dwelling units; 322 new student projections. Discussion was held on the Township's being "totally built out" in the future. How many acres of residential area are available to be subdivided and built upon?

V. **Ordinances**

Common Ownership Merger (COM) -- *tabled*

Why is this necessary? To make it easier for an applicant to subdivide acreage without having to jump through so many hoops.

Short-term rentals -- *tabled*

Why is this necessary? Because of the ability of people to do things that we didn't do in the past. Short-term rentals like Airbnb uses were never a choice before. It's becoming more common and probably should be regulated or addressed.

Tiny homes -- *tabled*

Why is this necessary? Same as above – this was never a "thing" before.
Livestock in Residential zones -- *tabled*

These ordinances have been repeatedly tabled by the Planning Commission because there was never a consensus and some members felt that it should be dealt with when there's an actual application before the Township. Mr. McLucas feels like he needs some direction for when people call the Township requesting permission for certain uses, etc.

Mr. Bigham requested that, along with the packet of information he sends to the Planning Commission, Mr. McLucas give a little synopsis of what will be before the Planning Commission in the meeting. This might help the members narrow down the focus.

If any of the above items is up for discussion again, put it on the agenda for consideration.

VI. **Correspondence**

Termination of Consent Order and Agreement (COA) from PADEP – FYI and hooray for the lifting of this requirement!

Act 14 Municipal Notification – wastewater Treatment Plant NPDES renewal – FYI – and again, this is a big deal, so hooray!

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

Motion by Harlacher, second by Pinto, to adjourn. All members voted aye; motion carried. The meeting adjourned at 10:05 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary