

Dover Township  
Planning Commission Minutes  
April 6, 2022

Chairman Wayne Hoffman called the regular Planning Commission meeting to order at 7:00 p.m. Members present: Eric Harlacher, Justin Bigham, and Mark Miller, and alternates Stephen Stefanowicz and Monica Love. Absent: Anthony Pinto. Also present: Solicitor John Baranski, Zoning Officer John McLucas, Engineers Terry Myers and Cory McCoy, Recording Secretary, and two citizens.

Monica Love will be a voting member for tonight's meeting, in Mr. Pinto's absence.

I. **Minutes**

Corrections to the minutes of March 2, 2022: Under Plans, PL 22-3, fifth sentence in the paragraph should read: "Sidewalk will be extended along the north side of Palomino Road. After discussion and engineer's comments earlier in "F" the process, Mr. Johnston..."

Also, eighth sentence should read "There are 16 parking spaces proposed.(~~there now.~~)"

[Thanks to Mr. Myers for catching these errors.]

**Motion** by Harlacher, second by Love, to approve the minutes of the meeting of March 2, 2022, as amended above. All members voted aye; motion carried.

II. **Plans**

A. PL 22-1, Norma's Ridge; East Canal Road, 55 dwelling-unit multi-family development in the R3 District

Clint Huhra was present on behalf of the applicant. This project was before the Planning Commission previously in another form. It is now proposed as a 55-dwelling unit project. No alterations were done to any ingress or egress from any previous plan. Mr. Myers clarified that rental townhomes are proposed in this development.

It was noted that this project was previously submitted as a condominium-type age-directed community. That was apparently a different developer. This developer isn't interested in that type of housing. This applicant is interested in rental units. The developer will maintain the grounds, not the Township. There will be no individual ownership of the units.

Mrs. Love asked about the paving on the walking path. It was noted that the paved walkway connects to Jack Drive, not to a sidewalk. The applicant appreciated the comment and is amenable to trying to connect the paving to the sidewalk. They'll have to check easements, etc. It was agreed that it would be better to have one big loop. Discussion was held about sidewalks from the school to the applicant's property. Might be a nice suggestion, but that area is within the Borough, so the Township has no authority or say in that matter. The Township could certainly send a letter to the Borough to recommend that sidewalks be installed there.

Also from Mrs. Love, don't put crabapple trees in the parking areas! Good suggestion.

It was noted that so far PennDOT doesn't have any problems with the change in the number of units in this proposal as compared to the previous submission.

Mr. McLucas reported that a resident across Canal Road from the proposal has voiced concerns about stormwater. Mr. Huhra feels that the grading plan for the development should take care of this issue. Discussion was held on whether or not there's a runoff problem in this area during a heavy storm. The drainage that is proposed should alleviate any runoff trouble.

This site is served by public water.

Waiver requests:

Section 19-301.11, basin embankments with setbacks. Discharge of controlled flows closer to property line than two times the required discharge apron length;

Section 22-719.A.2, completion of a Traffic Impact Study; and

Section 22-720.3, requirement of an independent qualified Consultant to prepare the Environmental Impact Assessment. The applicant would like to do that project in-house.

Fourth waiver possibly requested tonight for Section 22-704.B, cartway width and curbing. During the discussion, Mr. McCoy reminded the Planning Commission that there's a six-month note on the plan for curbs/sidewalks. So, never mind on the fourth waiver.

**Motion** by Harlacher, second by Bigham, to recommend approval of the waivers as requested for Sections 19-301.11, 22-719.A.2, and 22-720.3. All members voted aye; motion carried.

C. S. Davidson's letter dated April 4, 2022, was reviewed. Outstanding comments: **General** 1, meter pit details shall be added to the plans. All waterline prior to the meter pit shall be 8" in diameter. Jay Provanzo stated that the owner will be responsible for the water bill; 2, paved pedestrian access path detail shall be revised to provide 2 ½" of either 9.5 mm or 12.5 mm wearing course; 3, the site data shall be revised to state a total of 148 total parking spaces provided; 4, a detail shall be provided on the plans for the proposed knock-down gate for the emergency access along with operation and maintenance responsibilities; and 5, the internal layout shall be revised to accommodate the emergency services turning template without encroaching upon parking spaces. Also open, **SALDO**, 1, GIS disk (Section 22-501.2.A); 2, owner's notarized signatures added to the plan (Section 22-501.2.H); 3, dates of approval for the requested waivers shall be added to the cover sheet of the plans (Section 22-501.2.LL); 4, planning module approval by DEP and add PADEP code number to the plan (Section 22-502.2); 5, provide statements of adequacy from Dover Township Sewer Authority and water department for all utility extensions (Section 22-502.3); 6, approval of the stormwater management plan in accordance with Part 10 requirements and the Dover Township Stormwater Management Ordinance shall be obtained from the Township Engineer. Comments will be provided under separate letter (Section 22-502.8); 7, sanitary sewer profiles from F08031 to F08030 and from F11047 to F11006 shall be added to the plans as well as details showing the proposed connections to existing manholes including internal flow channels (Section 22-601.2.G); 8, provide public improvement security prior to final plan approval and Home Owner Association Documents shall be provided for approval by the Township Solicitor (Section 22-602.1); 9, erosion and sediment pollution control plan approval by the York County Conservation District and all required

permits shall be provided (Section 22-602.4); 10, landscaping plans shall be certified by a landscape architect registered by the Commonwealth of Pennsylvania (Section 22-602.7); 11, provide copies of the approved PennDOT HOP permit prior to final plan approval (Section 22-602.12); 13, the location of the cleanout which serves units 23 to 28 shall be revised by placing within the parking bump-out at the edge of the access, utility, and sewer easement to delineate responsibility (Section 22-713.2.H); 14, the applicant shall pay a fee-in-lieu-of dedication of lands for the purpose of public recreation (Section 22-718); address Public Works Director comments dated January 12, 2022.

How about a construction timeline? They're hoping to build it all out within two years.

Mr. Stefanowicz noted that with the looping water line, if the water goes out there, no one within the development will have water. Yes, that's correct. Perhaps try to have more than one line/meter?

Discussion was held on the trees permitted to be planted; Mr. Miller feels that the ordinance is a bit "too tight" with regard to what's permitted, and the Township should let the landscape architects choose what will work best for any particular site. Mr. McLucas checked the ordinance and mentioned that the language doesn't say "shall" use any particular trees, but the language gives recommended trees to use.

**Motion** by Harlacher, second by Miller, to recommend approval of the Norma's Ridge plan subject to the satisfactory completion of the following open items from the C. S. Davidson letter referred to above: General 1, 2, 3; SALDO, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, and 15, AND address sidewalks, crabapple trees, and general landscaping trees. All members voted aye; motion carried.

### III. Zoning Cases

A. FYI, the PSES case was continued to April 20, 2022.

Chairman Hoffman briefly commented on the solar farm project. Permitting this use by Special Exception assures that an applicant goes to the Zoning Hearing Board. People should be permitted to do what they want to do on their land without "screwing over the rights of the neighbors." This is a tough one to prove or fight or defend, for sure.

### IV. Other Business

Public comment – none at this time.

Chairman Hoffman discussed development in the Township. He said that the only reason that anyone objects to an apartment type development is they think it brings children and not enough money. However, right now, some people say that we don't have enough children. The development that the Planning Commission heard tonight will increase the value of the land substantially. But maybe most people who rent these homes might not have children. The demand for this type of housing is high these days. Mr. McLucas noted that it's challenging to develop commercial property in Dover Township to produce an assessable tax-base as high as some of the multi-family developments (roughly \$500k/acre).

## V. Ordinances

Planned Residential Development – “this is like giving your neighbor a pony and then selling him the hay to feed it.” Wisdom from Chairman Hoffman. Nothing else discussed.

Common Ownership Merger -- nothing discussed.

Short-Term Rentals -- Mr. McLucas provided a sample ordinance from Warrington Township. Discussion: Mr. Harlacher asked about the rental registration program. Mr. McLucas said that this is totally different from the short-term rental ordinance. The ordinance will address transient occupants for short stays in properties operating as short-term rentals, as in through Air BnB. Discussion was held on the “landlord” being responsible for the actions of the renters. Mrs. Love explained the difference between regular rental agreements and short-term rentals in terms of vetting one’s tenants and with regard to unsatisfactory behavior. Chairman Hoffman isn’t in favor of the short-term rental agreement. He feels that this is government over-reach. Mr. McLucas wants to have some sort of regulation to protect the adjacent property owners. Plus, he gets phone calls of complaints of violations and right now, he cannot do anything about it. Mr. Harlacher feels that this ordinance only makes a registration list for owners of short-term renters. Do the police continue to enforce violations of a short-term rental? The problem might be that the homeowner isn’t on site, or the violators are gone, as they are only there for the weekend. Mr. McLucas knows that this is a growing trend and feels that it should be addressed. He feels that it’s up to the Planning Commission to look ahead to what’s coming and what’s being done and decide how to provide for those uses. Right now, there’s no specified use for a short-term rental and the applicant needs to go before the Zoning Hearing Board, paying the application fee of \$750. Mr. McLucas feels that this is a burden on the applicants that doesn’t need to happen. As it stands now, a use has been created but the Township can’t properly address it.

Mr. Miller doesn’t want the short-term rental list/registration to lead to a long-term rental list/registration.

Mr. Bigham thinks that any unruly behavior will continue, and it doesn’t matter if there’s an ordinance. Plus, if there’s a problem that affects the neighbors, the residents are told to call the police, so it should be the same across the board. He feels that there’s already an ordinance to address disorderly conduct. But, per Mr. McLucas and Attorney Baranski, if it continues and an ordinance is in place, the Township has the option to revoke that renter’s license/privilege to continue the operation of the short-term rental property.

Mr. Harlacher agrees that there’s a provision for disorderly conduct and that the property owner can voluntarily register as a landlord to rent property.

For a long-term landlord situation, there are specific regulations to comply with as a commercial use. Mrs. Love relayed the situation in another Township where short-term rentals are a problem because of parking, cars, etc. She mentioned that this type of rental situation takes money away from the hotels/motels in the area. She also said that this type of use repeatedly makes this a commercial use, subject to commercial regulations, etc.

Should the Township pursue this ordinance? Might it be short-sighted if we ignore it? Is there a lot going on that the Township doesn't know about? Likely, yes.

Mrs. Love offered some proposed changes: (f) managing agency or person to also include a 24-hour contact; (o) expand and clarify fireworks and floating lanterns; (p), several other requirements for safety in the home including fire extinguishers and exit diagrams; (r4) would prohibit parking on the grass; (r5), trash cannot be put out before a specified time. And she's surprised that Dover doesn't have rental registration already, because there used to be a per capita tax. She also noted that she will be presenting this ordinance (with her proposed changes) to her municipality's Planning Commission for review.

How about the property owner's insurance company? Wouldn't that company want to know that the property owner is operating a short-term rental facility? One would think so...

If the Planning Commission is going to continue to table it, don't get upset if the Board of Supervisors takes it over. Chairman Hoffman wants the Planning Commission to do something (vote, table, ditch) at the next meeting. But do we need to put it off for another month?

Bottom line: eliminate paragraph (l), the owner shall, upon notification that occupants or guests of the Short-Term rental have created... OR add that after [how many?] violations, then action is taken.

Ultimately, does the Planning Commission want to see short-term rentals in the Township? Should it be provided as a use? All Planning Commission members said yes, it should be provided as a use. If so, then some sort of ordinance needs to be adopted to deal with it. Mr. McLucas wants the Planning Commission members to let this percolate until next month.

Tiny Homes – *tabled*

Livestock in Residential Zones -- *tabled*

#### VI. Correspondence

Dover Area School District – assessed value by property type  
Percentage of total land by Zoning District Calculation

It would be good to have data on dangerous intersections in the Township, to give the Planning Commission information to consider when looking at future developments and impacts on the roads, etc.

The next meeting will be held on May 4, 7 p.m.

**Motion** by Love, second by Miller, to adjourn. All members voted aye; motion carried. The meeting adjourned at 10:16 p.m.

Respectfully submitted,

Julie B. Maher,  
Recording Secretary