

**DOVER TOWNSHIP  
BOARD OF SUPERVISORS  
MEETING MINUTES  
October 24<sup>th</sup>, 2022**

The Dover Township Board of Supervisors for Monday, October 24<sup>th</sup>, 2022, was called to order at 7:02 PM by Chairperson Stephen Stefanowicz in the Dover Township Board of Supervisors meeting room. Supervisors' present were Charles Richards, Michael Cashman, Stephen Parthree, and Robert Stone. Other Township Representatives in attendance were Laurel Oswalt, Township Manager; Terry Myers, Township Engineer; Cory McCoy, CS Davidson; Charlie Rausch, Township Solicitor; Michael Fleming, Township Public Works Director; John McLucas, Zoning Officer and Brooke Searce, Recording Secretary. There were 10 members of the public present.

This meeting is being recorded for the purpose of minutes only.

**PUBLIC HEARING ON A PLANNED RESIDENTIAL DEVELOPMENT ORDINANCE**

C. Rausch stated the Board authorized the staff to proceed to advertise the ordinance for a public hearing which has been done. The purpose of this hearing to take public comment on the proposed ordinance.

Marie McInerney from 6331 Salem Run Road questioned what is the maximum number of homes, apartments, or town houses that can be placed on to the property at Hilton Avenue and Bull Road.

J. McLucas noted that with the Open Space Plan while 30% has to be reserved, stormwater management cannot be included in that 30%, unless it is incorporated with the landscape design. Single-family detached would be 50% of all dwelling units, Single-family semi-detached would be 35%, a duplex would be 35%, townhouses would be 35%, and multifamily homes would be 60%.

M. McInerney questioned how many homes could be on the 100-acre property. She also questioned how many parcels the Planned Residential Ordinance could apply to and does the Township have enough capacity to supply water and sewer to more residents.

J. McLucas stated the water and sewer line was upgraded in that area a couple years ago. His recollection was approximately a total of eight parcels exist that the ordinance could apply to. Of the eight parcels, there were only three to four parcels that are viable.

Manager Oswalt stated that some of the parcels already have development occurring on them.

M. McInerney questioned how many units would be built on the 45 acres.

T. Myers stated that the maximum density is five units per acre. The maximum number of units would be based upon the 45 acres. The maximum number of units would be 225 acres based upon the 45 acres.

Bill Fritsch from 2950 Bull Road expressed concerns about the development and how it will affect his wedding revenue. Bill stated he is concerned about the drainage that will flow onto his property from the development because he already has drainage issues. Bill also questioned what

the plans are to protect his business and the neighboring properties. He also noted that the traffic at the intersection of Hilton Avenue and Bull Road is not the best intersection and questioned if construction will be conducted on that intersection to improve the visibility. Bill questioned what the timeline is for when the project would start.

C. Rausch stated stormwater will be taken care of through the planning process. There are buffer requirements within the ordinance.

Manager Oswalt stated that if the ordinance is approved, the applicant would have to design a plan and submit the application to the Township for the staff to review. The plan would also go to the York County Planning Commission, as well as, the Dover Township Planning Commission, After which final approval will be necessary from the Board of Supervisors. Since Bull Road is a PennDOT road, the applicant will also have to get permits through PennDOT which could take some time. Six months to a year was the likely timeframe.

M. McInerney questioned if PennDOT will be putting a building on 40 acres of the parcel on Hilton Avenue and Bull Road.

S. Stefanowicz stated at this time, that is not a relevant issue with the PRD Ordinance Hearing.

T. Myers stated that in the Ordinance under Chapter 27-1310 under the Business Park and Commercial Districts it states, "the maximum number of dwelling units shall be five units per acre based on total lot area."

J. McLucas stated it is specifically defined based upon total area if it's in a residential area. For a commercial district the language just says, the maximum number of dwelling units shall be five units per acre. The lot area is already defined in the Zoning Ordinance.

T. Myers stated that when he read that section of the ordinance he interpreted as you cannot build more than five units per acre over the whole parcel.

Paul Minnich from Inch and Company stated this ordinance applies to everyone across the board who is looking to develop a Planned Residential Development. The proposed development does have a lot of positive advantages for the Township. The drafted ordinance was changed to incorporate all different types of housing units. The proposed plan allows them to realign the intersection to make it safer which would be a public improvement.

J. McLucas stated that the front page of a plan shows a site data table and a dwelling unit count. What is shown in the ordinance is five units per acre based on total lot size.

T. Myers stated that the verbiage needs to be added in the ordinance so there is no confusion going forward.

P. Minnich stated due to the residential homes that are already surrounding the property, a 100% commercial development would be more disruptive. The proposed plan shows a 25/75 split between commercial and residential.

T. Myers stated in Chapter 27-1310 under the BP and Commercial Districts it should state “five units per acre based on total lot area.” The total lot area is defined as the net tract area which subtracts out the streets.

J. McLucas stated, hypothetically, if they submitted a plan, the site data would state it is a 100-acre net tract, they have 500 dwelling units, then the breakdown percentage would occur. There are some additional comments from the Dover Township Planning Commission and the York County Planning Commission to discuss this evening as well.

M. McNerney questioned if 500 dwelling units could be built on a 45-acre lot.

J. McLucas stated a developer could not build 500 dwelling units on a 45-acre lot. The calculation is done on existing tract size, so in this case you have a 100-acre parcel that is later developed down to certain percentages and ratios, but the initial tract size in this example is 100 acres.

M. Cashman questioned how that is different from the standard Zoning Ordinance.

Manager Oswalt stated there would be no commercial component.

T. Myers stated you are adding open space and commercial use with residential homes.

P. Minnich stated the proposed plan has setbacks as well as a recreational trail. It is a public benefit, and it will also attract other businesses into the Township.

M. McNerney questioned how the ordinance applies to apartment density.

J. McLucas stated that most of the apartment complexes are in high density residential areas. There are some high-density residential areas where the PRD ordinance could be applied, and that density is eight units per acre.

C. Rausch stated the York County Planning Commission did recommend that the PRD Ordinance be adopted, however there were some comments. A definition for a Planned Residential Development be added to the definition section. The proposed amendment refers to Planned Residential District in several places and that has been addressed. Section 27-1301 subsections six and seven appear to be repeated in subsections ten and thirteen so that has been corrected as well. The York County Planning Commission suggested the Township should amend the list of uses under Section 27-1303 subsection three. In section 27-1305 it stated the word ordinance instead of regulations and that has been changed. Section 27-1312 subsection five “the Board of Supervisors may modify the minimum yard setbacks”; York County Planning Commission is stating that can only be granted by the Zoning Hearing Board but under the PRD regulations, the Municipalities Planning Code allows the Board great flexibility. There were two subsections that had a typo which have been corrected.

J. McLucas stated the Dover Township Planning Commission recommended removing a couple of uses that were written in the draft: care facility and childcare facility are double matched to just allow care facility and the Commission discussed adding that the PRD shall have a minimum of three housing types with no one type being less than 15%. The Planning Commission voted, and the motion failed but they did vote on the mixed types of housing and that motion passed.

C. Rausch stated he is confused on what the Planning Commission is asking the Board to do.

J. McLucas stated the Planning Commission is asking to add language stating the minimum percentage of housing types. Under 27-1311 subsection four it should read the PRD shall have a minimum of three housing types with no one type being less than 15%, but when you distribute the densities, you're not left with only 5% of single-family homes.

T. Myers asked the Board if they would like to add the minimum of the third type.

R. Stone stated that depending on the type of plan that is being designed, there could be reasons why the developer would need less than 15%.

P. Minnich thanked the Board for their time and patience on this ordinance.

The public hearing on the Planned Residential Development Ordinance was adjourned at 7:49 PM followed by a 5-minute recess.

The meeting resumed at 7:56 PM.

**APPROVAL OF THE LOCAL AGENCY HEARING MINUTES FOR SEPTEMBER 26<sup>TH</sup>, 2022**

**APPROVAL OF THE REGULAR BOARD OF SUPERVISOR MINUTES FOR SEPTEMBER 26<sup>TH</sup>, 2022**

**APPROVAL OF THE 2023 BUDGET WORK SESSION MINUTES FOR OCTOBER 10<sup>TH</sup>, 2022**

**Motion** by C. Richards and seconded by S. Parthree to approve the Local Agency Hearing Minutes from September 26<sup>th</sup>, Regular Meeting Minutes from September 26<sup>th</sup>, and Budget Work Session Minutes from October 10<sup>th</sup>, as presented. **Passed** with 5 ayes.

**TREASURER'S REPORT**

**APPROVAL OF THE OCTOBER 21<sup>ST</sup>, 2022 WARRANT IN THE AMOUNT OF \$ 7,200.00 (BOND)**

**APPROVAL OF THE OCTOBER 21<sup>ST</sup>, 2022 WARRANT IN THE AMOUNT OF \$ 31,235.50 (The Seasons)**

**APPROVAL OF THE OCTOBER 24<sup>TH</sup>, 2022 WARRANT IN THE AMOUNT OF \$ 475,686.22**

**Motion** by R. Stone and seconded by M. Cashman to approve the above referenced warrant totals, as presented. **Passed** with 5 ayes.

**PUBLIC COMMENT**

None were offered.

**ENGINEER'S REPORT, T. MYERS**

T. Myers stated that he submitted the updated engineer's written report. There are no items for action.

C. Richards questioned if the manhole covers in Donwood Estates will be raised to level with the road.

T. Myers stated the manhole covers have been reviewed with Kinsley last week. There are nine manholes that will be physically raised, there are another six that they are going to heat the material around the cover and blend the material better.

### **ZONING OFFICER'S REPORT, J. MCLUCAS**

#### **PL-22-10-Action on the Wawa Wellhead Protection Waiver Request.**

J. McLucas stated the Wellhead Protection Waiver Request is to allow the underground storage tanks.

C. Rausch stated the Board does not need to decide tonight if they need more time to review the material that was provided by the Wawa representatives.

Manager Oswalt stated the stenographer will prepare the transcript for the Board to review.

C. Richards noted that he would like more time to investigate the emergency response team.

M. Fleming stated that Lewis Environmental took 16.5 months to finish work at a commercial site in the Township.

Manager Oswalt suggested that part of the problem could be the client. The client could not have paid timely or scheduled Lewis Environmental to go on site to make the repairs.

J. McLucas stated there is a legal obligation to decide whether they have met the ordinance requirements.

S. Stefanowicz stated that he feels as if the underground storage tank that is under surveillance 24/7 is a better option than the concrete vault.

**Motion** by R. Stone and seconded by S. Parthree to approve the Wawa Wellhead Protection Waiver Request, as presented. **Passed** with 5 ayes.

#### **Approval of Ordinance 2022-02 for Planned Residential Development.**

J. McLucas stated the Dover Township Planning Commission comments can be found on page 9 and the York County Planning Commission comments can be found on page 10 in the packet. The County is recommending approval of the Planned Residential Development Ordinance with some changes.

C. Rausch summarized the technical York County Planning Commission's comments identified by the solicitor as followed; Section 27-1309 subsection 2- deleting child daycare, public and

semipublic facilities and uses and adding garden center as a use; Section 27-1310 subsection 2-add language at the conclusion of the section stating “based on total lot area.”

J. McLucas noted that the Conversation Based Design is not listed as a permitted use, but it still applies.

**Motion** by M. Cashman and seconded by R. Stone to approve Ordinance 2022-02 for Planned Residential Development amendments as noted above. **Passed** with 5 ayes.

C. Rausch stated he will make the final changes and send the updated Ordinance to the Township.

**PL 22-5 Donwood IIB-Revised Preliminary Plan-Donwood Estates-53 SFD’s-R-3 Zoning District.**

J. McLucas requested that the Board table this plan until next month.

**Motion** by R. Stone and seconded by M. Cashman to table PL 22-5 Donwood IIB- Revised Preliminary Plan- Donwood Estates- 53 SFD’s- R-3 Zoning until next month, as presented. **Passed** with 5 ayes.

**Fountain Rock Swale 9A and 9B Security Release.**

J. McLucas stated the Board executed an agreement in August to hold security for the location of two swales in Fountain Rock. The work has been completed.

**Motion** by C. Richards and seconded by S. Parthree to approve Fountain Rock Swale 9A and 9B Security Release, as presented. **Passed** with 5 ayes.

**PL-22-02 Reapproval- 1700 Palomino Road-2 Lot Final Subdivision Plan-R-3 District.**

J. McLucas recommend reauthorizing the plan.

**Motion** by R. Stone and seconded by M. Cashman to approve PL-22-02 Reapproval- 1700 Palomino Road- 2 Lot Final Subdivision Plan- R-3 District, as presented. **Passed** with 5 ayes.

**SOLICITOR’S REPORT, C. RAUSCH**

**Discussion regarding requirement to attend Mandatory Pre-Bid Meeting for the Fire Department Dorm Project.**

C. Rausch stated there was a request submitted by a potential bidder on the Fire Department Dorm Project. The notice that was publicized for the bid did not state that Pre-Bid meeting was mandatory, but the documents that were published on PennBid’s website stated that there was a mandatory Pre-Bid meeting. The proposed bidder is requesting that they be permitted to bid.

R. Stone questioned if the project would have to be advertised again.

Manager Oswalt stated the project would not have to be advertised again. All the bidders are on PennBid, so the information will be published on the site. They will have to attend the second Pre-Bid meeting if they do not attend the second meeting they will not be allowed to bid on the project.

S. Parthree questioned how many bidders attended the first mandatory pre-bid meeting.

Manager Oswalt stated there were 27 people at the first pre-bid meeting, representing approximately 15 different companies from 5 different disciplines.

**Motion** by R. Stone and seconded by C. Richards to approve a second Mandatory Pre-Bid Meeting for the Fire Department Dorm Project, as presented. **Passed** with 5 ayes.

## **TOWNSHIP MANAGER REPORT, L. OSWALT**

### **Appointment of Brooke Searce as Township Secretary.**

**Motion** by C. Richards and seconded by S. Parthree to appoint Brooke Searce as Township Secretary, as presented. **Passed** with 5 ayes.

### **Approval of the Advertisement of the 2023 Budget.**

**Motion** by R. Stone and seconded by S. Parthree to approve advertisement of the 2023 Budget, as presented. **Passed** with 5 ayes.

Manager Oswalt stated the vehicle that will be shared between the water and sewer department is a specialized truck. There will be a longer lead time due to vehicles needing to be ordered a year in advance. The Wastewater Collection Superintendent asked if a letter of intent could be provided in order to place the truck in line for build out.

Consensus of the Board was to submit a letter of intent to get on a list to have the vehicle built.

### **Approval of Resolution 2022-20 adopting Job Descriptions for the Utilities and Assistant Utilities Superintendent Positions.**

**Motion** by C. Richards and seconded by M. Cashman to approve Resolution 2022-20 adopting Job Descriptions for the Utilities and Assistant Utilities Superintendent Positions, as presented. **Passed** with 5 ayes.

### **Approval of Resolution 2022-21 directing the Dover Township Tax Collector to implement Act 57 of 2022.**

Manager Oswalt stated there was a law that was passed that requires the Tax Collector to waive certain penalties and interest if a new purchaser never got the new tax bill.

**Motion** by R. Stone and seconded by M. Cashman to approve Resolution 2022-21 directing the Dover Township Tax Collector to implement Act 57 of 2022, as presented. **Passed** with 5 ayes.

**Approval of the Animal Control Contract for 2023 with Klugh Animal Control Services.**

**Motion** by C. Richards and seconded by R. Stone to approve Animal Control Contract for 2023 with Klugh Animal Control Services, as presented. **Passed** with 4 ayes, 1 nay with S. Parthree voting in the negative.

**PUBLIC WORKS DIRECTOR REPORT, M. FLEMING**

There were no action items under the Public Works Director's Report.

**RECREATION DIRECTOR'S REPORT**

Manager Oswalt stated the following events are upcoming for Dover Township Recreation:

Nov 1- Halloween in the Park at Brookside Park from 5-8 PM

Nov 4- Star Watch at Brookside Park

Nov 11- Veterans Day Meal at the Community Building from 8-10 AM.

**MS4 UPDATE**

Manager Oswalt stated the EPA was on site last week for a screening of the Township's MS4 Program. They went out into the field with the Public Work's Director and looked at BMP's that are located at three different businesses in the community. They did find items at each site that need addressed by the individual businesses. EPA walked around the Township's Maintenance Facility and pointed out items that they felt needed to be addressed. Overall, the EPA provided more positive feedback on the Maintenance Facility than negative.

Manager Oswalt noted that the project at the Emig Mill Village retention pond has been completed. The residents are due for their first installment payment which will be on their November 1<sup>st</sup> bill.

**OLD BUSINESS**

**2020 Comp Plan-No update.**

**COMMENTS FROM THE BOARD**

S. Parthree stated the signs along Carlisle Road was an idea from an I/CDC meeting trying to get more businesses in the Township.



C. Richards noted that work on Wren Road and Pinchtown Road has been completed. The Fire Police helped direct traffic over the weekend due the Dover High School having an event.

**COMMENTS FROM THE PUBLIC**

None were offered.

**With no further business, Chairman Stephen Stefanowicz concluded the Board of Supervisors meeting at 8:40 PM and the full Board of Supervisors then entered into an Executive Session to discuss the Dover Township VS Lexon Litigation.**

Respectfully submitted by: Brooke Searce

Brooke Searce, Recording Secretary