

Dover Township  
Planning Commission Minutes  
January 4, 2023

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

I. **Reorganization**

Mr. McLucas informed the Planning Commission that Mr. Pinto will now be an alternate, per his request, and Mrs. Love will now be an official member.

**Motion** by Harlacher, second by Bigham, to keep the same slate of officers for 2023: Chairman, Wayne Hoffman; Vice Chairman, Eric Harlacher; Secretary, Justin Bigham. All members voted aye; motion carried.

Chairman Hoffman shared that he felt that last year's meetings were successful and encouraged all Planning Commission members to participate. All opinions are valued.

II. **Minutes**

**Motion** by Miller, second by Harlacher, to approve the minutes of the meeting of December 7, 2022. All members voted aye; motion carried.

II. **Zoning Cases**

None this month.

III. **Plans**

A. PL 22-15 – Mavis Tire, 3966 Carlisle Road; Final 2-lot subdivision and lot consolidation; commercial zone

Ed Davis, JLM Real Estate, was present on behalf of the applicant. This plan was tabled last month after much discussion of the easement between the properties. The easement language does not prohibit Mavis from connecting to it. Mavis is adding an easement to connect the Mavis lot to the existing easement for access onto Palomino Road, however, that access will not be completed until the Lot 2 property is developed. Mr. Davis noted that the little sliver of property at the Members' First lot doesn't show up in the easement information that he found. Is this going to be a problem?

There was discussion about Mavis customers making a left turn from the Mavis lot onto Route 74. Mr. Myers noted that this is the subdivision plan; this traffic information will be discussed in the land development plan stage. Got it.

C. S. Davidson's letter dated January 3, 2023, was discussed. Open items: 1, GIS disk (Section 22-501.2.A); 2, owner's notarized signatures (Section 22-501.2.H); 3, engineer's signature/seal (Section 22-601.2.M); 4, curbs and sidewalks (the six-month note has been added to the plan; keep this comment open anyway) (Section 704.B); 5,

Public Works Director's comments; and 6, provide a copy of the recorded access easement for the Township's record.

**Motion** by Harlacher, second by Miller, to recommend approval of the Mavis Tire 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, and 6. All members voted aye; motion carried.

**Motion** by Harlacher, second by Bigham, to authorize the Planning Commission Secretary to sign the non-building waiver. All members voted aye; motion carried.

B. PL 22-12 – Bupp McNaughton Phase 4 Final Subdivision Plan; 31 SF dwellings; age restriction community; R1 zone

Jonathan Runge, Gordon L. Brown and Associates, was present on behalf of the applicant. The timeline on the plan was briefly discussed. This timeline was revised. Approval of this plan includes the new timeline. C. S. Davidson's letter dated January 3, 2023, was reviewed. Open items: SALDO 1, GIS disk (Section 22-501.2.A); 2, engineer's signature/seal (Section 22-501.2.F); 3, owner's signature (Section 22-501.2.H); 4, HOA documents to the Township Solicitor (22-602.1); 5, Erosion and sedimentation Control Plan approval (Section 22-602.4); 6, recreation fees or land (Section 718.1); 7, public improvements security (Section 1201.1); 8, Fire Marshall's comments; 9, Public Works Director's comments'; and General 10, the Dover Township Planning Commission shall be aware of the revised phasing timeline.

Mr. Miller advised Mr. Runge to change the tree choice from white ash to something else. Will do.

**Motion** by Bigham, second by Harlacher, to recommend approval of the Bupp/McNaughton Phase 4 Final 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, and General 10. All members voted aye; motion carried.

#### IV. Other Business

Public comment – Jeff Dempsey, 4750 Hikey Street, Dover, was present to discuss the proposed chicken ordinance. He gave information that led up to his keeping six chickens on his property. He requested that the ordinance be approved sooner than later so that he might be permitted to continue providing eggs and education to his family and neighbors.

Mr. McLucas relayed the history of this ordinance, starting over a year ago. Keeping small livestock is becoming more and more popular. He noted that this updated ordinance is slated to be included with other ordinances to be approved in the middle of 2023. So, what's in the new ordinance? Mr. McLucas suggests that the sample ordinance from Newberry Township be used.

Discussion was held on Mr. Dempsey's options. Currently the ordinance classifies chickens as livestock, and livestock isn't permitted in this zone, apparently. Mr. Dempsey disagrees that chickens are livestock. It was noted that, while Mr. Dempsey's right to provide food and education to his family must be preserved, his neighbors have rights, too, and the Township must take both into account. In Mr. Dempsey's case, the neighbor has complained and that's why this has come to the

attention of the Township. That neighbor has filed a civil suit against Mr. Dempsey for a property line dispute and is making things difficult for him.

The Planning Commission will review the ordinance again and make recommendations. In the meantime, Mr. Dempsey was given 10 days to get rid of the chickens. However, Mr. McLucas said that the Township is not actively pursuing the enforcement issue because Mr. Dempsey is working with the Township to find a reasonable resolution. If he gets rid of the rooster (a previously requested action), that will help Mr. McLucas continue to hold off on enforcing the action.

Kathy Klingaman, Crone Road, finds the Planning Commission members “very hypocritical.” She said that she hears the members talk to applicants/residents about their rights and where they end, but she feels that the Township pushed the solar farm project ahead despite all the residents’ comments.

Traffic assessment for Hilton/74/Poplars -- Mr. Myers spoke with the traffic engineer for Wawa. The applicant is redoing its traffic count, using information from PennDOT. Information/compilation is to be submitted to the Township’s traffic consultant next week.

V. **Ordinances**

None to discuss.

VI. **Correspondence**

Nothing to discuss at this time.

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

**Motion** by Harlacher, second by Bigham, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:08 p.m.

Respectfully submitted,

Julie B. Maher,  
Recording Secretary