

**DOVER TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
February 27th, 2023**

The Dover Township Board of Supervisors for Monday, February 27th, 2023, was called to order at 6:59 PM by Chairperson Stephen Stefanowicz in the Dover Township Board of Supervisors meeting room. Supervisors' present were Charles Richards, Stephen Parthree and Michael Cashman. Robert Stone was absent with prior notification. Other Township Representatives in attendance were Laurel Oswalt, Township Manager; Christian Miller, Township Solicitor; Terry Myers, Township Engineer; Corey McCoy, CS Davidson; Michael Fleming, Public Works Director; John McLucas, Planning Director; and Brooke Scarce, Township Secretary. There were 20 members of the public present.

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

**APPROVAL OF THE REGULAR BOARD OF SUPERVISOR/ BOROUGH COUNCIL
MINUTES FOR FEBRUARY 13TH, 2023**

Motion by C. Richards and seconded by S. Parthree to approve the Regular Board of Supervisor/ Borough Council Minutes from February 13th, 2023, as presented. **Passed** with 4 ayes.

TREASURER'S REPORT

**APPROVAL OF THE FEBRUARY 16TH, 2023 WARRANT IN THE AMOUNT OF
\$310,296.36**

**APPROVAL OF THE FEBRUARY 24TH, 2023 WARRANT IN THE AMOUNT OF
\$202.50 (EAGLE VIEW)**

**APPROVAL OF THE FEBRUARY 24TH, 2023 WARRANT IN THE AMOUNT OF
\$1,724.41 (2020 BOND)**

**APPROVAL OF THE FEBRUARY 27TH, 2023 WARRANT IN THE AMOUNT OF
\$200,870.48**

Motion by M. Cashman and seconded by S. Parthree to approve the above referenced warrant totals, as presented. **Passed** with 4 ayes.

PUBLIC COMMENT

Eric Naylor from 2951 Schoolhouse Road expressed concerns about the Solar projects that are happening in Dover Township. He stated he would like the Board to revisit the Solar Ordinance that was created in 2021.

Michael Chapman from 950 Butter Road also expressed concerns about the Solar project. He stated that anyone can purchase a parcel and add solar panels to the property. He also suggested that projects that have been approved in Dover Township should be posted on the website so all

of the public can view the information. He also stated he would like to know more information on the project that is taking place near the intersection of Canal Road and Bull Road.

S. Stefanowicz stated that everything goes through the Planning Commission and then the information is provided to the Board of Supervisors for approval. It was noted that the information is on the website on the agendas for each meeting.

Jeff Straley from 3690 Stonehouse Lane had questions about the Brownstone Manor plan and how the runoff will be affecting the neighboring properties.

J. McLucas stated the questions can be answered when the plan is presented.

Mark Miller from 2631 Rock Creek Drive stated a lot has changed since the Ordinance has been created which is what is causing the heartache on residents. Prior to the inflation reduction act the solar companies were allowed a 30% tax credit. Now with the inflation reduction act there is a 10% tax credit. If they use so much domestic product like steel, aluminum, and anything else that is created for the solar panels, it can have an impact. For business owners they have to come up with 20% equity to get a loan.

M. Miller questioned if the Board could move forward with a building moratorium.

C. Miller stated that if it is a permitted use under the zoning ordinance you cannot identify what someone can or cannot do on the property if they meet the requirements.

Marie McInerney from 6331 Salem Run Road stated that in February of 2022 she asked the Board if they would consider revisiting and modifying the solar ordinance based on the public's reaction to the impact the Enel Energy project would have. She asked the Board again if they would consider revisiting the solar ordinance and take the following information into consideration; restrict solar or any renewable energy to industrial zoned land, restrict the distance between the panels and the substation or transmission line to a certain number of feet, increase the setback limits so the impact of neighboring properties is reduced, require mandatory soil testing before and during the project's life, require that the fencing and screening landscape stays intact during the life of the project, require a stormwater management plan for the solar panels, and communicate the process to the residents of Dover.

Susan Hall from 3150 Sky Top Trail questioned if the solar ordinance was changed to allow solar panels on properties.

J. McLucas stated prior to the 2021 Solar Ordinance there was an existing solar use, but it was grouped together with renewable energy. That previous ordinance did not have any restrictions associated with solar. They were more directed toward wind energy, which is why the zoning ordinance was updated. Solar was already a permitted use by special exception on agricultural land.

S. Stefanowicz stated that the solar ordinance that is in place now is stronger than what it was previously.

S. Hall expressed concerns about the value of her property. She also noted that she purchased her property to look at farmland, not solar panels.

S. Hall questioned if every solar application is going to be approved.

Manager Oswalt stated the Township cannot limit the number of solar projects in the Township. The only thing we can limit is which zone it is allowed in and restrict the size of the parcel. They would also have to meet all the requirements such as buffering, plantings, distances between adjacent properties, etc.

J. McLucas stated the Township is currently conducting a zoning ordinance update whereby all uses are being examined and determinations are being made on whether or not they make sense in each zoning district and planning for new uses is also being reviewed. One suggestion that was made at the Planning Commission was only allowing large scale solar in the industrial zone.

S. Hall stated they are not looking for any changes to happen immediately but just asking for the Board to reconsider their decision.

S. Stefanowicz stated that the Board has not received a land development application for solar yet, so nothing has technically been approved. The only thing that has been approved is the solar ordinance and the Enel special exception.

Dave Wolverton from 5561 Harmony Grove Road stated the product that is being purchased for the solar panels should be taken into consideration. A member on the Board stated the products are from coming Vietnam but Vietnam does not have minus 10 degree weather with windchills. If something were to happen to the solar panels, we do not know what chemicals would be leaking into the ground or air. For the solar farm that is being proposed on Harmony Grove Road, Met Ed needs to evaluate whether new poles and transmitters need to be installed.

M. Cashman stated that when the ordinance was revised it was important that everything was bonded so that the removal process is paid for. Additionally, during the first solar hearing there was a lot of feedback from the residents stating they did not know what was happening. From the feedback of residents, the Township has been looking at options to better communicate with our residents.

Manager Oswalt stated the Township has been working with Savvy Citizen which is an app that can be downloaded on any type of device. The app is live, and we are still working on adding more information to the calendar. There are also some notifications that have been added to the app already. The benefit of this app is that the residents can control what notifications they will receive on their phone whether it's all notifications or just certain types of notifications.

ENGINEER'S REPORT, T. MYERS

T. Myers stated that he has a report that was provided to the Board but does not have any action items.

ZONING OFFICER REPORT, J. MCLUCAS

Approval of Termination Agreement and Return of Letter Credit STB402- WPG- Hilton Avenue Properties (Apple Outdoor)

J. McLucas stated that the plan was recorded but is no longer moving forward. The applicant is therefore requesting that their bonding be released.

Motion by C. Richards and seconded by M. Cashman to approve the Termination Agreement and Return of Letter Credit STB402- WPG- Hilton Avenue Properties, as presented. **Passed** with 4 ayes.

PL 22-9- Mavis Discount Tire Store- LD Plan

J. McLucas stated the Planning Commission received the plan in August of 2022. The land development plan was placed on hold until the subdivision plan was finalized due to the applicant's desire to place two uses on the site. Currently, the biggest concern for this project is vehicles pulling out onto Carlisle Road making a left-hand turn.

J. Katherman from Barley Snyder Law Firm stated the primary outstanding concern is the full access onto Carlisle Road. Due to the concern, there have been several design alternatives explored. Some of the options include a raised median, access from Palomino Road, and a physical left hand turn restriction.

J. Katherman stated that a memo dated February 22, 2023 was provided to the Board and included information that there were no reportable crashes within the past five years. However, non-reportable crashes should also be considered. They may show an existing pattern that could be exacerbated by the addition of another full access driveway.

Dan Thornton from TRG noted that a reportable accident is any accident where there is an injury, or the vehicle is towed. Mavis Tire is not expected to generate much traffic. People who visit that location are expected to spend up to 30 minutes to an hour on site. During the morning hours of 7 AM through 9 AM, Mavis Tire is anticipating that 1 vehicle will be making a left hand turn out of the parking lot. During the traffic rush hours of 4 PM through 6 PM, they are anticipating that 5 vehicles will be making a left hand turn out of the parking lot.

S. Stefanowicz questioned why all the traffic from the Mavis Tire is not being directed to Palomino Road.

J. Katherman stated that at this point in time, Mavis Tire does not own the parcel on Palomino Road, but it is under contract to purchase.

D. Thornton stated the sight distance from the shopping center is worse when you would like to make a left hand turn due to the curve of the road.

J. McLucas stated that at the Planning Commission meeting there were concerns of the vehicles that stack up from the light at the intersection of Carlisle Road and Palomino Road so when vehicles are trying to make a left hand turn out of the shopping center, it is hard to see south bound traffic.

D. Thornton stated that vehicles leaving Mavis Tire would have to yield to all traffic since they have a stop sign.

J. Katherman stated that in the memo from February 22, 2023, it discussed the concept of an Access Alternative to restrict left turns from the Mavis Tire Driveway. The applicant understands PennDOT's relatively recent policy change regarding restricting left turns at driveways. Under the new policy PennDOT desires either a raised median down the center of the road or a porkchop island with elongated wings on the driveway to physically prevent left turns. In this case neither is feasible. The median is not feasible because adjacent property owners would not agree to it and the new porkchop island design is not feasible due to the limited frontage on this site. Another potential alternative is to provide the left-turn lane on SR 0074 that PennDOT desires, the connection to Palomino Drive that Dover Township desires, and allow all access at the Mavis Tire Driveway except left turns out, restricted with a half porkchop island design. This alternative would give PennDOT a more controlled access and still provide Mavis with full access for entering movements. It does not completely follow PennDOT's new policy, but the new policy is not reasonable for a site of this size, and therefore this alternative option could at least be explored with PennDOT.

D. Thornton stated the left turn lane that is being installed on Carlisle Road is being required by PennDOT because there is already an existing left turn lane.

J. Katherman stated that the developer does not own the Palomino Road access. However, as part of the subdivision approval an easement was put into place that obligates the developer to make that connection when lot 2 is developed. The developer is willing to work with the Township by entering into a developer's agreement that would be in place for 12-18 months from opening if necessary.

D. Thornton stated that he has contacted Stauffer's as part of the process to extend the left-turn lane and they have agreed to sign off on the plan as long as they are not restricting their access.

M. Cashman stated that it is important to have access to Palomino Road as quick as possible and asked that additional on-site signage be included in the plan to better direct people to Palomino Road.

T. Myers stated that there are two waiver requests which are as follows; 1. § 19-301.11 to allow basin embankments within the required front building setback (P/C recommended approval 8/3/2022) and 2. § 22-502.5 - To not require an Environmental Impact Assessment Report from a third party (P/C recommended approval 8/3/2022).

Motion by C. Richards and seconded by S. Parthree to approve both waiver request which are as follows: 1. § 19-301.11 to allow basin embankments within the required front building setback (P/C recommended approval 8/3/2022) and 2. § 22-502.5 - To not require an Environmental

Impact Assessment Report from a third party (P/C recommended approval 8/3/2022), as presented. **Passed** with 4 ayes.

T. Myers stated that in addition to the waiver requests there are 2 general comments; 1. Traffic safety at the intersection of the proposed access drive with Carlisle Road is documented to be a major concern to the Township. The Township's recommendation to PennDOT has been to restrict left-turn movements from this proposed access drive and the adjacent access drive to the shopping center. Installation of the access drive extension to Palomino Road will help mitigate left-turn movement concerns by allowing access to a signalized intersection and 2. The applicant shall list all requested waivers as well as provide a date of approval for all waivers.

T. Myers stated that under the subdivision and land development ordinance there are some open items which are as follows: An erosion and sediment pollution control plan shall be approved by the York County Conservation District (§ 22-602.4). An approved set of E&S plans shall be provided to the Township; Copies of approved PennDOT permits shall be included (§ 22-602.12); The applicant shall address all outstanding Public Works and Zoning Officer comments; The sanitary sewer service proposed to lot 2 should provide a gravity lateral from a cleanout at the property line to the sewer main for the force main to tie-in to (§22-713.2.D) and; Public Improvements Security is required in a form and amount acceptable to the Township, prior to final plan approval. (§ 1201.1).

M. Fleming stated that there are still outstanding comments from the Public Works Director; PennDOT permits for disconnecting the old water and sewer laterals, connecting the new water and sewer laterals, and the disconnection of the water meter pit out at the road versus back in the building.

T. Myers stated that in addition to the comment No. 1 they will also be adding a note to the plan that the access to Palomino Road has to be provided with a 12 month timeframe and extra signage for the access to Palomino Road.

Motion by M. Cashman and seconded by C. Richards to approve all the general comments and outstanding items being addressed as noted by T. Myers above, as presented. **Passed** with 4 ayes.

Subdivision and Land Development Ordinance PL 22-16- Brownstone 4B Final Subdivision Plan

Eric Johnston from Johnston and Associates stated that Brownstone Phase 4B will consist of 80 duplexes and 16 single family dwellings that will be connected to public water and sewer.

E. Johnson is requesting one waiver; 1. § 22-713.2.H: To permit sanitary sewer lateral cleanouts within driveways of lots 255/256 and 291/292. There will be an additional note on the plan that will protect the Township and the responsibility will fall back on the homeowner if there were to any issues that arise in the future.

C. Richards questioned if the information will also be recorded with the deed of the property.

E. Johnson stated that it has been proposed to record the note on the deed of the property as well.

Motion by C. Richards and seconded by M. Cashman to approve the waiver request as follows:
1. § 22-713.2.H: To permit sanitary sewer lateral cleanouts within driveways of lots 255/256 and 291/292, as presented. **Passed** with 4 ayes.

T. Myers stated that under the subdivision and land development ordinance there are some open items which are as follows: 1. Prior to final plan approval, a disk in an electronic format compatible with the Township GIS system should be provided. (§ 22-501.2.A); 2. The legal and/or equitable Owner's notarized signatures must be added to the plan certifying concurrence with the plan. (§ 22-501.2.H); 3. Proposed Homeowner's Association documentation must be submitted to the Dover Township Solicitor for approval. (§ 22-602.1); 4. The amount of land required to be provided for public recreational purposes for all residential subdivision or land development plans shall be a minimum of 0.025 acres per lot or dwelling unit. Dedication of recreation land or fees in-lieu-of for each dwelling unit is required on all residential subdivisions, and all multi-family developments, regardless of whether private recreational facilities are also provided. (§ 718.1); 5. Public Improvements Security is required in a form and amount acceptable to the Township, prior to final plan approval. (§ 1201.1); 6. The applicant shall address all outstanding comments made by the Public Works Director and; 7. The final bicycle lane layout needs to be confirmed.

T. Myers stated that this plan was originally approved back in the early 2000's. The Board waived the requirement to add curb and sidewalk for a portion of the development. After discussion with Township staff, it was determined that the bike lane should be added on both sides of the street. Ultimately, the layout for the portion of property should be (2) 10 foot lanes with 4 or 5 foot shoulders on each lane to provide the bike lanes. The developer is not obligated because they already have an approved preliminary plan. If the Board would like the bike lanes, they could utilize the traffic impact fees or recreation fees.

C. Richards questioned why one section of the road would be wider than the other.

T. Myers stated the traffic lane will stay the same width. The only thing that would change is the width of the shoulders with grass on both sides.

Manager Oswalt stated the reason for the bike lanes is to be able to connect Eagle View Park and Lehr Park between the Terra Vista development.

T. Myers stated that No. 7, the final bicycle lane layout needs to be confirmed will be moved as a condition rather than an open item.

There was discussion between Eric Johnston, Jeff Straley, and Terry Myers about the stormwater runoff. It was determined that everyone would meet at the property to discuss the questions.

T. Myers stated item 8 will be added for any open items for traffic impact fees and item 9 will be added for final grading plan and drainage issues.

Motion by C. Richards and seconded by M. Cashman to include all numbered conditions and outstanding items being addressed as noted by T. Myers above, as presented. **Passed** with 4 ayes.

TOWNSHIP MANAGER REPORT, L. OSWALT

Approval of the following Dover Township Volunteer Fire Department Dorm Project Payment Application request:

- 1. Application #1 to Triangle Fire Protection, Inc. in the amount of \$2,700.00**
- 2. Application #1 to Monacacy Valley Electric, Inc. in the amount of \$12,825.00**
- 3. Application #2 Myco Mechanical, Inc. in the amount of \$24,750.00**

Motion by C. Richards and seconded by S. Parthree to approve the following Dover Township Volunteer Fire Department Dorm Project Payment Application request: application #1 to Triangle Fire Protection, Inc. in the amount of \$2,700.00, application #1 to Monacacy Valley Electric, Inc. in the amount of \$12,825.00, and application #2 Myco Mechanical, Inc. in the amount of \$24,750.00, as presented. **Passed** with 4 ayes.

PUBLIC WORKS DIRECTOR REPORT, M. FLEMING

M. Fleming noted that there was a leak in the Borough which has been found with the help of the Dover Township Utilities Department's leak detection pods.

Approval of Resolution 2023-08 Price Change Adjustment for 2023 Paving and Seal Coat Bids

Motion by M. Cashman and seconded by S. Parthree to approve Resolution 2023-08 Price Change Adjustment for 2023 Paving and Seal Coat Bids, as presented. **Passed** with 4 ayes.

Award the Piney Hollow Road Streambed Repairs based upon the Bid Tabulations

Motion by S. Parthree and seconded by M. Cashman to award the Piney Hollow Road Streambed Repairs to the 2nd lowest bidder Clearview Excavation and disqualify the 1st lowest bidder, Pennell Services due to not meeting all the bid requirements at the time of bid opening, as presented. **Passed** with 4 ayes.

Accept the Construction Management and Construction Inspection Proposal from Buchart Horn for the North of the Borough Utility Project

Motion by C. Richards and seconded by S. Parthree to accept the Construction Management and Construction Inspection Proposal from Buchart Horn for the North of the Borough Utility Project in the amount of \$54,500.00, as presented. **Passed** with 4 ayes.

Award the Contract to Doli Construction Corporation for the North of the Borough Water Improvements

M. Fleming stated the Sewer Authority approved their portion for the sewer work at their last meeting.

M. Cashman questioned if the Board should approve the contract to Doli Construction due to the issues that came up with the Andover development.

M. Fleming stated that Doli Construction was \$1 million dollars less than the next lowest bidder.

Manager Oswalt noted that since this project is on a state road, there should be a state inspector that will shut down the construction if there are problems.

M. Fleming stated that Carlisle Road and Harmony Grove Road are both state roads. PennDOT permits have been completed and the permit states that they reserve the right to assign a full-time inspector for that job site.

M. Fleming also noted that they will have one year to complete the project from start to finish.

Motion by S. Parthree and seconded by M. Cashman to award the Contract to Doli Construction Corporation for the North of the Borough Water Improvements, as presented. **Passed** with 4 ayes.

Purchasing Guide for Public Works Vehicles and Equipment

M. Fleming stated that he provided the guide to the Board for them to review and comment.

Bupp McNaughton Development of Sagebrooke

M. Fleming stated he received a request from the developers asking to install a water line loop with Phase 4 rather than Phase 3. He suggested that we deny the request and make them follow the approved plans.

Motion by C. Richards and seconded by M. Cashman to deny the request that was submitted by Bupp McNaughton for the Sagebrooke Development to add the water line with Phase 4, as presented. **Passed** with 4 ayes.

RECREATION DIRECTOR'S REPORT

Manager Oswalt stated the following event is upcoming for Dover Township Recreation:

March 17th- Leprechauns and Rainbows Parents/ Child Dance at the Community Building from 6-8 PM

Manager Oswalt also noted the construction of the pavilion has started to be installed. The contractor did run into some issues with prefabricated structure. They received parts that were not correct so they are waiting on replacement parts so they can finish the pavilion. In the meantime, the contractor has moved onto stormwater improvements.

MS4 UPDATE

Manager Oswalt stated on April 13th at the Dover Township Building there will be a public education stormwater session presented by C.S Davidson which will start at 6:30 PM.

OLD BUSINESS

2022 Joint Comp Plan

Manager Oswalt thanked the Board for their responses regarding their availability to schedule the next Joint Borough/Township Public Meeting in August. She will be contacting the Borough about the available dates to get the meeting scheduled.

COMMENTS FROM THE BOARD

None were offered.

COMMENTS FROM THE PUBLIC

E. Naylor thanked the Board for their time tonight.

D. Wolverton stated that at the Zoning Hearing Board meetings the solar company claimed to have knocked on the doors of the neighboring properties, which he thinks is false. He noted that a certified letter should be sent to residents from the solar companies.

S. Hall also thanked the Board for their time tonight.

With no further business, Chairman Stephen Stefanowicz concluded the Board of Supervisors meeting at 9:24 PM.

Respectfully submitted by: Brooke M. Scarce

Brooke M. Scarce, Township Secretary