

Dover Township  
 Planning Commission Minutes  
 February 1, 2023

Chairman Wayne Hoffman called the regular Planning Commission meeting to order at 7:02 p.m. Members present: Eric Harlacher, Justin Bigham, Mark Miller, Monica Love, and alternates Anthony Pinto. Absent: alternate Stephen Stefanowicz. Also present: Solicitor John Baranski, Zoning Officer John McLucas, Engineers Terry Myers and Cory McCoy, Recording Secretary, and 14 citizens.

I. **Minutes**

**Motion** by Bigham, second by Miller, to approve the minutes of the meeting of January 4, 2023. All members voted aye; motion carried.

II. **Plans**

A. PL 22-9, Mavis Discount Tire Store, Retail Sales Land Development Plan  
 Attorney Stacy MacNeal and Edward Davis were present on behalf of the applicant. The Planning Commission previously granted conditional approval of this plan, but now it's slightly changed. In August the big concern was traffic onto Route 74. Now there's access onto Palomino, and there are some utility lines to deal with. There are now two lots. C. S. Davidson's letter dated January 31, 2023, was reviewed. Outstanding items: General 1, show the proposed utility easement on the plan which was created with the subdivision plan. Installation of utilities to Lot 2 should be considered to eliminate future disruption; any future work will have major impacts to the proposed access drive. Public sanitary sewer may be necessary to provide service to Lot 2; 2, 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; 3, location of dumpster pad does not appear to allow room for a garbage truck to turn around to exit the site as it is currently shown. The location of the dumpster pad should be evaluated to improve truck turning maneuverability; 4, list all requested waivers and provide the date of approval; 5, correct the callout for the 23 "Ilex Glabra" from "23 1C" to "23 1G" in accordance with the planting schedule; 6, revise the headwall/endwall detail table to include only the pipe sizes proposed; 7 correct the spelling of "and" in the "Proposed Use" line of the Zoning Data Table; AND Zoning 1, parking requirements for the site shall be a total of the required parking for *this project*. [Language changed from CSD letter; ~~"the vehicle services and retail use"~~ (Section 27-703) (Mr. Davis interprets the ordinance to classify this use as a retail store only, not a vehicle service store.) Discussion on this: services provided: tires and installation, mufflers, shocks, occasional inspection, possible oil change. Attorney MacNeal checked the August 2022 minutes to see how this was handled at that meeting. She thinks that even with the vehicle service classification, the applicant is meeting the parking requirements. Right now, the proposal is for 24 spaces

plus 8 in the bays. How many are required for retail? How many for service? Mr. McLucas read from the ordinance. 31 for vehicle service. 13 for retail. Discussion was held on the services offered and how to calculate the number of parking spaces required. The engineers want to see the number of parking spaces and how that was calculated on the plan. Mr. McLucas needs to do the calculations. *Added Zoning Comment #3: revise the signs to comply with the ordinance.*

SALDO comments outstanding: 1, The applicant shall execute a planning module for land development (Section 22-502.2). The PADEP code number referencing approval of the plan revision module shall be provided on the plans. Mr. Davis disputed needing to comply with #1. Mr. Myers agreed that #1 can be revised: *Add a note to the plan to indicate that there were already 2 existing EDUs in use for this lot*; 2, engineer's signature/seal (Section 22-601.2.M); 3, stormwater management plan approval by Township Engineer (Section 22-602.3); 4, erosion and sedimentation control plan approval by York County Conservation District (Section 22-602.5). An approved set of E&S plans shall be provided to the Township; 5, provide copies of approved PennDOT permits (Section 22-602.12); 6, address all outstanding comments from Public Works Director and Zoning Officer. Mr. Harlacher noted that a *waiver is missing from the plan and needs to be added*. So noted.

**Motion** by Harlacher, second by Bigham, to recommend approval of the Mavis Discount Tire Store plan subject to the satisfactory resolution of the following open items from the C. S. Davidson letter referred to above: General, 1, 2, 3, 4, 5, 6, and 7; Zoning 1, [with change of wording]; 2, and [added]3; SALDO 1, with EDU note; 2, 3, 4, 5, 6, and add the missing waiver to the plan. All members voted aye; motion carried.

B. PL 22-16, Brownstone 4B Final Subdivision Plan, 102 lots (96 dwellings), Stonehouse Lane/Brownstone Court; R3 district

Kent Raffensberger and Jason Boyles were present on behalf of the applicant. This is phase 4B, which offers 102 lots with 96 dwellings. This phase will provide a connection with Admire Road. It also offers a pedestrian and bike path/trail.

C. S. Davidson's letter dated January 31, 2023, was reviewed. Outstanding items: SALDO, 1, GIS disk (Section 22-501.2.A); 2, owner's signature (Section 22-501.2.H); 3, proposed HOA documents approved by Township Solicitor (Section 22-602.1); 4, recreation land or fee in lieu of (Section 718.1); 5, public improvement security (Section 1201.1); and 6, address all outstanding comments made by the Public Works Director; General comments; 8, the inside edge of paving of Admire Road Extended shall be aligned with the adjoining edge of the bike lane (approximately Sta.6+30) for safety concerns; and 9, sanitary sewer cleanout frame and cover detail should specify model R-1976 to be used within the paved areas as required by the Township.

From the audience, Jeff Straley clarified that part of his land was not included in this plan as a lot. That has indeed been corrected. He also asked about the mound of dirt on the site and some water issues. What's the grading plan? Mr. Raffensberger explained how the water will be moved/managed. Mr. Straley asked about the swale – will that remain? He said it helps manage the water in the area now. Mr. Raffensberger said there are no plans to modify or otherwise address that swale. He and Mr. Myers outlined the timeline for installation of the streets, infiltration basins, and grading to assure the neighbors that the water will be managed well.

Also from the audience, Steve Bokankowitz was concerned about some flooding on his property. He asked some questions about the HOA, and he also voiced some concerns about traffic in the area. Mr. Myers gave some traffic management information.

**Motion** by Bigham, second by Harlacher, to recommend approval of the plan subject to the satisfactory resolution of the following open items from the C. S. Davidson letter referred to above: SALDO 1, 2, 3, 4, 5, and 6; and General Comments 8 and 9. All members voted aye; motion carried.

C. PL 23-1, Dover Highlands Phase III, 4-step Conservation by Design, 54-unit multi-family development on Intermediate Avenue, R4 district  
 Attorney Stacy MacNeal and Trey Elrod were present on behalf of the applicant. There was a preliminary/final plan that was approved for 180 units, which are now under construction. There are only 138 units, because the layout and building interiors were revised. This plan is for the parcel on the other side of the gas pipeline; 54 townhouses, for a total of 192 units in this development. There's also a multi-use building (office space, fitness center, maintenance). There's a temporary cul-de-sac for now. There is an emergency access, not for public use, just for emergency use. C. S. Davidson's letter dated February 1, 2023, was reviewed, with the following outstanding items: 1, natural drainageway from the existing wetlands at the northern portion of the site which drains to the larger wetlands/mitigation area should be identified with Step 1 on the plans (Section 22-402.1.A.4); 3, open space areas need to be delineated on the plans with Step 1 (Section 22-402.2); 4, preferred locations for stormwater facilities should be identified and shown on the plans with Step 1 (Section 22-402.3); 5 (waiver to be requested), dwelling units shall be located at least 100' from environmentally sensitive areas. It appears the location of building 19 is located within 100' of an existing wetland (Section 22-403.E); and 6 Building 21 is shown encroaching an existing 20' waterline easement. Mrs. Love noted that until the access is met with Harmony Grove Road, the development doesn't have good access. Attorney MacNeal explained.

Mr. McLucas noted that this plan doesn't necessarily follow what was originally proposed.

Richard Sweitzer, on behalf of the Pentecostal Assembly of God, asked to see the accurate placement of the wetlands and the details on the swapping of the land with the church. He also wanted to know how close to the church the roundabout would be. He understands that the church will be losing its sign and some handicap parking. Chairman Hoffman noted that the roundabout isn't even in the planning stages yet, and all those concerns will be addressed. Mr. Myers reported that the engineers and the Board of Supervisors are looking to meet with church representatives within the next few weeks to discuss all the aspects of this project and how it affects the church. This will be a cooperative project between the Township, the applicant, and the church.

It was noted that Mr. Miller is excused from voting on this plan, as his property abuts this parcel. **Motion** by Bigham, second by Harlacher, to recommend approval of the plan subject to the satisfactory resolution of the following open items from the C. S. Davidson letter referred to above: 1, 3, 4, 5, and 6. Four members voted aye; *Miller abstained*. Motion carried.

### III. Zoning Case

A. ZHB 23-1 Solar Renewable Energy LLC; application for Special Exception for proposed Principal Solar Energy System and application for Variances for fencing and decommissioning.

Seth Berry and Joe Burget were present on behalf of the applicant. They are requesting a Special Exception for the use of a solar farm. The applicant is also requesting two variances: fencing (8' chain link fence required; they want it to look more like a cattle fence, wood posts with metal strands); and decommissioning (because applicant SRE is *purchasing* the property, not leasing it, so it would be advantageous for the applicant to remove the array from the property if it's no longer in use.)

Kenneth Krug is the current property owner, and the applicants are trying to purchase the land from him. They have his permission to be here tonight.

This parcel is on Harmony Grove Road near School House Road, 27 acres. 25 acres minimum required. Must be installed in an existing building or on ag land not used for ag purposes. Panels can be installed on prime soils. The PSES section of the ordinance was reviewed. The lot will contain a house and the solar array. The owner (SRE; from Mechanicsburg) will likely rent the existing house. This is a permitted use in the Ag district. Minimum lot size is met. Setback requirements will be met. Panels will be proper distance from structures, fences, etc. Height will not exceed 25' (9' proposed). Impervious coverage requirements will be met. No batteries involved. There are inverters underneath the panels. The inverted energy will go directly to a power pole at the road. 1000 volts DC coming from the panels. Screening requirements will be met according to the Township's preferences, using natural screening where available. Fencing will be inside the screening. Access to property will be a 25' access road from Harmony Grove Road. They will likely use the existing driveway. How about the construction entrance? Probably around the same general area as the existing driveway. And it was noted that there's a wetland delineation in progress, which may make the project smaller, depending on what is found. Stormwater management will be in accordance with the Township requirements. Materials will meet the requirements of the building code, etc. No advertising is permitted, and none will be displayed. The only sign will be marked areas of high voltage. There will be very little ground disturbance. These are fixed-tilt panels (they don't move with the sun's movements). Emergency access will be whatever the local fire company needs. Lighting -- no permanent lighting, just periodic lights in the array to be used for any maintenance at night. Contact information will be available to the Township and the fire company. Five megawatts. Life expectancy of the panels – 30 to 40 years.

The fencing Variance request is to replace the 8' chain link fence with a more aesthetically pleasing option. The applicant feels that the proposed option looks better than the required fencing. Mr. McLucas recalls that the Planning Commission specified the 8' chain-link fencing because the use is an energy-producing use. Mr. Bigham feels that the chain link fence is a better option to keep the area secure. So, what's the hardship for the Variance? Just aesthetics and blending in with the area and what's usually used on agricultural sites. If the Township wants 8' chain link, so be it.

Decommissioning Variance – Mr. Burget explained that the decommissioning language in the ordinance is for protecting the property owner in a lease situation. This project is not a leasing situation. How about if the owner (SRE) goes bankrupt and walks

away? Then what happens to the land/array? The county would be the owner eventually, and the county would be responsible for either operating the array or decommissioning it. That might not work out so well. The Planning Commission members don't want to see a 'field full of junk' if this owner goes under. Mr. Harlacher said that the decommissioning isn't about today, but it's about the future. The Planning Commission members have to think about the future and what might happen if there's no plan in place for decommissioning. It might be tough to obtain a Variance for this point.

There are tax incentives for solar projects now. Maybe around 50% grant funding  
From the audience, Marie McInerney said that an 8' chain link is a safety issue. Karen Miller asked how many solar farms can we expect in Dover Township? Unknown. There are many requirements for the use to be permitted, such as minimum lot size, etc.

**Motion** by Love, second by Harlacher, to recommend approval of the Special Exception request by Solar Renewable Energy, LLC, for a solar farm, Harmony Grove Road. All members voted aye; motion carried.

**Motion** by Bigham, second by Miller, to recommend denial of the Variance request for fencing. Four members voted aye; *Harlacher opposed*. Motion carried.

**Motion** by Bigham, second by Miller, to recommend denial for the Variance request for decommissioning. All members voted aye; motion carried.

#### IV. Other Business

Public comment – Marie McInerney, 6331 Salem Run Road, commented on the previous solar farm application. She asked the Board of Supervisors to revisit the current solar ordinance to make changes outlined in a **letter attached to these minutes**. Mr. McLucas reported that the staff is currently working on zoning updates.

Mrs. McInerney's last comment was to increase communication to the residents. Discussion was held on the manner and options for informing the residents of zoning cases, etc. Mr. McLucas voiced his frustration with so many residents' complaints that they didn't know anything about this case or that decision, etc. No matter how much information he publishes, people still say they had no idea of the situation, whatever it is. Residents have a responsibility to realize that their local government is acting on various subjects/issues and to pay attention. Chairman Hoffman noted that the elected/appointed officials also have a responsibility to act on behalf of the citizens that they represent. Discussion was held on various points.

Traffic assessment for Hilton/74/Poplars; CSD/Planning Director to provide update – Mr. Myers reported that there will be a left-hand turn option at the light (hooray!), and there will be a right-hand turn option and straight option and left-turn option on Hilton. There are also discussions about improving the radius at the intersection (moving of poles and inlets). The PennDOT proposed solution was to move the stop bars back so that the tractor trailers can better make the left turn from 74 onto Hilton. *Does the Township want PennDOT to move the stop bars back or do the whole 'moving the poles' project?* What if the pole needs to be moved in the future (because of an accident)? Could that intersection project be accomplished then? If the Township asks PennDOT to move the pole, etc., that will delay Wawa's project. How about asking PennDOT to plan for moving the pole at a later date? Sold. Genius idea.

V. **Ordinances**

Nothing to discuss tonight.

VI. **Correspondence**

Board of Supervisors letter in opposition to the PennDOT proposed site acquisition -- discussion was held.

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

**Motion** by Love, second by Harlacher, to adjourn. All members voted aye; motion carried. The meeting adjourned at 10:58 p.m.

Respectfully submitted,

Julie B. Maher,  
Recording Secretary