

Dover Township
Planning Commission Minutes
May 3, 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 Monica Love. Absent with prior notice: alternates Anthony Pinto and Stephen Stefanowicz. Also present: Solicitor John Baranski, Zoning Officer John McLucas, Engineers Terry Myers and Cory McCoy, Recording Secretary, and 11 citizens.

I. **Minutes**

One correction to the minutes of April 5, 2023: Anthony Pinto is the alternate; Monica Love is a member. Oops.

Motion by Love, second by Miller, to approve the minutes of the meeting of April 5, 2023, as amended above. All members voted aye; motion carried.

II. **Plans**

A. PL 22-17, 2-lot Final Subdivision Plan, 4881 Paradise Road in the Ag district. Brian Gross was present on this application. He would like to subdivide the land in question and build a house.

One waiver request to not have to widen Paradise Road, Section 22-704.B.1. Motion by Hoffman, second by Harlacher, to recommend approval of the waiver request by Brian Gross for road widening on Paradise Road. All members voted aye; motion carried.

C. S. Davidson's letter dated March 31, 2023, was reviewed. Outstanding items: 1, currently, the lot coverage information is listed under "Building Height" and shall be titled accordingly; 2, GIS disk (Section 22-501.2.A); 3, owner's notarized signature (Section 22-501.2.H); 5, stormwater management plan approval by the Township Engineer (Section 602.3); and 6, access and O&M agreements for the shared driveway shall be provided for review and copies shall be provided to the Township; and General 1, add to Note 10 the date of approval of waiver. All members voted aye; motion carried.

Why is there joint access? Why not make another access to the new lot? For now, Mr. Gross just wants to use what's existing. There's room for another access, but Mr. Gross just isn't going that route right now. The joint access agreement will cover the situation for now.

Motion by Harlacher, second by Bigham, to recommend approval of the Final Subdivision Plan of Brian Gross, 4881 Paradise Road, subject to the satisfactory resolution of the following open items from the C. S. Davidson letter referred to above: 1, 2, 3, 5, and 6; General 1.

Motion by Love, second by Miller, to authorize the Planning Commission Secretary and the Zoning Officer to sign the Sewage Facilities Planning Module for Brian Gross, Final Subdivision Plan, 4881 Paradise Road. All members voted aye; motion carried.

B. PL 23-1 (sketch plan) Revised – Dover Highlands Phase III; 4-step Conservation by Design, previously 54-unit multi-family development; Intermediate Avenue; R4 district

Attorney Stacey MacNeal, 100 East Market Street, and Adam Anderson, Site Design Concepts, were present on this plan. It was noted that this site has some topographical issues, which is making it difficult to settle on a design. SDC is a new engineering firm on this proposal.

Mr. Anderson explained the differences between the last proposal and this one. This version has 68 to 90 apartment units. Parking has been calculated based on the maximum number of units possible. There are walking trails, a fitness center, a pedestrian path through the site. Previous discussions on this proposal centered on the location of the walkway. Attorney MacNeal explained that the applicant needs to wait a bit to finally determine where the walkway will be located until the location of the crossings and other traffic features. Why not build two? They are only obligated to build one trail, per the developer's agreement. They can't afford to build two, that's the problem. They have to swap some land and make some road improvements which makes the possibility of two walking trails unrealistic. The applicant is willing to consider some flexibility in this matter. Also, the internal pathways are still a work in progress. The applicant will make more revisions before presenting it to the Board of Supervisors later this month. It was noted that this proposal will be presented via a preliminary plan, so the Planning Commission will see this again as a formal proposal.

C. S. Davidson's letter dated April 28, 2023, was reviewed. Outstanding comments: 1, rear setback (Section 27-406.5.A.1); 2, bearings and distances shall be clearly shown, especially the north/northwest side of the property (Section 22-402.A.1); 3, Building 17 is located within 100' of an existing wetland (22-403.E) (*waiver likely to be requested at the preliminary plan stage*); 4, a buffer yard of not less than 20' shall be provided by a multi-family use with abutting single-family residential use (Section 22-721.2). Multi-family development requires Buffer Planting Strip #1 along adjacent single-family residential use (Section 22-1103.11-1). The required buffer yard shall be shown on the plans along the length of the eastern property line; 5, the pedestrian/bike trail does not appear to tie into the existing phase 1 and 2 portion of the path and shall be adjusted accordingly; 6, the pedestrian/bike trail shall continue along the western side of Intermediate Avenue Extended; 7, cross section of Intermediate Avenue Extended shall remain the same as phases 1 and 2 (cross section included on CSD letter); 8, wetlands mitigation area is labeled "existing" on the plans and "proposed" in the legend and shall be adjusted accordingly; 9, in accordance with the Developer's Agreement by and among Dover Highlands, LP, the Township of Dover, and Dover Township Sewer Authority, dated 8/24/20, the sketch plan should show how the developer plans to reserve land to meet his obligations under Part II, paragraph 3, Land Swap.

Motion by Harlacher, second by Bigham, to recommend approval of the sketch 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, and 9. Four members voted aye; *Miller abstained*. Motion carried.

III. **Zoning Cases**

A. FYI only, ZHB 23-1 Solar Renewable Energy LLC request for Special Exception was granted on April 19, 2023.

B. FYI only, ZHB 23-2, Investment Real Estate, LLC, Moove in self-storage facility request for Special Exception was granted on April 19, 2023, but request for Variance was denied at that same meeting.

C. ZHB 23-3, Tracey Deakin, 3505 Summer Drive (Seasons Phase II); R3 district, appeal from determination of Zoning Officer OR in the alternative, request for Variance to permit a deck to project in the rear setback area.

Ms. Deakin was present on this appeal. She purchased this property because it backs up to the open space lot. She received a fence permit, and she was hoping to have the firm that is installing the fence also install a deck, but her request for deck permit was denied. Mr. McLucas explained the issue. The building footprint leaves no room for a setback. The rear setback is 30' which puts it right up against the back of the house. If the deck is attached to the house, it becomes part of the house structure. If it's not attached to the house, it would be considered on its own. There would have to be at least 5' of separation between the house and the deck. The applicant could apply for a Variance, which would be a dimensional Variance to build a deck and have it encroach into the setback (10') and might have a good chance of that request being approved. The lot size is the hardship, as it's a shallow lot (using this section 27-1003.2.A(1)), and it would be practically impossible to attach a deck to the back of the house and comply, and this deck/proposal would not alter the essential character of the neighborhood.

Ms. Deakin made her request for a Variance, using Section 27-1003.2.A(1) as justification for the relief/hardship and asked for a recommendation to the Zoning Hearing Board.

Per Attorney Baranski, the recommendation by the Planning Commission should be to uphold the Appeal from the Determination of the Zoning Officer. On that sage advice, **Motion** by Love, second by Harlacher, to uphold the Determination of the Zoning Officer and to *deny* the applicant's appeal. All members voted aye; motion carried.

On her request for a Variance due to the hardship presented by her lot configuration, **Motion** by Harlacher, second by Miller, to recommend approval of the Variance request pursuant to Section 27-503.c.5, due to a dimensional hardship. All members voted aye; motion carried.

D. ZHB 23-4, Modane Marshall, 4031 Carlisle Road, Commercial District; request for Special Exception to permit expansion of a non-conforming use.

This plan involves a residential home in a Commercial District; the applicant is planning to do an 18'x33' addition.

Chris Brockmeyer 2836 Vireo Road, York, was present on behalf of the applicant, with full permission to represent the applicant.

A non-conforming structure can be expanded up to 25%. A non-conforming use can't be expanded more than 35% and can be granted by Special Exception. The proposed square footage of the addition/expansion is at 33%.

Discussion was held on whether this property was subdivided and the original property added to. Unknown what the deed says. Mr. McCoy checked; a subdivision plan was filed in 2009/2010.

The applicant needs a Special Exception to expand the use of the non-conformity. Mr. McLucas doesn't see any reason why the Special Exception shouldn't be granted. The applicant must meet all the criteria to be granted the Special Exception, and it looks like that won't be a problem.

Motion by Harlacher, second by Bigham, to recommend approval of the request by Modane Marshall for Special Exception to expand a non-conforming use at 4031 Carlisle Road. All members voted aye; motion carried.

IV. **Other Business**

Public comment – Virginia Becker, 4097 Wren Road; considering a special event venue on her property in the Ag district

Mrs. Becker was present on this proposal. She would like to hold special events, such as weddings, on her property, in the backyard. What does she need to do to accomplish this? This use is permitted by Special Exception in this district. Needs a 50' buffer on all sides. Parking would be on the side with a stone area (each parking space shall be 10' x 20'). Lot size is two acres. They would use tents, portable toilets. She would need to meet all requirements of Section 27-660a, Special Event Venue. Maximum number of guests? Maybe 75 to 100 people, and this would need to be specified to the Zoning Hearing Board. Frequency of events? Five to ten per year.

Who regulates this type of use? Using temporary tents wouldn't really need to be regulated. How about a handicapped guest in a wheelchair? They would have to use the wheelchair out on the grass area. The portable toilets are already handicap accessible.

Mrs. Becker will fill out the application for a Special Exception to start the process. Rock on.

V. **Ordinances**

None to discuss tonight.

VI. **Correspondence**

Nothing to report.

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

Mr. McLucas requested a brief Executive Session following tonight's meeting.

Motion by Love, second by Miller, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:37 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary