



Dover Township
Planning Commission Meeting Minutes
Wednesday, September 6th, 2023

Chairman Wayne Hoffman reconvened the Planning Commission Work Session for the Draft Joint Zoning Update as advertised at 6:05 p.m. with the Regular Planning Commission meeting to follow. Members present were Mark Miller, Justin Bigham, Eric Harlacher, and alternates Anthony Pinto and Stephen Stefanowicz. Present on behalf of Dover Township were Solicitor, John Baranski, Zoning Officer, John McLucas, Township Engineer, Terry Myers, and the Recording Secretary. Aaron Stover with C.S. Davidson joined tonight's meeting *via* ZOOM. There were 14 citizens present at tonight's meeting. Absent with prior notice was Monica Love.

I. Work Session

Draft Joint Zoning Update: Part 2 -Definitions of Terms, Part 4-District Regulations, and Part 6-Specific Standards for Uses, existing definitions, and draft provided at a prior meeting for comments.

Discussion Conclusion:

1. *Vineyard*: Striking Vineyard in the definitions, use chart, and standards. Vineyards will be included in the Agricultural Operation definition, use chart, and standards. Edit the definition of Agricultural Operation to include “such operation to include Orchards, Fruit Farms, Vineyards, etc....” Permitted in the Conservation Zone and the Agricultural Zone.
2. *Winery, vineyard*: The definition will read “An area devoted to the growing of grapes or other fruit and the process of fermenting the product into wine. Wineries shall also include the structures or areas provided for the tasting or sale of the wine so long as such areas are on the same site as where the products have grown.” Will be included in the Agricultural Operation definition, use chart, and standards. Edit the definition of Agricultural Operation to include “such operation to include Orchards, Fruit Farms, Vineyards, etc....” Permitted by Special Exception in the Conservation Zone and the Agricultural Zone.
3. *Winery, retail*: The definition will read “a manufacturing facility or establishment engaged in processing fruit to produce wine or wine-like beverages. A retail winery provides for the retail sales of the wine at the location where it is produced. A winery may also include a tasting room and restaurant in conjunction with the use.” Will be permitted in the Commercial, Business Park, and Industrial Zones. Standards to follow ‘Tavern’.

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The work session ordinance discussion ended at 6:44 p.m. The next items for discussion will be Parking, Lot Standards, and Signage.

Regular Planning Commission Meeting came to order at 7:00 p.m.

II. Minutes

Motion by Bigham, second by Harlacher, to approve the meeting minutes from the August 2nd, 2023, Planning Commission meeting as presented. All members voted aye; motion carried.

It was noted that Anthony Pinto will be a voting member for tonight's meeting.

III. Plans

a. **PL 23-8 – Solar Renewable Energy Preliminary P/LD Plan – 5370 Harmony Grove Road – Ag District**

Ben Kirk, Burget & Associates, Inc., and Steve Crimmel, Solar Renewable Energy LLC, were present on behalf of the applicant. They are here with the preliminary subdivision and land development plan that was revised on August 22, 2023. This plan proposes consolidating 3 existing lots along Harmony Grove Road and constructing 5,170 solar panels across 27.181 acres of land. The use of a Principal Solar Energy System was approved by the Zoning Hearing Board on April 27, 2023. They are proposing two accesses off Harmony Grove Road. The property will also have 8' high chain link fencing with required class 3 screening.

Discussion was held on the status of the verification from Met-ED on the utility pole relocation and upgrades. It was stated that verification has been received at this point. There are some concerns about the installation of the splash pads due to the Ag preservation soils. After discussion, it was noted that the splash pads should be installed. For the stormwater management to work, there will need to be densely established vegetation on the soil. There will be a note added to the plan that the panels cannot be installed until the vegetation is at a certain level.

C.S. Davidson's letter dated September 1st, 2023, was discussed. They are requesting two waiver requests: ~~§22-709.3. B – To not require an easement for portions of CST not in ROW.~~ This waiver is not required and may be removed. §22-704.B – To not require ROW dedication and cartway widening on Harmony Grove Rd. (SR 4014).

Motion by Bigham, second by Harlacher, to recommend approval to the Board of Supervisors of waiver request §22-704.B – To not require ROW dedication and cartway widening on Harmony Grove Rd. (SR 4014). All members voted aye; motion carried.

Open items: *Zoning Ordinance*: 1. Financial security including the cost of decommissioning, dismantling, and removing PSES equipment and structures and restoration of the site to existing conditions shall be provided prior to issuance of a certificate of occupancy as described in section 27-665a.2. M.2. *Subdivision and Land Development Ordinance*: 1. An approved PennDOT driveway permit shall be provided to the township prior to the issuance of a building permit. (§22-602.12), 2. Where a subdivision abuts or contains an existing street of inadequate width, the developer shall provide sufficient

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additional right-of-way and cartway widths to meet the following standards. (§22-704.B) Alternatively, show an ultimate right-of-way of 50 feet (25 feet from the centerline) and relocate the setbacks along the right-of-way accordingly. 3. Access drives shall be paved and shall not be less than 18' in width nor exceed 35' in width within 12' of the street right-of-way. The plan shall show the required paving and removal of stone to meet requirements. (§22-709.7) 4. Prior to final plan approval, a disk in an electronic format compatible with the Township GIS system should be provided. (§22-501.2. A) 5. Name, address, seal, signature, and date of the Professional Engineer/Surveyor shall be added to the plan, certifying the accuracy (§ 22-501.2. F). 6. The legal and/or equitable Owner's notarized signatures must be added to the plan certifying concurrence with the plan (§22-501.2.H). 7. Verification shall be provided indicating that the Erosion and Sedimentation control plan was approved by the York County Conservation District (§22-602.4). *General Comments:* 1. Township Public Works comments shall be addressed prior to final plan approval. 2. The Township Planning Director's comments shall be addressed prior to final plan approval. 3. Provide gravel splash pads along rows of solar panels perpendicular to the slope to prevent erosion. 4. The limit of disturbance chart states that there is "39,694 sq. ft. or 1.11 acres" of disturbance proposed to address this inconsistency. Additionally, if an NPDES permit is required, proof of approval shall be provided. 5. Provide a geotextile liner between the infiltration trench and any soil or any stone that is not clean washed (driveway stone). 6. Note 34 incorrectly references the requirements of the Township's Stormwater Management Ordinance. *Stormwater Management Ordinance:* Stormwater Management plan approval by the Township engineer needs to be obtained prior to final plan approval.

Motion by Bigham, second by Harlacher, to recommend approval to the Board of Supervisors on plan PL 23-8 – Solar Renewable Energy Preliminary P/LD Plan – 5370 Harmony Grove Road, Kenneth W, Krug III located in the Ag District, with open items from the Zoning Ordinance number 1, SALDO 1 through 7, General comments 1 through 6, and the Stormwater Management Ordinance plan comment be addressed. All members voted aye; motion carried.

b. PL 23-6 – York Industrial Development – Bull Canal Dover Owner LLC (Old Glergy Property Canal/Bull) – 200 Acres Lot Consolidation & 3 Warehouses totaling ± 1.9M SF Preliminary LD Plan – Industrial District

Present on behalf of the York Industrial Development project, Bull Canal Dover Owner LLC, applicant, were Charles Courtney, McNees Law; Tom Grigges, Tom Hilley, and Eric Mitman, Hines Warehouse; Shaun Haas, AnnMarie Vigilante, and Morgan Rynn, with Langan Engineering and Environmental Services, Inc. The preliminary land development plan dated June 7, 2023, prepared by Langan Engineering proposes 3 separate warehouse buildings on 1 proposed lot. The site encompasses a total of 198.98 acres and will access Bull Road and Fox Run Road. They are here to present an overview of the proposed project, along with the waivers being requested. Mr. Haas stated that the proposal is for a lot consolidation to make one lot to construct 3 separate industrial buildings for warehousing use. The total square footage would be 1.9 million square feet split between the 3 buildings. Parking calculations would be 1 space per employee for the 2 largest shifts. Impacts for the Airport hazard overlay district have been analyzed. Building 1 is a single-loading building. Building 2 is a cross-dock building and will be an estimated 1.09 million square feet with 248 loading

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docks, 342 trailer spaces and 578 car spaces, with an estimated 578 employees for this building. Building 3 is a single-loaded building, with 450,000 square feet, 95 loading docks, 109 trailer spaces, and 502 car parking spaces. Access road off Fox Run Road will be strictly for emergency use only and will be gated. Buffering for the neighboring properties: they are proposing to use existing woodlands to act as the required screening along the Hamme property. They are proposing the screening be planted on the top of the retaining wall vs. at the top and the bottom of the wall. Currently, the site will have one water connection which would be off Fox Run Road and have a 120,000-gallon holding tank.

A Traffic Impact study was completed which looked at several intersections that would be affected. The recommendations are to widen Bull Road along the site frontage for a Northbound left-turn lane, add a traffic signal at the intersection of Bull Road and Canal Road along with widening the northeast corner radius to accommodate truck turns at the intersection. Canal Road and Susquehanna Trail intersection will need a 350' eastbound turn lane constructed. Bull Road and Hilton Avenue intersection will have a traffic signal light installed and a 275' northbound turn lane will be constructed. Susquehanna Trail and Cloverleaf Road intersection they are proposing to add signage so vehicles will not block the box *i.e the intersection*. This is currently in its final review with PennDOT as of August 24, 2023.

There are 6 waivers being requested: 1. SMO Section – 19-306.11 & 19-306.18. (A).1 – Basin Depth – The referenced section requires that detention and/or retention basins be designed with a maximum depth of 6 feet, measured from the emergency spillway elevation to the basin bottom. A waiver is requested to exceed this value with Detention Basin 3B by 7.5-feet. We note that Detention Basin 3B is for detention only, will not permanently hold water, and is designed to dewater within 72 hours. Additionally, the depth of the basin is inflated due to requirements to discharge/dewater the emergency spillway via shallow concentrated flow to the western unnamed tributary to the Fox Run. The design depth within the basin for the 100-year storm is 8.5 feet. And Section 22-1003.3 & SMO Section 19-306.18. (A).3 – Slope of Detention Basin – The referenced section requires the interior slope of detention basins to be a maximum of four to one (4:1) slope. A waiver is requested to permit the interior slope of the infiltration basin to be three to one (3:1). The slightly steeper slopes will allow a greater volume of runoff to be captured and reused within the physical and geotechnical limitations of the site to comply with National Pollution Discharge Elimination System (NPDES) requirements. 2. SALDO Section 22-501.2. A & 22-601.2. A – Preliminary & Final Plan Sheet Size Requirements - The referenced sections require a sheet size of 24 inches x 36 inches. A waiver is requested from these sections to permit a sheet size of 30 inches x 42 inches, which will allow for the plan set to show a greater level of detail while reducing the total number of sheets. ~~3. SALDO Section 22-602.3 Preliminary Drainage Profiles – Changing Pipe Sizes. The referenced section and comment from the Dover Township Public Works Department require the crowns of all drainage pipes to be at the same elevation when changing pipe sizes. A waiver is requested to permit the crowns of drainage pipes to differ when changing pipe sizes. The orientation and grading require the crowns of drainage pipes to be at different elevations to provide cover over the pipes and to avoid utility and drainage pipe crossing conflicts. Hydrologic grade line calculations showing adequate capacity have been provided within this submission.~~ 4. SALDO Section 22-709.7 – Maximum Access Drive Width – The referenced section requires that access drives for

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nonresidential uses not exceed a 35-foot width within 12 feet of a public street right-of-way. A waiver is requested from this section to permit an increased driveway width to meet the requirements for a full-access driveway designed for access by WB-67 trucks. This request is for the full-access driveway on Bull Road and the emergency access-only driveway on Fox Run Road. ~~5. SALDO Section 22-1103.11. C. Landscape Buffer Requirements—The referenced section requires that when a wall is used as a screening element, the remaining required vegetative material shall be divided equally with one half placed on each side of the wall. A waiver is required from this section to permit the required vegetative material to be planted on the upgradient side of the retaining wall adjacent to the Hamme Property, as the screening will be more effective on this high side of the wall. (They will work this out with neighboring property owners.)~~ 6. SALDO Section 22-1103.11. B. (3) Landscape Buffer Requirements— The referenced section requires a buffer planting strip #3 adjacent to all existing residential uses or zoning. A waiver is requested to allow for existing woodlands to act as the required screening, in areas where existing woodlands are well established adjacent to the Lamparter Property and Hamme Property. These areas are depicted on the Preliminary Landscaping Plans.

Mr. McLucas stated that this property is located within the primary growth boundary and doesn't believe that pulling water back from an easement off Fox Run Road will be an adequate development of our public water system and feels that a major water extension is necessary down Canal Road with this project along with the large-scale Solar project in that area for fire suppression.

c. Wagman Residence (Lot #3 of Ronald Coleman Subdivision - Biesecker Rd)

Authorize the Signature of a Component 4A Sewage Facilities Planning Module.

Motion by Harlacher, second by Miller, to authorize the signature of a Component 4A Sewage Facilities Planning Module. All members voted aye; the motion carried.

IV. Zoning Hearing Cases

1624 East Canal Road – Application for Variance to Exceed Height of Accessory Building pursuant to 27-502.5. A. by Charles Allgood in the R3 District.

Charles Allgood, 1624 East Canal Road, the homeowner is requesting a Variance to exceed the 16' height regulation for an accessory structure. He currently has a garage that he also uses as a workshop that is located 1' off the left side of the property line, 25' from the front setback, 57' from the right-side setback, and 80' from the rear property line. His garage is currently 12' in height in the front and 24' in height in the rear of the building. The overall average height of the building is 18'. He would like to tear down the current garage and rebuild a new one due to the garage's current condition. He gets a massive amount of water from the road in his garage, and it has blown out the back wall and destroyed the floor. The building is dilapidated and structurally unsound.

Mr. McLucas stated that the original permit submission was for a building that was 23' in height in the front, and 29' in height in the rear, with an average height of 26' overall. Mr. Allgood has since reduced the size, but the new design will still exceed the 16' regulation. Mr. McLucas stated that the current structure already exceeds the height restrictions which makes it a non-conformity. There is a clause that states any expansion or improvement made to reduce any non-conformity would be permitted by right. As for the permit requirements,

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if he could still meet the current average building height, push it back further off the road, and move it away from the neighboring property line it would reduce the non-conformity and therefore be permitted. Since he needs to increase the height; he needs the Variance.

Mr. Allgood stated that the new proposed building would be an improvement to the property and would be 17' in height in the front, and 23' in height in the rear, with an average overall height of 20' because he needs to install a foundation wall that is 6' tall. By shifting the building back, it would increase the left-side setback to 5', the right-side setback would be 52' the front setback would be 55', and the rear setback would be 67'.

Members of the Planning Commission agreed that Mr. Allgood would be correcting the water issue he currently has by moving his garage back. It would also double the setbacks, would be an improvement to his property, and would be in harmony with structures in the neighboring properties.

Motion by Harlacher, second by Bigham, to look favorably upon the request for a Variance to Exceed Height of Accessory Building pursuant to 27-502.5. A. by Charles Allgood at 1624 East Canal Road in the R3 District. All members voted aye; the motion carried.

V. Other Business - Public Comment

Gina Myers, 1050 Rohlers Church Road, gave each of the members a handout of her proposed Solar Ordinance changes that were copied from the York County Solar Model Ordinance. It included the highlights of what she would like to see changed in the current zoning update by including the additional language that she provided. Her concern is prime Agricultural, Commercial, and Residential land being overtaken by Solar. It was mentioned that her previous model ordinance that was submitted was forwarded to the Township Solicitor for review, and it is being incorporated into the new zoning update except for two of the components that couldn't be used for legal reasons. Once the final draft is issued, the Planning Commission members will review the final draft before it is submitted to the Board of Supervisors. There will be a review period and it then be submitted to the County before the public hearing.

Judy Forry, 981 East Canal Road, has concerns about the warehouses that are being proposed and the sound and impacts this will have on the neighboring properties. She also has concerns about the possibility of mandating the residents in that area to connect to public water if the warehouses are required to extend the water supply further up East Canal. She stated that most residents in that area are elderly and having to connect to the public water system is very costly for the elderly. She stated that they are already being affected by PennDOT's project because they have already issued letters to residents along that section of East Canal to take road frontage of their properties by eminent domain to widen the road for the intersection improvement at East Canal and Bull Road. It was requested that she supply a copy of her PennDOT letter so the members could review it.

Mary Hamm, 1051 East Canal Road, also expressed her concerns about the traffic that the proposed warehouses will bring to the Township and the wear and tear on the roads. It was stated that Canal Road and Bull Roads are both State roads and are maintained by PennDOT.

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VI. **Next meeting**

The next regular Planning Commission meeting will be held on Wednesday, October 4th, at 7 p.m.

Motion by Miller, second by Bigham, to adjourn. All members voted aye; the motion carried. The meeting was adjourned at 11:16 p.m.

Respectfully Submitted by:

Katina Wagner
Recording Secretary