



Planning Commission Meeting Minutes
November 6th, 2024

Vice Chairman Eric Harlacher called the Planning Commission meeting to order at 7:00 PM on November 6th, 2024. Members present: Justin Bigham, and alternate Anthony Pinto. Other Township Representatives in attendance were John Baranski, Solicitor; John McLucas, Zoning Officer; Terry Myers and Cory McCoy Township Engineers with C.S. Davidson; and the Recording Secretary. Wayne Hoffman, Monica Love, Mark Miller, and alternate Stephen Stefanowicz were absent with prior notice. There were nine members of the public present.

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

I. Approval of Minutes from the Planning Commission meeting held on October 2nd, 2024.

Motion by Bigham, seconded by Pinto, to approve the Planning Commission Meeting minutes from the October 2nd, 2024, meeting. All members voted aye; motion carried.

II. Public Comment

None

III. Plans for Consideration

- a. PL 24-3 Brownstone Manor Phase 3- Final Subdivision Plan- 97 Dwelling Units- R3 District – Victorian Drive/South Salem Church Road

Eric Johnston, P.E., with Johnston & Associates, Inc. was present on behalf of the plan. This is the last phase of this project. This last phase will connect out onto South Salem Church Road and will be seventy-seven semi-detached dwelling units, Twenty-seven single-family lots, and two lots along South Salem Church Road as neighborhood convenience lots. He is here requesting conditional approval with the outstanding items from C.S. Davidson's review letter dated October 17th, 2024.

Discussion was held regarding the culvert along South Salem Church Road. Mr. Myers reviewed it with Township staff, the staff indicated that they do not



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have an interest in owning or maintaining the existing storm sewer. He was directed to proceed with modifications to the plan, which will take away the connection and still leave somewhat of a swale alongside the road. The headwall that exists will be removed and an inlet will be placed and will tie the storm sewer directly into the inlet. Currently, it is maintained by PennDOT.

C.S. Davidson's letter dated October 17th, 2024 was reviewed with the following comments outstanding:

1. ~~Include the CB-72 on the profile 11CB-73 to Basin C" profile for clarity. (§22-501.2.DD)~~
2. Stormwater Management approval shall be received from the township engineer prior to final plan approval. (§22-602.3)
3. Prior to final plan approval, a disk in an electronic format compatible with the Township GIS system should be provided. (§22-501.2.A)
4. The legal and/or equitable Owner's notarized signatures must be added to the plan certifying concurrence with the plan. (§22-501.2.H)
5. Proposed Homeowner's Association documentation must be submitted to the Dover Township Solicitor for approval. (§22-602.1)
6. Verification shall be provided indicating that the Erosion and Sedimentation control plan was approved by the York County Conservation District (§22-602.4). A copy of the approved SESC plan shall be provided for Township records. The permit has been approved.
7. Proof of an approved HOP for the improvements to South Salem Church Road (SR 4003) shall be provided prior to final plan approval. (§22-602.12)
8. 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)
9. Public Improvements Security is required in a form and amount acceptable to the Township, prior to final plan approval. (§1201. 1) An opinion of probable cost has been provided and a security estimate will be provided under a separate cover.
10. Any outstanding comments from the Fire Marshall or Public Works Director shall be addressed.
11. *Added* - Village Road agreement to be recorded with the Phase 3 Plan.



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Previously approved waivers are as follows:

§22-704 - To allow roads widths less than 36 feet - *Approved 01/26/2004*

§22-711.C - To allow the use of slant curb - *Approved 08/23/2004*

§22-1103.E.2 - To allow street tree spacing greater than 80 feet - *Approved 08/23/2004*

It was noted that this development has two different Homeowners Associations, leaving the new phase backing up to a community building that they cannot use. There are also concerns regarding the two-neighborhood convenience lots (lot numbers 317 & 318) and the feasibility of these lots being developed after the roads have been adopted is a concern.

Motion by Bigham, second by Pinto to recommend the Board of Supervisors look favorably upon PL 24-3, Brownstone Manor Phase 3- Final Subdivision Plan with open items 2 through 10, and added comment 11 from C. S. Davidson's letter dated October 17, 2024; all being addressed. All members voted aye; motion carried.

- b. PL 24-4 – Bell-Mark 9,800 SF Building Expansion & Lot Consolidation – 4500 W Canal Rd – Ag District

Colin Camp with the Crossroads Group, LLC, was present on behalf of PL-24-4- Bell-Mark. They are proposing a subdivision and a building expansion on an existing non-conforming use for light manufacturing. The expansion will be 9,800 square feet. There is an existing 7,000-square-foot building that will be removed as part of the land development. With the removal of the existing structure and sidewalk, the net increase of impervious will be 1,800 square feet. They have received approval from the York County Conservation District and the PennDOT permit was approved in 2018. There will be no additional traffic with this expansion. The current building does not meet the setback requirements. By removing the existing and replacing it with the new building expansion it will now reduce the encroachment into required setbacks.

It was noted that there was a previous Zoning Hearing Board approval with this property due to a fire. They needed to rebuild and expand beyond thirty-five percent. They received a variance to do so and this project will propose no new impervious that wasn't already approved in the previous variance.



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There are multiple non-conformities with this property and this project would reduce those non-conformities. They are exceeding the maximum lot size currently, but it will be more in conformance than what exists now.

C.S. Davidson's letter dated October 31st, 2024, was reviewed with the following open items:

Zoning Ordinance:

1. Provide the following revisions to the Zoning Data table on sheet 2. (§27-405.5.E): a. Revise non-conformity note 2 to: "Existing non-conformity of side setback on the east side of tract 3 (17.92'). Side nonconformity will be reduced to 28.57' on the west side of proposed Lot I., b. Revise non-conformity note 3 to: "Existing non-conformity of side setback on west side of tract 3 (18.83') reduced to 28.57' on west side of proposed Lot 2.
2. ~~Modify~~-Parking lots shall be set back a minimum 15 feet from all residential properties. Revise the proposed parking lot accordingly and update the parking data table. Additionally, There are 4 required/proposed ADA parking spaces as the site is currently laid out, update the parking data table to be consistent with this. (§27-708)

Subdivision and Land Development Ordinance:

1. Tracts 1 and 2 are shown as previously consolidated. Provide only 1 parcel identifier for the existing combined tract 1 and 2, by removing the property line that was abolished with the consolidation. Include a "lightning strike" across Tract 3 and Tract 1 & 2 to identify the proposed consolidation. (§22-601.2.C)
2. Prior to final plan approval, a disk in an electronic format compatible with the Township GIS system, should be provided. (§22-501.2.A)
3. The seal, registration number, date, and signature of the professional engineer or land surveyor, responsible for the preparation of the plan, shall be added to the plan (§22-501.2.F)
4. The legal and/or equitable Owner's notarized signatures must be added to the plan certifying concurrence with the plan. (§22-501.2.H)
5. Public Improvements Security is required in a form and amount acceptable to the Township, prior to final plan approval. (§22-1201.4)
6. ~~Added~~-Label the existing 15' wide utility easements centered on the interior tract line as "To be extinguished".
7. ~~Added~~- Identify both loading spaces on the plans.



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Stormwater Management Ordinance:

1. Provide a signed copy of the maintenance Stormwater Management Ordinance: agreement located in Appendix 19-0.

Motion by Bigham, second by Pinto, to recommend the Board of Supervisors look favorably upon PL-24-4, Bell-Mark Building Expansion & Lot Consolidation with open items on C.S. Davidson's letter dated October 31, 2024, being addressed: Items 1, 1a, 1b and modified item 2 under the zoning ordinance; Items 1 through 5 with added items 6 and 7 under the subdivision and land development ordinance; and item 1 under the stormwater management ordinance. All members voted aye; motion carried.

IV. Zoning Hearing Cases

- a. ZHB 24-4 – Todd Laird/Luther Strine – 1431 Rohler's Church Road – Ag District – Appeal of Determination of Zoning Officer – Abandonment of Nonconforming Use (Vehicle Repair/Service)

Darrell Strine, Luther Strine, and Todd Laird were all in attendance to present their case to the Planning Commission members to appeal the determination of the Zoning Officer on the denial of the application for a Use Certificate for a vehicle repair/service shop. Their application has been denied due to the presumed abandonment of a Nonconforming Use, there was a gap between 2019 to April 2024 where the use was not continued. No public records on file show that the shop was still occupied as a vehicle repair/service center. Darrell Strine stated that he occupied the shop from 2019 until April 2024, doing repairs and service on his fleet of vehicles for his excavating business. This structure has been utilized continuously as a vehicle repair/service shop since 1981. Starting in 1981, Luther Strine operated his own vehicle repair/service shop at this location until 2002, when he then leased the shop to Bradley Grim. Mr. Grim leased the shop from 2001 until 2019 when that lease agreement was terminated. Luther then leased the building to his son Darrell from 2019 until April 2024, when Mr. Laird then signed a lease for the shop and relocated his vehicle repair/service there. It was stated that the use of the building was not abandoned at any time.

The Planning Commission members recommended they put together a



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timeline of who occupied the building and when and attach any photos that may be helpful. It was noted that there is a legal term known as variance by estoppel, where it is essentially a deemed approval if the business operated for a number of years and was never enforced.

Motion by Pinto, second by Bigham, that the Zoning Hearing Board grant the applicant's appeal based on the information provided this evening. All members voted aye; motion carried.

V. Ordinance(s) for Consideration

- a. Discussion on possible text amendment to Part 9- Nonconformities

Table until December 4th meeting

VI. Correspondence

None

VII. Next Meeting

The next Planning Commission meeting will be held at the Municipal Building at 2480 W. Canal Road on Wednesday, December 4th, 2024, at 7:00 PM.

VIII. Adjournment

Vice Chairman Harlacher adjourned the meeting at 8:25 PM. **Motion** by Bigham, seconded by Pinto. All members voted aye; motion carried.

Respectfully Submitted by,

Tina Wagner
Recording Secretary