

# FAIRVIEW TOWNSHIP PLANNING COMMISSION

April 7, 2009

## CALL TO ORDER

Chairman Michael A. Powers called the meeting to order at 7:00 P.M.

## ROLL CALL

Present: Michael A. Powers, Chairman  
Bernard J. Coleman, Vice-Chairman  
Michael E. Thompson, Member  
Robert P. Stanley, Jr., Member  
Anne K. Anderson, Member  
Edward A. Stalnecker, P.E., for The ARRO Group, Township Engineer  
Stephen M. Waller, Fairview Township Codes Administration Officer

## APPROVAL OF MINUTES

Mr. Stanley made a motion, seconded by Mrs. Anderson, to recommend approval of the minutes for the March 3, 2009 Planning Commission meeting. Vote on the motion: All yes. The motion carried.

## DISCUSSION AND CORRESPONDENCE

There being no Discussion and Correspondence, Mr. Powers moved Sketch Plans

## SKETCH PLANS

There being no Sketch Plans, Mr. Powers moved to Subdivision Plans

## SUBDIVISION PLANS

### 1. Final Subdivision Plan of 3 Lots for Noble Ventures Partnership – Marsh Run Road

Mr. Waller presented the plan to the Planning Commission.

Mr. Stalnecker discussed Township Engineer's and York County Planning Commission comments.

#### Modification Requests

1. Show existing features on adjacent tract(s) (22-402.1.O). Applicant is requesting a modification to this requirement of the Ordinance.

#### Subdivision and Land Development

2. Certifications of accuracy must be signed and sealed by the responsible professional(s) (22-402.1.L). Certification of accuracy must be dated after the last plan revision.
3. Certification of ownership and dedicatory statement must be signed and notarized by the owner(s) (22-402.1.M). Certification of ownership and dedicatory must be dated after the last plan revision.
4. Provide location and dimensions of all public and private easements. It appears that storm drainage easements may be required. (22-402.1.Q).

5. Provide cartway improvements for Marsh Run Road. The plan has been revised to include this section as a modification request, but a formal request was not received. (22-602.2.A and 22-602.2.C).
6. Provide clear sight triangles for driveways. (22-603.4.)

#### Outside Agency Approvals

7. Provide a copy of the approved sanitary sewage planning module or exemption request (22-402.2.B).
8. The Township SEO shall review and approve all on site treatment facilities (22-610.1.D.(4)).
9. PADOT Highway Occupancy Permits are required for the proposed driveways.

#### General Recommendations

10. Indicate street addresses for all proposed lots.
11. Because the property abuts the Pennsylvania Turnpike, plans should be reviewed and approved by the Turnpike Commission.
12. The plan will not be approved unless the application is in compliance with Resolution 2008-13.
16. Due to the excessively steep grades on the lots, provide potential home locations and grading to determine whether the lots are viable building lots.

John B. Walker, PE, of Hoover Engineering Services, Inc., represented the plan.

#### ACTION ON THE MODIFICATION REQUEST(s)

Mr. Stanley made a motion, seconded by Mrs. Anderson, to recommend approval of the modification request from 22-402.1.O, the existing features on adjacent tract requirement. Vote on the motion: All yes. The motion carried.

Mr. Thompson made a motion, seconded by Mr. Stanley, to recommend approval of the modification request from 22-602.2.A and 22-602.2.C, the cartway improvements requirement. Vote on the motion: All yes. The motion carried.

#### ACTION ON THE PLAN

Mr. Stanley made a motion, seconded by Mr. Thompson, to recommend approval of the plan to the Board of Supervisors contingent on Subdivision comments 2, 4 and 6. Vote on the motion: All yes. The motion carried.

### 2. Final Subdivision Plan for Lenker Estates – Green Lane Drive – 9 Lots

Mr. John B. Walker, PE, represented the plan and requested the Planning Commission table the plan.

#### ACTION ON THE PLAN

Mr. Thompson made a motion, seconded by Mr. Stanley, to table the plan. Vote on the motion: All yes. The motion carried.

### 3. Preliminary/Final Subdivision Plan for the Shettel Farm – School House Lane – 3 Lots

Mr. Waller presented the plan to the Planning Commission.

Mr. Stalnecker discussed the Township Engineer's and York County Planning Commission comments.

#### Modification Requests

1. Provide roadway widening/improvements to School House Lane. (22-602.1.G, 22-602.2.A, 22-602.2C). Applicant is requesting a modification to this requirement of the Ordinance.
2. Plan scale for existing features plan/provide a separate drawing titled "The Original Property Description" at a scale of 1"=400' (22-402.1.A). Applicant is requesting a modification to this requirement of the Ordinance.
3. Provide stormwater management plan/report (22-403.2.D). Applicant is requesting a modification to this requirement of the Ordinance.
4. Show existing features on adjacent tract(s) (22-402.1.O). Applicant is requesting a modification to this requirement of the Ordinance.

#### Subdivision and Land Development

5. Certifications of accuracy must be signed and sealed by the responsible professional(s) (22-402.1.L). Certification of accuracy must be dated after the last plan revision.
6. Certification of ownership and dedicatory statement must be signed and notarized by the owner(s) (22-402.1.M). Certification of ownership and dedicatory must be dated after the last plan revision.
7. Clearly designate primary and replacement areas for on lot septic systems. (22-402.1.Y).
8. Provide cartway improvements for Lewisberry Road (22-602.2.A and 22-602.2.C).

#### Outside Agency Approvals

9. Provide a copy of the approved sanitary sewage planning module or exemption request (22-402.2.B).
10. The Township SEO shall review and approve all on site treatment facilities (22-610.1.D.(4)).
11. Army Corps of Engineers, and PA Department of Environmental Protection permitting will be required prior to disturbance of any wetlands required to construct a driveway on lot 3. (22-403.2.J)

#### General Recommendations

12. Indicate street addresses for all proposed lots.
13. The general notes on Sheet 2 indicated that the residual lot (Revised Lot 1) is an agricultural lot. The well and on-lot septic system shown on this lot on Sheet 3 is not consistent with this statement.
14. The plan will not be approved unless the application is in compliance with Resolution 2008-13.

Mrs. Anderson questioned whether the Planning Commission should be acting on this plan because the original Preliminary Subdivision for Shettel's Run has been, and remains tabled. The plan was table due to the Township Engineer's comments. An approval of the Preliminary/Final Subdivision Plan for the Shettel Farm, will require a change in the Preliminary Subdivision of Shettel's Run and resubmission of the preliminary plan to the York County Planning Commission.

Mrs. Anderson made a motion, seconded by Mr. Thompson, to table the plan until a resolution about the plan. Vote on the motion: Mrs. Anderson, Yes; Mr. Thompson, Yes; Mr. Powers, No; Mr. Coleman, No; Mr. Stanley, No. The motion did not carry.

#### MODIFICATION REQUEST(S)

Mrs. Anderson made a motion, seconded by Mr. Coleman, to deny the modification request for Section 22-602.1.G, 22-602.2.A and 22-602.2.C, the roadway widening and improvements requirement for School House Lane. Vote on the motion: All yes. The motion carried.

Mr. Stanley made a motion, seconded by Mrs. Anderson, to recommend approval of the modification request from Section 22-402.1.A, the Original Property Description at a scale of 1"=400' requirement. Vote on the motion: All yes. The motion carried.

Mr. Stanley made a motion, seconded by Mr. Thompson, to recommend approval of the modification request from Section 22-403.2.D, the stormwater management plan/report requirement. Vote on the motion: All yes. The motion carried.

Mrs. Anderson made a motion, seconded by Mr. Thompson, to recommend approval of the modification request from the existing features on adjacent tracts requirement. Vote on the motion: All yes. The motion carried.

Mr. Thompson made a motion, seconded by Mr. Stanley, to recommend approval of the modification request from Section 22-602.1.G, 22-602.2.A and 22-602.2.C , the roadway widening and improvements requirement for Lewisberry Road. Vote on the motion: All yes. The motion carried.

#### MOTION ON THE PLAN

Mr. Stanley made a motion, seconded by Mr. Coleman, to recommend approval of the plan to the Board of Supervisors contingent on the following: Subdivision and Land Development comments 5 thru 7; Outside Agencies comments 9 thru 11; General Recommendations 12 thru 14 and the withdrawal of the Preliminary Subdivision Plan for Shettel's Run. Vote on the motion: All yes. The motion carried.

### **SITE/LAND DEVELOPMENT PLANS**

There being no Site and Land Development Plans, Mr. Powers moved to Old Business

#### **OLD BUSINESS**

##### 1. Final Land Development Plan for ACME Trailer Works – 201 Ross Avenue

Mr. Thompson made a motion, seconded by Mrs. Anderson, to untable the plan. Vote on the motion: All yes. The motion carried.

Mr. Waller presented the plan to the Planning Commission.

Mr. Stalnecker discussed the Township Engineer's comments.

## Modifications

1. Submit Preliminary Land Development Plan. (22-301) Applicant is requesting a modification to this requirement of the Ordinance.
2. Provide Stormwater Management Facilities. (22-701) Applicant is requesting a modification to this requirement of the Ordinance.
3. Provide a written report from the York County Conservation District. (402.2.a) Applicant is requesting a modification to this requirement of the Ordinance.

## Zoning

4. Lighting is required for parking, loading, ingress, and egress areas of all non-residential uses intended to be utilized at night. (27-1203.2.C) The zoning officer is currently investigating the applicability of lighting requirements to the lot in question.
5. Several building setback lines are depicted incorrectly on the plan. It appears that the relocated building will be located within the side setback a distance that exceeds the two foot allowance granted in Zoning Hearing Board decision 2008-23.

## Subdivision and Land Development

6. Professional Signatures and Seals must be provided, and the certification blocks must be completed prior to recording the plan. (22-402.1.L)
7. The Certification of Ownership and Dedicatory Statement must be signed prior to recording the plan.
8. Proposed contours on the "Landscaping and Grading" inset do not appear to be correct. (22-402.1.R)
9. A minimum of two concrete monuments must be provided. The applicant has indicated that the recommended monument locations are not feasible. As such, the applicant should propose alternate monument locations or request a waiver. (22-611.3). *Mr. Stalnecker commented No. 9 is now a Modification Request.*
10. A Public Improvements estimate should be submitted for review. Surety must be provided for buffering plantings, erosion and sedimentation control, pavement removal (required for stormwater management), and concrete monuments.

## General Recommendations

11. It appears that grading in the southwestern corner of the proposed building will direct runoff into the building. Please provide additional spot grades, flow arrows, etc. to demonstrate how positive drainage will be maintained away from the structure.
12. The plan will not be approved unless the application is in compliance with Resolution 2008-13.

## MODIFICATION REQUEST(S)

Mr. Thompson made a motion, seconded by Mrs. Anderson, to recommend approval of the modification request from 22-301, the Preliminary Plan requirement. Vote on the motion: Mr. Powers, Yes; Mr. Coleman, Yes; Mr. Thompson, Yes; Mrs. Anderson, Yes; Mr. Stanley abstained.

The motion carried.

Mrs. Anderson made a motion, seconded by Mr. Thompson, to recommend approval of the Modification request from Section 22-701, stormwater management facilities requirement. Vote on the motion: Mr. Powers, Yes; Mr. Coleman, Yes; Mr. Thompson, Yes; Mrs. Anderson, Yes; Mr. Stanley abstained. The motion carried.

Mrs. Anderson made a motion, seconded by Mr. Thompson, to recommend approval of the modification request from Section 22-402.2.A, the YCCD written report requirement. Vote on motion: Mr. Powers, Yes; Mr. Coleman, Yes; Mr. Thompson, Yes; Mrs. Anderson, Yes; Mr. Stanley abstained. The motion carried.

Mr. Thompson made a motion, seconded by Mr. Coleman to deny the modification request from Section 611.3, concrete monuments requirement. Vote on the motion: Mr. Powers, Yes; Mr. Coleman, Yes; Mr. Thompson, Yes; Mrs. Anderson, Yes; Mr. Stanley abstained. The motion carried.

#### MOTION ON THE PLAN

Mrs. Anderson made a motion, seconded by Mr. Coleman, to recommend approval of the plan to the Board of Supervisors contingent on Zoning Comments 4 and 5; Subdivision and Land Development comments 6, 7, 8, and 10, and General comments 11 and 12. Vote on the motion: Mr. Powers, Yes; Mr. Coleman, Yes; Mr. Thompson, Yes; Mrs. Anderson, Yes. Mr. Stanley abstained. The motion carried.

### **NEW BUSINESS**

There being no New Business, Mr. Powers moved to the Zoning Hearing Board

### **ZONING HEARING BOARD**

Case No. 2009-06: Barry and Karen Kindt, 881 Pinetown Road, Lewisberry, PA 17339. The Applicants are requesting a special exception or variance pursuant to the Fairview Township Zoning Ordinance, Sections 1701 and 1704, for the continuation, extension, expansion or enlargement of a nonconforming use of a detached building. The Applicants wish to rebuild and enlarge an existing log cabin to be used as a guest house. The property is owned by the Applicants and is located in the Residential Rural District.

### **ADJOURNMENT**

Mr. Thompson made a motion, seconded by Mr. Stanley, to adjourn the meeting at 8:05 PM. Vote on the motion: All yes. The motion carried.