

FAIRVIEW TOWNSHIP PLANNING COMMISSION

May 1, 2012,

CALL TO ORDER

Chairman Michael A. Powers called the meeting to order at 7:02 PM

ROLL CALL

Present: Michael A. Powers, Chairman
Michael E. Thompson, Vice-Chairman
Anne K. Anderson, Member
Seth B. Grebbien, Member
Kevin V. Gorman, Member
Stephen M. Waller, Fairview Township Codes Administration Officer

APPROVAL OF MINUTES

Mrs. Anderson made a motion, seconded by Mr. Thompson, to recommend approval of the minutes of the April 3, 2012, Planning Commission meeting. Vote on the motion: All yes. The motion carried.

DISCUSSION AND CORRESPONDENCE

Mr. Powers advised the Planning Commission, and the audience, that the subdivision plans will be taken before the Discussion and Correspondence.

SKETCH PLANS

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

SUBDIVISION PLANS

1. Final Subdivision Plan for Ronald Eppley & Christopher Stremmel – Pinetown Road

Mr. Waller presented the plan to the Planning Commission.

Zoning Ordinance

All comments have been addressed.

Subdivision Ordinance:

1. The plans have a detail of the required driveway profile; however the Township Engineer has indicated that a minimum 18 inch pipe must be installed (if required) under the proposed driveway at the street. SLDO 402.1.C
2. The plans do not have the certification and dedicatory statement signed by the owner. SLDO 402.1.M
3. Plans do not show perc and probe locations for Lot No. 1. SLDO 402.1.Y Modification requested.

- Roadway widening is not shown along the frontage of the subdivision on the plans for the frontage of Pinetown Road. SLDO 602.2, Modification requested.

General Comments

- There is a typo on plan page No. 1 under the noted modification requests. The cartway modification is noted as section "606.2" and should be "602.2."
- The new One Call number is 811. Plans should reflect this new number.
- All plans have to comply with Resolution 2008-13, which indicates that all accounts with the Township must be current and not delinquent.

Modifications

- Proposed well location for Lot No. 1. SLDO 402.1.X
- Proposed septic location on Lot No.1. SLDO 402.1.Y
- Cartway widening along Pinetown Road. SLDO 602.2

Action on Modification Requests

Mr. Thompson made a motion, seconded by Mrs. Anderson, to recommend denial of the modification request from SDLO Section 402.1.X, the proposed well location for Lot No. 1 requirement. Vote on the motion. All yes. The motion carried.

Mrs. Anderson made a motion, seconded by Mr. Grebbien, to recommend denial of the modification request from SLDO Section 401.1.Y, the proposed septic locations for Lot No. 1 requirement. Vote on motion. All yes. The motion carried.

Mr. Thompson made a motion, seconded by Mrs. Anderson, to table the modification request. Vote on the motion. All yes. The motion carried.

Action on the Plan

Mr. Thompson made a motion, seconded by Mrs. Anderson, to table the plan per the cartway widening from PennDot. Vote on the motion. All yes. The motion carried.

2. Final Subdivision Plan for Mark and Loretta Walker – Nauvoo Road – 2 Lots

Mr. Waller presented the plan to the Planning Commission.

Zoning Ordinance

All comments have been addressed.

Subdivision Ordinance

1. The plans have a detail of the required driveway profile; however the Township Engineer has indicated that a minimum 18 inch pipe must be installed (if required) under the proposed driveway at the street. SLDO Section 402.1.C
2. The plans do not have the certification and dedicatory statement signed by the owner. SLDO 402.1.M
3. Plan do not show the required replacement septic site for Lot No. 2 SLDO 402.1.Y
4. The plan notes refer to not wetlands being on site. Was there a study conducted? There is a stream that traverses the property; typically wetlands are associated with these. SLDO 402.2.G
5. The General Lot Information table shows the proposed lot width at "100 feet". This should read the actual lot width for proposed Lot No. 2. SLDO 402.2.H
6. Roadway widening is not shown along the frontage of the subdivision on the plan for the frontage of Nauvoo Road. SLDO 602.2 Modification requested.

General Comments

7. Due to the lot add-on aspect of the revised plan with the existing residence on Lewisberry Roads, both tracts of land must be incorporated into the plan and described accordingly.
8. Modifications 2, 3 and 4 as noted on the cover sheet are not required now, due to the plans change from a two lot subdivision to a one lot subdivision/lot add-on plan.
9. The new One Call number is 811. Plans should reflect this new number.
10. All plans have to comply with Resolution 2008-13, which indicates that all accounts with the township must be current and not delinquent.

Modifications

11. Cartway improvements to Lewisberry and Nauvoo Road. SLDO 602.2

Action on the Modification Requests

Mr. Thompson made a motion, seconded by Mrs. Anderson, to deny the modification request from SLDO 602.2, the cartway improvements to the Lewisberry Road and Nauvoo Road requirements. Vote on the motion. All yes. The motion carried

Action on the Plan

Mr. Grebbien made a motion, seconded by Mrs. Anderson, to table the plan. Vote on the motion. All yes. The motion carried.

DISCUSSION AND CORRESPONDENCE

Timothy Staub of Rettew Associates, Inc., consultants contracted to assist in the revision of the Fairview Township Zoning Ordinance. Mr. Straub handed out a Draft Zoning Ordinance

Handout to the Planning Commission and members of the audience. Mr. Straub handed out a brief summary of the timetable from the adoption of Comprehensive Plan to the anticipated adoption of the revised Zoning Ordinance. A copy of the handout is attached to the minutes.

Mr. Powers opened the floor for public comment.

David Guy, Chairman of the Zoning Hearing Board, 699 Wyndamere Road, Lewisberry, PA
Mr. Guy would like to see some sort of special consideration in the Zoning Ordinance where the Zoning Officer could grant relief for existing single family dwellings with a twenty-five foot setback as opposed to the current forty foot setback requirement, without having to go before the Zoning Hearing Board for relief of the front yard setback requirement. This special consideration would only apply to single family dwellings on a local street.

A from Marvin Beshore, Esquire, Solicitor of the Fairview Township Zoning Hearing Board.
Mr. Beshore addressed the twenty-five (25) foot and forty (40) foot front yard setback requirement. The letter dated April 20, 2012, is attached to these minute.

Michael Kirshner, New View Corporation, Linglestown, PA.
Mr. Kirshner is concerned about the prohibition of public sewer and public water into the area where a New View Corporation currently has Preliminary Subdivision Plan known as the Tintsman Tract. A letter written by Bonnie M. Leo, President of New View Corporation, dated April 26, 2012, is attached to these minutes.

Robert J. Fisher, PE, RJ Fisher & Associates, Inc., New Cumberland, PA
Mr. Fisher stated that the twenty-five (25) foot setback is sufficient for the front yard. Mr. Fisher believes it is foolish to prohibit the extensions of public sewer and public water into the Rural Living Zoning District, especially if there are high nitrates levels in the well water.

James Hostetler, 68 Springer Lane, New Cumberland, PA
Mr. Hostetler advised he has a building along Fairview Road he uses for storage. He pays commercial electrical rates and has commercial insurance. Mr. Hostetler indicated that Allied Products, a small engine repair shop, the northern waste water treatment plant, World Painting and the Township yard waste and recycling center are all located in the area. Mr. Hostetler believes the area should be zoned Village Business and not Village Residential.

David Smith, 349 Pleasant View Road, New Cumberland, PA.
Mr. Smith indicated he has 45 acres of land off of Exit 38, Reeser's Summit. Mr. Smith property is in the Residential Rural Zoning District and the lands around Exit 38 is zoned Commercial Highway. Mr. Green would like to have his land rezoned to Commercial Highway. A letter dated April 20, 2012, is attached to these minutes.

Robert Bennett, 201 Ross Avenue, New Cumberland, PA.
Mr. Bennett indicated that the Limited Industrial District on Ross Avenue will be changed to Village Business with the revised Zoning Ordinance. Mr. Bennett believes the proper zoning district should be Industrial Business.

John Calaman, 80 Fetrow Lane, New Cumberland, PA
Mr. Calaman's residence is a non-conforming use of land in the Limited Industrial District. Under the existing Zoning Ordinance, if his property should be destroyed, the dwelling unit may be reconstructed and used for the nonconforming use. With the proposed zoning ordinance, if the if the cost to restore the nonconforming use to the before damage condition would equal or

exceed fifty (50) percent of the market value of the structure or use before the damage occurred shall not be restored except to conform to the regulations of the zoning district. Mr. Calaman would like the proposed ordinance to reflect the existing zoning ordinances policy as it relates to the restoration of a damaged property. A letter dated April 3, 2012, is attached to these minutes.

Mr. Thompson stated a property owner should be able to rebuild a destroyed property as with the current zoning ordinance. The fifty (50) percent threshold should be removed should be removed from the narrative.

David Beinhower, EK Services, 260 Old York Road, New Cumberland, PA
Mr. Beinhower advised the Planning Commission that the Pennsylvania Turnpike Commission is taking a portion of their property at 260 Old York Road for a Turnpike widening project. With the pending Turnpike project, the company purchased twenty-six acres of land situation between Marsh Run Road and the Old York Road. The twenty-six acre lot is currently in the Residential Rural Zoning District. The Beinhowers are asking the Board of Supervisors to consider expanding the Limited Industrial Zoning District to the twenty-six acre tract, which borders the existing Limited Industrial District. A letter dated March 30, 2012, is attached to these minutes.

Mrs. Anderson would like to see the phrase "Greatest Extent Possible" removed from the proposed Zoning Ordinance. Mrs. Anderson further stated the parking spaces seem small.

SITE/LAND LAND DEVELOPMENT PLANS

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

OLD BUSINESS

There being no Old Business, Mr. Powers moved to New Business

NEW BUSINESS

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

ZONING HEARING BOARD

Case No. 2012-05: Erik and Jennifer Chuba, 1166 Pinetown Road, Lewisberry, PA17339. The Applicants are requesting a variance to the Fairview Township Zoning Ordinance, Section 1302.1 and 1302.2, Accessory Buildings and Structures on Conforming Lots. The Applicants installed a pre-manufactured garage in the front yard without benefit of a Zoning Permit. The property is owned by the Applicants and is in the Residential Rural Zoning District.

Mr. Grebbien advised the Planning Commission he is resigning his position on the Planning Commission. Mr. Grebbien is moving out of the Township. The Planning Commission accepted his resignation.

ADJOURNMENT

Mr. Thompson made a motion, seconded by Mrs. Anderson, to adjourn the meeting at 9:03 PM. Vote on the motion: All yes. The motion carried.