

FAIRVIEW TOWNSHIP PLANNING COMMISSION

June 5, 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
Stephen M. Waller, Fairview Township Codes Administration Officer

Absent: Kevin V. Gorman, Member

APPROVAL OF MINUTES

Mrs. Anderson made a motion, seconded by Mr. Thompson, to recommend approval of the minutes of the May 1, 2012, Planning Commission meeting. Vote on the motion: All yes. The motion carried.

DISCUSSION AND CORRESPONDENCE

Mr. Waller presented the proposed draft ordinance and draft zoning map revisions to the Planning Commission. Mr. Waller noted that some of the proposed map changes, as requested by the property owners, would require an amendment to the 2010 Comprehensive Plan. He described the process for an update to the Comprehensive Plan and indicated that if this would be the case, the Draft Zoning ordinance and Zoning Map would be in conflict with the Comprehensive plan until that document was updated to reflect an expansion of the growth areas. This expansion would include the proposed property owners changes to the Zoning Map.

- Mr. Waller advised the Planning Commission that a new request for a map change had been received and described that are to the Planning Commission.

The new area had been added to the exhibit zoning map that was presented to the Planning commission at the May meeting. This new area "5" is located south of YMCA Drive and east of Steigerwalt Hollow Road. The land area is approximately 105 +/- acres. The requested change would be from Rural Living (RL) to Single Family Residential (RS) or Residential Mixed Use (RMU).

Mr. Thompson indicated it would not be a bad use for the land. There would not be a problem changing it to Single Family Residential (RS). Utilities are in the area.

Mrs. Anderson questioned why this area was not in the Comprehensive Plan. Mr. Waller indicated that the Comprehensive Plan noted certain areas as "growth areas" and that the intent of the plan was to focus development in those areas while decreasing development in the remaining areas.

Motion on the zoning change for Area No. 5

Mr. Thompson made a motion, seconded by Mr. Powers to recommend to the Board of Supervisors to revise the zoning for the Area No. 5 from Rural Living to Single Family Residential. Vote on the motion. Mr. Thompson, Yes; Mr. Powers, Yes; Mrs. Anderson, No, Mrs. Anderson stated she voted “no” because she would not like the process to come to a halt to revise the Comprehensive Plan at this time. The motion carried.

Timothy Staub, AICP, Project Manager representing Rettew Associates, Inc. took the comments from the May 1, 2012, Planning Commission Meeting and summarized the comments in a memorandum. The memorandum provided a commentary of the dialog as it relates to the Zoning Ordinance and general suggestions. The members of the Planning Commission received a copy of the memorandum.

The Planning Commission acted on the comments in the memorandum in the order presented by Mr. Staub.

1. Issue of the 40 foot setback in the RL and RS Zoning Districts. Mrs. Anderson made a motion, seconded by Mr. Thompson to adopt the recommendation of Marvin Beshore, Solicitor of the Planning Commission in a letter dated April 20, 2012, and addressed to the Planning Commission. That the following amendment could be added to the text of Sections 405.4 and 505.4 of the Zoning Ordinance: “Provided, however, that the setback distance shall be 25 feet if the home was build when the setback was applicable.” Vote on the motion. Mrs. Anderson, Yes; Mr. Thompson; Mr. Powers, Yes. The motion carried.
- 2a. Concerned about the prohibition of extending public water and public sewer into the Rural Area Zoning Districts. Mr. Thompson made a motion, seconded by Mrs. Anderson, that sanitary sewer extensions should not be limited. Vote on the motion. Mr. Thompson, Yes; Mrs. Anderson, Yes; Mr. Powers, Yes. The motion carried.
- 2b. Concerned the proposed 250 foot minimum lot frontage is excessive. Mrs. Anderson made a motion, seconded by Mr. Thompson, to keeping the minimum lot frontage at 250 feet in the Rural Living Zone. Vote on the motion. Mrs. Anderson, Yes; Mr. Thompson, Yes; Mr. Powers, Yes. The motion carried.
- 3b. Concerned that the 60 foot minimum lot width is difficult to accommodate homes with side loaded garages. Mrs. Anderson made a motion, seconded by Mr. Thompson, to keep the minimum lot width at 60 feet. Vote on the motion. Mrs. Anderson, Yes; Mr. Thompson, Yes; Mr. Powers, Yes. Vote on the motion. Mr. Anderson, Yes; Mr. Thompson, Yes; Mr. Powers, Yes. The motion carried.
- 3e. Concerns about the excessive amount of studies required for development of 5 or more lots. Mrs. Anderson made a motion, seconded by Mr. Thompson, to keep the required amount of Studies. Vote on the motion. Mrs. Anderson, Yes; Mr. Thompson, Yes; Mr. Powers, Yes. The motion carried.
4. Comments from a property owners along Fairview Road Zoned Village Residential (VR) vs. Residential Single (RS). Mrs. Anderson made a motion, seconded by Mr. Thompson, to change the zoning to Village Business. Vote on the motion. Mrs. Anderson, Yes; Mr. Thompson, Yes; Mr. Powers, Yes. The motion carried.
6. Comments from property owner along Pleasant View Road, zoning change from Rural Living (RL) to Commercial Business (CB). Mr. Thompson made a motion, seconded by Mr. Power,

to Change the zoning from Rural Living (RL) to Commercial Business (CB). Vote on the motion. Mr. Thompson, Yes; Mr. Powers, Yes, Mrs. Anderson, No. Mrs. Anderson stated she voted “no” because she would not like the process to come to a halt to revise the Comprehensive Plan at this time. The motion carried.

7. Property Along Ross Avenue Currently Zoned Limited Industrial (LI) to be Zoned Village Mixed Use (VMU) to Airport Business (AB). Mr. Thompson made a motion, seconded by Mrs. Anderson, to change the proposed zoning along Ross Avenue to Airport Business. Vote on the motion. Mr. Thompson, Yes; Mrs. Anderson, Yes; Mr. Powers, Yes. The motion carried.
8. Comments from property owner wishing to see more industrial and commercial on the proposed Zoning map, and concerns regarding to the restoration of a non-conforming residential use of a structure damaged or destroyed. Mr. Thompson made a motion, seconded by Mrs. Anderson, to keep the restoration of a damaged or destroyed structure as it is in the current Zoning Ordinance. Vote on the motion. Mr. Thompson, Yes; Mrs. Anderson, Yes; Mr. Powers, Yes. The motion carried.
9. Comments from property owner along Marsh Run Road whose property is to be designated as RL Zoning District under the proposed Zoning Ordinance, but is currently designated as RR Zoning District under the current Zoning Ordinance, to change the designation to IB or AB Zoning District. Mr. Thompson made a motion, seconded by Mr. Powers, to change Lot No. 1 to the AB Zoning District. Vote on the motion. Mr. Thompson, Yes; Mr. Powers, Yes; Mrs. Anderson, No. Mrs. Anderson stated she voted “no” because she would not like the process to come to a halt to revise the Comprehensive Plan at this time. The motion carried.
10. Comments from Planning Commission member concerned that 22 feet aisles in parking lots is too narrow. Currently, the provisions listed in the proposed Zoning Ordinance are generally consistent with the current Zoning Ordinance. Coordinate with the Township Engineer to determine acceptable aisle size.

Motion on the Proposed Zoning Ordinance and Zoning Map

Mrs. Anderson made a motion, seconded by Mr. Thompson, to proceed with the changes we outlined today. Vote on the motion. Mrs. Anderson, Yes; Mr. Thompson, Yes; Mr Powers, Yes. The motion carried.

SKETCH PLANS

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

SUBDIVISION PLANS

There being no Subdivision Plans, Mr. Powers moved to Land Development Plans

LAND DEVELOPMENT PLANS

1. Minor Final Land Development Plan for Allied Roofing – Pleasant View Road

Mr. Waller presented the plan to the Planning Commission.

Zoning Ordinances

No Comments.

Subdivision Ordinances

1. The plans do not have the certifications and dedicatory statement signed by the owner. SLDO 402.1.M
2. Plan does not indicate all of the proposed/existing property markers. SLDO 402.1.U
3. York County Conservation District approval will be required due to the amount of the proposed disturbance. SLDO 402.2.A
4. An improvement guarantee estimate prepared by the applicant's engineer and subsequent placement will be required. SLDO 502.A.(2)(B)
5. An executed Improvement guarantee security agreement will be required. SLDO 502.A(3) and Appendix 11.

General Comments

6. PennDOT's review and acknowledgement of the stormwater concept associated with this property will be required. Outside agency for approval.
7. All plans have to comply with Resolution 2008-13, which indicates that all accounts with the Township must be current and not delinquent

Modifications

8. Pertaining to constructing improvements to Pleasant View Road. SLDO 602.1.G
9. Pertaining to constructing additional cartway along Pleasant View Road. SLDO 602.2.G
10. Pertaining to stormwater land cover pre-development conditions. SLDO 701.3.c(4)(a)

Action on modification requests

Mrs. Anderson made a motion, seconded by Mr. Thompson, to recommend approval of the three (3) modifications requests. Vote on the motion. All yes. The motion carried.

Action on the plan

Mr. Thompson made a motion, seconded by Mrs. Anderson, to recommend approval of the plan to the Board of Supervisors contingent on the subdivision comments 1 thru 4, and general comment number 6. Vote on the motion. All yes. The motion carried.

OLD BUSINESS

1. Preliminary Subdivision for Oak Hill – Oak Hill Road – 50 Lot

Mr. Thompson made a motion, seconded by Mrs. Anderson, to un-table the plan. Vote on the

Motion. All yes. The motion carried.

Mr. Waller presented the plan to the Planning Commission.

Zoning Ordinance

No Comments

Subdivision Ordinance

1. The plans do not have the certification and dedicatory statement signed by the owner. SLDO 402.1.M
2. The phasing plan that has been indicated in the plans set is not in compliance with the Municipalities Planning Code (M.P.C.) which notes that each phase should include a minimum of 25% of the proposed subdivision lots unless accepted by the Board of Supervisors. The proposed phasing plan schedule indicates seven phases with a build out timeline of 17 years for the proposed 50 lots. SLDO 402.1.N.1 & 2 & M.P.C.- 509.i
3. Sight triangles are required for Lots #1 and #2 along Oak Hill Drive, per the Township Engineer. SLDO 402.1.S
4. Applicants representative has indicated that the previously submitted T.I.S. reviewed by Trans Associates to reflect the new information on the plan, please submit written correspondence referred to in the response letter. SLDO 402.1.BB
5. Submission of an approved NPDES/ York County Conservation plan is required. SLDO 402.2.A
6. Submission of an approved full DEP Planning Module is required due to the properties close proximity to high nitrates and the "Gettysburg" geologic formation. SLDO 402.2.B & DEP Act 537 approval condition #4.
7. Compliance with Recreation Area/Fees are required. The proposed recreation area indicated on the plans will need to be reviewed and recommended on by the Planning Commission. This proposed area of the township is NOT reflected on the current Park & Recreation plan as being in need of a neighborhood park. SLDO 402.2.I & 613
8. An improvement guarantee estimate will be required prior to final plan approval. That estimate should include all portions of the approved SWM plan (rain gardens, retentions areas, etc) as well as all other site improvements. SLDO 501.1
9. The proposed driveway located on lot # 1 is within the required 5 ft setback from a property line SLDO 606.4.G
10. If a hydrology study was submitted of the previous version of the development, a revised study should be submitted to reflect the current layout. SLDO 609.1.C
11. Storm water basin fencing is required to be a minimum of 6 ft high. SLDO 701.3.C.9 - BOS approved modification on April 30, 2012.

12. The proposed driveways located on lots #40 & 41 are located above storm water easements, which is not permitted by ordinance. The pipe structures below the driveways are at a relatively shallow depth. SLDO 701.3.F.4 - *BOS approved modification on May 21, 2012.*
13. A homeowners association is required to be responsible for the common storm water facilities within the development. HOA documents should be revised accordingly and submitted for Township Solicitor review. SLDO 701.7.A

General Comments

14. There are several lots where the proposed septic systems could be located too close to the property line (10ft) OR to an easement (10ft) OR and watercourse (50ft) per DEP regulations. Lot #'s 3, 7, 8, 11, 19, 21, 22, 29, 34. These areas should be evaluated to insure setback compliance with the construction of the primary and/or secondary septic systems.
15. The proposed septic locations on lots # 17 & 34 are located directly below discharge points of either a storm water pipe (#34) or emergency spillways (# 17).
16. All plans have to comply with Resolution 2008-13, which indicates that all accounts with the township must be current and not delinquent.

Modifications

17. Cartway improvements along Oak Hill Road. SLDO 602.1.G - *BOS approved modification on April 30, 2012.*
18. Additional Cartway improvements along Oak Hill Road. SLDO 602.2.C - *BOS approved modification on April 30, 2012.*
19. Cul-de-sacs intersecting other cul-de-sacs. SLDO 602.4.B - *BOS approved modification on April 30, 2012.*
20. Storm water basin fencing construction. SLDO 701.3.C.9 - *BOS approved modification on April 30, 2012.*
21. Improvements within stormwater easements. 701.3.F.4 - *BOS approved modification on May 21, 2012.*
22. Stormwater headwall and endwall protection requirements. - *BOS denied modification on May 21, 2012.*

Mr. Thompson made a motion, seconded by Mrs. Anderson, to pay a fee in lieu of land dedication for recreation. Vote on the motion. All yes. The motion carried.

Motion on the plan

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

2. Final Subdivision Plan for Ronald Eppley & Christopher Stremmel – Pinetown Road – 2 Lots

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

Mr. Waller presented the plan to the Planning Commission.

Zoning Ordinance

All comments have been addressed.

Subdivision Ordinance

1. The plans do not have the certification and dedicatory statement signed by the owner. SLDO 402.1.M
2. The General Lot Information table shows the proposed lot width at "100 feet". This should read the actual lot width for proposed Lot #1 flag portion. SLDO 402.2.H
3. 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

4. The new One Call number is 811. Plans should reflect this new number.
5. All plans have to comply with Resolution 2008-13, which indicates that all accounts with the township must be current and not delinquent.
6. The access easement that is reflected on lot #1 can now be removed due to the entire lot consolidation.
7. The driveway spur from the existing Eppley driveway that continues on and stops just short of the eastern edge of the Bear property is not associated with access across the adjacent Bear property? If so, recording information from the access easement should be reflected OR an access easement should be depicted on the plans.

Modifications

8. Cartway widening along Pinetown Road. SLDO 602.2

Mrs. Anderson made a motion, seconded by Mr. Thompson, to recommend approval of the modification request because PennDOT issued a letter indicating that their roadway not be widened. Vote on motion. All yes. The motion carried.

Action on the plan.

Mrs. Anderson made a motion, seconded by Mr. Thompson, to recommend approval of the plan to the Board of Supervisors contingent on 1 thru 6. Vote on the motion. All yes. The motion carried.

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

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

Mr. Waller presented the plan to the Planning Commission.

Zoning Ordinance

1. Note #12 in the "General Notes" will need to be adjusted to include the existing Walker Homestead on Lot #1, that is also an existing non-conformity.

Subdivision Ordinance

2. The plans do not have the certification and dedicatory statement signed by the owner. SLDO 402.1.M
3. Roadway widening is not shown along the frontage of the subdivision on the plans for the frontage of Nauvoo and Lewisberry Roads. SLDO 602.2 *Modification requested - BOS approval May 21, 2012.*
4. The new One Call number is 811. Plans should reflect this new number.
5. All plans have to comply with Resolution 2008-13, which indicates that all accounts with the township must be current and not delinquent.

Modifications

6. Cartway improvements to Nauvoo and Lewisberry Roads. SLDO 602.2 - *BOS approved on May 21, 2012.*

Motion on the plan

Mr. Thompson made a motion, seconded by Mrs. Anderson, to recommend approval of the plan to the Board of Supervisors contingent on comments 1, 3 and 4. Vote on the motion. All yes. The motion carried.

NEW BUSINESS

Mr. Waller advise the Planning Commission he will not be at the July3, 2012, Planning Commission meeting

ZONING HEARING BOARD

Case No. 2012-07: Cycle Chem, Inc., 550 Industrial Drive, Lewisberry, PA17339. The Applicant is requesting a variance to the Fairview Township Zoning Ordinance, Section 1005.1.E, Regulations for Recycling/Transfer Facilities, Area Regulations, Side Yard Setbacks. The Applicant wishes to erect an hazardous waste storage building. The Applicant requests to encroach on the side yard setback. Proposed setback is 64.2 feet. The required side yard setback is 75 feet. The property is owned by the Applicant and is in the Limited Industrial Zoning District.

ADJOURNMENT

Mr. Thompson made a motion, seconded by Mrs. Anderson, to adjourn the meeting at 8:40 PM. Vote on the motion: All yes. The motion carried.