

FAIRVIEW TOWNSHIP PLANNING COMMISSION

September 1, 2009

CALL TO ORDER

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

ROLL CALL

Present: Michael A. Powers, Chairman
Bernard J. Coleman, Vice-Chairman
Robert P. Stanley, Jr., Member
Michael E. Thompson, 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. Thompson made a motion, seconded by Mr. Coleman, to recommend approval of the minutes for the August 4, 2009, Planning Commission meeting. Vote on the motion: Mr. Powers, Yes; Mr. Coleman, Yes; Mr. Stanley, Yes; Mr. Thompson, Yes; Mrs. Anderson abstained. The motion carried.

DISCUSSION AND CORRESPONDENCE

1. Discussion of the proposed revised Flood Plains Ordinance

Mr. Thompson asked Mr. Waller if there were revised Flood Plains Maps available. Mr. Waller indicated that there were drafts of maps, but the maps would not be available until the proposed ordinance is adopted. There were slight changes in the maps. Mr. Thompson indicated he would have liked to see them.

MOTION ON THE PROPOSED ORDINANCE

Mrs. Anderson made a motion, seconded by Mr. Stanley, to recommend approval of the ordinance to the Board of Supervisors, including the comments from the August 4, 2009, Planning Commission meeting. Vote on the motion: Mr. Powers, Yes; Mr. Coleman, Yes; Mr. Stanley, Yes; Mrs. Anderson, Yes; Mr. Thompson, No. The motion carried.

SKETCH PLANS

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

SUBDIVISION PLANS

1. Preliminary/ Final Subdivision of 227 Willis Road – David & Tonya Gilmore – 2 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 along Willis Road. (22-602.1.G, 602.2.A and 602.2.C) Applicant is requesting a modification to this requirement of the Ordinance.
2. Provide a Stormwater Management Plan. (22-403.2.D) Applicant is requesting a modification to this requirement of the Ordinance.
3. Provide Original Property Description Plan at a scale of 1" = 400'. (22-402.1.A) Applicant is requesting a modification to this requirement of the Ordinance.
4. Provide existing features on adjacent properties. (22-402.1.O) Applicant is requesting a modification to this requirement of the Ordinance.

Subdivision and Land Development

5. Professional Signatures and Seals must be provided, and the certification blocks must be completed prior to recording the plan. (22-402.1.L)
6. The Certification of Ownership and Dedicatory Statement must be signed prior to recording the plan.
7. If the requested modifications are not approved, and public improvements are required, a cost estimate should be submitted for review. (22-501)
8. Sight Distance for all existing and proposed driveways must be provided on the plan. (22-402.1.S)
9. The existing driveways for lot 1 do not meet the 100' minimum separation requirement. The Zoning Officer should determine whether or not this condition must be corrected by the subject plan. (22-606.4.C)

Outside Agency Approvals

10. Verification is required that the sewage module for land development or an exemption was approved by PA DEP and/or the Township Sewage Enforcement Officer for Lot 1-B. (22-402.2.B)
11. A note should be added to the plan indicating that the two (2) parcels owned by the Gilmore's are currently participating in the County's Clean and Green program. (22-403.2.K)

General Recommendations

12. The proposed driveway for 1-B appears to have a slope of 20 to 25%, while the Typical Driveway Profile indicates a slope of 13%. Contours, spot grades, grade arrows, or other means should be used to demonstrate that the driveway is feasible.
13. The plan will not be approved unless the application is in compliance with Resolution 2008-13.

The plan was not represented.

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 Nazzaro & Fisher – 503 & 505 Evergreen Road – 2 Lots

Mr. Waller presented the plan to the Planning Commission.

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

Modifications

1. Provide roadway widening and additional right-of-way along the property frontage. (22-602.1.G) Applicant is requesting a modification to this requirement of the Ordinance. It is recommended that the modification request also include sections 22-602.2.B and 22-602.2.C.

Zoning

2. A copy of the Zoning Hearing Board Decision affecting minimum building setbacks for the accessory structure on the Fisher property should be provided. In addition, the Ordinance section and case number for the variance referenced on the cover sheet should be added to the note. (27-1302.1)

Subdivision and Land Development

3. Professional Signatures and Seals must be provided, and the certification blocks must be completed prior to recording the plan. (22-402.1.L)
4. The Certification of Ownership and Dedicatory Statement must be signed prior to recording the plan.
5. Dimensions should be provided for the existing right-of-way and cartway width. (22-403.1.E) The plan indicates that the right-of-way width varies. In this case, the minimum and maximum width should be provided.
6. It appears that the sight distance for the driveway on the Fisher Property, looking North along Evergreen Road is inadequate. (22-602.7)
7. The location of the existing water line should be provided on the plan, as well as the location of the lateral serving each property. (22-402.1.O)

General Recommendations

8. The plan will not be approved unless the application is in compliance with Resolution 2008-13.

David Weinbrecht, PE, Alpha Consulting Engineers, represented the plan. Will amend the modification request to provide additional dedication of right-of-way, in lieu of widening the roadway.

ACTION ON THE MODIFICATION REQUEST

Mr. Thompson made a motion, seconded by Mr. Stanley to recommend approval of the modification request to the Board of Supervisors contingent of property owners dedicating additional right of way. 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 Zoning Comments, Subdivision comments 3 to 7, and the General Recommendations. Vote on the motion: All yes. The motion carried.

SITE/LAND DEVELOPMENT PLANS

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

OLD BUSINESS

1. Revised Preliminary/Final Subdivision Plan of the Mikos Estate – Big Spring Road – 2 Lots

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. The plan had been revised from a four lot subdivision to a two lot subdivision.

Mr. Stalneckner discussed the Township Engineer's comments. Comments are essentially the same comments as the August Planning Commission meeting. Comment 10 should not be there. The four lot subdivision was withdrawn at the August, 2009 meeting of the Board of Supervisors.

Modifications

1. Provide roadway widening along Big Spring Road and Timber Ridge Road. (22-602.1.G, 602.2.A and 602.2.C) Applicant is requesting a modification to this requirement of the Ordinance.
2. Provide existing features on adjacent properties. (22-401.1.O) Applicant is requesting a modification to this requirement of the Ordinance.
3. Provide an original property description plan at a scale of 1" = 400'. (22-402.1.A) Applicant is requesting a modification to this requirement of the Ordinance.
4. Extend public water to new lots from an existing public system located 1,000 feet or less from the property. (22-609.1.A) Applicant is requesting a modification to this requirement of the Ordinance.
5. Extend public sewage to new lots from an existing public system located 1,000 feet or less from the property. (22-610.1.A) Applicant is requesting a modification to this requirement of the Ordinance.
6. Provide curb along the roadway frontage. (22-604.2) Applicant is requesting a modification to this requirement of the Ordinance.
7. Provide sidewalk along the roadway frontage. (22-605.1) Applicant is requesting a modification to this requirement of the Ordinance.

Subdivision and Land Development

8. Professional Signatures and Seals must be provided, and the certification blocks must be completed prior to recording the plan. (22-402.1.L)

9. 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.
10. The applicant shall pay a fee in lieu of dedication of park and recreational land. (22-613.2.)
11. It appears that access to the Nancy C. Mikos property currently occurs via the driveway on Lot 2. The plan should be revised to accurately depict the driveway configuration. (22-402.1.S). How will access to the Nancy Mikos property be achieved following the proposed subdivision? (22-402.1.Q)
12. If modifications are not approved, and public improvements are required, a cost estimate for the proposed work should be submitted for review. (22-501)

Outside Agency Approvals

13. Sewage planning module approval or exemption is required.
14. The Township SEO shall review and approve all on site treatment facilities. (22-610.1.D.(4))

General Recommendations

15. The plan will not be approved unless the application is in compliance with Resolution 2008-13.

MOTION ON THE MODIFICATION REQUESTS

Mr. Thompson made a motion, seconded by Mr. Stanley to recommend approval of the modification request from 22-602.1.G, 602.2.A and 602.2.C, the roadway widening along Big Spring Road and Timber Road requirements, contingent on a note being placed on the plan indicating if there is future subdivision of the property, or the Township deems the improvement are necessary, the property owner will comply with the improvements.

Mr. Stanley made a motion, seconded by Mrs. Anderson, to recommend approval of the modification request from 22-401.1.O, the existing features on adjacent properties 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 22-402.1.A, the original property description plan at a scale of 1"= 400' requirement. 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 22-609.1.A., the extension of public water to new lots with from an existing public system located 1,000 feet or less from the property requirement. Vote on the motion: Mr. Powers, Yes; Mr. Thompson, Yes; Mr. Stanley, Yes; Mrs. Anderson, Yes; Mr. Coleman, No. The motion carried.

Mr. Stanley made a motion, seconded by Mrs. Anderson, to recommend approval of the modification request from 22-610.1.A, the extension of public sewage to new lots with from an existing public system located 1,000 feet or less from the property requirement. Vote on the motion: Mr. Powers, Yes; Mr. Thompson, Yes; Mr. Stanley, Yes; Mrs. Anderson, Yes; Mr. Coleman, No. The motion carried.

Mr. Thompson made a motion, seconded by Mr. Stanley, to recommend approval of the modification request from 22-604.2, the provide curb along the roadway frontage requirement. Vote on the motion: Mr. Powers, Yes; Mr. Thompson, Yes; Mr. Stanley, Yes; Mrs. Anderson, Yes; Mr. Coleman, No. The motion carried.

Mrs. Anderson made a motion, seconded by Mr. Stanley, to recommend approval of the modification request from 22-605.1, the provide sidewalks along the roadway frontage requirement. Vote on the motion: Mr. Powers, Yes; Mr. Thompson, Yes; Mr. Stanley, Yes; Mrs. Anderson, Yes; Mr. Coleman, No. The motion carried.

MOTION 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 the Subdivision and Land Development comments 8, 9 and 12; Outside Agency comments and General Recommendations. Vote on the motion: Mr. Powers, Yes; Mr. Thompson, Yes; Mr. Stanley, Yes; Mrs. Anderson, Yes; Mr. Coleman, No. The motion carried.

2. Preliminary/Final Subdivision Plan for David & Tonya Gilmore – 227 Willis Road – 3 Lots

At this point in the meeting, John B. Walker, PE, representing Hoover Engineering Services, Inc., for the Preliminary/Final Subdivision Plan of 227 Willis Road, asked the Planning Commission if they would untable the plan and proceed with the plan.

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

Mr. Waller presented the plan to the Planning Commission.

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

Modifications

1. Provide roadway widening along Willis Road. (22-602.1.G, 602.2.A and 602.2.C) Applicant is requesting a modification to this requirement of the Ordinance.
2. Provide a Stormwater Management Plan. (22-403.2.D) Applicant is requesting a modification to this requirement of the Ordinance.
3. Provide Original Property Description Plan at a scale of 1" = 400'. (22-402.1.A) Applicant is requesting a modification to this requirement of the Ordinance.
4. Provide existing features on adjacent properties. (22-402.1.O) Applicant is requesting a modification to this requirement of the Ordinance.

Subdivision and Land Development

5. Professional Signatures and Seals must be provided, and the certification blocks must be completed prior to recording the plan. (22-402.1.L)
6. The Certification of Ownership and Dedicatory Statement must be signed prior to recording the plan.
7. Because the Gilmore property north of Willis Road is a separate parcel by de facto subdivision, it should be provided with a proposed lot number. (22-402.1.D)
8. If the requested modifications are not approved, and public improvements are required, a cost estimate should be submitted for review. (22-501)

9. The "Existing Driveway Sight Distance" table indicates that inadequate sight distance is available for lots 2 and 3. (22-402.1.S)
10. The existing driveways for Lot 2 do not meet the 100' minimum separation requirement. The Zoning Officer should determine whether or not this condition must be corrected by the subject plan. (22-606.4.C)

Outside Agency Approvals

11. Verification is required that the sewage module for land development or an exemption was approved by PA DEP and/or the Township Sewage Enforcement Officer for Lot 1-B. (22-402.2.B)
12. A note should be added to the plan indicating that the two (2) parcels owned by the Gilmore's are currently participating in the County's Clean and Green program. (22-403.2.K)

General Recommendations

13. The detail labeled "Typical Roof Drain Seepage Pit Detail for Lot 1-B" appears to refer to lot 2-B.
14. The plan will not be approved unless the application is in compliance with Resolution 2008-13.

MOTION ON MODIFICATION REQUEST(S)

Mrs. Anderson made a motion, seconded by Mr. Stanley, to recommend approval of the modification request from 22-602.1.G, 602.2.A and 602.2.A, the roadway widening requirement along Willis Road contingent on a note being placed on the plan indicating if there is future subdivisions of the lots, or the Township deems the improvements are necessary, the property owners will comply with the improvements for the whole tract. Vote on the motion: Mr. Powers, Yes; Mr. Thompson, Yes; Mr. Stanley, Yes; Mrs. Anderson, Yes; Mr. Coleman, No. The motion carried.

Mrs. Anderson made a motion, seconded by Mr. Stanley, to recommend approval of the modification request from 22-403.2.D, the stormwater management plan 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 22-402.1.A, the original property description plan at a scale of 1"= 400' requirement. Vote on the motion: All yes. The motion carried.

Mr. Thompson made a motion, seconded by Mrs. Anderson, to recommend approval of the modification request from 22-401.1.O, the existing features on adjacent properties requirement. Vote on the motion: All yes. The motion carried.

The lot north of Willis Road is a defacto subdivision by virtue of Willis Road going through the lot. Mr. Walker indicated to the Planning Commission that percs and probes will be done on the lot and the lot will be assigned a parcel number.

MOTION ON THE PLAN

Mr. Thompson made a motion, seconded by Mr. Stanley, to recommend approval of the plan to the Board of Supervisors contingent on Subdivision and Land Development comments 5, 6, 7, 8 and 9; a new note 10 to re-label the lots; and a new note 11 to revise the setbacks on Lot 3; Outside Agency approvals 12 and 13, and General Recommendations 14, compliance to Resolution 2008-13. Vote on the motion: All yes. The motion carried.

NEW BUSINESS

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

ZONING HEARING BOARD

Case No. 2009-14: Bonnie Plants, 1727 Highway 223, Union Spring, AL 36089. The Applicant is requesting a variance to the Fairview Township Zoning Ordinance, Section 405.3, Maximum Permitted Lot Coverage in the Residential Rural District, and Section 1404, Off-Street Parking. The Applicant wishes to erect two (2) 150 feet by 56 feet green houses, which will increase the impervious coverage more than the 30% maximum under the Ordinance. The applicant wishes a variance to the increase in parking spaces required. The property is owned by Timothy E. Langletz, and is located at 900 Limekiln Road, in the Residential Rural District.

Case No. 2009-15: Joseph Kucharik, Jr., 421 Chestnut Way, New Cumberland, PA 17070. The Applicant is requesting a variance to the Fairview Township Zoning Ordinance, Section 505.4, Front Yard Setback, and Section 1304.1, Fences and Walls. The Applicant wishes to erect a 32 inch decorative stone wall in the front yard. The proposed wall will be a curved wall and will be approximately two feet from the right-of-way at its closest point, and not along the building setback line. The property is owned by the Applicant, and is located at in the Residential Single District.

Case No. 2009-16: Linda D. Panoska, 544 Fishing Creek Road, New Cumberland, PA 17070. The Applicant is requesting a variance to the Fairview Township Zoning Ordinance, Section 505.4, Front Yard Setback, and Section 1306.2, Yard Regulations, and Section 1303, Accessory Buildings and Structures on Corner Lots. The Applicant wishes to erect a carport over the existing driveway off of Bowman Avenue. The property is owned by the Applicant, and is located at in the Residential Single District.

ADJOURNMENT

Mrs. Anderson made a motion, seconded by Mr. Thompson, to adjourn the meeting at 8:22 PM.
Vote on the motion: All yes. The motion carried.