

# FAIRVIEW TOWNSHIP PLANNING COMMISSION

September 4, 2012

## CALL TO ORDER

Chairman Michael A. Powers called the meeting to order at 7:03 PM

## ROLL CALL

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

## APPROVAL OF MINUTES

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

## DISCUSSION AND CORRESPONDENCE

Mr. Waller commented about the previous recommendations of approval by the Planning Commission for the text and map changes of the proposed Zoning Ordinance draft. The Township Solicitor indicated that if the Planning Commission still agrees with the original text and map changes, the Planning Commission does not have to revisit recommendations. Mr. Waller indicated that there were three additional requests.

Mr. Waller reviewed the original Zoning Map changes as follows:

1. The EK Services property along the Old York Road from Rural Living (RL) to Industrial Business (IB).
2. The Smith property, located at 349 Pleasant View Road, from Rural Living (RL) to Commercial Business (CB) or Industrial Business (IB).
3. The ACME Trailer Works, located at 201 Ross Avenue, from Village Mixed Use (VMU)/Village Business (VB) to Airport Business (AB).
4. Fairview Road, from Village Residential (V) to Village Business (VB).
5. The Grace properties, along Steigerwalt Hollow Road, from Rural Living (RL) to Single Family Residential (SL) or Residential Mixed Use (RMU).

Request No. 6: Change from Commercial Business (CB) to Residential Mixed Use (RMU) located along the Lewisberry Road, at the CLSPT Limited Partnership tract, the Fairview Township tract and the Comcast Cablevision tract.

Mrs. Anderson asked Mr. Waller if these requests would require revisiting the Comprehensive Plan. Mr. Waller indicated no from a gross aspect, but yes from a planning point of view.

Request No. 7: Text amendment to allow warehousing in the Commercial Business (CB) District situated along Interstate Route 83 between the Lewisberry Road and the Pennsylvania Turnpike. The warehouses would have specific regulations if they would be permitted in a Commercial Business (CB) District. The request will require a revisiting of the Comprehensive Plan.

Mr. Waller indicated the applicant for the change is asking the warehousing would be permitted by right. An applicant could also be permitted by conditional use, special exception or something of that nature by the Zoning Hearing Board. The Zoning Hearing Board would be able to review the request to make sure it complies with the intent of Zoning Ordinance.

Request No. 8: Change Rural Living (RL) to Single Family Residential (RS) at the Tintzman Tract along Pleasant View Road. Mrs. Anderson asked Mr. Waller if this request would require revisiting the Comprehensive Plan. Mr. Waller indicated it would be a Zoning Map update.

#### Motion on Change Request No. 7

Mr. Thompson made a motion, seconded by Mr. Gorman, to recommend the text amendment as written on August 10, 2012 memo, to permit warehousing, as a Conditional Use, in the Commercial Business (CB) District. Vote on motion, Mr. Thompson, Yes; Mr. Gorman, Yes; Mrs. Anderson, No. Mrs. Anderson stated she is opposed to revisiting the Comprehensive Plan at this late date. The motion carried.

#### Motion on Change Request No. 6

Mr. Thompson made a motion, seconded by Mr. Gorman, to accept change No. 6. Commercial Business (CB) to Residential Mixed Use (RMU). Vote on motion. Mr. Thompson, Yes; Mr. Gorman, Yes; Mrs. Anderson, No. Mrs. Anderson stated she is opposed to revisiting the Comprehensive Plan at this late date. The motion carried.

#### Motion on Change Request No. 8

Mr. Thompson made a motion, seconded by Mr. Gorman, to accept change No. 8 from Residential Living (RL) to Single Family Residential (RS). Vote on motion. Mr. Thompson, Yes; Mr. Gorman, Yes; Mrs. Anderson, No. Mrs. Anderson stated she is opposed to revisiting the Comprehensive Plan at this late date. The motion carried.

Mr. Waller advised the Planning Commission that these zoning changes will go to the Board of Supervisors at their next Board of Supervisor's meeting. The Board will have to made a determination on how to proceed with these changes. The Comprehensive Plan will have to be adjusted somehow. I will receive directions at the next meeting on how they will want to proceed.

## SKETCH PLANS

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

## SUBDIVISION PLANS

### 1. Preliminary/Final Subdivision and Land Development – Susquehanna Sports Center

Mr. Waller advised the Planning Commission he had received a request to table the plan.

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

### 2. Minor Subdivision Plan of John B. Hoffert Estate – 1103 Siddonsburg Road – 2 Lots

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 engineer/surveyor signature and seal. SLDO 402.1.L.
2. The plans do not have the certification and dedicatory statement signed by the owner. SLDO 402.1.M.
3. An additional modification will be required for location of existing features (well & septic) on adjacent lots. SLDO 402.1.O.
4. There is an existing access drive denoted on the plans which accesses the Trout property. Is there an access easement associated with this? If not, one should be created and submitted to the township for approval. Ordinance requires the location and dimensions for this easement. SLDO 402.1.Q.
5. A proposed well location is not indicated on the plans for Lot #2. SLDO 402.1.X.
6. Primary and Secondary Percs and Probes are not noted on the plans for Lot #2. SLDO 402.1.Y.
7. Sewage Facilities Planning Module is required for Lot No. 2. SLDO 402.2.B *Applicant has submitted a DEP Non-Building Waiver.*
8. Cartway Improvements are not depicted on the plans SLDO 601.2.G & 602.2.C *Modification requested.*

General Comments

9. All plans have to comply with Resolution 2008-13, which indicates that all accounts with the township must be current and not delinquent.

## Modifications Requested

10. Exemption from cartway improvements along Siddonsburg Road. SLDO 602.1.G & 602.2.C.

John Murphy, PE, Alpha Consulting Engineers, represented the plan.

### Action on the Modification Requests

Mr. Thompson made a motion, seconded by Mrs. Anderson, to request a letter from PennDot for the modification request from SLDO, Section 601.2.G and 602.2.C, the cartway widening requirements. Vote on motion. All yes. The motion carried.

Mrs. Anderson made a motion, seconded by Mr. Gorman, to recommend approval of the modification request from SLDO, Section 402.1.X, the well location on adjacent lots requirements because the applicant has requested a non-building waiver. Vote on motion. All yes. The motion carried.

Mrs. Anderson made a motion, seconded by Mr. Gorman, to recommend approval of the modification request from SLDO, Section 402.1.Y, the primary and secondary perc and probes for Lot No. 2 because the applicant has requested a non-building waiver. Vote on motion. All yes. The motion carried.

### Motion on the plan

Mrs. Anderson made a motion, seconded by Mr. Gorman, to table the plan pending the outcome of the PennDot letter relating to cartway widening. Vote on motion. All yes. The motion carried.

## 3. Final Subdivision Plan for Woods Edge – Harry H. Fox, Jr., Pinetown Road – 4 Lots

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 plan does not show the existing features adjacent to the proposed subdivision. SLDO 402.1.O (There are three areas where the wells located on lot #2, 3 & 4 have isolation distances that reach outside of their respective property lines, septic systems?)  
*Modification request has been made.*
3. PA DEP full Planning Module approval is required due to the fact the area is designated as being located in the "Diabase" geologic formation and a portion of the property appears to be within the 1/4 mile range of a high nitrate property. SLDO 402.2.B and DEP Act 537 Plan condition #4.

General Comments:

4. Has PennDOT been consulted regarding the proposed waiver of improvements along Pinetown Road?
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. Show Existing Features on adjacent properties. SLDO 402.1.O
7. Cartway improvements along Pinetown Road. SLDO 602.2.C

Timothy L. Mellott, PE, Mellott Engineering, represented the plan.

Mrs. Anderson asked if PennDot had been contacted. Mr. Mellott advised he had contacted PennDot on August 21, 2012, with a letter. Mr. Mellott stated he had a conversation with someone in PennDot, and that the Township had a new policy regarding the driveways and there is a new policy he was to find out about tonight. Drew Bitner, Township Engineer, advised Mr. Mellott that there was not a new policy. It was that PennDot did not want to issue highway occupancy permits for the fifteen lot Traver's Roost Subdivision which was east of the Woods Edge Subdivision. Mr. Bitner and Mr. Mellott disagreed over the issuance of the HOPs from PennDot.

Action on Modification Requests

Mrs. Anderson made a motion, seconded by Mr. Thompson, to recommend approval of the modification request from SLDO, Section 402.1.O, since the applicant indicates there are no conflicts. Vote on motion. All yes. The motion carried.

Mr. Thompson made a motion, seconded by Mrs. Anderson, to receive documentation from PennDot indicating whether they want the roadway widened before acting on the modification request. Vote on motion. All yes. The motion carried.

Mr. Thompson acknowledge that the applicant requested a letter from PennDot relating to cartway widening prior to tonight's meeting.

Motion on the plan

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

**SITE AND LAND DEVELOPMENT PLANS**

1. Preliminary/Final Land Develop Plan for Matthew D'Agostino – 7 Lewisberry Road – 1 Lot

Mr. Waller presented the plan to the Planning Commission.

Zoning Ordinance:

1. Note # 19 on the cover sheet references that the existing wall mounted fixtures will be utilized. An assessment of these lights should be made to verify that they will comply with all the standards. Note on plan should indicate compliance with the lighting requirements of the code. The plans indicate a lighting table (2 of 2) per the International Energy Conservation Code that does not comply with the established standards of the code. ZO 1203

Subdivision Ordinance:

2. The plans do not have the engineer/surveyor signature and seal. SLDO 402.1.L
3. The plans do not have the certification and dedicatory statement signed by the owner. SLDO 402.1.M
4. The plans reference that a portion of the 100 year floodplain traverses the site. A delineation of the flood plan has been added to the plan, however it does not follow a set elevation/contour on the plan. Please identify Floodplain area. SLDO 402.1.P & 402.2.D
5. Cartway Improvements are not depicted on the plans. Each plan submittal is a separate plan submittal which has to meet ordinance standards. SLDO 601.2.G & 602.2.C

General Comments:

6. Due to the properties close proximity to a floodplain or location in the floodplain, compliance with the townships adopted Floodplain ordinance standards will be required. Chapter 8 of the Codified Ordinances.
7. What is the status of the PennDOT HOP as referenced in note # 10?
8. Concerns have been expressed regarding the turn-around movements of the last two parking spaces directly behind the existing building. Please provide information showing an adequate turn-around can be provide for these two spaces.
9. All plans have to comply with Resolution 2008-13, which indicates that all accounts with the township must be current and not delinquent.

Modifications:

None requested.

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

## **OLD BUSINESS**

### 2. Minor Final Subdivision Plan for Barbara Sadler – Highland & Brenneman Drives – 4 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. Mrs. Sadler has given the Board of Supervisors a letter officially withdrawing her outstanding subdivision plan. Mrs. Sadler is

before the Planning Commission for recommendations from the Planning Commission on the cartway requirements for action by the Board of Supervisors.

Zoning Ordinance:

No comments

Subdivision Ordinance:

1. The plans do not have the engineer/surveyor signature and seal. SLDO 402.1.L.
2. The plans do not have the certification and dedicatory statement signed by the owner. SLDO 402.1.M.
3. Proposed driveway locations, sight distances and sight triangles are not depicted on the plans for Lots 3 & 4. SLDO 402.1.S.
4. Plan does not indicate all of the proposed/existing property markers. SLDO 402.1.U.
5. Proposed well locations are not indicated on the plans for Lots 3 & 4. SLDO 402.1.X.
6. Perc and Probes are not noted on the plans for Lots 3 & 4. SLDO 402.1.Y.
7. Cartway Improvements are not depicted on the plans SLDO 601.2.G & 602.2.C.
8. Two concrete monuments are required to be placed associated with the plan. SLDO 611.3.
9. Compliance with the recreation requirements are not indicated on the plan by either note or area designation. SLDO 613.2.A.

General Comments:

10. Proposed lot plan depicted on page C-1.1 has an erroneous "lightening strike" connecting lots 2 & 3.
11. All plans have to comply with Resolution 2008-13, which indicates that all accounts with the township must be current and not delinquent.

Modifications:

12. Pertaining to submittal of a Wetland Study. SLDO 402.1.P.

Action on Modification Requests

Mr. Thompson made a motion, seconded by Mrs. Anderson, to deny the modification requests from SLDO, Section 601.2.G and 602.2.C, the cartway improvements requirements. Vote on motion. All yes. The motion carried.

Action on the plan

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

### **NEW BUSINESS**

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

### **ZONING HEARING BOARD**

Case No. 2012-06: Elias and Helen Harbilas, 1467 Clover Road, Camp Hill, PA 17011. The Applicants are requesting a special exception pursuant to the Fairview Township Zoning Ordinance, Sections 1701 –1705, Nonconforming uses of land, etc. The Applicants wish to replace and decrease the number of mobile homes in the mobile home park, a nonconforming use in the CN District. The property is owned by the Applicants and is located at 113 Old York Road, New Cumberland, PA. The property is located in the Commercial Neighborhood District.

### **ADJOURNMENT**

Mr. Thompson made a motion, seconded by Mrs. Anderson, to adjourn the meeting at 8:28 PM. Vote on the motion: All yes. The motion carried.