

# FAIRVIEW TOWNSHIP PLANNING COMMISSION

October 6, 2009

## CALL TO ORDER

Chairman Michael A. Powers called the meeting to order at 7:01 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

Mrs. Anderson made a motion, seconded by Mr. Stanley, to recommend approval of the minutes for the September 1, 2009, Planning Commission meeting. Vote on the motion: All yes. The motion carried. *Correction was made to the September 1, 2009, Planning Commission Meeting relating to the Gilmore plan.*

## DISCUSSION AND CORRESPONDENCE

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

## SKETCH PLANS

### 1. Sketch Plan of 591A Ridge Road – Garret Murphy – 2 Lots

Mr. Waller presented the plan to the Planning Commission.

Mr. Stalnecker discussed the Township Engineer's comments.

#### Zoning

1. Building setback lines should be provided on the plan. (274-405.4, 27-405.5, and 27-405.6)
2. The plan indicates that access to Lot 1 will occur via a 16' private access right-of-way that is a separate parcel. If the right of way lot is not consolidated with Lot 1, then Lot 1 has no roadway frontage. In addition, a variance was granted to reduce the required roadway frontage from 100' to 50', but Lot 1 would have a maximum frontage of 16'. A copy of the zoning hearing board decision should be provided, and the Zoning Officer should verify that the proposed access configuration is acceptable. (27-405.2 and 22-608.2)

#### 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. 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.
5. The plan indicates that both proposed lots are "Lot 1," but General Note 1 indicates that the lot for future construction is "Lot 2." It is recommended that the plan be revised to match the note. In this letter, the lot for future construction will be referred to as "Lot 2" for clarity. (22-402.1.D)
6. The note regarding Highway Occupancy Permits should be added to the plan. (22-403.2.B.(1))
7. Ridge Road, south of School House Lane, is a Township Road. (T-754) The plan should be revised accordingly. (22-402.1.D)
8. The street address for both lots should be provided on the plan. (22-403.1.F)
9. The location map must be provided at a scale of 1" = 1000'. (22-402.1.B)
10. The location of the existing well and the well proposed for the new lot should be provided on the plan. (22-402.1.O and 22-402.1.X)
11. The location of any easement associated with the existing overhead electric line on Lot 1 should be indicated on the plan. (22-402.1.Q)
12. Portions of the driveway serving the existing dwelling extend onto the Kolwaczyk property. An easement or other accommodation should be provided. In addition, the existing 10' gravel drive will provide cross access between the proposed lots. An easement should be provided, or the gravel drive should be removed. (22-402.1.Q)
13. The required and available sight distance, as well as clear sight triangles, should be provided for each driveway. (22-402.1.S)
14. The primary control point should be provided on the plan. (22-402.1.V)
15. Sewage Enforcement Officer approval is required for the on-lot sewage disposal systems. (22-402.2.B)
16. Unless a modification or deferral is granted, right-of-way dedication and roadway widening is required. (22-602.1.G, 22-602.2.B, and 22-602.2.C)
17. Driveways must be paved within the road right-of-way. (22-606.4.H)

#### Outside Agency Approvals

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

#### General Recommendations

20. It appears that General Note 2 should reference "Ridge Road" instead of "Ridge Hill" road.
21. The plan will not be approved unless the application is in compliance with Resolution 2008-13.

There was discussion about the existing easement to the parcel being recorded. It is a recorded easement.

Mr. Thompson made a motion, seconded by Mr. Stanley, to forward the plan to the Board of Supervisors. Vote on motion. Mr. Powers, Yes; Mr. Coleman, Yes; Mr. Thompson, Yes; Mr. Stanley, Yes; Mrs. Anderson, No. The motion carried.

## **SUBDIVISION PLANS**

### 1. Preliminary/ Final Subdivision for Robert & Doris Cross – Walnut Level Road – 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 and additional right-of-way along the property frontage. (22-601.1.G, 22-602.2.A, and 22-602.2.C) Applicant is requesting a modification to this requirement of the Ordinance.
2. Provide existing features on adjacent properties. (22-402.1.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. Provide a paved cul-de-sac at the end of Walnut Level Road. (22-602.4.F) Applicant is requesting a modification to this requirement of the Ordinance.

#### Zoning

5. Single family attached dwelling, such as units 231 and 233 are not a permitted use in the Residential Single zoning district. The Zoning Officer should determine whether or not this condition qualifies as an existing nonconformity.

#### Subdivision and Land Development

6. Professional Signatures and Seals must be provided, and the certification block 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. A note should be added to the plan indicating any streets that are not for dedication. (402.1.M)
8. The applicant has indicated that a wetlands delineation was performed for the stream traversing the northwestern portion of lot 3B. The wetlands delineation report should be submitted for review. (22-402.2G)
9. The applicant has indicated that the existing unopened right-of-ways are not intended for dedication. A cross access easement agreement should be provided of them. (22-402.1.Q)
10. A maximum of two driveways is permitted per lot, but three are proposed for Lot 3A. The Zoning Officer should determine whether or not this existing condition should be permitted to continue on the new lot. (22-606.4.C)

11. If the requested modifications are not granted, and public improvements are required, a cost estimate should be submitted for review. (22-501.A)

#### General Recommendations

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

There was discussion on the plan, the paper streets, ownership and the defacto lots.

#### MOTION ON THE MODIFICATION REQUESTS

Mr. Coleman made a motion, seconded by Mr. Stanley, to recommend approval of the modification request from Sections 22-602.1.G, 22-602.2A and 22-602.2.C, the roadway improvement requirements. Vote on the motion. Mr. Power, Yes; Mr. Coleman, Yes; Mr. Thompson, Yes; Mr. Stanley, Yes; Mrs. Anderson, No. The motion carried.

Mr. Stanley made a motion, seconded by Mr. Thompson, to recommend approval of the modification Request from Section 402.1.O, provide 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 Section 402.1.A, provide an 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 Mr. Coleman, to recommend approval of the modification request from Section 602.4.F, provide a paved cul-de-sac at the end of Walnut Level Road requirement. Vote on the motion: All yes. The motion carried.

#### MOTION ON THE PLAN

Mrs. Anderson made a motion, seconded by Mr. Stanley, to recommend approval of the plan to the Board of Supervisors contingent on a note added to the plan that Lots 3A and 3B could be subject to private rights associated to the Reeser's Subdivision Plan, Subdivision and Land Development comments 6, 7, 8, and 9, and General Recommendations comment 12. Vote on the motion: All yes. The motion carried.

### **SITE AND LAND DEVELOPMENT PLANS**

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

#### **OLD BUSINESS**

##### 1. Preliminary/Final Land Development Plan for Bonnie Plants – Limekiln Road

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

Mr. Stalnecker indicated he had some concerns about stormwater management.

Modifications

1. Provide roadway widening and additional right-of-way along Limekiln Road. (22-601.1.G, 22-602.2.A, and 22-602.2.C) Applicant is requesting a modification to this requirement of the Ordinance.
2. Provide a preliminary plan. (22-303) Applicant is requesting a modification to this requirement of the Ordinance.
3. Provide a Stormwater Management Plan. (22-701) Applicant is requesting a modification to this requirement of the Ordinance.

#### Zoning

4. Provide calculations to demonstrate that an adequate number of parking spaces are available to serve the existing and proposed buildings. The Zoning Officer should determine what (if any) additional parking is required for the proposed greenhouses. (27-1404) In addition, new parking would require 5% landscape interior green space.
5. The Zoning Officer should determine whether or not the site exceeds the maximum permitted impervious coverage due to the existing gravel parking areas. (27-405.3)

#### 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. Because the disturbed area exceeds 5,000 S.F. the plan must be submitted to the York County Conversation District for review. (22-606.4)
9. Driveway entrances to a public street are required to be surfaced with concrete or macadam within the road right-of-way. It does not appear that the site's western driveway meets this requirement.

#### General Recommendations

10. Because the property directs runoff from additional impervious area to the Pennsylvania Turnpike right-of-way, plans should be reviewed and approved by the Turnpike Commission.
11. General note 9 on sheet 3 of 3 does not appear to be applicable to the subject plan.
12. The plan will not be approved unless the application is in compliance with Resolution 2008-13.

#### MOTION ON MODIFICATION(S)

Mr. Coleman made a motion, seconded by Mr. Stanley, to recommend approval of the modification request from Sections 22-602.1.G, 602.2.A and 602.2.C, the roadway and additional right-of-way requirements. Vote on motion. Mr. Powers, Yes; Mr. Coleman, Yes; Mr. Thompson, Yes; Mr. Stanley, Yes; Mrs. Anderson, No. The motion carried.

Mr. Stanley made a motion, seconded by Mrs. Anderson, to recommend approval of the modification request from Section 303, the preliminary plan requirement. Vote on the motion: All yes. The motion carried.

The stormwater management plan was withdrawn.

**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 6, 7, 8, and 9, and General Recommendations 11 and 12. 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. 2009-17: Christopher and Lorrie Shover, 268 Valley Road, Etters, PA 17319. The Applicants are requesting a special exception to the Fairview Township Zoning Ordinance, Section 502, permitted uses in the residential single district, and Section 503.3, home occupations (intensive). The Applicants are also requesting a variance to Section 1602.7.C, Home Occupation, Intensive. The Applicants wish to erect a small sign for the hair salon which they wish to operate at the residence. The property is owned by the Applicants and is located in the Residential Single District.

**ADJOURNMENT**

Mr. Thompson made a motion, seconded by Mrs. Anderson, to adjourn the meeting at 7:58 PM. Vote on the motion: All yes. The motion carried.