

FAIRVIEW TOWNSHIP PLANNING COMMISSION

December 01, 2020

CALL TO ORDER

Mr. Thompson called the meeting to order at 6:01 PM

ROLL CALL

Present:

Chairman

Michael E. Thompson

Member

Anne K. Anderson, P.E.

Member

Michael Mehaffey, P.E.

Member

Jason Stouffer

Codes Director

Stephen M. Waller

Codes Assistant

Chris H. Strump

Township Engineer

Drew Bitner, P.E.

Absent:

Member

H. Adam Williams, P.L.S.

APPROVAL OF THE MINUTES

Mrs. Anderson made a motion to approve the minutes of the October 06, 2020, meeting as presented. Mr. Stouffer seconded. Vote on the motion. All Aye. The motion carried.

DISCUSSION AND CORRESPONDENCE

1. Rezoning Request – 345 Lewisberry Road

Mr. Waller presented the Rezoning Request to the Planning Commission and read the following staff comments into the record:

A zoning map change request was submitted to the Code Office on September 14, 2020. This request was presented to the BOS on September 28, 2020 to advise that a public hearing will be required in the future for this request. The Board was advised that once staff, York County Planning Commission and the Fairview Township Planning Commission comments and recommendations were received, the public hearing could be conducted.

BACKGROUND: The proposed zoning map change request is proposing to change the zoning classification of a 3.72 acre tract of land at 345 Lewisberry Road, New Cumberland, PA / Parcel ID No.: 27000SF0005.A000000; a 15.06 acre tract of land with Parcel ID No.: 27000SF0005.C000000; and a .89 acre tract of land with Parcel ID No.: 27000SF0006.A000000, from Residential Mixed Use (RMU) to Commercial Business (CB). This would be an extension of the CB zoning district to the west which was part of the 2013 Zoning Map and ordinance updates. During those updates, this same area was requested to be

designated to a higher density residential use rather than an all commercial use, thus the change to the Residential Mixed Use (RMU) designation. The Board of Supervisors determined that based on the developer's request at the time, that they would look favorably on the request to a higher density residential use due to the nature of the types of development that could result in a mixed commercial/residential usage of the areas.

As part of this review process, staff conducted a review of the submitted zoning map change request based on the general guidelines outlined in Section 300.98.C(2) of the Zoning Ordinance. Our comments are as follows:

1. The proposed map change IS consistent with the 2010 Comprehensive Plan as it relates to the Future Land Uses for this area (see attached future land use plan). The Comprehensive Plan shows this area to be "Community Mixed Use" (CMU). The CMU definition outlined in the Comprehensive Plan supports many different types of commercial uses in this primary growth area.
2. While the Zoning ordinance has specific criteria for Zoning Map changes, this request is now proposing to change the zoning district from Residential Mixed Use (RMU) to Commercial Business (CB) which was the recommendation by the Zoning Advisory Committee, the planning consultant and township staff in 2013. It would be difficult if not counterproductive to point out deficiencies with the application and submittal when this was the recommended change.

Staff SUPPORTS the request as submitted. The decision was based on:

- the proposal being an extension of the existing CB zoning district which would not considered "spot zoning" of this tract;
- the areas of this request are contained by defined major roads (Lewisberry and the PA Turnpike) which will now create continuous zoning of the same district on the east side of Interstate 83 up to the PA Turnpike;
- the Zoning Advisory Committee felt that the this area was appropriate for this type of use (CB) based on the zoning of the adjacent areas and the fact that this area was shown as (CB) in their original version of the Zoning Map Update in 2013;
- the existing use on one of the tracts is that of a "bank" (NCFCU). The RMU district regulations place a maximum footprint of 4000 square feet on a structure. This site by default when rezoned in 2013 to RMU, created a non-conforming structure. The change to CB will now remove this restriction on the structure size.

York County Planning Commission Comments:

A. Planning

1. The proposed rezoning would be an extension of the existing Commercial Business Zoning District located to the north, west and southwest of the rezoning site.
2. The proposed rezoning is consistent with the Future Land Use classification in the Fairview Township Comprehensive Plan which designates the rezoning site as Community Mixed Use. The Community Mixed Use land use supports Smart Growth initiatives including: concentrated development; increase job opportunities; foster sustainable businesses; and expand housing opportunities.

3. The proposed rezoning would be consistent with the York County Growth Management Plan in the York County Comprehensive Plan and the Fairview Township Comprehensive Plan which designates this area as an Established Primary Growth Area. These areas are intended to provide for a full range of public services and facilities and include a mix of residential, institutional, commercial, industrial and recreational land uses.

The York County Planning Commission recommends the municipality adopt the proposed change.

Mrs. Anderson made a motion to approve this Rezoning Request. Mr. Mehaffey seconded. Vote on the motion. All Aye. The motion carried.

SKETCH PLANS

There were no Sketch Plans.

SUBDIVISION PLANS

1. 857 Siddonsburg Road – 20-1009-SD

Mr. Waller presented the plans dated November 20, 2020, to the Planning Commission and read the following staff comments into the record:

Zoning Comments:

All comments have been addressed.

Subdivision Ordinance:

1. The surveyor/ engineer signature and seal are required to be on the plans. SLDO 260.14.A(12) The plans do not have the certification and dedicatory statement signed by the owners. SLDO 260.14.A(13)
2. A replacement septic area needs to be identified for the residual lot. SLDO 260.30.A(4)(a) - *Confirmed with SEO on 24Nov2020 that replacement areas were found.*
3. DEP Planning Module approval will be required to be submitted. SLDO 260.15.B(2) & 260.15.B(10)
4. Ordinances require that all subdivisions that abut a township or state road that are not to township standards for cartway width are required to bring that portion of the properties frontage up to township standards. SLDO 260.22.A(7) - *Applicant is requesting a modification of this requirement.*

General Comments:

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

Modifications:

SLDO 260.22.A(7) – Roadway Widening – Siddonsburg Road

SLDO 260.24.B(1) – Installation of Curbing

Engineer Comments from Mike Knouse, P.E., at Rettew:

Mr. Waller presented the Planning Commission with a letter dated November 24, 2020, and entered the following comments into the record:

STORMWATER MANAGEMENT

1. Easements need to be provided around all stormwater management facilities (§ 252-17.C.1.m). The storm chambers need to be encompassed in the easement.
2. All certificates will need to be provided and executed (§ 252-21.A, 252-21.D, 252-21.E, 252-21.F.11).
3. Infiltration testing needs to be provided for the proposed facility (§ 252-21.G.3.d). The applicant has requested us of the existing perc and probe data, a copy needs to be furnished.
4. Facilities, areas, or structures included in the SWM Site Plan and used as stormwater management BMPs shall be enumerated as permanent real estate appurtenances and recorded in the York County Recorder of Deeds Office as deed restrictions/protective covenants or easements that run with the land (§ 252-29.B).
5. An Operations and Maintenance Agreement needs to be provided and executed prior to recording the plan (§ 252-30).

Modification Request Action:

1. Mrs. Anderson made a motion to approve the modification of SLDO 260.22.A(7) – Roadway Widening – Siddonsburg Road. Mr. Mehaffey seconded. Vote on the motion. All Aye. The motion carried.
2. Mrs. Anderson made a motion to approve the modification of SLDO 260.24.B(1) – Installation of Curbing. Mr. Mehaffey seconded. Vote on the motion. All Aye. The motion carried.

Subdivision Plan Action:

Mrs. Anderson made a motion to approve this matter subject to the November 23, 2020 Memorandum by Codes Director Stephen Waller and the November 24, 2020 letter from Mike Knouse, PE, at Rettew. Mr. Stouffer seconded. Vote on the motion. All Aye. The motion carried.

2. Resubdivision Colonial Woods – 20-1010-SD

Mr. Waller presented the plans dated November 23, 2020, to the Planning Commission and read the following staff comments into the record:

Zoning Comments:

All comments have been addressed.

Subdivision Ordinance:

1. Original property description plan is not contained in the set. SLDO 260.14.A(1). *Applicant has requested a modification of this requirement.*
2. The existing lots of record should also have lot areas depicted. This would also apply to the area that was to be dedicated as a street. SLDO 260.14.A(4)
3. The surveyor/engineer signature and seal are required to be on the plans. SLDO 260.14.A(12)
4. The plans do not have the certification and dedicatory statement signed by the owners. SLDO 260.14.A(13)
5. DEP Planning Module exemption approval will be required to be submitted. SLDO 260.15.B(2) & 260.15.B(10).
6. Ordinances require that all subdivisions that abut a township or state road that are not to township standards for cartway width are required to bring that portion of the property's frontage up to township standards. SLDO 260.22.A(7) – *Applicant is requesting a modification of this requirement; however, there is a street cul-de-sac detail. It is recommended by staff that one cul-de-sac be improved to township standards for paving where the proposed driveway will be located.*
7. Curbing would be required for the proposed street improvements to the cul-de-sac. SLDO 260.24.B(1)

General Comments:

1. Since the plan is consolidating all the former recorded lots and ROW areas, there should be collective lightning strikes showing this.
2. All plans have to comply with Resolution 2008-13, which indicates that all accounts with the township must be current and not delinquent.

Modifications:

SLDO 260.14.A(1) – Original Property Description

SLDO 260.22.A(7) – Roadway Widening – Old York Road, Big Spring Road, Burgoyne, Elder Trail, and Ethan Allen Roads

SLDO 260.24.B(1) – Curbing – Old York Road, Big Spring Road, Burgoyne Drive, Elder Trail, and Ethan Allen Roads

Modification Request Action:

1. Mrs. Anderson made a motion to approve the modification of SLDO 260.14.A(1) – Original Property Description. Mr. Mehaffey seconded. Vote on the motion. All Aye. The motion carried.
2. Mrs. Anderson made a motion to approve the modification of SLDO 260.22.A(7) – Roadway widening – Old York Road, Big Spring Road, Burgoyne, Elder Trail, and Ethan Allen Road. Mr. Mehaffey seconded. Vote on the motion. All Aye. The motion carried.
3. Mrs. Anderson made a motion to approve the modification of SLDO 260.24.B(1) – Curbing. Mr. Mehaffey seconded. Vote on the motion. All Aye. The motion carried.

Subdivision Plan Action:

Mrs. Anderson made a motion to approve this matter subject to Subdivision Ordinance Comments 3, 4, 6, & 7 and General Comment 2 in the November 23, 2020 Memorandum by Codes Director Stephen Waller; subject to the addition of a note being added to the Plan which states that if there is access from any cul-de-sac, that cul-de-sac must be improved to meet current Township standards and/or the proposed cul-de-sac detail (whichever is more stringent); and additional information must be added to Note 1 of the plan regarding the lot areas and the dedicated street areas. Mr. Stouffer seconded. Vote on the motion. All Aye. The motion carried

LAND DEVELOPMENT PLANS

1. Pleasantview, Phase 4 – 20-1007-LD

Mrs. Anderson made a motion to untable the matter. Mr. Mehaffey seconded. Vote on the motion. All Aye. The motion carried.

Mr. Waller presented the revised plans dated November 17, 2020 to the Planning Commission and noted there were many comments in his review that were not addressed. He also referred to Mike Knouse to highlight any major concerns with his comments, due to the number of remaining comments.

The following comments are incorporated into the Minutes as a reference only; they were not read into the record:

Zoning Ordinance:

All comments have been addressed.

Subdivision Ordinance:

1. *A preliminary plan is required by ordinance due to the proposal of public improvements (streets) and the number of lots being proposed of 5 or more. SLDO 260.10.A Applicant is requesting a modification of this requirement.*
2. *Is the original property inclusive of all the area contained on this lot? Tax records AND the previous SLDO plan for Kellinger Greene indicate areas of this lot being on the east side of Megan Way. SLDO 260.14.A(l)*

3. *The township street numbers need to be reflected for Megan Way (#905); Lakeside Drive (#993); Scully Place (#695) SLDO 260.14.A(4)*
4. *The Uniform Parcel Identifier Number (UPIN) associated with the tract will need to be added to the plans. SLDO 260.14.A(9)*
5. *The surveyor/ engineer signature and seal are required to be on the plans. SLDO 260.14.A(12)*
6. *The plans do not have the certification and dedicatory statement signed by the owners. SLDO 260.14.A(13)*
7. *There are existing sanitary and stormwater easements where the Kellinger Greene LDP sewer system connects to the existing sewer AND there is a stormwater management easement on the east side of the site from the same, which is not depicted on the existing features plan. SLDO 260.14.A(17)*
8. *The noted deed restrictions and covenants will need to be referenced by note on the plans when that information is available. SLDO 260.14.A(27)*
9. *The Township's traffic consultant is reviewing the submitted traffic impact study. Any comments associated with that review will need to comply with ordinance requirements. A copy of those comments will be forwarded as soon as they are available. SLDO 260.14.A(28)*
10. *Approvals from York County Conservation District and PA DEP will need to be provided to the township prior to plan approval. SLDO 260.15.B(1)&(10)*
11. *An Improvement Guarantee estimate will need to be submitted for the Township Engineers approval. Subsequently, the approved amount will need to be provided to the township in an appropriate form as well as an executed Security Agreement as outlined by ordinance. SLDO 260.17*
12. *A Traffic Impact Fee of \$1,964 per new PM peak vehicle trip will be assessed for the proposed development. This trip count will be confirmed by the Traffic consultant and their review of the submitted Traffic Impact Study. SLDO 260.34*

General Comments:

1. *The proposed subdivision plan should be a separate sheet(s) in the plan set. This will make it clearer to understand what is taking place with the subject lot and the residual lots.*
2. *All plans have to comply with Resolution 2008-13, which indicates that all accounts with the township must be current and not delinquent.*

Modifications:

SWMO 252.12.A - Pre/Post development infiltration difference 2 yr/ 24 hr runoff

SLDO 260.10.A - Submit as a Preliminary/ Final Plan

SLDO 260.24.B(l) - Vertical Curbing requirements

SLDO 260.35.C(l)(i) - Fencing requirements around stormwater basin

Engineer Comments from Mike Knouse, P.E., at Rettew:

Mr. Waller presented the Planning Commission with a letter dated November 30, 2020, and entered the following comments into the record:

REQUESTED ALTERATIONS OF REQUIREMENT:

A. Section 260-10.A – Preliminary Plan Procedures

The applicant has requested a modification of the requirement to provide a preliminary plan. In the alternative, the applicant is requesting the plan to be processed as a final plan.

B. Section 252-12.A – Infiltrate Volume Increase for 2-year/ 24-hour Storm

The applicant has requested a modification of the requirement to infiltrate the increase in volume for the 2-year/ 24-hour storm event, and in the alternative, proposes DEP's MRC due to the poor infiltration test results.

C. Section 260-24.B.1 – Vertical Curb (New Request This Submission)

The applicant has requested a modification of the requirement to provide vertical concrete curb, and in the alternative, proposes installation of slant concrete curb consistent with previous phases.

D. Section 260-35.C.1.i – Fencing Around Stormwater BMPs (New Request This Submission)

The applicant has requested a modification of the requirement to fence the perimeter of the above-ground stormwater BMPs, and in the alternative, proposes no fencing since a portion of the storage for DEP's MRC occurs below grade.

SUBDIVISION AND LAND DEVELOPMENT

- 1. The T numbers need to be provided for all existing streets (§ 260-14.A.4).*
- 2. The Uniform Parcel Identifier Number for the tract being subdivided needs to be provided (§ 260-14.A.9).*
- 3. All certificates need to be completed prior to recording the plan (§ 260-14.A.12, 260-14.A.13).*
- 4. The required and available sight distance criteria need to be provided for all road and driveway intersections (§ 260-14.A.19). The applicant states this information has been shown on plan sheet 4; however, none can be found.*
- 5. Provide a draft of any protective covenants, if any (§ 260-14.A.27).*
- 6. A separate drawing titled "The Original Property Description" needs to be provided (§ 260-14.B). The plan needs to be provided as a separate sheet and should not depict the lot to be subdivided.*

7. *Evidence of approval of the Erosion and Sedimentation Control Plan and NPDES Permit, if applicable, by the York County Conservation District needs to be provided (§ 260-14.B.1, 260-15.B.1, 252-16.D, 252-21.F.5).*
8. *A cost estimate, financial security, and a financial security agreement need to be provided (§ 260-17).*
9. *Subdivisions abutting existing Township roads need to comply with the cartway requirements, unless a waiver is requested (§ 260-22.A.7).*
10. *A fee in lieu of dedication of park and recreation facilities shall be required at the time of Final Plan approval (§ 260-33.B).*
11. *An intersection clear sight triangle needs to be provided at all street and driveway intersections (§ 260-23.D). The applicant states this has been provided; however, none can be found.*
12. *Driveway widths need to be labeled for all driveways (§ 260-26.D, 260-26.D.10).*
13. *The site may be subject to the Transportation Impact Fee, as determined by the Township (§ 260-50).*
14. *The date, final action, and conditions of approval by the Board of Supervisors on any approved modification requests need to be included on the plan.*
15. *The typical street cross section needs to reference the current Superpave Asphalt Mixture Design and provide eight inches of PA 2A subbase.*

STORMWATER MANAGEMENT:

1. *All earthmoving activities shall be reviewed and approved by the York County Conservation District (§ 252-16.D, 252-21.F.(5)). Evidence of E&S and NPDES permit approval will be needed. A copy of the E&S/NPDES submission will need to be provided to the Township.*
2. *The developer shall demonstrate that the post-development hydrograph flows during erosion and sedimentation control phase are less than or equal to the predevelopment hydrograph flows to ensure the rate and volume of runoff leaving the site is controlled for the two-, five-, and ten-year frequency storms. All calculation methodology shall be in accordance with § 252-12 through 252-19 (§ 252-19.D).*
3. *All certificates will need to be completed (§ 252-21.D, 252-21.F.(11)).*
4. *The plan shall include an operation and maintenance plan for all existing and proposed physical stormwater management facilities, as required by Subsection 260-35.G. This plan shall address long-term ownership and responsibilities for operation and maintenance in an executable agreement, as well as schedules and costs for operation and maintenance activities (§ 252-F(9)). An agreement will need to be provided.*
5. *All storage facilities shall completely drain both the volume control and rate control capacities over a period not less than 24 hours and not more than 72 hours from the end of the design storm (§ 252-10.M). Dewatering calculations need to be provided for each facility. Copies of the MRC design calculations and DEP spreadsheet need to be provided.*

6. *Supporting calculations need to be provided to show the 2-year volume tributary to each proposed MRC facility (§ 260-35.A.16.k). Copies of the MRC design calculations and DEP spreadsheet need to be provided.*
7. *The use of plastic pipe is prohibited for basin discharge pipes (§ 260-35.C.3.m). The pipe material for the basin outlet needs to be specified in the profile on sheet 10.*
8. *As per Section 252-10.C, the Township may, after consultation with DEP, approve the measure for meeting the state water quality requirements other than those in this chapter, provided they meet the minimum requirements of, and do not conflict with, state law including, but not limited to, the Clean Streams Law.*
9. *The effect of the project in terms of runoff volumes and water quality needs to be provided (§ 252- 21.F.(6)). The applicant is proposing a MRC for the post-construction BMPs. The applicant will need to consult with the York County Conservation District and PA DEP on the use of the MRC in conjunction with NPDES permitting.*
10. *A schedule of inspections (related to installation of improvements) shall be provided (§ 260-35.J.(1)).*
11. *A concrete endwall or end-section needs to be provided at all pipe outlets; the type needs to be clearly indicated on the plan (§ 260-35.D.(2)(a)[7]). Structures do not appear to be provided at outlets C and D.*
12. *The type of inlets identified on the profiles are Type C or Type S, but the typical inlet detail shows Type M. Clarification needs to be provided.*
13. *Post-construction water quality protection shall be addressed as required by Subsection 260-35.C.(5) (§ 260-35.A.(13)). Copies of the MRC design calculations and DEP spreadsheet need to be provided.*
14. *Water quality calculations need to be provided (§ 260-35.C.(5)(e)). Copies of the MRC design calculations and DEP spreadsheet need to be provided.*
15. *Seeding information needs to be provided for the MRC basin bottom. The seeding information on sheet 16 appears to reference only the rain gardens.*
16. *Minimum pipe sizes for onsite collection shall be 18 inches in diameter (§ 260-35.D.(2)(a)[4]). The pipe from existing inlet B4 to new inlet B6 is labeled in the profile as 15-inch diameter.*
17. *The discharges from stormwater management facility outlets shall be provided with a concrete level spreader (§ 252-17.C.(1)(f)). Unless a modification is requested, the MRC basin outlet will need to include a level spreader.*
18. *A minimum of one foot of freeboard needs to be provided in the spillway (§ 252-17.C.(1)(g)). The analysis needs to be based on the 100-year post-development flow assuming the principal outlet structure is blocked.*
19. *A geological evaluation and detailed soils/site investigation consistent with Sections 252-18 and 252-21.F.(2) needs to be provided to certify presence/absence of geological features, susceptibility to sinkholes, and suitability of recharge facilities (§ 252-18, 252-21.F.(23), 252-10.I). The information presented in Appendix B of the report supports only the infiltration testing and does not include a geological evaluation.*

20. *All stormwater pipes need to maintain a minimum slope of 0.5 percent (§ 260-35.C.(2)(f)[6]). The pipe slope from C4 to C5 is 0.46 percent.*
21. *The profiles need to identify the minimum dimensions for the rain garden bottoms.*
22. *Specifications for the amended soil mix need to be provided.*
23. *Based on the routings for storm pit 1, the 100-year water surface elevation in the pit will exceed the top elevation of the stone pit. The design needs to be revised.*
24. *The spillway and top of berm elevations in the typical detail for RG 2 and RG 3 need to be revised to match the routings.*
25. *A typical detail needs to be provided for the basin/rain garden underdrain construction.*
26. *Several of the proposed cleanouts do not appear to align with the underdrains in the plan view.*
27. *A detail for the depressed curb and sidewalk to be used to convey stormwater into RG4 needs to be provided. We recommend at a minimum extending the depressed sidewalk to meet the depressed curb. Consideration to providing a trench drain between the curb and sidewalk needs to be provided to eliminate runoff from sheeting across the sidewalk. The grading in this area needs to be revised to reflect the sidewalk draining towards the stormwater facility.*
28. *The drainage area to RG4 needs to be revised to be perpendicular to the proposed super-elevated road contours and the location of the curb cut.*

Modification Request Action:

1. Mrs. Anderson made a motion to approve the modification of SWMO 252.12.A – Pre/Post Development Infiltration Difference 2 yr / 24 hr runoff contingent on approval by PADEP of the proposed managed release concept for stormwater. Mr. Mehaffey seconded. Vote on the motion. All Aye. The motion carried.
2. Mrs. Anderson made a motion to approve the modification of SLDO 260.14.A – Submit as a Preliminary / Final Plan. Mr. Mehaffey seconded. Vote on the motion. All Aye. The motion carried.
3. Mrs. Anderson made a motion to deny the modification of SLDO 260.24.B(1) – Vertical Curbing Requirement. Mr. Mehaffey seconded. Vote on the motion. All Aye. The motion carried.
4. Mrs. Anderson mad a motion to deny the modification of SLDO 260.35.C(1)(i) – Fencing Requirements around Stormwater Basin. Mr. Mehaffey seconded. Vote on the motion. All Aye. The motion carried.

No action was taken on the following modifications that will be requested in the future, but there was a discussion wherein the Planning Commission noted under what conditions they would recommend approval:

SWMO 252.17.C(1)(f) – Level spreader (Given that there is a swale and drainage pipe, the concrete level spreader would be redundant)

SLDO 260.22.A.7 – Cartway width (A Traffic Study was recently done for Kellinger Greene Subdivision located next to this proposed area. An approval would be dependent on what the Traffic Report being done currently states)

Subdivision Plan Action:

Mrs. Anderson made a motion to table this matter. Mr. Mehaffey seconded. Vote on the motion. All Aye. The motion carried.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

There was no New Business.

ZONING HEARING BOARD

Docket No. 2020-07: Brett Waple, 353 Thorley Road, New Cumberland, PA 17070. The Applicant is requesting a variance to the side-yard setback requirement of 30 feet under § 300-16 of the Zoning Ordinance. The Applicant is proposing to construct a garage 8.5 feet from the house and 12 feet from the side property line. The property is located at 353 Thorley Road, New Cumberland, PA 17070, and is in the Rural Living District.

ADJOURNMENT

Mrs. Anderson made a motion to adjourn the meeting, seconded by Mr. Mehaffey. Vote on the motion. All Aye. The motion carried at 7:16 PM.