

FAIRVIEW TOWNSHIP PLANNING COMMISSION

March 02, 2021

CALL TO ORDER

Mr. Thompson called the meeting to order at 6:00 PM

ROLL CALL

Present:

Chairman	Michael E. Thompson
Member	Anne K. Anderson, P.E.
Member	Jason Stouffer
Member	H. Adam Williams, P.L.S.
Member	Michael Mehaffey, P.E.
Codes Director	Stephen M. Waller
Township Engineer	Drew Bitner, P.E.
Codes Assistant	Chris H. Strump

Absent: None

APPROVAL OF THE MINUTES

Mrs. Anderson made a motion to approve the minutes of the February 02, 2021, meeting as presented. Mr. Stouffer seconded. Vote on the motion. All Aye. The motion carried.

DISCUSSION AND CORRESPONDENCE

1. Rezoning Request – 173 Old York Road

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

BACKGROUND: The parcels are: 27000SF000730 or 173 Old York Road is a 4.2 acre piece of land located off of Old York Road which is the current site of a junkyard; 27000SF00073E0 or 183 Old York Road is a 9.23 acre piece of land that currently is occupied by a personal storage facility and landscaping business; and 27000SF00073C0 or 191 Old York Road is a .35 acre in size property that is the current site of a residential maintenance contractor shop. The existing zoning of the three parcels is Village Business. The current zoning of the properties only permits by right the existing business at 191 Old York Road. The Junkyard business at 173 Old York Road and the Mini storage warehouse business at 183 Old York Road are both non-conforming and were permitted before the zoning ordinance restricted the use and by continuation to a lesser degree of a non-conformity, respectively.

The Airport Business zoning district was a new district created with the 2013 update to the Zoning Ordinance and Map. The districts purpose statement reads “This zoning district predominately includes

airport, airport service and airport-related uses which includes a mixture of smaller, less intense to larger, more intense industrial and commercial businesses and related uses.” The proposed zoning change would be an extension of the Airport Business (AB) zoning district, which is currently to the east of Old York Road. This area currently encompasses the Airport proper and the military support operations base to the east; several businesses to the north; and the existing EK Services properties to the south.

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. ZO 300.98.C(2)(c)[2][a] - The proposed map change IS NOT 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 and residential uses in this primary growth area.
2. ZO 300.98.C(2)(e)[3][b][vi] - The three properties are in a floodprone/floodplain area. There are existing structures on these lots located in the floodplain. Any re-development of these areas will have to be in strict conformance with the adopted Floodplain regulations.

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

- the Airport Business Zoning District was created with the Airport and the related businesses surrounding it in mind. Fairview Township felt that this area would be best served by creating the AB district to include industrial uses and restricting residential uses in this area, which is what this district accomplishes;
- the proposal being an extension of the existing AB zoning district which would not be considered “spot zoning” of these tracts of land;
- the areas of this request already contain uses that would be permitted by right in the AB zoning district and would eliminate two non-conforming uses;
- the change in zoning would allow for greater commercial/industrial redevelopment options for any of the properties, while restricting the possibility of adding a residential use (permitted on second and above floors in the VB) in this area. The Airport Authority has expressed concerns in the past of the possibilities of adding residential uses in and around the airport;
- the tracts are located in a Floodplain and Airport Hazard Overlays as well as partially in aviation flight easements, which limits the amount of development that can take place with these stringent restrictions. The change in zoning would allow for uses that would be more apt to develop in this area.

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

Mrs. Anderson made a motion to recommend to the Board of Supervisors to also consider expanding the rezoning to include the adjacent parcel of land that currently has trailers on it (Tax Map SF, Parcel 75), the vacant tract of land owned by the Susquehanna Area Regional Airport Authority (Tax Map SF, Parcel 74), the parcel of land that has the sewage treatment plant on it (Tax Map SF, Parcel 69.B), and the four parcels

that have multi-family units on them (Tax Map SF, Parcels 72E, 72C, 72, and 72F) to Airport Business (AB). Mr. Stouffer seconded. Vote on the motion. All Aye. The motion carried.

SKETCH PLANS

There were no Sketch Plans.

SUBDIVISION PLANS

1. 1095 Highland Drive – 21-1001-SD

Mr. Waller presented the revised plans dated February 17, 2021, to the Planning Commission and read the following staff comments into the record:

Zoning Comments:

1. All comments have been addressed.

Subdivision Ordinance:

1. The plans do not depict an original property description as required – SLDO 260.14.A(1) *Applicant has requested a modification of these requirements.*
2. The surveyor/engineer signature and seal are required to be on the plans. SLDO 260.14.A(12)
3. The plans do not have the certification and dedicatory statement signed by the owners. SLDO 260.14.A(13)
4. PA DEP Planning Module approval will be required to be submitted – SLDO 260.14.B(2) & 260.15.B(10)
5. Ordinances require that all subdivisions that abut a township (Highland Drive) 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 has requested a modification of these requirements.*
6. Due to the proposed subdivision's proximity being located within 1000 ft. to existing curbing (Billet Drive and Martin Drive), curbing would be required as a public improvement with this proposed plan – SLDO 260.24.B(1) *Applicant has requested a modification of these requirements.*

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:

1. SLDO 260.14.A(1) – Original Property Description
2. SLDO 260.22..A(7) – Cartway Widening – Highland Drive

3. SLDO 260.24.B(1) – Curbing
4. SLDO 260.25.A - Sidewalks

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) – Cartway Widening. 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.
4. Mrs. Anderson made a motion to approve the modification of SLDO 260.25.A – Sidewalks. Mr. Mehaffey seconded. Vote on the motion. All Aye. The motion carried.

Subdivision Plan Action:

Mrs. Anderson made a motion to approve this plan subject to Subdivision Ordinance comments 1 through 6, and General Comment 1 in the February 24, 2021, Memorandum by Codes Director Steve Waller. Mr. Mehaffey seconded. Vote on the motion. All Aye. The motion carried.

2. 534 Moores Mountain Road – 21-1002-SD

Mr. Waller presented the revised plans dated February 16, 2021, to the Planning Commission and read the following staff comments into the record:

Zoning Ordinance:

All comments have been addressed.

Subdivision Ordinance:

1. The plans do not depict an original property description as required – SDO 260.14.A(1) *Applicant has requested a modification of these requirements.*
2. The surveyor/engineer signature and seal are required to be on the plans. SLDO 260.14.A(12)
3. The plans do not have the certification and dedicatory statement signed by the owners. SLDO 260.14.A(13)
4. Location of wetlands, if, any, should be noted on the plan and a wetland analysis and report should be provided– SLDO 260.14.A(16) & SLDO 260.14.B(7) *Applicant has requested a modification of these requirements.*
5. PA DEP Planning Module approval will be required to be submitted – SLDO 260.14.B(2) & 260.15.B(10)
6. A copy of the approved PennDOT HOP will need to be submitted – SLDO 260.15.B(3)

7. 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 has requested a modification of these requirements.*

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.

Modification Requests:

1. SLDO 260.14.A(1) - Original Property Description
2. SLDO 260.14.A(16) & 260.14.B(7) – Wetlands Report
3. SLDO 260.22.A(7) – Cartway Widening – Moore's Mountain Road

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) – Cartway Widening. 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 plan subject to Subdivision Ordinance comments 1 through 7, and General Comment 1 in the February 24, 2021, Memorandum by Codes Director Steve Waller and Township Engineer Drew Bitner's comment regarding a 15" drainage pipe under the proposed driveway rather than an 18' drainage pipe. Mr. Mehaffey seconded. Vote on the motion. All Aye. The motion carried.

LAND DEVELOPMENT PLANS

There were no Land Development Plans.

OLD BUSINESS

1. 540 Industrial Drive – 20-1004-LD

Mrs. Anderson made a motion to untable this matter. Mr. Stouffer Seconded. Vote on the motion. All Aye. The motion carried.

Mr. Waller presented the revised plans dated February 19, 2021, to the Planning Commission and read the following staff comments into the record:

Zoning Comments:

All comments have been addressed.

Subdivision Ordinance:

1. The plans do not have the certification and dedicatory statement signed by the owners. SLDO 260.14.A(13)
2. The TIS is currently under review by our traffic consultant, please refer to any comments generated from that review. SLDO 260.14.A(28)& 260.34(B)(1)(b)
3. A copy of the approved York County Conservation Erosion and Sedimentation Plan and NPDES approval will need to be submitted. SLDO 260.14.B(1) & 260.15.B(1)
4. The site will be subject to the Traffic Impact Fee ordinance requirements. The site is located within Traffic Service Area #2, which will be subject to a fee of \$1964 per new PM peak hour trip. This fee will be established off the submitted TIS for the site. SLDO 260.50

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:

1. Stormwater facilities within setback – SWMO 252.10.L *Approved by the BOS on 09/28/20 with conditions.*
2. Storage facility dewatering time – SWMO 252.10.M *Approved by BOS on 09/28/20 with condition of DEP approval of Managed Release concept.*
3. Maximum side slopes in basin – SWMO 252.17.C(1)(c) *Approved by the BOS on 09/28/20.*
4. Minimum Basin side slope – SWMO 252.17.C(1)(d) *Approved by BOS on 09/28/20.*
5. Preliminary Plan requirements – SLDO 260.10.A *Approved by BOS on 09/28/20.*
6. Fencing Requirements Basin – SLDO 260.35.C(3)(i) *Approved by BOS on 09/28/20.*

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

ZONING

1. A Highway Occupancy Permit needs to be obtained from the Township for all access drives (§ 300-55.G)

SUBDIVISION AND LAND DEVELOPMENT

1. All certificates need to be completed prior to recording the plan (§ 260-14.A.12, 260- 14.A.13).
2. A traffic impact study needs to be reviewed by the Township's traffic consultant. (§ 260-14.A.28, 260-34).
3. 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)).
4. Evidence of an approved planning module, exemption request, or notice that a planning module is not required needs to be provided (§ 260-14.B.2).
5. A cost estimate, financial security, and a financial security agreement need to be provided (§ 260-17)
6. A pavement design based upon the anticipated truck traffic needs to be provided for the proposed improvements on Industrial Road (§ 260-22.B.3). The 25mm HMA Base Course needs to be revised to 6" depth for consistency with the improvements completed on Industrial Road.
7. The site is subject to the Traffic Impact Fee ordinance requirements (§ 260-52).
8. The plan identifies several existing encroachments from adjoining properties and includes removal of these encroachments; evidence of notification to the adjoining properties needs to be furnished.
9. Evidence of temporary construction easements needs to be furnished. Permanent easements for the stormwater facility encroaching the adjoining property need to be furnished.

STORMWATER MANAGEMENT

1. All earthmoving activities shall be reviewed and approved by York County Conservation District (§ 252-16.D, 252-21.F.(5)). Evidence of E&S and NPDES permit approval will be needed.
2. 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.
3. 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 Managed Release Concept for the basin as a post-construction BMP. The applicant will need to consult with York County Conservation District and PA DEP on the use of the Managed Release Concept in conjunction with NPDES permitting.

Subdivision Plan Action:

Mrs. Anderson made a motion to approve this plan subject to Subdivision Ordinance comments 1 through 4, and General Comment 1 in the February 24, 2021, Memorandum by Codes Director Steve Waller; all comments in the letter from Mike Knouse dated March 02, 2021, and Township Engineer Drew Bitner's

comments regarding traffic signals, traffic signs, and truck turnarounds. There was no second, so the motion died.

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

NEW BUSINESS

There was no new business.

ZONING HEARING BOARD

Docket No. 2021-01: Jody McClymont, 930 Oak Hill Road, Lewisberry, PA 17339. The Applicant is requesting a special exception pursuant to the Fairview Township Zoning Ordinance §300-15, Table 4-2, “Accessory apartment”. The applicant proposes to build an accessory apartment approximately 799 square feet in size. The property is located at 930 Oak Hill Road, Lewisberry, PA 17339, and is in the Rural Living District.

ADJOURNMENT

Mrs. Anderson made a motion to adjourn the meeting, seconded by Mr. Stouffer. Vote on the motion. All Aye. The motion carried at 7:00 PM.