# FAIRVIEW TOWNSHIP PLANNING COMMISSION

June 01, 2021

## CALL TO ORDER

Mr. Thompson called the meeting to order at 6:03 PM

## ROLL CALL

Present:

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

## APPROVAL OF THE MINUTES

Mrs. Anderson made a motion to approve the minutes of the May 04, 2021, meeting as presented. Mr. Stouffer seconded. Vote on the motion. All Aye. The motion carried.

## DISCUSSION AND CORRESPONDENCE

There was no Discussion and Correspondence.

## SUBDIVISION PLANS

1. 665 Old Quaker Road– 21-1004-SD

Mr. Waller presented the plans dated April 01, 2021, to the Planning Commission and made them aware that the plan had been discussed at the Workshop, but that revised plans based off the comments from the Workshop had not been submitted. He explained that the plan was on the Agenda because the applicant wanted to address the Planning Commission

A representative of the applicant, The Flurie Irrevocable Trust, addressed the Planning Commission and stated that he needed clarification regarding the Zoning Ordinance Comments, (1) *Lot width requirements along a COLLECTOR ROAD are a minimum width of 300 feet. Proposed lot #1 does not meet the minimum requirements,* and (2) *The proposed reconfigured Lot #2 will have two principal uses (SFD's) proposed. Only one principal use is permitted per lot in the Rural Living Zoning District*; and clarification regarding Subdivision Ordinance Comments (10) *Percolation d probe sites will be required for lots 1 & 4. Replacement septic sites will be required for lots 2 & 3* and (11) *PA DEP Planning Module and Township SEO approval will be required for the proposed subdivision.*

Mr. Flurie stated that, in response to Zoning Comment (1), he believed Lot #1 should meet the definition of a Flag Lot and, therefore, should be exempt from the requirement of a 300 ft. lot width requirement; he asked if, in response to Zoning Comment (2), they were to establish a Condominium Agreement, if that would be acceptable so that both dwelling units could stay on the same lot; in response to Subdivision Comment (10) and (11), he stated that he believed since the lots were used for agricultural purposes that these requirements weren't applicable.

The Planning Commission stated that for the Zoning Comments, the applicant would need to address those concerns with the Zoning Hearing Board. Mr. Waller stated that Subdivision Comments (10) and (11) could be addressed by the Planning Commission, but that the applicant would need to apply for a Modification.

**Subdivision Plan Action:**

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

## LAND DEVELOPMENT PLANS

There were no Land Development Plans.

## SKETCH PLANS

There were no Sketch Plans.

## OLD BUSINESS

1. Fairview Elementary – 19-1009-LD

Mr. Waller presented the revised plans dated April 30, 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 have the required seal and signatures for the engineer/surveyor. SLDO 260.14.A(12)

2. The plans do not have the certification and dedicatory statement signed by the owners. SLDO 260.14.A(13)

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. All proposed site improvements for the site, shall include an improvement guarantee in the form of financial security which shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. An estimate of these improvements will need to be submitted for approval. SLDO 260.17

5. Ordinances require that a recreation fee shall be required in lieu of dedicating land. This fee is assessed for each acre contained on a land development plan at $1000/acre. This fee would be due as a condition of approval. SLDO 260.33

**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. SWMO 252.17.C(1)(c) -Maximum side slope for detention basin – *Approved by BOS on April 26, 2021*
2. SWMO 252.10.L – SWM Basin setback requirements – *Approved by BOS on April 26, 2021*
3. SLDO 260.10.A – Preliminary Plan Procedures – *Approved by BOS on April 26, 2021*
4. SLDO 260.11.B(1) – Final Plan sheet size – *Approved by BOS on April 26, 2021*
5. NEW – SLDO 260.17 – Placement of Financial Security
6. SLDO 260.22B(1) & (2) – Street Width – *Approved by BOS on April 26, 2021*
7. SLDO 260.24.B – Curb Requirements – *Approved by BOS on April 26, 2021*
8. SLDO 260.25.A – Sidewalks – *Approved by BOS on April 26, 2021*
9. NEW – SLDO 260.25.F – Street Light spacing
10. NEW – SLDO 260.33 – Recreation Requirements
11. NEW – SLDO 260.22.A.7 – Right-of-way and Cartway Requirements
12. NEW – ARTICLE XII – Traffic Impact Fee

**<u>Engineer Comments from Mike Knouse, P.E., at Rettew:</u>**

**ZONING**

1. The proposed building exceeds the maximum allowable building footprint (§ 300-16.A)
2. Any wall exceeding six feet in height shall comply with Chapter 113 relating to Code Enforcement, Uniform Construction Code. Preliminary wall design, signed and sealed by the responsible professional engineer, shall be submitted for review with the plan (§ 300-37.F).
3. A Highway Occupancy Permit needs to be obtained from PennDOT for access onto a state road (§ 300-55.G, 260-14.B.3.a).

**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. 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)).

3. Subdivisions abutting existing state roads need to comply with the right-of-way and cartway requirements (§ 260-22.A.7). Plans have been submitted to PennDOT for approval.

4. Provisions for controlling access through the proposed emergency access connection through the recreation area needs to be provided.

5. 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.

6. The applicant needs to verify the condition of the existing sanitary sewer lateral proposed to be connected to.

**STORMWATER MANAGEMENT**

1. The signature blocks for the developer's engineer and geologist will need to be completed (§ 252-21.D).

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 plan shall include a notarized signature of the owner of the parcel for which the stormwater management site plan is proposed indicating that they are aware of, and will be responsible for, operation and maintenance of the facilities. The statement shall also acknowledge the stormwater management system to be a permanent fixture that can be altered or removed only after approval of a revised plan by the Township (§ 252-21.F.(11)).

4. Note 5 of the rain garden detail will need to be revised if the bottom area is to be seeded rather than have landscape plugs installed.

5. The applicant will need to provide evidence of approval and secure an easement for the proposed stormwater discharge alterations on the Patton property, located opposite the proposed site entrance (§ 252-16.F, 252-16.G, 26-35.A.5, 260-35.A.6).

6. Evidence of approval needs to be provided for the proposed encroachment of the right turn lane and I-305 into the existing wetlands (§ 252.16.B, 260-35.A.(7)).

7. Evidence of approval from PennDOT needs to be provided for the proposed drainage facilities on SR 0114 (§ 252.16.A, 260-35.A.(8)). The applicant will also need to provide evidence of approval from all property owners affected by grading for the SR 0114 improvements.

**NEW Modification Request Action:**

1. Mrs. Anderson made a motion to deny the modification of SLDO 260.17 – Placement of Financial Security. Mr. Williams seconded. Vote on the motion. Mr. Thompson – Nay; Mrs. Anderson – Aye; Mr. Williams – Aye; Mr. Stouffer - Nay. The motion did not carry. Mr. Stouffer made a motion to approve the modification of SLDO 260.17 – Placement of Financial Security. Mr. Thompson seconded. Vote on the motion. Mr. Thompson – Aye; Mrs. Anderson – Nay; Mr. Williams – Nay; Mr. Stouffer – Aye. The motion did not carry so the Modification Request was denied.

2. Mrs. Anderson made a motion to approve the modification of SLDO 260.25.F – Street Light Spacing on the condition that a streetlight will be put at the intersection at the entrance to the school. Mr. Stouffer seconded. Vote on the motion. All Aye. The motion carried.

3. Mrs. Anderson made a motion to approve the modification of SLDO 260.30.A(1) –Recreation Requirements. Mr. Stouffer seconded. Vote on the motion. All Aye. The motion carried.

4. Mrs. Anderson made a motion to deny the modification of Article VII Traffic Impact Fee based on the fact that the school district will be impacting traffic. There was no second so the motion died. Mr. Williams made a motion to approve the modification of a Traffic Impact Fee. Mr. Stouffer seconded. Vote on the Motion. Mr. Thompson – Aye; Mrs. Anderson – Nay; Mr. Williams – Aye; Mr. Stouffer – Aye. The motion carried with 3 ayes and 1 nay.

5. Mr. Anderson made a motion to approve the modification of SLDO 260.22.A.7 – Right-of-Way and Cartway Requirements subject to the following conditions: the property frontage along Lewisberry Road near Stetler Road will be dedicated to Fairview Township; the driveway area along Lewisberry Road will be brought to PennDOT's standards and requirements; and the property frontage along Lewisberry Road to the East will have the requirement waived. Mr. Stouffer seconded. Vote on the motion. All Aye. The motion carried.

**Subdivision Plan Action:**

Mrs. Anderson made a motion to approve the plan subject to Zoning Hearing Board approval, Subdivision Ordinance comments 1 through 5, and General Comment 1 in the May 26, 2021, Memorandum by Codes Director Steve Waller and further subject to Zoning Comments 2 and 3, Subdivision and Land Development comments 1 through 6, and Stormwater Management comments 1 through 7 in the May 27, 2021 Rettew letter from Mike Knouse, P.E. Mr. Williams seconded. Vote on the motion. All Aye. The motion carried.

## NEW BUSINESS

There was no new business.

## ZONING HEARING BOARD

There were no new Zoning Hearing Board cases.

## ADJOURNMENT

Mrs. Anderson made a motion to adjourn the meeting, seconded by Mr. Stouffer. Vote on the motion. All Aye. The motion carried at 7:09 PM.