

FAIRVIEW TOWNSHIP PLANNING COMMISSION

September 7, 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

H. Adam Williams, P.L.S

Codes Director

Stephen M. Waller

Township Engineer

Drew Bitner, P.E.

Stormwater Engineer

Mike Knouse, P.E.

Absent:

Member

Michael Mehaffey, P.E

Member

Jason Stouffer

APPROVAL OF THE MINUTES ¹

Mrs. Anderson made a motion to approve the minutes of the August 3, 2021, meeting as presented. Mr. Thompson seconded. Vote on the motion. Mrs. Anderson – aye, Mr. Thompson – aye; Mr. Williams abstention due to lack of attendance at the August meeting. The motion was tabled till the October PC meeting.

*1- Mr. Waller advised the PC that due to their only being three members present that for any vote to be affirmed, it would require all three members would have to vote the same in order for it to carry. This was based on the assumption that three of the total five members carry a vote. *** After discussion with the Township Solicitor after the meeting, this was determined to be INCORRECT. Once a quorum is met, only a majority of the quorum members is required for an affirmative action.*

PUBLIC COMMENT

Mr. Matthew Puliti(sp) was present at the meeting. He asked the PC members and staff about the status of the Braircliff development and the completion of the streets within the development. The PC deferred to the Township Engineer – Drew Bitner. Mr. Bitner noted that there have been recent discussions with the developer regarding the streets being completed and that a meeting has been scheduled to walk the site to establish measures/repairs that need to take place in preparation of the completion of the streets.

The PC members asked to be updated with findings from that developer walk-thru meeting.

DISCUSSION AND CORRESPONDENCE

Mr. Waller advised the PC that there were two Zoning Change request that have been received. The members have been copied with the request and they will be up for discussion and possible action at the October 7th PC meeting.

SKETCH PLANS

1. 730 Limelkln Road – Sketch - #21-1012

No one was present to represent the sketch plan. Chairman Thompson and the PC took no further action on the plan since this was a sketch plan.

SUBDIVISION PLANS

1. Fairview Crossroads – Final Phase I – Lewisberry Road - #21-1013

No one was present to represent the Final plan.

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

2. Hindu American Religious Instiutute/PA American Water – Lott Add-on Plan – Steigerwalt Hollow Road - #21- 1014

Mr. Waller presented the revised plan dated August 26, 2021 to the Planning commission and read the following staff comments into the record from his memorandum dated 09/02/21:

Zoning Ordinance:

No comments.

Subdivision Ordinance:

1. There appears to be a missing bearing and distance along the frontage of Lot 1 south of L29 to the corner of the property line. SLDO 260.14.A(4)

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. The sight distances associated with the existing driveways for Lot#1 and Lot#2 are not depicted on the plans. SLDO 260.14.A(19)

5. A wetlands analysis/ report is required to be submitted. SLDO 260.14.B(7) and 260.22 Applicant is requesting a modification of this requirement.

6. Ordinances require that a proposed subdivision that is located on roads that are not to township standards for RIGHT-OF-WAY width would need to bring that frontage of the property to township standards. This would apply for the frontage along Steigerwalt Hollow Road. SLDO 260.22.A(7) Applicant is requesting a modification of this requirement.

7. Ordinances require that a proposed subdivision that is located on roads that are not to township standards for CARTWAY width would need to bring that frontage of the property to township standards. This would apply for the frontage along Steigervalt Hollow Road. SLDO 260.22.A(7) & 260.22.B(2) 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- 260.14.A(16) – Depiction of steep slopes

SLDO- 260.14.A(17) - Wetlands Report

SLDO 260.22.A(7) & 260.22.B(2) – Cartway Widening

SLDO – 260.24.B.1 – Curbing

SLDO 260.29.A(1) – Connect to public water

SLDO 260.30.A(1) – Connect to public sewer

SLDO 260.25.A – Sidewalks

The following comments were read into the record by Mr. Knouse from his memorandum dated 09/02/21:

REQUESTED ALTERATIONS OF REQUIREMENT

A written request for modifications listed on the plan, including justification, needs to be provided.

A. Section 260-14.A.16 – Delineation of Steep Slope Areas on the Plan

The applicant has requested waiver of the requirement to delineate steep slopes.

B. Section 260-14.B.7 – Wetland Analysis Report

The applicant has requested waiver of the requirement to submit a Wetland Analysis Report.

C. Section 260-22.A.7 & 260-22.B.2 – Street Widening

The applicant has requested waiver of the requirement to widen Steigervalt Hollow Road along the property frontage.

D. Section 260-24.B.1 - Curbing

The applicant has requested waiver of the requirement to install curbing along the property frontage of Steigervalt Hollow Road.

E. Section 260-25.A - Sidewalk

The applicant has requested waiver of the requirement to install sidewalk along the property frontage of Steigervalt Hollow Road.

F. Section 260-29.A.1 – Connection to Public Water Systems

The applicant has requested waiver of the requirement to connect to the public water system.

G. Section 260-30.A.1 – Connection to Public Sewer Systems

The applicant has requested waiver of the requirement to connect to the public sewer system.

ZONING

1. *The applicant needs to demonstrate compliance with the buffer yard requirements (§ 300-33). The buffer yard needs to be dimensioned on the plan.*
2. *A parking schedule needs to be provided to show compliance with the parking requirements (§ 300-56).*

SUBDIVISION AND LAND DEVELOPMENT

1. *A separate plan sheet titled "The Original Property Description" needs to be provided (§ 260-14.A.1). The sheet title needs to be revised.*
2. *All certificates need to be completed prior to recording the plan (§ 260-14.A.12, 260-14.A.13).*
3. *The easement needs to be dimensioned around the existing tributary on Lot 1A (§ 260-14.A.17).*
4. *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.*

The following comments were read into the record by Mr. Bitner from his memorandum dated 08/19/21

1. *Survey Control Point should be labeled on the Plan.*
2. *Proposed Lot 1 Table w/L32, L33, L34, L35... Is Lot 1B on the Plan.*

Action of Modification request:

Mrs. Anderson made a motion to recommend approval of the modification from SLDO 260.14.A(16) Depiction of Steep Slopes. Mr. Williams seconded the motion. Vote on the motion, All Yes. The motion carried.

Mrs. Anderson made a motion to recommend approval of the modification from SLDO 260.14.A(17) – Wetlands Report. Mr. Williams seconded the motion. Vote on the motion, All Yes. The motion carried.

Mrs. Anderson made a motion to recommend denial of the modification from SLDO 260.22.A(7) and 260.22.B(2) – Cartway widening along Steigerwalt Hollow Road in front of the existing H.A.R.I. lot. Mr. Williams seconded the motion. Vote on the motion, All Yes. The motion carried.

Mrs. Anderson made a motion to recommend approval of the modification from SLDO 260.24.B.1 – Curbing requirements. Mr. Williams seconded the motion. Vote on the motion, All Yes. The motion carried.

Mrs. Anderson made a motion to recommend approval of the modification from SLDO 260.25.A – Sidewalks. Mr. Williams seconded the motion. Vote on the motion, All Yes. The motion carried.

Mrs. Anderson made a motion to recommend approval of the modification from SLDO 260.29.A(1) – Connect to Public Water. Mr. Williams seconded the motion. Vote on the motion, All Yes. The motion carried.

Mrs. Anderson made a motion to recommend approval of the modification from SLDO 260.30.A(1) – Connect to Public Sewer. Mr. Williams seconded the motion. Vote on the motion, All Yes. The motion carried.

There was additional discussion regarding the plan and the existing septic system on the H.A.R.I lot as it related to a replacement septic site or lack of replacement testing that took place on this lot. It was determined that the applicant's representative would request an additional modification from this requirement to SLDO 260.30.A.4(c) – Replacement septic area.

Mrs. Anderson made a motion to recommend approval of the modification from SLDO 260.30.A.4(c) – Replacement septic area. Mr. Williams seconded the motion. Vote on the motion, All Yes. The motion carried.

Subdivision Plan Action:

Mrs. Anderson made a motion to recommend approval of the plan contingent on the following comments being addressed: Mr. Wallers' memorandum comments 1-7 and general comment #1; Mr. Knouse' s comments #1 & 2 and SLDO comments 1-4; and Mr. Bitners' comments 1 &2. . Vote of the motion, all yes. The motion carried.

LAND DEVELOPMENT PLANS

1. Tractor Supply – Old York Road – 21-1011- LD

Mr. Waller presented the original plans dated July 30, 2021 to the Planning Commission. He noted that the plan was not represented at the Planning Commission workshop and that there were numerous technical comments that remained from staff with the plan.

A representative of the plan was in attendance and noted that they would be in contact with staff to discuss, revise and resubmit the plans. It would be their intent to attend the next PC workshop meeting to discuss their revised plans.

Land Development Plan Action:

Mrs. Anderson made a motion to table the plan until the staff comments can be addressed. Mr. Williams seconded the motion. Vote of the motion, all yes. The motion carried.

OLD BUSINESS

1. Yellow Breeches Parking Basin – Shawnee Ct - #20-1008 – LD

Mr. Waller noted that there was no one in attendance to represent the plan. Chairman noted this for the record and did not ask for a motion to un-table the plan. Therefore, the plan remained tabled.

2. Green Lane Meadows – 21-1006-SD

Mrs. Anderson made a motion to un-table the plan. Mr. Williams seconded the motion. Vote on the motion, All Aye, the motion carried.

Mr. Waller presented the revised plans dated August 24, 2021 to the Planning Commission. He made note that the plan did have the opportunity to go through the PC Workshop meeting with staff in the past. Mr. Waller read the following staff comments from his 09/02/21 memo into the record:

Zoning Ordinance:

All comments have been addressed.

Stormwater Management Ordinance

1. *SWM facilities are considered structures and are require to meet the applicable district setbacks for a structure. SWMO 252.10.L Applicant is requesting a modification of these requirements.*

Subdivision Ordinance:

1. *The plans do not have the seal and signature of the design professionals. 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. *Any proposed easements (stormwater and sewer in several areas) need to be dimensioned to clearly identify the limits of the easements. SLDO 260.14.A(17)*
4. *A draft version of the protective covenants/ HOA documents for common area ownership, maintenance and responsibilities will need to be submitted for solicitor review. SLDO 260.14.A(27) & 260.35.G*
5. *The traffic impact study will need to be reviewed by our traffic consultant, please refer to any comments generated from that review. SLDO 260.14.A(28) & 260.34(B)(1)(b)*
6. *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)*
7. *A copy of the submittal of the PA DEP Planning Module will need to be supplied. SLDO 260.14.B(2)*
8. *Due to the site proposing work within the noted flood plain, the following additional information will be needed: PA DEP approval FPO 151.3.04.C(4)b. SLDO 260.14.B(4)(a&b)*
9. *The proposed access and parking area to the Yellow Breeches will need to be discussed with the PC and Board of Supervisors as it relates to any credit or offset cost associated with the Recreation fees required by ordinance. SLDO 260.33*
10. *The site will be subject to the Traffic Impact Fee ordinance requirements. The site is located within Traffic Service Area #1, which will be subject to a fee of \$1583 per new PM peak hour trip. This fee will be established off the submitted TIS for the site. SLDO 260.50*

General Comments:

2. *Plans will need to be submitted to the USPS Addressing Management Authority in Harrisburg for address, street name and delivery confirmation approvals.*
3. *Will there be a general easement agreement for all the existing encroachments along Meadow Drive? If so, the language of the easement agreement should be submitted for township solicitor review.*
4. *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 Management structures/ setbacks SWMO 252.10.L*
2. *Stormwater basin side slopes - SWMO252.17.C(c)*

3. *Roadway widening Green Lane Drive and Limekiln Road – SLDO 260.22.A.7*
4. *Curbing requirements along Green Lane Drive and Limekiln Road – SLDO 260.24.B(1)*
5. *Sidewalk installation along Green Lane Drive and Limekiln Road - SLDO 260.25.A*
6. *Minimum emergency spillway 2ft depth. SLDO 260.35.C(3)(g)[1]*

Mr. Knouse read the following comments from his 09/02/2021 memo into the record:

REQUESTED ALTERATIONS OF REQUIREMENT

A. Section 260-22.A.7 – Roadway Widening

The applicant has requested a modification of the requirement to widen the roadway along Green Lane Drive and Limekiln Road. In the alternative, the applicant is proposing to widen the cartway along Green Lane Drive to 15 feet from the centerline where feasible between the existing guiderail at the south end of the roadway to the northern boundary of the property along approximately 2,740 feet of frontage. Also, the applicant is proposing to widen the cartway along Limekiln Road by approximately three feet to 15 feet from the centerline between Green Lane Drive and the existing residential driveway at approximately 885 feet east of Green Lane Drive.

B. Section 260-24.B.1 – Curb

The applicant has requested waiver from the requirement to provide curbs along Green Lane Drive and Limekiln Road.

C. Section 260-25.A - Sidewalk

The applicant has requested a modification of the requirement to provide sidewalks along the frontage of Green Lane Drive and Limekiln Road. In the alternative, the applicant is proposing a six-foot-wide bituminous walkway adjacent to the Green Lane Drive right-of-way within a common space area with a roadside swale constructed between. In addition, the applicant is not proposing sidewalk along the frontage of Limekiln Road.

D. Section 252-17.C.1.c–Basin Side Slopes

The applicant has requested a modification of the requirement to provide basin side slopes of 4:1. In the alternative, the applicant proposes basin side slopes of 3:1.

E. Section 252-10.L – Building Setback Requirements

The applicant has requested a waiver of the requirement that all stormwater management facilities must comply with building setback requirements.

F. Section 260-35.C.3.g.1 – Emergency Spillway

The applicant has requested a modification of the requirement that the emergency spillway be a minimum depth of two feet.

SUBDIVISION AND LAND DEVELOPMENT

1. *All certificates need to be completed prior to recording the plan (§ 260-14.A.12, 260-14.A.13, 252-21.D, 252-21.F.(11)).*
2. *Provide a draft of any protective covenants, if any (§ 260-14.A.27).*

3. *The Traffic Impact Study needs to be reviewed by the Township traffic consultant (§ 260-14.A.28). The applicant states the Traffic Impact Study has been submitted for review.*
4. *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).*
5. *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).*
6. *Evidence of design approval and capacity for water and sewage facilities needs to be provided (§ 260-14.C.3, 260-14.C.4). A copy of the E&S/NPDES submission will need to be provided to the Township.*
7. *A road widening paving section needs to be provided for Limekiln Road and Green Lane Drive, which are both collector streets. The collector street design requirements differ from those for a local street (§ 260-24.A.2). The proposed improvements along Limekiln Road need to be reviewed with the Township Engineer. It is recommended that widening be completed on the opposite side of the road to provide the desired road width. The proposed pavement stabilization along Limekiln Road needs to be consistent with the proposed pavement cross section. The detail needs to address restoration of all existing pavement markings. Based upon a site visit, it is recommended the guide rail be extended further along Limekiln Road.*
8. *All street names shall be approved by the Township (§ 260-25.E). The applicant states the street names have been provided for review.*
9. *Evidence of design approval and capacity for water and sewage facilities needs to be provided.*
10. *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.*
11. *Access through the existing fence needs to be addressed for the proposed parking area at the end of Tall Tree Drive. The plan needs to clearly identify a portion of the fence to be removed. Operation and maintenance requirements and responsibility need to be addressed for the proposed parking area.*

STORMWATER MANAGEMENT

1. *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 (§ 252-21.F.(9)). An agreement will need to be provided.*

The developer and their representatives were in attendance to discuss the plan and address any concerns the Planning Commission had with the plan or staff comments.

The PC Members discussed different aspects of the plan, which included the following items: improvements to Limekiln Road; improvements to Green Lane Drive; concerns regarding the intersection of Limekiln and Green Lane Drive; the areas being contested by several property owners that are adjacent to site along Meadow Drive; and the proposed recreation area adjacent to Yellow Breeches. The PC member sought opinions from T.E. Bitner and Consulting Engineer M. Knouse as to the extent of any improvements possible along Limekiln Road, in light of the restrictions along the road. The applicants engineer also offered input on these restrictions and the difficulties with expansion.

Action of Modification request:

Mrs. Anderson made a motion to recommend approval of the modification from SWMO 252.10.L - Stormwater management structure setbacks. Mr. Williams seconded the motion. Vote on the motion, All Yes. The motion carried.

Mrs. Anderson made a motion to recommend approval of the modification from SWMO 252.17.C(c) – Stormwater Basin Side slopes. Mr. Williams seconded the motion. Vote on the motion, All Yes. The motion carried.

Mrs. Anderson made a motion to recommend denial of the modification from SLDO 260.22.A(7) and 260.22.B(2) – Cartway widening along Green Lane Drive and Limekiln Road. Mr. Williams seconded the motion. Vote on the motion, Mrs. Anderson – Aye; Mr. Williams, Aye; Chairman Thompson, Nay. The motion did not carry.¹

*1- Mr. Waller advised the PC that due to their only being three members present that for any vote to be affirmed, it would require all three members would have to vote the same in order for it to carry. This was based on the assumption that three of the total five members carry a vote. *** After discussion with the Township Solicitor after the meeting, this was determined to be INCORRECT. Once a quorum is met, only a majority of the quorum members is required for an affirmative action.*

Mrs. Anderson made a motion to recommend approval of the modification from SLDO 260.24.B.1 – Curbing requirements. Mr. Williams seconded the motion. Vote on the motion, All Yes. The motion carried.

Mrs. Anderson made a motion to recommend approval of the modification from SLDO 260.25.A – Sidewalks along a portion of Green Lane Drive and on Limekiln Road. Mr. Williams seconded the motion. Vote on the motion, All Yes. The motion carried.

Mrs. Anderson made a motion to recommend approval of the modification from SLDO 260.35.C(3)(g)[1] – Minimum emergency spillway 2 ft depth. Mr. Williams seconded the motion. Vote on the motion, All Yes. The motion carried.

Subdivision Plan Action:

Mrs. Anderson made a motion to deny the plan due to the outstanding staff comments noted above and the unaddressed concern relating to the land dispute with the adjacent property owners. Mr. Williams seconded the motion. Vote of the motion, all yes. The motion carried.

NEW BUSINESS

There was no New Business.

ZONING HEARING BOARD

Docket No. 2021-10: James and Joanne Drake, 111 Iron Furnace Court, Lewisberry, PA 17339. The Applicant is requesting a variance to the Fairview Township Zoning Ordinance, § 300-50.B, “Private Household swimming pools”. The Applicants are proposing to construct an in-ground swimming pool in the front yard of a property that has three front yards by ordinance. The property is located at 111 Iron Furnace Court, Lewisberry,

PA 17339, and is located in the Rural Living Zoning District.

ADJOURNMENT

Mrs. Anderson made a motion to adjourn the meeting, seconded by Mr. Williams. Vote on the motion. All Aye. The motion carried and the meeting was adjourned at 8:20 PM.