

**FAIRVIEW TOWNSHIP BOARD OF SUPERVISORS**  
**October 30, 2017 – 7:00 p.m.**

**MINUTES**

**I. CALL TO ORDER:**

The meeting was called to order by the Chairman, Dr. Larry Cox, at 7:00 p.m.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL:**

**PRESENT:** Dr. Larry Cox, Chairman  
Mario D. Pirritano, Vice-Chairman  
Christopher L. Allen, Supervisor  
Korey Leslie, Supervisor  
John W. Jones, Supervisor  
Dave Jones, Stock & Leader, Solicitor  
Donald F. Martin, Manager  
Jason Loper, Police Chief  
Stephen M. Waller, Codes Administration Director

**IV. ANNOUNCEMENT OF EXECUTIVE SESSIONS:**

There was an executive session prior to this meeting to discuss a personnel matter

**V. RECOGNITION OF PUBLIC**

1. Henry Hedden from the Redland Community Library updated the Board on the activities at the Library and the uncertainty of a final move date. He thanked the board for their continued support.
2. John O'Keefe, 110 Catherine Ct. asked for a status update on the Goodman Warehouse Project. Mr. Waller informed Mr. O'Keefe that this was a project within Newberry Township. However, the "road accessibility" was on this agenda to be discussed later in the meeting.

**VI. AGENDA ITEMS**

**1. Loyalty Oath – Fire Police**

Dr. Cox administered the Fire Police Loyalty Oath to the following individuals:  
Carroll Nelson, Donnie Moore

**2. Shannon Stone, Fairview Township Fire Department – Fire Safety Education Award**

Ms. Stone informed the Board that the Fairview Township Fire Department was awarded a 1<sup>st</sup> place plaque and a monetary donation at last month's Fire Safety Chief's Association ceremony in Pittsburgh.

**3. Stacy Gromlich, West Shore Recreation Commission Community Liaison**

Ms. Gromlich thanked the Board and Fairview Township for their continued support and stated there would not be a budget increase for 2018. West Shore Recreation will be celebrating their 50<sup>th</sup> anniversary in 2018.

John Minito, Chairman of the Fairview Township Recreation Commission also thanked the board and Mr. Martin for their continued support. Mr. Minito stated that he receives numerous compliments with regard to the cleanliness and condition of the townships parks and fields. He gave a special thanks to Keith Reynolds and his crew for their outstanding efforts throughout the year.

**CHAIRMAN COX ADVISED ALL IN ATTENDANCE THAT BOARD OF SUPERVISORS MEETING WOULD BE ADJOURNED AT THIS TIME SO THAT PUBLIC HEARING COULD BE HELD FOR PROPOSED ORDINANCE TEXT AMENDMENTS**

## **PUBLIC HEARING – ORDINANCE 2017-3 – VARIOUS TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION/LAND DEVELOPMENT ORDINANCES**

At this time, Dave Jones – Township Solicitor advised the Board of Supervisors and the audience that the purpose of the hearing was to present the Board with the finalized version of the proposed text amendments and seek any public comments regarding the amendments. He noted that the proposed ordinances had been advertised in accordance with public hearing notice requirements.

### **PRESENTATION:**

Mr. Waller noted that the Board has been copied with the language being proposed but gave a brief description of the proposed text changes:

- Defining Flag Lots in the SLDO;
- Setting the maximum property description scale to 1" = 400' or greater for submitted drawings in the SLDO;
- Defining Flag Lots; Warehousing and Distribution; and separating Wholesaling from the warehousing and distribution definition in the Zoning Ordinance;
- Permitting "Wholesaling" to take place in the Commercial Business, Industrial and Airport Business Zoning Districts in the Zoning Ordinance;
- Enhancing the existing lot criteria for green/open space in a Business Park to allow for greater flexibility with the development standards for Commercial and Industrial uses in the Zoning Ordinance;
- Creating relief from design lot criteria specific to "Municipal Owned Uses" in the Zoning Ordinance;

These changes were presented to both the Fairview Township Planning Commission and York County Planning Commission in September 2017. The Fairview Township Planning Commission chose not to provide a recommendation at that time as they were awaiting the comments from the York County Planning Commission. As of this hearing, the Fairview Township Planning Commission has not given a recommendation on the proposed text amendments.

The York County Planning Commission (YCPC) discussed the text amendments at their October 17, 2017 meeting and the amendments were split into (2) two parts. The Subdivision and Land Development changes and the Zoning Ordinance Changes.

The York County Planning Commission recommended the following:

- Proposed Subdivision and Land Development Amendments – Recommendation was to adopt as written;
- Proposed Zoning Amendments – Recommendation was not to adopt. The YCPC recommendation was specific to the language proposed by Section 300.73.I – Municipal Owned Uses. YCPC felt the proposed relief to a municipal use that could be granted by the Zoning Officer was "*not consistent with Article VI, Zoning of the PA MPC.*" Specifically "*The zoning officer shall administer the zoning ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the zoning ordinance.*"

In response to comments from York County Planning Commission's denial recommendation, Attorney Dave Jones stated that "literal terms" are being put into the ordinance relying upon the certification from a licensed engineer to the zoning officer stating the requirements of the ordinance cannot be met. In his opinion, Attorney Jones did not agree with the YCPC denial comment and he felt that the ordinance as written, does establish the criteria that the zoning officer could follow. Attorney Jones also stated that the Fairview Township Planning Commission had the proposed changes/amendments for over 30 days, closer to 60 days, which meets the minimum 30 day requirement as established by the PA Municipalities Planning Code.

### **PUBLIC COMMENT:**

Attorney Glenn Parno, from Law Offices of Capozzi Adler spoke on behalf of township resident Mr. Josh Kessler from 892 Lewisberry Road with regard to Mr. Kessler's concerns with the proposed zoning amendment. Mr. Parno stated he would urge the board to follow the recommendation from York County Planning to reject the proposed zoning amendment. His concerns with the zoning amendment, relate to the proposed relocation of the Fairview Township recycling center to Lewisberry Road. Mr. Parno gave a brief history of Fairview Township Zoning Hearing

Board case associated with the relocation of the recycling center to a property adjacent to his client's property. He noted that there was resistance expressed by his client and adjacent neighbors at the hearing based on the proposed use not being in the best interest of the health, safety and welfare of the surrounding residents. However, the ZHB granted a de minimus variance for the property as requested. He also noted that the ZHB decision was being challenged and an appeal of that decision is in the process at York County. He felt that this proposed text amendment was a way to get around the appeal that has been filed based on that ZHB decision.

Attorney Craig Sharnetzka, from CGA Law Firm representing Fairview Crossroads, LLC stated his client request the board proceed with the approval to the proposed text amendments to section 300-71 providing more flexibility to the current "business park" zoning requirements.

There were no other comments regarding the proposed amendments. Chairman Cox closed the Public Hearing.

## **RECONVENE MEETING**

### **CALL TO ORDER:**

The public meeting was recalled to order by the Chairman, Dr. Larry Cox, at 7:31 p.m.

#### **Ordinance 2017-3 – Various Text Amendments to the Zoning and SLDO**

Mr. Jones made a motion, seconded by Mr. Allen to adopt Ordinance 2017-3 – Text Amendments to the Zoning and SLDO.

Vote on the motion: Mr. Jones, Yes; Mr. Allen, Yes; Mr. Pirritano, Yes; Dr. Cox, No; Mr. Leslie, No; The motion carries 3-2.

#### **4. David Schaumann, Deputy Director and legal counsel for York Housing Authority**

Mr. Schaumann spoke with regard to a facility within Fairview Township called "The Fairmont". He stated this 75 unit facility was designed with the safety of the elderly in mind. He would like to make more people aware of its existence. This is not assisted living and is for independent seniors.

Dr. Cox suggested a second complex within the township in the future. And requested the link to the York Housing Authority be placed on the Township website.

#### **5. Authorize Execution of the Transportation Improvements Agreement**

Mr. Allen made a motion, seconded by Mr. Pirritano to authorize the traffic improvements agreement between New View Corporation, GNAP Development LLC, Fairview Township, and Newberry Township.

Vote on the motion: All Yes. The motion carried

#### **6. Building, Zoning, Codes:**

##### **A. Ordinance 2017-3 – Various Text Amendments to the Zoning and SLDO**

Mr. Jones made a motion, seconded by Mr. Allen to adopt Ordinance 2017-3 – Text Amendments to the Zoning and SLDO.

Vote on the motion: Mr. Jones, Yes; Mr. Allen, Yes; Mr. Pirritano, Yes; Dr. Cox, No; Mr. Leslie, No; The motion carries 3-2.

##### **B. Time Extension Request**

**Fairview Summit – Lewisberry Road - January 29, 2018**  
**Tintzman Tract – Pleasantview Road - Indefinite**

Mr. Jones made a motion, seconded by Mr. Pirritano to approve the two time extension requests listed above.

##### **C. Preliminary Plan/New View Corporation - 4 Lot Subdivision – Yorktown Rd:**

Arvil Frydenfelt, 723 Wyndemere Road, inquired how the driveway access will change for the existing lots along the realigned road.

Mr. Waller explained that the ordinance states that driveways are to gain access by the street that has lesser congestion to it.

Mr. Pirritano made a motion, seconded by Mr. Allen to approve the preliminary/ New View Corporation - 4 Lot Subdivision – Yorktown Rd contingent upon submittal of signed and notarized plans; payment of all engineer fees; and compliance with the Township staff memo dated October 13, 2017; Rettew Associates review letter dated October 17, 2017 and receiving all outside agency approvals prior to final plan action.

Brian Evans with Evans Engineering stated that the final plans are slated for the upcoming Planning Commission meeting on November 8<sup>th</sup>, 2017.

Brian Kobularcik with Goodman Engineering confirmed they are looking for construction to start in January 2018.

**D. 674 Gaumer Road - Modification request (Tabled from 9/25 Mtg.)**

**SLDO 260.33.B(2) – Payment of recreation fees**

Mr. Kirchner stated for the record that he withdraws his request for modification for payment of the recreational fees and will pay that upon approval of his plans.

**SLDO 260.34 – Payment of Traffic Impact Fees**

These modifications were presented to the PC at their meeting in September 2017 and the PC recommended denial of both requests.

Dr. Cox stated that there is concern how the cost of traffic impact fees to incoming small businesses will affect the growth of the Township. Dr. Cox would like to further discuss

Mr. Leslie stated that he felt a text amendment to the traffic impact fee is needed to include a maximum of ten (10) trips for existing and new businesses as discussed and agreed upon by other board members.

Jesse Kirchner of 674 Gaumer Road stated he does not have a problem with the traffic impact fees as long as there is a consistency to the rule. He is currently uncertain as to what type of business he will be placing in the open business space he currently owns.

Mr. Pirritano made a motion, seconded by Mr. Leslie to direct staff to draft a proposed amendment to the traffic impact fee regarding above parameters to which was discussed. Vote on the motion: All Yes. The motion carried.

**E. Postupack – Modification request - Ross Avenue (Tabled from 9/25 Mtg.)**

**SLDO 260.33.B(2) – Payment of recreation fees**

**SLDO 260.34 – Payment of Traffic Impact Fees**

These modifications were presented to the PC at their meeting in September 2017 and the PC recommended denial of both requests.

Mr. Leslie made a motion, seconded by Mr. Allen to deny the modification requests above. Vote on the motion: All Yes. The motion carried.

**7. PUBLIC HEARING – Intermunicipal Transfer of Liquor License**

Mr. Leslie made a motion, seconded by Mr. Allen to advertise and set a public hearing date of December 4, 2017 at 7:00 pm for the transfer of a liquor license.

**8. Discussion – Street Light Tax**

Dr. Cox believes that street lights are important and would like to see a resolution implemented to spread the cost to all residents.

Mr. Martin explained using a straight millage rate assessed by property value would generate a tax bill of \$5.40 per \$100,000 of assessed value.

Arvil Frydenfelt, 723 Wyndemere Road, stated he felt the purpose of street lights are for the folks who reside within those particular areas and not to be spread across to all and compared it to the fire hydrant tax.

Cathy Lee, 789 Null Rd., inquired if the street light fee was put into place, can she request a street light be placed at her dark intersection.

Mr. Waller explained she can certainly do so and this was taken into consideration however, will ultimately raise the cost of the street light tax per resident.

Mr. Yohe requested reimbursement of past taxes he paid as opposed to neighbors that have gone unbilled in prior years.

The board will discuss in the future after collecting and reviewing further information.

**9. Present 2018 Budget of Township Funds:**

Mr. Leslie made a motion, seconded by Mr. Pirritano to increase millage to 1.5 from 1.175 and to present the 2018 Budget of Township Funds for public review for the required 20 day period with the intent to adopt at the meeting of December 4, 2017.

Vote on the motion: Mr. Leslie, Yes; Mr. Pirritano, Yes; Dr. Cox, Yes; Mr. Allen, No; Mr. Jones, No; The motion carries 3-2.

**VII. OLD BUSINESS**

1. Mr. Pirritano asked how long the Slate Hill Bridge will remain closed.

Mr. Bitner gave an update on all bridge work as follows:

- Limekiln Road and Slate Hill remains closed at this time.
- Sheepford Rd. Bridge shut down October 30<sup>th</sup>, 2017, length of time is uncertain.

2. Mr. Martin stated a response letter was received from PennDot with regard to the request from last month's meeting for stop signs to be placed at Moore's Mountain and Pinetown Rd. intersections. PennDot has informed the township they will be installing "stop lines" instead of "stop signs" at these locations.

**VIII. NEW BUSINESS**

1. Dr. Cox asked Chief Loper for any positive comments from the police department.

Chief Loper stated the police department purchased glow in the dark bracelets and his officers were out distributing to the children on trick-or-treat night.

**IX. APPROVAL OF MINUTES**

Mr. Leslie made a motion, seconded by Mr. Allen to approve the minutes of the September 25, 2017 meeting of the Board of Supervisors.

Vote on the motion: All yes. The motion carried.

**X. RATIFICATION OF BILLS PAYABLE**

Mr. Leslie made a motion, seconded by Mr. Allen to ratify payment of all Bills Payable as presented.

Vote on the motion: All yes. The motion carried.

**XI. ANNOUNCE EXECUTIVE SESSION**

There will not be an executive session following this meeting.

**XII. ADJOURNMENT**

Mr. Leslie made a motion, seconded by Mr. Allen to adjourn the meeting.

Vote on the motion: All yes. The meeting was adjourned at 9:05 p.m.