

# PARADISE TOWNSHIP PLANNING COMMISSION

## MEETING MINUTES

September 23, 2019

The regularly scheduled meeting of the Paradise Township Planning Commission was held September 23, 2019 at the Paradise Township Municipal Building. (Revised 10-15-19 after Supervisors Meeting)

### 1. Call to Order and Pledge to the Flag

The meeting was called to order by Chairman Kevin Barnes at 7:00PM.

### 2. Attendance:

Kevin Barnes  
Bob Nivens  
Tom Bosley  
Brent Auchey  
Barry Schuchart  
Mike Zeigler  
Zoning Officer Neal Doyle  
Doug Stambaugh P.L.S.  
There were three (3) others present.

### 3. Approval of the Meeting Minutes of June 24, 2019:

A motion to approve the Minutes from August 26, 2019 was made by Mike Zeigler and seconded by Brent Auchey. The motion passed unanimously.

### 4. Citizen's Concerns or Comments: There were none.

### 5. Communications:

a. Kevin Barnes presented the notes from the Supervisors meeting of September 9, 2019.

#### b. Miscellaneous:

- Barry Schuchart asked about the Road Occupancy Ordinance. The PTPC has not heard or seen anything related to the ordinance in some time. I believe the proposed ordinance is attached, however it has been over three years since it was reviewed. (Sharon found the Ordinance, no. 2018-03, approved Oct. 8, 2018. It's too lengthy to attach.)
- Bob Nivens brought up the International Property Maintenance Code which would be useful in resolving various issues with property in the Township. It was set aside. (This was discussed and decided that it is too particular to adopt at this time)
- Kevin Barnes brought up the Zoning Hearing for Spagnolla which was denied by the Zoning Hearing Board. The owner wished to add 4 condominiums on his property.

c. Zoning Officer: None

### 6. Sketch Plans:

a. None

7. **New Business:** **NOTE:** New and old business was reversed in order to provide additional time for the discussion.

- a. Andy Altobelli, the homeowner and Randy Hoover from Team Ag were present to discuss their Waiver Request for Stormwater Management on the property at 1176 Big Mount Road. They are proposing installing a half mile long by 15-foot-wide stone track to train horses on. The oval course will include 7" of 3/8" gravel. It will be raked daily to a depth of 2" to loosen the gravel and provide a more positive surface for the horses being trained. The owner is a licensed horse trainer. Other than a pair of run-in sheds, they've no interest in adding lights, parking areas or grandstands. The plan is for 6 horses at a maximum. They will *be attempting* to remain under the one-acre disturbance threshold in order to avoid having to obtain an NPDES permit. The course alone excluding the run-in sheds, grading, construction entrance, material stockpiles and staging, and erosion control measures is around 40K sq. ft. of disturbance.

Doug Stambaugh noted that the Paradise Township Stormwater Ordinance considers gravel as impervious surface. He noted that in the runoff curve number table for TR-55 (table 1 in the ordinance) that a curve number of 98 is utilized for all smooth surfaces (concrete, asphalt, gravel, or bare compacted soil.) It is also noted that this is consistent with regulations at the county, state, and federal levels. Kevin Barnes stated that through conversation with the York County Conservation District and Pennsylvania Department of Environmental Protection that the proper method for calculating stormwater for smooth surfaces that do allow the water to penetrate such as gravel, porous asphalt and concrete, and permeable pavers is as follows. First you would tabulate your stormwater runoff assuming the cover is impervious. You would then complete soil testing to verify the soil under the proposed surface infiltrates. You would then provide level areas of stone under the proposed cover (if utilizing clean gravel the entire depth of gravel could be counted) that have the capacity to store the runoff and permit it to infiltrate. This allows you to mitigate the stormwater runoff without having to add other stormwater measures. Kevin Barnes offered the recent example of the Superior Homes site at North Lake Rd and Route 30 as an example of this methodology in practice.

Kevin Barnes presented several concerns related to this request:

1. Typically, when a waiver is requested there is a hardship or other justification presented that would make it not feasible to meet the section of the ordinance. Additionally, in many cases an alternate solution is proposed to meet the intent of the ordinance to the maximum extent feasible. The only justification presented was they felt that stormwater management was not necessary because the water may penetrate the stone should the proper steps be taken to prevent it from compacting.
2. Stormwater flows in the path of least resistance. With the slope of the track and assuming the stone does allow the stormwater to penetrate it is extremely likely that the stormwater opposed to infiltrating will follow the stone to the lowest point and spill out onto the adjoining property as a concentrated flow. This would likely negatively impact the downslope church property by concentrating the flow onto their property and as the flow would likely discharge onto the adjoining property with a larger volume and at a higher peak rate. No response to this concern was provided by the owner or his designer.
3. As it appears that once the run-in sheds, grading, construction entrance, material stockpiles and staging, and erosion control measures are added into the disturbed area the total will

likely exceed 1 acre and therefore require NPDES which would in turn require that stormwater management be done. No response to this concern was provided by the owner or his designer.

4. If the township would grant this waiver for this site on the justification that the owner and designer feel stormwater management is not needed it would set a precedent that would severely limit the ability to enforce the stormwater ordinance and therefore pose a risk to township residents, infrastructure, and waterways. No response to this concern was provided by the owner or his designer.

Tom Bosley recommended to **DENY** the Waiver Request, but with the stipulation that we work with Altobelli and Team Ag to help resolve the issues. Mike Zeigler seconded and the motion passed. (Randy Hoover discussed the reasons for wanting this Waiver. The Supervisors tabled this awaiting further information from Mr. Hoover)

## 8. Old Business:

- a. Tall Grass Meadows, Phase 2 (Plan Expires: January 10, 2020)-

As no one from KPI or Tall Grass were in attendance, Bob Nivens motion, seconded by Mike Zeigler, to postpone the discussion. The motion passed. It was mentioned that the Supervisors are still holding three (3) Waiver Requests from Tall Grass that were reviewed by the PTPC last month and forwarded to the Supervisors for Approval. No action was taken by the Supervisors at the earlier monthly meeting. (The Supervisors approved the three (3) waivers.)

- b. Mobile Home Park Ordinance-

The proposed ordinance revisions (SALDO Part 7, Zoning Section 1323) was reviewed. Multiple changes will be made. It was motioned to have Bob Nivens make the changes by Kevin Barnes, seconded by Tom Bosley and the motion passed.

- c. Fireworks Ordinance-

Kevin mentioned that he was unable to obtain any neighboring ordinances, however one may be available from Springettsbury. The proposed ordinance is from Spring Garden. There was no further discussion. Tom Bosley motioned, seconded by Mike Zeigler, and it has been postponed for another month. (Clark has revisions but did not bring them)

- d. Junkyard Ordinance-

Brent Auchey motioned, seconded by Mike Zeigler, to postpone discussion for another month. The motion passed.

- e. Sign Ordinance-

Neil Doyle discussed the "Overlay" Sign Ordinance for route 30 and 234. He is working with Sharon Myers to further this along. The proposal is to maintain a 200 ft. wide corridor on Rt. 234 and a 600 ft. wide corridor on Rt. 30 in which all signage is to be placed. Tom Bosley motioned, seconded by Mike Zeigler, to have Neal Doyle make a couple of corrections and pass it on to the Supervisors. The motion passed. (The Overlay ordinance 2019-1, House Numbering ordinance 2019-2 and Special Events ordinance 2019-3 were approved)

- f. Personal Service Providers Ordinance-

Kevin brought up the Personal Service Providers Ordinance. At the request of the Board of Supervisors we discussed permitting the operation of businesses from a residential dwelling where the dwelling is used as the business address and storage of equipment for the business, but where the work of the business is not done at the property, such as a lawn care

business. The Paradise Township Zoning Ordinance does permit home-based businesses in all zones under sections 1317 Home Occupation and 1326 No Impact Home-Based Business. Per the ordinance this type of business would fall under the more applicable of these two sections but would struggle to comply with the conditions of these sections. While not discussed at the meeting it should be noted that this use would be permitted in the commercial zone under section 1311 Contractor Shop and Showroom.

It was also noted that an employee utilizing a properly marked business vehicle as personal transportation and stored at the employees residence does not constitute a business operating at that property assuming the business has a physical address elsewhere.

Kevin is still researching and will bring a suggested ordinance with him for the next meeting.

#### **9. Adjournment:**

Having no further business, a motion was made by Mike Zeigler to adjourn the meeting, seconded by Tom Bosley. The meeting was adjourned at 9:02 PM.

The next regularly scheduled meeting of the Paradise Township Planning Commission shall be held on October 28, 2019 at 7:00 PM in the Township Municipal Building.

Respectively submitted,

#### **PARADISE TOWNSHIP PLANNING COMMISSION**

*Bob Nivens*

Robert Nivens

Vice Chairman/Secretary

Cc: Clark Craumer, Supervisor  
Lance Biesecker, Supervisor  
Dean Bentzel, Supervisor  
Paradise Township Planning Commission: TB, BS, MZ, KB, BA  
Chris Mentzer, Township Secretary  
Wayne Smith, Zoning Officer  
Neal Doyle, Zoning Officer  
CGA, Sharon Myers Esq., Solicitor  
GHI, Doug Stambaugh, P.L.S., Township Engineer  
Amy Perry, Abbottstown-Paradise Joint Sewer Authority