

Paradise Township York County
Planning Commission Minutes
July 25, 2022

1. Call to Order/Pledge to the Flag.

2. Attendance.

<u>Commission Members</u>	<u>Township Employees</u>	<u>Design Firms/Engineers</u>	<u>Residents</u>
Mr. Kevin Barnes	Mr. Doug Stambaugh	Mr. Jack Powell, PE (via phone)	Frederick O'Brien
Mr. Korry Beard	Mr. Neal Doyle	Attorney Jeffrey Lobach	Alen Ahmetovic
Mr. Brent Auchey		Mr. Clark Craumer	3 others
Mr. Matt Osborne			

4. Approval of June 27, 2022 PTPC meeting minutes. Mr. Auchey made a motion to approve the June PTPC minutes as written. Mr. Osborne seconded and the motion passed unanimously.

5. Citizen's Concerns.

a. n/a

6. Communications.

a. Paradise Township Supervisor's Meeting (PTSM) Report. Mr. Barnes provided a summary of the most recent supervisor's meeting, updates include: approval of 91 day extension to Tall Grass LDP, relocation of the Paradise Village sidewalk, adoption of ordinance to remove portion of North Lake Road, supervisors advertising amended ordinances and received comments back from York County planning.

b. Miscellaneous.

c. Zoning Officer. Mr. Doyle reported that GHI is reviewing the SWM ordinance. DEP released new model storm water ordinance as more municipalities transition to MS4. The TWP will likely await full implementation of the new DEP ordinance to ensure that recommended township changes align with DEP.

7. Zoning Requests.

a. New Era, Fred and Linda O'Brien, 7415 Lincoln Highway. Mr. O'Brien, Mr. Ahmetovic, Attorney Lobach and Mr. Powell (via phone) were present to present the details of Mr. O'Brien's zoning hearing board application. Mr. Barnes explained that any

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approval from the zoning hearing board would not relieve the applicant from obtaining all applicable approvals from the township and outside agencies such as Land Development Plan approval and a PENNDOT permit. Mr. Barnes also noted that the township's standpoint on "existing" does not include changes to the property that were not approved or permitted. Sequential aerial images going back to 2012 show progressive expansion of the impervious coverage area on the property. During the meeting, Mr. Doyle presented Mr. O'Brien with written notice informing them of violation of the Paradise Township Stormwater Management Ordinance due to additional unapproved or permitted expansion that was observed that day.

Mr. Powell provided a brief overview of the proposed improvements. The subject property is 3 acres that consists of three separate parcels that will be combined into one tract via reverse subdivision. The owner will go back to 2012 and bring the property into compliance with existing regulation. The property is currently used as a restaurant and motel space and the existing parking lot is used for overnight tractor trailer parking. The owner intends to expand the 16,690 SF structure by adding an additional 6,985 SF of restaurant space to the rear (north) of the existing structure. The motel space would remain unchanged. GHI comments from the original LDP submission generated a need for the owner to seek clarification on several zoning questions via the zoning hearing board process. The owner acknowledges that the LDP expiration date is approaching and will request an extension.

Attorney Lobach presented the requests of the zoning hearing board application:

a. Zoning ordinance 805.E.2. – The village district requires a sidewalk and a 5 foot planting strip with trees. The applicant is requesting relief from these requirements because there is not enough room between Rt 30 and the building to accommodate the sidewalk, planting strip and the existing driveway and parking spots. Mr. Barnes noted that PENNDOT will likely not allow the open entrance off of Rt 30 the way it is and that a PENNDOT permit will be required so that the township can understand the PENNDOT requirements. Mr. Barnes made a motion to recommend variance to the sidewalk requirement but not the planting strip until after PENNDOT requirements are known. Mr. Beard seconded the motion and the motion passed unanimously.

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b. Zoning ordinance 1603. The applicant is requesting variance to the required parking space size and isle width. Attorney Lobach explained that parking spaces on the property are preexisting non-confirming structures especially to the west, south and east of the building. Discussion among the commission noted that the parking lot historically was not paved or marked with spaces, rather the parking areas noted were simply where patrons parked on their own. Mr. Powell did not have data on the site triangle at Rt 30 and Beaver Creek Rd. Mr. Osborne motioned to recommend disapproval of the parking space and isle width variance. The motion was seconded by Mr. Auchey and the motion passed unanimously.

c. Zoning Ordinance 1005.A.1. The applicant is requesting variance to the conservation of slopes that exceed 25%. The existing slope along Beaver Creek Rd. north west of the structure is approximately 33%. Mr. Barnes believes that the ordinance does not apply to man-made slopes but if the zoning hearing board does, then recommends that a variance be approved. Mr. Osborne seconded the motion and the motion passed unanimously.

d. Zoning ordinance 1410.E.2. The applicant is requesting special exception for the expansion of a non-confirming non-residential use structure. Attorney Lobach explained that the expansion equates to a 42% increase which is under the 50% threshold in the ordinance. Mr. Beard made a motion recommending approval of the special exception conditional on all three parcels being joined together through a reverse subdivision. Mr. Osborne seconded the motion and the motion passed unanimously.

e. Zoning ordinance 1604. The applicant is requesting variance from the requirement to provide a 40'x12'x15' loading space. Mr. Ahmetovic explained that despite the restaurant growing to 500+ seat venue that the deliveries for the operation will occur two times per week and always occur during non-business hours. Mr. O'Brien explained that the tractor trailer parking will no longer be permitted when the renovations are complete. Based on the expansion to the parking lot and removal of the tractor trailer parking, the PTPC did not see sufficient evidence in the design plan that the loading space is not feasible. Mr. Barnes made a motion to recommend denial

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of the loading space variance. The motion was seconded by Mr. Auchey and was passed unanimously.

f. Subdivision and land development ordinance 507.D.11.d. The applicant is requesting relief from the requirement for non-residential driveways to have a slope of 8% within 40 feet of the driveway. Mr. Barnes explained that the applicant must complete a waiver application and fee so that this request can be addressed by the BOS.

8. Sketch Plans.

a. n/a

9. Plans / Waivers for Review.

a. Tall Grass Meadows Ph II, Preparer: KPI Technology, Plan expiration October 11, 2022. There was no representation at the meeting. Mr. Auchey made a motion to postpone. The motion was seconded by Mr. Osborne and was passed unanimously.

b. Jason M. Bross Land Development, Preparer: Hanover Land Services, Plan expiration October 09, 2022. There was no representation at the meeting. Mr. Beard made a motion to postpone. The motion was seconded by Mr. Auchey and was passed unanimously.

c. New Era Land Development Plan - 7415 Lincoln Hwy. / (Fred and Linda O'Brien), Preparer: Jack N. Powell PE, Plan Expiration August 27, 2022. Mr. Auchey made a motion to postpone. The motion was seconded by Mr. Beard and was passed unanimously.

d. Ronald and Lona Mellott Subdivision, Preparer: Hanover Land Services, Plan expiration October 21, 2022. There was no representation at the meeting. Mr. Auchey made a motion to postpone. The motion was seconded by Mr. Osborne and was passed unanimously.

10. Ordinances / Other Business.

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a. Mr. Barnes obtained a list of the outstanding ordinances from CGA and will compare to PTPC minutes to ensure nothing is missing. The PTPC will start a tracker of all ordinance changes to ensure that the PTPC maintains track of the current status of each recommendation.

11. Adjournment. Mr. Beard made a motion to adjourn the meeting at 8:41 PM. The motion was seconded by Mr. Auchey and was passed unanimously.