

Paradise Township York County
 Planning Commission Minutes
 November 21, 2022

1. Call to Order/Pledge to the Flag

- a. The meeting was called to order by Mr. Barnes at 7:00 pm.

Attendance.

<u>Commission Members</u>	<u>Township Employees</u>	<u>Design Firms/Engineers</u>	<u>Residents/Other</u>
Kevin Barnes, Chair	Neal Doyle, ZO, BCO	Steve Hackett, RLA (SDC)	Linda & Tom King
Bob Nivens		Z. S. Petrovitch, PLS (SLS)	Josh Mellinger (BP Real Estate)
Mark Bentzel			
Matt Osborne			+2 Others
Brent Auchey			

2. Approval of October 24, 2022 PTPC meeting minutes.

- a. Mr. Nivens made a motion to approve the minutes. It was seconded by Mr. Osborne and passed unanimously.

3. Citizen's Concerns.

- a. None

4. Communications.

- a. Paradise Township Supervisor's Meeting (PTSM) Report.
 - i. 2023 budget is available for viewing now up until the December Supervisors meeting. The budget proposes no tax increases.
 - ii. A time extension till February 20, 2023 was granted for the Mellott Subdivision.
- b. Miscellaneous.
 - i. December Planning Commission meeting will be on the 3rd Monday (December 19th) due to Christmas.
 - ii. Plan submission deadline for revised plan will be December 5th because the meeting being moved up.
 - iii. December's meeting will also include reorganization for 2023.

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- c. Zoning Officer.
 - i. Home and Protectory bridges are now open. Beaver Creek Bridge is closed due to failure of a similar bridge in another state. The Township will attempt to obtain an emergency permit do to the necessary repair/replacement.

- 5. Zoning Requests.
 - a. None

- 6. Sketch Plans
 - a. None

- 7. Plans / Waivers for Review.
 - a. Tall Grass Meadows Ph II, Preparer: KPI Technology, Plan expiration April 11, 2023.
 - i. No representative was present. Mr. Auchey made a motion to postpone discussion. It was seconded by Mr. Nivens and passed unanimously.
 - b. Jason M. Bross Land Development, Preparer: Hanover Land Services, Plan expiration April 9, 2023
 - i. No representative was present. Mr. Osborne made a motion to postpone discussion. It was seconded by Mr. Auchey and passed unanimously.
 - c. New Era Land Development Plan - 7415 Lincoln Hwy. / (Fred and Linda O'Brien), Preparer: Jack N. Powell PE, Plan Expiration February 2, 2023.
 - i. No representative was present. Mr. Bentzel made a motion to postpone discussion. It was seconded by Mr. Nivens and passed unanimously.

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- d. Ronald and Lona Mellott Subdivision, Preparer: Hanover Land Services, Plan expiration February 20, 2023.
 - i. No representative was present. Mr. Auchey made a motion to postpone discussion. It was seconded by Mr. Osborne and passed unanimously.
- e. Clifford and Linda King Subdivision, Preparer: SLS & Geomatics, Plan expiration April 22, 2023.
 - i. Two waiver requests were discussed in addition to several items related to the GHI and YCPC comments. Below is a summary of those discussions:
 - 1. Waiver to SALDO Section 402.B.6 (Section 403.B.18 also applied) to permit a contour interval of 2' opposed to 1' as required by the ordinance. A motion was made by Mr. Nivens and seconded by Mr. Bentzel that we offer a favorable recommendation of this request to the Board of Supervisors. The motion passed unanimously.
 - 2. Waiver request to ~~SALDO~~ **ZO(See Correction Below)** Section 10002.B and 1005.B.1 to waive the requirement to complete a wetland delineation of the property.
 - a. Mr. Petrovich said that since no improvements are proposed that he felt a delineation was not necessary. However, it was noted that Mr. King has a permit to build a pole building on Lot 2 and said he plans to eventually build a home on Lot 2. It was also noted that the delineation is required for the while property not just the small portion the NWI map shows as wetlands. Mr. Petrovich and Mr. King noted they felt there were not wetlands on Lot 2.

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- i. Mr. Nivens made a motion of a favorable recommendation of the request to the Board of Supervisors. There was no second and therefore the motion failed.
 - ii. Mr. Bentzel then made a motion to offer and unfavorable recommendation to the Board of Supervisors. It was seconded by Mr. Auchey and passed 4-1 with Mr. Nivens the being opposed.
 - b. **CORRECTION:** It was discovered in preparation of these minutes that the sections noted above are in the Zoning Ordinance not the Subdivision and Land Development Ordinance. Therefore, they should have not been considered as a waiver request, and the Planning Commission should have instructed the applicant to apply for a variance. Mr. Barnes made Mr. Petrovich aware of this correction by email on November 22, 2022. Mr. Petrovich acknowledged and indicated the applicant intends to apply for a variance.
3. Use/Lot Area – It was discussed if the lot could be designated for the use of “Non-Commercial Keeping of Livestock” opposed to “Single-Family Detached Dwelling” or “Agriculture” as the lot would meet the required lot area. After discussion they were informed that would be an option if they followed ZO section 1327 and would also need to designate the areas for keep of animals. The applicant would also need to follow through with that use, not just designate it on paper as a work around. Mr. Barnes noted that speaking for himself that he felt a variance to the

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maximum lot area to allow it to be called “Single-Family Detached Dwelling” lot would be the appropriate path unless Mr. King truly intend to keep livestock on Lot 2.

4. High Nitrate Area – As previously discussed the property is within ¼ mile of the an area designated as high nitrate-nitrogen (10mg/l+) per Exhibit X of the Township 537 Plan. Therefore per SALDO section 511.B.2 the property is not suitable for on-lot septic systems. Mr. and Mrs. King questioned the age and accuracy of the Exhibit. The Planning Commission noted that we were not involved in its creation but are bound by it and the ordinances. Mr. Petrovich noted he spoke with Carrie Wilt with DEP and she had no issues with allowing a septic system. He was instructed to provide written communication from here that the nitrate issue as noted above would not prevent DEP from approving the planning module. Mr. King also noted that per soil testing he had done prior to planting his crops that it required nitrogen. They were instructed that to they should apply for a waiver at which the soil testing and communication from DEP could be supporting data. The Planning Commission offered no recommendation on if it would look favorably or unfavorably on a waiver request. It was also recommended they contact the Township SEO.
 5. Upon conclusion of discussion Mr. Nivens made a motion to postpone further discussion. It was seconded by Mr. Osborne and passed unanimously.
- f. BP Real Estate Investment Group LP (6782 Lincoln Highway), Preparer: Site Design Concepts, Plan Expiration May 20, 2023.
 - i. The applicant has submitted waivers to forgo submitting a Preliminary Plan to allow the plan to be considered a

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Preliminary/Final Plan and to SALDO Section 604.B to waive the requirement to install sidewalk. As the applicant intends to apply for additional waivers, action on these two requests was not taken at this time.

- ii. Discussion was had on several issues related to the plan as noted below. The Planning Commission acknowledged that we would like to see this site redeveloped due to its blighted nature, and we that due to the specific site conditions relief in numerous areas may be necessary, and that Township will attempt to work with the applicant where that is necessary, but compliance with the ordinance is expected to the extent feasible.
 1. It was asked if dedication of additional right-of-way was necessary as it would significantly reduce the buildable area of this lot. Mr. Barnes and Mr. Doyle mentioned that the designer that prepared the Zoning Hearing plan had approached the Board of Supervisors about this item. It was noted that while the Supervisors did not make a definitive decision, they seemed willing to discuss further and work with them as much as they can.
 2. For a similar rationale it was discussed if road widening was needed. The Planning Commission expressed openness to relief however the cartway width would need to be at minimum what is the remainder of Locust Lane is. The Planning Commission also noted that the angle of the intersection with Route 30 was of concern, and we would like to see the applicant straighten it up and increase the radius to improve turning movements for trucks. The applicant agrees to look at it and provide turning movements with resubmission.

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3. Restriction of access off Route 30 along with emergency vehicle movement was discussed. The applicant agreed to look into adding a gate off of Route 30. Mr. Doyle was going to provide the plan to the emergency services for review.
 4. The middle driveway off of Locust Lane was discussed in regard to its size. The Planning Commission suggested possibly doing something similar to Dollar General where the drive is shrunk for cars by utilizing rumble areas but allows that additional area for truck movement.
 5. The street trees were discussed. The Planning Commission noted that a tree in the street right-of-way would not be allowed but acknowledged that a modification to tree type or number may be necessary due to site conditions so that they can be placed outside the right-of-way.
 6. The location of the nearest driveway to Route 30 being in the clear sight triangle was discussed. It was suggested that maybe stripping that area to prevent parking in the sight triangle may be a possible compromise.
 7. Lastly the area along the adjoining vacant lot was discussed. The applicant will be looking at ways to keep users of their facility off the paving on the adjoining property and will be detailing in the E&S plan how construction will be done to prevent encroachment on the adjoining property.
- iii. At the conclusion of the discussion Mr. Osborne made a motion to postpone further discussion. Mr. Nivens seconded the motion and it was approved unanimously.

8. Ordinances / Other Business.

- a. None

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9. Adjournment.

- a. Mr. Bentzel made a motion to adjourn the meeting around 8:20pm. It was seconded by Mr. Nivens and passed unanimously.