

# PARADISE TOWNSHIP PLANNING COMMISSION

## MEETING MINUTES

March 22, 2021

The regularly scheduled meeting of the Paradise Township Planning Commission was held March 22, 2021 at the Paradise Township Municipal Building.

### 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  
Brent Auchey  
Barry Schuchart  
Korry Beard  
Doug Stambaugh  
Neal Doyle  
There were four (4) others present

### 3. Approval of the Meeting Minutes of February 22, 2021:

A motion to approve the Minutes was made by Brent Auchey, seconded by Korry Beard and passed unanimously.

### 4. Citizen's Concerns or Comments:

a. There were none.

### 5. Communications:

a. Kevin Barnes presented the notes from the Supervisors meeting of March 8, 2021.

#### b. Miscellaneous:

1. Kevin started discussing the definition of Residual Tract, with additional input from Bob and Neal. As is not well defined in our ordinances, we feel that it would be necessary to have the Bortner Subdivision developers take the issue to the Zoning Hearing Board and seek an interpretation. Gerald Bortner plans to subdivide a 113.28 acre Parent Tract on Admire and Big Mount roads into a 10.00 acre and 103.28 acre parcel with the current home on the 10.00 acre parcel. There has been an ongoing discussion as to which of the parcels becomes the Residual Tract. By definition the "*RESIDUAL TRACT - The portion of the original lot remaining after the subdivision of a new lot or lots from the original lot*", but is it the one containing the home, or is it the one with the largest acreage or possibly, the one with the original use, that being agriculture with a subsidiary use of a residence. Our ordinances are not descriptive enough. If it is decided that the 10 acre parcel with home is the Residual Tract, then it is possibly exempt from the Maximum Lot Area of 2 acres per the Zoning Ordinance 402.A. assuming it

complies with Zoning Ordinance 404.B.3.b. This section of the Ordinance requires that "All lots created by subdivision shall meet the minimum and maximum lot area and minimum lot width requirements of Section 402. However, the residual tract does not need to meet the maximum lot area requirements of Section 402 provided the use of the lot does not change from that which existed prior to the subdivision.

If it is decided that the 103.28 acre parcel is the Residual Tract, then a Zoning Variance from section 402.A will be needed to subdivide off the 10 acre parcel.

2. There was a brief discussion on the Kent Subdivision. Doug and Lori Kent plan to subdivide their 6.72 acre parcel into two parcels, a 2.00 acre plot containing the home and a 4.72 acre plot which will be added to the adjacent 31.31 acre farm. Because it is in the Rural Conservation zone with a 5 acre minimum requirement it would not be allowed without a variance. Neal also questioned whether or not we had heard about any rezoning requests as it is contiguous with the Agriculture zone.

**c. Zoning Officer:**

1. Neal Doyle reported on the change to the Plan Submission and Plan Application Forms. Developers no longer can obtain these via the internet but must, by instructions on the website, come into the office and meet with Neal in order to obtain these documents. Currently, it appears to be working and well received.

2. Neal also reported that Bross continues to develop his "glamping" site without following the instructions of the Zoning Hearing Board and without obtaining permits. He will issue a Cease and Desist with assistance from Sharon Myers Esq.

3. Additional permits for Paradise Village will probably be requested by the end of next week, following NPDES approval.

4. The Peterson property on rt. 30 near Abbottstown is in the final stages of being sold to a developer and will possibly result in somewhere near 150 new single family residences.

5. With Tall Grass still working on the design of the various new phases, there appears to be an attempt by Joe Myers to have the residents sign a document required for submittal of a new NPDES permit application to replace the expired permit. This document is needed for the YCCD.

**6. Sketch Plans:**

a. There were none.

**7. Old Business:**

a. Tall Grass Meadows, Phase 2 (Plan Expires: April 13, 2021)-

As no one was present to discuss this plan, Brent Auchey motioned, seconded by Bob Nivens to postpone the plan. The motion passed.

b. Smith and Kopp Reverse Subdivision (Plan Expires: July 24, 2021)-

No one was present to discuss this plan and no answers to Doug Stombaugh's comments had been received. Barry Schuchart motioned to postpone the plan, seconded by Korry Beard, and the motion passed.

c. Rural Conservation Ordinance Revision-

This ordinance was proposed by the Supervisors at their last meeting but then they first decided to let the PC review it. This ordinance amends Zoning section 503.D for minimum lot area in the Rural Conservation zone of 5 acres. With this change a lot may be only 2 acres provided it is naturally divided by either a man made public road or a natural running stream. After review and much discussion, Bob Nivens motioned, seconded by Korry Beard to recommend **DISAPPROVAL** to the Supervisors. It was felt that this change detracted from the original intent of the current ordinance, that being to limit the growth in and destruction of the Rural Conservation Zone which permits **ONLY** the larger parcels.

It should be noted that the Paradise Township Planning Commission extensively discussed the proposed amendment to permit a reduced minimum lot area for properties in the RC Zone that are split by roads and streams. We believe the intent of the amendment is to create a way around the zoning hearing process in order to create a lot smaller than 5.0-acres for single-family use. Especially when existing site features (roadways and/or streams) create a situation where adhering to the 5.0-acre minimum would be physically impossible or would create unusable or inaccessible portions of the new lot. Based on that understanding, we offer the following items for Supervisor consideration.

1. The current wording in our ordinance is that if someone has a 100-acre property with the 5.0-acre minimum that naturally they would be allowed to cut it into 20 new lots. Now if the overall property is bisected by one of these features, by this amendment they then could create 2-acre lots, thus allowing 50 lots total.
2. Along the same lines, if we assumed the area split from the larger property by this feature is 4.0-acres, we believe the intent then would be to cut that off as a single lot. But the current wording of this amendment would permit the creation of two lots being 2.0-acres each.
3. As a stream is a feature that over time can shift due to erosion and is meandering in nature, from a practicable standpoint, it would be extremely difficult to create and delineate a property line. In an attempt to create a straight property line now and over time, the shift in the stream would likely create the unusable and/or inaccessible portions of the lot that the amendment intended to prevent.
4. As currently defined by the Paradise Township Zoning Ordinance, a stream is very broadly defined. While that definition probably adequately served the purpose of our ordinance, it does not work well with the intent of this amendment. The definition is so broad that a naturally created drainage channel that only flows on rare occasions could be considered a stream. As the flow would be rare, it would not create the inaccessible area to meet the intent of the amendment.

We are hopeful that this feedback is helpful in your consideration of this amendment. If it is the desire to proceed with this amendment, the Planning Commission would gladly, at your direction, review possible edits to address these concerns along with any other concerns that are not listed or that may arise from alterations to this amendment.

d. Alleys and Service Drives Ordinance-

After review of the ordinances, both SALDO and Zoning, the PTPC felt that simple changes to both would suffice. This would maintain the use of Alleys and Service Drives in the Township without creating burdensome requirements on the developers. The PTPC therefore recommends **APPROVAL** to the Supervisors that they adopt the following changes to both ordinances.

Section 505 Street Design (ZONING)

A. Width - Minimum street widths shall be as follows:

| Classification         | Right-of-Way Width          | Minimum Cartway Width |
|------------------------|-----------------------------|-----------------------|
| Arterial               | As per PennDOT Requirements |                       |
| Collector              | 60'                         | 36'                   |
| Local                  | 50'                         | 32'                   |
| Service Drive or Alley | 20' 30'                     | 16' 12' per lane      |
| Permanent Cul-de-sac   | 50'                         | 32'                   |
|                        |                             |                       |

Section 805 Village District Design Standards (SALDO)

- K. To the maximum extent possible, private alleys shall be provided to move vehicular access to the rear of principal structures and thereby improve the appearance of the streetscape. Where provided, alleys shall be at least 16 12 feet in width if designed for two way travel and at least 12 feet in width if designed for one way travel. per lane of travel. Refer to SALDO section 505.A.

Kevin Barnes proposed the ordinance changes, seconded by Bob Nivens and the motion passed.

8. New Business:

a. We still need one new PTPC member given the recent resignation of Mike Zeigler.

b. Discussion on Definition of "Residual Tract"-

Several suggestions were offered however the PTPC feels that the most appropriate definition is "The portion of the original lot remaining after the subdivision of a new lot or lots from the original lot that retains the primary use of the parent tract." Kevin Barnes motioned to accept this definition, seconded by Bob Nivens and the motion passed. The Planning Commission recommends **APPROVAL** of the change by the Supervisors. Both the Zoning and SALDO require revision to their respective definitions:

ZONING - RESIDUAL TRACT - The portion of the original lot remaining after the subdivision of a new lot or lots from the original lot.

SALDO - RESIDUE TRACT - The portion of the original lot remaining after the subdivision of a new lot or lots from the original lot.

(Note that RESIDUE should be RESIDUAL in the revise SALDO ordinance.)

c. Zoning Hearing Time Limits-

Under Zoning, both Special Exceptions and Variances have an expiration date if not acted upon:  
**Time Limits. Unless otherwise specified or extended by the Zoning Hearing Board, a variance authorized by it expires if the applicant fails to obtain a zoning permit or use certificate within 6 months from the date of the authorization of the variance.**

However, in the results of the hearing, we have been unable to find where the decision stated this action precisely to the applicant. Barry Schuchart motioned, seconded by Brent Auchey to have Neal Doyle check with the solicitor on whether we can enforce this time limit. The motion passed.

**9. Adjournment:**

Having no further business, a motion was made by to adjourn the meeting by Brent Auchey, seconded by Korry Beard. The meeting was adjourned at 8:20 P.M.

The next regularly scheduled meeting of the Paradise Township Planning Commission shall be held on April 26, 2021 at 7:00 PM in the Township Municipal Building.

Respectively submitted,

**PARADISE TOWNSHIP PLANNING COMMISSION**

*Bob Nivens*

Robert Nivens, Vice Chairman/Secretary

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