

Paradise Township York County
 Planning Commission Minutes
 April 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. Neal Doyle	Mr. John Runge – Gordon Brown & Assoc.	Mr. Tim Legore
Mr. Korry Beard	Mr. Doug Stambaugh		
Mr. Brent Auchey			
Mr. Matt Osborne			
Mr. Mark Bentzel			2x others

4. Approval of March 28, 2022 PTPC meeting minutes. Mr. Bentzel motioned to approve with pending typographical correction to para 9.d.; Mr. Auchey seconded, and the mission passed unanimously.

5. Citizen's Concerns.

a. Tim Legore – Mr. Legore brought forth concerns about the number of houses being built on the Jane Felgen property (recent subdivision) and potential conflicts between the Felgens and the adjacent property owner Mark Heisey. Mr. Doyle explained that the shared driveway agreement between the two property owners is now a private matter, and that the Township does not have any responsibility or jurisdiction to mediate the agreement.

6. Communications.

a. Paradise Township Supervisor's Meeting (PTSM) Report. Mr. Barnes provided a summary of the April supervisor's meeting. Highlights of the meeting included: approval of the Felgen subdivision plan; 91 day extension (thru 6/12/22) for Tall Grass PH II; conditional approval of the Paradise Village plan; conditional approval of the Bortner subdivision including the addition of a note stating the requirement to pay REC fees if house(s) are ever built on the tract; 180 day extension (thru 10/9/22) for the Bross plan; approval to advertise the REC fee modifications and solar/wind ordinances; purchase of new fire truck.

b. Miscellaneous. None.

c. Zoning Officer. None.

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7. Zoning Requests.

a. 6782 Lincoln Hwy, Owner: BP Real Estate Inv. Grp. // Preparer: Gordan Brown & Assoc. Inc. Mr. Runge was present to provide proposed plans for 6782 Lincoln Highway, he met with the supervisors at the April meeting to get their input before providing a refined plan to the PTPC. The commission highlighted the following concerns with the plan: a zoning hearing board will be required to address the special exceptions and variance requests; if the ZHB approves, a land development plan will be required, 15 foot right way does not allow two vehicles to pass on the east side of the building, tight access drives will inhibit snow removal, consider traffic ingress near Lincoln Highway and egress south of the property. It was noted that should the plan change significantly through the land development process the Township reserves the right to request the applicant to return to the ZHB to verify that any granted approvals are still appropriate based on the revised plan. The township will convene a zoning hearing board on May 16, 2022 at 7:00 pm to address the following requests:

- Special Exception to 902.b. to allow a commercial land use. Mr. Bentzel recommend approval; Mr. Beard seconded the motion and the motion passed unanimously

- Special Exception to 1410.c.1. to approve reconstruction of a non-conforming use structure. Mr. Barnes recommend denial, Mr. Auchey seconded the motion and the motion passed unanimously.

- Variance to 1333.a. to request a dimensional variance to the 20 foot access drive requirement, the applicant is asking for a 15 foot allowance. Mr. Barnes recommendation to a reduced access drive width that is proven to be suitable for two vehicles to pass safely and with the addition of on-site signage that lists the maximum allowable vehicle size. Mr. Osborne seconded the motion and the motion passed unanimously.

- Variance to 903.b. and 903.d. to request reduction of set-back requirements. Mr. Beard recommended reduction of the Locust Lane set back to zero and the Lincoln Highway and property rear set-backs be reduced to the minimum allowable to conform

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to the dimensional variance to 1333.a. Mr. Osborne seconded the motion and the motion passed unanimously.

- Variance to 903.f.g. to request building and impervious lot coverage beyond the allowable tolerance. Due to the current lot being out of compliance, Mr. Bentzel motioned to recommend approval, the motion was seconded by Mr. Auchey and the motion passed unanimously.

b. Woodland Drive, Owner: Heartland Investment Properties LLC – Setback variance request – There was no representation present at the meeting. The applicant's zoning hearing board packet requests reduction of the rear setback from 50 foot setback to 30 feet in order to enable the construction of a home on the property. Based on the provided drawing, a reduction from the allowable 50 foot setback to a 41 foot setback is required to facilitate the build. This is noteworthy as Section 1706.C.5 of the Zoning Ordinance notes that "The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue." Mr. Beard recommended approval of the 41 foot setback, Mr. Osborne seconded the motion and the motion passed unanimously.

8. Sketch Plans

a. None.

9. Plans / Waivers for Review.

a. Tall Grass Meadows Ph II, Preparer: KPI Technology, Plan expiration July 12, 2022. There was no representation present to discuss this plan. Mr. Stambaugh noted that he recently issued an updated comment letter to KPI totaling 114 comments. Mr. Auchey motioned to postpone discussion, Mr. Bentzel seconded, and the motion passed unanimously.

b. Jason M. Bross Land Development, Preparer: Hanover Land Services, Plan expiration October 09, 2022. There was no representation present to discuss this plan. Mr. Beard motioned to postpone discussion, Mr. Osborne seconded, and the motion passed unanimously.

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c. 7415 Lincoln Hwy. / Owner: New Era Land Development Plan (Fred and Linda O'Brien), Preparer: Jack N. Powell PE, Plan Expiration August 27, 2022. There was no representation present to discuss this plan. Mr. Bentzel motioned to postpone discussion, Mr. Auchey seconded, and the motion passed unanimously.

d. 5751 Shady Dell Road / Owner: Ronald and Lona Mellott Subdivision, Preparer: Hanover Land Services, Plan expiration October 21, 2022. There was no representation present to discuss this plan. The plan calls for subdivision of <2 acres off of an existing 26.10 parcel. Mr. Stambaugh comment that the subdivision will need a hydro study and potentially could be affected by a waterway/drainage that runs through the southeastern corner of the proposed new lot. Mr. Beard motioned to postpone discussion, Mr. Bentzel seconded, and the motion passed unanimously.

10. Ordinances / Other Business.

a. Zoning Ordinance Amendment – Residual Tract in Agricultural Zone (OLD)
The commission continued discussion on how to best address the ability to circumvent the maximum lot area requirement for residential lots by employing Zoning Ordinance section 404.B.3.b multiple times. One option as discussed at the March meeting, is to define residual tract as the lands that retain the building rights following a subdivision. Mr. Barnes proposed a second option where section 404.B.3.b would be revised to note that the residual tract must maintain the primary use of the parent tract opposed to just use of the lot so that a secondary or accessory use would not trigger this section. Mr. Osborne motioned to postpone discussion, the motion was seconded by Mr. Bentzel and was passed unanimously.

b. Plan Contour Intervals (SALDO / SWM Ordinance Amendment) (NEW)
SALDO and SWM ordinances provide different standards for contour intervals. Mr. Stambaugh explained that many engineering firms are using US Government imagery and mapping software to develop site plans without actually establishing a physical benchmark and completing field survey. This leads to potential increased construction cost or the possibility of ineffective plans if the online software is inaccurate. Mr. Barnes made a motion to amend the SALDO 402.b.6. and 403.b.18. along with SWM ordinance

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401.e.18 to be consistent and read: "Contours at vertical intervals of one foot for lands with average natural slope of ten percent or less; at vertical intervals of five foot for average natural slope over ten percent. Contours shall be accompanied by a notation indicating the datum to which contours elevations refer along with at least one benchmark. For sites proposing improvements the contours should be based on a field run survey." Mr. Beard seconded the motion and the motion passed unanimously.

11. Adjournment. The next meeting will be held on May 23, 2022 at 7:00 pm.. Mr. Bentzel made a motion to adjourn, the motion was seconded by Mr. Osborne and was passed unanimously at 8:55 pm.