

Paradise Township York County
 Planning Commission Minutes
 February 28, 2022

(*) denotes items that may be addressed out of order to increase meeting efficiency

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. Rick Breneman – Gordon Brown & Assoc.	Jason & Mila Bross
Mr. Korry Beard	Mr. Doug Stambaugh	Mr. John Runge – Gordon Brown & Assoc.	3 others
Mr. Matt Osborne		Mr. Clark Craumer, PLS	
Mr. Brent Auchey		Mr. Brandon Guiher, KPI	
Mr. Mark Bentzel		Atty Robert Schefter – Senft Law	

4. Approval of January 24, 2021 PTPC meeting minutes. Mr. Auchey made a motion to approve the previous meeting minutes as written. The motion was seconded by Mr. Beard and was passed unanimously.

5. Citizen's Concerns.

a. None.

6. Communications.

a. Paradise Township Supervisor's Meeting (PTSM) Report. Mr. Barnes provided a summary of the February 2022 Supervisor's meeting. Highlights of the supervisor's meeting included: Spring Run Estates will be hiring traffic engineer to conduct traffic study, authorization for CS Davidson to work on Protectory Rd repair, Veteran's memorial will be placed at Farmer's Fields by local Eagle Scout, Donated \$10k to North York Regional PD for purchase of a license plate reader, bids for bridge repair will be open next month.

b. Miscellaneous. Mr. Mark Bentzel is a new planning commission member replacing Mr. Schuchart.

c. Zoning Officer. Mr. Doyle provided an update on the February zoning hearing boards: The Grim/French garage was permitted to remain in it's current position, if any neighboring property owner shows that placement of the barn is infringing on use of

Paradise Township York County
Planning Commission Minutes
February 28, 2022

their land or if >75% of the barn's value was ever destroyed due to fire/natural disaster then the barn will have to be rebuilt in accordance with zoning rules and set-back limits. The Rutter's variance and special exception were approved unconditionally.

7. Zoning Hearing Applications.

a. 5107 West Canal Rd. (Jason Bross) – Attorney Robert Schefter and Mr. and Mrs. Jason Bross were present to request a special exception to request use of their barn as a wedding/special events venue and to request an expansion of weekend scheduling (frequency of use). This request is an extension of a previously approved non-conforming land use. Attorney Schefter explained that the Bross' were previously approved by a zoning hearing board to host weddings in removable tents 2x weekends per month. Since this approval, the Bross' have reconstructed a barn structure in the place of the original barn which was destroyed by fire. The Bross' are request special exemption to host weddings inside of the reconstructed barn. This zoning hearing application is a condition of a pending agreement between Attorney Schefter and the TWP Solicitor to bring resolution to the current land use and land development plan for the Bross property. The barn is finished on the inside with insulated ceiling (no insulation on sidewalls), electric service and plans for indoor plumbing and kitchen facilities. The barn has a cantilevered rear overhang that faces northwest that is used for cocktail hour space. Guests/wedding party use other existing structures on the property (house, summer house, etc) to prepare for the weddings and socialize during the reception. Mr. Doyle emphasized that all structures that will be used during this special exemption need to be disclosed at the zoning hearing board and the follow-on land development plan. Mr. Barnes raised concerns about parking arrangements because Mr. Bross explained that the venue will hold 150-250 people at one time. Sufficient parking and storm water will have to be included in the follow-on land development plan. Currently, the Bross' are approved to conduct weddings 2x/month from April through November. The Bross' ultimate desire is to have no restrictions on the frequency of their events but understand that they may have to concede to some restrictions. Mr. Beard raised the concern of excessive noise in the area because the

Paradise Township York County
Planning Commission Minutes
February 28, 2022

barn sidewalls are not insulated. Attorney Schefter explained that there is an 11 pm curfew in which all loud music must cease. Mr. Barnes explained that the Bross' must work to complete the requirements of their land development plan following the zoning hearing board decision on this special exception request. Mr. Beard made a motion to recommend approval of the special exception request to hold weddings in the bard provided that all requirements of occupancy and land development plan are met, Mr. Auchey seconded the motion and the motion passed unanimously. The PTPC members elected not to make a recommendation to the zoning hearing board on the Bross' request for expanded weekend schedules. The PTPC believes that the sentiment of local residents that would be impacted by increased noise and local traffic should be the determining factor on whether or not increased frequency is approved.

8. Sketch Plans

a. 6782 Lincoln Highway, Owner: BP Real Estate Inv. Grp. // Preparer: Gordan Brown & Assoc. Inc. Mr. Rick Breneman and Mr. John Runge from Gordon L. Brown & Associates, Inc were present to discuss a proposed sketch plan. The proposed two options (configurations) of storage units to be constructed at the subject property. Due to the shape of the property and set-backs, they acknowledge that multiple variances will have to be approved in order to proceed. The PTPC agreed that the configuration consisting of one storage build was preferred over the configuration of three smaller building. The PTPC has concern about the following: need to square off the intersection of Locust Lane and Lincoln Hwy, ensure maximum maneuverability around storage building, do not have access to storage units that would impede traffic on Locust Lane or Lincoln Hwy, need barrier along the north property line to separate storage units from Lincoln Hwy traffic. Mr. Runge explained that he would revise the sketch and attend the next Supervisor's meeting to gauge their opinion on whether the needed waivers would be approved.

9. Old Business.

Paradise Township York County
Planning Commission Minutes
February 28, 2022

a. Tall Grass Meadows Ph II, Preparer: KPI Technology, Plan expiration April 12, 2022. Mr. Brandon Guiher was present to provide an update on resolution of current GHI comments. He explained that they are working on the road profile with utilities and the storm water. With respect to the storm water, the poor soil conditions are required them to move to a managed release plan because they are not getting infiltration. Mr. Barnes and Mr. Stambaugh explained that the township will likely approve and storm water plan that is approved by DEP. Mr. Barnes and Mr. Stambaugh also cautioned Mr. Guiher to be cognizant of not disturbing steep slopes. Mr. Stambaugh will take some time in the coming week to take a more detailed look at the current version of the plan. Mr. Auchey made a motion to postpone action on the plan, the motion was seconded by Mr. Osborne and the motion carried unanimously.

b. Jason M. Bross Land Development, Preparer: Jack N. Powell, PE, Plan expiration April 24, 2022. Mr. Bentzel made a motion to defer action on this plan until after the zoning hearing board occurs, Mr. Beard seconded and the motion passed unanimously.

c. Paradise Village Ph II, Preparer: Clark Craumer, PLS, Plan expiration March 26, 2022. Mr. Clark Craumer was present to discuss this plan. Outstanding requirements from the January meeting were approval of the TDRs, recreational fees and the surety bond. The TDRs will be approved following some minor distance updates on the current drawing. The recreational fees is a supervisors action and the bond amount is with the contractor. Mr. Beard made a motion to recommend approval of the plan contingent on formal approval of the TDRs, the motion was seconded by Mr. Bentzel and the motion passed unanimously with Mr. Barnes abstaining from the vote.

d. Gerald Bortner Subdivision, Preparer: Clark Craumer, PLS, Plan expiration June 25, 2022. Mr. Clark Craumer was present to discuss this plan. He explained that the requested waiver fees were paid. Based on the sliding scale of the property size, the ordinance allows for subdivision of 6 lots. There was discussion about whether the 52 acres committed for the TDRs should be used in the calculation of the authorized subdivision rights. Based on the definition of net area and section 404 of the zoning

Paradise Township York County
Planning Commission Minutes
February 28, 2022

ordinance, the PTPC agrees that land area sold as TDRs can be used to calculate available subdivision rights. The following waivers are requested:

- Plan scale increase to 200ft, Mr. Osborne made a motion to recommend approval, the motion was seconded by Mr. Bentzel and was passed unanimously.
- Request to treat the preliminary plan as a final plan because there is no proposed development beyond separation of the 10 acre parcel that contains the house and out buildings. Mr. Beard made a motion to recommend approval, the motion was seconded by Mr. Osborne and was passed unanimously.
- Request to waive the requirement for a Hydrogeologic study. Mr. Osborne made a motion to recommend approval, the motion was seconded by Mr. Barnes and the motion passed on a 3/2 split with Mr. Osborne in favor and Mr. Beard and Mr. Auchey not in favor.

Mr. Craumer discussed the possibility of applying for an additional waiver request to use 2 foot contour intervals. The PTPC does not see an issue with 2 foot intervals and Mr. Craumer indicated that he may pursue the waiver. Mr. Craumer explained that they are waiting on better weather to do the perk test on the 10 acre subdivision, Mr. Bentzel made a motion to postpone approval of the plan, Mr. Beard seconded and the motion carried unanimously.

e. Small Wireless Facilities Ordinance * Mr. Barnes recommends that we insert a definition of an underground district into the sample ordinance. The PTPC agrees that this change will make the ordinance applicable to the TWP and that it should be forwarded to CGA for them to make edits to the base document. The definition of an underground district will be: "any property or development that is or has been developed using underground utilities." Mr. Osborne made a motion to recommend these approved changes and plan of action, the motion was seconded by Mr. Bentzel and the motion passed unanimously.

f. ~~Recreational Fee Ordinance~~ * Removed from the agenda.

Paradise Township York County
Planning Commission Minutes
February 28, 2022

g. Transferable Development Rights (TDR) Ordinance * Mr. Beard briefed proposed changes to the TDR ordinance. Mr. Osborne made a motion to recommend approval of the rewritten ordinance on the condition that paragraph C.1.d. is removed. Mr. Auchey seconded the motion and the motion passed unanimously. Mr. Doyle will provide the rewritten ordinance to CGA for a legal review and edit. Upon action at CGA, the ordinance will go to York County planning for approval.

h. Agricultural Zone Amendment * Based on the definition of net area in section 404 A. 1., the PTPC determined that land used for TDRs are eligible for calculation of available building rights in the agricultural zone under the current ordinance. Mr. Osborne made a motion to postpone adjustment of section 404 until after there is resolution on the TDR change, the motion was seconded by Mr. Beard and was passed unanimously.

10. New Business.

a. 7415 Lincoln Hwy. / New Era Land Development Plan (Fred and Linda O'Brien), Preparer: Jack N. Powell PE, Plan Expiration August 27, 2022 – There was no representation at the meeting, Mr. Auchey made a motion to postpone, the motion was seconded by Mr. Osborne and the motion carried unanimously.

b. Storm water Erosion and Sedimentation (E&S) Amendment - Mr. Barnes proposed removal of the storm water ordinance (310.d.) because DEP requirements for Erosion and Sediment Control already satisfies requirements that are in the ordinance, Mr Stambaugh agreed. Mr. Barnes made a motion to remove 310.D., the motion was seconded by Mr. Osborne and the motion passed unanimously.

11. Adjournment. Mr. Beard made a motion to adjourn at 9:08 pm, Mr. Auchey seconded the motion and the motion passed unanimously.