

## YORK COUNTY PLANNING COMMISSION

### PROCEEDINGS:

7:30 p.m. March 4, 2008 - Regular Meeting  
Administrative Center, Commissioners Meeting Room  
28 East Market St.  
York PA 17401

The meeting was opened by Chairman Dunlap at 7:30 p.m.

### ROLL CALL

Members Present : Terry Dunlap, Mary Coble, Walter Kuhl, Jeff Propps, Michael Rodkey, Mary Kay Reed, Scott Simonds

Members Absent : Brian Brenneman, Randy Meyerhoff,

Staff : Felicia Dell, Director; Joe Heffner, Assistant Director; Terry Ruby, Sr. Planner; Mike Shaffer, Sr. Planner; Jean Ball, Recording Secretary

Solicitor : Jeffrey L. Rehmeyer II

Others : James Holley, James R. Holley & Assoc.; Mr. Dockman, chanceford Twp. Land owner; Bruce Eveler, Baublitz Airport

Reporter : None

### PUBLIC COMMENT

None

### APPROVAL OF MINUTES:

Chairman Dunlap asked for any comments or corrections to the minutes of February 5, 2008. Ms. Coble made a motion for **approval** of the minutes, as presented. The motion was seconded by Mr. Propps, voted on and carried, as stated.

### COMMUNICATIONS:

#### Project Review Correspondence

Geological Services, Inc., Delta Boro. (1); Wm, F, Hill & Assoc., Inc., Hanover Boro. (1); York Twp. Engr. Dept. (1); York County Conservation Dist. (1); Dawood, Inc., Fairview Twp. (1); Skelly and Loy, Conewago Twp. (1); Roger C. Petrone, R.A., Carroll Twp.(1); FPE Consulting Engrs.,

Glen Rock Boro. (1); RGS Assoc., Springettsbury Twp. (1); The York Water Co., West Manchester Twp. (1)

### Acknowledgments

Mr. Dunlap shared thank you letters from Michael Grove, Exec. Asst., York Co. Agriculture Business Council to Ms. Dell and Ms. Hildebrecht for their support of their 22<sup>nd</sup> Annual Agricultural Recognition Banquet and the work that they did in preparation for their Council meeting..

### **FINANCIAL REPORT**

Ms. Dell stated the Commission has the December Financials, and noted that the 2007 Audit is being conducted on the upcoming Friday. She highlighted the Financial Report, stating that for the most part, they show that we had more money at the end of the year than at the beginning of the year. Ms. Dell highlighted the Revenues and Expenditures, the funding/grants for various contracts, and miscellaneous expenses. A brief discussion ensued regarding miscellaneous expensis.

Mr. Dunlap stated that the December Financial Reports have been received, reviewed and will be placed in the file for the Audit.

### **COMMITTEE REPORTS:**

#### Intensive Agricultural

Mr. Dunlap noted the Intensive Agricultural Committee will be meeting with the Legislators on March 5, 2008 regarding the Act 38 Legislation in hopes that they will promote some changes to that Legislation.

### **STAFF REPORTS:**

There were no questions or comments.

### **SOLICITOR'S REPORT**

Attorney Rehmeyer thanked the Commission members for filling out their Statements of Financial Interest and getting them back to him in a timely manner.

### **OLD BUSINESS**

#### a. 2008 Work Plan

Ms. Dell noted that the 2008 Work Plan was handed out to the Commission members and if there are any questions or comments they should either call the office or bring them to the April 1<sup>st</sup>, 2008 meeting.

b. Trestle Station Final Subdiv. Plan, Delta Boro., 11-Lots, YCPC File # 57-08-01-14-14

Ms. Ruby stated the staff is recommending that the Subdivision be tabled until the April York County Planning Commission (YCPC) meeting so that the Borough has time to sign off on the Engineer's letter.

A brief discussion ensued.

Following the discussion, Ms. Coble made a **motion to table the Subdivision until the April 1<sup>st</sup>, 2008 YCPC meeting**. The motion was seconded by Mr. Simonds, voted on and carried as stated.

**NEW BUSINESS**

The following projects were taken on an individual basis for discussion:

**SPRINGETTSBURY TOWNSHIP COMPREHENSIVE PLAN AMENDMENT  
COMPREHENSIVE RECREATION, PARK AND OPEN SPACE PLAN  
YCPC PROJECT #08-17**

A proposed amendment to the Springettsbury Township Comprehensive Plan, which involves adding a Comprehensive Recreation, Park and Open Space Plan element, has been submitted to the York County Planning Commission for review and comment, as stipulated by Section 301.3 of the Pennsylvania Municipalities Planning Code (PA MPC).

The staff of the York County Planning Commission (YCPC) recommends that the proposed Springettsbury Township Comprehensive Recreation, Park and Open space Plan be adopted, conditioned upon consideration of the comments provided.

The LGAC Executive Committee reviewed the proposed amendments recommending approval of the proposed amendment as presented.

There being no question or comment, Ms. Coble made a motion for **approval** of the staff report as presented. The motion was second by Mr. Kuhl, voted on and carried as stated.

**PEACH BOTTOM TOWNSHIP NEW ZONING ORDINANCE AMENDMENT  
TEXT: HOME OCCUPATION, WATER POLLUTION & CONSERVATION  
YCPC PROJECT #08-18**

Peach Bottom Township Officials have submitted a revised amendment to the Township's Zoning Ordinance regarding changes to the regulations for Home Occupation Uses and Water Pollution and Conservation. The amendment is being submitted for recommendations in accordance with Section 609.(e) of the Pennsylvania Municipalities Planning Code (PA MPC).

The staff of the York County Planning Commission (YCPC) find the proposed amendments to Sections 303.1.h and 397, having been revised according to YCPC comments, acceptable as submitted.

The LGAC Executive Committee reviewed the proposed amendments and recommended approval, as presented. There was one opposed.

There being no questions or comments, Ms. Coble made a motion for **approval** of the staff report as presented. The motion was second by Mr. Propps, voted on and carried as stated.

**CHANCEFORD TOWNSHIP ZONING ORDINANCE AMENDMENT  
TEXT/MAP: AIRPORT HAZARD ZONING  
YCPC PROJECT #08-22**

The Chanceford Township Solicitor, on behalf of the Chanceford Township Board of Supervisors, has submitted a proposed amendment to the Chanceford Township Zoning Ordinance which would add Airport Hazard Zoning Regulations to that Ordinance. The amendment is being submitted in accordance with Section 609.(e) of the Pennsylvania Municipalities Planning code (PA MPC).

The staff of the York County Planning Commission recommends that the proposed Chanceford Township Airport Hazard Zoning Ordinance not be enacted as submitted, offering comments in support of that recommendation.

The LGAC Executive Committee reviewed the proposed amendment recommending approval of the proposed amendment as presented.

Ms. Coble noted it looks like the whole project is specific to the Baublitz Airport. Mr. Beck explained why the Township is required by the Supreme Court to create this Airport Hazard Zoning designation and why it appears as if it is specific to the Baublitz Airport. He noted the Airport is a visual approach airport and there are different FAA regulations for different types of airports. Ms. Coble questioned whether this should be a separate section within the Zoning Ordinance. A lengthy discussion ensued.

Mr. Dockman addressed several issues, such as protection of the public around the Airport, the meeting of current criteria, etc. He argued that when the original owner of the Airport died in 2000 the grandfathered status ceased to exist. Mr. Dockman raised issues regarding the proximity of an elementary school to the fly zone, whether the Federal Court could be persuaded to overturn the State ruling in his favor and consideration of a Cost Benefits Study.

Attorney Rehmeyer stated that this is a complicated issue due to the interplay of the Federal and State Regulations. But he feels the mandate of the Supreme Court governs what the Township is doing now and the YCPC staff report with comments presents issues that Chanceford Township can consider when adopting the ordinance to be in compliance with the requirements of the Supreme Court.

Mr. Bruce Eveler raised concerns regarding the zoning as proposed. He stated it spells out the protection of citizens, but the intent of the law was to protect the air space around the Airport which in turn protects the citizens. Mr. Eveler stated they are trying to get the Township to obey the law. Mr. Eveler shared various other issues as well.

Following the discussion, Ms. Coble made a motion recommending **that a comment be added stating that the proposed Chanceford Township Airport Hazard Zoning Ordinance should be incorporated directly into the Chanceford Township Zoning Ordinance and that the proposed Ordinance should be renumbered as a section in Article II Zone Regulations and formatted as such. With that addition, Ms. Coble moved for approval of the staff report, as revised.** The motion was seconded by Mr. Propps, voted on and carried as stated.

**MANCHESTER TOWNSHIP ZONING ORDINANCE AMENDMENT  
TEXT: DEFINITION OF RESTAURANT AND  
ACCESSORY COMMERCIAL CENTERS  
YCPC PROJECT #08-23**

Manchester Township Officials have submitted a proposed amendment to the Manchester Township Zoning Ordinance revising the definition of Restaurant and providing additional regulations for Accessory Commercial Centers. The Ordinance amendment is being submitted in accordance with Section 609.(e) of the Pennsylvania Municipalities Planning code (PA MPC).

The staff of the York County Planning Commission recommends that Township Officials not adopt the amendment as proposed. The proposed amendment is not consistent with the intent of the Township Zoning Ordinance or the Township Comprehensive Plan. The staff offers comments in support of that recommendation.

The LGAC Executive Committee reviewed the proposed amendment recommending denial of the proposed rezoning as submitted.

Mr. Shaffer shared background on the project, stating that it was previously denied by the York County Planning Commission and they have brought it back with this change. A brief discussion ensued.

Following the discussion, Ms. Coble made a motion for **approval** of the staff report as presented. The motion was seconded by Mr. Propps.

Mr. James Holley shared background on their project, stating they worked with the Township Planning Commission for 6 - 8 months to create this project. He stated that there are only a few intersections where this could have occurred. Mr. Holley stated Residential doesn't fit at this intersection, but that two Quadrant of this intersection could be developed.

A brief discussion ensued.

Following the discussion, the motion was voted on and carried as stated.

**MANCHESTER TOWNSHIP ZONING ORDINANCE AMENDMENT**  
**TEXT: PERSONAL CARE HOME**  
**YCPC PROJECT #08-24**

Manchester Township Officials have submitted a proposed amendment to the Manchester Township Zoning Ordinance for Personal Care Homes. The Ordinance amendment is being submitted in accordance with Section 609.(e) of the Pennsylvania Municipalities Planning Code (PA MPC).

The staff of the York County Planning commission recommends that Township Officials not adopt the amendment as proposed. They stated that Township Officials should consider the YCPC staff comments and make revisions where necessary prior to re-submission, review and adoption.

The LGAC Executive Committee reviewed the proposed amendment recommending approval of the proposed amendment as presented.

Ms. Reed raised some concerns. A brief discussion ensued regarding YCPC comment #3, and the percentages of ambulatory and non-ambulatory residents. Also, the fact that they are licensed by the State and whether these percentages should appear in a Zoning Ordinance. Mr. Shaffer noted that this amendment was seen in 2007, as #07-91. He stated that they are only requesting changes under #5 increasing the maximum building height and density requirements in response to our previous comments.

Following the discussion, Ms. Coble made a motion for **approval** of the staff report as presented. The motion was seconded by Mr. Simonds, voted on and carried as stated.

The staff reports of the following projects **#08-19, #08-20, and #08-21** were agreed to by the Commission to make up this month's Consent Calendar. Ms. Coble made a motion for **approval** of the staff reports as presented. The motion was seconded by Mr. Kuhl voted on and carried as stated.

**DOVER TOWNSHIP ZONING ORDINANCE AMENDMENT**  
**TEXT: ADD REFERENCE TO TOWNSHIP COMPREHENSIVE PLAN ADDENDUM**  
**DATED OCTOBER 1, 2007 TO SETBACK MODIFICATIONS SECTION**  
**YCPC PROJECT #08-19**

Dover Township Officials have submitted a proposed amendment to chapter 27 of the Code of Ordinances, "Zoning" (the Zoning Ordinance) for review by the York County Planning Commission (YCPC) in accordance with Section 609.(e) of the Pennsylvania Municipalities Planning Code (PA MPC). The amendment proposes to add a reference to the Township's Comprehensive Plan Addendum, dated October 1, 2007, to the Front Setback Requirements for lots located along arterial and collector streets.

The staff of the York County Planning Commission recommends the proposed amendment to the Dover Township Zoning Ordinance to add a reference to the "Dover Comprehensive Plan Addendum and any further amendments" to the Setback Modifications be **adopted as proposed**.

The LGAC Executive Committee reviewed the proposed amendment and recommended approval of the proposed rezoning, as presented.

**DOVER TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT  
ORDINANCE AMENDMENT  
ADD REFERENCE TO TOWNSHIP COMPREHENSIVE PLAN ADDENDUM,  
DATED OCTOBER 1, 2007, TO SECTION 703, “STREET SYSTEMS; GENERAL”  
YCPC PROJECT #08-20**

Dover Township Officials have submitted a proposed amendment to Chapter 22 of the Code of Ordinances, “Subdivision and Land Development” for review by the York County Planning Commission (YCPC) in accordance with Section 505.(a) of the Pennsylvania Municipalities Planning Code (PA MPC). The amendment proposes to add a reference to the Township’s Comprehensive Plan addendum to its general requirements for streets.

The staff of the York County Planning Commission recommends that the proposed amendment to the Dover Township Subdivision and Land Development Ordinance to add a reference to the “Dover Township Comprehensive Plan Addendum and any further amendments” to the general requirements for streets be adopted as proposed.

The LGAC Executive Committee reviewed the proposed amendment and recommended approval of the amendment as presented.

**SHREWSBURY TOWNSHIP ZONING ORDINANCE AMENDMENT  
TEXT: SPECIAL EXCEPTION USES; DIMENSIONAL REQUIREMENTS  
YCPC PROJECT #08-21**

The purpose of this project is to review and comment on a proposal by Shrewsbury Township Officials to amend the Township’s Zoning Ordinance with regard to Principal Uses Permitted as a Special Exception by the Zoning Hearing Board and Dimensional Requirements in the Commercial/Industrial Zoning district. This amendment is being submitted for review in accordance with Section 609.(e) of the Pennsylvania Municipalities Planning Code (PA MPC).

The staff of the York County Planning Commission recommends the proposed amendment be adopted as submitted.

The LGAC Executive committee reviewed the proposed amendment and recommended approval of the proposed amendment as presented.

## **OTHER BUSINESS**

### **Job Description for Assistant Fiscal Officer**

Ms. Dell highlighted the Job Description and explained that there is enough work for a full time position as an Assistant Fiscal Officer which will provide long needed Fiscal backup. A brief discussion ensued.

Ms. Coble made a motion for **approval** of the Job Description for the Assistant Fiscal Officer. The motion was seconded by Mr. Propps, voted on and carried as stated.

Ms. Dell noted that at next month's meeting we will be discussing the Annual LGAC/YCPC Awards Dinner in May and presenting ideas for Planning Award recipients. Also, we will spend some time on the Focus Program Initiative and the fact that it will be the subject of the presentation at the Awards Dinner meeting.

## **ADJOURNMENT**

There being no further discussion or business, Chairman Dunlap adjourned the meeting at 9:05 p.m.

The next York County Planning Commission meeting will be **Tuesday, April 1, 2008 at 7:30 p.m.** The meeting will be held at the County Administrative Center at 28 East Market Street, on the second floor in the County Commissioners meeting room.

Respectfully Submitted by  
Jean Ball, Recording Secretary

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