

YORK COUNTY PLANNING COMMISSION

PROCEEDINGS:

7:30 p.m. June 3, 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, Mary Kay Reed, Randy Meyerhoff, Jeff Propps, Michael Rodkey

Members Absent : Walter Kuhl, Scott Simonds, Brian Brenneman

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

Solicitor : Jeffrey L. Rehmeyer II

Others : Jonathan Ebersole, Ebersole Property Management; Sam Snyder, Yoe Boro.; Mike Knouse, West Manheim Twp.; Tim Wakefield, Cliff Resser, Tim Donnely, Cramer Rental

Reporter : None

PUBLIC COMMENT

None

APPROVAL OF MINUTES:

Chairman Dunlap asked for any comments or corrections to the minutes of May 6, 2008. Ms. Coble made a motion for **approval** of the May 6, 2008 minutes as presented. The motion was seconded by Mr. Propps, voted on and carried, as stated.

COMMUNICATIONS:

Project Review Correspondence

ARM Group, Inc., West Manchester Twp. (1); Votex Environmental, Inc., Penn Twp. (1); Lobar Assoc., Fairview Twp. (1); Summer Consultants, Inc., New Cumberland (1); KPI Technology, North Codorus Twp. (1); Nutec Design Assoc., Inc., York; HRG, Inc., Spring Grove Boro., York(1)

Acknowledgments

Mr. Dunlap noted that the Planning Commission received a thank you from Ms. Laura G. Franciscus, Coach of the 3rd and 4th grade class and her class, at Clearview Elementary School, Red Lion School District for the YCPC staff's support in preparation for and during the 2008 York County Environthon

Mr. Dunlap noted that President Commissioner Chronister received a letter regarding the Emergency Shelter Grant (ESG) Program Performance Review from the Central Regional Office of the Dept. Of Community and Economic Development. Mr. Dunlap noted the letter states that Ms. Deborah Summers, Asst. Projects Coordinator, York County Planning Commission, provided very helpful assistance, the County's files were well documented, they have determined that the County is administering the grant in a satisfactory and timely manner and acknowledge that the County has the capacity to administer the ESG Program.

In addition, Commissioner Chronister received a letter from the U.S. Dept. of Housing and Urban Development regarding the Annual Community Assessment of the Consolidated Annual Performance stating they congratulate York County on its many accomplishments during this program year and based on their review they have concluded that York County has the capacity to carry out its programs and has met its reporting requirements.

FINANCIAL REPORT

Ms. Dell highlighted the Financial Reports for the months of March and April. She noted that the Subdivision fees have picked up somewhat in April, but the staff will be looking at the fees during budget development to make sure they are covering our costs. Ms. Dell stated that April was a 3 pay period month, but that will be recouped in the next month.

Following a brief discussion, Mr. Dunlap asked that the record reflect that the March and April Financial Reports have been received, reviewed and will be placed in the file for the auditors.

COMMITTEE REPORTS:

Intensive Agriculture

Mr. Dunlap stated that the Committee did not meet this month yet, but will be meeting tomorrow, June 4th, to discuss the questions they wish to send up to the Attorney General's Office for their review and consideration.

STAFF REPORTS:

There were no questions or comments on the staff reports..

SOLICITOR'S REPORT

Attorney Rehmeyer stated he has reviewed all of the contracts for approval that will be coming before the Commission later in the meeting and recommends approval of all of them.

OLD BUSINESS

Cramer Rentals Subdivision, Franklinton Borough, 1-Lot, 5 Dwelling Units, YCPC File # 63-08-04-02-136

Ms. Ruby noted this is a revised Plan, but they still don't have Borough Council signatures at this time. She stated they are asking to table the Plan until the July 1, 2008 meeting. Ms. Ruby highlighted the modification requests stating that they should be acted on at this meeting. She stated that without the modification for Access Drives (Sect. 511.B.7) will cause the loss of 2 required parking spaces, but she doesn't think it is unreasonable; the Borough would rather not have the planting strip (Sect. 508.B.1); PennDOT doesn't want any additional right of way for Cabin Hollow Road; and the size of the deck could be reduced to 4' from the adjoining house, but it would still require a waiver for the setbacks. A brief discussion ensued.

Mr. Tim Wakefield shared background on the Subdivision, stating he feels it is in better public interest to go off Cabin Hollow Road for the Access Drives.

Following the discussion, Ms. Coble made a motion to table the Subdivision until the July 1, 2008 meeting and approval of two of the modifications, one for Sections 505.A and the one for 508.B.1. The motion was seconded by Mr. Propps, voted on and carried as stated.

Fairview Township Zoning Ordinance Amendment YCPC Project #08-34

Mr. Jonathan Ebersole (owner) handed out a copy of his draft project from the April meeting, including "Other Points of Interest" and several maps. It was noted that this project was recommended for denial at the May 4, 2008 meeting. Mr. Ebersole reviewed the comments and YCPC staff recommendation, stating that for him time is of the essence. He stated that the Township has just begun their Comprehensive Plan, but he is asking the Commission to re-evaluate and look favorably on his request. Mr. Ebersole continued by stating his business will be an extremely low traffic impact business, he pointed out a more accurate tax map and property map of his property than the one shown last month and highlighted several other maps disputing the Spot Zoning issues. In closing, Mr. Ebersole stated the Township recommended that he bring the amendment back to the York County Planning Commission (YCPC) for a review. Mr. Dunlap stated that the YCPC is a recommending body, noting that the Township has the final say on this Amendment.

Following a brief discussion, it was suggested that Mr. Ebersole contact Ms. Brandy Vos, the Planner who worked on the Amendment for further guidance..

Trestle Station Final Subdivision Plan, Delta Boro

Mr. Shaffer noted the memo in the Commission's packet informing them that Delta Borough conditionally approved the Trestle Station Final Subdiv. Plan, Delta Boro., 11-Lots, YCPC File # 57-08-01-14-14 at its Borough Council meeting on March 31, 2008

NEW BUSINESS

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

WEST MANHEIM TOWNSHIP ZONING ORDINANCE AMENDMENT TEXT: AREA REGULATIONS; OVERLAY DISTRICTS; AND ACCESSORY BUILDINGS YCPC PROJECT #08-43

This project involves a proposal by West Manheim Township officials to amend the Township's Zoning Ordinance by revising the lot area regulation tables in the following Zoning Districts: Residential District, Suburban Residential District, Commercial/Industrial District, Farming District, and Rural Resource District. The proposed amendment also includes revising the text of the regulations for the Natural Features Overlay District and the Conservation Subdivision submitted for recommendations in accordance with Section 609.(e) of the Pennsylvania Municipalities Planning Code (PA M PC).

The staff of the York County Planning Commission (YCPC) recommend that the proposed amendments be adopted as submitted.

The LGAC Executive Committee reviewed the proposed amendment and recommends approval, with the recommendation that to maintain consistency they use square footage throughout the charts (pg. 4, #4, Article 5) instead of acres in one and square footage in another.

Mr. Mike Knouse, representing West Manheim Township stated that they are in agreement with the YCPC staff recommendation.

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

LANCASTER COUNTY COMPREHENSIVE PLAN AMENDMENT DRAFT 2009-2035 LONG RANGE TRANSPORTATION PLAN CONNECTIONS: THE TRANSPORTATION ELEMENT YCPC PROJECT #08-44

Lancaster County has submitted a copy of Connections, a Draft Lancaster Regional Transportation Plan element of the Lancaster County Comprehensive Plan, to the York County Planning Commission for review and comment, as required by Section 302 (a.1) of the Pennsylvania Municipalities Planning Code (PA MPC).

The staff of the York County Planning Commission (YCPC) commend Lancaster County on the update of the Draft Lancaster Regional Transportation Plan entitled Connections, which is to be considered a functional element of the Lancaster County Comprehensive Plan. However, it is recommended that the YCPC staff comments included in the report be considered by Lancaster County prior to adoption of the Lancaster Regional Transportation Plan These comments reflect

common considerations that impact both Counties and information from the update of the York County Long Range Transportation Plan, which is currently underway.

The LGAC Executive Committee reviewed the proposed Plan and recommend approval as submitted.

Following a brief discussion, Mr. Propps made a motion for **approval** of the staff report for Transportation Element of the Draft 2009-2035 Long Range Transportation Plan as presented. The motion was seconded by Ms. Coble, voted on and carried as stated.

**FRANKLIN TOWNSHIP ZONING ORDINANCE AMENDMENT
LOT DIMENSIONS & PERMITTED BUILDING HEIGHT; ACCESSORY USES;
INDOOR RECREATION FACILITIES; KENNELS; FLAG LOTS; PRIVATE CLUBS;
SHARED DRIVEWAYS; HISTORICAL, EDUCATIONAL, & CULTURAL
ATTRACTIONS; MUSEUMS; & HOME BUSINESSES
YCPC PROJECT #08-45**

The project involves amendment of the text of the Franklin Township Zoning Ordinance, proposed by Township officials. The proposed amendments include the addition of definitions for Flag Lot; Historical, Education, or Cultural Attraction; and Museum, and proposed changes to the definitions of Home Business, Indoor Commercial Recreation Facility, Kennels, and Land Development. The proposed amendments include changes to the Zoning Districts in which several of these uses are permitted.

The amendments also propose changes to whether accessory structures of a certain size are permitted by right or by conditional use in each Zoning District. The amendments propose changes to the permitted height of accessory buildings in each Zoning District. The required minimum lot width in the Residential (R) Zone is proposed to be amended. Specific criteria concerning Flag Lots and private Clubs are to be amended. Specific criteria for Historical, Educational, or Cultural Attractions; Museums; and Kennels are added to Article 4. Throughout the Ordinance, the term “cottage industry” is to be changed to “home occupation.” The amendments are 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 recommend that several of the proposed amendments not be adopted as proposed. Township Officials should consider the YCPC staff comments and make any changes prior to resubmission and adoption of the proposed amendments.

The LGAC Executive Committee reviewed the proposed amendment and recommends approval, with the recommendation they remove Flag Lot regulations from the definitions, change page 5, #21, Section 44.B., by adding Off-street parking lots back in, to continue the sentence to read such parking lots must also be set back thirty (30) feet from any adjoining lot lines and verify that there are provisions for No Impact Home Businesses.

Following a brief discussion regarding **Section 111. Definitions.**, Ms. Coble made a **motion to revise the YCPC staff report to add a comment under Section 111. Definitions., to add “Land Development” to be consistent with the Pennsylvania Municipalities Planning Code (PA**

MPC), the exceptions listed in Number 2 of the proposed definition should be listed as a separate Number 3. Also, on page 6, #30, Section 424 Flag Lots, take out the sentence “It is not uncommon for single lots or parcels to consist of two or more tracts.” and the final sentence should read “The staff of the YCPC recommends that the term “parcel” be used, instead of tract, and that definition for “parcel” be placed in Section 111. Definitions. The motion was seconded by Mr. Propps, voted on and carried as stated.

**FAIRVIEW TOWNSHIP ZONING ORDINANCE AMENDMENT
TEXT: FOUR PROPOSED CHANGES TO THE CONDITIONAL USE STANDARDS
FOR CLUSTER DEVELOPMENT AND ONE PROPOSED CHANGE TO ZONING
PERMITS FOR CONDITIONAL USES
YCPC PROJECT #08-46**

Fairview Township officials have submitted, a developer’s request, five (5) proposed amendments to the Township’s 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). Four (4) of the proposed amendments would revise § 605.1 of the Fairview Township Zoning Ordinance (Chapter 27 in its Code of Ordinances). § 1605 pertains to *“Standards for Conditional Uses.”* Subsection 1. Pertains to *“Cluster Development.”* The fifth amendment proposes to revise § 1806.4., which pertains to the time period allowed for a Zoning Permit.

A similar project (YCPC Project #08-25) was reviewed and denial was recommended by the YCPC at its April 1, 2008 meeting. The developer’s attorney has made some revisions to the previously reviewed amendment. However, this time he has submitted each amendment as a separate Ordinance. In order to save time and paper, the five (5) proposed ordinances will be reviewed under one project number.

The staff of the York County Planning Commission recommend that the five (5) proposed amendments (“ordinances”) to the Fairview Township Zoning Ordinance not be adopted, and offers comments for consideration and revisions prior to resubmission and enactment.

The LGAC Executive Committee reviewed the proposed amendment and recommends approval as submitted. There were 2 opposed.

Mr. Shaffer shared a letter from the developer requesting to table the project. He stated the Township stated they were in agreement, but we have not received any official communications from the Township. Mr. Shaffer stated the hearing for the Amendment has not been set as of this time.

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

**YOE BOROUGH ZONING ORDINANCE AMENDMENT
TEXT: SCREENS AND BUFFERS
YCPC PROJECT #08-49**

Yoe Borough officials have submitted proposed amendments to that municipality's Zoning Ordinance, regarding screens and buffers, for review by the York County Planning Commission in accordance with Section 609.(e) of the Pennsylvania Municipalities Planning Code.

The staff of the York County Planning Commission recommend that the proposed amendments not be adopted as submitted. The recommendation is made with regard to specific elements of the proposed regulations, editing that is needed, and a concern for the potential effect on properties of varying sizes and uses throughout the Borough. The YCPC staff offers comments for consideration, and revisions to be made where appropriate prior to re-submission for review and adoption.

The LGAC did not receive this project in time for review.

Mr. Sam Snyder, President of Yoe Borough Council introduced himself, stating that he came to the meeting to clarify several issues the staff had with the proposed amendments. He stated that he was hoping that the York County Planning Commission would grant Conditional Approval on their request. Mr. Snyder highlighted several YCPC staff comments with which they are in agreement and those they take issue with. He stated that there are only a few lots left in the Borough and they are trying to maintain the integrity of the property owners already living in those areas.

Mr. Propps thanked Mr. Snyder for coming to clarify some of their questions. He stated that he is concerned about all of the authority given to the Zoning Officer. Ms. Coble stated the municipality should take a comprehensive look at their Zoning Ordinance and Comprehensive Plan.

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

Marie J. Knott Final Subdivision Plan, Delta Borough, 2-Lots, YCPC File #57-08-04-28-157

Mr. Shaffer noted this was previously seen as a 3-lot duplex subdivision. He stated they have re-submitted it as a 2-lot final subdivision. Mr. Shaffer stated that the YCPC staff is recommending the Plan be tabled. He stated they are also requesting that the Commission grant a modification request for street right-of-way width. Mr. Shaffer stated he received a letter/comments from the Conservation District, the Borough Engineer and Borough Officials. He noted the Borough Planning Commission has not officially signed off on the Plan.

Following a brief discussion, Ms. Coble made a motion to grant modification request from the provisions of # 505.A and table the Marie J. Knott Final Subdivision Plan until the June 3, 2008 YCPC meeting. The motion was seconded by Mr. Rodkey, voted on and carried as stated.

Resolution #08-02 YCPC Application Requesting CDBG Funding for 2009 - 11 for the Development & Implementation of the York County Comprehensive Plan

There being no questions or comments, Mr. Propps made a motion for **approval to adopt/sign Resolution #08-02**. The motion was seconded by Ms. Coble, voted on carried as stated.

PERSONNEL

Recommendation for Promotion

Ms. Dell highlighted the recommendation memo that was included in the YCPC member packets. She noted the memo she received from Mr. Don Bubb, Chief of Traffic Engineering and Transportation Planning recommending Ms. Beth Nidam for the Senior Planner position, at the recommended salary.

There being no questions or comments, Mr. Propps made a motion for **approval** of Ms. Dell's recommendation for the promotion of Ms. Nidam from Transportation Planner II to Senior Planner at the recommended salary. The motion was seconded by Ms. Coble, voted on and carried as stated.

OTHER BUSINESS

a. **Amendment to Contract Between YCPC & CDBG for York County Comprehensive Plan**

Ms. Dell highlighted the Amendment to the Contract. Attorney Rehmeyer stated that he has reviewed the Contract and approves the contract for adoption/signature.

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

b. **Amendment to Contract Between YCPC & CDBG for Codorus Creek Watershed Study**

Ms. Dell highlighted the Amendment to the Contract. Attorney Rehmeyer stated he has reviewed the Contract and approves the Contract for adoption/signature.

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

c. **Contract Between YCPC & the Dept. Of Community & Economic Development for Land Use Planning and Technical Assistance Program, Economic Development Plan**

Mr. Dell stated due to the short turn around time this Contract was approved via e-mail. Attorney Rehmeyer stated he had reviewed the Contract and the Commission members are being asked to ratify that e-mail approval/signatures as of the date of the Resolution.

Mr. Propps made a motion to ratify the e-mail approval/signatures as of the date of the Resolution. The motion was seconded by Ms. Coble, voted on and carried as stated.

d. Addendum to Contract Between YCPC & Harford County for Dept. Of Defense Funding to Address Regional GIS Compatibility

Ms. Dell highlighted the Addendum to the Contract. Attorney Rehmeier stated that he has reviewed the Contract and approves the Contract for adoption/signature.

There being no question or comments, Mr. Propps made a motion for **approval** of the Contract. The motion was seconded by Ms. Coble, voted on and carried as stated.

Ms. Dell stated that the first round of applications for the Heritage Tourism designation is coming up in May and they will be presented for approval at the June meeting.

ADJOURNMENT

There being no further discussion or business, Chairman Dunlap adjourned the meeting at 10:00 p.m.

The next York County Planning Commission meeting will be **Tuesday, July 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
