

WARRINGTON TOWNSHIP
Minutes of a Regular Meeting of the Township Planning Commission
Held, pursuant to due notice, in the Municipal Building
3345 Rosstown Road, Wellsville, PA 17365
Wednesday, August 25, 2021, 7:00 PM

Presiding: Mr. Richard Bensel, Chairman
Mr. James Barton
Mr. Len Kotz
Mrs. Carla Repman - absent
Mr. James Smedley

Staff Present: Attorney Shane Rohrbaugh, Solicitor
Mr. Terry Myers, Township Engineer
Mr. Cliff Tinsley, Zoning and Permit Officer
Rebecca Bradshaw, Township Secretary

The meeting was opened with the Pledge to the Flag.

Minutes. Motion was made by Mr. Kotz and seconded by Mr. Smedley to approve the minutes of the July 28, 2021 meeting. Motion carried unanimously.

Mr. Clifford Tinsley, newly hired Codes and Permit Officer was introduced to the Planning Commission members.

SUBDIVISIONS/LAND DEVELOPMENT PLANS

Sarah E. Miller, 525 Lisburn Road. The plan proposes to subdivide the existing property at 525 Lisburn Road into 2 properties: Lot 2 (10 acres) and Lot 2A (57.72 acres). The lots are currently zoned Conservation and Rural Agriculture. The Proposed use for the lots has been identified as residential. Both lots have existing driveway access to Lisburn Road T-908 by means of a private street. This plan is considered a Minor Subdivision plan. Engineer comments are as follows:

Subdivision and Land Development Ordinance:

1. Significant features include watercourses, 100 year floodplains, flood hazard areas, tree masses, steep slopes, and wetlands delineated in accordance with the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" (January 1989) and other features of note, shall be shown on the plan (§ 402.b.33). The applicant is requesting a waiver of this section with regard to wetland delineation.
2. The plans shall be drawn at a scale of 1" = 10', 20', 30', 40', 50', or 100' (§ 403.b.10). The applicant is requesting a waiver of this section.
3. The applicant shall provide a copy of the signed easement agreement allowing for the use of the private street as driveway access to 525 Lisburn Road (§ 403.b.15).
4. The applicant shall include the certification with signature, seal, and date of the professional surveyor (§ 403.b.22).
5. A notarized statement to the effect that the applicant is or represents the owner of the land proposed to be subdivided and the land to be subdivided shown on the Final Plan is made with their free consent and it is desired to record the same (§ 403.b.27).
6. The applicant shall provide proof of a Planning Module for Land Development approved by DEP (403.e.4).
7. Any subdivision or land development plan, on which a private street is proposed, must be accompanied by a right-of-way agreement which shall be subject to the review and



approval of the Township. This agreement shall be recorded with the office of the York County Recorder of Deeds on the same date as the recording of the Final Plan. (§ 506.i) This agreement must contain at least the following:

1. Identification of the entity with responsibility for the private street. This entity shall be principally composed of the owners of land which the private street serves.
2. Provision for enforcing the agreement upon all parties of the agreement.
3. Assurance that the street will be constructed and maintained in conformance with this Ordinance, and a method for assessing the maintenance repair cost.
4. A note referencing the right-of-way agreement, as well as an offer of dedication of the streets to the Township, must be provided on the subdivision or land development plan.
8. Parcels of land existing as of June 5, 1985, which have their sole access by means of substandard private streets (i.e. not meeting the minor street standards set forth in the ordinance), will not be permitted to be subdivided for the creation of additional lots unless the private street is improved to conform to all standards and specifications for streets as set forth in this ordinance and provided such lots meet all applicable requirements of the Warrington Township Zoning Ordinance (§ 514.d). The applicant shall request a waiver of this section.
9. Pay a fee in lieu of dedication for each proposed dwelling unit and/or lot on a subdivision or land development plan which fees shall be established by resolution of the Board of Supervisors and amended only by the Board of Supervisors (§ 523.a.2.B).
10. The proposed revisions to the Township's SALDO will require preliminary hydrogeologic studies for all subdivisions with three lots or more, or for subdivisions located within $\frac{1}{4}$ mile of a well that tested greater than 5 mg/l nitrate-nitrogen. However, the Department has determined that nitrate-nitrogen levels are consistently elevated in areas underlain by the Gettysburg Geologic Formation and the Heidelsburg Member west of Old York Road and Carlisle Road (SR 0074). All proposed subdivisions and land development projects utilizing on-lot sewage disposal systems within these described geologic areas will be required to complete a Component 2 Planning module with a preliminary hydrogeologic study. For the rest of the Township, subdivisions and land development projects proposing on-lot sewage disposal systems within $\frac{1}{4}$ mile of a well that tested greater than 5 mg/l nitrate –nitrogen must also complete a Component 2 Planning Module with a preliminary hydrogeologic study. (Condition 2, 2-24-09 Letter from PA DEP).
11. In addition to such filing fees, the developer shall pay the cost of:
 - Reviewing the land development plan and engineering details.
 - Inspecting the site for conformance to survey.
 - Preparing cost estimates of required improvements during installation.
 - Inspection of required improvements during installation.
 - Final inspection for completion of installation of required improvements.
 - Legal services necessary for the processing of the land development plan.

The following modifications to the Subdivision Ordinance were requested:

Section 506.i – Construction standards of private streets and Section 514.d – Access to Private Streets. The applicant is proposing to create one new lot for the construction of a single family home. Access for the lot will be a private driveway currently owned and maintained by the applicant and would be in the future. It would create a financial burden to upgrade/construct the private street to local street standards. The estimated financial cost would be in excess of \$240,000.00.

Section 402.B.33 – Submission of a detailed wetland study. An investigation for proposed wetlands was undertaken in the area of proposed construction and no wetlands are located in that area. The applicant is requesting a waiver to the remaining land where no development will occur.

Section 403.b.10 – Plan Scale. A relief from plan scale is requested in order to represent the entire subdivision on one sheet instead of multiple sheets with match lines.

Motion was made by Mr. Bensel and seconded by Mr. Barton to approve modification requests to Sections 402.B.33, 403.B.10, 514.d and 506.I. Motion carried unanimously.

Motion was made by Mr. Smedley and seconded by Mr. Kotz to conditionally approve the subdivision plan pending Township Engineer comments are addressed. Motion carried unanimously.

Harry H Fox, Jr. Stone Jug Road. The plan proposes to subdivide an existing 23.77 acre parcel into two residential lots. Lot 1 – 13.63 acres and Lot 2 – 10.15 acres. Lot 1 will be consolidated with 3.32 acre Parcel 29G to create a new Parcel 29G equaling 16.95 acres. Lot 2 will be consolidated with Parcel 31A (to be purchased prior to plan recording and equals 0.30 acres to create a new Parcel 29C equaling 10.45 acres.

Subdivision and Land Development Ordinance:

1. While the driveway access location shows the stopping sight distance requirements being met, is there better location to provide better sight distance? It appears that an access point, centered between the “s-curve” may provide a more suitable location (§ 512.a.7).
2. A notarized statement to the effect that the applicant is or represents the owner of the land proposed to be developed and that the land development shown on the Final Plan is made with his or their free consent and that it is desired to record the same (§ 403.b.27).
3. All required improvements must be installed and approved or an improvement bond or other accepted security in an amount sufficient to assure completion of all improvements (corner monumentation) is required to be posted (§ 602).
4. Based upon correspondence from Carrie Wilt, DEP, the Board of Supervisors, at their July 21, 2021 meeting, agreed to allow the owner to submit a DEP Planning Waiver & Non-Building Declaration in lieu of a Planning Module. Note No. 13 should be revised to reflect that Sewage Permits have been obtained from the Warrington Township SEO for both Lots No. 1 and No. 2. (§ 403.e.4).
5. Pay a fee in lieu of dedication for each proposed dwelling unit and/or lot on a subdivision or land development plan which fees shall be established by resolution of the Board of Supervisors and amended only by the Board of Supervisors (§ 523.a.2.B).
6. An easement over the primary and replacement absorption areas shall be delineated and identified on the plans, in accordance with the Warrington Township On-Lot Sewage System Management Ordinance No. 2016-02. Bearings, distances, and ties to the property line need to be established for all absorption areas. (§ 515.c)
7. Deeds of consolidation will be required to be written and supplied to the Township.
8. In addition to such filing fees, the developer shall pay the cost of:
 - Reviewing the land development plan and engineering details.
 - Inspecting the site for conformance to survey.
 - Legal services necessary for the processing of the land development plan.
9. A copy of the executed sales agreement for the purchase of Parcel 31A should be provided to the Township.

Mr. Bensel requested an approval letter from the Sewage Officer stating acceptance of a PA DEP Non-Building Waiver rather than a Component 2 Planning Module.

Motion was made by Mr. Kotz and seconded by Mr. Smedley to table the plan pending receipt of a letter from the Sewage Officer stating that he would accept a Non-Building Declaration from the developer to be sent to PA DEP. Motion carried unanimously.

SKETCH PLANS

Dale Bentz – Old Mountain Road. Mr. Bentz said he shares a property line with Terry and Sandra Sweitzer whose address is on W. Spring Valley Road. He would like to purchase 50 feet of property from the Sweitzer's to be added to his 34 acres. The Planning Commission said he would need to follow Section 312 of the Subdivision Ordinance to subdivide the Sweitzer property and add to the Bentz property. After the subdivision is complete the Township will need a copy of the deed of consolidation to show the Bentz property as one parcel.

ZONING ORDINANCE

Rewrite. Mr. Smedley forwarded some additional items that Mr. Cormany said were omitted from the proposed Zoning Ordinance but should be forwarded to the Board of Supervisors.

1. Section 303 - There is a conflict between the Conservation Zone that requires 3 acres to subdivide but Clean and Green requirements allow a maximum lot size of 2 acres. Motion was made by Mr. Smedley and seconded by Mr. Bensel to approve a change to Section 303 – Conservation Zone to allow 2 acre subdivision. Motion carried unanimously.
2. Section 762 – Add this section as a Conditional Use to the ordinance to allow a Warehouse, Distribution or Fulfillment Facility in the Village Commercial Zone as provided in the text. This would allow Board of Supervisors approval rather than Zoning Hearing Board approval. Motion was made by Mr. Kotz and seconded by Mr. Bensel. Motion carried unanimously.
3. Subdivision Ordinance change to Section 312. York County Planning Commission and York County Assessment Office require that any subdivision of land, as defined in the MPC, should be done pursuant to a recorded subdivision plan. York County is proposing a regulation that can be adopted by municipalities to process corrections or changes at a lower filing fee than a normal subdivision plan. Motion was made by Mr. Smedley and seconded by Mr. Barton to accept the proposal issued by York County Planning Commission and add it to the Township Subdivision Ordinance Section 312. Motion carried unanimously.

Mr. Ed Mattos. Mr. Mattos asked if the proposed Zoning Ordinance changes include farmland preservation in the Rural Ag Zone of tracts with 12 acres or 25 acres. Mr. Smedley said the proposed Ordinance was forwarded to the Board of Supervisors with the requirement of 25 acre tracts but the Board could take action to change the acreage to 12 prior to sending the proposed Ordinance to York County Planning Commission. Mr. Mattos said the County Ag Land Preservation program wants municipalities to make Ordinances harder to subdivide so that farmers can earn enough points to qualify for the preservation program.

ADJOURNMENT

Motion was made by Mr. Smedley and seconded by Mr. Kotz to adjourn the meeting. Motion carried.

The meeting was adjourned at 8:45 PM.

Rebecca Bradshaw
Township Secretary