

**HOPEWELL TOWNSHIP  
YORK COUNTY PA  
PLANNING COMMISSION MEETING  
MINUTES FOR SEPTEMBER 15, 2015  
MUNICIPAL BUILDING  
7:00 PM**

Vice Chairman Larry Knott called the meeting to order at 7:00 p.m. Planning Commission members also in attendance were Kathleen Davis and Joe Shanaborough. Planning Commission members absent were Chairman Ann Yost and Nancy Blevins.

Approval of Minutes

Kathleen Davis motioned to approve the minutes from the June 16, 2015 Planning Commission meeting. Joe Shanaborough seconded the motion. Motion carried unanimously.

#93-12 Summercrest

Josh Myers from Shaw Surveying was present with the final subdivision plan. Pat Schaub stated that she believes the owner changed the name of the subdivision plan to RA&SC and the plan doesn't reflect that. Josh stated that the plan's name did change, though it's not changed on the physical plans. Larry Knott was unsure if it needed to be on the plan. Larry Knott wanted to reflect in the minutes as something the Board of Supervisors needs to review. Pat Schaub stated before the plan can be approved, the name must be listed correctly on it.

Open Items from Keith Hunnings South Penn Codes as of meeting date:

1. Total area for the entire property needed to be show. That was addressed at the last meeting and it is now completed.
2. A 25 foot right of way from the center line of Anderson Road was needed and that is now done.
3. Set back lines on page 1 of the sketch have been added.
4. The rebar for the property lines rebar has been set; there is not a need to have two monuments.
5. The signatures on the plan are still outstanding.
6. The E&S plan has been submitted to the DEP but has not been approved yet.
7. It still needs York County Conservation District approval.
8. The Township engineer for Martin and Martin needs to review. Pat Schaub asked Josh Myers if they sent it and he did not know.
9. The storm water plan will be submitted at a later date, once the new owner of the lot submits a building permit. Larry Knott stated that a waiver request will need to be made for the supervisors for that. Josh Myers stated that the Supervisors approved the request.

10. Larry Knott again stated that the name change will have to be decided by the supervisors. He could not address that issue without having his code enforcement officer there.

Joe Shanaborough stated that some waivers were approved and some were not at the July 2, 2015 Board of Supervisors meeting. A waiver was approved was Section 405.ee of the Subdivision Ordinance. Waivers of Section 405.ff and 518 were not approved. The engineer from Martin and Martin has not yet commented on the plan. Larry Knott said that has to be an open item and he also did not have the right people with him at the meeting to discuss it. The county will have to decide whether old or new UPI numbers will be used.

The right of way for Anderson Road is 14 feet and Barrens Road is 18 feet. Larry Knott said those numbers would suffice. The adjacent lots across the road have been labeled. The Planning Module and E&S are still being reviewed and have not been approved yet. Martin and Martin have not approved it yet and when it is approved, it needs to be presented to the supervisors. The outstanding items are signatures, fees, and E&S.

Larry Knott asked for any public comments. Christine Schuefele asked about the UPI numbers that Larry Knott referenced earlier. Larry Knott said it is still an outstanding item, however, it is up to the county to decide if they are using the same UPI numbers or issuing new ones. He stated more than likely, new ones will be issued. Christine Schuefele asked if Martin and Martin review is still outstanding and Larry Knott confirmed.

Ed Kress, owner of lot 10 on Martin's Circle, expressed concern as he has a retention pond on his property and asked how the development will affect it. Vera Kress added they already get runoff from other properties. He shared pictures with the commission. Josh Myers is unsure of what will be built on those properties, however, they will be engineered in a way where everything will stay on the lot. He stated it may even improve the runoff issue. Larry Knott noted that storm water management plans will be submitted on a later date by the new owners when a building permit is submitted to the Township. Josh Myers stated they will have more information then, but he does not know what will be built on the lots in the future. Christine Scheuefele referred to the minutes of July 2 and each lot has to have its own road and seepage pit and asked if that was on the plan. Larry Knott confirmed that each one must have a seepage pit.

Vera Kress stated the runoff is bad because they are at the bottom of Martin's Circle and they get excessive runoff from all the surrounding properties. She pointed out on the map each place she gets runoff from and stated she can't even walk outside at times. She also stated that Anderson Road floods to the point that people have a hard time driving on it. It has overflowed about 6 times in 31 years. Larry Knott asked if the Kress' have ever brought this issue to the attention of the supervisors and recommends that they present the problem to the Supervisors. Vera Kress added the runoff is damaging her property and creates an unsafe area, especially for her grandchildren. Ed Kress stated that as they are at the bottom of the development, they get the runoff, and just wanted to express concern about the new construction. Larry Knott confirmed again that

each lot will have their own seepage pit and storm water management plan and before the new owner can obtain a building permit.

Vera Kress asked Josh Myers which direction the houses will face. Josh Myers said that will be up to the new owners and Tom Taylor just sells the lots. Vera Kress wants to know how far away the house has to be from the property line. Josh Myers said they have to be at least 15 feet back from the lines and Larry Knott confirmed. Larry Knott again told the Kress' to approach the Supervisors regarding their current runoff issues and express their concerns. Vera Kress added that when they purchased the property, they were not told there was a retention pond. Pat Schaub asked Vera Kress if she challenged this years ago and Vera Kress confirmed that they did, but she wanted to let the commission know what they have dealt with and that it is a danger to life. Vera Kress asked who has the responsibility of the retention pond as it is not working properly. Larry Knott in unsure and recommended they bring it to the attention of the Supervisors at the Board Meeting on October 1, 2015. He recommended that they call and request to be on the agenda.

Christine Schuefele asked if the separate seepage pits on each individual lot should be on the plan, as well as the waiver of Section 405.ee. Josh Myers said that it is difficult because they do not know what is going to be on the lots. Larry Knott said he was inclined to put a note on the plan that they need a road and seepage pit. Josh Myers stated it shows the seepage pit and driveway for each lot in the E&S plan.

Christine Schuefele asked how would one know where to place the seepage pit if you haven't done the storm water management plan. Josh Myers stated that's where the problem lies. Christine Schuefele said she believes the plan should say they must have a seepage pit. She stated that she believes Solicitor Miller wanted to make sure it would be on there. Josh Myers believes it is already a requirement in a storm water management plan. Kathleen Davis stated she believes that is correct and it had recently been enacted. Josh Myers believes it also has to meet DEP requirements.

Vera Kress asked when they can start building. Josh Myers said that depends on when the lots sell. Larry Knott added before they can start selling the plans have to be approved. Larry Knott said they have outstanding items but cannot put a time limit on it. Vera Kress asked if she can keep her well. Larry Knott said at this time she can.

Joe Shanaborough motioned to send the plan to the supervisors with the outstanding items (Martin & Martin comments, York County Planning Commission approval, signatures, fees, E&S approval, waivers noted on plans, name change to be addressed) for their final approval. Kathleen Davis seconded the motion. Motion carried unanimously.

#### Ordinance 2-2013, Keeping of Fowl

Larry Knott read the amendment to the ordinance:

“Five (5) chickens or similar fowl shall be allowed per lot on lots one acre or less. On lots greater than one acre, there will be no limit on

the number of chickens or similar fowl allowed. No roosters shall be allowed. The open grazing pasture requirements of Section 366.3 shall not apply to chickens and other fowl.”

Larry Knott opened the Hearing.

Christine Scheufele remembered Supervisor Wisnom saying a half an acre to one acre for 5 chickens and over an acre was unlimited. Christine Scheufele stated that unlimited chickens over one acre can still create a problem and they are moving the target. Larry Knott stated it is in a residential zone. Pat Schaub stated that the Board said the amendment has to go back up to YCPC. She suggested the Planning Commission not make a recommendation until after YCPC has reviewed it.

Matt Kelly understood the ordinance the way that Larry Knott presented it, however he does not agree with not having a maximum number. Matt Kelly stated that he is ok with how the ordinance reads now. Due to the nonconformity, it doesn't really help his current situation with his neighbor that has excessive chickens. Matt Kelly recommended moving forward with the ordinance and eventually over time, the neighbors would get to one number. Will Scheufele recommends 5 chickens, no roosters for a half acre to a whole acre, but he does not agree with unlimited chickens. He stated another person will eventually be fighting this battle and he thinks they should set a maximum number and be done with it.

Christine Scheufele asked Larry Knott if he is allowed to make a grandfathering recommendation in regards to the Kelly situation to bring their neighbor down to the five chickens. Larry Knott is unsure without Keith being there. To him, if you're grandfathered, you're grandfathered, but for the future, they would have to abide by the amendment. Christine Scheufele asked if as those chickens die off, he cannot replace them. Larry Knott confirmed. Christine Scheufele asked if that should be in writing and each grandfathering situation should be different and on a case by case basis. The chickens may never go away. She asked if he could recommend as the chickens die off, that they cannot replace them. Larry Knott said at that time, they are to approve the amendment or recommend changes, but he does not know how to recommend a grandfather clause. Christine Scheufele asked him if they have 50 chickens now, does he think that they could have 50 chickens forever. Larry Knott said yes because of how he views someone being grandfathered. Pat Schaub stated it is defined under nonconforming use and that he can make a recommendation that the Codes Enforcement Officer monitor the current situation and as the chickens die, they cannot be replaced.

Christine Scheufele stated because the ordinance amendment hasn't been passed yet, they can't do anything about the grandfathering.

Larry Knott stated they need to make a recommendation on what was presented to them and not get into the grandfathering. Kathleen Davis does not like the endless amount of chickens for over one acre. She liked the wording previously – that each acre could have an additional 5 chickens. She thinks

unlimited would be a problem over the one acre. Joe Shanaborough stated that most of the lots are currently an acre or less in a non-residential area. Larry Knott read the amendment as if they have 1/8 of an acre, they can have 5 chickens and he does not agree. Rachel Kelly stated that in the Supervisors meeting they were saying "up to one acre" not "or less" so they didn't pick up on it.

Larry Knott asked what they want to recommend. Joe Shanaborough stated a minimum of 1 acre gets 5 chickens, removing the "or less." Joe Shanaborough doesn't think there are many lots over an acre in a residential area. Larry Knott agreed with Joe Shanaborough. Larry Knott said this is strictly in the residential zone. Kathleen Davis asked if in the future there could be over one acre lots. Rachel Kelly said the discussion at the Board of Supervisors meeting was that they wouldn't subdivide lots to be that large. Matt Kelly believes the intent of the supervisors was that they didn't want you to have one acre. They wanted to allow someone with a third or a half an acre to have chickens. Larry Knott would not have agreed to that at the meeting but it slipped by him. He asked what they recommend. Joe Shanaborough did not think they would have a problem with the acre lots as they don't have many lots. Kathleen Davis motioned to recommend the amendment as written but take out the words "or less." Joe Shanaborough seconded the motion. Motion carried unanimously.

Public Comment:

Vera Kress thanked the commission.

Joe Shanaborough motioned to adjourn the meeting. Kathleen Davis seconded the motion. Motion carried. Meeting adjourned at 8:03 p.m.