

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, January 27, 2021, 7:00 PM

Presiding: Mr. James Smedley, Chairman  
Mr. James Barton – by speaker phone  
Mr. Richard Bensel  
Mr. Len Kotz  
Mrs. Carla Repman

Staff Present: Attorney Shane Rohrbaugh, Solicitor  
Mr. Terry Myers, Township Engineer  
Rebecca Bradshaw, Township Secretary

The meeting was opened with the Pledge to the Flag.

Re-organization. Motion was made by Mr. Smedley to appoint Richard Bensel as Chairman. Mr. Kotz seconded. Motion carried unanimously. Motion was made by Mrs. Repman and seconded by Mr. Kotz to appoint James Smedley as Vice-Chairman. Motion carried unanimously.

Minutes. Motion was made by Mr. Kotz and seconded by Mrs. Repman to approve the minutes of the November 24, 2020 meeting. Motion carried unanimously.

SUBDIVISIONS/LAND DEVELOPMENT PLANS

David W and Faye L Kitzmiller, 930 Alpine Road. The plan is to attach a portion of existing Lot 11 – Map 1 Parcel 11; 1.08 acres containing a block detached garage to Lot 10 – Map 1 Parcel 10; 0.75 acres. The resulting Parcel 11 will measure 0.75 acres and Parcel 10 will measure 1.08 acres. The plan proposes to attach Lot 8 to Lot 9 to eliminate the driveway intrusion into Lot 8. The lots are zoned Rural Agricultural and the proposed use of the lots is residential/commercial. Engineer comments are as follows:

**Zoning Ordinance:**

1. The applicant shall include the site data for lots 8, 9, and the proposed combined lot within the Lot Area Tables (§ 304.e).
2. The existing lot sizes for all 4 lots all do not meet the 60,000 S.F. requirement and are exiting non-conformities. The Subdivision proposed by this plan will increase the non-conformity by reducing the lot size for Lot 11 which will require a variance from the Zoning Hearing Board, prior to the Township acting on the subdivision. Reducing the non-conformity by increasing the lot size for Lot 10 is acceptable (§ 304.e.1).
3. The existing Drive-In located on Lot 11 has existing building setback non-conformities. The M.A.B.S.L shall be dimensioned from the proposed property line to the corner of the existing block garage. The requirements for Accessory Building setbacks shall be included in the site data table. (§304.f).
4. Existing and resulting lot coverages shall be provided for both lot 10 and lot 11. Lot coverages shall not be more than 30%. If reducing the lot size of Lot 11 creates a non-conformity or increases a non- conformity a variance from the Zoning Hearing Board will need to be obtained, prior to the Township acting on the subdivision (§ 304.g).

5. If any non-conformity, destroyed in part or in whole by a reason of windstorm, fire, explosion, or other act of God or a public enemy, the nonconformity may be rebuilt, restored, or repaired to the extent of the nonconformity prior to destruction; providing that restoration is begun within one year following said destruction (§ 419.d).
6. The existing use of Lot 11 is an Eating Establishment, which is an existing non-conforming use for the Rural Agriculture Zone. This use should be reflected in the site data table (§ 755).

**Subdivision and Land Development Ordinance:**

1. The scale of the location map provided on the plans is not less than or equal to one thousand feet to the inch. The applicant shall include the existing Township Zoning Boundaries within the location map (§ 403.b.5).
2. The applicant shall show the proposed bearings and distances for the combination of Lots 8 and 9 (§403.b.12).
3. A lot number and deed information shall be provided for the proposed combination of lots 8 and 9 (§403.b.13).
4. The applicant shall include the location and type of all existing and proposed lot corner markers and monuments at all exterior boundaries. The applicant shall either set a new lot corner at the corner of Lot 8 (on the ROW line, or indicate the distance from the existing marker to the ROW line (§403.b.19).
5. The general exterior dimensions of all existing structures and accessory buildings shall be shown on the plans (§ 403.b.20).
6. The applicant shall include the certification with signature, seal, and date of the professional surveyor on the final plans (§ 403.b.22).
7. The applicant shall show the 100 foot isolation distance for all existing wells as well as the location of the well on lot 9. The applicant shall also identify the on lot sanitary sewer systems and their locations on the plans (§ 403.b.26).
8. 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. The Township's Right of Entry shall also be identified on the plan (§ 403.b.27).
9. Each plan proposing residential uses within a Rural Agricultural and/or Conservation Zone as established by the Warrington Township Zoning Ordinance must contain in conspicuous form the following language: "Warning: The residential lots(s) proposed by this subdivision plan are in the Rural Agricultural Zone. One primary use of this Zone is agriculture, and residents must expect such things as the smell of farm animals and the manure they produce, the use of chemical sprays, low moving agricultural machinery on local roads, and other by-products of agricultural activity" (§ 403.b.33).
10. Any existing deed restrictions or any proposed by this plan shall be included on the plans, otherwise a note shall be included stating there are no proposed deed restrictions (§ 403.b.34).
11. Existing significant natural or existing or proposed manmade features within the parcel and within 400 feet of the area proposed to be subdivided or developed. Significant natural features include watercourses, 100 year floodplains, flood hazard areas, tree mases, steep slopes and wetlands delineated in accordance with the "federal Manual for Identifying and Delineating Jurisdictional Wetlands" (January 1989) and other features of note. Manmade features include location, size, and invert elevations of all existing or proposed water mains, sanitary or storm sewers, buildings, petroleum, gas or electric lines, and the location of all manholes, inlets, and culverts (§ 403.c.2).

12. PA DEP sewage planning approval, exemption or waiver thereof shall be obtained prior to final plan approval. The Township Sewage Enforcement Officer shall sign the plan prior to final plan approval. (§ 404)
13. The following on lot sewage disposal system notes shall be added to the plan (§ 515.b):  
“Any property on which an on-lot system presently exists, or on which an on-lot system is proposed or under construction, shall not be conveyed by the owner without the inclusion of language in the deed establishing and assigning a non-revocable grant of inspecting, maintaining, sampling, testing, evaluating or repairing the on-lot disposal system described in the application and permit.”
14. 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. In addition the following easement restrictions shall be listed on the plan (§ 515.c):
  - No improvements, whether permanent or temporary, shall be constructed upon or within any absorption area easement.
  - No permanent or temporary alterations, grading, excavation, stockpiling of any soil or any other material shall take place on or in any absorption area easement.
  - During any construction or any other activities, the absorption area easement shall be so marked to prevent equipment with greater wheel loadings than a common garden tractor/riding mower from traveling over or operating upon the surface of the absorption areas easement.
  - The final cover or improvement to every absorption area easement shall be limited to shall rooted plant matter.
15. Deed recording information shall be provided to the Township within 60 days of subdivision plan recording, proving that Lot 11B has been combined with Lot 10 and that Lot 8 has been combined with Lot 9.
16. The applicant should include the existing 33’ dimension from the edge of Rainbow Trail Avenue to rear property lines along Rainbow Trail Avenue.
17. 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.

Motion was made by Mr. Smedley and seconded by Mrs. Repman to table the subdivision for a decision from the Zoning Officer regarding zoning issues. Motion carried unanimously.

Caden Properties, LLC – 265 Big Rock Drive, Final Land Development Plan. The above-referenced plan proposes to construct an access drive, 14 space parking lot, landscaping and stormwater management berm on the site of the existing “agriculture building” servicing as a contractor’s office on the lands of Caden Properties, LLC located at 265 Big Rock Road. The lot is currently zoned Village Commercial (VC) and there is no proposed used shown on the plans. The plan proposes access drive access to Big Rock Road (T-904).

### **Zoning Ordinance:**

1. The applicant must state the proposed use of the development within the Site Data table on the plans. (§ 307.b). Application for Land Development indicates “Contractor’s Shop”.
2. In all zones no outdoor stockpiling of any material or outdoor storage of trash is permitted in any front yard area. In all zones, pipes, automobile parts and similar objects and materials must be stored in an enclosed building or structure. However, in the Village Commercial Zone, such materials may be stored outdoors if screened from the view of neighboring properties (§ 402.C). Plan shall indicate any areas to be used for outdoor storage.
3. All off street parking lots, including access drives, shall be constructed and maintained with a paved surface (§ 407.e).
4. The applicant shall include dimensions of the proposed office and warehouse areas on the building layout to allow for parking calculations to be verified. (§ 407.v.1).

### **Subdivision and Land Development Ordinance:**

5. The applicant shall include the certification with signature, seal, and date of the professional surveyor (§ 403.b.22).
6. 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).
7. The exist house on the Centini Property shall be shown on the plan (§ 403.c.2).
8. The location and dimensions of pedestrian entrances, exits, and walks shall be shown on the plan (§ 403.d.3).
9. The applicant shall provide an approved DEP Planning Module required by the Pennsylvania Department of Environmental Protection, or shall place the approved DEP Code number on the plans (§ 403.e.5).
10. Stormwater Management plan approval shall be obtained from the Township Engineer. “A stormwater management plan prepared in accordance with the provisions of this ordinance, shall be required for each subdivision or land development plan at both the Preliminary and final plan stage and for any new construction or expansion of residential commercial, industrial, accessory or other improvement that creates an area of impervious material on a parcel of 20,000 square feet or more. The 20,000 square foot requirement applies on individual large projects, projects which exceed a cumulative total of 20,000 square feet...” The applicant shall indicate how the runoff rates for the 2, 5, 10, 25, 50, and 100 year storms are being managed to not increase above pre-development levels. A separate comment letter will be generated for the stormwater management plan review (§ 403.e.10).
11. Any land development plan where there are no new improvements being proposed (i.e. no new streets, drainage ways, detention ponds, and/or other Stormwater management facilities), a typical individual lot Erosion and Sedimentation Control Plan or notation shall be placed on the subdivision or land development plan. In all other instances, the Erosion and Sedimentation Control Plan shall be submitted to the County Conservation District for their review and approval prior to Final Plan approval (§ 406.a). Limit of Disturbance shall be re-evaluated. It appears that additional disturbance will be required to attain the proposed grading. Disturbance in excess of 1.0 acres will require that an NPDES permit be obtain from the York County Conservation District.
12. In the case of a plan for a major Land Development or Subdivision fronting on or containing an existing or proposed public street, the Township shall require the developer to improve the portion of the roadway on which the proposed development fronts to meet the minimum roadway standard as specified in Section 506.a) of this Ordinance. This shall include shoulders, embankments, gutters, berms, and/or curbing. Minimum streets widths and right-of-ways shall be as follows (§506.e):

<b>Street Classification</b>	<b>Min. Right-of-Way Width</b>	<b>Min. Roadway Width (without curbs)</b>
Big Rock Drive T-904 (Minor Street)	50 feet	32 feet (plus 2 –4’ shoulders)

13. Add the following to Note 4 on sheet:  
“ Development beyond the area of proposed construction shown on the plan, will require additional wetlands investigation.”
14. The following easement restrictions shall be listed on the plan:
  - “No improvements, whether permanent or temporary, shall be constructed upon or within the septic testing easement.
  - No permanent or temporary alterations, grading, excavation, stockpiling of any soil or any other material shall take place on or in the septic testing easement.
  - During any construction or other activities, the septic testing easement shall be so marked to prevent equipment with greater wheel loadings than a common garden tractor/riding mower from travelling over or operating upon the surface of the absorption area easement.
  - The final cover or improvement to every septic easement shall be limited to shall rooted plant matter.”
18. The following on lot sewage disposal system notes shall be added to the plan (§ 515.b):  
“Any property on which an on-lot system presently exists, or on which an on-lot system is proposed or under construction, shall not be conveyed by the owner without the inclusion of language in the deed establishing and assigning a non-revocable grant of inspecting, maintaining, sampling, testing, evaluating or repairing the on-lot disposal system described in the application and permit.”
19. 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.

Two modifications were requested.

1. Section 506.e – Improvements to adjacent streets. The proposed project will generate a de minimus impact to adjacent streets due to the expected traffic to be generated. Caden Properties has four employees with most of their work offsite.
2. The applicant is requesting to utilize the stormwater management design criteria contained within the PA Stormwater Management Manual versus the Township Ordinance.

Motion was made by Mr. Bensel and seconded by Mrs. Repman to conditionally approve the requested modifications. Motion carried unanimously.

Motion was made by Mr. Smedley and seconded by Mrs. Repman to conditionally approve the Land Development Plan pending recording of the Subdivision Plan that was approved by the Planning Commission on September 23, 2020 and is currently waiting for Board of Supervisors approval. Motion carried unanimously.

### SKETCH PLANS

John Payne – property to the rear of Popcorn Lane. Mr. Payne is looking at a 17 acre parcel in the Village Commercial Zone to the rear of Popcorn Lane, a private road. The lot has 150 foot of frontage along West Camping Area Road. The property was previously subdivided in 2002. His request was to build two single family dwellings on this parcel. A single family dwelling is a use by right. The Planning Commission said to place two single family dwellings, the property would need to be subdivided. Zoning and Subdivision Ordinance regulations would need addressed. Minimum lot width for a single family detached dwelling is 125'. There does not appear to be sufficient lot width to make two lots. The location of septic testing and a second proposed dwelling would need to be located outside wetland area.

### BUSINESS

Zoning Ordinance rewrite. Mr. Smedley suggested that the members review all notes and changes for discussion during the March Planning Commission meeting. Tonight a review sheet was prepared for some changes to Section 517 – Keeping of Livestock. The changes include revised definitions of livestock, animals, poultry and exotic animals.

Also discussed was the possibility of adding “Tenant Residence” as a use to provide housing for seasonal workers; changing “Single Family Dwelling” to “Two Family Dwelling”, and expanding the definition of “Temporary Residence for Family Members”.

### ADJOURNMENT

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

The meeting was adjourned at 8:45 PM.

Rebecca Bradshaw  
Township Secretary