

**RAPHO TOWNSHIP
PLANNING COMMISSION MINUTES
APRIL 4, 2016 7:00 p.m.**

The meeting was called to order by Chairman Jay Gainer at 7:00 p.m., followed by the Pledge of Allegiance. In attendance were Carrol Ehrhart, Darwin Nissley, Howard Boyd, Dennis Shellenberger, Jay Gainer, Jim Caldwell, RETTEW, and Sara Gibson.

The minutes of the March 7, 2016 meeting were approved on a motion by Ms. Ehrhart, seconded by Mr. Nissley. All in favor.

BRIEFING ITEM:

Wilmer and Frieda Nolt – Hilltop Acres Final Land Development Plan #16-314

347 Rife Run Road

Diehm and Sons, consultant

Mr. Caldwell presented the plan. The applicants propose to add on a .7-acre tract to their 21-acre property, remove the dwelling on the smaller property, and expand the Hilltop Acres parking lot along with access drive relocations. The 21-acre property currently includes one residential building, the existing nonconforming Hilltop Acres Market, a barn, and various out buildings. The applicants received a variance from the Zoning Hearing Board for a “de minimus” addition to the building, including a modification of a condition of a previous decision in 1996. The Zoning Hearing Board did not consider the expansion of the parking lot to be an expansion of the nonconforming use, as the parking lot is an accessory use. A number of modifications have been requested, relating to, among other provisions, dedication of right-of-way, clear sight triangles, and proximity of the parking area to the public street. Stormwater for the expanded parking lot is proposed to be managed by a subsurface infiltration trench. The property is located in the Agricultural Zoning District.

Mr. Caldwell pointed out that two of the current four driveways will be closed. The applicants had proposed an asphalt curb. Staff is concerned about the direct discharge of storm water onto the street, so they have recommended concrete parking blocks. Mr. Nissley asked about the current distance from the roadway to the parking spaces. Mr. Caldwell said the parking spaces are currently within two feet of the road, but they are proposing to move them to 12 feet from the road.

There was discussion on the potential speeds of vehicles on Rife Run Road. It is fairly flat in the area, but the Commission wanted to make sure each driveway is safe based on the actual average rate of speed.

The applicants have requested six modifications. One item of note was the request to not dedicate right-of-way. Staff has recommended that this be approved provided the applicants prepare a roadway maintenance agreement, so that the staff can work on their property if necessary, since the parking area is so close to the road.

Mr. Caldwell noted that the applicants have proposed no interior landscaping, which is an issue that must be addressed under the ordinance.

The Commission agreed that the site conditions would be improved by the plan proposed. The removal of two of the entrances and the moving of the parking spaces back from the road would make the conditions better for visitors to the market.

ACTION ITEM:

Skyview Tractors Final Land Development Plan #16-312

608 Fairview Road

Site Design Services, consultant

The applicants propose to construct a 12,000 square foot tractor repair shop and associated parking, drives, and storm water management facilities on a 52.145 acre parcel at the intersection of Esbenshade and Fairview Roads. The project was granted several variances, including relief from landscaping, parking, and outdoor storage requirements, by the Zoning Hearing Board on December 3, 2015. The project was granted conditional use approval as an Agricultural-Related business by the Board of Supervisors on December 17, 2015. The property includes a single-family detached dwelling, several farm buildings, one of which is currently used for the tractor repair shop, and a seasonal roadside stand. The applicants have requested six waivers, relating to, among other things, preliminary plan, water and sewer feasibility, and road improvements. Stormwater is proposed to be managed with an infiltration basin and an underground stone infiltration bed. The property is located in the Agricultural Zoning District.

Mr. Caldwell and Ms. Ehrhart suggested increasing the thickness of the 2A stone to be placed in the parking lot.

Mr. Nissley noted that there are natural swales and contours on the property that will help to reduce the volume post-development.

Mr. Alan Love of Site Design Services was in attendance on behalf of the applicants. He discussed the hours of operation and stated that the hours would be worded on the plan in compliance with the conditions of the conditional use hearing.

Mr. Love was concerned about the review comment relating to demonstrating that the existing waste conveyance system and storage facility was in compliance with state and federal regulations. Mr. Boyd agreed that there should be a profile provided to show how the waste disposal facilities will be constructed.

There was some discussion on the setting of the concrete monuments and whether it was necessary in a farm field. Mr. Nissley felt the monuments in open farmland would not be appropriate. Mr. Caldwell said that a few monuments would be helpful to set a survey instrument to show where the right-of-way ends. Mr. Boyd agreed that there should be some monuments set, even if we do not require as many as would have been required by the ordinance.

There was significant discussion on a modification that had not been requested prior to the meeting relating to a lighting plan. The ordinance requires the lighting be provided at areas accessible to the public. The applicants had presented a photometrics plan that was not in compliance with the SALDO. Mr. Love stated that the applicants wished to have less light than is required under the ordinance because they didn't think it was necessary. Mr. Gainer and Ms. Ehrhart said they felt that there would be some operations after dark/before dawn, and the lighting plan should recognize that.

Ms. Ehrhart specifically focused on lighting at the loading dock. Mr. Gainer felt that there should be safety lighting at the loading dock. Ms. Ehrhart and Mr. Gainer both suggested that the applicant should consider having safety lighting that is turned on during operating hours for workplace safety. The Commission felt that the lighting should accommodate the fact that their operating hours include times when it is dark. They felt the lights could be turned off when the business is closed. Mrs. Gibson noted that lighting attached to the building would be governed by the Uniform Construction Code, so any

modification recommended by the Commission might be irrelevant if there was a different requirement under the UCC.

Mr. Edwin Zimmerman said he felt they were being held to as high a standard as if they were a much larger operation. He and Mr. Lamar Zimmerman stated that they did not want to shine too much light on the site so it would not bother the neighbors.

Ms. Ehrhart read the RETTEW review letter dated April 4. There was discussion on modifications requested by the applicant that were recommended for disapproval by the engineer. Ms. Ehrhart suggested that modification B could be approved if an alternative of having a minimum of two concrete monuments was specified. This would address the issue of concern in RETTEW's letter, which recommended denial of this modification request.

Ms. Ehrhart recommended that the right-of-way should be offered for dedication along the project site. She felt the requested waiver could be approved for the east side and south side of the property.

Ms. Ehrhart made a motion, seconded by Mr. Shellenberger, to recommend approval of the plan, with the conditions and modifications based on those listed in the review letter of April 4, as revised by the Commission. All voted in favor of the motion. The conditions and modifications are listed in abbreviated format as follows:

MODIFICATIONS:

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

A. *Section 403.3.B – Existing Features (New Request This Submission)*

The applicant has requested a modification of the requirement to provide the location of all existing features within two hundred feet (200') of the subject tract. In the alternative, the applicant is proposing to show all existing features within two hundred feet (200') of the development area.

The Planning Commission, at their April 4, 2016 meeting, recommended approval of this modification based upon the alternative provided.

B. *Sections 405.2.F and 602.1.N– Concrete Monuments along Right-of-Way (New Request This Submission)*

The applicant has requested a modification of the requirement to provide concrete monuments at the limits and all break points of the dedicated right-of-way. No alternative is provided.

The Planning Commission, at their April 4, 2016 meeting, recommended approval of this modification with the condition the applicant provide a minimum of two (2) concrete monuments along the dedicated right-of-way.

C. *Section 602.5.E – Dedication of Additional Right-of-Way (New Request This Submission)*

The applicant has requested a modification of the requirement to provide additional right-of-way along Fairview Road and Esbenshade Road. No alternative is provided.

The Planning Commission, at their April 4, 2016 meeting, recommended approval of this modification with the condition the applicant dedicate additional right-of-way along the north side of Esbenshade Road from the applicant's west property line to its intersection with Fairview Road and along the west side of Fairview Road from its intersection with Esbenshade Road to a point three hundred fifty (350) feet north of the dedicated right-of-way of Esbenshade Road.

D. *Sections 602.6.A, 603.1.A, and 605.I – Construction Paving Standards (New Request This Submission)*

The applicant has requested a modification of the requirement to pave all access drives and parking areas in accordance with Ordinance paving standards. In the alternative, the applicant is proposing to utilize a three inch (3") reclaimed asphalt surface which will be installed on top of a six inch (6") 2A Modified Subbase.

The Planning Commission, at their April 4, 2016 meeting, recommended approval of this modification based upon the alternative provided with the condition that a minimum of one hundred feet (100') of the proposed access drives be paved in accordance with the collector street construction standards where they intersect with the adjoining streets.

E. Section 603.2, 605.H, Access Drive and Parking area Lighting (This Modification Was Verbally Requested At The April 4, 2016 Planning Commission Meeting)

The applicant has requested a modification of the requirement to provide access drive lighting at a minimum average of one-half (½) foot candle at an elevation of three (3) feet above the surface and parking area lighting at a minimum average of two (2) foot candles at an elevation of three (3) feet above the surface. In the alternative, the applicant is not proposing any access drive lighting and to provide building mounted lighting to illuminate the parking areas.

The Planning Commission, at their April 4, 2016 meeting, recommended approval of the verbally requested modification subject to the following conditions: 1.) The applicant provide additional lighting for the loading area; and, 2.) The applicant will submit a formal, written modification request to support this verbal request.

STORM WATER MANAGEMENT ORDINANCE

A. Section 502.2 – Combination of Hydrographs (New Request This Submission)

The applicant has requested a modification of the requirement to allow for the combination of Rational Method hydrographs based on timing. In the alternative, the applicant proposes to overlay or combine hydrographs in post-development conditions due to the relatively small size of the watersheds and based on the factor of safety provided by modeling the hydrographs using three times the Tc for the ascending leg and seven times the Tc for the descending leg.

The Planning Commission, at their April 4, 2016 meeting, recommended approval of this modification based upon the justification provided.

B. Section 506.1.B.3.b. – Loading Ratios (New Request This Submission)

The applicant has requested a modification of the requirement to provide loading ratios in non-karst geology of 5:1 for impervious area and 8:1 for overall area and, in the alternative, provide loading ratios of 9:1 and 14:1, respectively, for the infiltration basin.

The Planning Commission, at their April 4, 2016 meeting, recommended approval of this modification request with the condition that a statement be provided on the cover sheet of the plans indicating the design professional certifies the storm water management facilities are not underlain by carbonate geology.

CONDITIONS:
ZONING

1. The Hours of Operation and Management Plan needs to be revised to reflect the zoning relief granted by the December 3, 2015 Zoning Hearing Board decision and the proposed conditions indicated on the land development plan. The Hours of Operation and Management Plan needs to be updated accordingly to address the following:

- *The approved agricultural related business shall be limited exclusively to: (i) The repair/service of specialized equipment, machinery, vehicles, and related parts used in agricultural and farm activities; and, (ii) the rental/sale of specialized equipment, machinery, vehicles and related parts used in agricultural and farm activities. No service of over-the-road trucks or tractor trailers shall be permitted unless such trucks or trailers are registered with a farm license;*
- *A vehicle inspection station shall not be permitted as part of the agricultural related business at the property;*
- *All traffic for the agricultural related business will be directed to use the Esbenshade Road access drive and shall be directed away from the driveway serving the house and roadside stand;*
- *The existing barn along Fairview Road may not be used for the repair/service or rental/sales component of the agricultural related business; and,*
- *Applicants shall treat and dispose of all wastewater, solvents and oils generated by the agricultural related business with all federal, state and local regulations. Applicants shall dispose of all treated waste off the property via a licensed disposal company.*

2. The Residential Note on the Cover Sheet needs to be revised to reference Section 301.D.1.a.2 (§ 301.D.1.a.2).

3. *The applicant needs to provide signage to separate the agricultural related business from the driveway serving the house and seasonal roadside stand to prevent vehicle traffic from passing from one use to the other (§ 519.E, 906.C.3.b).*
4. *The plan depicts ten (10) overflow parking spaces under the parking requirements on the Cover Sheet, however, only nine (9) overflow parking spaces are being provided (§ 520.G).*
5. *The agreement for the overflow reserve parking areas needs to be reviewed by the Township, executed by all parties and notarized (§ 520.G, 520.H, 906.C.3.c).*
6. *The applicant needs to describe the use in sufficient detail to determine all applicable Operations and Performance Standards. Secondly, the applicant needs to provide credible evidence demonstrating compliance with all applicable Operations and Performance Standards. Lastly, the applicant needs to provide credible evidence (permit or other written approval by DEP) for the disposal of wash bay waste, including water, oils and grease and cleaning solvents (§ 521).*
7. *The Approved Variances note on the Cover Sheet needs to include a reference to Section 603.C.2. A variance was approved from the requirements of Section 603.C.2 which relates to providing a landscape screen for all parking, loading, and outdoor storage areas. A variance was also approved from the requirements of Section 603.C.2.a which relates to the location of the outdoor storage area. The Approved Variance note does not reference Section 603.C.2.*

SUBDIVISION AND LAND DEVELOPMENT

1. *All modification requests shall include a completed application for consideration of a modification (§ 309).*
2. *The applicant needs to verify that all sheet titles are correct. By example and not inclusive, Sheet 8 is titled "Final Land Development Plan (Easements)," however, Sheet 8 contains details.*
3. *The limits of the standard and reclaimed asphalt pavements need to be clearly indicated on the plans (§ 403.1).*
4. *The date, final action and conditions of approval by the Board of Supervisors on any approved modification requests needs to be included on the plan (§ 403.2.I, 403.4.J).*
5. *The clear sight triangles need to be labeled on the plans. In addition, we note that the clear sight triangle at the intersection of Esbenshade Road and Fairview Road is partially obstructed by the dwelling (§ 403.4.O, 602.10).*
6. *Evidence of review by emergency service providers needs to be provided (§ 403.6.A).*
7. *Concrete monuments need to be provided at the limits and all break points of the dedicated right-of-way (§ 405.2.F, 602.1.N).*
8. *The inspection schedule needs to be revised to include General Site Construction in accordance with Section 504 of the Rapho Township Subdivision and Land Development Ordinance (§ 405.2.L, 504).*
9. *All certificates need to be completed prior to recording the plan (§ 405.3).*
10. *Evidence of an approved planning module, exemption request, or notice that a planning module is not required needs to be provided (§ 405.4.A).*
11. *A cost estimate, financial security, and a financial security agreement need to be provided (§ 405.4.E, 405.4.F, 501).*
12. *Additional right-of-way needs to be provided along Fairview Road and Esbenshade Road. The following note needs to be added to the plan: "This plan reserves additional right-of-way along all or portions of the existing road frontage of the subject property. This additional right-of-way is hereby reserved for possible future use by Rapho Township for future roadway and related improvements." In addition, the "Skyview Tractors" business sign and self-contained tank need to be relocated outside of the dedicated right-of-way (§ 602.5.E).*
13. *The applicant needs to clarify if the "Skyview Tractors" business sign is being proposed as part of this plan (§ 602.5.E).*
14. *The lighting plan needs to include additional lighting for the loading area. Pole, fixture, and footer details need to be provided (§ 605.H).*

STORM WATER MANAGEMENT

1. *Evidence of approval of the Erosion and Sedimentation Control Plan and NPDES Permit, if applicable, by the Lancaster County Conservation District needs to be provided (§ 405.1).*
2. *An ownership and maintenance program, in recordable form acceptable to the Township, that clearly sets forth the ownership and maintenance responsibility of all temporary and permanent storm water management facilities and erosion control facilities needs to be provided (§ 601).*

OTHER BUSINESS:

Mrs. Gibson reported on the current status of the Chiques Creek Watershed Alliance's White Oak Dam project. The Alliance and guests will be touring the site with the property owners.

Mrs. Gibson reported that the possible municipal building improvements were still under discussion by the Board of Supervisors.

Respectfully submitted,

Sara M. Gibson
Township Manager