

APPROVED

**SPRINGETTSBURY TOWNSHIP
PLANNING COMMISSION
NOVEMBER 21, 2013**

MEMBERS IN

ATTENDANCE: Alan Maciejewski, Chairman
Mark Robertson
Mark Swomley
Charles Wurster
Charles Stuhre

ALSO IN

ATTENDANCE: Trisha Lang, Director of Community Development
John Luciani, First Capital Engineering
Seth Springer, Solicitor
Sue Sipe, Stenographer

1. CALL TO ORDER:

A. Pledge of Allegiance

Chairman Maciejewski called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Congratulations were extended to Mr. Swomley on his recent election to the Springettsbury Township Board of Supervisors. He was thanked for his years of services on the Planning Commission.

2. ACTION ON THE MINUTES

A. OCTOBER 17, 2013

MR. SWOMLEY MOVED FOR APPROVAL OF THE MEETING MINUTES OF OCTOBER 17, 2013 AS PRESENTED. MR. WURSTER SECONDED. MOTION UNANIMOUSLY CARRIED.

3. NEW BUSINESS – None

4. BRIEFING ITEMS – None

5. ZONING & WAIVER RECOMMENDATIONS

A. CU-13-01 – Springetts Commons

Attorney Amanda Sundquist, Unruh, Turner, Burke & Frees

Solicitor Springer recused himself due to a conflict.

Attorney Sundquist stated the Board of Supervisors is looking for a recommendation from the Planning Commission since the application has been scheduled for the hearing process at the December meeting

Ms. Lang stated several supplements to the application were added since it was originally received. The additional information included Section 16 through 19, as well as two amended tables of content. Also

included was a briefing of the remaining items that have not been addressed. This information was provided to the Planning Commission via the Conditional Use Case Summary dated 11/21/2013. Ms. Lang noted the applicants were not present this date, although they are aware the item is being discussed.

Ms. Lang summarized what had taken place since the last time the applicant presented, noting they have had several additions to the original application to try to address some of the areas where the proposal and the application was deficient. The original review from Staff was done for the August meeting at which time the applicant was in attendance. They submitted information on August 12 for that meeting which was subsequently tabled. Staff also did a review which they provided to the applicant.

Ms. Lang indicated discussion was held about the new FEMA mapping for the Township and the potential impact of how FEMA will be redrawing the floodplain boundaries on other parcels as well as this one. In September the applicant was requested to submit a HEC-RAS study. Subsequently, the applicant met with Staff to discuss the concept of needing to do a preliminary study. They asked for some time to complete that study for the September meeting, which was cancelled. In October they responded, however, Ms. Lang stated their response conveys the idea that they are not prepared to have everything done upfront. They do not have tenants yet, so the Zoning requirement to address the criteria at this stage, rather than at the land development stage is not comfortable for them.

Ms. Lang clarified that Section 19 of the packet is information sent to her from the applicant on October 11, which included a list of responses to previous comments and a new site plan that shows the changes made. She also noted that in order to meet the Municipal Planning Code deadlines a recommendation is needed at this time.

Discussion was held regarding the floodplain area. Ms. Lang noted they do not know what portion is floodway and what portion is floodplain. As long as they are not in the floodway they can raise the buildings out of the flood plain with engineering and studying; however, the applicant has not done that yet.

Discussion was held as to whether the applicant would be subject to grandfathering on the storm water based on when they originally filed the application. Att. Sundquist stated that would be subject for review based on the FEMA regulations which are Federal.

MOTION MADE BY MR. ROBERTSON REGARDING THE CONDITIONAL USE APPLICATION FOR CU-13-01 SPRINGETTS COMMONS, GIVEN THE APPLICATION DOES NOT INCLUDE THE REQUIRED INFORMATION AND/OR IS NOT DESIGNED IN ACCORDANCE WITH THE APPLICABLE CRITERIA, THE PLANNING COMMISSION RECOMMENDED THE BOARD OF SUPERVISORS NOT APPROVE THE CONDITIONAL APPROVAL. SECONDED BY MR. STUHRE MOTION UNANIMOUSLY PASSED.

6. ACTION ITEMS

A. LD-12-08 Firehouse Square

Eric Johnston, Engineer

The property located at 3013 E. Market Street is the former home of the Springetts Fire Station. This property is located in the C-H zoning district, as well as within the Town Center Overlay district. The applicant proposes to construct a mix of retail/restaurant space, of which one space will utilize a drive-through facility. There will be landscaping, sidewalks, storm water facilities and parking constructed in association with this development. Also included will be ADA & signal upgrades at the intersection at E. Market/Mill St. The property will utilize an existing shared access agreement with Home Depot to acquire

access at the intersection. In addition, the median cut that currently exists in front of the property on E. Market Street will be closed.

Plan Background: This project is presented as an action item for the final plan; including requests for two modifications from provisions of the SALDO. The plan submitted is generally consistent with the preliminary plan that was approved but does not incorporate changes that recognize all of the conditions of those conditions. In general, at this stage a majority of the plan comments are administrative in nature.

The Applicant is requesting a recommendation of approval from the Planning Commission to the Springettsbury Township Board of Supervisors for the following waiver(s):

1. SALDO (289-13.A) Final Plans; Specifications. Applicant wishes to be able to present the final plan at a scale of 1:30 rather than one of the scales designated by the ordinance.
2. SALDO (289-13.A (23)) Final Plans; Specifications. Applicant wishes to provide contour information at one foot intervals rather than the 1:5 or 1:2 specified by the ordinance.

Administrative and Non-Administrative items that are still outstanding from conditions established as part of the action on the preliminary plan were included on the Plan Summary dated November 21, 2013.

Mr. Johnston stated they are at the final land development stage which was approved by the Board several months ago as a preliminary plan. Since then they submitted plans and incorporated staff comments to augment the plan. They have submitted to PennDOT and received comments. They made a resubmission to PennDOT this week and expect to have the permit in the next month with the final review of the submitted items. Correspondence was received from Staff noting administrative items to be completed. There are several items that can be removed from the list related to traffic and storm water issues. It was noted the storm water issues were resolved.

Traffic was discussed focusing on the main driveway. Mr. Johnston indicated they are waiting on the HOP which will determine the ramps to be fixed.

Ms. Lang indicated that drafts have been received for the cross easements and shared parking agreements. These will be finalized close to the end of the project.

Discussion was held regarding County comments including proposed conditional uses for Lot 1 and 2 which were approved by the Township Board of Supervisors.

It was noted the issue regarding the public entrance meeting towards the street has been resolved. Mr. Johnston stated the public entrance was changed on the plan to ensure that the front doorway faces Market Street on both properties. AutoZone has revised their building layout as well as the proposed strip center.

Discussion was held regarding the façade treatments, elevations and floor plans. It was noted AutoZone submitted detailed building permit plans to get the process started. Artist renderings of both sides showing the color schemes and the proposed materials were submitted. However, detailed building plans have not been submitted yet for the strip center. Township comments made in regards to the colors as part of the preliminary process have been incorporated into the design for AutoZone, as well as breaking up the normal box type look with a front corner façade. The most up to date renderings were submitted.

Discussion was held regarding the masonry to try and blend with the strip center. The rendering shows a split face masonry with a tone look. They changed the colors slightly and then augmented the corner with a raised roof element in the front corner.

It was recommended that the applicant add 11x17 renderings to their presentation.

A parking re-evaluation including landscaping associated with the parking. Ms. Lang noted during their last review they included the need to change some of the selected vegetation to be consistent with the Ordinance.

It was noted that the land development plan is a two lot subdivision. Ms. Lang indicated they are both on the Board of Supervisor December meeting agenda. She pointed out that even though they will be approved at the same time, it is necessary to get the subdivision plan recorded and the deeds written before recording a land development plan that proposes development on a lot that does not exist until the subdivision happens.

Ms. Lang addressed the matter of the main access to the site that goes along the public plaza, noting the only way to get to this strip center from the public plaza is down a set of steps and across the driveway. In terms of pedestrian convenience, Staff is recommending the pedestrian crossing to be not just painted, but slightly raised with a different paving material. She indicated that the applicant has agreed to this recommendation.

Ms. Lang provided information regarding split face masonry which has been recommended for the material around the enclosure for the dumpster in order to be architecturally compatible with the building.

MR. STUHRE MOVED WITH REFERENCE TO FINAL LAND DEVELOPMENT PLAN LD-12-08, FIREHOUSE SQUARE TO RECOMMEND APPROVAL OF THE FINAL PLAN TO THE BOARD OF SUPERVISORS, WITH THE FOLLOWING WAIVERS:

1. **SALDO (289-13.A) FINAL PLANS; SPECIFICATIONS. APPLICANT SHALL PRESENT THE FINAL PLAN AT A SCALE OF 1:30.**
2. **SALDO (289-13.A(23)) FINAL PLANS; SPECIFICATIONS. APPLICANT SHALL PROVIDE CONTOUR INFORMATION AT ONE FOOT INTERVALS.**

MR. WURSTER SECONDED. MOTION UNANIMOUSLY CARRIED.

MR. STUHRE MOVED WITH REFERENCE TO FINAL LAND DEVELOPMENT PLAN LD-12-08, FIREHOUSE SQUARE, TO RECOMMEND APPROVAL OF THE FINAL PLAN TO THE BOARD OF SUPERVISORS WITH THE FOLLOWING CONDITIONS:

1. **SALDO (289-10.A.5.B.) PRELIMINARY PLANS; PROCEDURE. APPLICANT SHALL PROVIDE A COPY OF THE HOP FOR THE TOWNSHIP'S REVIEW AND COMMENT.**
2. **SALDO (289-13.B.6) FINAL PLANS; SPECIFICATIONS. IN ACCORDANCE WITH PLAN NOTE #19, PROVIDE A COPY OF THE REQUIRED ACCESS AND PARKING AGREEMENT. NOTE THAT SPECIFIC ATTENTION SHOULD BE PAID TO MAINTENANCE OF AREAS AND IMPROVEMENTS WITHIN THE PARKING LOT INCLUDING THE MAINTENANCE OF STORM WATER FACILITIES, LANDSCAPING, LIGHTING, AND REFUSE AREAS. SEVERAL PLAN NOTES THAT ASSIGN RESPONSIBILITY TO THE "PROPERTY OWNER(S)" DO NOT APPEAR TO RECOGNIZE JOINT OWNERSHIP OF SHARED INFRASTRUCTURE. THE RECOMMENDED AGREEMENT WOULD ADDRESS MULTIPLE CONCERNS AND SATISFY THE RESPONSIBILITY IDENTIFIED IN STORM WATER MANAGEMENT NOTE #4. THE AGREEMENT SHALL HAVE A MINIMUM TERM OF 20 YEARS, BE APPROVED BY THE TOWNSHIP SOLICITOR AND BE IN A FORM SUITABLE FOR RECORDING.**
3. **SALDO (289-10.A.1) PRELIMINARY PLANS; PROCEDURE. APPLICANT SHALL SUBMIT A PDF VERSION OF THE APPROVED PLANS.**
4. **ZONING (325-204.H) PUBLIC PLAZAS. THE PROPOSED PUBLIC PLAZA DESIGN REMAINS INCONSISTENT WITH THE FOLLOWING: N-R: THE PLAN DENOTES AN AREA WITHIN THE PROPOSED PUBLIC PLAZA AS A "DESIGNATED ART DISPLAY AREA." THE ORDINANCE REQUIRES THE PLACEMENT OF PUBLIC ART, A WATER**

FEATURE, OR OTHER AMENITY WITHIN THE PUBLIC PLAZA. THIS DOES NOT SUGGEST THE PROVISION OF AN AREA WHERE RANDOM ART CAN BE DISPLAYED BUT RATHER THE PROVISION OF A SPECIFIC ITEM FOR WHICH A DETAIL SHALL BE PROVIDED.

THE PLAN INDICATES THE PROVISION OF TWO SHADE TREES WITHIN THE PUBLIC PLAZA. THE LANDSCAPING PLAN IDENTIFIES THESE TREES AS JAPANESE DOGWOODS. THIS SPECIES IS ON THE LIST OF ORNAMENTAL TREES IN THE ORDINANCE. SINCE THE STATED PURPOSE IS TO PROVIDE SHADE, A SPECIES FROM THE LIST IDENTIFYING SHADE TREES SHOULD BE SELECTED INSTEAD.

CLARIFY HOW THE LOCATION AND DESIGN OF THE PROPOSED PUBLIC PLAZA CONNECTS WITH OTHER ACTIVITIES SUCH AS OUTDOOR CAFES, RESTAURANTS, OR BUILDING ENTRIES. IT APPEARS FROM THE PLAN SUBMITTED THAT IT IS IMMEDIATELY ADJACENT TO IDLING CARS IN THE DRIVE THRU LANE.

PROVIDE AN AGREEMENT TO BE RECORDED WITH THE PLAN THAT ALLOWS PUBLIC ACCESS TO, AND USE OF, THE PUBLIC PLAZA.

- 5. SALDO: (289-13.A.25) FINAL PLANS; SPECIFICATIONS. ELEVATION DRAWINGS, SUBSTANTIVELY SIMILAR TO ULTIMATE CONSTRUCTION WERE PROVIDED BUT DO NOT INCLUDE SUFFICIENT DETAIL TO DETERMINE THEIR COMPLIANCE WITH MULTIPLE ASPECTS OF THE DESIGN CRITERIA IDENTIFIED IN 325-200.G(1)-(5). THE APPLICANT HAS INDICATED THAT ALL OF THE CRITERIA OF 200.G.(1)-(5) WILL BE MET WITHOUT EXCEPTION.**
- 6. SALDO (289-47) STORM DRAINAGE. PROVIDE A COPY OF THE DRAFT LANGUAGE FOR THE DEED CONSISTENT WITH THE INFORMATION IN STORM WATER MANAGEMENT NOTE #3. IT IS NOTED THAT SHEET C-6 LISTS THE TYPES OF STORM WATER INFRASTRUCTURE THAT QUALIFY AS BMPS BUT DOES NOT IDENTIFY THE LOCATION OR PARAMETERS OF THESE FEATURES IN ORDER TO ESTABLISH THE REQUIRED EASEMENT AREAS. IF THE DEVELOPER IS SELECTING TO ESTABLISH A BLANKET EASEMENT ACROSS BOTH LOTS, THAT INTENT SHOULD BE IDENTIFIED.**
- 7. SALDO (289-35.E.2) LANDSCAPING AND BUFFER YARDS. PROVIDE DOCUMENTATION OF ARRANGEMENT FOR THE LONG-TERM MAINTENANCE OF THE REQUIRED LANDSCAPING.**
- 8. SALDO (289-12.K) FINAL PLANS; PROCEDURE. APPLICANT SHALL PROVIDE THE TOWNSHIP WITH A DEVELOPER'S AGREEMENT TO ADDRESS THE ADA UPGRADES THAT MAY BE REQUIRED AT THE INTERSECTION OF MILL ST./E. MARKET ST. AS WELL AS THEIR FINANCIAL CONTRIBUTION OF \$10,000 FOR SIGNAL UPGRADES.**
- 9. SALDO (289-11.B) PRELIMINARY PLANS; SPECIFICATIONS. APPLICANT SHALL SUBMIT A MYLAR COPY OF THE APPROVED PLANS.**
- 10. SWMO (281-25.A) OPERATION AND MAINTENANCE AGREEMENTS. UNLESS OTHERWISE INCORPORATED IN ONE OF THE ABOVE REQUESTED AGREEMENTS, PROVIDE AN OPERATION AND MAINTENANCE AGREEMENT TO ADDRESS THE STORM WATER FACILITIES NOT COVERED UNDER THE BMP EASEMENT.**
- 11. PROVIDE DOCUMENTATION OF RECEIPT OF APPROVAL OF THE E&S PLAN BY YORK COUNTY CONSERVATION DISTRICT.**
- 12. SWMO (281-23.D) AS BUILT PLANS, COMPLETION CERTIFICATE AND FINAL INSPECTIONS. APPLICANT SHALL PROVIDE AN AS-BUILT DRAWING OF THE STORMWATER FACILITIES.**
- 13. PROVIDE DOCUMENTATION OF THE RECEIPT OF YCPC COMMENTS.**
- 14. ZONING (325-205.A) STREETSCAPE ELEMENTS. THE PLAN SUBMITTED IDENTIFIES THE INSTALLATION OF THE REQUIRED PEDESTRIAN LIGHTING OUTSIDE OF THE RIGHT-OF-WAY FOR MARKET STREET. IF THIS INFRASTRUCTURE IS LOCATED ON PRIVATE PROPERTY, THERE MUST BE AN AGREEMENT THAT ADDRESSES ITS PERPETUAL MAINTENANCE AND REPLACEMENT.**

15. **PROVIDE EVIDENCE THAT PADOT APPROVAL(S) HAVE BEEN OBTAINED. AS NOTED IN NEW COMMENT #1, ALL VERSIONS OF THE HOP SHALL BE SUBMITTED TO THE TOWNSHIP FOR REVIEW AND COMMENT. THE TOWNSHIP RETAINS A CONCERN THAT RAMPS WITHIN THE INTERSECTION ARE NOT ADA COMPLIANT. IT APPEARS A REVISED HOP PLAN HAS BEEN PROVIDED TO PADOT WITHOUT THE TOWNSHIP'S REVIEW.**
16. **ZONING (325-206.A.1) OFF-STREET PARKING. THE INCLUSION OF A HARD-SURFACE BREAK EVERY 30'-50' TO ACCOMMODATE PEDESTRIAN CROSSINGS OF LANDSCAPED BUFFER AREAS IS REQUIRED. IT IS ALSO NOTED THAT THE SHADE TREES SHOWN WITHIN THE PARKING LOT (TRIDENT MAPLE) ARE NOT ON THE LIST OF RECOMMENDED SHADE TREES AND, THE PROPOSED SHRUBS, SHOWN AS BRILLIANT RED CHOKEBERRY, DO NOT APPEAR ON THE LIST OF RECOMMENDED SHRUBS. TWO OTHER SELECTED PLANTS, ONE A SHRUB (DWARF LUECOTHOE) AND ONE AN EVERGREEN TREE (BAR HARBOR JUNIPER) DO NOT APPEAR ON THE TREE, BUSH, OR EVERGREEN LISTINGS IN THE ORDINANCE. FINALLY, IT IS RECOMMENDED THAT THE AREA OF THE SITE ALONG THE PROPERTY LINE THAT IS ADJACENT TO THE JANVI PROPERTIES LOT BE SCREENED IN A MANNER THAT REPLICATES THE REQUIRED BUFFER FOR ADJACENCY TO A RESIDENTIAL USE. WHILE THE PROPERTY IS NOT IN A DWELLING UNIT, IT DOES ACCOMMODATE OVERNIGHT GUESTS IN A STRUCTURE LESS THAN 15' FROM THE PROPOSED PARKING AREA, DUMPSTER, AND DRIVE-THROUGH MENU BOARD.**
17. **ZONING (325-201/200.B) NETWORK OF CIRCULATIONS. A PEDESTRIAN ACCESS IN THE FORM OF A SIDEWALK IS SHOWN TO CONNECT LOT #1 TO THE PUBLIC SIDEWALK ALONG MARKET STREET. HOWEVER, WITH REGARD TO LOT #2, ACCESS FROM THE PUBLIC SIDEWALK TO THE INTERIOR-FACING STORE FRONTS IS SUGGESTED TO BE PROVIDED THROUGH A SET OF STEPS BEHIND THE PUBLIC PLAZA THAT LEAD DIRECTLY INTO THE DRIVE THROUGH LANE. THIS DOES NOT SEEM TO REPRESENT A SAFE OR CONVENIENT CROSSING LOCATION, NOR IS IT HANDICAP ACCESSIBLE. THE ORDINANCE REQUIRES THAT DIRECT PEDESTRIAN ACCESS TO THE PRINCIPAL ENTRANCES IS TO BE PROVIDED THROUGH A NETWORK OF SIDEWALKS, PEDESTRIAN PATHWAYS, AND CROSSWALKS. STAFF IS RECOMMENDING THAT, AT A MINIMUM, A PEDESTRIAN WALKWAY ACROSS THE DRIVE THROUGH LANE BE DESIGNED SIMILAR TO A SPEED TABLE THAT INCORPORATES A BROAD LOW RISE AS WELL AS A CHANGE IN PAVEMENT MATERIAL – NOT JUST PAINT AS SHOWN ON THE PLAN (SEE ATTACHED EXAMPLES). [IT IS NOTED THAT THE PROJECT PROVIDES A BETTER DESIGNED AND LOCATED PEDESTRIAN ACCESS FROM THE DRIVE THROUGH RESTAURANT TO THE DUMPSTER THAN FROM THE PUBLIC RIGHT-OF-WAY]**
18. **ZONING (325-200.C) CONDITIONAL USE DESIGN STANDARDS. THE OUTDOOR REFUSE STORAGE AREA MUST BE ENCLOSED BY MATERIAL THAT IS ARCHITECTURALLY COMPATIBLE WITH OTHER BUILDINGS ON THE SITE. THE ENCLOSURE MATERIAL IDENTIFIED ON SHEET C-5 IS MASONRY BLOCK. THIS IS NOT CONSISTENT WITH THE INFORMATION SUBMITTED TO REPRESENT THE PROPOSED CONSTRUCTION ON THE SITE. WHILE PORTIONS OF EITHER STRUCTURE MAY BE MASONRY, THE REGULATION DOES NOT SEEK COMPATIBILITY WITH THE LEAST DESIRABLE FACE OF EITHER BUILDING.**

MR. WURSTER SECONDED. MOTION UNANIMOUSLY CARRIED.

B. SD-13-03 Stoll/Bensinger

Mr. Stuhre recused himself due to being a neighbor of the applicant.

David Kordich, LSC Design
Kenneth and Sheryl Stoll
Ann Marie Bensinger

Project Narrative: This plan is currently two tracts of land located at 3850 Trout Run Road. The properties house both a single family dwelling and an agricultural use. The plan that is proposed will not change the current use of the properties, nor will it create any additional lots. This plan is being proposed to convey a 4.64+ acre tract from a 54.20+ acre tract of land and add it to a 43.04+ acre tract. The result of the subdivision will create two lots that are 47.69 acres and 49.56 acres.

Plan Background: The Applicant is requesting a recommendation of Approval from the Planning Commission to the Springettsbury Township Board of Supervisors for the following Waiver(s) and/or Modification(s):

1. SALDO (289-14) Minor subdivision waiver.
2. SALDO (289-14.A) Plan Scale. Applicant is proposing to show plans at a scale of 150 feet to the inch.

The following items may be Conditions of Approval.

1. The ownership certificate and “owner’s statement” have not been executed by Kenneth Stoll. If the property is owned by Kenneth and Sheryl as tenants in common, both signatures must be provided.
2. Plan sheet SD-2 identifies three requested waivers/modifications. Only two modification forms were submitted with the application. In addition Site Note 22 on plan sheet SD-2 indicates the intent for the monumentation shown to be provided in accordance with the Township Ordinance. Clarify whether a modification of the monumentation requirement is requested and submit the appropriate form and information or, revise the content of note 22.
3. Plan sheet SD-4 provides the proposed description of the new Lot 1 that now includes frontage on Trout Run Road. As a result of this new frontage, the plan now identifies the setback along the northern boundary of the property as a “side” rather than “rear” (which is the existing condition). Therefore, Lot 1 has two front and four side setbacks. The applicant must provide a rear setback from either the northern boundary or the eastern boundary of the resultant lot.

The following items are recommended to improve the clarity of the plan.

4. Site Note 6 on plan sheet SD-2 includes an approximation of the proposed lot size for lots 1 & 2. The information on plan sheets SD-3 and SD-4 provides an acreage figure for each lot that is identified as accurate to the thousandth of an acre. Since the actual acreage appears to be known, this data should be included on SD-2.
5. Site note 11 indicates that the intent of the plan is to convey a portion of land and to combine it to an adjacent lot. Please note that the recorded plan will serve as a notice of intent to both convey and combine this acreage. Unless or until deeds that document this intent are prepared and recorded, neither the lot descriptions nor the lot acreages will be changed.
6. Site note 8 identifies the maximum coverage permitted per lot as established by the Township’s adopted zoning ordinance. However, unlike the seven prior notes, data associated with the coverage calculation for each of the proposed lots is not included.
7. Plan Sheet SD-3, titled existing conditions plan, includes a bold tie bar “connecting” existing areas of the Bensinger lot on the east side of Trout Run Road to each other. Since there is no separation of ownership between these “areas”, and no break in the description, this tie bar, unlike the one connecting portions of the lot that straddle Trout Run Road, is not needed. Staff is suggesting its removal to avoid any potential for confusion over the intended conveyance. The acreage being “tied” in this instance is the very acreage that is being conveyed from Bensinger to Stoll.

8. Plan Sheet SD-3 identifies the location of an area labeled as an “existing 40’ right-of-way”. However, there are no metes and bounds provided for this feature, nor is there reference to any recorded document establishing the right-of-way or any rights of access. This information should be added to the plan for clarity. In addition, plan sheet SD-4 should acknowledge the abandonment or dissolution of this right-of-way resulting from the conveyance of the surrounding land. The recorded deed descriptions of the new lots, as noted in comment 4 above, could provide the instrument by which this could be accomplished.

Mr. Kordich indicated this plan was presented in 2011, however, because of sewer issues it was abandoned. At that time it was the intent to keep the 4½ acre tract as a separate lot due to covenant restrictions. Currently Mr. Stoll and Ms. Bensinger have come to an agreement that this new 4½ acre tract will not be privy to those restrictions that are on his 46 acre parcel. They will take 4.6 acres off of Ms. Bensinger’s property and add it to Mr. Stoll’s property.

It was noted there are no sewage facilities needed because it is connected to the lot.

It was noted that items 4 through 8 are not binding.

Chairman Maciejewski asked if there was anyone in attendance who had an interest in the plan. Hearing none he called for a motion.

MR. ROBERTSON MOVED WITH REFERENCE TO FINAL MINOR SUBDIVISION PLAN SD-13-03, BENSINGER/STOLL, TO RECOMMEND APPROVAL TO THE TOWNSHIP BOARD OF SUPERVISORS WITH THE FOLLOWING WAIVERS:

1. SALDO (289-14) MINOR SUBDIVISION WAIVER.
2. SALDO (289-14.A) PLAN SCALE. APPLICANT SHALL SUBMIT THE PLAN AT A SCALE OF 150 FEET TO THE INCH.

MR. WURSTER SECONDED. MOTION UNANIMOUSLY PASSED.

MR. ROBERTSON MOVED WITH REFERENCE TO FINAL MINOR SUBDIVISION PLAN SD-13-03, BENSINGER/STOLL, TO RECOMMEND APPROVAL TO THE TOWNSHIP BOARD OF SUPERVISORS WITH THE FOLLOWING CONDITIONS:

1. THE OWNERSHIP CERTIFICATE AND “OWNER’S STATEMENT” HAVE NOT BEEN EXECUTED BY KENNETH STOLL. IF THE PROPERTY IS OWNED BY KENNETH AND SHERYL AS TENANTS IN COMMON, BOTH SIGNATURES MUST BE PROVIDED.
2. PLAN SHEET SD-2 IDENTIFIES THREE REQUESTED WAIVERS/MODIFICATIONS. ONLY TWO MODIFICATION FORMS WERE SUBMITTED WITH THE APPLICATION. IN ADDITION SITE NOTE 22 ON PLAN SHEET SD-2 INDICATES THE INTENT FOR THE MONUMENTATION SHOWN TO BE PROVIDED IN ACCORDANCE WITH THE TOWNSHIP ORDINANCE. CLARIFY WHETHER A MODIFICATION OF THE MONUMENTATION REQUIREMENT IS REQUESTED AND SUBMIT THE APPROPRIATE FORM AND INFORMATION OR, REVISE THE CONTENT OF NOTE 22.
3. PLAN SHEET SD-4 PROVIDES THE PROPOSED DESCRIPTION OF THE NEW LOT 1 THAT NOW INCLUDES FRONTAGE ON TROUT RUN ROAD. AS A RESULT OF THIS NEW FRONTAGE, THE PLAN NOW IDENTIFIES THE SETBACK ALONG THE NORTHERN BOUNDARY OF THE PROPERTY AS A “SIDE” RATHER THAN “REAR” (WHICH IS THE EXISTING CONDITION). THEREFORE, LOT 1 HAS TWO FRONT AND FOUR SIDE SETBACKS. THE APPLICANT MUST PROVIDE A REAR SETBACK FROM EITHER THE NORTHERN BOUNDARY OR THE EASTERN BOUNDARY OF THE RESULTANT LOT.

MR. WURSTER SECONDED. MOTION UNANIMOUSLY PASSED.

7. OLD BUSINESS - None

8. OTHER BUSINESS – None

9. ADJOURNMENT

CHAIRMAN MACIEJEWSKI ADJOURNED THE MEETING AT 7:05 P.M.

Respectfully submitted,

Secretary

/ses