

**HOPEWELL TOWNSHIP
YORK COUNTY PA
PLANNING COMMISSION
MINUTES FOR JANUARY 16, 2017
MUNICIPAL BUILDING
7:00 PM**

Yost called the January 16, 2018 Planning Commission meeting to order at 7:02 p.m. In attendance were Chairman Ann Yost, Larry Knott, Tom Malkie, Township Manager Kristy Smallwood and Zoning Officer Keith Hunnings.

Approval of Minutes:

Knott motioned to approve the November 2017 Planning Commission minutes. Yost seconded the motion. Motion carried.

Organization

Knott nominated Yost for Planning Commission Chairman. Malkie seconded the motion. Motion carried. Yost nominated Knott for Planning Commission Vice Chairman. Malkie seconded the motion. Motion carried.

The May Planning Commission Meeting will be Thursday, May 17, 2018.

16-05 Deer Creek

The previously submitted planning module that was submitted to DEP was denied. Yost motioned for the Township Manager to sign the Planning Module. Malkie seconded the motion. Motion carried.

15-10 Grossman

Open Comments from YCPC are as follows:

1. The following information is required by Ordinance to be shown on, or provided with the Plan:
 - a. The statement of ownership must be signed, dated, and notarized (s.405.u).
 - b. Certification that the Planning Module for Land Development and/or any required waivers have been approved by the PA DEP (s.405.cc). Yost motioned to sign the Planning Module. Knott seconded the motion. Motion carried.
 - c. An erosion and sediment control plan and NPDES permit approved by the YCCD (s.405.ff).
2. Provide the proposed private street name (s.507.f). The proposed name must be approved by the US Post Office and York County Control.
3. Sidewalks are required along all public streets where the lots are less than one (1) gross acre in size (s.604.a.1). a sidewalk is required along High Street. Yost motioned to recommend approval of the waiver to eliminate the need for

sidewalks along High Street. Knott seconded the motion. Motion carried. Yost motioned to grant a waiver of Plan Scale to allow sheet 2 of 3 to be depicted at 30 scale. Malkie seconded the motion. Motion carried.

4. Triangles should be shown on private street driveways as well. Clear sight triangles should be provided for each driveway intersection.

Open Comments from Martin & Martin dated December 9, 2016 are as follows:

1. Pennsylvania DEP planning module approval is required prior to final plan approval (402.cc).
2. An owner's certification statement must be signed, dated, and notarized (402.x).
3. The applicant will be required to guarantee the completion of all public improvements prior to the release of an approved Final Plan (402.dd, 612).
4. Any York County Planning Commission comments must be satisfactorily addressed.
5. The UPI chart must be completed prior to recording (405.kk).
6. Prior to Final Plan approval, the Township Solicitor should provide a review of a use and maintenance agreement for the proposed private right-of-way (503.e).

Open Comments for South Penn Code Consultants dated 10/18/16 are as follows:

1. Section 503.2.e Operation and use agreement for the private road need to be provided and reviewed by the Solicitor.

Open comments from MPL Law Firm are as follows:

1. SALDO § 22-505.7 provides that “[n]o more than one dwelling unit shall have its required road frontage provided by a private road.” The proposed plan has three dwelling units with required road frontage provided by a private road.
2. SALDO § 22-505.7 provides that “[e]ach private road shall provide the same right-of-way as is required by this Chapter for the construction of a “minor street.” SALDO § 22-505.7 requires a 50 foot minimum right away and 20 foot minimum cartway width for minor streets. The private road shown on the plans varies in right away with between 25 feet to 48 feet. The cartway width shown on the plan is only 16 feet.
3. We suggest a note be added to the plan requiring each lot owner to clearly post the lot street address at the driveway entrance off the private street. Because the lots are serviced by a private street, the mailboxes will be on High Street. Identifying each lot by address at its entrance will assist emergency services more quickly find the correct dwelling in the event of a call.
4. A note should be added to the plan indicating that a development and financial security agreement in form satisfactory to the Township Solicitor will be required prior to final plan approval. The agreement will be recorded with the final plan. An initial draft of this agreement will be provided by the Township Solicitor at the time of final plan submission.

5. A note should be added to the plan indicating that a declaration of easement for the private road, shared stormwater facilities and public utilities, in form satisfactory to the Township Solicitor, will be required prior to final plan approval. The declaration will be recorded with the final plan. An initial draft of this declaration has been reviewed and comments provided below.
6. A note should be added to the plan indicating that a stormwater maintenance and monitoring agreement in form satisfactory to the Township Solicitor will be required prior to final plan approval. The agreement will be recorded with the final plan. An initial draft of this agreement will be provided by the Township Solicitor at the time of final plan submission.
7. The Declaration of Easement previously submitted to this office will need to be expanded to include easements for the shared stormwater facilities and allocation of maintenance responsibilities. The Declaration must also include provisions granting each lot the right to lay and maintain utilities in the shared private road.
8. The Declaration of Easement should also contain the following provision:
Grossmans, on their own behalf and on behalf of each future owner of the lots subject to this Declaration, hereby acknowledge that the private road created herein is not maintained in any manner by Hopewell Township, and not improved to the standards of a public street. Grossmans, on their own behalf and on behalf of each future owner of the lots subject to this Declaration, hereby waive any right to require Hopewell Township to improve or maintain the private road. Grossmans, on their own behalf and on behalf of each future owner of the lots subject to this Declaration, also acknowledge that accessibility of emergency services, including fire, police and ambulance services, over the private road may be limited or non-existent, and each lot owner for themselves and on behalf of their tenants, guests, invitees and other third parties, waives and releases Hopewell Township, its designated emergency service providers, supervisors and employees, from any and all liability that may ever arise or relate to access or maintenance of the private road.

Yost motioned to grant a waiver to allow 3 dwelling units having required road frontage on the private road as shown on the Grossman's Way plans. Knott seconded the motion. Motion carried. Hunnings recommended to Josh from Shaw Surveying that they change the name of the plan from "preliminary plan" to "preliminary/final plan". Yost motioned to send Grossman's Way to the Board of Supervisors with approval pending completion of the open comments and changing the name to "Preliminary/Final Plan." Knott seconded the motion. Motion carried.

Ordinance 1-2018 SALDO

Knott motioned that the Ordinance be sent to the Supervisors with the Planning Commission in agreement as its written. Yost seconded the motion. Motion carried.

Public Comment:

None.

Knott motioned to adjourn at 7:39 p.m. Yost seconded the motion. Motion carried.

Kristy Smallwood, Secretary

A handwritten signature in blue ink, appearing to read "Courtney Hargrave", written over a horizontal line.

Courtney Hargrave, Recording Secretary