

**HOPEWELL TOWNSHIP  
YORK COUNTY PA  
PLANNING COMMISSION  
MINUTES FOR JUNE 20, 2023  
MEETING ROOM & STREAMING VIA ZOOM  
7:00 PM**

Chairman Ann Yost called the June 20, 2023, Planning Commission meeting to order at 7:00p.m. Also, in attendance were members, Tom Malkie, Joe Shanaborough, Butch Hensel, Manager, Katie Berry and Zoning Officer, Keith Hunnings (Via Zoom).

Approval of Minutes:

Hensel motioned to approve the April 18, 2023; Malkie seconded the motion. Motion carried.

**1. 23-03 Final Subdivision Add-on Plan for Paul J. & Lydia R. Blank-**

Josh Myers with Shaw Surveying, Inc. was present to review and present the plan. This plan is combining an Ag field to an existing parcel owned by Mr. & Mrs. Blank. It will all be one existing parcel when the plan is completed. Hunnings explained that this was supposed to have been done on a prior plan years ago. There are administrative comments still outstanding. Myers also added that one of York County's comments was regarding a feasibility study on sewer facilities. So he wasn't sure there could be a waiver for that, or comment added to the plan. Hunnings added that it would just be a statement written that no public sewer would even be available.

Outstanding comments:

1. (s.22-402.2.X. & s.22-405.3.U.) The statement of ownership must be signed, dated, and notarized.
2. (s.22-402.2.CC. & s.22-405.3.Z.) Township officials should verify that the Parcel History Table shown on the plan is correct.
3. (s.22-402.3.C.) A Feasibility Study on sewer facilities for the tract, together with certification that the method of sewage disposal and the planning module has been approved by the PA DEP, or any required waivers, as applicable.
4. (s.22-405.4.M.) If lot lines of existing lots are being changed, copies of conveyance deeds and confirmatory deeds shall be provided for review and approval by the Township Solicitor.
5. Township/SEO approval of the PADEP Non-Building Waiver Request is required. (§22-405.4.C)

Shanabrough made a motion to authorize the Township Secretary to sign the non-building waiver and send into DEP. Malkie seconded the motion. Motion carried.

Yost made a motion to recommend the plan be sent on to the Board of Supervisors for approval. Malkie seconded the motion. Motion carried.

**2. 23-04 Final Subdivision Add-on Baumgardner/Quesenberry-** Josh Myers from Shaw Surveying, Inc. was present to review and present the plan. This is a lot line adjustment plan. Baumgardner is utilizing a parking pad and maintaining a portion of the property belonging to Quesneberry.

Outstanding comments:

1. (s.22-402.2.X. & s.22-405.3.U.) The statement of ownership must be signed, dated, and notarized. Confirm with the Recorder of Deeds Office that the signature block for Woodrow R. Jr. Quesenberry should remain on the plan.
2. (s.22-402.2.CC. & s.22-405.3.Z.) Township officials should verify that the Parcel History Table shown on the plan is correct.
3. (s.22-402.3.C.) A Feasibility Study on sewer facilities for the tract, together with certification that the method of sewage disposal and the planning module has been approved by the PA DEP, or any required waivers, as applicable.
4. A new/revised legal description should be prepared for the newly subdivided lots and recorded with the plan so that the County Tax Map is updated.

Hensel made a motion to authorize the Township Secretary to sign the non-building waiver and send it to DEP. Malkie seconded the motion. Motion carried.

Yost made a motion to recommend the plan be sent on to the Board of Supervisors for approval. Shanabrough seconded the motion. Motion carried.

**3. 23-06 Final Subdivision for Wolf Farms Inc.-** Josh Myers from Shaw Surveying, Inc. was present to review and present the plan. This is a lot line adjustment. Parcel 32-CK-52 currently has two residences, including the single wide mobile home. Parcel 32-CK-27 has no residences currently. Mr. This subdivision is for the approval for approximately 2.539 acres around the single wide mobile home, to be subdivided from parcel 32-CK-52 and merged with parcel 32-CK-27. The area surrounding the single wide mobile home is non-agricultural, mostly wooded.

Outstanding comments:

1. (s.22-402.2.N.) Contours at vertical intervals of 5' or less.
2. (s.22-402.2.X. & s.22-405.3.U.) The statement of ownership must be signed, dated, and notarized.
3. (s.22-405.4.M.) If lot lines of existing lots are being changed, copies of conveyance deeds and confirmatory deeds shall be provided for review and approval by the Township Solicitor.
4. A new/revised legal description should be prepared for the newly subdivided lots and recorded with the plan so that the County Tax Map is updated.
5. Township/SEO approval of the Pennsylvania DEP Non-Building Waiver Request is required. (§22-405.4.C)
6. The Add-On Lot note needs signed and dated.
7. The applicant is requesting a waiver of the Preliminary Plan
8. Topographic contours are illustrated at an interval of 10 feet. The applicant is requesting a modification of requirements in this regard. (§22-402.2.N)

Waivers requested:

1. Yost motioned to recommend approval of the waiver allowing 5' rather than 10'. Hensel seconded the motion. Motion carried.
2. Yost motioned to recommend waiver of plan scale. Hensel seconded the motion. Motion carried.

Malkie made a motion to authorize the Township Secretary to sign the non-building waiver and send in to DEP. Yost seconded the motion. Motion carried.

Malkie made a motion to recommend the Plan be sent on to the Board of Supervisors for approval. Hensel seconded the motion. Motion carried.

- 4. 23-05 Elmer F & Emma F Stoltzfus Land Development Plan-** Josh Myers from Shaw Surveying, Inc. was present to review and present. This is a land development plan adding an Amish Schoolhouse on to the Stoltzfus parcel. The comment that needs address is where the location of the school on the property can be. It was submitted in front of the main home. A permanent-roofed accessory structure, standing apart from the principal structure, is permitted in rear or side yards. The proposed outbuildings are located within



the front yard area. Myers was not sure if there could be any type of waiver for this. Yost said there would not be. It was suggested to make a correction of the location of the schoolhouse and bring back next month. Another comment is regarding the privy. DEP regulations state the building itself cannot have water under pressure, so what is typically done is a hydrant is provided in the yard to water the horses. The line can not show running to the building. Yost questioned whether the privy would have a seepage pit of some kind under it. Hunnings replied that it would not be required. Myers stated gravel could be added. Yost also was concerned that the entire lot had all the trees removed. She felt that the special ordinance was not complied with by doing this. Hunnings said he cleared the trees down months before the new ordinance was completed. Hunnings also suggested writing a description of the water line easement agreement from the house to the lease lot.

Outstanding comments:

1. (s.27-204.10.) Except when necessary to permit the location of a single-family residential unit, no subdivision of land other than land of low quality for agricultural use as defined in Section 27-318.4.B. shall be permitted. Township officials should determine if the proposed leased area meets the definition of "land of low quality for agricultural use".  
  
Also, there must be assigned to both the land being separated from the original tract or parcel and the remaining portion of the original tract or parcel at least one of the original tract's permitted allocation of Dwelling Units. Revise the note for the Hopewell Township Dwelling Units being assigned by this plan to reflect that a Dwelling Unit is being assigned to the proposed leasehold.
2. (s.27-301.2.) A permanent-roofed accessory structure, standing apart from the principal structure, is permitted in rear or side yards. The proposed outbuildings are located within the front yard area.
3. (s.22-402.2.X. & s.22-405.3.U.) The statement of ownership must be signed, dated, and notarized.
4. (s.22-402.3.H. & s.22-405.4.F.) An Erosion and Sediment Control Plan which has been reviewed and approved by the York County Conservation District if such approval is required.
5. (s.22-405.4.M.) If lot lines of existing lots are being changed, copies of conveyance deeds and confirmatory deeds shall be provided for review and approval by the Township Solicitor.
6. A new/revised legal description should be prepared for the newly subdivided lots and recorded with the plan so that the County Tax Map is updated.

7. The plan doesn't address a proposed sewage disposal method for the future school house. Township SEO approval and any required Pennsylvania DEP sewage facilities planning approval are required. (§22-405.4.C)
8. County Conservation District approval is required. (§22-405.4.F)
9. Approval of this use is subject to an upcoming ordinance amendment introducing "small school" as a permitted accessory use in the Agricultural zone. (§27-204.2.B.15) A stipulation of the proposed amendment is provision of a lease between the school and the property owner for Township review and approval.
10. Regarding stormwater management, the application should provide additional details to comply with the Township Ordinance including, but not limited to, calculations demonstrating pre- and post-development drainage characteristics, infiltration testing results for the proposed pit location, and proposed methods for handling runoff from the additional impervious surface associated with the driveway, parking and outbuildings. (§22-512)
11. The proposed lease should be provided for review and approval by the Township solicitor. The lease should provide for access via the shared private lane and a right to access the water source for the water line being extended to the property.
12. A Stormwater Maintenance and Monitoring Agreement will be required. The Agreement will provide for the maintenance and operation of all shared stormwater facilities and BMPs by the Property Owner and Tenant.
13. If any financial security will be required, a Development and Financial Security Agreement will be required.
14. The leasehold created by the Plan constitutes a subdivision as defined by the SALDO. A recreation fee is then due for the lot created.
15. All recreation fees and expenses of the Township shall be paid prior to the recording of the plan

Yost made a motion to table pending the plan to be revised and resubmitted next month to the Planners for the revised secondary structure location, hydrant details and the water line easement information. Hensel seconded the motion. Motion carried.

Later in the evening Myers and Mr. Stoltzfus wanted to speak on some more details. Myers stated that waiting another month to resubmit will put the planning behind and could be an issue for the proposed new school start date in August.

Myers feels comfortable making the recommended changes and presenting those to the Board of Supervisors.

Yost motioned to amend motion- recommend that the plan is sent on to the Board of Supervisors for approval contingent that secondary structures are revised to be located behind the front building face.

**5. 23-02 Residential Development Subdivision Terra Nova at Magnolia Groves, LLC-** Grant Anderson from Site Design Concepts, Inc. to be present to review and present.

Points presented:

- Grant Anderson stated he is not here tonight for action on this plan- but simply to review the concept of the plan.
- 16.9 parcel piece of land for development zoned residential.
- This project is being proposed as a private 28' wide loop street with 48 residential units, 24 duplex units, 3- 8-unit townhomes.
- A pump station is proposed that will be adopted by the sewer authority.
- Public water, public sewer
- A homeowner's association that will maintain all the open space area and community area controls (stormwater), retaining walls etc.
- 8.125 acres will be open space and protected and will remain wooded.
- NPDES permit is submitted and under review.
- Sewage Planning Module needs submitted to DEP

Comments and concerns of the Planning commission included:

- Wooded area being reduced – concern.
- Grading issues- angles/soils/slopes
- Geo reinforcement walls
- Safety issues at the top of the walls proposed.
- Driveway slopes are significant.

Chairman Yost stated that she feels just because you can engineer a plan to meet ordinances, does not mean it is the right thing to do. Yost is not in favor of this development. Yost also read a letter submitted from fellow committee member who could not be at the meeting, Chuck Webster, that he is concerned with runoff and stormwater and flooding. Member Butch Hensel also commented about insuring these properties and the concern with their location. Although Yost stated she knows this is her opinion and the plan when ready will go through approval when ready to meet all Township Ordinances. Hunnings added that Grant really is just looking for a motion tonight on the sewage module so that can be submitted, as DEP can take months to review. Hunnings added he is not versed in the discussion



on slopes and is relying on the Township Engineer for those as well as the York County Soil Conservation to determine.

Waivers requested, but no action taken:


- Showing Features within 150' rather than 400'
- Plan Scale
- Sidewalks
- Streetlights

Yost made a motion to recommend the Township Secretary forward the Sewer Planning Module to the Board of Supervisors for Resolution and to be submitted to DEP. Malkie seconded the motion. Motion carried.

Public Comment:

Matthew McNulty of 19566 Five Forks Road asked Grant Anderson if he knew how many bedrooms the homes would be. Anderson explained it is just the footprint of a house at this point. McNulty expressed concern on the longevity of maintaining the retaining walls. McNulty also asked for clarity on where the access road comes out.

Yost motioned to adjourn at 8:11 p.m. Yost seconded the motion. Motion carried.

  
Katie Berry, Recording Secretary