

**HOPEWELL TOWNSHIP  
YORK COUNTY PA  
PLANNING COMMISSION  
MINUTES FOR SEPTEMBER 19, 2023  
MEETING ROOM & STREAMING VIA ZOOM  
7:00 PM**

Chairman Ann Yost called the September 19, 2023, meeting to order at 7:00pm. Also in attendance were Joe Shanabrough, Tom Malkie, Chuck Webster, Manager Katie Berry, Zoning Officer, Cliff Tinsley, and Township Engineer Tim Cormany via Zoom.

**Approval of Minutes:**

Yost called for a motion to approve the August 15, 2023, Planning Committee meeting minutes. Tom Malkie motioned to approve, and Joe Shanabrough seconded. Motion carried.

**2023-07 Nadines Overlook, LLC. seeks a variance.**

Application No. 2023-7 of Nadines Overlook, LLC. was presented at the September 19, 2023, Planning Commission Meeting to obtain a recommendation. Nadines Overlook, LLC. seeks a variance of Section 27-307(4) of the Code of Ordinances, Zoning, Driveways, to allow driveways to slope up to 10% for Lot Nos. 44-58, 60-61, 63-64, 69-79, 102-125, 127-128, 131-132 of Mayberry Development which are located on Patterson Drive, Edie Circle and Log House Road.

Attorney Paul Minnich was present to represent Nadines Overlook, as well as Blaine Markel with James R. Holley and Associates Inc. Markel explained they completed a cut fill analysis and that it just makes sense to use the basement material to spread out and make the lots more feasible. Markel stated 10% grade is not steep at all and will not hold any negative impacts to the development. Attorney Minnich also added it is expensive to move the soil off sight, is disruptive to the community and does not represent a good common-sense way to deal with the situation. Minnich added, the original developer did not have plans to add basements.

Chairman Yost questioned the cartway and right away areas, and Markel confirmed they will be at 2% slopes. Yost did not feel this slope variance is an issue and made a motion to recommend approval. Attorney, Cory Dillinger representing Hopewell Township asked to speak, along with the Township Engineer, Tim Cormany (Tim- via Zoom). Attorney Dillinger stated that the Township is in a position to oppose this variance due to a previous promise made that a variance would not be requested for this such instance and the Township wants to confirm there will not be negative stormwater implications. Dillinger also went through the five variance standards that needed to be met, and in the Township's opinion, are not met. Yost added she did not disagree that the standards are not being met for the variance. Cormany added that the application is requesting a variance of 58 lots, and it appears 9 of those lots have already been or have started

being built. Those lots did not appear to be in violation of the slope requirement Cormany added. Cormany was curious whether something on them is changing now. Yost then motioned to withdraw the previous motion and recommended approval pending a positive review of implications to storm water. Motion carried. Yost recommends to the Zoning Hearing Board that they consider the variance contingent upon submission of stormwater management adjustments that will be necessary due to the additional spoil of fill materials. The five tests of the variance have not been met but the increase of the slope is minimal and would recommend approval of the variance. Malkie seconded. Motion carried.

**Final Subdivision Recommendation** – 2023-09 Flinchbaugh/Miller- Josh Myers was present to discuss. This is two parcels with three dwellings, and they would like to cut off existing dwellings and have a homestead. Paul Miller, who lives on Macks Rd, would like to add a piece of this to his property to make his lot larger. Both farms are being combined to keep 50 acres. It will be one farm and 5 houses. There are no building lots. Tim Cormany suggested certain notes go on the plan so that it is understood what a Homestead Lot means. Tom Malkie motioned to recommend approval for two waivers, one for the contour intervals and the drawing scales. Ann Yost seconded. Motion carried. Joe Shanabrough motioned to recommend approval for the final subdivision plan, cleaning up existing lot lines, making one ag track. Chuck Webster seconded. Motion carried.

**Land Development Plan Recommendation** – 2023-07 Trout Lane- Josh Myers was present to discuss. He stated that the Supervisors were not in favor of the phasing. There were meetings and things seem to be moving in a positive direction and Josh will now need to find out how his clients Stiffler and Stoltzfus want to proceed. He hopes to hear back from DEP in a reasonable time frame and do the individual permits.

**Preliminary Development Plan Recommendation** – 2023-02 Magnolia Groves- Stacey MacNeal was present to discuss. She had the last engineers comment letter to read over from August 31st. Dep planning module has been submitted and they are awaiting approval. Also waiting for Conservation District Approval as well. Grant Anderson met with Jason Brenneman and plans have been submitted to Stewartstown Borough Authority. There are still outstanding comments from YCPC. Zoning Officer Cliff Tinsley stated that he reached out to the Township Building Inspector regarding Grants request, and the Township inspector does need to review the plan since the Township Engineer is reviewing. Traffic analysis has been submitted and will be discussed later with the Supervisors. Stacey stated they are still working on final grading and believe that the driveways are compliant with the 5% slope. Yost called to Tims attention lots 2 and 3 that hang off the site to the northwest. She doesn't see how storm water is being controlled behind these lots. Tim stated that he can have their Storm Water engineer look in more detail and offer any additional comments. Yost also mentioned the stability of the slopes and again questioned page 4 where this is mentioned. Yost motioned to make a recommendation to contingently approve the plan based on satisfactory consideration of storm water and the areas of lots 2 and 3. There were no seconds on this motion. Stacey MacNeal stated that you can call for another motion. Yost then considered a

recommendation to not approve, Chuck Webster then made the motion to not approve, and Tom Malkie seconded. Stacey MacNeal asked if this motion will have any reference to the provisions in the ordinance. Yost then amended the motion to disapprove contingent due to not compliant with storm water provisions. Joe Shanabrough seconded. Yost apposed.

Public Comment- Tim Cormany thanked everyone and stated that he would look into the things they discussed. Cliff mentioned the weed control ordinance doesn't fit this situation and thanked Tim for joining the meeting and that it is a big help for him to be involved in these discussions.

Yost motioned to adjourn the meeting at 8:15pm.



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Diana Manker, Recording Secretary