

The Codorus Township Planning Commission met on Tuesday, December 12, 2023 at 7:30 PM. Board members present were: Brenda Miller, Brian Kaltreider, Lamar Glatfelter and Trey Chilcoat. Others present were: Attorney Corey Dillinger, Megan Harris, Steve & Carolyn Bupp, Joshua George (Landworks Civil Design), Tara Welsh, Josh & Samantha Humphrey, Ann Rogers, & Diane Lear.

The meeting opened with the pledge to the flag.

The minutes were approved as presented.

Joshua George was present to review the final subdivision plan for The Hills at Valley View. There was a brief discussion of the final subdivision plan. The comments from C.S. Davidson and the York County Planning Commission were also available at this meeting. These comments indicated some minor changes that needed to be addressed in the plan and were not received in enough time prior to the meeting for these changes to be made. The planning commission agreed to table this discussion until the next meeting when the proposed changes have been addressed. The comments from the York County Planning Commission and from C.S. Davidson will be included as part of the minutes of this meeting.

Steve and Carolyn Bupp were present and spoke regarding the request for a Zoning Hearing for a Request for Appeal for Preventive Remedies & Township Agreement. Comments from the Zoning Officer were also available to the planning commission. After discussion the planning commission did not recommend approval or disapproval of the applicants appeal. The Zoning Officers Comments and the Solicitor's summary letter of the meeting will be included as part of the minutes of this meeting.

The meeting adjourned at 8:10pm

Respectfully submitted,



Megan Harris

PLANNING
 COMMISSION

REPORT TO MUNICIPALITY OF REVIEW OF
 FINAL LAND DEVELOPMENT APPLICATION

December 8, 2023

Mr. Lamar R. Glatfelter, Chairperson
 Codorus Township Board of Supervisors
 4025 Shaffers Church Road
 Glen Rock, PA 17327

Re: Hills at Valley View – Phase 2A
 34 Lots - *Final Subdivision Plan*
 Sinsheim Rd. (SR 3041) & Valley View Rd.
 YCPC File #22-23-11-28-0231

Mary E. Coble
 Chairman

Sean P. Kenny
 Vice Chairman

Matthew Chronister
 Secretary

James J. Morris
 Treasurer

Brian Brenneman

Thomas W. Earp

David Gonzalez

Walter A. Kuhl

Bruce Miller

Felicia S. Dell
 Director

Jeffrey L. Rehmeier II
 Solicitor

Dear Mr. Glatfelter:

The above captioned Final Subdivision application has been reviewed by the York County Planning Commission staff. Attached are comments made as a result of our review of the application. These comments are made in reference to the municipal ordinances and plans, the County Comprehensive Plan, and/or general planning concerns, and do not constitute approval or disapproval of this application. That decision rests solely with the municipality.

According to the Pennsylvania Municipalities Planning Code, upon the approval of a final plat, the developer shall within 90 days of such final approval, or 90 days after the date of delivery of an approved plat signed by the governing body, following completion of conditions imposed for such approval, whichever is later, record such plat in the York County Recorder of Deeds office. The York County Recorder of Deeds office shall not accept any plat for recording, unless such plat officially notes the approval of the governing body and review by the York County Planning Commission staff.

Please contact this office if there are any questions concerning this report.

Sincerely,



Sharon L. Boyer
 Senior Planner

Copies of this review have been sent to:

- (X) Municipal Planning Comm. Chr.
- (X) Municipal Secretary
- (X) Municipal Engineer
- (X) Municipal Zoning Officer

- (X) Developer’s Surveyor/ Engineer
- (X) Developer/Owner

EQUAL
 OPPORTUNITY
 EMPLOYER



C.S. DAVIDSON, INC.
100 YEARS

December 12, 2023

Megan Harris
Codorus Township
4631 Shaffer's Church Road
Glennville, PA 17329-8923

Re: Hills at Valley View
Phase 2A Final Subdivision Plan
Engineer's File No. 2058.3.08.09

Dear Megan:

We have reviewed the above-referenced plan, dated November 28, 2023, and we offer the following comments:

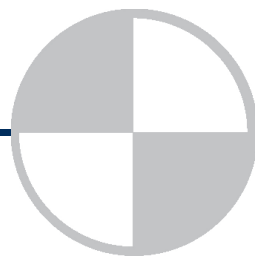
General Comments

1. The site plan indicates a proposed 4-foot wide walking trail, connecting the northeast most end of Liam Drive to the N/F Jefferson Baseball Assoc. lot (see Sheet Sheet SP 3.1):
 - a. Clarify the anticipated timing for identifying an easement for the 4-ft wide walking trail that will extend from Lots #51 and 50, through Lot #160, to the N/F Jefferson Baseball Assoc. lot. A 10-ft wide pedestrian easement is shown and labeled between Lots 51 and 50; but no easement is shown along the walking trail, as it extends through Lot #160.
 - b. An easement will be needed for the pathway as well as deed restrictions. The ownership and maintenance of this grass way will also need to be included in the Homeowners Association documents. The solicitor shall be provided with a copy of all easement documents, any deed restrictions, and HOA documents for review and approval.
2. All easements shown on the subdivision plan need to be labeled and include pertinent survey information such as chord bearings and distances. For example, see the Conservation Easements within Lots #44 to 50, on Sheet SD 4.1.
3. Lots #41 through #49 appear to contain delineated wetlands/riparian buffer areas which are outside of the proposed Conservation Easement. Delineated wetlands/riparian buffer areas should be protected by easements.
4. Within this set, the existing conditions plan sheets should reflect the construction of Phase 1 improvements. See Sheets EX 2.1 and 2.2.
5. Clarify the phasing and extent for proposed grading around the western edge of Lot #101 on Sheet GR 5.2. The Preliminary Plan shows substantial grading planned in this vicinity, which – as currently proposed – would require re-entry (disturbance) of Lot #101, during construction of Phase 2B.

ENGINEERING A BETTER COMMUNITY

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315 W. James Street, Suite 102 • Lancaster, PA 17603 • 717.481.2991

CSDavidson.com



6. The sanitary sewer profile shown on Sheet PR 9.1 does not match the plan view. The profile is for MH S44 to MH S40, but the plan view is of MH 56 to MH 52. Provide a profile for the sanitary sewer from MH 56 to MH 52.
7. Duplicate the sewer pipe information (*i.e.*, size, slope, and length) for the sewer pipe run between MHs S68 to S66 on sheet PR 8.3, for clarity.
8. Add the proposed storm sewer crossing from I-141 to I-139 over the sanitary sewer profile between MH S70 to MH S68 on Sheet PR 8.3.
9. Provide a sewer cleanout schedule for the proposed lots, as was provided on the Preliminary Subdivision Plan.
10. The removeable bollards – as detailed on Sheet CD 11.1 – are folding obstacles and do not match the removable bollard detail on the Preliminary Plan. The applicant shall coordinate for a review and concurrence by local emergency management services and the JCJSA and provide proof of correspondence to the Township.
11. Sheet LL 7.1 references special seeding; a stormwater facility planting plan; and rain gardens for Lots 95-98. Remove extraneous information from this Final Plan and include those plans or details from the Preliminary Plan that are relevant to the stormwater management and landscaping for the project area within Phase 2A.
12. The storm sewer profile for I-145 to I-143, on Sheet PR 9.3, should be removed. This storm sewer run is not proposed as part of Phase 2A.
13. Update the address and contact information for the JCJSA on the Cover Sheet.

Zoning Ordinance

1. Add the detailed information and hatching overlays related to the riparian buffer, located between Phases 1 and Phase 2A, within this Final Plan set. (§250-72.B(3)(d))

Subdivision and Land Development Ordinance

It is our understanding that previously approved waivers/modifications to the Subdivision and Land Development Ordinance, as noted on the Cover Sheet, will remain in effect for this Final Plan, unless determined otherwise by the Township.

1. The applicant has added nine (9) lots from Phase 2B to this phase – Phase 2A; and has changed the proposed (temporary) termination/turn-around for Liam Drive. See Sheet SP 3.0. This comment is administrative in nature only. (§200-16)
2. The signature and seal of a Professional Engineer shall be added to the plan prior to final approval. (§200-23.A(1))
3. The Owner's approval block needs to be signed and notarized prior to final approval. (§200-23.A(1) and (6))
4. The Final Plan shall be signed by the York County Planning Commission and indicate the date of their review prior to final approval. (§200-23.A(11)) Comments by the YCPC have been received. The applicant shall address them.

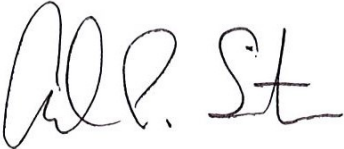
5. The applicant shall move General Note 37 from Sheet CS 1.1 to the Cover Sheet (CS 1.0) and put it below the Board of Supervisor's signature block. (§200-23.A(13))
6. Provide a financial security estimate, for posting an improvement bond or other acceptable security in an amount sufficient to ensure completion of all required Phase 2A improvements; or provide the certification required by this section of the ordinance §200-23.B(4).
7. The applicant shall provide an agreement that the subdivider or developer will install underground utilities before paving streets and constructing sidewalks. (§200-23.B(7))
8. Furnish additional information for the proposed streetlights shown on Sheet LL 7.2, to ensure compliance with the SALDO. (§200-74.C)
9. The street bearing the name "Forbes Drive" within the Preliminary Subdivision Plan has the name "Brent Drive" within this Plan submission. The applicant shall affirm street name applicability (§200-76).
10. While it is noted that the public water supply design is not final and subject to changes by the York Water Company, the following comments apply:
 - a. Provide proof of the cooperation and approval from the York Water Company (§200-77.B). Upon system completion, file a copy showing the location of all public water improvements, as constructed, with the Township.
 - b. The fire hydrant out front of Lot #66 is more than 600 feet from the nearest other hydrant along Liam Drive, out front of Lot #59/60. Fire hydrants shall not have more than 600 feet between them. (§200-78)
 - c. Provide a letter from the York Water Company, wherein they acknowledge their requirement to construct the water mains and service lateral connections. An agreement will also need to be drafted stating that the York Water Company will agree to construct the improvements if the Township must enforce the corporate bond. Otherwise, the water service improvements will need to be included within the applicant's security estimate.
 - d. Utility Note 6 on Sheet CS 1.1 notes sewer crossings require a GP-5 permit from the PA DEP. This phase, however, does not have any watercourse crossings proposed by sanitary sewers. It does include two (2) proposed water line crossings. The applicant shall clarify whether these proposed water main crossings are covered by Ch 105 permits through the PA DEP.
 - e. On Sheet 6.2, add a text leader where the second water (main) line connection along Valley View Court will be made.
11. Provide a letter from the engineer for the JCISA, confirming sanitary sewer system plan consistency between the Preliminary Plan and this Final Plan. (§200-79.E)
12. Provide proof of Final Plan submission to the applicable electric and telecommunication companies. (§200-84)

Stormwater Management Ordinance

1. Provide a note on Sheet CS 1.1 and the utility plan sheets indicating that roof drains and sump pumps shall not directly discharge to the sanitary sewer system. (§195-20.J) The note should also include that they should not be directly connected to the storm sewer system, either.

2. Sheet CS 1.1 indicates that the site is underlain by carbonate geology. Add the note block to the coversheet of the plan set, as required by §195-22.A(4), and execute.
3. The following comments pertain to SWM features on the plans (§195-24.E):
 - a. Label Inlets I-129 and I-127 on Sheets UT 6.1 and UT 6.2.
 - b. Include the information from the Storm Sewer Schedule(s) on the Preliminary Plans, on these Final Plans.
4. Prior to final plan approval, execute and record an operations and maintenance (O&M) agreement that is satisfactory to Codorus Township. The O&M agreement shall cover the maintenance or operation of all privately-owned stormwater control facilities (or see §195-33.C for requirements of an HOA). (§195-24.E(9) and 195-33.A)
5. Provide financial performance guarantee to the Township. (§195-34) The municipality may also require a maintenance guarantee. (§195-35)

Sincerely,



Adam P. Smith, P.E.

APS/CCC/ems

Copy: Joshua C. George, P.E., Landworks Civil Design, LLC, 1406 3rd Ave, Suite 200, York, PA 17403
Connie Wentz, Business Manager, Jefferson-Codorus Joint Sewer Authority, jcjsa@comcast.net
Andrew Herrold, aherrold@ghhrlaw.com
File

December 8, 2023

Hills at Valley View – Phase 2A
34 Lots - *Final Subdivision Plan*
Sinsheim Rd. (SR 3041) & Valley View Rd.
YCPC File #22-23-11-28-0231

These comments refer to the Codorus Township Subdivision and Land Development Ordinance:

1. The plan must be signed by all the owners of the land and contain a notarized statement of the owner's intent [s.402.A.1] & [s.404.A.1. and 6.].
2. The seal and dated signature of the registered surveyor and/or engineer responsible for the plan, indicating that the survey and/or plan is correct must be provided on the plan [s.402.A.1.] & [s.404.A.1.].
3. Verification should be provided that a Planning Module for Land Development was approved by the Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection [s.402.B.5.] & [s.404.B.3.].
4. Verification must be provided that the plan for erosion and sediment control was approved by the York County Conservation District [s.402.B.6.] &

General Comment:

5. The Overall Site Plan should indicate future phases of this plan.
6. It appears that the proposed emergency access drive encroached into Lots 59 through 64. The applicant should indicate, on the plan, who is responsible for the maintenance of this access road. In addition, the township should determine if the encroachment of the access road onto these lots will create any issues.

**The preceding comments were prepared by the staff of the York County Planning Commission and constitute a professional planning review, not a legal opinion.*

COMMONWEALTH CODE INSPECTION SERVICE, INC.
40 W. 11th AVE. SUITE F.
YORK, PA 17404
717-846-2004

December 12, 2023

RE: ZONING OFFICERS COMMENTS FOR BUPP ZONING HEARING APPEAL


In my opinion, the Codorus Township Planning Commission and Zoning Hearing Board should determine the appeal to be DENIED based on the following reasons:

The applicant is attempting to appeal my interpretation of Section 200-100 of the Zoning Ordinance and Section 515.1 B of the PA Municipalities Planning Code. These sections are for preventative remedies in Codorus Township and the State of Pennsylvania which allows the Municipality to "refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this chapter."

1. The Bupps reside on a property which was, many years ago, combined as a singular property. This was done in order to permit Mr. Bupp's father to subdivide off a small (approximately one acre) piece of property from the original property. Thereafter, Mr. Bupp's father sold two farms from the combined property. This was done without re-subdividing the previously combined property. These transfers resulted in violations of both the Codorus Township zoning ordinance and the Codorus Township SALDO. Subsequent to these sales, the Township sent notice to the Fischers and the Bupps that the Township would not issue any further permits because the properties were in violation of the Township Ordinances.

In addition, on December 20, 2021, Magisterial District Judge Thomas Reilly issued a judgment against the Bupps in the amount of \$12,044.20. This judgment remains unresolved.

For the foregoing reasons, it is my belief and the belief of Codorus Township that the foregoing sections of the Codorus Township Ordinance and the MPC permit denial of permits based on preventive remedies.


Simon Schilling, Codorus Township Zoning Officer



96 South George Street, Suite 520, York, Pennsylvania 17401

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December 19, 2023

Codorus Township Zoning Hearing Board
c/o John N. Elliott, Solicitor
119 East Market Street
York, Pennsylvania 17401

RE: 3921 Krebs Road, Codorus Township

Gentlemen:

This letter will summarize the findings and recommendations of the Codorus Township (the “**Township**”) Planning Commission from its recent meeting of December 12, 2023, during which it considered the Application for Hearing and accompanying documentation submitted by Steven and Carolyn Bupp (the “**Applicants**”) appealing the Township’s Zoning Officer’s denial of an occupancy permit for a farm market.

The property at issue, 3921 Krebs Road, 22-000-DH-0059.00-00000 (the “**Subject Property**”), has an extensive history with the Township. The Applicants and the Planning Commission walked through some of this history, but not all of this history is relevant for this instant appeal.

When the Subject Property was transferred to the Applicants, a proper subdivision was not filed nor approved by the Township. Additionally, there is an outstanding judgment against the Applicants and in favor of the Township for \$12,044.20. As a result, and pursuant to 515.1 of the Pennsylvania Municipalities Planning Code, the Township has refused to issue any permits to the Subject Property pursuant to Preventive Remedies. Consistent with this position, the Township’s Zoning Officer denied the Applicant’s request for an occupancy permit.

Applicants explained that they have been working with the Township for years to rectify the above-mentioned issues but have not been able to come to an agreement. Applicants stated that they just want the same occupancy permit that the Subject Property has been granted in the past. The Planning Commission did not engage with the Applicant’s lengthy recitation of the history of the Subject Property but did state numerous times that these issues simply needed to be resolved.

At the conclusion of the presentation by the Applicant, and deliberation by the Planning Commission, the Planning Commission did not recommend approval or disapproval of the Applicant’s appeal, stating that the outstanding judgment and subdivision plan issues needed to be resolved before anything moves forward.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Andrew Herrold

Andrew C. Herrold

ACH/bss
cc. client