

North Codorus Township
Planning Commission Minutes
May 27, 2025

Chairman Nelson Brenneman called the meeting to order at 7:00 p.m. Members present: Ken Secrist, Rick Kessler, Scott Meckley, Adam Heltzel, and Todd Zeigler. Present on behalf of the Township: Zoning Officer Jeffrey Martz, Manager Melissa Altland, and Attorney Andrew Miller. Also present: Recording Secretary, and eight citizens.

I. **Minutes**

Motion by Secrist, second by Meckley, to approve the minutes of the meeting of February 25, 2025. All members voted aye; motion carried.

II. **General Public Comment**

Nothing at this time.

III. **Old Business**

Nothing at this time.

IV. **Plans**

A. 1450 Fire Hall Road; Final Land Development Plan Vertical Bridge Development

Rich Lemanowicz was present on behalf of Vertical Bridge Development, LLC, with Jacob Minardi, who presented the plan. The proposal is for a cell tower, access drive, and 50' x 50' compound. The compound will be fenced and will also have a landscape buffer. No sewer or water service required. Two parking spaces at the end of the access drive by the fenced area. At the intersection with Fire Hall Road, the first 25' of the access drive will be paved as required. There was a question about dust from the driveway. Applicant will comply. Driveway is about 450' long. Question about the setback from the adjoining residential use/district. Applicant will comply with ordinance requirements.

Waivers requested:

Section 165-29(D)(17), landscape plan

Section 165-29(E)(6), proof of notice to PA One Call

Section 165-34(L), erosion and sediment pollution control plan

Section 165-43(F), cartway of access drive construction

Section 165-60(B)(2)(f), certification of final landscape plans by a landscape architect

Section 165-61(K), vegetative screening

Motion by Meckley, second by Heltzel, to recommend approval of the waiver request for landscape plan, Section 165-29(D)(17). Five members voted aye; *Zeigler opposed*. Motion carried.

Motion by Zeigler, second by Kessler, to recommend approval of the waiver request for proof of notice to PA One Call, Section 165-29(E)(6). All members voted aye; motion carried.

Motion by Kessler, second by Heltzel, to recommend approval of the waiver request for E and S plan, Section 165-34(L). All members voted aye; motion carried.

Motion by Zeigler, second by Kessler, to recommend approval of the waiver request for cartway construction, Section 165-43(F), subject to the proposed modification as presented (first 25' paved). All members voted aye; motion carried.

Motion by Heltzel, second by Zeigler, to recommend approval of the waiver request for landscape architect signature/seal, Section 165-60(B)(2)(f), as long as it hides as well as it can. Five members voted aye; *Meckley opposed*. Motion carried.

Motion by Kessler, second by Heltzel, to recommend approval of the waiver request for vegetative screening, Section 165-61(K). Five members voted aye; *Zeigler opposed*. Motion carried.

Motion by Meckley, second by Heltzel, to recommend approval of the Final Land Development Plan for 1450 Fire Hall Road, subject to all outstanding items on the Pennoni Memorandum dated May 20, 2025, being addressed. All members voted aye; motion carried.

B. 1470 Fire Hall Road; Final Land Development Plan

Applicant Scott Predix, Engineer Lee Faircloth, and Attorney Alex Snyder were present on this plan. Mr. Predix distributed renderings of the proposed building for this site in the Village Center zoning district. Proposed development under the Flexible Residential Overlay option. Proposal is to change the existing fire hall building into 16 apartments, 8 2-bedrooms, 8 1-bedroom. Public sewer and water. Stormwater management will comply with the Township requirements. Increasing lot coverage to 60%. Building coverage to 25.1%; 30% permitted.

Pennoni's letter dated May 22, 2025, was noted but not reviewed.

Five waivers requested:

Section 165-29, preliminary plan

Section 165-29(D)(6), show all existing features

Section 165-40, monuments and markers

Section 165-44, sidewalk installation

Section 165-45, curb installation

Parking area will be fenced. How about emergency vehicle access? Whatever the Township Fire Chief requires/recommends. It was noted that the building will be fully sprinklered. First floor will be all handicap accessible. There was confirmation of the common open space. Recreation fees will be paid.

Attorney Snyder presented the criteria under which this property qualifies to be accepted under the Flexible Residential Overlay. One document was examined: "Zoning Evaluation prepared by Karla S. Farrell, AICP, LEED" Criteria: public nuisance (there are multiple undesirable conditions present to make a case for this), safety hazard (includes black mold, ceiling collapse), attractive nuisance (could well attract children to the property), general dilapidation, vermin, sanitation, etc., utilities disconnected (electricity is the only one connected), environmentally hazardous conditions (lead paint).

The applicant asserts that the conditions have been met to declare this property a blighted property. The existing septic system will be removed.

Anna Jewart, attorney for Jeramie Seifert, said that her client's main concerns are density and the process of the submission. Attorney Jewart asserts that the process in this case is backwards. The applicant has owned this property since 2023, and she asserts that he let the blight continue, which is against the ordinance. She also feels that the waivers indicate that the applicant cannot comply with the ordinance. Also, she feels that the expansion of the building is against the ordinance requirements. She also thinks that zoning approval should be obtained in this case before the application moves forward. She hasn't had time to properly review this plan.

From Attorney Miller, the plans present this evening were given to the objector in April 2024, so she's had ample time to review everything. Mr. Predix noted that he has reduced the density of the proposal. He noted that YCPC recommended an even higher density. He's trying to attract quality renters to a professionally managed site.

From Attorney Jewart, she feels that this decision should be made first with a public hearing, then a decision can be made on the plan. This should be presented to the Zoning Hearing Board.

Attorney Miller noted that there is a substantive validity challenge in play here. The ZHB will determine the validity. The applicant has the right to move the plan forward tonight. Either way it goes tonight, there's going to be an appeal from someone.

Motion by Heltzel, second by Zeigler, to recommend approval of the waiver request for Preliminary Plan, Section 165-29. All members voted aye; motion carried.

Motion by Meckley, second by Heltzel, to recommend approval of the waiver request for existing features, Section 165-29(D)(6). All members voted aye; motion carried.

Motion by Brenneman, second by Kessler, to recommend approval of the waiver request for monuments/markers, Section 165-40. All members voted aye; motion carried.

Motion by Zeigler, second by Kesser, to recommend approval of the waiver request for sidewalks, Section 165-44 (six-month note is already included on the plan). All members voted aye; motion carried.

Motion by Zeigler, second by Heltzel, to recommend approval of the waiver request for curbing, with the six-month note being on the plan, Section 165-45. All members voted aye; motion carried.

Mr. Zeigler asserted that he thinks that, as a Planning Commission member, he should not have to take into consideration any litigation going on relative to this plan.

Motion by Zeigler, second by Heltzel, to approve the Final Land Development plan for Predix Equities, LLC, subject to the satisfactory resolution of any open items on Pennoni's Memorandum dated May 22, 2025, plus the payment of rec fees, AND the financial security agreement, AND show the fencing on the plan, AND the reservation for sewer capacity agreement. All members voted aye; motion carried.

V. **New Business**

A. North Codorus Township Zoning Ordinance Amendment Text: Flexible Residential Overlay

Attorney Miller reported that the Supervisors have discussed the ordinance amendment. YCPC had three comments: 1, that the ordinance define attractive nuisance; 2, that Section D2 is complicated (but Attorney Miller can't see how it can be simplified, based on lengthy discussion by the Board of Supervisors); and 3, on the Conditional Use Process ... "The Township Board of Supervisors does not have authority to modify or waive regulations included in the Zoning Ordinance. A modification from the regulations set forth in the Zoning Ordinance must be approved through a variance obtained from the Zoning Hearing Board." Discussion: if the Planning Commission votes tonight to remove this section, it isn't a substantive change.

Attorney Jewart spoke again – any modification to the Zoning Ordinance should be made by the Zoning Hearing Board; plus density is still an issue; thinks it's excessive and will be detrimental to the Township residents. Mr. Predix noted that the Board of Supervisors took lots of time to discuss and revise this ordinance and the overlay process.

It was noted that the qualifications for blight can't be used on residential buildings.

Motion by Zeigler, second by Meckley, to recommend approval of the North Codorus Township Zoning Ordinance Amendment Text: Flexible Residential Overlay, to accept YCPC recommendations, adopting YCPC#3, noting that any modification to the Zoning Ordinance should be accomplished by the Zoning Hearing Board. All members voted aye; motion carried.

Motion by Meckley, second by Zeigler, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:24 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary