

MINUTES
WEST MANCHESTER TOWNSHIP
PLANNING COMMISSION
DATE: June 12, 2018

The meeting was called to order by Richard Gordon at 7:00 P.M. Members present: Fred Walters, Ronald Ruman and Ron Stare. Others present: Rachelle Sampere, Township Zoning Officer and Paul Wilson, P.E. Township Engineer from Dawood

Approval of Minutes:

MOTION: by Ron Stare to approve the May 8, 2018 meeting minutes.

SECONDED by: Fred Walters

MOTION PASSED: 2-0 (Abstain – 2: Gordon & Ruman)

ZONING HEARING BOARD CASES

ZHB Case 12-10, Calvary Temple, 2085 Kenneth Road – Request to extend the approval of the Variance for one (1) year (Tax Map: JH; Parcel: 0002) in the R-2 Residential zone.

Ms. Sampere stated that the Township received a memo mailed on May 15, 2018 from Calvary Temple requesting that the variance be extended for one year. A copy of the memo was provided to the Planning Commission members which stated that the next step is to have Johnston & Associates of Taxville Road in York do the land development plans for a multipurpose church building. The memo also stated that the church's congregation voted to sell their current church property located at 2160 Roosevelt Avenue. Their goal is to complete the land development plans and obtain building permits so construction may begin once their current property is sold.

Mr. Stare stated that the previous extension expired on May 23, 2017 and therefore could not be extended for another year. The applicant must make a new variance application. The applicant should have contacted the Township prior to have the extension request heard at the May Planning Commission and Zoning Hearing Board meetings.

MOTION: by Ronald Ruman to recommend the Zoning Hearing Board deny the one-year extension of variance 12-10 due to its expiration on May 23, 2018.

SECOND: by Ron Stare

MOTION PASSED: 4-0

ZHB Case 18-07, James Bentzel, Jr., 2500 Roosevelt Avenue – Variance of §150-228.6.D.2 to increase the maximum height of an accessory structure to twenty-eight feet (28') from the allowable fifteen feet (15') (Tax Map: KG; Parcel: 0031L) in the Open Space Residential-2 (OSR-2) zone.

Mrs. James Bentzel (Norina) presented the variance request. Mrs. Bentzel stated that the variance was to allow a twenty-eight feet (28') high detached garage in their rear yard area to store their boat. The existing single-family dwelling with an attached garage is currently twenty-eight feet (28') high. She explained that by allowing the increased height, the pitch of the proposed garage roof and the pitch of the existing house roof would match.

MOTION: by Ron Stare to recommend approval of the variance request to the Zoning Hearing Board.

SECOND: by Ronald Ruman

MOTION PASSED: 3-0 (Abstain – 1: Walters)

ZHB Case 18-08, Carolyn Stacks for Daniel B. Krieg, Inc., 1160 Zinns Quarry Road –

Variance of §150-170 Permitted Uses and §150-5 Definition of a Principal Use to allow a fence as the principal use on a property (Tax Map: 17; Parcel: 0212) in the Light Industrial (I-2) zone.

Mr. Daniel Stacks presented the variance request. Mr. Stacks stated that he purchased several properties on Zinns Quarry Road thirty-five (35) years ago and has been using multiple lots as part of his trucking terminal business. Ms. Sampere explained that she had gone through the Township's files and no formal paperwork had been filed to establish a trucking terminal on lot 212. She explained to the Planning Commission members that she originally received a permit application from the property owner to erect a fence on lot 212. When Ms. Sampere received the permit application she informed the property owner that the lots would need to be reverse subdivided to install a fence at proposed location because there is no principal structure on lot 212 or the owner should request a variance from the Zoning Hearing Board to allow a fence as the principal structure on a lot. Mr. Stacks explained that he is interested erecting a fence on lot 212 to protect the property and provide security to his investment because there is an increased amount of crime, truck traffic from neighboring Bickel's factory and refuse being left of the property. Mr. Stare asked if there was a question regarding the flood zone on the property. Mr. Stacks stated that he spoke with someone at FEMA and was told that chain link fences were permitted in flood zones, however the portion of the property that the fence is proposed to be located is not within the flood zone. Mr. Wilson asked Mr. Stacks to provide documentation or the name of the individual at FEMA that he spoke with so he could get clarification from FEMA regarding chain link fences. Mr. Wilson also stated that Section 75-23.D of the West Manchester Township Codified Ordinances states that "Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse." Mr. Wilson explained that a chain link fence, in previous experiences, has been considered an obstruction. He also explained that installation of a fence would be considered new construction and would require a site plan or something more substantial to verify the proposed fence would not be constructed within fifty feet (50') of the top of the bank of the creek behind the property. Mr. Stacks informed the planning commission members that the property was recently surveyed. Mr. Wilson asked Mr. Stacks to have his surveyor contact him to verify the distance from the top of the bank of the watercourse to the proposed fence location. Mr. Stare stated that the applicant should provide more information regarding the location of the flood zone to the Planning Commission members before they can make a recommendation to the Zoning Hearing Board. Mr. Ruman stated that he could not recommend approval of this variance request because the parking lot/trucking terminal is the principal use on the property. Ms. Sampere explained that no formal paperwork had been filed for lot 212 to establish a trucking terminal. The trucking/motor freight terminal of Daniel B. Krieg, Inc. is located at 1130 Zinns Quarry Road, not lot 212. Ms. Sampere stated that a parking lot is not a permitted use nor a principal structure in the Light Industrial (I-2) zone. Mr. Ruman stated that he recommends the property owner pursue a reverse subdivision plan because he believes the trucking terminal is the principal use on the property. Ms. Sampere stated that there is not currently a principal structure on the property and a variance from the Zoning Hearing Board would be required to construct a fence on a property without a principal structure.

MOTION: by Ron Stare to recommend the Zoning Hearing Board table the variance request until the Board receives further information from the applicant's surveyor and the Township Engineer confirms the location of the flood zone.

SECOND: by Ronald Ruman

MOTION PASSED: 4-0

ZHB Case 18-09, Michael Hornberger & Rick Shander for Target, 2251 York Crossing Drive – Variance of §150-262.D.2 to allow the use of temporary storage containers and temporary fence in a parking lot during construction for more than 45 days (Tax Map: JH; Parcel: 0056N) in the Regional Commercial (RC) zone.

Ms. Sampere stated that she received an email from Mr. Shander explaining that he would not be able to attend tonight's meeting. Ms. Sampere explained to the Planning Commission members that the applicant was requesting a variance to allow temporary storage containers/construction containers in the Target parking lot while their interior remodel was taking place. A permit was issued to allow the containers to be placed in the parking lot temporarily for forty-five (45) days. Ms. Sampere said that the applicant explained that the trailers will most likely be removed by the end of June, however a variance is required for the temporary use to extend beyond forty-five (45) days.

MOTION: by Ronald Ruman to recommend the Zoning Hearing Board approve the variance request to allow the temporary storage/construction containers in Target's parking lot through July 31, 2018.

SECOND: by Ron Stare

MOTION PASSED: 4-0

NEW BUSINESS

No subdivision plans nor land development plans were submitted for review for the June 12, 2018 Planning Commission meeting.

MOTION: by Fred Walters to adjourn the meeting.

SECOND: by Ron Stare

MOTION PASSED: 4-0

Meeting adjourned at 7:40 p.m.