

# PUBLIC BOARD MEETING MINUTES

April 22, 2021

Chairperson Hickey called the meeting to order at 7:00 p.m

## ATTENDANCE:

Supervisors Present Remotely:

Rosa Hickey - Chairperson  
Steven Harlacher – Vice-Chairman  
Dave Markel – absent

Staff Present:

Kelly Kelch – Township Manager  
Andrew Herrold – Solicitor  
Clif Laughman – Fire Chief  
Laura Mummert – Stenographer

## CALL TO ORDER:

Manager Kelch announced an executive session was held prior to tonight's meeting to discuss a personnel issue. No action was taken. There was an Executive Session held on April 5<sup>th</sup> to discuss pending litigation. No action was taken.

Manager Kelch stated that this Public Meeting would be closed to the public due to the COVID-19 Pandemic and the Governor's instruction for Stay-At-Home practices. However, this meeting was live to the public through the Township's Recreation and Fire Department Facebook pages. It was also stated that residents could make public comment on these pages and it would be addressed. Manager Kelch also provided two phone numbers that the public could call in with any concerns/questions.

## PUBLIC COMMENT:

A. None

## APPROVAL OF MINUTES:

A. The minutes of the March 25, 2021 Public Board Meeting were provided for approval. Motion to approve the Public Meeting Minutes of March 25, 2021 as presented.

MOTION: S. Harlacher  
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

**OPEN FLOOR DISCUSSION:**

No discussion was made.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

A. ORDINANCE 21-01, “NO PARKING” REQUEST ON CANARY CIRCLE: Motion to approve Ordinance 21-01, restricting parking on the “inner circle” of Canary Circle from Finch Drive to Lark Drive in accordance with the submitted traffic study.

MOTION: R. Hickey  
SECOND: S. Harlacher

MOTION PASSED UNANIMOUSLY

B. ORDINANCE 21-02, AMENDMENT TO THE NON-UNIFORM PENSION PLAN DOCUMENT: Motion to approve Ordinance 21-02, amending the non-uniform pension plan as advertised.

MOTION: S. Harlacher  
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

C. T-858 FINAL LAND DEVELOPMENT PLAN FOR COTTONTAIL SOLAR 2, LLC: Motion to approve a final land development plan for a solar energy farm located along New Salem Road, West College Avenue, Hokes Mill Road and Lemon Street in the Agriculture Zone.

At their regularly scheduled meeting on April 22, 2021, the West Manchester Township Board of Supervisors voted to approve T-858 Preliminary/Final Land Development Plan for Cottontail Solar 2, LLC subject to the following conditions being addressed prior to recording the plan:

**Zoning Ordinance (ZO):**

1. The facility owner shall submit an estimate for the total cost of decommissioning without regard to salvage value of the equipment (gross decommissioning cost),

and also an estimate of the cost of decommissioning net of the salvage value of the equipment (net decommissioning cost) to the Township for review and approval prior to the first anniversary of the issuance of an occupancy permit for the solar energy farm and every fifth year thereafter. The facility owner shall post and maintain financial security in the amount of the net decommissioning costs; provided that at no point shall the financial security be less than 25% of the gross decommissioning costs. The financial security shall be in the form of a bank-issued letter of credit or cash escrow or other form of financial security approved by the Board. Cash escrow funds shall be held in an interest-bearing escrow account for the benefit of the facility owner. §150-357.4.O.3. ***Please submit the cost estimates for evaluations prior to the first anniversary of the occupancy permit. The financial security must be posted and must be maintained according to the requirements of this ordinance.***

### **Subdivision and Land Development Ordinance (SLDO):**

1. Drafting Standards. §121-14.A.2 & §121-15.D.1. See Appendix No. 1. ***Survey Data block and signature must be added to the plan. While it is noted that a block and signature will be shown in a forthcoming ALTA survey drawing, the ordinance requires a survey block to be included in the final LD plan for recording. The applicant will include the ALTA survey plans as supplement documents to the final plan set and include them in the plan index.***
2. Plan Sheets. §121-14.A.3 The sheet size shall be no smaller than 18 inches by 22 inches and no larger than 24 inches by 36 inches. If the plan is prepared in two or more sections, a key map showing the location of the sections shall be placed on each sheet, and a master sheet shall be provided. If more than one sheet is necessary, each sheet shall be numbered to show the relationship to the total number of sheets in the plan. (e.g. sheet 1 of 5). ***The applicant shall number each sheet to show the relationship of the total number of sheets.***
3. Certifications and Notifications. §121-14.G. Where the land included in the subject application has an electric or telephone transmission line, a gas pipeline or a petroleum products transmission line located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way, stating any conditions on the use of the land and the minimum building setback and/or rights-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement. ***The application indicated that written authorization from the utility company will be provided.***
4. Complete description of all lot lines. §121-15.D.1. A complete description of all lot lines, with accurate bearings and distances, and lot areas for all parcels. Curve segments shall be comprised of arc, chord, bearing and distance. The description shall utilize the existing and/or proposed deed lines up to the street right-of-way line. All descriptions shall not have an error of closure greater than one foot in 10,000 feet. The accuracy of the description shall be certified by an individual registered in the Commonwealth to perform such duties. ***Provide the surveyor's certification and signature on the cover sheet, LD-001. While it is noted that a block and signature is shown in the provided Preliminary ALTA survey drawing,***

*the ordinance requires that a survey block be included in the final SLDO plan. The applicant will provide the ALTA survey plans as supplement documents to the final plan set and include them in the plan index.*

5. Improvement guaranties in accordance with Article V. §121-15.F.9 ***Improvement guaranties will be required prior to the recording of the plan. Please submit a cost estimate for the Township Engineer to review.***
6. Financial Security. §121-17 ***Financial security is required prior to recording the plan. Please provide a cost estimate of the public improvement financial security by a professional engineer for Dawood Engineer's to review prior to plan recording.***
7. Financial Security Cost Estimate. §121-17.A.2.b. The amount of the financial security required shall be based upon an estimate of the cost of completion of the required improvements submitted by an applicant or developer and prepared by a professional engineer. ***Provide a cost estimate of the public improvements financial security by a professional engineer prior to plan recording.***
8. Engineering escrow shall be delivered to the Township, prior to recording the plan, in the form of a check payable to the Township in the amount equal to 3.5% of the bond or other security. If the amount furnished is not sufficient to cover inspections, administrative and other related costs, the applicant shall furnish additional amounts from time to time, when notified to do so. §121-17.D ***Provide engineering escrow prior to recording the plan.***
9. Maintenance guaranty. §121-19. ***A maintenance guaranty will be required.***
10. As-built plans. §121-21. Upon completion of all required improvements and prior to the issuance of occupancy permits, the applicant shall submit an as-built plan showing the location, dimension and elevation of all public improvements. In addition, the plan shall indicate the resultant grading, drainage structures, and/or drainage systems and erosion and sediment control practices, including vegetative measures, are in substantial conformance with the previously approved drawings and specifications. The plan shall not all deviation from the previously approved drawings. ***Two copies of the plan shall be submitted to the Township, which shall distribute one copy to the Township Engineer and retain one copy for the Township files. Please also submit an electronic copy of the as-builts to the Township Engineer. The applicant has stated that they will provide this documentation as requested. The as-built plan shall be provided prior to release of the financial security. No further action is required at this time.***
11. Survey Monuments and Markers. §121-29. Permanent stone or concrete monuments and markers are required along all property lines. ***Provide monuments and markers at property corners where they are not existing. Please indicate what materials will be used for proposed markers.***

#### **General Comments:**

1. The applicant shall obtain the necessary NPDES stormwater discharge permit, and provide all necessary documentation. ***TRC has acknowledged this. Provide a copy of the NPDES permit upon receipt, as well as an E&S Control plan approval.***

2. The notarized signature of the owner(s) shall be affixed to the plan prior to the Board of Supervisors signatures. (§121-15.F.4)
3. Operation & Maintenance Agreement required. ***The applicant has stated that they will provide this documentation through the approval process of the NPDES permit. Please also submit the signed and notarized O&M agreement that the Township Solicitor prepared to include the signatures of the property owners and the lessee.***
4. All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)
5. All final plans, as recorded, shall be submitted in electronic format (i.e. PDF)
6. A Knox box shall be required for each of the proposed gates for Fire Department access in emergent situations.
7. Truck turning templates shall be provided to verify tractor trailer and local fire truck movement through the site. The largest fire apparatus shall be able to traverse the site. The Fire Chief should be contacted to review the plans, to verify the size of the largest apparatus and to confirm adequate access is provided for fire control. Provide a note from the Fire Chief that the plan is acceptable as submitted, or the modifications that shall be made. The applicant has stated “Tractor trailers are not expected to access the site post construction. The largest vehicle expected to access the site is a pickup truck or single-unit truck.” ***The applicant shall provide a note from the West Manchester Township Fire Chief that the plan is acceptable, as submitted, or the modifications that shall be made. TRC has indicated that talks with the fire chief are ongoing.***
8. Provide information on the width of the proposed solar panels and how adequate vegetative cover will be able to be established and maintained as noted in DEP FAQ #10, in order for the solar array areas to be considered as pervious areas. ***The applicant has stated, “Dimensions for the proposed panels will be approximately 36”x60”, sizes of panels vary by manufacturer but are generally sized based on weight and the ability for installation crews to handle the panels. The panels will also pivot each day upon a center axis that will provide an even amount of sunlight and shade for the vegetation below the panels.” This comment has been satisfied.***
9. The signature block for the York County Planning Commission contains a signature space for the Township Engineer. ***Please revise.***
10. Submit a non-building waiver form for the Township SEO to sign prior to the Township submitting to PA DEP.

**Stormwater Management Ordinance (SWMO):**

1. §113.12.I. The design of all facilities in areas of carbonate geology or karst topography shall include an evaluation of measures to minimize adverse effects, including hydro-geologic studies if required by the Township. ***TRC has indicated sub-soiling will only be performed in compacted areas that occur during construction. They have also added a DEP sinkhole repair detail to the plans. No further action is required at this time.***

2. §113-18.E.9. The SWM site plan shall include an operation and maintenance (O&M) plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities. ***Provide an executed Operation and Maintenance Agreements***
3. §113-18.E.11. A notarized signature of the owner of the parcel for which the SWM site plan is proposed indicating that they are aware of an will be responsible for operation and maintenance of the facilities. ***Provide all signatures, notarizations and certifications prior to plan approval.***

The West Manchester Township Board of Supervisors granted the following waivers and deferment on April 22, 2021:

- W1. §121-9. Preliminary Plan.
- W2. §121-14.A.1. Drafting standards. Sheets LD-100 and LD-200 scale shown at 1" = 200' instead of the required 1" = 30', 40', 50', 60', 80' or 100'
- W3. §121-23.C.1, All existing streets at the perimeter and/or through the development shall be improved according to Township specifications.
- W4. §121-23.R.4. Access drives which form cul-de-sac shall not exceed 1,600 feet in length, measured from the center line intersection of a street or access drive which is not a cul-de-sac access cul-de-sac which do not terminate in a parking compound shall be provided at the terminus with a fully paved turnaround with a minimum diameter of 100 feet.
- W5. §121-23.R.5. Vehicular parking is prohibited along access drives. This prohibition must be acknowledged on the plan and properly signed along the cartway.
- W6. §113-14.A.2.A. For modeling purposes: Existing (pre-development) non-forested pervious areas must be considered meadow.
- W7. §113-17.H. Stormwater flow along streets and access drives.

**Deferment:**

- D1. §121-25. Sidewalks and curbs. Sidewalks and curbs shall be provided along the frontage of the entire property unless a waiver of this standard is granted in accordance with §121-11.

MOTION: S. Harlacher  
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

D. T-859 FINAL LAND DEVELOPMENT PLAN FOR COTTONTAIL SOLAR 1, LLC: Motion to approve a final land development plan for a solar energy farm on three (3) parcels located along Stoverstown Road and Sunnyside Road in the Agriculture Zone.

At their regularly scheduled meeting on April 22, 2021, the West Manchester Township Board of Supervisors voted to approve T-859 Preliminary/Final Land Development Plan for Cottontail Solar 1, LLC subject to the following conditions being addressed prior to recording the plan:

**Zoning Ordinance (ZO):**

1. The facility owner shall submit an estimate for the total cost of decommissioning without regard to salvage value of the equipment (gross decommissioning cost), and also an estimate of the cost of decommissioning net of the salvage value of the equipment (net decommissioning cost) to the Township for review and approval prior to the first anniversary of the issuance of an occupancy permit for the solar energy farm and every fifth year thereafter. The facility owner shall post and maintain financial security in the amount of the net decommissioning costs; provided that at no point shall the financial security be less than 25% of the gross decommissioning costs. The financial security shall be in the form of a bank-issued letter of credit or cash escrow or other form of financial security approved by the Board. Cash escrow funds shall be held in an interest-bearing escrow account for the benefit of the facility owner. §150-357.4.O.3. ***Please submit the cost estimates for evaluations prior to the first anniversary of the occupancy permit. The financial security must be posted and must be maintained according to the requirements of this ordinance.***

**Subdivision and Land Development Ordinance (SLDO):**

1. Drafting Standards. §121-14.A.2 Dimensions for the entire tract boundary shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. The plan shall include a signed statement by a registered surveyor that the description is based upon a survey and does not have an error of closure greater than one foot in 10,000 feet. ***Survey Data block and signature must be added to the plan. While it is noted that a block signature is shown in the provided Preliminary ALTA survey drawing, the ordinance requires a survey block to be included in the final SLDO plan. The applicant will include the ALTA survey plans as supplement documents to the final plan set and include them in the plan index.***

2. Sheet Size. §121-14.A.3. The sheet size shall be no smaller than 18 inches by 22 inches and no larger than 24 inches by 36 inches. If the plan is prepared in two or more sections, a key map showing the location of the sections shall be provided. If more than one sheet is necessary, each sheet shall be numbered to show the relationship to the total number of sheets in the plan (e.g. sheet 1 of 5). ***The applicant shall number each sheet to show the relationship to the total number of sheets.***
3. Certification and Notifications. §121-14.G.1 Where the land included in the subject application has an electric or telephone transmission line, a gas pipeline or a petroleum products transmission line located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way, stating any conditions on the use of the land and the minimum building setback and/or rights-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement. ***The applicant has indicated that the written authorization from the utility company will be provided upon receipt.***
4. Improvement guaranties in accordance with Article V. §121-15.F.9 ***Improvement guaranties will be required prior to the recording of the plan.***
5. Financial Security. §121-17 ***Financial security is required prior to recording the plan. Please provide a cost estimate of the public improvement financial security by a professional engineer for Dawood Engineer's to review prior to plan recording.***
6. Engineering escrow shall be delivered to the Township, prior to recording the plan, in the form of a check payable to the Township in the amount equal to 3.5% of the bond or other security. If the amount furnished is not sufficient to cover inspections, administrative and other related costs, the applicant shall furnish additional amounts from time to time, when notified to do so. §121-17.D ***Provide engineering escrow prior to recording the plan. The applicant has stated they will provide the escrow as requested prior to the recording of the plans.***
7. Maintenance guaranty. §121-19 & §121-14.D.19. ***A maintenance guaranty will be required. The applicant stated that this documentation shall be provided, as requested. It is noted that a maintenance guarantee will be required for a period of 18 months.***
8. As-built plans. §121-21. Upon completion of all required improvements and prior to the issuance of occupancy permits, the applicant shall submit an as-built plan showing the location, dimension and elevation of all public improvements. In addition, the plan shall indicate the resultant grading, drainage structures, and/or drainage systems and erosion and sediment control practices, including vegetative measures, are in substantial conformance with the previously approved drawings and specifications. The plan shall not all deviation from the previously approved drawings. ***Two copies of the plan shall be submitted to the Township, which shall distribute one copy to the Township Engineer and retain one copy for the Township files. Please also submit an electronic copy of the as-builts to the Township Engineer. The applicant has stated that this documentation shall be provided, as required.***

**Stormwater Management Ordinance (SWMO):**



1. §113-12.I. The design of all facilities in areas of carbonate geology or karst topography shall include an evaluation of measures to minimize adverse effects, including hydro-geologic studies if required by the Township. ***TRC has indicated sub-soiling will only be performed in compacted areas that occur during construction. They have also added DEP sinkhole repair detail to the plans. No further action is required at this time.***
2. §113-18.E.9. The SWM site plan shall include an operation and maintenance (O&M) plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities. ***An O&M Agreement shall be executed and recorded in accordance with Section §113-27.***
3. §113-18.E.11. A notarized signature of the owner of the parcel for which the SWM site plan is proposed indicating that they are aware of and will be responsible for operation and maintenance of the facilities. ***Provide all signatures, notarizations and certifications prior to the plan approval.***
4. §113-18.E.19. The name of the development, the name and address of the owner of the property, and the name and address of the individual or firm preparing the plan. Also to be included are the name, address, signature and seal of any registered surveyor (attesting the accuracy of the boundary survey), professional engineer, landscape architect, or professional geologist (for geomorphological assessments) contributing to and/or with a responsibility for any aspect of the plan where applicable. Property owner, surveyor, PE and PG names, addresses and signatures are required. ***While it is noted that a block and signature is shown in the provided Preliminary ALTA survey drawing, the ordinance requires a survey block to be included in the final SLDO plan. The applicant will include the ALTA survey plans as supplement documents to the final plan set and include them in the plan index.***

**General Comments:**

1. The notarized signature of the owner(s) shall be affixed to the plan prior to approval by the Board of Supervisors (§121-15.F.4) ***The applicant has stated that they shall provide the necessary signatures prior to BOS signatures.***
2. Operation & Maintenance Agreement required. ***The applicant has stated that they will provide this documentation through the approval process of the NPDES permit. Additionally, please provide the Township with the O&M agreements prepared by the Township Solicitor to include the property owner and the Lessee's signatures for recording.***
3. All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)
4. All final plans, as recorded, shall be submitted in electronic format (i.e. PDF)
5. A Knox box shall be required for each of the proposed gates for Fire Department access in emergent situations.

6. The applicant shall obtain the necessary NPDES stormwater discharge permit and provide all necessary documentation. ***TRC has acknowledged this. Provide a copy of the NPDES permit upon receipt, as well as an E&S control plan approval.***
7. Truck turning templates shall be provided to verify tractor trailer and local fire truck movement through the site. The largest fire apparatus shall be able to traverse the site. The Fire Chief should be contacted to review the plans, to verify the size of the largest apparatus and to confirm adequate access is provided for fire control. ***The applicant has stated “Tractor trailers are not expected to access the site post construction. The largest vehicle expected to access the site is a pickup truck or a single-unit truck.” The applicant shall provide a note from the West Manchester Township Fire Chief that the plan is acceptable, as submitted, or the modifications that shall be made. TRC has indicated that talks with the fire chief are ongoing.***
8. Submit a non-building waiver form for each of the properties involved in the LD plan for the Township SEO to sign prior to the Township submitting to PA DEP.

The West Manchester Township Board of Supervisors granted the following waivers and deferment on April 22, 2021:

**Requested Waivers:**

- W1. §121-9. Preliminary Plan.
- W2. §121-14.A.1. Drafting standards. Sheets LD-100 and LD-200 scale shown at 1” = 200’ instead of the required 1” = 30’, 40’, 50’, 60’, 80’ or 100’
- W3. §121-23.C.1, All existing streets at the perimeter and/or through the development shall be improved according to Township specifications.
- W4. §121-23.R.4. Access drives which form cul-de-sac shall not exceed 1,600 feet in length, measured from the center line intersection of a street or access drive which is not a cul-de-sac access cul-de-sac which do not terminate in a parking compound shall be provided at the terminus with a fully paved turnaround with a minimum diameter of 100 feet.
- W5. §121-23.R.5. Vehicular parking is prohibited along access drives. This prohibition must be acknowledged on the plan and properly signed along the cartway.
- W6. §113-14.A.2.A. For modeling purposes: Existing (pre-development) non-forested pervious areas must be considered meadow.
- W7. §113-17.H. Stormwater flow along streets and access drives.

**Deferment:**

D1. §121-25. Sidewalks and curbs. Sidewalks and curbs shall be provided along the frontage of the entire property unless a waiver of this standard is granted in accordance with §121-11.

MOTION: R. Hickey  
SECOND: S. Harlacher

MOTION PASSED UNANIMOUSLY

E. T-863 REVERSE SUBDIVISION FOR LANDS OF JOSEPH C. STUMP & GLENDORA M. STUMP: Motion to approve a reverse subdivision plan to join two parcels located along Woodberry Road and West College Avenue creating one parcel of 250.285 acres in the Quarry and Agricultural Zones. This plan was to satisfy review comments for proposed T-860 Final Land Development Plan for Cottontail Solar 8, LLC. The reverse subdivision plan must be recorded prior to the proposed final land development plan.

At their regularly scheduled meeting on April 22, 2021, the West Manchester Township Board of Supervisors voted to approve T-863 Final Reverse Subdivision Plan for Lands of Joseph C. Stump and Glendora M. Stump subject to the following comments being addressed prior to recording the plan:

**Subdivision and Land Development Ordinance (SLDO):**

1. §121-14.D.14. *Please add a statement on the plan indicating any proposed waivers.* This statement must be revised, prior to recordation of the plan, to acknowledge the outcome of the requested waiver.
2. §121-14.E.2 A sewer facilities plan revision or supplement in accordance with the Pennsylvania Sewerage Facilities Act 537 of 1966, as amended. *Please provide sewer planning documentation for the SEO to review. Add a non-building waiver note to Sheet 1 of 5.*
3. §121-14.G.1 Certifications and notifications. Where the land included in the subject application has an electric or telephone transmission line, a gas pipeline or a petroleum products transmission line located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way, stating any conditions on the use of the land and the minimum building setback and/or rights-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement. *Please provide letters from the various utilities or a copy of the recorded agreements.*

4. Notice from the Pennsylvania Department of Environmental Protection that a sewer facilities plan revision or supplement has been approved. §121.15.F.3. *A waiver should be requested. Please submit a non-building waiver for the Township SEO to sign prior to the Township submitting to PA DEP.*
5. Improvement guaranties in accordance with Article V. §121-15.F.9 *Improvement guaranties will be required prior to the recording of the plan.*
6. Financial Security. §121-17 *Financial security is required prior to recording the plan. Provide financial security for all property boundary markers to be set, or install all markers prior to recording the plan.*
7. Engineering escrow shall be delivered to the Township, prior to recording the plan, in the form of a check payable to the Township in the amount equal to 3.5% of the bond or other security. If the amount furnished is not sufficient to cover inspections, administrative and other related costs, the applicant shall furnish additional amounts from time to time, when notified to do so. §121-17.D *Provide engineering escrow prior to recording the plan.*
8. Maintenance guaranty. §121-19. *A maintenance guaranty will be required. Provide financial security for all property boundary markers to be set, or install all markers prior to recording the plan.*

**General Comments:**

1. The notarized signature of the owner(s) shall be affixed to the plan prior to approval by the Board of Supervisors (§121-15.F.4)
2. All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)
3. All final plans, as recorded, shall be submitted in electronic format (i.e. PDF)
4. Please add a signature block to the title page indicating that the land development plan was reviewed by the York County Planning Commission. Please include a signature line and date reviewed line.
5. A new legal description for the combined lot should be recorded with the plan so that the County Tax Maps are updated.

The West Manchester Township Board of Supervisors granted the following waivers and deferment on April 22, 2021:

**Requested Waivers:**

- W1. §121-9. Preliminary Plan.
- W2. §121-14.F. Impact statements.

**Deferment:**

- D1. §121-25. Sidewalks and curbs.

MOTION: S. Harlacher  
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

F. T-860 FINAL LAND DEVELOPMENT PLAN FOR COTTONTAIL SOLAR 8, LLC:  
Motion to approve a final land development plan for solar energy farm on two (2) parcels located along Woodberry Road and West College Avenue in the Agricultural Zone.

At their regularly scheduled meeting on April 22, 2021, the West Manchester Township Board of Supervisors voted to approve T-860 Preliminary/Final Land Development Plan for Cottontail Solar 8, LLC subject to the following conditions being addressed prior to recording the plan:

**Zoning Ordinance (ZO):**

1. The facility owner shall submit an estimate for the total cost of decommissioning without regard to salvage value of the equipment (gross decommissioning cost), and also an estimate of the cost of decommissioning net of the salvage value of the equipment (net decommissioning cost) to the Township for review and approval prior to the first anniversary of the issuance of an occupancy permit for the solar energy farm and every fifth year thereafter. The facility owner shall post and maintain financial security in the amount of the net decommissioning costs; provided that at no point shall the financial security be less than 25% of the gross decommissioning costs. The financial security shall be in the form of a bank-issued letter of credit or cash escrow or other form of financial security approved by the Board. Cash escrow funds shall be held in an interest-bearing escrow account for the benefit of the facility owner. §150-357.4.O.3. ***Please submit the cost estimates for evaluations prior to the first anniversary of the occupancy permit. The financial security must be posted and must be maintained according to the requirements of this ordinance.***

**Subdivision and Land Development Ordinance (SLDO):**

1. Drafting Standards. §121-14.A.2 Dimensions for the entire tract boundary shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. The plan shall include a signed statement by a registered surveyor that the description is based upon a survey and does not have an error of closure greater than one foot in 10,000 feet. Show property metes and bounds; add surveyor signature block. ***While it is noted that a block and signature is shown in the provided Preliminary ALTA survey drawing, the ordinance requires a survey block to be included in the final SLDO plan. The applicant will include the ALTA survey***

*plans as supplement documents to the final plan set and include them in the plan index.*

2. Plan Sheet Size. §121-14.A.3. The sheet size shall be no smaller than 18 inches by 22 inches and no larger than 24 inches by 36 inches. If the plan is prepared in two or more sections, a key map showing the location of the sections shall be placed on each sheet, and a master sheet shall be provided. If more than one sheet is necessary, each sheet shall be numbered to show the relationship to the total number of sheets in the plan (e.g. sheet 1 of 5). ***The applicant shall number each sheet to show the relationship to the total number of sheets.***
3. Notice from the PA Department of Environmental Protection that a sewer facilities plan revision or supplement has been approved. An approved non-building waiver for sewer facilities is needed. ***TRC states they have included a non-building waiver in this resubmission, however it is not contained on the plans.***
4. Certifications and notifications. Where the land included in the subject application has an electric or telephone transmission line, a gas pipeline or a petroleum products transmission line located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way, stating any conditions on the use of the land and the minimum building setback and/or rights-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement. §121-14.G.1 ***The applicant indicated that written authorization from the utility company will be provided.***
5. Improvement guaranties in accordance with Article V. §121-15.F.9 ***Improvement guaranties will be required prior to the recording of the plan. The applicant has stated that this documentation will be provided, as requested.***
6. Financial Security. §121-17 Financial security is required prior to recording the plan. Please provide a cost estimate of the public improvement financial security by a professional engineer for Dawood Engineer's to review prior to plan recording. ***The applicant has stated that this documentation shall be provided, as requested.***
7. Engineering escrow shall be delivered to the Township, prior to recording the plan, in the form of a check payable to the Township in the amount equal to 3.5% of the bond or other security. If the amount furnished is not sufficient to cover inspections, administrative and other related costs, the applicant shall furnish additional amounts from time to time, when notified to do so. §121-17.D ***Provide engineering escrow prior to recording the plan. The applicant has stated that they will provide the escrow, as requested, prior to the recording of the plans.***
8. Maintenance guaranty. §121-19. ***A maintenance guaranty will be required. The applicant has stated that this documentation will be provided, as requested. It is noted that a maintenance guaranty will be required for a period of 18 months***
9. As-built plans. §121-21. Upon completion of all required improvements and prior to the issuance of occupancy permits, the applicant shall submit an as-built plan showing the location, dimension and elevation of all public improvements. In addition, the plan shall indicate the resultant grading, drainage structures, and/or drainage systems and erosion and sediment control practices, including vegetative measures, are in substantial conformance with the previously approved drawings and specifications. The plan shall not all deviation from the previously approved

drawings. *Two copies of the plan shall be submitted to the Township, which shall distribute one copy to the Township Engineer and retain one copy for the Township files. Please also submit an electronic copy of the as-builts to the Township Engineer. The applicant has stated that the documentation shall be provided, as required.*

**Stormwater Management Ordinance (SWMO):**

1. §113-12.I. The design of all facilities in areas of carbonate geology or karst topography shall include an evaluation of measures to minimize adverse effects, including hydro-geologic studies if required by the Township. *TRC has indicated sub-soiling will only be performed in compacted areas that occur during construction. They have also added a DEP sinkhole repair detail to the plans. No further action is required at this time.*
2. §113-18.E.9. The SWM site plan shall include an operation and maintenance (O&M) plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities. An O&M Agreement shall be executed and recorded in accordance with §113-27. *The applicant shall provide this documentation.*
3. §113-18.E.11. A notarized signature of the owner of the parcel for which the SWM site plan is proposed indicating that they are aware of and will be responsible for operation and maintenance of the facilities. *Provide all signatures, notarizations, and certifications prior to plan approval. The applicant shall provide this documentation, as requested.*
4. §113-18.E.19. The name of the development, the name and address of the property owner and the name and address of the individual or firm preparing the plan. Also to be included are the name, address, signature and seal of any registered surveyor (attesting to the accuracy of the boundary survey), professional engineer, landscape architect, or professional geologist (for geomorphological assessments) contributing to and/or with a responsibility for any aspect of the plan where applicable. *Property owner, surveyor, PE and PG names, addresses and signatures are required. While it is noted that a block and signature is shown in the provided Preliminary ALTA survey drawing, the ordinance requires a survey block to be included in the final SLDO plan. The applicant will include the ALTA survey plans as supplement documents to the final plan set and include them in the plan index.*

**General Comments:**

1. The notarized signature of the owner(s) shall be affixed to the plan prior to approval by the Board of Supervisors (§121-15.F.4) ***The applicant shall provide the necessary signatures prior to BOS signatures.***
2. Operation & Maintenance Agreement required. ***The applicant has stated that they will provide this documentation through the approval process of the NPDES permit. Please also submit the signed and notarized O&M agreement that the Township Solicitor prepared to include the signatures of the property owners and the lessee.***
3. All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.) ***The applicant has acknowledged this statement.***
4. All final plans, as recorded, shall be submitted in electronic format (i.e. PDF) ***The applicant has acknowledged this statement.***
5. A Knox box shall be required for each of the proposed gates for Fire Department access in emergent situations. ***The applicant has acknowledged this request.***
6. The applicant shall obtain the necessary NPDES stormwater discharge permit and provide all necessary documentation. ***The applicant shall provide a copy of the NPDES permit upon receipt.***
7. Truck turning templates shall be provided to verify tractor trailer and local fire truck movement through the site. The largest fire apparatus shall be able to traverse the site. The Fire Chief should be contacted to review the plans, to verify the size of the largest apparatus and to confirm adequate access is provided for fire control. ***The applicant has stated, "Tractor trailers are not expected to access the site post construction. The largest vehicle expected to access the site is a pickup truck or a single-unit truck." The applicant shall provide a note from the West Manchester Township Fire Chief that the plan is acceptable, as submitted, or the modifications that shall be made. TRC has indicated that talks with the fire chief are ongoing.***
8. Submit a non-building waiver form for the Township SEO to sign prior to the Township submitting to PA DEP.
9. T-863 Final Reverse Subdivision for Lands of Joseph C. & Glendora M. Stump must be recorded prior to recording this land development plan.

The West Manchester Township Board of Supervisors granted the following waivers and deferment on April 22, 2021:

**Requested Waivers:**

W1. §121-9. Preliminary Plan.

W2. §121-14.A.1. Drafting standards. The plan scale shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet or 100 feet to the inch.

W3. §121-23.C.1. All existing streets at the perimeter and/or through the development shall be improved according to the Township specifications.



- W4. §121-23.R.4. Access drives which form cul-de-sac shall not exceed 1,600 feet in length, measured from the center line intersection of a street or access drive which is not a cul-de-sac. Access drive cul-de-sac which do not terminate in a parking compound shall be provided at the terminus with a fully paved turnaround with a minimum diameter of 100 feet.
- W5. §121-23.R.5. Vehicular parking is prohibited along access drives. This prohibition must be acknowledged on the plan and properly signed along the cartway.
- W6. §113-14.A.2.A. For modeling purposes: Existing (pre-development) non-forested pervious areas must be considered meadow.
- W7. §113-17.H. Stormwater flow along streets and access drives.

**Deferment:**

D1. §121-25. Sidewalks and Curbs. Sidewalks and curbs shall be provided along the frontage of the entire property unless a waiver of this standard is granted in accordance with §121-11.

MOTION: R. Hickey  
SECOND: S. Harlacher

MOTION PASSED UNANIMOUSLY

**G. T-861 PRELIMINARY/FINAL LAND DEVELOPMENT PLAN FOR TACO BELL:**

Motion to approve a preliminary/final land development plan to demolish the existing Taco Bell drive-through fast-food restaurant and redevelop the lot as part of a shopping center with a Mavis Discount Tire and relocated Taco Bell Drive-Thru fast-food restaurant located at 2179-2189 White Street in the Regional Commercial Zone.

At their regularly scheduled meeting on April 22, 2021, the West Manchester Township Board of Supervisors voted to approve T-861 Preliminary/Final Land Development Plan for Taco Bell (and Mavis Discount Tire) subject to the following comments being addressed prior to recording the plan:

**Subdivision and Land Development Ordinance (SLDO):**

1. §121-14.C.4.b. The location and size of the following features and related rights-of-way: sanitary sewer mains, water supply main, fire hydrants, buildings, swales,

watercourses, bodies of water, floodplains, stormwater management facilities and wooded areas. ***Provide letters documenting ability to serve from the utility. Confirm the waterline sizing to the proposed fire hydrant.***

2. Transportation Impact Statements. §121-14.F.1. Impact statements for residential land uses which exceed 25 lots or units in whole or in part, all nonresidential uses or, upon a determination of need by the Board of Supervisors. ***Provide trip generation data for the proposed project for review and evaluation for additional information needed. Provide an evaluation of the needed stacking lanes at each proposed facility to avoid traffic backing onto White Street for review. Trip generation data is in review. Need confirmation on stack lane lengths. The applicant has stated that they are in discussion with the Township Traffic Engineer. This item is still in process.***
3. Proposed waivers. A statement on the plan indicating any proposed waivers. This statement must be revised, prior to recordation of the plan, to acknowledge the outcome of the requested waiver. §121-14.D.14 ***Revise the waiver table to include the outcome and date of action for the requested waivers. Provide a waiver application for each requested waiver listed on the title sheet of the plan.***
4. Notice from the Pennsylvania Department of Environmental Protection that a sewer facilities plan revision or supplement has been approved. §121-15.F.3 ***The Township must receive an approval letter from PA DEP prior to releasing the plan for recording. The applicant has stated that this documentation shall be provided.***
5. Certifications and notifications. §121-14.G.2 A statement by the individual responsible for the plan to the effect that the survey, plan and/or general data are correct. ***Surveyor's signature will be required prior to the recording of the plan.***
6. Improvement guaranties. §121-16. ***Improvement guaranty is required prior to recording the plan.***
7. Financial Security. §121-17 ***Financial security is required prior to recording the plan. Please submit an estimated cost spreadsheet for the Township Engineer to review.***
8. Engineering escrow shall be delivered to the Township, prior to recording the plan, in the form of a check payable to the Township in the amount equal to 3.5% of the bond or other security. If the amount furnished is not sufficient to cover inspections, administrative and other related costs, the applicant shall furnish additional amounts from time to time, when notified to do so. §121-17.D ***Provide engineering escrow prior to recording the plan.***
9. Maintenance guaranty. §121-19. ***A maintenance guaranty will be required for 18 months.***
10. As-built plans. §121-21. Upon completion of all required improvements and prior to the issuance of occupancy permits, the applicant shall submit an as-built plan showing the location, dimension and elevation of all public improvements. In addition, the plan shall indicate the resultant grading, drainage structures, and/or drainage systems and erosion and sediment control practices, including vegetative measures, are in substantial conformance with the previously approved drawings and specifications. The plan shall not all deviation from the previously approved drawings. ***Two copies of the plan shall be submitted to the Township, which shall***

*distribute one copy to the Township Engineer and retain one copy for the Township files. The applicant has acknowledged this requirement.*

11. Sanitary sewage disposal. §121-34 A *sewer planning module revision has been submitted to the Township for review. Approval from PA DEP is required prior to recording the plan. (6 EDUs) The applicant has acknowledged this requirement*

**General Comments:**

1. The notarized signature of the owner(s) shall be affixed to the plan prior to approval by the Board of Supervisors (§121-15.F.4)
2. The applicant shall obtain the necessary NPDES stormwater discharge permit, and provide all necessary documentation, including an approved E&S control plan.
3. Applicant shall provide an easement agreement for review and approval by the Township Solicitor and Board of Supervisors indicating the applicant/property owner of 2179-2189 White Street is responsible for any repairs or replacement of the Taco Bell drive-through driveway located in the sanitary sewer easement in the event any repairs are required to be made to the sanitary sewer.
4. The applicant shall obtain the necessary NPDES stormwater discharge permit and provide all necessary documentation, including an approved Erosion and Sedimentation Control Plan. *In process.*
5. Truck turning templates shall be provided to verify tractor trailer and local fire truck movement through the site. The largest fire apparatus shall be able to traverse the site. The West Manchester Township Fire Chief should be contacted to review the plans, to verify the size of the largest apparatus and to confirm adequate access is provided for fire control. *The applicant shall provide truck turning out of the entrance with a right-hand turn to confirm if the centerline will be crossed.*
6. The portion of sewer line south of the proposed grease trap/interceptor shall be labeled as to what will be done with the line. Is the line to remain or be removed? If it is to remain, the existing cleanout should be labeled.
7. The HDPE pipe bedding detail – Note #4 shall be revised to note #57 aggregate.
8. Operation & Maintenance Agreement is required.
9. All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)
10. All final plans, as recorded, shall be submitted in electronic format (i.e. PDF)

**Stormwater Management Ordinance (SWMO):**

1. §113-12.I The design of all facilities in areas of carbonate geology or karst topography shall include an evaluation of measures to minimize adverse effects, including hydro-geologic studies if required by the Township. *The PCSM noted nearby Karst features, but it is unclear whether they are on this parcel or not. A note has been provided stating “A professional geologist or geotechnical engineer in addition to the Township shall be contacted upon the discovery of any sinkhole*

*or carbonate geology formations during construction of the stormwater management facilities.” No further action is required at this time.*

2. §113-17.N.6 The applicant shall provide on the recorded plan the following note: “I, \_\_\_\_\_, certify that the proposed detention basins (circle one) are/are not underlain by limestone.” ***The applicant has stated that the note shall be added to prior to final approval – no further action is required at this time.***
3. §113-18.E.9 The SWM site plan shall include an operation and maintenance plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities. **An O&M agreement shall be executed and recorded in accordance with §113-27.**
4. A notarized signature of the owner of the parcel for which the SWM site plan is proposed indicating that they are aware of and will be responsible for operation and maintenance of the facilities ***The applicant has stated that the signatures shall be added prior to BOS signatures. No further action is required at this time.***
5. §113-18.E.19 The name of the development, the name and address of the property owner, and the name and address of the individual or firm preparing the plan must be added. Also to be included are the name, address, signature and seal of any engineer, landscape architect, or professional geologist (for geomorphological assessments) contributing to and/or with a responsibility for any aspect of the plan where applicable. Property owner, surveyor, PE and PG names, addresses and signatures are required. ***The applicant has stated that the specified addresses and signatures shall be added prior to final approval. No further action is required at this time.***
6. §113-25.A&B Provide as-built drawings and completion certificate upon completion of the stormwater management facilities. ***The applicant has stated that the noted information shall be provided prior to final approval. No further action is required at this time.***
7. §113-27.A Provide an executed O&M agreement prior to the plan being recorded. ***The applicant has stated that the noted information shall be provided. No further action is required at this time.***
8. §113-28 Provide a financial guaranty for all stormwater management facilities. ***The applicant has stated that the noted information shall be provided. No further action is required at this time.***
9. The applicant shall provide the revised details for the Detention Basin details RG-01 through 05. The 2 through 100 year storm data shall be updated to match the report and PCSM plans.
10. The profile of the Mavis Sanitary Line profile calls out a separation of 51.4 feet between utilities. Please revise.

11. Locations of proposed waterline crossings shall be called out in profile. A minimum 18 inch vertical separation shall be provided between utilities. No less than three feet of cover shall be provided or below recorded frost penetration.
12. A detail shall be provided for the outfall endwalls/flared end sections.

**Trip Generation Review:**

1. The AM and PM peak hour site traffic must be calculated based on the peak hour of the adjacent street, not the peak hour of the generator.
2. The scope of the required impact statement must consist of a site access evaluation including HCM capacity analysis (level of service and delay), queueing analysis and right turn lane warrant analysis at the existing site access for the buildout conditions.
3. The presented trip generation information presented the AM and PM peak hour site traffic for the development (generator) but not for the peak hour of the adjacent street, as is preferred. Utilizing the peak hour of the adjacent street has the effect of reducing the AM and PM trip generation slightly in this instance.
4. Recalculated peak hour site trips only result in an increase of 17 trips during the AM and 19 trips during the PM, which is a minor impact. However, the Saturday peak is proposed to increase traffic by 51 additional trips which could have an effect on the site access.
5. Since this is a shared access with Hoss's, with only one way in/out, insufficient information has been presented to evaluate the full volume of traffic utilizing the driveway and the impact the additional site trips may have.

The West Manchester Township Board of Supervisors granted the following waivers on April 22, 2021:

**Requested Waivers:**

- W1. Preliminary Plan. §121-9
- W2. Impact Statements. §121-14.F (Transportation Impact Statement)
- W3. Improvements to existing streets. §121-23.C
- W4. A waiver for freeboard from the 100-year storm. §113-17.E.1
- W5. Minimum storm pipe diameter required 15 inches. Proposed 12 inches. §113-17.K

MOTION: S. Harlacher  
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

H. APPLICATION FOR PAYMENT: Motion to approve application for payment number four (4) to Mr. Rehab LLC for the Zarfoss to Market St. Sewer Improvement project. The requested amount is \$9,559.32.

MOTION: R. Hickey  
SECOND: S. Harlacher

MOTION PASSED UNANIMOUSLY

**ADMINISTRATIVE REPORTS:**

- A. RECREATION DIRECTOR: Director Trimmer's report was reviewed. No further questions.
- B. FINANCE DIRECTOR: Director Whittaker's report was reviewed. No further questions.
- C. FIRE CHIEF: Chief Laughman's report was reviewed. No further questions.
- D. POLICE CHIEF: Chief Snyder's report was reviewed. No further questions.
- E. TOWNSHIP MANAGER: Manager Kelch's report was reviewed. Manager Kelch informed the public and Board that staff has been looking into other alternatives for the Township sanitary lines to possibly be directed to Dover Township, or aiding in expanding their current plant. The discussions have been positive, and Manager Kelch will keep the Board and public updated.
- F. ENGINEER: Engineer Cordaro's report was reviewed. No further questions.
- G. ZONING OFFICER: Officer Sampere's report was reviewed. No further questions.
- H. SOLICITOR: Solicitor Herrold's report was reviewed. No further questions.
- I. PUBLIC WORKS DIRECTOR: Director Callahan's report was reviewed. No further questions.

**BILLS:** Motion to pay bills as presented:

<b><u>FUNDS</u></b>	<b><u>CHECK NO.</u></b>	<b><u>AMOUNT</u></b>
General Fund	30410-30543	\$ 854,245.39
Liquid Fuels	990-998	\$ 8,060.05
Sewer Fund	4750-4799	\$ 897,116.31
Payroll#07 Pay Ending 03/27/21	Paytime Vouchers	\$ 111,153.67
Payroll#08 Pay Ending 04/10/21	Paytime Vouchers	\$ 119,184.83

MOTION: R. Hickey  
SECOND: S. Harlacher

MOTION PASSED UNANIMOUSLY

**ADJOURNMENT:**

A. Vice Chairman Harlacher and Chairperson Hickey took the time to thank Manager Kelch and each Township Director for their individual work over the past year since the COVID-19 Pandemic began.

Motion to adjourn the regular meeting at 7:24 p.m.

MOTION: S. Harlacher  
SECOND: R. Hickey

MOTION PASSED UNANIMOUSLY

Attest:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

\_\_\_\_\_  
Supervisor