

MINUTES
WEST MANCHESTER TOWNSHIP
PLANNING COMMISSION
DATE: January 10, 2023

The meeting was called to order by David Beecher at 7:00 P.M. Members present: David Beecher, Patrick Hein, Richard Gordon, Sonia Wise and Fred Walters. Others present: Rachelle Sampere, Township Zoning Officer

Tonight's Planning Commission meeting was held in person and broadcasted live over Zoom for viewing purposes only. The Zoom link was posted on the West Manchester Township website under "Latest and Breaking News". Questions and comments were not taken over the Zoom forum.

REORGANIZATION

MOTION: by Richard Gordon to re-elect David Beecher as Chairman of the Planning Commission for 2023.
SECOND: by Fred Walters
MOTION PASSED: 3-0 (Hein Absent, Beecher Abstain)
ACCEPTED: by David Beecher

MOTION: by Sonia Wise to re-elect Patrick Hein as Vice-Chairman of the Planning Commission for 2023.
SECOND: by Fred Walters
MOTION PASSED: 4-0 (Hein Absent)
ACCEPTED: by Patrick Hein (arrived late)

MOTION: by Fred Walters to re-elect Richard Gordon as Secretary of the Planning Commission for 2023.
SECOND: Sonia Wise
MOTION PASSED: 3-0 (Gordon Abstain, Hein Absent)
ACCEPTED: by Richard Gordon

APPROVAL OF MINUTES

MOTION: by Sonia Wise to approve the December 13, 2022, meeting minutes as presented.
SECOND: by Richard Gordon
MOTION PASSED: 3-0 (Abstain – Hein and Walters)

ZONING HEARING BOARD CASES

ZHB 23-01 – Forman Sign Company c/o Dan Flaville for Delco Plaza, LP – requests a variance §150-283.B Sign Chart P-9D to increase the allowable size of an attached sign for an individual use within a shopping center (European Wax Center tenant space) **located at 1211 Carlisle Road** (Tax Map: JH; Parcel: 0055B) in the Regional Commercial Zone.

Mr. Pierre Masalini, owner of the European Wax Center store, presented the variance request. He stated that the sign company requested that he attend tonight's meeting. Mr. Masalini explained that the Zoning Ordinance currently allows for ¼ sq. ft. per linear feet of storefront for the area of the sign. Based upon the size of his storefront, he would only be permitted 5 sq. ft. of signage per outside wall. Mr. Masalini is requesting that he be allowed to install a 20 sq. ft. sign on the front and rear exterior walls to increase

visibility for clients.

MOTION: by Motion by Sonia Wise to recommend the Zoning Hearing Board grant the variance request to allow a maximum of 20 sq. ft. attached wall sign on the front and rear wall of the tenant space.

SECOND: by Richard Gordon

MOTION PASSED: Unanimously (5-0)

ZHB 23-02 – Dameon Wilson – requests to appeal the notice of violation and in the alternative requests a variance §150-51 permitted uses to allow an accessory building as a principal use on a property to house chickens **located on a vacant lot on Carlisle Road** (Tax Map: 09; Parcel: 0067B) in the R-3 Residential Zone.

Mr. Dameon Wilson explained that he had received a notice of violation for keeping chickens on his vacant lot along Carlisle Road. Mr. Wilson explained that the chickens are his pets and he does not agree with the Zoning Ordinance's current definition of "Domestic Pets". He said the definition is vague and that chickens are able to be purchased locally as pets in stores such as Tractor Supply or Agway. Mr. Gordon asked how this was brought to the Township's attention. Mr. Wilson said that it was an anonymous tip. Ms. Sampere read the Zoning Ordinance's definition of domestic pets to the Planning Commission members which states: "The noncommercial keeping of adult nonfarm animals that are locally available for purchase as pets, as an accessory use to a primary residential use, provided such accessory use does not create a nuisance by reason of noise, dust, odor, appearance or other objectionable factors which have a substantial adverse effect on the reasonable use and enjoyment of surrounding properties." Ms. Sampere's interpretation is that chickens are considered farm animals, therefore the Zoning Officer's interpretation should be upheld. Dr. Beecher and Mr. Gordon agreed with Zoning Officer Sampere that chickens are considered farm animals and that the Township's position is that the R-3 Residential Zone should be kept residential and not allow agricultural uses therein. Mr. Walters disagreed with Mr. Gordon and said that he would prefer to see backyard chickens on a residential property rather than allow numerous dogs on a residential property, as backyard chickens produce less animal waste than multiple large dogs on some residential lots.

MOTION: by Richard Gordon to recommend the Zoning Hearing Board deny the applicant's appeal and uphold the Zoning Officer's notice of violation.

SECOND: by Sonia Wise

MOTION PASSED: 4-1 (Walters – Nay)

Mr. Wilson explained to the Planning Commission members that the vacant property currently occupied by his chickens and their coop/run is not a buildable lot, as there are overhead powerlines that go through the middle of the parcel from front to back. There is no room to construct a permitted principal dwelling such as a house. Mr. Wilson was unaware that a permit would be required to construct/install the chicken coop building and wasn't aware that chickens would not be permitted in the residential zone. He proposed to the Board of Supervisors, at their December 15, 2022 public meeting, that the Zoning Ordinance language should be amended to allow chickens in residential zones. Mr. Wilson would like to participate in updating the language of the Zoning Ordinance.

MOTION: by Sonia Wise to recommend the Zoning Hearing Board approve the variance subject to the following conditions:

1. There shall be no roosters.
2. The keeping of chickens shall not be commercial in nature.
3. The chicken coop and run shall be kept in good repair.
4. The maximum number of chickens shall be 4 per 1/3 acre.
5. The chicken coop and run shall not be located within any front yard area.
6. The maximum size of the chicken coop shall not exceed 6'x8' and the maximum area of the run shall not exceed 9'x13'.
7. So that domestic chickens do not adversely impact the surrounding neighborhood, residents shall maintain enclosures in a clean, dry and odor-free environment while providing adequate sun and shade. Additionally, to protect hens from rodents and predators, residents should build structures with sturdy wire fencing wrapped on all sides.

SECOND: Fred Walters

MOTION PASSED: 3-2 (Beecher and Gordon – Nays)

ZHB 23-03 – Bryn Gohn – requests to appeal the notice of violation and in the alternative requests a variance §150-230.A to park a trailer in the driveway of a corner lot on the non-address road frontage **located at 1995 Niagara Lane** (Tax Map: 26; Parcel: 0017) in the R-2 Residential Zone.

Mr. Gohn stated that he had received a notice of violation for storing/parking his trailer in his driveway on the non-address frontage of his residential corner lot. Mr. Gohn stated that he disagreed with the Zoning Officer's interpretation of Section 150-230.A because his trailer does not have more than two axles. Ms. Sampere read the section of the Zoning Ordinance to the Planning Commission members which states: "Recreational vehicles, boats, campers, trailers and trucks. In any residential zones, no boats, campers, recreational vehicles, trailers and/or trucks with more than two axles, except personal pickup trucks, shall be stored or parked within any front yard." Ms. Sampere's interpretation is that this section of the ordinance does not refer to the number of axles on a trailer but refers to the number of axles on a truck. Mr. Gordon said that he agrees with the Zoning Officer's interpretation of this ordinance and that the Township's position is to keep residential zones looking residential rather than commercial. Mr. Gohn offered that this trailer is not a commercial trailer. It is used for his hobby, for his race car. Mr. Hein asked if there was room to store the trailer elsewhere on the property. Mr. Gohn stated that due to the existing layout of the property, storing the trailer in the second driveway is the best option. There is no room to access the backyard without first driving the trailer onto a neighboring property.

MOTION: by Richard Gordon to recommend the Zoning Hearing Board deny the applicant's appeal and uphold the Zoning Officer's interpretation.

SECOND: by David Beecher

MOTION PASSED: Unanimously (5-0)

MOTION: by Patrick Hein to recommend the Zoning Hearing Board grant the requested variance to allow the applicant to park/store the trailer within the front yard area of a non-address road frontage subject to the following condition:

1. The trailer must be parked in the second driveway.

SECOND: by David Beecher

MOTION PASSED: Unanimously (5-0)

ZHB 23-04 – APJ Foundation, LLC c/o Abdullah M. Jamison – requests a special exception §150-289 to expand/alter an existing nonconforming use (automobile repair) to include a paint booth **located at 320 South Richland Avenue** (Tax Map: 17; Parcel: 0187) in the Local Commercial Zone.

Attorney Kurt Blake and Mr. Abdullah Jamison presented the special exception request. Attorney Blake stated that the property had been utilized as a used car sales with minor incidental repair for many years. Recently, Mr. Jamison wanted to expand the use of the property to incorporate the use of a paint booth. The proposed paint booth would be located where the previous carport was located adjacent to the existing building. The paint booth is approximately 9.5'x24'. The carport that was recently removed was 448 sq. ft. The proposed paint booth is 228 sq. ft. The paint booth has a down draft system/ vent system. It would meet the requirements of EPA and PA DEP. Mr. Jamison works with youths teaching them the skills to repair vehicles as part of the APJ Foundation in honor of his late son. Mr. Jamison feels that this expansion would enable him to better serve the community and would give opportunities to youths in the community.

MOTION: by Richard Gordon to recommend the Zoning Hearing Board grant the special exception subject to the following conditions:

1. The automobile service and repair facility must meet all standards contained in West Manchester Township Zoning Ordinance §150-312.
2. A building permit and required PA UCC inspections will be required prior to installing the paint booth.
3. The paint booth may not encroach into any required building setbacks.

SECOND: Fred Walters

MOTION PASSED: Unanimously (5-0)

NEW BUSINESS

There were no new subdivisions nor land development plans submitted for review at this month's meeting.

DISCUSSION

Dr. Beecher asked Zoning Officer Sampere for an update on the proposed comprehensive plan update for 2023. Ms. Sampere stated that the Board of Supervisors is currently reviewing materials received from the Comprehensive Plan RFP respondents. She anticipates that the Board will select a firm in the next few months. The Township is currently working through the strategic plan process and the comprehensive plan will follow shortly thereafter.

ADJOURN

MOTION: by Sonia Wise to adjourn.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (3-0)

The meeting was adjourned at 8:15 p.m.