

MINUTES  
WEST MANCHESTER TOWNSHIP  
PLANNING COMMISSION  
DATE: January 12, 2021

The meeting was called to order by Ronald Ruman at 7:00 P.M. Members present: Richard Gordon, Patrick Hein, Fred Walters and David Beecher; Others present: Rachelle Sampere, Township Zoning Officer and Thomas Godfrey, PE from Dawood Engineers (via Zoom)

Tonight's Planning Commission meeting was not held at the Township Building due to the COVID-19 pandemic and the Governor's recommendations for large groups not to gather indoors; instead, the meeting was held via the "Zoom" application and broadcasted live over the West Manchester Township Parks & Recreation Facebook page.

**REORGANIZATION**

MOTION: by Richard Gordon to nominate Ronald Ruman for Chairman.  
SECOND: by David Beecher  
ACCEPTED: by Ronald Ruman  
MOTION PASSED: Unanimously (5-0)

MOTION: by Richard Gordon to nominate David Beecher for Vice-Chairman.  
SECOND: Patrick Hein  
ACCEPTED: David Beecher  
MOTION PASSED: Unanimously (5-0)

MOTION: by Ronald Ruman to nominate Richard Gordon for Secretary.  
SECOND: by David Beecher  
ACCEPTED: Richard Gordon  
MOTION PASSED: Unanimously (5-0)

**APPROVAL OF MINUTES**

MOTION: by Richard Gordon to approve the November 10, 2020 meeting minutes.  
SECOND by: Patrick Hein  
MOTION PASSED: 4-0 (1 Abstain – Walters)

**ZONING HEARING BOARD CASES**

**ZHB Case #21-01 – 1014 N. 3<sup>rd</sup> Street, LLC c/o Paul Peffley** requests a Special Exception §150-290 to substitute one nonconforming use (manufacturing/industrial) with another nonconforming use (various commercial); a Variance §150-86 to allow multiple uses in the building and a Variance §150-83 of the permitted uses to allow uses in the building not specifically permitted in the Local Commercial zone **located at 300 South Richland Avenue** (Tax Map: 17; Parcel: 0111) in the Local Commercial (LC) Zone.

Attorney David A. Jones, II, of Stock and Leader, Attorneys at Law presented the variance request. Also participating in the virtual planning commission meeting was the applicant, Mr. Paul Peffley. Attorney Jones stated that this property is currently owned by Bickel's Snacks, but is under contract for purchase by his client. The property was used for manufacturing/industrial uses for many years. The property has been on the market for over a year. The owner has had

difficulty in selling the property, as it has been used as an existing nonconformity. Manufacturing and industrial uses are not permitted in the Local Commercial zone where this property is situated. The property consists of a building of 40,000+/- square feet which covers the majority of this property. Parking is very limited; however, Bickel's has used an adjacent parcel (0185A) for parking. Lot 0185A is owned by Bickel's and is currently under contract for purchase by the applicant. Attorney Jones explained that finding someone to purchase this building has been tough for the owner, as the building is too large for one tenant. In its current state, it would not be conducive for manufacturing with the wood floors that have been there since the building was originally constructed. The requested special exception and variances would allow the prospective buyer to retrofit the building suitable for smaller tenants. Attorney Jones stated that the applicant wishes to narrow his request eliminating a few of the uses he originally requested for the property. The amended request is to allow the permitted uses within the Local Commercial Zone in addition to the following proposed uses: Contractor's Office or Storage, Warehouse/Self-storage, Auto Repair/storage, Small Engine Repair, Appliance Sales and Repairs, and Pet Grooming. Mr. Peffley stated that there would be no outdoor storage. All storage would be limited to inside the existing building. Attorney Jones also explained that their variance request is to allow multiple uses within the building, where the Local Commercial Zone only allows one permitted use on the lot except where one dwelling unit is located within the same building. Mr. Hein asked whether the adjacent parking lot would be adequate for the three (3) properties included in tonight's meeting, as ZHB Case #21-02 and ZHB Case #21-03 appear to be for similar requests for adjacent parcels. Dr. Beecher stated that the uses permitted would be dictated by the number of parking spaces the Zoning Ordinance requires. Ms. Sampere stated that as part of the occupancy permit application, the Zoning Officer would review the parking requirements for adequacy before issuing a permit. Mr. Peffley stated that this is not the first time he has acquired a non-conforming parcel and retrofitted it to contribute to the municipality's tax base. Attorney Jones stated that finding a single tenant to use a 40,000 square-foot tenant space is slim to none, especially during the covid-pandemic era.

MOTION: by Richard Gordon to recommend the Zoning Hearing Board approve the revised variance request to include the uses permitted within the Local Commercial Zone and the following requested uses: Contractor's Office or Storage, Warehouse/Self-storage, Auto Repair/Storage, Small Engine Repair, Appliance Sales and Repairs and Pet Grooming, Multiple permitted uses may be located within the building as long as the adjacent parking lot on Lot 185A owned by the applicant can accommodate all the uses within the building as per the Schedule of Parking Spaces as per Section 150-263 of the West Manchester Township Zoning Ordinance. There shall be no outdoor storage.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (5-0)

**ZHB Case #21-02 – 1014 N. 3<sup>rd</sup> Street, LLC c/o Paul Peffley** requests a Special Exception §150-290 to substitute one nonconforming use (manufacturing/industrial) with another nonconforming use (various commercial); a Variance §150-86 to allow multiple uses in the building and a Variance §150-83 of the permitted uses to allow uses in the building not specifically permitted in the Local Commercial zone **located at South Richland Avenue** (Tax Map: 17; Parcel: 0185) in the Local Commercial (LC) Zone.

Attorney David A. Jones, II, of Stock and Leader, Attorneys at Law presented the variance request. Also participating in the virtual planning commission meeting was the applicant, Mr. Paul Peffley. Attorney Jones stated that this property is currently owned by Bickel's Snacks, but is under contract for purchase by his client. The property was used for manufacturing/industrial

uses for many years. The property has been on the market for over a year. The owner has had difficulty in selling the property, as it has been used as an existing nonconformity. Manufacturing and industrial uses are not permitted in the Local Commercial zone where this property is situated. The property consists of a building of approximately 28,000+/- square feet which covers the majority of this property. Parking is very limited; however, Bickel's has used an adjacent parcel (0185A) for parking. Lot 0185A is owned by Bickel's and is currently under contract for purchase by the applicant. Attorney Jones explained that finding someone to purchase this building has been tough for the owner, as the building is too large for one tenant. In its current state, it would not be conducive for manufacturing with the wood floors that have been there since the building was originally constructed. The requested special exception and variances would allow the prospective buyer to retrofit the building suitable for smaller tenants. Attorney Jones stated that the applicant wishes to narrow his request eliminating a few of the uses he originally requested for the property. The amended request is to allow the permitted uses within the Local Commercial Zone in addition to the following proposed uses: Contractor's Office or Storage, Warehouse/Self-storage, Auto Repair/storage, Small Engine Repair, Appliance Sales and Repairs, and Pet Grooming. Mr. Peffley stated that there would be no outdoor storage. All storage would be limited to inside the existing building. Attorney Jones also explained that their variance request is to allow multiple uses within the building, where the Local Commercial Zone only allows one permitted use on the lot except where one dwelling unit is located within the same building. Mr. Hein asked whether the adjacent parking lot would be adequate for the three (3) properties included in tonight's meeting, as ZHB Case #21-02 and ZHB Case #21-03 appear to be for similar requests for adjacent parcels. Dr. Beecher stated that the uses permitted would be dictated by the number of parking spaces the Zoning Ordinance requires. Ms. Sampere stated that as part of the occupancy permit application, the Zoning Officer would review the parking requirements for adequacy before issuing a permit. Mr. Peffley stated that this is not the first time he has acquired a non-conforming parcel and retrofitted it to contribute to the municipality's tax base. Attorney Jones stated that finding a single tenant to use a 28,000 square-foot tenant space is slim to none, especially during the covid-pandemic era.

MOTION: by Patrick Hein to recommend the Zoning Hearing Board approve the revised variance request to include the uses permitted within the Local Commercial Zone and the following requested uses: Contractor's Office or Storage, Warehouse/Self-storage, Auto Repair/Storage, Small Engine Repair, Appliance Sales and Repairs and Pet Grooming, Multiple permitted uses may be located within the building as long as the adjacent parking lot on Lot 185A owned by the applicant can accommodate all the uses within the building as per the Schedule of Parking Spaces as per Section 150-263 of the West Manchester Township Zoning Ordinance. There shall be no outdoor storage.

SECOND: by David Beecher

MOTION PASSED: Unanimously (5-0)

**ZHB Case #21-03 – 1014 N. 3<sup>rd</sup> Street, LLC c/o Paul Peffley** requests a Special Exception §150-290 to substitute one nonconforming use (manufacturing/industrial) with another nonconforming use (various commercial); a Variance of §150-12.1 to allow multiple uses in the building; a Variance of §150-69 of the permitted uses to allow uses in the building not specifically permitted in the R-5 Residential Zone **located at South Richland Avenue & West College Avenue** (Tax Map: 17; Parcel: 0110) in the R-5 Residential Zone.

Attorney David A. Jones, II, of Stock and Leader, Attorneys at Law presented the variance request. Also participating in the virtual planning commission meeting was the applicant, Mr. Paul Peffley. Attorney Jones stated that this property is currently owned by Bickel's Snacks, but is

under contract for purchase by his client. The property was used for manufacturing/industrial uses for many years. The property has been on the market for over a year. The owner has had difficulty in selling the property, as it has been used as an existing nonconformity. Manufacturing and industrial uses are not permitted in the R-5 Residential zone where this property is situated. The property consists of a building of 18,000+/- square feet which covers the majority of this property. Parking is very limited; however, Bickel's has used an adjacent parcel (0185A) for parking. Lot 0185A is owned by Bickel's and is currently under contract for purchase by the applicant. Attorney Jones explained that finding someone to purchase this building has been tough for the owner, as the building is too large for one tenant. In its current state, it would not be conducive for manufacturing with the wood floors that have been there since the building was originally constructed. The requested special exception and variances would allow the prospective buyer to retrofit the building suitable for smaller tenants. Attorney Jones stated that the applicant wishes to narrow his request eliminating a few of the uses he originally requested for the property. The amended request is to allow the permitted uses within the Local Commercial Zone in addition to the following proposed uses: Contractor's Office or Storage, Warehouse/Self-storage, Auto Repair/storage, Small Engine Repair, Appliance Sales and Repairs, and Pet Grooming. Mr. Peffley stated that there would be no outdoor storage. All storage would be limited to inside the existing building. Attorney Jones also explained that their variance request is to allow multiple uses within the building, where the R-5 Residential Zone only allows one permitted use on the lot. Mr. Ruman asked if the property will be screened from the adjacent residential properties. Mr. Peffley and Attorney Jones stated that the building appears to sit on the property line and there is nowhere to add screening. Mr. Peffley stated that he would be agreeable to installing sound-proofing materials to the interior western wall to provide noise mitigation to the surrounding residential properties. Mr. Hein asked whether the adjacent parking lot would be adequate for the three (3) properties included in tonight's meeting, as ZHB Case #21-02 and ZHB Case #21-03 appear to be for similar requests for adjacent parcels. Dr. Beecher stated that the uses permitted would be dictated by the number of parking spaces the Zoning Ordinance requires. Ms. Sampere stated that as part of the occupancy permit application, the Zoning Officer would review the parking requirements for adequacy before issuing a permit. Mr. Peffley stated that this is not the first time he has acquired a non-conforming parcel and retrofitted it to contribute to the municipality's tax base. Attorney Jones stated that finding a single tenant to use a 18,000 square-foot tenant space is slim to none, especially during the covid-pandemic era.

MOTION: by Richard Gordon to recommend the Zoning Hearing Board approve the revised variance request to include the uses permitted within the R-5 Residential Zone, Local Commercial Zone and the following requested uses: Contractor's Office or Storage, Warehouse/Self-storage, Auto Repair/Storage, Small Engine Repair, Appliance Sales and Repairs and Pet Grooming, Multiple permitted uses may be located within the building as long as the parking lot on Lot 185A owned by the applicant can accommodate all the uses within the building as per the Schedule of Parking Spaces as per Section 150-263 of the West Manchester Township Zoning Ordinance. There shall be no outdoor storage. The interior of the western wall should be sound-proofed due to protect the neighboring R-5 Residential properties since outdoor vegetative screening is not possible.

SECOND: by Patrick Hein

MOTION PASSED: Unanimously (5-0)

**ZHB Case #21-04 – Celebrity Cheer, LLC** requests a Variance §150-188 to allow a commercial school (cheerleading and gymnastics instruction) **located at 3564 Gillespie Drive** (Tax Map: IG; Parcel: 052G) in the I-3 General Industrial Zone.

Ms. Sampere stated that she received a letter from the applicant's attorney, Rebecca M. Shanaman of CGA Law Firm, requesting to withdraw the variance application for Celebrity Cheer, LLC.

MOTION: by David Beecher to accept the request to withdraw the variance application for ZHB Case #21-04 for Celebrity Cheer, LLC.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (5-0)

**ZHB Case #21-05 – Trone Outdoor Advertising** requests a Special Exception §150-189.A and §150-315 to construct a billboard; a Variance §150-315.C to reduce the required setback from the street right-of-way from 35' to 1'; a Variance §150-315.F to allow a billboard to exceed the maximum 25' height to the requested 32' height **located at N. Zarfoss Drive** (Tax Map: IG; Parcel: 0058B) in the I-3 General Industrial Zone.

Attorney Jayne Katherman of Barley Snyder presented the variance request on behalf of the applicant, Trone Outdoor. Mr. Neal Metzger of Site Design Concepts also presented the request. Attorney Katherman informed the planning commission members that the property owner is 3625 Mia Brae, LP. John Trone of Trone Outdoor Advertising is the applicant. The property owner and applicant desire to install a billboard which is permitted by special exception in the I-3 General Industrial Zone. Mr. Metzger stated that the property is 2.51 acres. The property currently consists of a comcast utility building. The property is situated between US Route 30 and North Zarfoss Drive. The request is for one billboard to be located outside of the wetlands on the property. A similar request was approved by the Zoning Hearing Board in 2019 for the property to the east of parcel 58B, which is also owned by 3625 Mia Brae, LP. Mr. Metzger stated that this request is for a double-sided billboard to be located one (1) foot from the Route 30 right-of-way. Mr. Hein asked if the Township was permitted to allow a billboard that close to the Penn DOT right-of-way. Mr. Metzger stated that the applicant is required to get a permit from Penn DOT. Penn DOT recognizes the setback set by the municipality. Mr. Metzger also explained that the request is to allow the billboard to be 32' high instead of the required 25' high. Mr. Metzger explained that due to the slope of the land and the grade of US Route 30 being higher than the grade of the subject parcel, the additional height is needed for the billboard to be adequately seen by motorists travelling westbound on Route 30 giving them more time to read the billboard. Mr. Hein asked how the billboard will be accessed for maintenance. Mr. Metzger stated that there will be no access from Route 30. All access to the property will be off of North Zarfoss Drive. Mr. Hein asked if the billboard will be static or digital. Mr. Trone stated the billboard will be static. Mr. Metzger informed the planning commission members that the billboard will meet the rest of the requirements listed under the billboard special exception. The billboard will be 294 square feet. The applicant is also requesting 18 months to obtain a building permit varying from the six (6) months the zoning ordinance requires due to the Covid-19 pandemic. Processing paperwork via the various required entities has been difficult due to the current state of emergency in Pennsylvania.

MOTION: by Fred Walters to recommend the Zoning Hearing Board approve the special exception and variances, as requested, including the request for 18 months to obtain a building permit.

SECOND: by David Beecher

MOTION PASSED: Unanimously (5-0)

## **NEW BUSINESS**

**T-858 Final Land Development Plan for Cottontail Solar 2, LLC** for a solar energy farm located along New Salem Road in the Agricultural Zone. *Briefing.*

The planning commission members were briefed by the applicants: Jessie Audette of Lightsource BP, Mike Reed of Lightsource BP, William Schneider of TRC and Dan Bole of Bole Renewables. The applicants stated that the land development plan was to construct a solar energy farm with inverters, access drives, fencing and screening to connect to the power grid. The applicants met with the West Manchester Township staff, York County Planning Commission and Township Engineer at the in-house review to discuss the submission. The plans were not received by the York County Planning Commission staff by the submission deadline for this month's meeting, therefore the plan was not reviewed in its entirety. The applicant received review memos from the Zoning Officer and the Township Engineer and was advised to make the necessary revisions to the plan and resubmit it for formal review at the February 9, 2021 planning commission meeting. Mr. Schneider explained to the planning commission members that solar energy farms were a permitted use in the Agricultural Zone and Quarry Zone as per the Zoning Ordinance text amendment adopted by the Township. No sanitary sewer or water service will be required because there will be no permanent staff on site. The solar panels will be serviced on an as-needed basis, approximately 3 or 4 times per year. The life of the solar panels is approximately 35 years. All criteria for solar energy farms will be met. The plans will be revised to reflect the requirements of the Zoning Ordinance, Subdivision and Land Development Ordinance and Stormwater Management Ordinance.

Ms. Audette made a presentation regarding solar energy farms and showed how property owners are encouraged to integrate agricultural uses around the solar panels such as: grazing sheep, beehives, and low growing vegetative crops. Ms. Audette stated that they work to preserve the topsoil. They have built many projects in Franklin County, Pennsylvania in accordance with Penn State University.

The presentation was a briefing. No action required. Action is planned to take place at the February 9, 2021 Planning Commission meeting.

**T-859 Final Lan Development Plan for Cottontail Solar 1, LLC** for a solar energy farm at three (3) parcels located along Stoverstown Road and Sunnyside Road in the Agricultural Zone. *Briefing.*

The planning commission members were briefed by the applicants: Jessie Audette of Lightsource BP, Mike Reed of Lightsource BP, William Schneider of TRC and Dan Bole of Bole Renewables. The applicants stated that the land development plan was to construct a solar energy farm with inverters, access drives, fencing and screening to connect to the power grid. The applicants met with the West Manchester Township staff, York County Planning Commission and Township Engineer at the in-house review to discuss the submission. The plans were not received by the York County Planning Commission staff by the submission deadline for this month's meeting, therefore the plan was not reviewed in its entirety. The applicant received review memos from the Zoning Officer and the Township Engineer and was advised to make the necessary revisions to the plan and resubmit it for formal review at the February 9, 2021 planning commission meeting. Mr. Schneider explained to the planning commission members that solar energy farms were a permitted use in the Agricultural Zone and Quarry Zone as per the Zoning Ordinance text amendment adopted by the Township. No sanitary sewer or water service will be required because there will be no permanent staff on site. The solar panels will be serviced on an as-needed basis, approximately 3 or 4 times per year. The life of the solar panels is approximately 35 years. All criteria for solar energy farms will be met. The plans will be revised to reflect the

requirements of the Zoning Ordinance, Subdivision and Land Development Ordinance and Stormwater Management Ordinance.

Ms. Audette made a presentation regarding solar energy farms and showed how property owners are encouraged to integrate agricultural uses around the solar panels such as: grazing sheep, beehives, and low growing vegetative crops. Ms. Audette stated that they work to preserve the topsoil. They have built many projects in Franklin County, Pennsylvania in accordance with Penn State University.

The presentation was a briefing. No action required. Action is planned to take place at the February 9, 2021 Planning Commission meeting.

**T-860 Final Land Development Plan for Cottontail Solar 8, LLC** for a solar energy farm at two (2) parcel **located along Woodberry Road and West College Avenue** in the Agricultural Zone. *Briefing.*

The planning commission members were briefed by the applicants: Jessie Audette of Lightsource BP, Mike Reed of Lightsource BP, William Schneider of TRC and Dan Bole of Bole Renewables. The applicants stated that the land development plan was to construct a solar energy farm with inverters, access drives, fencing and screening to connect to the power grid. The applicants met with the West Manchester Township staff, York County Planning Commission and Township Engineer at the in-house review to discuss the submission. The plans were not received by the York County Planning Commission staff by the submission deadline for this month's meeting, therefore the plan was not reviewed in its entirety. The applicant received review memos from the Zoning Officer and the Township Engineer and was advised to make the necessary revisions to the plan and resubmit it for formal review at the February 9, 2021 planning commission meeting. Mr. Schneider explained to the planning commission members that solar energy farms were a permitted use in the Agricultural Zone and Quarry Zone as per the Zoning Ordinance text amendment adopted by the Township. No sanitary sewer or water service will be required because there will be no permanent staff on site. The solar panels will be serviced on an as-needed basis, approximately 3 or 4 times per year. The life of the solar panels is approximately 35 years. All criteria for solar energy farms will be met. The plans will be revised to reflect the requirements of the Zoning Ordinance, Subdivision and Land Development Ordinance and Stormwater Management Ordinance.

Ms. Audette made a presentation regarding solar energy farms and showed how property owners are encouraged to integrate agricultural uses around the solar panels such as: grazing sheep, beehives, and low growing vegetative crops. Ms. Audette stated that they work to preserve the topsoil. They have built many projects in Franklin County, Pennsylvania in accordance with Penn State University.

The presentation was a briefing. No action required. Action is planned to take place at the February 9, 2021 Planning Commission meeting.

**T-861 Preliminary Land Development Plan for Taco Bell** 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-through fast-food restaurant **located at 2189 White Street** in the Regional Commercial Zone. *Briefing.*

The planning commission members were briefed by Christian Jacobson of the Pettit Group and Joe DePascale, owner of the parcel. The applicants stated that the land development plan was to demolish the existing Taco Bell and reconfigure the lot to reposition a new Taco Bell with two (2) drive-through lanes and to construct a Mavis Discount Tire as part of a shopping center on 2.09 acres. The applicants were granted a variance by the West Manchester Township Zoning

Hearing Board for a shopping center on a lot of less than five (5) acres, for reduced setbacks, reduced parking spaces and increased signs. The applicants met with the West Manchester Township staff, York County Planning Commission and Township Engineer at the in-house review to discuss the submission. The plans were not received by the York County Planning Commission staff by the submission deadline for this month's meeting, therefore the plan was not reviewed in its entirety. The applicant received review memos from the Zoning Officer and the Township Engineer and was advised to make the necessary revisions to the plan and resubmit it for formal review at the February 9, 2021 planning commission meeting

Mr. Jacobson stated that he takes no exception to the comments received and informed the Planning Commission members that he will be resubmitting the plan as a Preliminary/Final Land Development Plan for action at the February 9, 2021 planning commission meeting.

The presentation was a briefing. No action required. Action is planned to take place at the February 9, 2021 Planning Commission meeting.

### **DISCUSSION**

There was no additional discussion.

### **ADJOURNMENT**

MOTION: by David Beecher to adjourn the meeting.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (5-0)

Meeting adjourned at 9:10 p.m.