

MINUTES
WEST MANCHESTER TOWNSHIP
PLANNING COMMISSION
DATE: January 8, 2019

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

REORGANIZATION

MOTION: by Fred Walters to nominate Richard Gordon for Chairman.

SECOND: by Patrick Hein

ACCEPTED: by Richard Gordon

MOTION PASSED: 2-0 (1 Abstain – Gordon)

MOTION: by Fred Walters to nominate Patrick Hein for Vice-Chairman.

SECOND: Richard Gordon

ACCEPTED: by Patrick Hein

MOTION PASSED: 2-0 (1 Abstain – Hein)

MOTION: by Patrick Hein to nominate Fred Walters for Secretary.

SECOND: by Richard Gordon

ACCEPTED: by Fred Walters

MOTION PASSED: 2-0 (1 Abstain – Walters)

APPROVAL OF MINUTES

MOTION: by Patrick Hein to approve the December 11, 2018 meeting minutes.

SECOND: by Fred Walters

MOTION PASSED: 3-0

ZONING HEARING BOARD CASES

ZHB Case 19-01 – Ashkay Joshi (Cell Fix) for Carlisle Commerce Center Associates requests a Variance of Section 150-283 Permitted Permanent Signs and Sign Chart P-9D for Individual Uses within any shopping center complex attached to increase the maximum area permitted **located at 2180 White Street** (Tax Map: JH; Parcel: 0055J) in the Regional Commercial (RC) zone.

Mr. Ashkay Joshi of Cell Fix presented the variance request. Mr. Joshi explained that Cell Fix is a retail store which focuses on repairing cell phones, drones, and various electronic items. Currently he has stores located inside of malls in Reading, Lebanon and York. The new location at 2180 White Street is the first location located in a shopping center/strip mall. Mr. Joshi explained that he wanted to install a sign on the front of his tenant space similar to the other tenants' signs located at 2180-2196 White Street. The current Zoning Ordinance allows ¼ sq. ft per 1 linear foot of wall onto which the sign shall be affixed, not to exceed 100 sq. ft. The tenant space is twenty feet (20') wide which would allow for a maximum of a five (5) square foot sign. Mr. Joshi explained that it would be very difficult to read a sign that small when travelling on White Street or Carlisle Road. Mr. Joshi explained that he is interested in installing a 25.6 square foot illuminated sign, so it is more visible from the street. Mr. Gordon explained that the Township

has heard multiple variance requests regarding the sign ordinance and understands the need for a larger sign. Mr. Hein agreed that a 5 square foot sign would not be easily visible from the street.

MOTION: by Fred Walter to recommend the Zoning Hearing Board approve the variance to increase the maximum area of an attached sign from the allowable 5 square feet to 25.6 square feet located at the tenant space of 2180 White Street.

SECOND: by Patrick Hein

MOTION PASSED: Unanimously (3-0)

ZHB Case 19-02 – Sunrise Holdings, Inc. for Republic York Partnership requests a Variance of Section 150-135 Permitted Uses to allow Automobile Sales and Service **located at 1313 Kenneth Road** (Tax Map: JH; Parcel: 0054D) in the Regional Commercial (RC) zone.

Attorney Craig Sharnetzka of CGA Law Firm located at 135 North George Street presented the variance request on behalf of the owner SP Middletown Land Holdings, LP. And Chris Sechrist of Apple Automotive in York. Attorney Sharnetzka explained to the Planning Commission members that the applicant had changed merely in name since they purchased the property located at 1313 Kenneth Road using the SP Middletown Land Holdings, LP business entity. The property was formerly the Dick's Sporting Goods store which is located in the Regional Commercial zone. Attorney Sharnetzka explained that he and his client met with Township to look at the potential use for Automobile Sales and Service on the property by rezoning the property to the Highway Commercial zone where Automobile Sales and Service is a permitted use. Attorney Sharnetzka explained that he met with Township staff and Sharon Boyer of the York County Planning Commission to discuss possible rezoning or even a text amendment to allow Automobile Sales and Service as a permitted use in the Regional Commercial Zone. Both entities had suggested speaking to the neighboring property owners about rezoning the properties from the Regional Commercial zone to the Highway Commercial zone. Attorney Sharnetzka explained that he had spoken to the owners of Lyndon Diner and Olive Garden and both were supportive of rezoning their properties; however, after several unsuccessful attempts to speak to the owners of Smokey Bones regarding a possible rezoning request, the applicant decided to pursue the variance request instead. The majority of the property located at 1313 Kenneth Road is located in West Manchester Township and small portion of the property is located in the City of York's Employment District. Automobile Sales and Service is a permitted use in the City of York's Employment District. Attorney Sharnetzka explained that this variance request would affect only the property at 1313 Kenneth Road and would keep in character of the neighborhood by extending the car dealerships along Route 30. This would allow a natural extension of the auto-park and would allow the property owner to utilize the property. The existing building on the property is approximately 55,000 square feet. The proposed building would be much smaller in size, to accommodate the automobile sales and service departments approximately 25,000 – 45,000 square feet.

MOTION: by Patrick Hein to recommend the Zoning Hearing Board approve the variance request, as presented, to allow Automobile Sales and Service as a permitted use located at 1313 Kenneth Road.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (3-0)

NEW BUSINESS

T-842 Preliminary/Final Land Development Plan for P3 WMT-1, LLC located at 1230 Roosevelt Avenue

Mr. Kevin Strunk of P3 Towers presented the land development plan. Mr. Strunk explained to the Planning Commission members that they have obtained the special exception and variances necessary in order to begin the land development and building permit process to construct the 120' monopole on 1230 Roosevelt Avenue. Mr. Hein asked if this monopole was replacing the cell tower equipment on the neighboring property's water tower. Mr. Strunk explained that the water tower is dilapidated and would be removed from the neighboring property. The new tower will be located at least thirty-five feet (35') from the side and rear property lines and the equipment pads would be at least thirteen feet (13') from the side property line and fifteen feet (15') from the rear property line as per the approved Zoning Hearing Board Case. The leased space will be enclosed by an eight foot (8') high fence and screened per the ordinance. Ms. Sampere stated that the majority of the comments from the York County Planning Commission, the Township Engineer and herself from the staff's in-house review had been addressed. Mr. Strunk reviewed the waiver requests with the Planning Commission members.

MOTION: by Patrick Hein to recommend the Board of Supervisors grant the following waivers:

W1. Preliminary plan. (§121-9) **The applicant has submitted the plan as a Preliminary/Final Land Development Plan.**

W2. Contours to be shown on the plan. (§121-14.C.1) **The applicant has requested a waiver from detailing the existing contours for areas outside of the proposed improvements.**

W3. Impact Statement. (§121-14.F.)

SECOND: by Fred Walters

MOTION PASSED: Unanimously (3-0)

MOTION: by Patrick Hein to recommend the Board of Supervisors approve T-842 Preliminary/Final Land Development Plan for P3 WMT-1, LLC subject to the outstanding comments being addressed prior to recording the plan.

1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and a communications antenna. (§150-322.2.A) **Please provide documentation from the FCC. (In-house Zoning comment #4)**
2. The applicant shall demonstrate that the proposed communications tower and the communications antenna proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. (§150-322.2.B) **Please provide documentation from the FCC. (In-house Zoning comment #5)**
3. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function. (§150-322.2.H) **Please provide documentation. (In-house Zoning comment #8)**
4. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and a communications antenna. (§150-322.2.M) **Please provide documentation. (In-house Zoning comment #12)**
5. The applicant shall post security with the Township to ensure the removal of the communications tower at the end of its useful life. The security posted by the applicant shall be in an amount determined by the Township Engineer and shall be in the form approved by the Township Solicitor. A communications tower and communications antenna shall be removed within one

year following the termination of the use. (§150-322.2.S) **Financial security shall be required prior to recording the plan.** (*In-house Zoning comment #17*)

6. The signatures and seals of the individuals responsible for the plan shall be affixed to the plan prior to approval by the Board of Supervisors (SLDO: 121-15.F) (*In-house General comment #2*)
7. The notarized signature of the owner(s) shall be affixed to the plan prior to approval by the Board of Supervisors (SLDO: 121-15.F.4) (*In-house General comment #3*)
8. All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.) (*In-house General comment #4*)
9. All final plans, as recorded, shall be submitted in electronic format (i.e. PDF) (*In-house General comment #5*)

SECOND: by Fred Walters

MOTION PASSED: Unanimously (3-0)

Proposed Zoning Ordinance Text Amendment within the Agricultural Zone, Rural Residential Zone and Quarry Zone

150-5 Definitions – to add a new definition for “Solar Energy Farm”

150-14 Permitted Uses – to add “Solar Energy Farm” as a permitted use in the Agricultural Zone

150-24 Permitted Uses – to add “Solar Energy Farm” as a permitted use in the Rural Residential Zone

150-215 Permitted Uses – to add “Solar Energy Farm” as a permitted use in the Quarry Zone

150-357.4 Additional Standards for Special Exceptions and Selected Permitted Uses – to provide use standards for “Solar Energy Farms”

Attorney Andrew Miller of MPL Law Firm presented the proposed Zoning Ordinance Text Amendment relating to Solar Energy Farms. Attorney Miller stated that he was working on behalf of Belltown Power PA, LLC. The request is to add the definition of Solar Energy Farms to the Zoning Ordinance and to include it as a permitted use in the Agricultural Zone, Rural Residential Zone and Quarry Zone. Attorney Miller explained to the Planning Commission members that he and his client had used York County Planning Commission’s solar ordinance as a model for this draft. He also explained that he has been working closely with Township staff and the Township’s Solicitor to draft this text amendment. The text amendment addresses that the solar energy farm is subject to land development plan, reasonable corrective actions addressing glare, parking requirements, decommissioning process and letter of credit or cash escrow for financial security. The text amendment outlines national standards, stormwater, lot size requirements, fencing and screening, access roads and grazing of animals.

Mr. Ed Perron of Belltown Power PA, LLC made a presentation to the Planning Commission members regarding the proposed operation, explaining that the company has many projects in Europe and has been operational since 2013. The company has been operational in the United States, mainly Texas, for the past two (2) years. The company looks for large tracts of land near existing infrastructure and existing commercial/industrial businesses to accommodate their solar energy operation. The solar energy farms lease farmland for approximately thirty-five (35) years and the solar equipment is decommissioned, and the land is returned to farmland at the end of the equipment’s life. There’s virtually no disruption to the farmland, as it can be grazed by animals or pollinators. There’s very little stormwater runoff because the solar panels are not placed on concrete pads.

MOTION: by Patrick Hein to recommend the Board of Supervisors approve the proposed text amendment, as presented, for Solar Energy Farms to be a permitted use in the Agricultural Zone, Rural Residential Zone and Quarry Zone.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (3-0)

Being that there was no additional business, the meeting adjourned at 8:15 p.m.