

MINUTES  
WEST MANCHESTER TOWNSHIP  
PLANNING COMMISSION  
DATE: October 8, 2024

The meeting was called to order by David Beecher at 7:00 p.m.

**ATTENDANCE**

**Planning Commission Members:**

David Beecher, Chairman – Present  
Patrick Hein, Vice-Chairman – Absent  
Felicia Dell – Present  
Fred Walters – Present  
Matthew Biehl – Absent

**Staff:**

Rachelle Sampere, Zoning Officer – Present  
Rainer Niederoest, Dawood Engineers – Present

Tonight's Planning Commission meeting was held in person and broadcasted over Zoom.

**APPROVAL OF MINUTES**

MOTION: by Felicia Dell to approve the September 10, 2024, Planning Commission meeting minutes.

SECOND: by David Beecher

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

**ZONING HEARING BOARD CASES**

**ZHB 24-13 Kimberly Goedert** – requests a variance §150-51.C Permitted Uses to allow a family day care to supervise more than 3 minors (requesting to supervise 6 minors) **located at 2897 Olde Field Drive** (Tax Map: 28; Parcel: 0127) in the R-3 Residential Zone.

Ms. Kimberly Goedert presented the variance request. Ms. Goedert explained that DHS allows up to six children in a family day care facility; however, the Township's Zoning Ordinance only allows fewer than four children in a family day care facility. Ms. Goedert explained her background qualifications to the Planning Commission which includes a degree in childcare, over thirty years of experience working with children, working with Head Start in Pennsylvania for eight years. She's also been a foster parent for many years. While going through the process with the state and with DHS, she discovered that her foster children count toward her daycare ratio. Ms. Goedert fosters children, and they typically remain in her home for many months at a time, in some cases up to fifteen months. Ms. Goedert explained that there is a great need for childcare in the area. She stated that there are currently six daycare facilities in the area, and they all have waiting lists. Ms. Goedert obtained a permit from West Manchester Township and a provisional certificate of childcare from DHS in 2024 to allow three children to be supervised in her family daycare facility. She's currently updating her basement with new carpeting. The proposed daycare area will consist of 500 square feet on the first floor and 432 square feet in the basement. Ms. Goedert explained that a 6' high fence will be installed to enclose her backyard. Ms. Yamalee Applewhite of Community Connections for Children was in attendance and requested to speak to the Planning Commission on behalf of Ms. Goedert. Ms. Applewhite explained that Community Connections for Children assists applicants in obtaining their license. Their agency also supports the applicants after they obtain their license from DHS. They have an ongoing relationship to help them be successful in their endeavors. Ms. Applewhite also explained that Ms. Goedert received a grant from Echo and Bloom to aid in her childcare upgrades.

Dr. Beecher asked what the proposed hours of operation would be for the daycare. Ms. Goedert replied 7:00 a.m. to 5:00 p.m. Ms. Dell asked what prompted Ms. Goedert to start her daycare facility. Ms. Goedert explained her love for children and an interest in developing and teaching her own curriculum. Dr. Beecher asked if there would be anyone else working in the daycare with Ms. Goedert. She replied that she would stay in ratio and would not have anyone working with her. Ms. Dell asked Ms. Sampere if the hardship was created because DHS allows up to 6 children under supervision versus the Township's Zoning Ordinance allowing only fewer than four children to be supervised in a family daycare facility. Ms. Sampere answered that this is something the Township became aware of when the Planning Commission began looking at updating the Zoning Ordinance a few years ago and it has been noted to recommend the definition of a family day care be updated during the Zoning Ordinance update.

MOTION: by Fred Walters to recommend the Zoning Hearing Board grant the variance requested.

SECOND: by Felicia Dell

MOTION PASSED: Unanimously (3-0)

**ZHB 24-14 Terry Stump** – requests a variance §150-14 Permitted Uses to allow a parking lot for agricultural laydown yard as a permitted use on the property **located at 1760-1765 Lemon Street** (Tax Map: IH; Parcel: 0033E) in the Agricultural Zone.

Ms. Sampere informed the Planning Commission members that Mr. Terry Stump had visited the office and requested in writing that his Zoning Hearing application fee be refunded as he no longer wants a hearing.

MOTION: by Fred Walters to accept the applicant's request to withdraw the variance application.

SECOND: by Felicia Dell

MOTION PASSED: Unanimously (3-0)

**ZHB 24-15 Prabjot Sing** – requests a special exception §150-289 Nonconforming Uses to alter an existing nonconforming lot with 100% lot coverage; a special exception §150-289 Nonconforming Use to reduce the existing nonconforming number of parking spaces from 14 to 11; and a variance §150-83.C Permitted Uses to convert the existing use into a gas station/convenience store **located at 1885 West Market Street** (Tax Map: 04; Parcel: 0336) in the Local Commercial Zone.

Attorney Jack Elliott of Anstine and Sparler presented the application on behalf of the property owner. Attorney Elliott explained that the property owner purchased the former Moses' garage (automobile repair) and Gulf gas station. The existing nonconforming property is under 10,000 square feet and is 100% covered by impervious surface. The special exception request is to alter the existing nonconformity. The property owner's desire is to alter the existing building to convert it from an automobile repair garage to a convenience store. A variance is being requested because a convenience store is not a permitted use in the Local Commercial zone. The existing building footprint will not be expanded. The existing gas pumps are functional, and the property owner intends to continue the use of them. Attorney Elliott explained that the proposed use would be less cumbersome on the surrounding properties, as there would no longer be any outside storage of materials and tires, there would no longer be the storage of cars on the lot waiting to be repaired, etc. He believes there would be a decrease in traffic to and from the site. The applicant is requesting a special exception to reduce the required number of parking spaces from 14 to 11 spaces which includes 4 parking spaces at the gas dispensers. Attorney Elliott explained that one parking space is needed per 100 square feet of floor area for public use plus one parking space for each

employee on the 2 largest shifts. Attorney Elliott explained that this convenience store would not offer made to order or prepare food for pick up. All products are prepacked and delivered to the store by a box truck. Fuel would be delivered to the property via tankers just as it has been done for many years. Attorney Elliott explained that he was unsure what the proposed hours of operation will be, but he will have the information available for the Zoning Hearing Board meeting.

MOTION: by Felicia Dell to recommend the Zoning Hearing Board grant the special exceptions and variance as requested.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (3-0)

**ZHB 24-16 Ultomotive Service Center, LLC c/o Charles R. Kopp, III** – requests a variance §150-170 Permitted Uses to allow an automobile repair facility as a principal use on the property **located at 2790 Woodberry Road** (Tax Map: HH; Parcel: 0023L) in the I-2 Light Industrial Zone.

Mr. Charles Kopp presented the variance request. Mr. Kopp explained that he would like to use the existing building for an automobile repair facility. The building is currently vacant but was previously occupied by Magnesita and Slaghammer’s Welding. All vehicles would be stored indoors during except during vehicle drop-off and vehicle pick-up. Ms. Sampere read aloud the criteria listed in Zoning Ordinance Section 150-312.A-H during the public meeting and asked if Mr. Kopp had any difficulties complying with those requirements. Mr. Kopp confirmed that he would be able to comply with those requirements listed in Section 150-312.A-H of the Zoning Ordinance.

MOTION: by Felicia Dell to recommend the Zoning Hearing Board grant the variance as requested.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (3-0)

**ZHB 24-17 1850 Lemon, LP** – requests a variance §75-23.D Floodplain Management Ordinance General Requirements to allow new construction or development to be located within 50 feet landward from the top-of-bank of a watercourse (proposed underground stormwater pipe and discharge outlet structure to the creek within 50 feet of the top-of-bank) **located at 1850 Lemon Street** (Tax Map: IH; Parcel: 0030B) in the I-3 General Industrial Zone.

Attorney Jason Sabol of Stock and Leader and Mr. Robert Sandmeyer of Site Design Concepts presented the variance request on behalf of the property owner. Mr. Sandmeyer explained that the property is virtually flat. There are currently no stormwater management facilities on site for the existing industrial facility. All stormwater sheet flows from the existing facility to the creek. Mr. Sandmeyer explained that there is a proposed land development plan that will be presented in the next few months that depicts the demolition of the existing building and redevelopment of the site including the addition of stormwater management facilities to the east of the proposed building. The proposed stormwater pipe would be installed approximately 4 feet below grade and be approximately 1,000 feet long at a minimum grade to reach positive slope and discharge at the creek. Mr. Sandmeyer explained that if the stormwater pipe was installed to discharge 50 feet from the top-of-bank, as required by the ordinance, the pipe would not have enough slope to discharge the stormwater. Township Engineer, Rainer Niederoest of Dawood Engineers attended the meeting to answer any technical questions the Planning Commission may have regarding discharge to the floodplain. Mr. Sandmeyer explained that Pennsylvania Department of Environmental Protection (PA DEP) allows this type of discharge, but the Township’s ordinance requires a

setback of 50 feet from the top-of-bank. The applicant will submit a permit to PA DEP for review. Mr. Niederoest explained that obtaining the variance does not guarantee PA DEP's approval, but he doesn't see where the proposed stormwater pipe discharging to the creek would cause problems with the floodplain in this location. Mr. Niederoest does not believe that the proposed pipe's location will obstruct the floodway, but this will be confirmed during review of the land development plan when it is resubmitted. Mr. Sandmeyer explained that Site Design Concepts has looked at alternative designs, but none worked due to the flat lot.

MOTION: by Felicia Dell to recommend the Zoning Hearing Board grant the variance as requested.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (3-0)

### **NEW BUSINESS**

**T-888 – Preliminary/Final Land Development Plan for Proposed Flex Industrial Building for 1850 Lemon, LP** – to depict the re-development of the parcel for a proposed industrial flex building and associated improvements on a 7.328-acre parcel **located at 1850 Lemon Street** (Tax Map: IH; Parcel: 0030B) in the General Industrial (I-3) Zone. *Tabled at the August 13, 2024, meeting by request of the applicant.* Review/Action.

Ms. Sampere informed the Planning Commission members that she received an email from Mr. Robert Sandmeyer of Site Design Concepts requesting that the plan be tabled for this month until the variance issue has been resolved so they would have an opportunity to change their design, if necessary.

MOTION: by Felicia Dell to table T-888 until the November Planning Commission meeting.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (3-0)

**T-897 Preliminary/Final Land Development Plan for Trimmer Campus Improvements for West York Area School District** – to depict the proposed construction of a parking lot and field house, the resurfacing, addition and replacement of associated athletic fields and features and other associated improvements located at 1900 Brenda Road (Tax Map: JG; Parcel: 0060B) in the Open Space Zone. Review/Action.

Zoning Officer Sampere informed the Planning Commission members that she had received a request from the Applicant to table the preliminary/final land development plan for the Trimmer campus improvements so the Applicant's Engineer could address the comments received from staff during the in-house review in preparation for resubmission of the plans.

MOTION: by Felicia Dell to table T-897 until the November Planning Commission meeting.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (3-0)

**T-898 Preliminary/Final Land Development Plan for Main Campus Improvements for West York Area School District** – to depict the proposed construction of a new track, new parking, improved vehicular circulation, new athletic fields, stormwater management facilities and associated improvements **located at 1800 Bannister Street** (Tax Map: 02; Parcel: 0069) in the Open Space Zone and Local Commercial Zone. Review/Action.

Zoning Officer Sampere informed the Planning Commission members that she had received a request from the Applicant to table the preliminary/final land development plan for the main campus improvements so the Applicant's Engineer could address the comments received from staff during the in-house review in preparation for resubmission of the plans.

MOTION: by Felicia Dell to table T-898 until the November Planning Commission meeting.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (3-0)

#### **DISCUSSION**

Ms. Sampere informed the Planning Commission members that she forwarded their review comments of the comprehensive plan rough draft to Gannett Fleming so they may revise the draft and submit it to the Township's Comprehensive Plan Steering Committee for their review. Gannett Fleming is projecting to provide the second draft to the Comprehensive Plan Steering Committee by October 18, 2024, for their review. The Planning Commission will receive a copy of the revised draft as soon so they can begin reviewing it as it becomes available. Updates will be posted on the Township's website to inform the public when the draft document is available for public viewing.

#### **ADJOURN**

MOTION: by Fred Walters to adjourn the meeting.

SECOND: by Felicia Dell

MOTION PASSED: Unanimously (3-0)

The meeting adjourned at 8:10 p.m.