

MINUTES
WEST MANCHESTER TOWNSHIP
PLANNING COMMISSION
DATE: November 10, 2020

The meeting was called to order by Ronald Ruman at 7:00 P.M. Members present: Richard Gordon, Patrick Hein and David Beecher; Others present: Rachelle Sampere, Township Zoning Officer (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.

APPROVAL OF MINUTES

MOTION: by David Beecher to approve the October 13, 2020 meeting minutes.

SECOND by: Patrick Hein

MOTION PASSED: (3-0) (Gordon and Walters – absent)

ZONING HEARING BOARD CASES

ZHB 20-15 – GN Realty Carlisle, LLC for 930 Carlisle Road, LLC requests a Variance of Section 150-83.B Permitted Uses to allow fast-food restaurant with a drive-through and a Variance of Section 150-324.F allow fast-food restaurant with a drive-through to be located within 200 feet of residentially zoned land **located at 930 Carlisle Road** (Tax Map: 01-0001G) in the Local Commercial zone.

Ed Van Arsdale, Project Manager for Warehaus Engineers and Mr. Neil Patel, the applicant, presented the variance requests. Mr. Van Arsdale clarified that the Section noted on the Planning Commission's agenda, 150-85.B, was a typo and the correct Section for the Variance is 150-83.B. The current Zoning Ordinance does not permit drive-through or fast-food restaurants in the Local Commercial zone. Mr. Van Arsdale explained that this property is currently occupied by the West Manchester Diner. Prior to the West Manchester Diner, the property was occupied by McDonald's, a fast-food restaurant with a drive-through window. Mr. Van Arsdale explained that the prospective buyer is interested in converting the existing restaurant back into a fast-food restaurant (Dunkin' Donuts) and would like to utilize the existing drive-through window. Although the drive-through window has not been utilized since McDonald's occupied the building, the canopy and window on the site remain functional. Mr. Hein asked if there was a previous variance for this property that would have allowed the previous McDonald's to operate with a drive-through. Ms. Sampere answered that there were no previous variances in the property file, however the Zoning Ordinance was updated in 1987. Perhaps fast-food restaurants with drive-throughs were permitted in this zone prior to 1987.

Mr. Van Arsdale explained that the variance requested for Section 150-324.F to allow a fast-food restaurant with a drive-through to be located within 200 feet of residentially zoned land was necessary because the properties on the other side of North Seward Street are located within the R-3 Residential zone. Mr. Ruman asked where the proposed drive-through speaker would be located. Mr. Patel explained that the speaker would be located to the south of the existing building. The speaker would be situated so that it would not face the residential properties to the west on the other side of North Seward Street. The drive-through and canopy is located to

the east of the building. Mr. Van Arsdale explained that there is adequate room for vehicle stacking and more parking spaces exist than what would be required for the fast-food restaurant's needs. Mr. Patel explained that Dunkin' Donuts traffic volume is much less compared to a McDonald's traffic volume. Dr. Beecher stated that he agreed with Mr. Patel that Dunkin' Donuts doesn't produce the same volume as McDonald's; and he believes this is a good use of the property.

MOTION: by Patrick Hein to recommend the Zoning Hearing Board grant the variance requests.

SECOND: by David Beecher

MOTION PASSED: 4-0 (Gordon joined meeting via Zoom)

ZHB 20-16 – Samuel Einstein requests a variance of Section 150-51 Uses Permitted within the R3 Residential Zone to allow the non-commercial keeping of livestock **located at 2051 Log Cabin Road** (Tax Map: 13; 0043) in the R-3 Residential zone.

Mr. and Mrs. Einstein presented the variance request to the Planning Commission members. The property was historically a farm in the 1700s. Due to the current zoning, livestock cannot be on the property. Since this property was historically a farm, there is a barn and a pasture on the property that cannot be used. Mr. Einstein stated that he and his wife would like to have some chickens and perhaps sheep in the future. Mr. Einstein informed the members that the same variance request was granted by the Zoning Hearing Board in 2017, however the Township had no record of the previous owner acting upon the variance, thus it expired. Mr. Ruman asked when livestock most recently were on the property. Mr. Einstein stated that, to his knowledge, there were horses on the property in the 1990s. The previous Zoning Hearing Board approval was granted on September 26, 2017 which states:

"Please be advised that on September 26, 2017 the West Manchester Township Zoning Hearing Board voted to approve the variance of §150-51 permitted uses within the R-3 Residential District, requested for the property at 2051 Log Cabin Road to allow the non-commercial keeping of livestock with the following conditions:

- The Non-commercial keeping of Livestock based on the 3.57 Acre property:
- Group 1 animals (average adult weight of less than 10 pounds each) are permitted at 4 per acre, with a maximum 14 animals. There may be no roosters, and no 'free range' fowl.
- Group 2 animals (average adult weight between 10 and 65 pounds) are permitted at 2 per acre, with a maximum 7 animals.
- Group 3 animals (average weight greater than 65 pounds) permitted at one per acre, with a maximum 3 animals.
- A combination of 'groups' of animals shall require an animal density equal to the ratio of the number of animals. In no case shall there ever be more than 14 livestock animals.
- All animal housing structures shall be setback a minimum 20' from the property line, with the exception of the existing stable. Screening and/or buffering of the stable at the neighboring property line is required and a plan of the proposed screening/buffer shall be submitted to the Zoning Officer for approval prior to the installation of the animals.
- All outdoor pasture/recreation areas shall be enclosed (fenced) to prevent the escape of the animals, and all such enclosures shall be set back a minimum of 10 feet from all property lines.

- All animal wastes shall be properly stored and disposed of so as to not be objectionable at the site's property lines. A manure management plan as required by the York County Conservation District shall be on file with the Township and updated as required. If nuisance odors are reported to the Township, animal waste shall be removed from the property via a licensed commercial hauler.
- The installation of fencing, and construction of coops, runs or sheds shall be required to submit and receive permits prior to commencement."

After a lengthy discussion between the Planning Commission members, Mr. Gordon and Dr. Beecher stated that they would be in favor of recommending approval of application subject to no individual animal (livestock) mentioned in Group 3 exceeding 200 pounds.

MOTION: by Richard Gordon to recommend the Zoning Hearing Board grant the variance application with the conditions outlined in Section 150-342 for the Noncommercial keeping of livestock in accordance with Group 1, Group 2 and Group 3 animals with the condition that there may be no more than 14 livestock animals on the property, no roosters shall not be permitted and that no individual animal shall exceed 200 pounds.

SECOND: by David Beecher

MOTION PASSED: 3-1 (Ruman – Nay)

ZHB 20-17 – Shawn Chronister for P&L Real Properties, LLC requests a Variance of Section 150-60 Permitted Uses to allow a billboard as a permitted use, a Variance of Section 150-286 to allow a billboard in the R-4 Residential Zone, a Variance of Section 150-315.C to reduce the required setback of 35' to 25' from the street right-of-way line, a Variance of Section 150-315.D to not require the billboard to be setback 100 feet from a residential zone and a Variance of Section 150-315.F to allow the billboard to exceed 25 feet in height (requesting 30 feet maximum height) **located at 1240 Woodberry Road** (Tax Map: IG; Parcel: 0046) in the R-4 Residential Zone.

Mr. Shawn Chronister of Dragonfly Signs and Mr. Paul Heffelfinger of P&L Real Properties, LLC presented the application to the Planning Commission members. Mr. Chronister explained that this property is located between Woodberry Road and Route 30. The property is split-zoned with the southern portion of the property being zoned Professional Office and the northern part of the property being zoned R-4 Residential. Mr. Chronister explained that his client is interested in erecting a billboard in the rear portion of the property which will face Route 30. Currently, there is a 25' high barrier wall along the entire rear property line abutting Route 30 that extends for a few properties beyond 1240 Woodberry Road. On the other side of Route 30, to the north, the properties are Zoned I-3 General Industrial, where billboards would be permitted as a use by special exception. Mr. Chronister opined that the current zoning of 1240 Woodberry Road isn't consistent with the existing businesses along this section of Woodberry Road. Currently, there is a Verizon building, the wealth management business and Colonial House located along this portion of Woodberry Road where the properties are zoned with two (2) different classifications on the same lot. Erecting a billboard will afford the properties within the area to advertise their businesses which cannot be easily seen when travelling along Route 30 due to the privacy wall along Route 30. The proposed billboard will be 30 feet tall, and a maximum of 300 square feet, which will enable the motorists travelling on Route 30 to easily view the billboard. The billboard would be located within the R-4 Residential portion of the property. The proposed billboard would be setback 25 feet from the wall along Route 30. Mr. Chronister explained that there are no existing billboards within 0.81 miles of this property. Mr.

Gordon asked if this variance would be granted, would it establish a precedent for adjoining properties. Mr. Chronister stated that the Zoning Ordinance requires at least 500 feet between billboards. Mr. Ruman asked if there were any residential uses located in the vicinity. Mr. Heffelfinger stated that there were no houses nearby, however there is the Colonial House located nearby, which is a commercial use on residential land. There is also a RV park a few properties away on Woodberry Road.

MOTION: by David Beecher to recommend the Zoning Hearing Board grant the variance application.

SECOND: by Patrick Hein

MOTION PASSED: 4-0

NEW BUSINESS

There was no new business for tonight's meeting.

DISCUSSION

There was no additional discussion at tonight's meeting.

MOTION: by Richard Gordon to adjourn the meeting.

SECOND: by David Beecher

MOTION PASSED: 4-0

Meeting adjourned at 8:10 p.m.