

MINUTES  
WEST MANCHESTER TOWNSHIP  
PLANNING COMMISSION  
DATE: November 11, 2025

The meeting was called to order by Patrick Hein at 7:00 p.m.

**ATTENDANCE**

**Planning Commission Members:**

David Beecher, Chairman – Absent

Patrick Hein, Vice-Chairman – Present

Felicia Dell – Present

Rainer Niederoest, Dawood Engineers – Present

**Staff:**

Matthew Biehl – Present

Fred Walters – Present

Rachelle Sampere, Zoning Officer – Present

Ryan Cummings, HRG – Present

Tonight's Planning Commission meeting was held in person. The meeting was broadcast over Zoom for viewing purposes only.

**APPROVAL OF MINUTES**

MOTION: by Matthew Biehl to approve the October 14, 2025, Planning Commission meeting minutes.

SECOND: by Felicia Dell

MOTION PASSED: 3-0 (1 Abstain – Walters)

**ZONING HEARING BOARD CASES**

**ZHB 25-21 – Jeffrey McVicar for Magnuss McVicar** – requests a variance §150-231.F to exceed maximum width of a driveway curb cut for a driveway located at a single-family dwelling **located at 775 Bairs Road** (Tax Map: HG; Parcel: 0059) in the Rural Residential (R) Zone.

Mr. Jeffrey McVicar presented the variance request on behalf of the property owner, Mr. Magnuss McVicar who was not in attendance. Mr. Magnuss McVicar provided a letter to West Manchester Township dated October 24, 2025, giving Mr. Jeffrey McVicar authorization to represent him during the variance hearing and present the case on his behalf. Mr. Jeffrey McVicar stated that he was requesting a variance for the width of the driveway at the road right-of-way of Bairs Road. He explained to the Planning Commission members that there is a blind side, and the driveway expansion would allow his son to leave the driveway at an angle. He also explained that the expanded driveway width would allow vehicles to pull in and back into the property. Mr. McVicar explained that the driveway was installed without a permit and that someone did stop by the property while it was under construction to tell the contractors to stop work, that the driveway was too wide and a permit was required prior to resuming construction. When the contractor called Mr. McVicar to tell them someone from the Township was there telling them no permit was on file and that they had to stop working, Mr. McVicar told them to get it down. Mr. McVicar explained to the Planning Commission members that he thought the contractors were trying to get out of work. He didn't know that a permit was required. He said he later found out when he called the Township that a permit was required to expand a driveway. Mr. McVicar explained to the Planning Commission that he was apologetic for installing the driveway without a permit. He also explained that when he received the notice of violation he came into the Township office to ask what was needed to submit for a variance because he wasn't going to remove what was constructed. Ms. Dell stated that the expanded driveway width is 60 feet wide – which is significantly wider than what is allowed by the current Zoning Ordinance. Two lanes of traffic are typically 25 feet wide. A Planning Commission member asked what is the right-of-way of Bairs Road. Ms. Sampere explained that she didn't know the right-of-way dimension off the top of her head and didn't want to provide the wrong dimension in a public meeting, but she could provide that to the applicant after she verifies it. Mr. McVicar explained that the truck his son drives is approximately 20 feet long plus the trailer that is attached is 14 feet long, so he needs that wide of a driveway to maneuver on the lot by looping around or doing point turns. Mr. Hein said that as the case has been presented, he doesn't see a hardship. Mr. Biehl asked the Zoning Officer about the summary she provided to them regarding the unnamed tributary on the property which

is located adjacent to the driveway. Ms. Sampere explained that typically, there is a minimum required setback of 50 feet from the top of bank to proposed construction. The site plan provided does not indicate the dimension from the expanded driveway to the unnamed tributary. A survey may be necessary to determine the accurate dimensions of the current location of the driveway expansion to the unnamed tributary to show compliance with the Township's stormwater ordinance and floodplain management ordinance. Additional review and input may be needed from the Township's Stormwater Engineer regarding the minimum required setback from the top of the bank to the driveway expansion. Additional review and input may be needed from the Township's Engineer regarding the width of the driveway expansion related to safety to maneuver a large pick-up truck hauling a trailer. After a lengthy discussion, Mr. Hein and Mr. Biehl suggested that the applicant obtain a survey of the property to show the minimum required setback from the unnamed tributary and to provide a truck turning template for the Township Engineer to review. They explained to the applicant that they were trying to help them with the process so they could make a recommendation to the Zoning Hearing Board. Mr. Biehl suggested that the review of variance requested be tabled until the December Planning Commission meeting. Ms. Dell asked staff if the applicants would need to do anything additional to go to the Zoning Hearing Board in December. Ms. Sampere said that the applicant would need to come into the Township office tomorrow to provide a letter requesting that they go to the December Zoning Hearing Board meeting.

MOTION: by Felicia Dell to table the variance request in order to grant the applicant time to obtain a survey and a truck turning template to present with their application at the December Planning Commission meeting.

SECOND: by Matthew Biehl

MOTION PASSED: Unanimously (4-0)

**ZHB 25-22 – Shawn Folkenroth for Karma Industrial Services, LLC** – requests a variance §150-83 permitted uses to allow an automobile repair facility (RV repairs) without being accessory to an automobile filling station **located at 2393 West Market Street** (Tax Map: 05; Parcel: 0074) in the Local Commercial (LC) Zone.

Attorney Courtney Buechler of CGA Law Firm presented the variance request on behalf of Mr. Shawn Folkenroth and Karma Industrial Services, LLC. Attorney Buechler explained that her client was requesting a use variance for mobile RV repair and services which were not subsequent to a filling station. In the Local Commercial Zone, automobile filling stations are permitted including minor incidental repair. The applicant is proposing to provide a majority of the services off-site and a minor amount of repairs on site. Mr. Hein asked if a portion of the building would be used for repairs. Attorney Buechler explained that part of the building is office and bathrooms and the rear portion of the building would be used for the RV repairs. Ms. Buecher explained that there are existing parking spaces to the front and rear of the property. Ms. Buechler explained that any repairs made to the vehicles while on the property would be done within the garage portion of the building. Vehicles would only be stored on site in a parking space until the owner could pick them up (typically within a few days), but most repairs are made while the owners wait for the vehicles. Attorney Buechler explained that the applicant is aware of the criteria listed in Zoning Ordinance §150-312.A-H and is willing to comply with them.

MOTION: by Felicia Dell to recommend the Zoning Hearing Board approve variance application ZHB 25-22 and that they adhere to the Zoning Criteria listed in §150-312.A-H and shall comply with the parking requirements.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (4-0)

**ZHB 25-23 – Raising Cane's Restaurants, LLC for Lyndon D. Quinn** - requests a variance §150-140.B to reduce the side yard setback from 50 feet to 46.7 feet; variance §150-263 to permit 39 parking spaces where 43 parking spaces are required; variance §150-324.E to permit outdoor dining without a full 3-foot fence enclosure; variance §150-283.B Permitted Permanent Sign Chart P-8E to increase the number and size permitted for attached wall signs; variance §150-283.B Permitted Permanent Sign Chart P-5 to permit an attached on-site directional sign (drive-thru arrow) to exceed the maximum allowable area; variance §150-283.B Permitted

Permanent Sign Chart P-8C to permit four (4) freestanding signs **located at 1353 Kenneth Road** (Tax Map: JH; Parcel: 0054C) in the Regional Commercial (RC) Zone.

Attorney Brielle Brown of Kaplin Stewart Attorneys at Law presented the variance application. Attorney Brown explained that the property is a 1.73-acre parcel currently developed with a restaurant, Lyndon Diner, having 66 parking spaces. She explained that Kenneth Road wraps around three sides of the property and Route 30 is to the front of the property. A portion of Kenneth Road is public and another portion of Kenneth Road is private. Attorney Brown discussed existing nonconformities associated with the property related to existing number of parking spaces, dimensions of existing parking spaces, landscape strips, tree requirements, parking lot landscaping and landscaped buffers, existing lot coverage, side yard setback and parking aisle widths. Attorney Brown explained that the variance request was for a Raising Cane's related to setbacks, parking spaces, outdoor dining without a required 3-foot fence enclosure and signage. She explained that Raising Cane's has a focused menu of five (5) items with an efficiency of 2.5 minutes from order to pick-up. The property would be redeveloped with an approximate 3,000 sq. ft. restaurant with up to 45 indoor seats and 25 outdoor seats. There would be 39 off-street parking spaces, attached signs, freestanding signs, structural canopy and drive-thru ordering points. The proposed parking variance is four (4) spaces less than what is required by the ordinance. The size of the parking spaces would slightly increase but would still not meet the current ordinance (existing nonconformity). Attorney Brown explained the request for a reduction in the side yard setback to 46.7 feet where 50 feet is required to allow for a placement of a 23 feet 11 inch wide and 34 feet deep weather-protective canopy over a portion of the drive-thru. Attorney Brown explained the request for a variance to permit outdoor dining without a full 3-foot fence enclosure where the portion of the outdoor dining closest to the adjacent parking is protected by built-in fencing within the bench seating and the remainder of the outdoor seating is more than 14 feet from adjacent parking area.

Attorney Brown explained the various sign variances requested:

- i. Sign 2 "Raising Cane's Chicken Fingers" approximately 30.75 sq. ft., Sign 8 Painted Mural "Raising Cane's Chicken Fingers York" approximately 139.5 sq. ft., Sign 19 "One" Tower Front approximately 109.25 sq. ft. for a total of 279.50 sq. ft. where a maximum of 200 sq. ft. is permitted for all attached wall signs.
- ii. Sign 3 "Raising Cane's Chicken Fingers" approximately 2.54% of the wall (30.75 sq. ft.), Sign 10 Red Dog on Substrate approximately 2.64% of the wall (32 sq. ft.), Sign 11 "One Love" approximately 1.45% of the wall (17.57 sq. ft.) to be a total of 6.6% of the total wall area for attached wall signs where a maximum of 6% is permitted.
- iii. Sign 8 "Raising Cane's Chicken Fingers York" approximately 139.5 sq. ft. to be approximately 11.5% of the total wall area where an attached wall sign cannot exceed 6% of the total wall area
- iv. Sign 19 "One" Tower front approximately 109.25 sq. ft. to be approximately 9% of the total wall area where an attached wall sign cannot exceed 6% of the total wall area
- v. Sign 19 "One" Tower front to be 2 feet and 6 inches taller than the building where an attached wall sign cannot exceed the height of the building
- vi. Sign 9 "Drive Thru" Arrow approximately 62.42 sq. ft. where only 2 sq. ft. is permitted per each directional sign
- vii. Four (4) freestanding signs: Sign 1 "Raising Cane's Chicken Fingers" freestanding sign approximately 90.86 sq. ft., Sign 13 Standard Drive Thru Menu Board approximately 8.31 sq. ft., Sign 14 Standard Drive Thru Menu Board approximately 8.31 sq. ft., Sign 15 Presell Board approximately 11.78 sq. ft. where only one (1) freestanding sign is permitted.

MOTION: by Felicia Dell to recommend the Zoning Hearing Board grant the variances requested in the application ZHB 25-23 with the condition that the number of signs and sizes of signs proposed in this application are shown on any proposed land development plans.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (4-0)

### **OLD BUSINESS**

**T-902 Preliminary/Final Subdivision and Land Development for The Learning Experience – Kenneth Road** – to depict a subdivision creating two (2) parcels in the Professional office zone and to depict the land development of the parcels creating a 10,000 square foot commercial day care facility with associated parking, landscaping and stormwater management on Lot 1 and the land development of a 6,000 square foot office building with associated parking, landscaping and stormwater management on Lot 2 **located along the 1900 block of Kenneth Road** in the Professional Office Zone and the R-2 Residential Zone.

Mr. Hein informed the Planning Commission members that Ms. Sampere once again received an email from the applicant's engineer requesting that the plan be tabled at this month's meeting.

MOTION: by Patrick Hein to table the plan until the December 16, 2025, Planning Commission meeting.

SECOND: Fred Walters

MOTION PASSED: 4-0 (Unanimously)

**T-901 Preliminary Subdivision and Land Development Plan for the Baker Road Subdivision** – to depict the proposed subdivision of a 48.640-acre parcel creating 65 residential lots and 2 homeowner's association lots, associated roads and stormwater management **located along the south side of Baker Road near the intersection with Sunset Lane** (Tax Map: JG; Parcel: 0033D) in the R-1 Residential Zone. The properties will be served by public water and public sanitary sewer.

Mr. Hein informed the Planning Commission members that Ms. Sampere once again received an email from the applicant's engineer requesting that the plan be tabled at this month's meeting.

MOTION: by Patrick Hein to table the plan until the December 16, 2025, Planning Commission meeting.

SECOND: by Matthew Biehl

MOTION PASSED: Unanimously (4-0)

**Proposed Zoning Ordinance Text and Map Amendment for Planned Residential Development Overlay Zone** – to review and make recommendation to the Board of Supervisors regarding a proposed Zoning Ordinance text and map amendment for a Planned Residential Development (PRD) for the West Manchester Town Center UPI # 51-000-JH-0056Q-00000, 51-000-JH-0056Y-00000, 51-000-JH-0123-00000, 51-000-JH-0056C-00000 AND 51-000-JH-0056F-00000 in the Regional Commercial Zone.

Attorney Gregg Adelman of Kaplin Stewart Attorneys at Law presented proposed Planned Residential Overlay text and map amendment to the current Zoning Ordinance on behalf of his client, CS West Manchester, LLC and Manchester Frankford, LLC et al. At a previous meeting, the Planning Commission members discussed submitting questions and concerns they had regarding this text and map amendment to the Zoning Officer and she would forward them to Attorney Adelman so he and his team may address them at a future meeting. The questions and concerns shared with Attorney Adelman regarding the design guidelines and not regarding the proposed text amendment. Attorney Adelman explained that tonight's meeting was to discuss and seek the Planning Commission's favorable recommendation to the Board of Supervisors for the draft text and map amendment only. The design guidelines would be developed as part of the tentative plan process. Attorney Adelman explained that the Township would review and give input on the design guidelines. He also explained that the Planned Residential Development (PRD) is in Article 7 of the Pennsylvania Municipalities Code (PA MPC) and the Planning Commission members are probably more familiar with the land development process which is in Article 5 of the PA MPC. The framework of this concept is to provide/restore "walkability" throughout the planned community rather than the traditional aspects of land development, uses, dictated in a land development plan. The draft PRD overlay text and map amendment would affect properties around the ring road at the West Manchester Town Center. Property owners within the overlay area could "opt-in" to the overlay district to take advantage of the proposed development opportunities; however, once they opt-in they could not opt-out. Properties that do not opt-in to the overlay would be permitted to develop the properties as regulated by the underlying zoning district. Attorney Adelman mentioned that the Planning Commission could see an example of a PRD development in the Valley Forge area. Mr. Seth Shapiro presented a virtual tour of what the

PRD could entail such as potential housing types, commercial areas, assisted living facility, mini self-storage units, restaurants, greenspace, sidewalks, parking and roadways. Mr. Walters asked if the applicant was aware that the area is prone to sinkholes since there is a quarry across Route 30. Attorney Adelman said that as part of the plan, they'll have to address stormwater management, sinkhole abatement, as well as other elements listed in the Township ordinances. Mr. Biehl asked if the proposed development would happen in phases? Is the timeline finite? Attorney Adelman said that the tentative plan would also address a phasing schedule. The tentative plan is updated annually. If changes are proposed to the tentative plan, the applicant would have to resubmit the tentative plan and go back through the public meeting process. This process is to give more flexibility to the developer and to the municipality. If the municipality doesn't think that something on the plan is in the best interest of the public, the municipality may reject it and the applicant would have to revise it and resubmit it to the municipality for consideration and approval. Tonight's meeting was to discuss the proposed draft ordinance and seek a recommendation from the Planning Commission to the Board of Supervisors for their public meeting scheduled on November 13, 2025. The York County Planning Commission voted to recommend that the Township not adopt the proposed PRD overlay text and map amendment to the Zoning Ordinance. Their recommendation was provided to the Township Planning Commission members and to the applicant's attorney. Ms. Sampere explained to the Planning Commission that Township Staff and HRG have been working with the applicant for quite some time to make revisions to the proposed draft. This is the version that was submitted for public comment and consideration for adoption. The draft PRD overlay text amendment proposes a title and purpose of the overlay zone, definitions, development standards and application submission and review procedures. The Planning Commission members discussed that the Township's Comprehensive Plan was just adopted a few months ago and the future land use for this area depicts commercial use. The Planning Commission members were concerned that introducing residential components may have many effects on the surrounding area such as: traffic, stormwater, taxes, future development, etc.

After a lengthy discussion with the applicant, the Planning Commission voted.

MOTION: by Matthew Biehl to recommend the Board of Supervisors approve the proposed Planned Residential Development Overlay Text and Map amendment.

SECOND: by Patrick Hein

MOTION PASSED: 2-2 (Nays – Dell and Walters)

### **NEW BUSINESS**

**T-903 Final Land Development Plan for 4690 West Market Street** – to depict the construction of a garage with an office for an automotive machine and automotive repair shop with state inspection service, associated parking, stormwater management and landscaping **located at 4690 West Market Street** (Tax Map: 27; Parcel: 0301) in the Professional Office Zone. The property is served by public water and on-site septic. ***Review/Action.***

Mr. Eric Johnston of Johnston and Associates presented the final land development plan. Mr. Johnston explained that he addressed the comments from the Township Engineers' reviews and the Zoning Officer's review. Remaining comments are administrative in nature. Mr. Johnston reminded that Planning Commission members that the land development plan depicts the construction of a garage with an office for automotive machine and automotive repair shop with state inspection service, parking, stormwater management and landscaping.

MOTION: by Felicia Dell to recommend the Board of Supervisors approve the plan subject to the following outstanding comments being addressed prior to recording the plan:

#### **Stormwater Management Ordinance (SWM): (HRG's Review Memo #1)**

1.	<i>All original seals, signatures, and notarizations shall be provided on each copy of the final plan and report prior to being recorded. §113-18.D</i>
2.	<i>All land disturbance activity shall not be initiated until a Stormwater Management Permit has been issued. §113-23.</i>
3.	<i>The applicant shall schedule all required inspections. §113.-24</i>

4.	<i>Applicant shall schedule a pre-construction meeting with the Township, the Township Engineer, and Township Stormwater Engineer prior to the start of any construction. §113-24</i>
5.	<i>Applicant shall be responsible for scheduling all required inspections with 48-hours' notice §113-24</i>
6.	<i>Upon completion of all required improvements, and prior to release of the performance bond, the applicant shall submit an as-built plan. §113-25</i>
7.	<i>Provide a signed and executed operations and maintenance (O&amp;M) agreement. §113-27</i>
8.	<i>Provide a financial security estimate. §113-28</i>
9.	<i>Provide an improvement guarantee. §113-28</i>
10.	<i>The applicant shall pay all required fees. §113-29</i>

**Subdivision and Land Development Ordinance (SLDO):**

1.	<i>§121-14.D.14 A statement on the plan indicating any waivers. This statement must be revised, prior to recordation of the plan, to acknowledge the outcome of the requested waiver(s). <b>Update the waiver requests listed on the plan as appropriate based on the nature of the waiver and decision of the Board of Supervisors.</b> (Dawood Review Memo #2) (YCPC's Review Memo)</i>
2.	<i>§121-15.F.(4)] Certifications and notifications. A notarized statement signed by the landowner, to the effect that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded as such (See Appendix No. 2.) This must be dated following the last change or revision to said plan. <b>Sign and seal the plans.</b></i>
3.	<i>§121-15.F.8 Verification must be provided indicating that the plan for erosion and sediment control was approved by the York County Conservation District. (YCPC's Review Memo)</i>
4.	<i>§121-16 &amp; §121-17 Financial Security. Final plan applications that include public improvements that have not been installed shall include financial security... The amount of financial security shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Please submit a financial security estimate for the public improvements associated with this land development plan to be reviewed by Dawood Engineers. Financial security must be provided prior to the plan being released for recording. West Manchester Township prefers that any letter of credit issued to the Township be automatically extending.</i>
5.	<i>§121-17.D ... Upon approval by the Board of Supervisors of a final plan, the applicant, in addition to all bonds or other security required, shall deliver to the Township a check payable to the Township in the amount of 3.5% of the bond or other security. The amount deposited by the applicant shall be used by the Township to cover the costs of assuring the proper construction and completion of improvements, including inspection during installation, inspection upon completion, administrative costs and other related costs. If the amount deposited by the applicant is not sufficient to cover such costs, the applicant shall furnish additional amounts, from time to time, when notified to do so. Engineering escrow will be required to be posted with the Township prior to the plan being released for recording.</i>
6.	<i>§121-19 Maintenance Guaranty. The Board of Supervisors shall require the applicant to submit a maintenance guaranty or other approved guaranty as specified herein guaranteeing the structural integrity as well as function of any improvement shown on the final plan for a term not to exceed 18 months from the date of acceptance of dedication by the Board of Supervisors. Said guaranty shall not exceed 15% of the actual cost of installation of said improvements and be of the same type of financial security as required in this article.</i>
7.	<i>§121-21 As-built plan. Prior to issuance of occupancy permits, submit 2 copies of the as-built plans to the Township Zoning Department. One (1) copy of the plan will be distributed to the Township Engineer.</i>

**General Comments:**

1.	An Operation and Maintenance agreement is required prior to recording the plan. All signatures must be notarized.
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2.	The notarized signature of the owner(s) shall be affixed to the plan prior to approval by the Board of Supervisors (§121-15.F.4)
3.	All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)
4.	All final plans, as recorded, shall be submitted in electronic format (i.e. PDF)
5.	A Knox box is required for each non-residential building. Please add a note to sheet 1 of 5 under General Notes. Contact Fire Chief Laughman at 717-792-3505 or <a href="mailto:claughman@wmtwp.com">claughman@wmtwp.com</a> for location requirements, etc.
6.	Revise the typographical error under General Notes #7. "ACTO" should be "ACT OF"
7.	Provide a non-building waiver form for the Township's SEO to sign and submit to the PA Department of Environmental Protection. Please also add a non-building waiver note on the plan.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (4-0)

MOTION: by Felicia Dell to recommend the Board of Supervisors approve the following requested waivers:

**Waiver Requests:**

W1.	Preliminary Plan. (§121-9) Which requires the submission of a preliminary plan application and approval prior to the submission of a final plan application.
W2.	Impact Statements. (§121-14.F) To waive requirements for preparation of impact statements.
W3.	Improvements to Existing Streets. (§121-23.C) To waive requirements for improvements to existing streets.
W4.	Curbs and Sidewalks. (§121-25) To waive requirements for installation of sidewalks and curbs along existing streets.

SECOND: Matthew Biehl

MOTION PASSED: Unanimously (4-0)

**T-904 Final Subdivision Plan for Jeffrey A. & Pamela Y. Brady** – to depict the lot consolidation of 2 parcels (lot 20 and lot 21) along the 2500 block of Church Road to create one parcel of 37,061.21 sq. ft. (gross) / 32,239.16 sq. ft. (net) **located at 2580 Church Road** (Tax Map: 21; Parcel: 0020) in the R-3 Residential Zone. The property is served by public water and public sanitary sewer. ***Review/Action.***

Mr. Joshua Myers of Shaw Surveying presented the lot consolidation plan. Mr. Myers explained that his clients would like to eliminate the property line between their two (2) parcels to create one (1) parcel of 37,061.21 sq. ft. There is no additional sewer capacity being proposed. There is no development proposed with this lot consolidation. Mr. Myers explained that he received the Township Engineer's review memo and the Zoning Officer's review memo. The outstanding comments are administrative in nature.

MOTION: by Patrick Hein to recommend the Board of Supervisors approve the final subdivision plan subject to the following outstanding comments being addressed prior to recording the plan:

**Subdivision and Land Development Ordinance (SLDO):**

1.	<i>§121-14.C.4.b &amp; §121-15.C The location and size of the sanitary sewer mains and water supply mains must be shown on the plan. (YCPC's Review Memo #1)</i>
2.	<i>§121-14.D.14 &amp; §121-15.D A statement on the plan indicating any proposed waivers. This statement must be revised, prior to recordation of the plan, to acknowledge the outcome of the requested waiver(s). (Dawood Review Memo #1) (YCPC's Review Memo)</i>
3.	<i>§121-14.E.2 &amp; §121-15.F.3 Verification should be provided indicating that the Planning Module for Land Development or Non-Building Waiver was approved by the Sewage Enforcement Officer or the PA Department of Environmental Protection. (YCPC's Review Memo)</i>

**General Comments:**

1..	All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)
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2.	All final plans, as recorded, shall be submitted in electronic format (i.e. PDF)
3.	A new legal description for the newly combined lot must be prepared and recorded with the plan so that the York County tax maps are updated.

SECOND: Felicia Dell

MOTION PASSED: Unanimously (4-0)

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

**Waiver Requests:**

W1.	§121-25 Curbs and Sidewalks. Waiver requested not to provide curbs and sidewalks along the Church Road frontage.
W2.	§121-33.C Shade Trees. Waiver requested not to provide the residential lot with one (1) shade tree between the building setback line and 5 feet from the street right-of-way line.
W3.	§121-14.C.3 Existing Features. Waiver requested not to show existing features within 200 feet of the site.

SECOND: Matthew Biehl

MOTION PASSED: Unanimously (4-0)

**T-905 Final Land Development Plan for York Logistics CO2 Transload -** to depict the installation of a 306 sq. ft. control conex structure and three (3) 91,000 gallon CO2 tanks, approximately 1,000 linear feet of new railroad siding and retrofitting existing stormwater management bioretention and detention facilities **located at 2790 West Market Street** (Tax Map: IH; Parcel: 0030 and 0009) in the I-2 Light Industrial Zone. ***Review/Action.***

Mr. Robert Davis, P.E. of First Capital Engineering, Inc., presented the final land development plan on behalf of York Rail and POET. Mr. John Rudman of York Rail was also in attendance. Mr. Davis explained that they had addressed a majority of the Township Engineers' review comments, as well as the comments on the Zoning Officer's review memo. The remaining outstanding comments are administrative in nature. Mr. Davis explained that the final land development plan depicts the installation of three (3) 91,000 gallon CO2 tanks, a 306 sq. ft. control conex structure, associated stormwater management and 1,000 linear feet of new railroad siding. Mr. Davis explained that he has submitted the NPDES permit application and the erosion and sedimentation plan (E&S plan) to the York County Conservation District and he is awaiting their approval. Mr. Davis explained that there would be trucks accessing the site to deliver the CO2 to clients off-site. Ms. Dell asked Dawood's comment regarding the trip generation is of concern should the Planning Commission forward this plan to the Board of Supervisors. Mr. Niederoest said that he doesn't believe the plan should be held up for this comment. They should document what they expect to happen as an increase in truck traffic. Some concern was raised regarding potential increased times that traffic would be stopped at the railroad crossing on West Market Street, but Mr. Rudman explained that the addition of the CO2 tanks should not increase the amount of time that vehicles are waiting at the train crossing.

MOTION: by Felicia Dell to recommend the Board of Supervisors approve the final land development plan subject to the following outstanding comments being addressed prior to recording the plan:

**Zoning Ordinance (ZO):**

1.	<i>§150-185 &amp; 150-203 Industrial operations. All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or federal government regulation, as required by the most recent regulations made available from these governmental bodies. Provide information identifying all applicable state and federal regulations governing the project and associated operations, including the applicable permits. Confirm that the facility's design and operation will comply with these regulations and note any agency approvals that are necessary. [11/5/2025 – Dawood] The applicant notes that the CO2 is not listed by Pennsylvania as a hazardous material; however, the Pennsylvania Storage Tank and Spill Prevention Program under 25 Pa. Code Chapter 245 applies to regulated storage tanks, not only substances listed</i>
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	<b>under the Right-to-Know program. CO2 may not appear on the PA Hazardous Substance List, but that list does not determine storage-tank applicability. Federally, CO2 is regulated by the U.S. Department of Transportation as a Division 2.2 compressed gas when stored or transported under pressure, including within all rain-yard operations. Please provide written confirmation from PADEP or other appropriate authority verifying that the proposed CO2 tank associated with this rain-yard facility is exempt from storage tank registration requirements under Chapter 245.</b>
2.	<i>§150-186 &amp; 150-204 Storage of waste materials. Storage of industrial waste materials shall not be permitted, except in an enclosed building. The plans do not identify what types of materials will be transported via railcar or stored on site. Provide information to detail what types of material will be transported to and from the site via railcar and stored on site along with their approximate quantities, storage methods, and containment or safety measures. [11/5/2025 – Dawood]</i> <b>Information was provided to support the materials to be transported, however, provide information on the containment and safety measures to be employed.</b>
3.	<i>§150-272 Lighting. Adequate lighting shall be provided if the loading facility is to be used at night. The lighting shall be arranged so as not to be directed or reflected to cause glare off of the site. Provide the lighting schedule for the property.</i>

**Stormwater Management Ordinance (SWM):** (HRG's Review Memo #1)

Comments addressed.

**Required Agency Approvals** (HRG's Review Memo #2):

1.	Provide a letter from the York County Conservation District approving the Erosion and Sedimentation Control Plan §113-18.E <b><i>The applicant states that they will provide a letter once received.</i></b>
2.	Provide a copy of the NPDES permit §113-18.E.5 <b><i>The applicant states that they will provide a copy of the NPDES permit.</i></b>

**Administrative Items to be Completed Prior to/Upon Plan Approval** (HRG's Review Memo #2):

1.	All original seals, signatures, and notarizations shall be provided on each copy of the final plan and report prior to being recorded §113-18.D
2.	All Land Disturbance Activity shall not be initiated until a Stormwater Management Permit has been issued §113-23
3.	The applicant shall schedule all required inspections §113-24
4.	Applicant shall schedule a pre-construction meeting with the Township, Township Engineer, and Township Stormwater Engineer prior to the start of any construction §113-24
5.	Applicant shall be responsible for scheduling all required inspections with 48-hours' notice §113-24
6.	Upon completion of all required improvements and prior to release of the performance bond, the applicant shall submit an as-built plan §113-25
7.	Provide a signed and executed operations and maintenance (O&M) agreement §113-27
8.	Provide a financial security estimate §113-28
9.	The applicant shall pay all required fees §113-29

**Financial Security Estimate** (HRG's Review Memo #2)

Based upon HRG's review of the submitted information, they recommend that the Financial Security be required in the amount of \$234,522 as shown on the attached tabulation. They request that a copy of the Financial Security be provided to HRG for their internal records.

**Subdivision and Land Development Ordinance (SLDO):**

1.	<i>§121-10.A.(3) ...building construction plans, including identification of unusual fire hazard potential and private hydrant/sprinkling systems, shall be submitted to the appropriate fire company. Address any fire department comments.</i> (Dawood's Review Memo #2)
2.	<i>§121-14.D.14 A statement on the plan indicating any proposed waivers. This statement must be</i>

	<i>revised, prior to recordation of the plan, to acknowledge the outcome of the requested waiver. <b>Update the waiver requests listed on the plan as appropriate based upon the nature of the waiver and decision of the Board of Supervisors.</b></i>
3.	<i>§121-15.F.8 If applicable, verification must be provided indicating that the plan for erosion and sediment control was approved by YCCD.</i>
4.	<i>§121-14.G.(2) Certifications and notifications. A statement by the individual responsible for the data to the effect the survey, plan and/or other general data are correct (See Appendix No. 1.) This statement must be placed on both plans and reports. <b>Sign and seal the plans and reports.</b> (Dawood's Review Memo #2)</i>
5.	<p><i>§121-16 &amp; §121-17 Financial Security. Final plan applications that include public improvements that have not been installed shall include financial security... The amount of financial security shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Dawood Engineers has reviewed the financial security estimate and offers the following:</i></p> <ul style="list-style-type: none"> <li><i>• The unit price for the 1 ½" Superpave Wearing Course should be closer to \$10.53</i></li> <li><i>• The items that should be included in the cost estimate are not included:</i>  <i>The stop sign</i>  <i>The painting of the stop bar</i></li> </ul> <p><i>Please make the necessary revisions and resubmit the estimate to the Township for review. Financial security must be provided prior to the plan being released for recording. West Manchester Township prefers that any letter of credit issued to the Township be automatically extending.</i></p>
6.	<i>§121-17.D ...Upon approval by the Board of Supervisors of a final plan, the applicant, in addition to all bonds or other security required, shall deliver to the Township a check payable to the Township in the amount of 3.5% of the bond or other security. The amount deposited by the applicant shall be used by the Township to cover the costs of assuring the proper construction and completion of improvements, including inspection during installation, inspection upon completion, administrative costs and other related costs. If the amount deposited by the applicant is not sufficient to cover such costs, the applicant shall furnish additional amounts, from time to time, when notified to do so. Engineering escrow will be required to be posted with the Township prior to the plan being released for recording.</i>
7.	<i>§121-19 Maintenance Guaranty. The Board of Supervisors shall require the applicant to submit a maintenance guaranty or other approved guaranty as specified herein guaranteeing the structural integrity as well as function of any improvement shown on the final plan for a term not to exceed 18 months from the date of acceptance of dedication by the Board of Supervisors. Said guaranty shall not exceed 15% of the actual cost of installation of said improvements and be of the same type of financial security as required in this article.</i>
8.	<i>§121-21 As-built plan. Prior to issuance of occupancy permits, submit 2 copies of the as-built plans to the Township Zoning Department. One (1) copy of the plan will be distributed to the Township Engineer. (Dawood's Review Memo #1)</i>

### Recommended Adjustments to the Plan

Dawood believes several recommendations for improving the plans are warranted. This is consistent with [SALDO §121-22] which states, "the standards and requirements contained in this article shall apply as minimum design standards for subdivisions and/or land developments. Whenever other Township ordinances or regulations impose more restrictive standards and requirements than those contained herein, the more restrictive shall apply.

1.	Update the trip generation letter to provide a more detailed discussion about the intended business plan and provide local trip generation data derived from the existing site. The ITE data for this land use is limited. [11/5/2025 – Dawood] <b>A trip generation letter has been included. The statement in the text noting additional truck traffic resulting from the proposed development is inconsistent with the second Trip Generation table. Please clarify.</b>
2.	Neither the plans or trip generation letter seem to address the potential additional rail traffic to the site.

	There are times where the railroad crossings at W Market St and/or Hokes Mill Rd are temporarily occupied with trains that appear to be positioning to drop rail cars in the yard or at neighboring sites. Please provide information explaining how this change will affect traffic at those crossings. [11/5/2025 – Dawood] <b>Please provide a statement confirming there would be no change in operation over the grade crossing on Market Street. For example, would staging and off-loading the new CO2 cars require a train to stop across Market Street or cross and reverse across Market Street while shunting occurs?</b>
3.	Add a sheet showing internal circulation and turning patterns for vehicles/trucks entering, loading and leaving the site.
4.	[11/5/2025 – Dawood] Provide all electrical distribution equipment per National Electrical Code and utility requirements, including wire, conduit, circuit breakers, and cabinets. Provide typical photocell or electronic control to de-energize the luminaries during the day.
5.	[11/5/2025 – Dawood] Sheet LD-01 includes the detail for a stop sign but it doesn't include the word "STOP" on the sign itself. Please revise.

**General Comments:**

1.	An Operation and Maintenance agreement is required prior to recording the plan. All signatures must be notarized.
2.	The notarized signature of the owner(s) shall be affixed to the plan prior to approval by the Board of Supervisors (§121-15.F.4)
3.	All administrative items shall be addressed prior to plan recording (payment of all invoices, financial security submitted to the Township, etc.)
4.	All final plans, as recorded with all required signatures, shall be submitted in electronic format after recording. (i.e. PDF)
5.	Comments from the Township Engineers' review memos will be incorporated into the Township's review memos to the Planning Commission and the Board of Supervisors.

SECOND: Fred Walters

MOTION PASSED: Unanimously (4-0)

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

**Waiver Requests:**

W1.	Preliminary Plan. §121-9 Which requires the submission of a preliminary plan application and approval prior to the submission of a final plan application.
W2.	Clear Sight Triangle §121-23.L
W3.	Sidewalks and Curbs §121-25
W4.	Landscaping §121-33
W5.	Access Drives §121-23.R.1 Limits access drives to 24' wide. The existing access drive is 41' wide at West Market Street and has existed since the 1930s.

SECOND: by Felicia Dell

MOTION PASSED: Unanimously (4-0)

**NEW BUSINESS**

**T-906 Final Land Development Plan for Fill Site for BAE Systems Land and Armaments** – to depict a fill site area with a landscaping screen to the northeastern part of the parcel **located at 1100 Bairs Road** (Tax Map: HG: Parcel: 0056A) in the General Industrial Zone. ***Tabled at the request of the Developer's Engineer.***

Mr. Hein informed the Planning Commission members that Ms. Sampere received an email from the applicant's engineer requesting that the plan be tabled at this month's meeting.

MOTION: by Fred Walters to table the plan until the December 16, 2025, Planning Commission meeting.

SECOND: Matthew Biehl

MOTION PASSED: Unanimously (4-0)

**DISCUSSION**

Ms. Sampere informed the Planning Commission members that the steering committee for the Zoning Ordinance update will begin meeting later this month. Staff will update the Planning Commission members during the process.

**ADJOURN**

MOTION: by Fred Walters to adjourn the meeting.

SECOND: Matthew Biehl

MOTION PASSED: Unanimously (4-0)

The meeting adjourned at 10:10 p.m.