

MINUTES
WEST MANCHESTER TOWNSHIP
PLANNING COMMISSION
DATE: February 14, 2023

The meeting was called to order by David Beecher at 7:00 P.M. Members present: David Beecher, Patrick Hein, Richard Gordon, Sonia Wise and Fred Walters. Others present: Rachele Sampere, Township Zoning Officer, Rainer Niederoest, Dawood Engineers

Tonight's Planning Commission meeting was held in person and broadcasted live over Zoom for viewing purposes only. The Zoom link was posted on the West Manchester Township website under "Latest and Breaking News". Questions and comments were not taken over the Zoom forum.

APPROVAL OF MINUTES

MOTION: by Sonia Wise to approve the January 10, 2023, meeting minutes as presented.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (5-0)

ZONING HEARING BOARD CASES

ZHB 23-06 – Luis Rivera for RL Investment Properties, LLC – requests a special exception §150-289.A to alter an existing nonconforming use (commercial building) and a variance §150-289.A.8 to allow a second nonconforming use (operation of a contractor's office and materials storage) in the building located at 1900 Orange Street (Tax Map: 04; Parcel: 0118) in the R-3 Residential Zone.

Chairman David Beecher announced prior to hearing the testimony of the applicant for ZHB 23-06 that his wife is Mr. Rivera's commercial tenant. The yoga studio's lease was negotiated long before Mr. Rivera decided to apply for a special exception and variance to utilize the remainder of his building. Dr. Beecher stated that he has no conflict of interest but would recuse himself if any of the Planning Commission or members of the public were concerned. No one objected to Dr. Beecher participating in the discussion and vote.

Mr. Rivera presented the special exception and variance request. Mr. Rivera explained that 40% of the building is currently occupied by a yoga studio. Mr. Rivera would like to use the remaining 60% of the building for his construction office on the second floor and storage of leftover construction materials on the first floor. Mr. Rivera is a subcontractor. He explained that the general contractor he works under orders construction materials that are delivered to construction sites. Any leftover materials would be brought back to be stored indoors at 1900 Orange Street. There would be no routine deliveries to the site. Mr. Rivera explained that there would be no box trucks on site. He anticipates a maximum of 4 employees on-site in the future. The proposed hours of operation would be 8:00 a.m. through 5:00 p.m. for employees. Mr. Rivera, on occasion, may work at the building until 7:00 p.m. Ms. Sampere asked where the proposed employees would park. Since this commercial property is located in the R-3 Residential Zone, the applicant should consider the surrounding residential properties' interest in on-street parking. Mr. Rivera stated that the existing driveway in front of the garage doors facing North Diamond Street can accommodate 3 vehicles. There is also a stone parking pad adjacent to the driveway which could accommodate a pick-up truck and trailer. Ms. Sampere asked if customers would be able to meet with Mr. Rivera on site to discuss construction plans. Mr. Rivera stated that since he is a subcontractor, there would be no need for customers to meet with him at his business on Orange Street.

MOTION: by Fred Walters to recommend the Zoning Hearing Board grant the requested special exception and

variance subject to the following conditions:

1. All contractor's office staff shall park in the existing driveway on the North Diamond Street property frontage.
2. There shall be no outdoor storage of materials.
3. The property owner will be required to pay a sanitary sewer and trash bill for each commercial unit within the building.

SECOND: by Sonia Wise

MOTION PASSED: Unanimously (5-0)

NEW BUSINESS

T-875 Preliminary Subdivision and Land Development Plan for Westgate Campus Phase 2 Proposed Professional Office Buildings - A preliminary subdivision plan creating 6 additional lots and a preliminary land development plan depicting 4 office buildings located along the proposed extension of Westgate Drive in the Professional Office Zone. The properties will be served by public water and public sanitary sewer. Review/Action.

Mr. Chase Mader of Williams Site Civil Engineering and Mr. Mayur Patel, owner/developer of the site presented the preliminary subdivision and land development plan for the Westgate Campus Phase 2. Mr. Mader explained that the plans show the extension of Westgate Drive and the creation of 6 lots. The preliminary land development depicts 4 buildings with associated stormwater management. This plan would enable the developer to begin construction of the Westgate Drive extension and the extension of the public utilities. A final subdivision and land development plan will be required prior to construction of any buildings and associated parking lots.

MOTION: by Richard Gordon to recommend the Board of Supervisors approve the preliminary subdivision and land development plan for Westgate Campus Phase 2 subject to the following conditions being addressed:

Zoning Ordinance (ZO):

1. §150-131. Screening. A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially zoned parcel is developed. *Please provide screening as required along all adjoining residentially-zoned parcels. (See Article XXVI, §150-278. Screening)*
2. §150-133. Dumpsters. Dumpsters used for domestic garbage may be permitted within the side or rear yard, provided that such dumpsters are screened from any adjoining roads and properties... *Please relocate the proposed dumpster to the side or rear yard area on Lot 4 as it is currently located in the front yard area. §150-5 defines a front yard as "the area contained between the street right-of-way line and the principal structure".*
3. §150-257.B Interior landscaping. In any parking lot containing 10 or more parking spaces, except a parking garage, 10% of the total area of the lot shall be devoted to interior landscaping. Such interior landscaping shall be used at the end of parking space rows and to break up rows of parking spaces at least every 10 spaces.... *Please provide landscaping as required in front of the buildings for Lot 3, Lot 4, There are 21 proposed parking spaces in front of the proposed building on Lot 3 and 19 proposed parking spaces in front of the proposed building on Lot 4, however no landscaping has been provided as required above. Please add the required interior landscaping to break up every 10 parking spaces or request a variance from the Zoning Hearing Board.*

Subdivision and Land Development Ordinance (SLDO):

1. §121-14.B.11 & 121-14.D.12 Existing and proposed monuments and markers. Proposed lots 4-6 appear to be missing boundary markers/monuments. *At all boundary corners, please indicate*

- whether markers/monuments have been found or if they are to be set. If they are to be set, monuments and markers shall conform to §121-29. [Dawood's Substantive Comment #1]*
2. §121-14.D.5 A statement on the plan indicating the proposed total number of lots, units of occupancy, density, minimum lot size, types of sanitary sewage disposal, type of water supply, name of the authority providing sanitary sewage disposal and water supply, if applicable and proposed land use and the location of each land use if a multiple land use is proposed. This statement shall also include the criteria needed to calculate off-street parking, lot coverage and other requirements of the prevailing Township Zoning Ordinance. *Please indicate the name of the authority/company providing water and sewer service. [Dawood's Administrative Comment #1]*
 3. §121-14.D.10 Final vertical and horizontal alignment on one sheet for each proposed street, stormwater management facility, sanitary sewer (including manhole numbers) and water distribution system. All street profiles shall have at least the existing (natural) profile along the center line, proposed grade at the center line and the length of all proposed vertical curves for streets. All water distribution and sanitary sewer systems shall provide manhole locations, size and type of material. This information is not subject to recording with the York County Recorder of Deeds. *Provide profiles for proposed sanitary sewer facilities. [Dawood's Substantive Comment #2 and Township's General Comment #1]*
 4. §121-14.D.14 & 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). *Please add a line for the date and outcome of the Board's action on the cover sheet. [Dawood's Post Approval Requirements Comment #2 and Township's SLDO Comment #1]*
 5. §121-14.E.2 & 121-15.F.3 A sewer facilities plan revision (plan revision module for land development) or supplement in accordance with the Pennsylvania Sewerage Facilities Act 537 of 1966, as amended. *Provide an approved sewage planning module or exemption from DEP. Please submit a sewer planning module for Township staff to review prior to forwarding to PA DEP. [Dawood's Substantive Comment #3 and Township's SLDO Comment #2 & #7]*
 - 6.. §121-14.G.1 Where the land included in the subject application has an electric or telephone transmission line, a gas pipeline or a petroleum or petroleum products transmission line located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement. Provide this information for the Met-Ed ROW traversing the southern boundary of the subject parcel. [Dawood's Administrative Comment #2 and Township's SLDO Comment #5]
 7. §121-14.G.3 Applicable plan notations. (See Appendix No. 4) Please add the Township Engineer Review Statement signature block to the Title Sheet of the plan. [Township's SLDO Comment #6]
 8. §121-23.B Private Streets. ...Applications which propose a private street shall be accompanied by a right-of-way agreement which shall be submitted for review by the Township and recorded with the York County Recorder of Deeds on the same date as the recording of the plan. *A right-of-way agreement is required for the temporary cul-de-sac extension of Westgate Drive. This agreement shall establish the conditions under which the street will be constructed and maintained, as well as conditions controlling an offer of dedication. [Dawood's Substantive Comments #4]*
 9. §121-23.H.4 All streets shall be graded to the right-of-way lines and the slope of banks must not exceed three to one for fills and two to one for cuts. *Label the adjacent ground slopes in the Typical Section. [Dawood's Substantive Comment #5]*
 10. §121-23.J Street right-of-way and cartway widths. The minimum street rights-of-way and cartway widths... for a permanent turnaround is 100' minimum right-of-way and 80' minimum cartway. *A waiver has been requested to allow the turnaround to be designed in accordance with the temporary turnaround criteria of 50' cartway and 50' right-of-way. This waiver appears to have been requested due to schedule (See Substantive Comments 8). If the scheduled will exceed two years, provide vehicle turning templates to ensure a fire truck/snowplow circulate through the site and can turn*

- around in the proposed cul-de-sac. [Dawood's Substantive Comment #6] The developer agreed to supply money in lieu of liquid fuels funds for maintenance prior to dedication to Township.*
11. §121-23.M Sight Distance. Adequate sight distance must be verified upon construction. Additionally, note that adequate sight distance must be maintained at all internal accesses. *The plans identify adequate sight distance for driveway connections to the Westgate Drive extension, but not at internal connections (for example at the driveway serving the 1 story 16,000 sq. ft. office building) [Dawood's Substantive Comment #7]*
 12. §121-23.N.1 Cul-de-sac streets. Temporary cul-de-sac streets shall only be approved by the Board when the applicant has demonstrated to the satisfaction of the Board that the temporary situation will not exceed 2 years. *Since the proposed extension does not match the phasing outlined in the original traffic study for Westgate Drive, additional documentation of the construction schedule is required. [Dawood's Substantive Comment #8]*
 13. §121-23.N.1 Cul-de-sac streets. Temporary cul-de-sac streets shall not exceed 750 feet in length. *A waiver of the 750-foot maximum length for a temporary cul-de-sac street has been requested. Acceptance of this waiver is recommended. Financial security should be posted for the continuation of Westgate Drive. [Dawood's Substantive Comment #9 and Township's SLDO Comment #13]*
 14. §121-28 Easements. Provide easements for sanitary sewer facilities. Also, add a note to the plan indicating the restrictions of the easements as noted in this section. [Dawood's Substantive Comment #12]
 15. §121-35.F Water supply. *Provide an ability to serve letter/notification from the appropriate public provider. [Dawood's Administrative Comment #4]*

Stormwater Management Ordinance:

- 1.. §113-12.L Stormwater Management Ordinance. Storage facilities, designed as such, shall completely drain both the volume control and rate control capacities over a period of time not less than 24 hours and not more than 72 hours from the end of the design storm. However, any designed infiltration at such facilities is exempt from the minimum twenty-four-hour standard, i.e. may infiltrate in a shorter period of time, so long as none of the stormwater flowing into the infiltration facility is discharged directly into the surface waters of the Commonwealth. (Inordinately rapid infiltration rates may indicate the presence of large fractures or other conditions for which an additional soil buffer may be required.) *Provide dewatering calculations showing that proposed infiltration BMPs dewater in less than 72 hours from the end of the design storm. [Dawood's Substantive Comment #13]*
2. §113-14 Volume Controls. In the HydroCAD calculation, it appears that the calculation method for pre-development is based on a weighted curve number. However, in post-development, it appears to be based on a weighted Q. Revise the calculations such that predevelopment and post-development volumes are calculated using the weighted Q methodology. [Dawood's Substantive Comment #14]
3. §113-17.A.3 The peak discharges and volumes of runoff shall be determined by using the Modified Rational Method for watershed less than 10 acres, and for larger watersheds, the latest version of Technical Release No. 55, Urban Hydrology for Small Watersheds, or an acceptable engineering method, subject to Township approval. Provide calculations for the critical storm duration showing the maximum required storage volume. When used to route hydrographs through a basin, the modified rational method also requires the correct critical duration storm be used to compute the maximum storage volume required. [Dawood's Substantive Comment #15]
4. §113-18.E.1 The overall stormwater management concept for the project, including any additional information required for a post-construction stormwater management plan (PCSWMP) as applicable. *Clearly indicate how runoff from proposed buildings is intended to enter the storm sewer system. [Dawood's Substantive Comment #16]*

5. §113-18.E.4 Expected project time schedule. *Add this information to the plans.* [Dawood's Administrative Comment #5]
6. §113-18.E.5 A soil erosion and sediment control plan, where applicable, as prepared for, reviewed and approved by the York County Conservation District. Provide approval of the erosion and sediment control plan from YCCD. [Dawood's Post Approval Requirements Comment #8]

General Comments:

1. Since the state requires that the Township determine what the appropriate speed limit should be for roads like Westgate Drive, Dawood recommends West Manchester Township require an engineering study be completed by the applicant to support the establishment of the legal posted speed for the road extension prior to dedication of the completed roadway to the Township. [Dawood's Post Approval Requirements Comment #9] *West Manchester Township Police Department will prepare a report to be shared with the applicant.*
2. Soil types on page 4 of the PCSM report do not appear to be congruent with the native soil types listed on sheet 20 of the plans. Revise as necessary for consistency. [Dawood's General Comment #1]
3. Comments from the York County Conservation District, Township Zoning Officer and others as applicable, shall be addressed. [Dawood's General Comment #2]
4. Dawood reserves the right to comment on future plan submissions or provide additional comments if new issues arise. [Dawood's General Comment #3]
5. Please add a fire hydrant interior to the lot between proposed Lots 3 and 4.
Please add a fire hydrant along Westgate Drive on proposed Lot 6 near the access drive.
6. All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)

Recommended Adjustments to the Plans:

Dawood believes several recommendations for improving the plans are warranted. This is consistent with §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. As it is consistent with Table 2B-1 in the most recent edition of the Manual on uniform Traffic Control Devices MUTCD for Streets and Highways, it is recommended the size of the proposed stop signs be 30"x30".
2. The plans should depict and label the proposed retaining wall on the grading plans.
3. As required by the Township Construction and Material Specifications, all hot mix asphalt pavement shall be as specified in the current version of Pennsylvania Department of Transportation (PennDOT) Publication 408. The typical section for such pavement should be corrected.
4. The saw-cut pavement tie-in detail shall use a 1' Superpave overlay beyond the full depth paving sawcut to help minimize water infiltration, as required by the Township Construction and Material Specifications.
5. The pavement section in the Base Drain detail should match the pavement section in the corrected typical section.
6. Inlet boxes must conform to RC-45 & RC-46. The current reference to RC-34 is outdated. The Township Construction and Material Specifications implies complying with the current edition of PennDOT Publication 72M.

7. The footprint of the future roadway at Roosevelt Avenue (SR 4001) does not appear consistent with the design of the PennDOT Highway Occupancy Permit. Revise the width and radii of the future connection area accordingly. Also, label the slope of the future Phase 3 profile to confirm the vertical curve.

SECOND: by Patrick Hein

MOTION PASSED: Unanimously (5-0)

MOTION: by Sonia Wise to recommend the Board of Supervisors grant the following waivers and deferment request:

Requested Waivers & Deferments:

W1.	§121-23.N.1 Maximum Permanent Cul-de-sac Length. The applicant proposes a cul-de-sac which has a length to the nearest intersection of 1,800 feet, exceeding the maximum of 750 feet. <i>Though acceptance of the waiver is recommended, Dawood thinks it should be applied for independently of the waiver requested from §121-23.J</i>
W2.	§121-23.J Turnaround Dimensions. The applicant proposes a waiver so that the cul-de-sac can be constructed to the temporary design criteria. <i>The applicant appears to be requesting a waiver in part due to the expected schedule for completion of the extension to Roosevelt Avenue. Dawood recommends requiring the information requested in Substantive Comment 8. If the turnaround will remain more than two years, Dawood recommends requiring the information requested in Substantive Comment 6.</i>
D1.	§121-25 Curbs and Sidewalks. <i>The applicant is requesting a deferment from the requirement to install sidewalks and curbs along Roosevelt Avenue, noting that no sidewalks currently exist along the road and there are no nearby uses such as schools, parks or convenient shopping which would generate significant pedestrian activity. Additionally, the applicant proposes a deferment of sidewalks along Westgate Drive indicating that slopes are not conducive to safe pedestrian access and that sidewalk would encourage pedestrian access to Roosevelt Avenue, which is currently not curbed or in possession of sidewalk.</i>

SECOND: by Fred Walters

MOTION PASSED: Unanimously (5-0)

T-876 BAE Stormwater Improvements Waiver Requests – The applicant is requesting a waiver from the following sections of the Stormwater Management Ordinance: §113-17.I.5 Stormwater systems to convey the 25 year storm event; §113-17.H.2 flooded roads or driveways shall not exceed 8 feet in spread for the 10 year storm event located at 1100 Bairs Road at its intersection with Smith Drive. Review/Action.

Mr. Chris Beauregard, Civil Engineer, with Nutec Design presented the stormwater waiver request on behalf of BAE Systems. Mr. Beauregard stated that existing stormwater infrastructure at BAE Systems is in need of repair. Flooding is a reoccurring issue at BAE’s main entrance along Bairs Road. The proposed location of the repair is within the railroad’s right-of-way and the Township’s road right-of-way of Bairs Road near Smith Drive. The applicant proposes to replace two 15-diameter corrugated metal pipes that are filled with sediment and are in poor condition. Mr. Beauregard explained that the current pipes are undersized to convey small storm events. The existing pipes cannot be lowered, and the roadway cannot be raised. The applicant intends to install 2 new 12-inch-wide by 18-inch-deep precast concrete trench drains which can be easily maintained, flushed, and inspected. The proposed replacement is meant to improve the situation, but it does not meet the requirements of the ordinance thus the need for a waiver. Mr. Beauregard explained that replacing the existing pipes with trench drains will not result in an increase of hydraulic capacity for stormwater conveyance, the trench drains will provide more structural support for the roadway. BAE has been working for over a year to

receive permission from the railroad to perform the repairs in their right-of-way.

MOTION: by Richard Gordon to recommend the Board of Supervisors grant the requested waivers.

SECOND: by Sonia Wise

MOTION PASSED: Unanimously (5-0)

DISCUSSION

Ms. Sampere informed the Planning Commission members that the Board of Supervisors will be holding interviews with the comprehensive plan RFP respondents this week. They hope to select a firm to begin working on the comprehensive plan in the next few months.

ADJOURN

MOTION: by Patrick Hein to adjourn the meeting.

SECOND: by Richard Gordon

MOTION PASSED: Unanimously (5-0)

The meeting was adjourned at 7:55 p.m.