

MINUTES
WEST MANCHESTER TOWNSHIP
PLANNING COMMISSION
DATE: February 9, 2021

The meeting was called to order by Ronald Ruman at 7:00 P.M. Members present: Richard Gordon, Patrick Hein and Fred Walters; Others present: Rachelle Sampere, Township Zoning Officer and Thomas Godfrey, PE from Dawood Engineers (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 Fred Walters to approve the January 12, 2021 meeting minutes.

SECOND by: Richard Gordon

MOTION PASSED: 4-0

ZONING HEARING BOARD CASES

ZHB Case # 21-06 – CHR Corp. – requests a variance §150-289.A to expand an existing nonconforming use by more than 25% (requesting a 44% expansion) for retail sales and a variance of §150-289 to remove the existing canopy and install a new canopy with increased size over the gasoline dispensers **located at 2345 Carlisle Road** (Tax Map: 11; Parcel: 0047) in the Local Commercial Zone.

Tyler Eshelman, counsel for CHR Corp. and Rutter's, and Eric Thomas, Site Development Engineer for M&G Realty and Rutter's, presented the application. Attorney Eshelman explained that the existing Rutter's Store is located in a building that was split between two (2) retail tenants. The Rutter's Store #49 is 3,064 square feet. The adjacent vacant tenant space is 1,375 square feet. Rutter's would like to expand their store into the vacant tenant space. The existing Rutter's store exceeds the maximum retail area of 2,400 square feet for retail sales in the Local Commercial Zone. The shopping center of which the Rutter's store is a part, is an existing non-conformity, as it was developed under the previous zoning which was shopping-commercial. A variance is required to expand the non-conformity (retail sales in excess of 2,400 square feet) by more than 25%. Rutter's needs the extra area to accommodate their beer cave and cooler space. They are also requesting a variance to expand the existing gas pump canopy. The existing canopy must be removed so the pumps can be upgraded and replaced. The existing canopy extends nine (9) feet over the side property line. The adjacent property to the east is under the same ownership as the property with the Rutter's store. Helen Shick, Et Al. is the owner of both properties. The existing canopy is thirty-five (35) feet long. The proposed canopy will be forty-one and a half (41.5) feet long. The canopy will remain the same width. Mr. Gordon asked if they are anticipating an increase in traffic since they are proposing to increase the size of the store. Mr. Thomas stated that since their previous use of the vacant tenant space was retail, the traffic volume should be relatively the same. Mr. Hein asked if there will be adequate parking for the increased retail space. Ms. Sampere stated that there are 15 spaces proposed. Attorney Eshelman would check to see if there is a reciprocal agreement for parking between the two properties owned by Helen Shick, Et Al. There are no proposed expansions to the existing

building. The footprint will be reduced slightly by the removal of an outdoor cooler to the rear of the vacant tenant space.

MOTION: by Patrick Hein to recommend the Zoning Hearing Board approve the variances as requested.

SECOND: by Fred Walters

MOTION PASSED: 4-0

NEW BUSINESS

T-858 Final Land Development Plan for Cottontail Solar 2, LLC for a solar energy farm located along New Salem Road in the Agricultural Zone. *Tabled at the request of the applicant.*

MOTION: by Patrick Hein to table the plan until the March 9, 2021 Planning Commission meeting.

SECOND: by Fred Walters

MOTION PASSED: 4-0

T-859 Final Lan Development Plan for Cottontail Solar 1, LLC for a solar energy farm at three (3) parcels located along Stoverstown Road and Sunnyside Road in the Agricultural Zone. *Tabled at the request of the applicant.*

MOTION: by Patrick Hein to table the plan until the March 9, 2021 Planning Commission meeting.

SECOND: by Fred Walters

MOTION PASSED: 4-0

T-860 Final Land Development Plan for Cottontail Solar 8, LLC for a solar energy farm at two (2) parcel located along Woodberry Road and West College Avenue in the Agricultural Zone. *Tabled at the request of the applicant.*

MOTION: by Patrick Hein to table the plan until the March 9, 2021 Planning Commission meeting.

SECOND: by Fred Walters

MOTION PASSED: 4-0

T-861 Preliminary/Final Land Development Plan for Taco Bell to demolish the existing Taco Bell drive-through fast-food restaurant and redevelop the lot as part of a shopping center with a Mavis Discount Tire and relocated Taco Bell drive-through fast-food restaurant located at 2189 White Street in the Regional Commercial Zone.

Christian Jacobson of the Pettitt Group presented the preliminary/final land development plan for Taco Bell and Mavis Discount Tire. Mr. Joe DePascale, of White Street Investors, was also participating in the meeting. Mr. Jacobson stated that property owner was desirous of demolishing the existing Taco Bell and redeveloping the site to into a shopping center of 2.09 acres as previously approved by the Zoning Hearing Board. The property will consist of a Mavis Tire and a new Taco Bell. The access will be shared with the existing Hoss's Steak & Seahouse. The applicant provided a copy of the access easement agreement as party of their land development submission. Mr. Jacobson presented the plan revisions and reviewed the open comments with the planning commission members. Mr. Tom Godfrey of Dawood Engineers stated that his office is currently reviewing the stormwater management plans.

MOTION: by Richard Gordon to recommend the Board of Supervisors approve the plan subject to the following outstanding comments being addressed, the variance application being granted for the location of the dumpster at the proposed Taco Bell, the traffic impact study being approved by the Township Engineer and the stormwater management plans being approved by the Township Engineer.

Zoning Ordinance (ZO):

1. Dumpsters. §150-150 Dumpsters used for domestic garbage may be permitted within the side or rear yard, provided that such dumpsters are screened from adjoining roads and properties. All dumpsters shall be set back at least 25 feet from all lot lines and 50 feet from any adjoining residentially zoned property. ***The dumpster for Taco Bell is shown to be located within the front yard area of White Street. The dumpster must be relocated, or a variance must be obtained from the Zoning Hearing Board. The applicant's engineer stated that the property owner will be applying for a variance to allow Taco Bell's dumpster to be located within the front yard area of White Street.***

Subdivision and Land Development Ordinance (SLDO):

1. The location and size of the following features and related rights-of-way: sanitary sewer mains, water supply main, fire hydrants, buildings, swales, watercourses, bodies of water, floodplains, stormwater management facilities and wooded areas. §121-14.C.4.b. ***Show the existing water mains and gas lines in White Street. Provide letters documenting ability to serve from the utility.***
2. Proposed waivers. 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. §121-14.D.14 ***Revise the waiver table to include the outcome and date of action for the requested waivers. Provide a waiver application for each requested waiver listed on the title sheet of the plan.***
3. A stormwater management plan in accordance with Chapter 113, Stormwater Management, as amended. §121-14.E.3 ***A stormwater management plan has been submitted for review. See Dawood Engineer's memo for review comments.***
4. Transportation Impact Statement. §121-14F.1 Impact statements for ... all nonresidential uses or upon a determination of need by the Board of Supervisors. ***Provide trip generation data for the proposed project for review and evaluation for additional information need. Provide an evaluation of the needed stacking lanes at each proposed facility to avoid traffic backing onto White Street for review. Trip generation data in review by Dawood Engineers. Need confirmation of stacking lane lengths.***
5. Notice from the Pennsylvania Department of Environmental Protection that a sewer facilities plan revision or supplement has been approved. §121-15.F.3 ***The Township must receive an approval letter from PA DEP prior to releasing the plan for recording.***
6. Certifications and notifications. §121-14.G.2 A statement by the individual responsible for the plan to the effect that the survey, plan and/or general data are correct. ***Surveyor's signature will be required prior to the recording of the plan.***
7. Improvement guaranties. §121-16. ***Improvement guaranty is required prior to recording the plan.***
8. Financial Security. §121-17 ***Financial security is required prior to recording the plan. Please submit an estimated cost spreadsheet for the Township Engineer to review.***

9. Engineering escrow shall be delivered to the Township, prior to recording the plan, in the form of a check payable to the Township in the amount equal to 3.5% of the bond or other security. If the amount furnished is not sufficient to cover inspections, administrative and other related costs, the applicant shall furnish additional amounts from time to time, when notified to do so. §121-17.D **Provide engineering escrow prior to recording the plan.**
10. Maintenance guaranty. §121-19. **A maintenance guaranty will be required for 18 months.**
11. As-built plans. §121-21. Upon completion of all required improvements and prior to the issuance of occupancy permits, the applicant shall submit an as-built plan showing the location, dimension and elevation of all public improvements. In addition, the plan shall indicate the resultant grading, drainage structures, and/or drainage systems and erosion and sediment control practices, including vegetative measures, are in substantial conformance with the previously approved drawings and specifications. The plan shall not all deviation from the previously approved drawings. **Two copies of the plan shall be submitted to the Township, which shall distribute one copy to the Township Engineer and retain one copy for the Township files.**
12. All existing streets at the perimeter and/or through the development shall be improved according to the Township specifications. §121-23 **Existing streets shall be brought into compliance with current requirements or request a waiver.**
13. Stormwater Management. §121-30 All land development applications shall include stormwater management data as required in accordance with the prevailing West Manchester Township Stormwater Management Ordinance. **Stormwater management plan is being reviewed by Dawood Engineers. Please see their review memo for any required revisions.**
14. Sanitary sewage disposal. §121-34 **A sewer planning module revision has been submitted to the Township for review. Approval from PA DEP is required prior to recording the plan. (6 EDUs)**

General Comments:

1. 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)
2. The applicant shall obtain the necessary NPDES stormwater discharge permit, and provide all necessary documentation, including an approved E&S control plan.
3. Truck turning templates shall be provided to verify tractor trailer and local fire apparatus movement through the site. The largest fire apparatus shall be able to traverse the site. The West Manchester Township Fire Chief should be contacted to review the plans to verify the size of the largest apparatus and to confirm adequate access is provided for fire control.
4. Operation & Maintenance Agreement is required.
5. All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)
6. All final plans, as recorded, shall be submitted in electronic format (i.e. PDF)
7. Label the rain gardens on all sheets. Confirm that each rain garden (especially RG-05) has sufficient freeboard in accordance with the Stormwater Management Ordinance. **A waiver for freeboard from the 100-year storm has been requested. List wavier request on the cover sheet.**

Stormwater Management Ordinance (SWMO):

The plan was reviewed by Dawood Engineers for compliance with the West Manchester Township Stormwater Management Ordinance was reviewed by Dawood Engineers.

1. §113-12.I The design of all facilities in areas of carbonate geology or karst topography shall include an evaluation of measures to minimize adverse effects, including hydro-geologic studies if required by the Township. ***The PCSM noted nearby Karst features, but it is unclear whether they are on this parcel or not. This item has not been resolved. The applicant is in the process of confirming this request.***
2. §113-17.E.1 Confirm that each rain garden (especially RG-05) has sufficient freeboard in accordance with the SWMO. ***The applicant has requested a waiver of the freeboard requirement. As these areas are rain garden BMPs and detention facilities, the OCS grate orifice elevation shall be extended above or at the 100-year storm elevation. The applicant shall provide a minimum 6" from the top of basin to grade to the 100-year storm elevation for all areas before a partial waiver could be recommended. Currently, 6" of freeboard has not been provided in all areas.***
3. §113-17.N.6 The applicant shall provide on the recorded plan the following note: "I, _____, certify that the proposed detention basins (circle one) are/are not underlain by limestone." ***The applicant has stated that the note shall be added to prior to final approval – no further action is required at this time.***
4. §113-18.E.9 The SWM site plan shall include an operation and maintenance plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities. ***An O&M agreement shall be executed and recorded in accordance with §113-27.***
5. A notarized signature of the owner of the parcel for which the SWM site plan is proposed indicating that they are aware of and will be responsible for operation and maintenance of the facilities ***The applicant has stated that the signatures shall be added prior to final approval. No further action is required at this time.***
6. §113-18.E.19 The name of the development, the name and address of the property owner, and the name and address of the individual or firm preparing the plan must be added. Also to be included are the name, address, signature and seal of any engineer, landscape architect, or professional geologist (for geomorphological assessments) contributing to and/or with a responsibility for any aspect of the plan where applicable. Property owner, surveyor, PE and PG names, addresses and signatures are required. ***The applicant has stated that the specified addresses and signatures shall be added prior to final approval. No further action is required at this time.***
7. §113-25.A&B Provide as-built drawings and completion certificate upon completion of the stormwater management facilities. ***The applicant has stated that the noted information shall be provided prior to final approval. No further action is required at this time.***
8. §113-27.A Provide an executed O&M agreement prior to the plan being recorded. ***The applicant has stated that the noted information shall be provided. No further action is required at this time.***

9. §113-28 Provide a financial guaranty for all stormwater management facilities. The applicant has stated that the noted information shall be provided. No further action is required at this time.
10. It is uncertain where water quality measures as provided on site. The BMP facilities should be called out and detailed, including but not limited to the locations of the limits of amended soils. ***The limits of amended and various soils shall be shown on the plans as referenced in the PCSM Legend on Sheet 10 of 16.***
11. There are notes on Sheet 11 of 16 that are “greyed out” and are difficult to read. ***The applicant has stated that the plans are being updated prior to the Planning Commission meeting.***
12. There is reference in the Storm report to areas B-01, 02 and 03 in the storm report that are not referenced again. There are no references to runoff areas B-01, 02 and 03 on the Plans or in the storm report and routing diagrams. It is unclear what areas these represent. As well, there is reference to constructed filter (B-01) in the critical stages in the construction sequence and detention basin B-1 referenced in the drainage notes. Please confirm what these areas are. ***The applicant has stated that the plans are being updated prior to the Planning Commission meeting.***
13. Please revise the stormwater system construction sequence and the description of the BMPs for the property as necessary. ***The applicant has stated that the plans are being updated prior to the Planning Commission meeting.***

Trip Generation Review:

1. The AM and PM peak hour site traffic must be calculated based on the peak hour of the adjacent street, not the peak hour of the generator.
2. The scope of the required impact statement must consist of a site access evaluation including HCM capacity analysis (level of service and delay), queueing analysis and right turn lane warrant analysis at the existing site access for the buildout conditions.
3. The presented trip generation information presented the AM and PM peak hour site traffic for the development (generator) but not for the peak hour of the adjacent street, as is preferred. Utilizing the peak hour of the adjacent street has the effect of reducing the AM and PM trip generation slightly in this instance.
4. Recalculated peak hour site trips only result in an increase of 17 trips during the AM and 19 trips during the PM, which is a minor impact. However, the Saturday peak is proposed to increase traffic by 51 additional trips which could have an effect on the site access.
5. Since this is a shared access with Hoss's, with only one way in/out, insufficient information has been presented to evaluate the full volume of traffic utilizing the driveway and the impact the additional site trips may have.

SECOND: by Patrick Hein
MOTION PASSED: 4-0

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

- W1. Preliminary Plan. §121-9
- W2. Impact Statements. §121-14.F (Transportation Impact Statement)
- W3. A waiver for freeboard from the 100-year storm.

SECOND: by Patrick Hein
MOTION PASSED: 4-0

DISCUSSION

There was no additional discussion.

ADJOURNMENT

MOTION: by Patrick Hein
SECOND: by Richard Gordon
MOTION PASSED: 4-0

Meeting adjourned at 7:43 p.m.