

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

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

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 Richard Gordon to approve the February 14, 2023, meeting minutes as presented.

SECOND: by Sonia Wise

MOTION PASSED: Unanimously (3-0)

ZONING HEARING BOARD CASES

ZHB 23-07 – GN Realty Market, LLC – requests a variance §150-83.B Permitted Uses to allow a drive-through or fast-food restaurant and a variance §150-324.F to allow a drive-through or fast-food restaurant on a property to be located within 200 feet of a residential zone **located at 4200 West Market Street** (Tax Map: 14; Parcel: 0062) in the Local Commercial Zone.

Mr. Joseph Stein of Warehaus AE presented the variance application on behalf of the applicant, GN Realty Market, LLC. He informed the Planning Commission members that the applicant is interested in remodeling the former bank and redeveloping it into a Dunkin' Donuts. The applicant received written permission from the property owners to seek a use variance for the property. Drive-through and fast-food restaurants are not permitted uses in the Local Commercial Zone. Mr. Stein went through the Local Commercial Zone's permitted uses and explained which uses may be suitable for the subject property; however, since the property went on the market in 2022, there hasn't been much interest. GN Realty, Market, LLC has been the only real interest. The applicant has recent experience in remodeling former banks into Dunkin' Donut fast-food/drive-through restaurants. Eighty percent (80%) of the sales are done between 6:00 a.m. and 10:00 a.m. with ninety percent (90%) of the volume done through the drive-through. A few seats are provided for indoor dining. There are currently two (2) driveway accesses to the property along South Emig Road and one access along West Market Street (SR 0030). The applicant proposes to use the existing drive-through location. Mr. Stein shared the proposed compliance with the criteria for a fast-food/drive-through restaurant: the subject property fronts along an arterial road, employees will routinely patrol the site for litter collection and emptying of trash receptacles and dumpsters will be emptied several times per week, the drive-through window lanes will be separate from the parking lot's interior driveway, speaker and microphone system will be compliant with the ordinance to avoid creating a nuisance to the neighboring properties, if proposed, outdoor eating areas will be enclosed by a three-foot-high fence; however, no outdoor eating or play area is proposed, sufficient stacking is available on site. A variance is requested to allow the fast-food/drive-through restaurant within 200 feet of the residential zone.

Ms. Wise stated that the Local Commercial Zone prohibits fast-food/drive-through restaurants due to the small business nature of the zone and the close proximity to residential neighborhoods. How would the applicant ensure that the residential neighbors wouldn't be adversely affected by noise and additional traffic? Mr. Stein explained that the applicant would follow the requirements in the Zoning Ordinance for screening to mitigate

any possible noise coming from microphones at the proposed drive-through menu board. Traffic concerns would be addressed during the land development process; however, Mr. Stein illustrated the conceptual traffic pattern for the property as indicated on the site plan included with the application.

MOTION: by Richard Gordon to recommend the Zoning Hearing Board grant the variances subject to the following condition: a land development plan, traffic impact study, sewer planning module or exemption mailer, and stormwater management plan must be submitted, approved, and recorded prior to obtaining a building permit application.

SECOND: by Sonia Wise

MOTION PASSED: Unanimously (3-0)

ZHB 23-08 – BLM Construction & Remodeling, LLC – requests a variance §150-291 to restore a nonconforming building with various dimensional nonconformities destroyed by more than 75% of the fair market value to be rebuilt on the property on the same building footprint; variance §150-89 Minimum Required Setbacks; variance §150-95 Maximum Lot Coverage; variance §150-97 Required Screening; variance §150-98 Required Landscape Strip; variance §150-257 Required Landscape Strip; and variance §150-99 Dumpster Location **located at 85 N. Fayette Street** (Tax Map: 05; Parcel: 0163) in the Local Commercial Zone.

Mr. Barry Mease owner of BLM Construction and Remodeling presented the request. Mr. Mease is the prospective buyer of the property. The current property owner provided written permission for Mr. Mease to request zoning relief for the subject property. Mr. Mease reminded the Planning Commission members that the subject property suffered fire damage in 2022, destroying the nonconforming use (roller skating rink). The roller skating rink was demolished, however the foundation remains. Mr. Mease would like to construct a permitted use on the existing foundation. The foundation does not meet the required setbacks. Since the previous zoning relief expired due to lack of land development plan and/or building permit being filed by the owner, Mr. Mease is requesting that the Planning Commission recommend the Zoning Hearing Board grant the variances so he may build an office for his construction company on the property. There would be a fenced area for the storage of construction trailers and construction vehicles; however, no materials would be stored outdoors.

MOTION: by Sonia Wise to recommend the Zoning Hearing Board grant the variances requested subject to the following conditions:

1. The proposed building with various dimensional nonconformities must be rebuilt on the same building footprint to the greatest extent possible without expansion or enlargement.
2. Prior to obtaining a building permit for reconstruction, a land development plan must be filed with the Township for Planning Commission review and Board of Supervisors approval prior to recording at the York County Recorder of Deeds and Map Office.
3. There shall be no outdoor storage of materials except trailers and vehicles inside the fenced area.

SECOND: by Patrick Hein

MOTION PASSED: Unanimously (3-0)

NEW BUSINESS

T-870 REVISED Preliminary/Final Land Development Plan for Proposed Car Wash Facility for BLM Assets, Inc. – to depict the construction of a proposed car wash and associated improvements on a 1.366-acre parcel (Lot 13 created by a separate subdivision plan) **located at 715 Town Center Drive** in the Regional Commercial Zone.

Mr. Scott DeBell of Site Design Concepts presented the plan revisions on behalf of the developer. Mr. DeBell explained that the plan revisions include an exit drive from the site onto Haviland Road which would be right-turn only. Additional changes were made to the access drive from Haviland Road into the subject property. The access drive no longer aligns with the entrance into the WalMart parking lot near the bus shelter. It will bisect the two (2) parcels then turn east before the stormwater channel, traversing the adjacent lot where a bridge will be constructed to cross the existing stormwater channel to connect with the Mall's ring road near the bend at the northeast property. The relocated access drive will make it less attractive for motorists to use it as a cut-through from Haviland Road to the Mall's ring road. It would also prevent additional vehicles stacking on the Mall's Ring Road back to the Brougner Lane entrance. There were also changes to the stormwater management to accommodate the new impervious area. Ms. Sampere asked why the "bail out lane" was removed ahead of the car wash tunnel. How will customers be able to exit the car wash queue if they change their mind after entering? Mr. DeBell explained that the car will go through the tunnel and the features will be turned off until the car exits. Mr. DeBell said that the developer is planning to construct a play area in the location of the former "bail out lane". The playset would be available for use by car wash patrons. The play set will be enclosed by a fence.

The following waivers and deferment were acted upon by the Board of Supervisors at their regularly scheduled public meeting on 8/25/2022:

W1.	§121-9 Preliminary Plan. Waiver is requested to allow the submission of a combined preliminary/final plan set. - Granted by Board of Supervisors 8/25/2022
W2.	§121-14.A.3 Maximum plan size 24"x36". Waiver is requested to allow a plan size of 30"x42". - Granted by Board of Supervisors 8/25/2022
W3.	§121-14.F.1 Transportation Impact Statement. Waiver is requested to not provide a Traffic Impact Statement. Denied by Board of Supervisors 8/25/2022
W4.	§121-23.I Horizontal alignments of streets, access drives and driveways. Waiver is to allow the access drive to be constructed without complying to the horizontal design minimums. Dawood does not support this waiver request.
W5.	§42-9.G Access drives shall be 35 feet wide. Waiver is requested to allow 36 feet wide access to accommodate three lanes of traffic. - Granted by Board of Supervisors 8/25/2022
W6.	§42-9.H Access drives shall be 24 feet wide. Waiver is requested to allow a 16-foot-wide one-way access drive. - Granted by Board of Supervisors 8/25/2022
D1.	§121-25 Curbs and Sidewalks. Waiver is requested to defer sidewalks along frontage since adjacent properties have not installed sidewalks along frontage. Sidewalks shall be installed in future upon written request from West Manchester Township. - Granted by Board of Supervisors 8/25/2022

MOTION: by Richard Gordon to recommend the Board of Supervisors approve the revised preliminary/final land development plan subject to the following comments being addressed prior to the plan being recorded:

Subdivision and Land Development Ordinance (SLDO):

1. §121-0.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 comments from the Township Fire Chief, if any. Fire Chief Laughman has request a fire hydrant be located along the proposed access drive between the new construction on Lot 13 and residual tract lot 13 for emergent situations. Contact Fire Chief Laughman for questions and/or clarifications.*
2. §121-14.B.5 Indication of map and lot number assigned to the property by the York County Tax Assessment Office. *Please add this information to all applicable sheets of the plan. This should be available if the subdivision plan was recorded.*
3. §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

waivers. Update the waiver requests listed on the plan as appropriate based on the decision of the Board of Supervisors.

4. §121-14.F. A transportation impact study (TIS) is required for all non-residential uses. The previous Traffic Memo for the Haviland Road extension prepared by Transportation Resource Group, Inc. and dated December 21, 2017 assumed a 15,000 square foot shopping center land use between Haviland Road and the Mall Ring Road as background traffic. However, Dawood expects the proposed car wash and neighboring fast-food restaurants to generate more than PM peak hour trips than the originally assumed shopping center. Therefore, a waiver of the ordinance requirements for the transportation impact statement is acceptable under a certain circumstance. That is, if the traffic concerns listed in the last review memorandum were addressed in a separate evaluation or traffic operations for the proposed site access and connector road. Such a traffic study was furnished, and Dawood recommends the following items related to it should be addressed.
 - a. The developer must provide a condition on the land development plan to monitor the connector road/Ring Road intersection 6 months after full buildout/occupation of the site and install physical turn restrictions or time-of day turn restrictions to address any identified need upon further coordination with the Township. It is desired to monitor this location since the traffic analysis indicates the northbound approach of the connector road/Ring Road intersection is projected to operate with LOS E (35.7 seconds of delay) during the Saturday Peak. Likewise, although the northbound approach is projected to operate with a LOS C during the PM peak hour of the adjacent street, the peak hour of fast-food restaurants typically occurs during the noon lunch hour, which was not analyzed. Also, it should be assumed a PM peak hour of the generator for the site trip generation would increase site traffic by 108 trips during the PM peak.
 - b. Identify the volume of traffic anticipated to exit the Car Wash site via Haviland Road. This access is shown on the Land Development plan but was not evaluated in the traffic study.
 - c. Clarify the source of data for the intersection of Carlisle Road and Brougner Lane.
 - d. The internal access to the fast-food restaurants appears to be ingress only. Include this in the study recommendations.
5. §121-14.F.1.a.1 Although a waiver request has been requested for the car wash land use, a design evaluation of the proposed connection between Haviland Road and the Mall Ring Road will be required. The proposed design represents a new alignment that was not previously reviewed by the Township. Therefore, a waiver is not recommended for this design evaluation. The evaluation must include the following:
 - ~~a. Evaluation of connector operation at the Mall Ring Road during the design year with car wash site trips and projected cut through traffic from Haviland Road. **Comment addressed.**~~
 - ~~b. 95th percentile queue analysis for the northbound connector road at Mall Ring Road. **Comment addressed.**~~
 - ~~c. Identify who is responsible for construction of the Haviland Road Improvements. **Comment addressed.**~~
 - ~~d. Address any deviation from the West Manchester Township street design standards (related to the design of the proposed connector road). A design waiver for access drive design standards is not recommended at this time. (See traffic comment 3). **Comment addressed.**~~
 - e. Please add adequate traffic control along the connector road including stop bars and double yellow line striping on the bridge, no parking signage along the entire length of the connector road and dotted white extension lines to clarify where the right turn lane storage area ends. Depict all recommended/required signage on the land development plans including stop signs, one-way signs, do not enter signs, do-not-block-the-box signs, way-finding signs, etc.
 - ~~f. Identify whether the connector road will be turned over to West Manchester Township or remain private and identify how the connector road will be classified. **Comment addressed.**~~

- g. Sight distance must be demonstrated for a speed of 25 mph or the 85th percentile speed, whichever is greater. It is noted the sight distance is listed as only three feet greater than the minimum safe stopping value in some locations at the car wash driveway. Dawood recommends the sight distances be field verified by Township staff for both the car wash site access and the connector road intersection with the Mall Ring Road prior to issuance of the final occupancy permits. Sight distance must be evaluated for the internal connector road intersection with the Car Wash Driveway. If sight distances are inadequate for the one-way approach, additional stop signs should be required to mitigate the deficient approaches.*
- ~~*h. Discuss/provide a consideration for future access connections to the BLM Assets, Inc. connection is feasible along the connector road, it must align with the proposed car wash driveway. Note that the proposed car wash improvements must not restrict future potential access to the BLM Assets, Inc. lot. This must be carefully evaluated due to the limited property frontages available for this site. Comment addressed.*~~
- i. Vehicle turning templates must be provided for the design vehicle and for the largest emergency vehicle anticipated to access the site/connector road. Templates should demonstrate adequate circulation within the proposed car wash site, along the proposed connector road and at the Mall Ring Road intersection. Consider increasing the width of the one-way section of the connector road to 18 feet if necessary. Vehicle turning templates could not be located in this submission. The width of the connector road appears to be appropriate.*
- ~~*j. The 90-degree bend in the connector road adjacent to the Mall Ring Road intersection is undesirable due to visibility of the intersection, visibility of stacked vehicles, required turning clearances and the increased driver distraction created by the roadway geometry. The design must be revised to reduce potential conflicts. Comment addressed.*~~
- 6. ~~If the connector road is to remain private, it is recommended that West Manchester Township require the applicant to post a "No Through Traffic" sign at the Haviland Road entrance and provide an Indemnification agreement to hold West Manchester Township harmless for incidents/claims associated with the design or operation of the proposed connector road.~~
- 7. ~~§121-15.F.9 & §121-16 Improvement guaranties in accordance with Article V. Please provide a cost estimate to be reviewed by Dawood Engineers for all public improvements associated with the plans. Comment addressed. Proposed improvement guarantee is \$203,219.50.~~
- 8. §121-17 Financial Security. Financial security is required for public improvements not installed prior to recording the plans.
- 9. §121-19 Maintenance guaranty. An 18-month maintenance guaranty from date of acceptance by the Board of Supervisors is required to guarantee the structural integrity of any public improvements. *Provide a maintenance bond of 15% of the public improvements cost upon completion of the project construction.*
- 10. §121-21 As built plans. Upon completion of all requirement improvements and prior to the issuance of occupancy permits, the applicant shall submit an as-built plan showing location, dimension and elevation of all public improvement. In addition, the plan shall indicate that 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 note all deviation from the previously approved drawings. Two (2) copies of the plan shall be submitted to the Township, which shall distribute one (1) copy to the Township Engineer and retain one (1) hard copy for the Township files. *Provide certified as-built plans, preferably including a survey of the stormwater basins, upon completion of construction.*
- 11. §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 final plan... The Mall Ring

Road is a private roadway. *Please provide appropriate documentation that the proposed connection with the connector road is authorized.*

Stormwater Management Ordinance (SWMO:)

1. §113-12.L 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...*All such structures appear to discharge and infiltrate faster than 24 hours. SDC has indicated that the intent of the design is to minimize the depth of infiltration and spread the BMP out over the largest area practicable. Dawood concurs that this is a best practice and that this will naturally decrease dewatering time. However, the facilities still discharge directly into surface waters of the commonwealth. For this reason, a waiver is recommended.*
2. ~~§113-17.K Minimum pipe size. Stormwater management pipe collection and conveyance systems shall have a minimum diameter of 15 inches. Pipe size should be changed, or a waiver requested.~~ **A waiver has been requested and added to the cover sheet of the plan. 2-23-2023.**
3. §113-17.N.1.b and §113-17.N.4.b Field test. Though the post construction stormwater management report does contain an evaluation of the soils and their suitability for infiltration BMPs, it does not support this evaluation with infiltration testing and onsite soils evaluation. *SDC has indicated that additional testing/review is underway.*
4. §113-17.N.5 Extreme caution shall be exercised where infiltration is proposed in geologically susceptible areas such as strip mine or limestone areas... *The design of the stormwater conduits plan and post construction stormwater management report appropriately account for the fact that the site is likely underlain by karst geology. However, a geological evaluation of the proposed location for the infiltration BMPs should be conducted to determine if they are proposed over limestone or other formations susceptible to sink holes. If they will, it would be expected that a hydro-geologic justification study be performed to determine if ground water contamination can be prevented. SDC has indicated additional testing/review is underway.*
5. ~~§113-17.R.1 Sinkhole prone areas. The stormwater conduit must discharge into lined detention basins. If the geological evaluation shows the proposed infiltration BMPs area underlain by susceptible formations, a waiver will be required.~~ **A waiver request has been added to the cover sheet of the plan. 2-23-2023.**
6. §113-18.E.27 The SWM site plan shall also provide... Drainage-flow pathways. Other than that indicated for the existing concrete drainage flume, drainage-flow pathways are not specifically indicated.
7. §113-18.E.7. The SWM site plan shall also provide the following information where applicable: Plan and profile drawings of all SWM BMPs, including drainage structures, pipes, open channels, and swales.
 - a. *All distribution piping for S.I.B. 1 in the Land Development Plan should be a consistent size. Taken with the plan view on C-5, the trench drain to A2 profile on C-9 suggests 8" and the detail drawing for A2 on sheet C-13 suggests 6". This is inconsistent with the Subsurface*

Stone Infiltration Bed (S.I.B) Typical detail on C-13, which indicates 12". Please update the drawings accordingly.

- b. *The Subsurface Stone Infiltration Bed (S.I.B) Typical Design on sheet C13 should be updated to match the varied designs. Specifically, the S dimension is not consistent with the various infiltration bed designs. Additionally, the detail notes a 12" design minimum for "S". Finally, note 2 indicates that distribution piping within the beds shall be a minimum of 15". Please revise accordingly.*

Post Approval Requirements:

1. §113-18.E.11 and §113-18.E.19 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. Also to be included are the name, address, signature and seal of any registered surveyor (attesting to the accuracy of the boundary survey), professional engineer, landscape architect, or professional geologist (for geomorphological assessments) contributing to and/or with a responsibility for any aspect of the plan where applicable... Signatures, seals and notarization shall be provided by the owner, professional surveyor, and professional engineer of record prior to final approval.

General Comments:

1. The signatures and seals of the individuals responsible for the plan shall be affixed to the plan prior to approval by the Board of Supervisors. (§121-15.F)
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)

Additional General Comments:

1. *On the plan that received conditional approval, there was a driveway between the entrance to the car wash building and the parking spaces at the vacuum stations. That driveway appears to have been removed. If someone decides not to utilize the car wash after driving under the payment canopies, how will they leave the site without going through the car wash building? Is there an emergency pull-off exit?*
2. *Dawood recommends the Township require the developer provide an indemnification agreement to hold West Manchester Township harmless for incidents/claims associated with the design or operation of the proposed connector road before approving the plan. Please provide a hold harmless agreement for the Township Solicitor to review.*
3. *The car wash exit onto the connector road is not ideal due to the proximity to the Haviland Road intersection and limited sight distance. Although conflicting vehicles may be visible while still on Haviland Road, the decision point at the connector intersection is closer than the minimum safe stopping sight distance. Some drivers exiting the site may make false assumptions about which way a vehicle on Haviland Road is turning. It is recommended the applicant address this via signage or revised alignment in the plan.*
4. *In the Hydrographs model, the elevation noted for weir control "A" should match the grate elevation of the respective structure. For example, on the 62nd page of the PSCM report PDF files, the weir control "A" should correspond to the grate elevation of outlet control structure A2, which is 412.43 not 409.00.*

Zoning Ordinance (ZO):

1. §150-251 Minimum space sizes. The handicapped parking space detail on sheet C-10 indicates the handicapped parking space is 8' wide x 20' long; however, the Zoning Ordinance requires that the space be a minimum of 12' wide x 22' long. *Please revise on all applicable sheets of the plan.*

SECOND: by Sonia Wise

MOTION PASSED: Unanimously (3-0)

MOTION: by Sonia Wise to recommend the Board of Supervisors grant the additional waivers:

- W7. §113-17.K. Minimum pipe size shall be 15" diameter. A waiver is requested to allow a smaller pipe diameter within the project site.
- W8. §113-17.R.3 Requires lined detention basin in areas underlain by susceptible formations. Waiver is requested not to require lined basins.
- W9. §42-8.F The number of access drives intersecting with a street line may not exceed one per lot. Waiver is requesting one access entering site and a second access exiting the site.
- W10. §42-9.B Access drives shall not be located less than 25' from side property line. Waiver is requesting to reduce the required distance.
- W11. §42 Which requires access drives to have a maximum grade of 10%. Waiver is requested to allow a maximum grade of 12%.

After examining the dated December 21, 2017 TRG Traffic Memo for the Haviland Road extension and plans for the neighboring property, Dawood cannot support the waiver of horizontal design minimums (§121-23.I). Dawood has no objections to the other waivers and deferments.

SECOND: by Richard Gordon

MOTION PASSED: Unanimously (3-0)

T-877 Final Land Development Plan for 1150 Greenwood Road – to depict three (3) phases of a proposed building expansion for a loading dock, warehousing area, and dismantling area. The plan also depicts associated parking to improve business operations at 1150 Greenwood Road in the I-2 Light Industrial Zone. There are no additional sewage flows proposed as part of this land development plan.

No one was in attendance to present the final land development plan for 1150 Greenwood Road. Ms. Sampere said that she had not received any communication indicating that the plan wouldn't be presented at tonight's meeting.

MOTION: by Sonia Wise to table the plan until the April 11, 2023, Planning Commission meeting.

SECOND: by Richard Gordon

MOTION PASSED: Unanimously (3-0)

DISCUSSION

Ms. Sampere stated that the Board of Supervisors had not yet selected a firm to begin working on the Township's Comprehensive Plan; however, the decision should be made in the next month or two. Planning Commission members should plan to attend the public meetings regularly to give input on the Comprehensive Plan.

ADJOURN

MOTION: by Patrick Hein to adjourn the meeting.

SECOND: by Richard Gordon

MOTION PASSED: Unanimously (3-0)

The meeting adjourned at 7:55 p.m.