

MINUTES
WEST MANCHESTER TOWNSHIP
PLANNING COMMISSION
DATE: March 8, 2022

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

Tonight's Planning Commission meeting was held in person and broadcasted live over the West Manchester Township Parks & Recreation Facebook page.

APPROVAL OF MINUTES

MOTION: by Richard Gordon to approve the February 8, 2022, meeting minutes as presented.

SECOND: by Patrick Hein

MOTION PASSED: Unanimously (4-0)

ZONING HEARING BOARD CASES

ZHB 22-05 – Karen & Steve Washington – request a variance of §150-30.B to allow an accessory building to exceed the maximum permitted height of 15 feet to a requested height of 24 feet **located on Taxville Road** (Tax Map: IG; Parcel: 0018D) in the Rural Residential Zone.

Attorney William Hoffmyer, 30 North George Street, York, PA presented the variance request on behalf of his client, Karen Washington. Attorney Hoffmyer explained that the request to build an accessory structure (pole building) to a maximum height of 24 feet to house his client's existing recreational vehicle and future farm equipment. Currently, the property is vacant. Ms. Washington's engineer has submitted a subdivision plan to create a 10-acre parcel for her future homestead where she proposes to build a single family detached dwelling and a pole building to house her recreation vehicle and future farm equipment. Ms. Washington explained that a 14-foot-high garage door is required for her to store her current recreational vehicle indoors. Her contractor informed her that it would be necessary for a 24-foot-high peaked roof in order to accommodate a 14-foot-high garage door.

MOTION: by Richard Gordon to recommend the Zoning Hearing Board approve the variance, as requested subject to the following conditions:

1. No portion of the accessory building may be used as a dwelling unit.
2. The accessory building may not be constructed prior to the construction of the proposed single-family detached dwelling.
3. The accessory building may not be used for any commercial or business activity.

SECOND: by Sonia Wise

MOTION PASSED: Unanimously (4-0)

ZHB 22-06 – Andrew & Sarah Zeller – request a variance of §150-86 to allow two (2) separate business entities to be operated on the property **located at 2265 Carlisle Road** (Tax Map: 11; Parcel: 0053) in the Local Commercial Zone.

Attorney Cory Dillinger of MPL Law Firm presented the variance request on behalf of his clients, Andrew

and Sarah Zeller. Attorney Dillinger stated that the property was formerly occupied by Grimm Trophy. The applicants are the current tenants of property with a lease and option to buy the property. They would like to utilize both buildings on the property. The main building would be occupied by the proposed tattoo shop. The detached garage would be occupied by the proposed screen printing/graphic design studio. Attorney Dillinger explained that Ms. Zeller currently operates a tattoo shop in the Leader Heights area. The synopsis provided by MPL Law Firm incorporates data from her current business location regarding the number of employees and anticipated daily clients. Ms. Zeller stated that there would be four (4) employees scheduled daily. Each employee would work with one (1) client at a time. Their schedules would be staggered throughout the day so that there would be no more than eight (8) people in the building at any time. Mr. Zeller stated that he would be the only employee in the detached garage for the screen printing/graphic design business. He does not anticipate having any employees. Ms. Sampere asked if there was plumbing in the detached garage. Mr. Zeller stated that there was a water line to the building, but since he is the only employee in the building, he would use the restroom facilities in the main building where the tattoo shop would be located. Attorney Dillinger explained that the existing parking area is not striped, but they believe there is enough space for a minimum of twelve parking spaces and a maximum of fifteen parking spaces. Attorney Dillinger stated that his clients believed both businesses were considered personal service businesses. The Zoning Ordinance requires one (1) parking space per 400 square feet of gross floor area. The minimum number of parking spaces required would be seven (7) spaces based upon this criterion.

MOTION: by Sonia Wise to recommend the Zoning Hearing Board approve the variance request subject to the following conditions:

1. The maximum number of separate business entities on the property may not exceed two (2).
2. The minimum number of parking spaces to be provided shall be no less than seven (7).
3. No dwelling unit is to be permitted on the property in addition to the two (2) business entities.

SECOND: by Patrick Hein

MOTION PASSED: Unanimously (4-0)

ZHB 22-07 – Wendy Flichman – requests a variance of §150-283.B Permitted Permanent Sign Chart P-9D to increase the maximum number and size for an attached sign for an individual use within the shopping center **located at 1201 Carlisle Road, more specifically Unit 1265** (Tax Map: JH; Parcel: 0055B) in the Regional Commercial Zone.

Ms. Wendy Flichman of Michael Sign Company presented the variance request on behalf of her client, Sierra, a retail store to be located at 1265 Carlisle Road. Ms. Flichman stated that the building is setback approximately 778 feet from the closest traffic lane. The Zoning Ordinance currently allows ¼ sq. ft. per linear foot of wall onto which the sign is to be affixed and not to exceed 100 square feet for individual uses within a shopping center. She explained that experts have determined that signage is visible at one (1) inch height per every ten (10) feet of distance. The current Zoning Ordinance would only allow for approximately 26 square feet of signage which would not be visible from the closest travel lane on Carlisle Road. The proposed sign height is approximately eight feet four inches (8'4") for the logo and the proposed height for the lettering is seventy-two inches (72"). The proposed width of the sign is forty-three feet six and three-fourth inches (43' 6.75") The proposed sign would be 363.02 square feet. Ms. Flichman stated that the tenant space was formerly occupied by Office Max which had a sign larger than what was allowed by the zoning ordinance., however Office Max has not occupied the space for many years. Multiple tenant spaces within the Delco shopping center have been granted variances for the size and number of signs. The second request is to allow a second sign on the front of the tenant space rather

than to be placed on the rear of the building. The rear of the building is not visible to the public and therefore renders the sign useless on that side of the building. The second sign proposed on the front of the building would be a blade sign under the awning at two and a half (2.5) square feet. The blade sign would be similar to the Ross blade sign at the adjacent tenant space.

MOTION: by Patrick Hein to recommend the Zoning Hearing Board approve the variance to increase the number and size for attached signs as requested.

SECOND: by Sonia Wise

MOTION PASSED: Unanimously (4-0)

NEW BUSINESS

T-866 Final Subdivision Plan for James & Kristi Swartz – 2 lot subdivision to create a new 1-acre parcel (lot 4A) from the 41-acre parent tract (lot 4) located at 4730 Graybill Road in the Agricultural Zone. ZHB Case #21-19 granted on September 29, 2021 to allow one additional building right within the bounds of their 41-acre tract pending the subdivision process.

Mr. Zane Williams presented the subdivision plan on behalf of the property owners, James and Kristi Swartz. Mr. Williams stated that the plan depicted a two (2) lot subdivision creating a one-acre parcel from the 41-acre parent tract located at 4730 Graybill Road. The Planning Commission members reviewed the variance application for this project in August 2021. The West Manchester Township Zoning Hearing Board granted the variance to establish an additional building right in order to create the one-acre parcel for their daughter to build her home. The subdivision plan proposed on-lot septic, stormwater management and a private well for the proposed single family detached dwelling.

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

- W1. §121-14.C.3 & §121.14.C.4 Existing features within 200 feet of subject property.
- W2. §121-25 Curbs and sidewalks. Waiver request is pertaining to the installation of sidewalk along Graybill Road.
- W3. §121-23.C.1 Improvements to existing streets.

SECOND: by Richard Gordon

MOTION PASSED: Unanimously (4-0)

MOTION: by Richard Gordon to recommend the Board of Supervisors approve the final subdivision plan contingent upon the following outstanding comments being addressed prior to recording the plan:

1. §121-14.D.14 & §121-15.D A statement on the plan indicating any proposed waivers. This statement must be revised, prior to the recording of the plan to acknowledge the outcome of the requested waiver(s). *Update the waiver requests listed on the plan as appropriate based on the decision of the Board of Supervisors.*
2. §121-14.E.2 & §121-15-F.3 A sewer facilities plan revision or supplement in accordance with the Pennsylvania Sewerage Facilities Act 537 of 1966, as amended. Verification should be provided that the Planning Module for Land Development was approved by the Sewage Enforcement Officer and the PA Department of Environmental Protection. *Please submit sewer planning for proposed on-lot system components to be reviewed by the Township's SEO prior to forwarding to PA DEP.*

- 3.. §121-15.F.3 Notice from the PA Department of Environmental Resources that a sewer facilities plan revision or supplement has been approved. *Include the PA DEP sewage planning approval (module or exemption) on the plan.*
4. The requested waiver statement on the Title Sheet of the plan must be updated to reflect the outcome and date of action prior to recording the plan.
5. 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)
6. 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)
7. All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)
8. All final plans, as recorded, shall be submitted in electronic format (i.e. PDF)
9. Prior to issuance of a building permit, a stormwater management plan in accordance with Chapter 113, Stormwater Management, will be required for the development shown on Lot 4A.

SECOND: by Patrick Hein

MOTION PASSED: Unanimously (4-0)

T-867 Final Subdivision and Land Development Plan for Most Reverend Nicholas C. Dattilo – 2 lot subdivision to create a new 10.00-acre parcel (lot 2) from the 29.88-acre parent tract (lot 1) located at the southwest corner of Taxville Road and Baker Road in the Rural Residential Zone. Lot 1 will remain vacant with an agricultural use. Proposed Lot 2 will be for a residential dwelling with associated outbuildings, driveway and stormwater management.

Ms. Patti Fisher of James Holley and Associates presented the subdivision and land development plan on behalf of the applicant. Ms. Fisher explained that her client, Karen Washington, has a purchase agreement with the Diocese of Harrisburg for the property located at the corner of Baker Road and Taxville Road. Ms. Fisher explained that the subdivision would create a ten-acre lot to be used as a residential dwelling with an associated driveway and pole building, as discussed earlier in tonight's meeting. Ms. Fisher stated that the residual lot would be 19.88 acres and will remain vacant for the foreseeable future. The plan proposed an on-lot septic system and a private well. Rainer Niederoest of Dawood Engineers explained to the Planning Commission members that the Act 537 Plan refers to this location as the southern portion and it was to be served by on-lot systems; however, public sewer was extended to properties to the west of this property due to the need for service after the Act 537 Plan was adopted. Mr. Niederoest said that he believes PA DEP may support the request for on-lot septic for this property since the Act 537 Plan still refers to it as an area to be served by on-lot systems. Ms. Fisher stated that the public sewer manhole is approximately two hundred ten feet (210') west of the subject property corner. The proposed dwelling is setback approximately 300 feet from the edge of paving. In order to extend the public sewer to the subject property, the applicant would need to obtain an easement across the neighbor's property. Ms. Fisher explained that the remaining outstanding comments are mainly administrative and they will be addressed prior to recording the plan.

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

- W1. §121-23.C.1 Improvements to existing streets.
- W2. §121-25 Curbs and sidewalks
- W3. §121-34.B Extension of public sewer.
- W4. §121-35.A Provide public water connection.

SECOND: by Richard Gordon

MOTION PASSED: Unanimously (4-0)

MOTION: by Sonia Wise to recommend the Board of Supervisors approve the final subdivision and land development plan contingent upon the following outstanding comments being addressed prior to recording the plan:

1. §121-11.A Waiver application. ...A waiver request shall include one application form (See appendix No. 9)... The application for consideration of a Waiver includes requests for waiver from three (3) sections of the ordinances but the plan lists four waiver requests. **An application for §121-35.A (extension of public water system) should be submitted if a waiver is being requested.**
2. §121-14.B.12 & §121-15.B The site map location should identify the municipal boundary with Dover Township.
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 waiver(s). **Revise the waiver block prior to recording the plan.**
4. §121-14.E.2 & §121-15-F.3 A sewer facilities plan revision or supplement in accordance with the Pennsylvania Sewerage Facilities Act 537 of 1966, as amended. Notice from PA DEP that a sewer facilities plan revision or supplement has been approved. **Please submit sewer planning for proposed on-lot system components to be reviewed by the Township's SEO prior to forwarding to PA DEP. The applicant has requested a waiver from connecting to public sanitary sewer which is approximately 210 feet from the property corner. Include the PA DEP sewage planning approval (module or exemption) on the plan.**
5. §121-14.E.3 & §121-15.E A stormwater management plan in accordance with Chapter 113, Stormwater Management, as amended. **Applicant submitted the plan for review by Dawood Engineers.**
6. §121-14.G.3 §121-15.F Applicable Plan Notations. **Most Reverend Nicholas C. Dattilo. Bishop of the Diocese of Harrisburg is listed as the owner, however the signature block states Bishop Ronald W. Gainer. Please revise or list why Bishop Gainer is signing the plan rather than Bishop Dattilo.**
7. §121-15.D.2 The suggested street address for all new lots. **Provide street address for both lots.**
8. §121-15.F.8 Written notices of approval as required by this chapter, including written notices approving the water supply systems, sanitary sewage systems and stormwater runoff to adjacent properties. **The applicant has requested a waiver not to connect to public water and public sanitary sewer.**
9. §121-15.F.9 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.
10. §121-16 & §121-17 Financial Security. Financial security is required for public improvements not installed prior to recording the plans. **Provide financial security for or install the required public improvements. (landscaping and lot line markers).**
11. §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.
12. §121-21 As built plans. Upon completion of all required improvements and prior to this 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 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. 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.
13. §121-28 Easements. Easements for sanitary sewer facilities, stormwater drainage facilities, public utilities or pedestrian access shall meet the standards in §121-28. ***A drainage easement should be provided for the existing stream located on the subject parcel. A note must be added to the plan that "Nothing shall be placed, planted, set, or put within the area of an easement that would adversely affect the function of the easement or conflict with the easement agreement."***
 14. 121-33.C Shade trees. All residential lots shall be provided with one (1) shade tree which is located no closer than twenty (20) feet from any utility line. Such trees shall be planted between a point no less than five (5) feet from the street right-of-way and the building setback lines. Such trees shall have a minimum caliper of one and one-half (1.5) inches. See the list of acceptable shade trees in this section of the ordinance. ***Please provide a shade tree on the plan for proposed Lot 2 (residential use).***
 15. §150-34.B The applicant shall provide the type of sanitary sewage disposal facility consistent with planning module for land development. When an existing public sanitary sewer system is located on or within one thousand (1,000) feet of the property, public sanitary sewer facilities must be provided. ***The applicant has requested a waiver. The applicant has been working with the Township's Sewage Enforcement Officer for on-lot septic system perc/probe.***
 16. §121-34.D Where on-site sanitary sewage disposal facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary subsurface sewage disposal system at a safe distance from building and water supply in accordance with Title 25, Chapter 73, Rules and Regulations of the Pennsylvania Department of Environmental Protection, as amended.
 17. §121-35.A. When an existing public water supply system is located on or within one thousand feet of the property, a complete water supply system connection to the existing public water supply system must be provided. ***Provide public water connection or request a waiver. A waiver request is listed on page 2 of the plan; however, it was not listed on the waiver application.***
 18. §121-35.D Where individual on-site water supply system is to be utilized, each lot so served shall be of a size and shape to allow safe location of such system, in accordance with the standards of the Pennsylvania Department of Environmental Protection.
 19. §113-17.N.4 A detailed soils evaluation of the project site shall be performed to determine the suitability of recharge facilities. The evaluation shall be performed by a qualified professional, and, at a minimum, address soil permeability, depth to bedrock, susceptibility to sinkhole formation, and subgrade stability... ***Provide a soils evaluation addressing susceptibility to sinkhole formation. Identify the underlying geology.***
 20. §113-17.N.6 The Township may require the Developer to provide safeguards against groundwater contamination for uses which may cause groundwater contamination, should there be a mishap or spill. It shall be the Developer's responsibility to verify if the site is underlain by limestone... ***Determine if the site is or is not underlain by limestone and provide the certification note on the plan for the seepage pits.***
 21. §113-18.D The following signature block for the Township: "(Municipal official or designee), on this date (date of signature), has reviewed and hereby certifies that to the best of his/her/their knowledge, the SWM site plan meets all design standards and criteria of the Municipal

- Ordinance No. (number assigned to the Ordinance)” **Provide the signature block on the SWM site plan.**
22. §113-18.E.2 A determination of site conditions in acceptance with the BMP Manual. A detailed site evaluation shall be completed for projects in areas of carbonate geology or karst topography, as well as for other environmentally sensitive areas, whether natural or manmade, including floodplains, streams, lakes, ponds, hydric soils, wetlands, brownfields and wellhead protection zones. **Provide a wetland/stream evaluation.**
 23. §113-18.E.4 **Provide an expected project time schedule.**
 24. §113-18.E.11 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. **Provide the signature block on the SWM site plan.**
 25. §113-25 As Built Plans; Completion Certificate; Final Inspection. After construction, provide as-built plans and certification of the SWM BMPs included in the approved SWM site plan in accordance with the ordinance.
 26. §113-27 Operation & Maintenance Agreements. **The O&M Agreement must be recorded with the plan.**
 27. §113-28 Performance Guarantee. **Provide financial guarantee for all the required stormwater management controls.**
 28. 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)
 29. 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)
 30. All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)
 31. An Operation and Maintenance Agreement is required to be recorded as part of the subdivision/land development and stormwater management process.
 32. All final plans, as recorded, shall be submitted in electronic format (i.e. PDF)
 33. A new legal description for the newly created lots should be recorded with the plan so that the County Tax Maps are updated.
 34. The clear sight triangle at the intersection of Taxville Road and Baker Road as shown on Sheet 1 of 3 should also be shown on Sheet 2 of 3.

SECOND: by Patrick Hein

MOTION PASSED: Unanimously (4-0)

Proposed Zoning Ordinance Text Amendment – to amend §150-291 entitled “Restoration” to provide relief to those property owners which suffer a loss of an existing nonconformity due to no fault of their own. For review and recommendation.

Dr. Beecher asked if anyone was in attendance to present the proposed Zoning Ordinance text amendment. No one was in attendance to formally present the text amendment. Supervisor Ronald Ruman was in the audience and explained that he was there to answer any questions the Planning Commission may have regarding the proposed text amendment. He explained that he proposed the text amendment and asked the Township Solicitor to draft the proposed ordinance amendment. The Board of Supervisors authorized the York County Planning Commission and the West Manchester Township Planning Commission to review and make recommendations regarding the proposed text amendment. There will be a public hearing for the proposed text amendment on March 24, 2022 prior to the regularly scheduled Board of Supervisors meeting on the same evening. Mr. Ruman stated that he was not

attending the Planning Commission on behalf of the Board of Supervisors, rather as a resident of the Township concerned about a section of the Zoning Ordinance that he believes should be revised to allow nonconforming uses that suffer damage that was not self-created, such as an act of God or public enemy, to be rebuilt by right to the same extent that they existed prior to the damage or destruction.

The Planning Commission members were provided with some notes taken by Zoning Officer Sampere during her attendance of the Local Government Advisory Committee meeting on March 7, 2022. Mr. Hein asked for clarification. Ms. Sampere stated that she is a member of the Local Government Advisory Committee (LGAC) which reviews text amendments or zoning map changes and makes recommendations to the York County Planning Commission meeting. The Township's proposed zoning ordinance text amendment was reviewed by the LGAC. The committee members voted to recommend the York County Planning Commission not approve the proposed text amendment as currently written. The LGAC members discussed the proposed three (3) years to complete rebuilding or restoration of the nonconformity was too much time where many other municipalities only allow one (1) year to rebuild or restore the nonconformity from the date of destruction. The committee members would like more clarification on dimensional nonconformities versus nonconforming uses. The committee felt that the text amendment was not clear enough as to what extent the nonconformity may be rebuilt. She said they would like the proposed text amendment to clarify to which extent a nonconformity may be rebuilt. May it be rebuilt to the extent of what existed prior to the destruction? May the nonconformity be rebuilt, but must it meet the required building setbacks to the greatest extent possible?

The West Manchester Township Planning Commission members discussed the need for future review and discussion regarding the proposed text amendment. The suggested language that an applicant must obtain a building permit within one (1) year of the date of damage or destruction and the rebuilding, restoration or repair must be completed within three (3) years of the date of damage or destruction. The also suggested language such as a nonconformity may be rebuilt if it is substantially similar, the same use on the same footprint, etc. While the West Manchester Township Planning Commission believes there is validity to amending the existing text of Section 150-291, review of a future draft and future discussion is needed prior to readvertisement of the proposed ordinance. They would like to see the text amendment use language such as a nonconformity may be rebuilt if it is substantially similar, the same use on the same building footprint, etc.

MOTION: by Sonia Wise to recommend the Board of Supervisors amend the proposed text amendment for review and discussion at next month's Planning Commission meeting.

SECOND: by Richard Gordon

MOTION PASSED: Unanimously (4-0)

DISCUSSION

There were no additional items for discussion at tonight's meeting.

MOTION: by Sonia Wise to adjourn the meeting.

SECOND: by Patrick Hein

MOTION PASSED: Unanimously (4-0)

Meeting adjourned at 8:55 p.m.