

MINUTES
WEST MANCHESTER TOWNSHIP
PLANNING COMMISSION
DATE: July 8, 2025

The meeting was called to order by David Beecher at 7:00 p.m.

ATTENDANCE

Planning Commission Members:

David Beecher, Chairman – Present
Patrick Hein, Vice-Chairman – Present
Felicia Dell – Absent
Rainer Niederoest, Dawood Engineers – Present via
Zoom

Staff:

Matthew Biehl – Present
Fred Walters – Present
Rachelle Sampere, Zoning Officer – Present

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

APPROVAL OF MINUTES

MOTION: by Matthew Biehl to approve the June 10, 2025, Planning Commission meeting minutes.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (4-0)

ZONING HEARING BOARD CASES

ZHB 25-10 – Karl Welkner – requests a variance §150-47.B.3 to encroach upon the 10' minimum required rear yard setback for an accessory structure **located at 2577 Broad Street** (Tax Map: 13; Parcel: 0088) in the R-2 Residential Zone.

Mr. Karl Welkner presented the variance request. Mr. Welkner informed the Planning Commission that he had new information to present that he did not present during his variance request in 2023 which was for the same accessory structure's reduced rear yard setback. Mr. Welkner explained that there is a twenty-foot-wide unopened alley between the Shiloh Legion's property and his property at 2577 Broad Street. Mr. Welkner explained that for at least the last thirty (30) years, no one has accessed that unopened alley. He stores his wood pile on it. It is grown up with trees and is not used by any vehicles. He uses that alley to access the back of his property. There is an alley between lot 85C and lot 86, but he said that is a private alley for which he does not have access. Mr. Welkner provided pictures of the rear of the property which included stakes at the corner of the Shiloh Legion's property. Mr. Welkner said that the Legion recently had their property surveyed and he was able to determine that his accessory structure is twenty-three feet (23') from their property line. Mr. Welkner also explained that he cannot relocate the accessory structure closer to his house due to the natural path of stormwater that flows through his property during rain events. Mr. Welkner explained that the stormwater runoff across his property and where the property stays wet is the hardship for the variance. He said that he cannot move the accessory structure closer to the house because he's afraid that will cause water to start coming into his house.

MOTION: Patrick Hein made to motion to recommend the Zoning Hearing Board grant the variance request, as presented, since he offered new information regarding the unopened alley to the rear of the property.

SECOND: Fred Walters

MOTION PASSED: Unanimously (4-0)

ZHB 25-11 – Melinda E. Kreiser and Leon R. Leber – request a special exception §150-289 to alter an existing nonconformity (use and dimensional) **located at 2290 School Street** (Tax Map: 10; Parcel: 0197) in the R-3 Residential Zone.

Mr. Leon Leber, co-owner of the property located at 2290 School Street, presented the special exception request. Mr. Leber explained that the property was used as a funeral home for many years; however, it has recently become vacant. He explained that he and his sister would like to return the property to residential use; however, the existing lot coverage and setbacks do not meet the current zoning ordinance. Mr. Leber explained that there are no plans for construction or expansion. The existing building looks like a home. It was built in the 1950s. There are two existing driveways on the property, both would remain. All existing outbuildings would remain on site.

MOTION: by Matthew Biehl to recommend the Zoning Hearing Board grant the special exception to alter the existing nonconforming use to revert to a residential use acknowledging the existing nonconforming setbacks and nonconforming lot coverage.

SECOND: Fred Walters

MOTION PASSED: Unanimously (4-0)

ZHB 25-12 – Hunter Creek Partners, LLC – requests a variance §150-36 to reduce the minimum lot width for two (2) parcels (proposed Lots 8 and 9) along the turnaround of a cul-de-sac of a preliminary subdivision located along Baker Road (Tax Map: JG; Parcel: 0033D) in the R-1 Residential Zone.

Mr. Craig Smith of RGS Associates presented the variance request on behalf of the prospective buyer and developer, Mark Will of Hunter Creek Partners, LLC. Mr. Smith explained that the variance request was applicable to only two (2) of the proposed lots in the preliminary subdivision. Proposed Lots 8 and 9 do not meet the minimum standard lot width along the turnaround of a cul-de-sac. The applicant is proposing two (2) flag lots along the turnaround of the cul-de-sac due to the existing wetlands and proposed stormwater management facility. The proposed lots meet the minimum required lot area. The proposed “flagpole” will be twenty-feet-wide and will allow the proposed driveways to meet the required setbacks. Mr. Smith that they took into account the location of the existing wetlands and there is no density gained from the proposed size of the lots. He does not believe that this variance will alter the essential character of the neighborhood. Mr. Smith offered that the proposed stormwater facility could not be relocated due to the topography of the land, the proposed layout of Lots 8 and 9 is the best utilization of the lots to meet the required lot size and required setbacks; however, the result is flag lots connecting to the cul-de-sac. Dr. Beecher stated that he believed the applicant made a good-faith effort to develop the property in accordance with the Zoning Ordinance.

MOTION: by Patrick Hein to recommend the Zoning Hearing Board grant the variance, as requested.

SECOND: Fred Walters

MOTION PASSED: Unanimously (4-0)

ZHB 25-13 – Matthew Witmer for 3108 W Market Street York LLC – requests a special exception §150-290 to substitute one (1) nonconforming use (office/storage) with another nonconforming use (professional office with small scale manufacturing) located at **3108-3142 West Market Street (Unit 3120)** (Tax Map: 20; Parcel: 0114) in the R-3 Residential Zone.

Mr. Greg Finkelstein of Rock Commercial Real Estate presented the special exception request along with the prospective tenant, Mr. Matthew Witmer. Mr. Finkelstein explained that the property is situated in the R-3 Residential Zone, but has been used as a commercial property since the 1960s. The request is to substitute one nonconforming use (office/storage) with another nonconforming use (professional office with small scale manufacturing) in unit 3120. The applicant is proposing to use an existing office space for a professional office to manufacture dentures and dental appliances to fulfill orders placed by dental offices. There would be two (3) employees on site. The office would not be open to walk-in traffic. The business receives orders from dentists; they fulfill the orders and send the dental appliances to the dentists’ offices. There would be no manufacturing noise coming from the tenant space. There would be occasional pick-ups and deliveries via UPS or FedEx.

MOTION: by Patrick Hein to recommend the Zoning Hearing Board grant the special exception, as requested.

SECOND: Matthew Biehl

MOTION PASSED: Unanimously (4-0)

OLD BUSINESS

T-900 Preliminary/Final Land Development Plan for 1763 Colony Road Commercial – to depict a proposed 96,768 sq. ft. flex-space building and related improvements on a vacant 6.75-acre tract of land **located at 1763 Colony Road** (Tax Map: JH; Parcel: 0056T) in the Light Industrial Zone. The property will be served by public water and public sanitary sewer.

Mr. Trevor Kulynych and Mr. Jeramy Bittinger of Landworks Civil Design presented the preliminary/final land development plan. They reminded the Planning Commission members that the plan depicts a proposed flex-space building (which will be used for one of the permitted uses in the Light Industrial Zone). The plan shows office area and warehouse space. Mr. Kulynych explained that they've addressed most of the staff's comments on their review memos. They are awaiting Dawood's review of the traffic impact study. Mr. Kulynych explained that the plan now shows all required parking proposed with the development of the lot rather than the phased approach they originally showed.

MOTION: by Patrick Hein to recommend the Board of Supervisors approve the preliminary/final land development plan subject to the following outstanding comments being addressed prior to the plan being recorded:

Stormwater Management Ordinance (SWM):

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| 1. | <i>§113-18.E.11 Plan requirements...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 notarized signature of the owner indicating they are aware of and will be responsible for operation and maintenance of the stormwater management facilities on the plan. (Dawood Review Memo #1) Acknowledged.</i> |
| 2. | <i>§113-25 As-built plans. Acknowledged. Grading, drainage, and utility Note #28 has been provided on sheet C-101.</i> |
| 3. | <i>§113-27 Operation and maintenance agreement. Acknowledged. Will be provided prior to recording.</i> |

Subdivision and Land Development Ordinance (SLDO):

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| 1. | <i>§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). (Dawood Review Memo #1) Acknowledged.</i> |
| 2. | <i>§121-14.E.2 & §121-15.F.3 A sewer facilities plan revision module for land development in accordance with the Pennsylvania Sewerage Facilities Act 537 of 1966, as amended. Please submit a sewer planning module or exemption mailer for the Township Engineer to review. Please provide West Manchester Township with a copy of PA DEP's approval letter prior to recording the plan. (YCPC Review Memo #1) Acknowledged.</i> |
| 3. | <i>§121-14.F Impact statements for...all nonresidential uses or, upon a determination of need by the Board of Supervisors:</i> <i>1. Transportation</i> <i>b. At a minimum, the impact statement shall include the following...There are several paragraphs in the section of the ordinance that address the size of the "traffic shed" and/or current and projected 24 hours volumes ([1] through [5]). Provide 24 hour traffic volumes for SR0030. (Dawood Review Memo #1)</i> <i>Please provide impact statements or request a waiver. Applicant's Response: TIS is provided for review. 24-hour volumes (ADT) is provided for US 30 and Carlisle Road (PA 74) as they provide</i> |

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| | <i>indirect access between the site and the regional highway network. We note that “traffiched” is neither an industry standard term nor defined in the SALDO. The TIS study area was based on ITE guidance in the publication. Transportation Impact Analyses for Site Development. While US 30 and Carlisle Road are not part of the TIS study area, the TIS does discuss how traffic accesses the site from the regional roadway network and provides the 24-hour volumes as requested in Table 1.</i> |
| 4. | <i>§121-14.G.2 & §121-15.F Certifications and Notifications. A statement by the individual responsible for the data to the effect the survey, plan and/or other general data are correct (See Appendix No. 1) This statement must be placed on both plans and reports. Sign and seal the plans and reports. (Dawood Review Memo #1) Acknowledged. A statement has been added to the plans. Sign and seal the plans and reports when available.</i> |
| 5. | <i>§121-15.F.8 Verification must be provided indicating that the plan for erosion and sediment control was approved by the York County Conservation District. (YCPC Review Memo #1) Acknowledged. WMT has received the Completeness letter from YCCD. They will now move into their Technical Review.</i> |
| 6. | <i>§121-15.F.9 Improvement guaranties. Please submit an estimated cost of public improvements for review. Acknowledged.</i> |
| 7. | <i>§121-17 Financial Security. Final plan applications that include public improvements that have not been installed shall include financial security... The amount of financial security shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Please submit a financial security estimate for the public improvements associated with this land development plan to be reviewed by Dawood Engineers. Financial security must be provided prior to the plan being released for recording. West Manchester Township prefers that any letter of credit issued to the Township be automatically extending. Acknowledged.</i> |
| 8. | <i>§121-17.D ...Upon approval by the Board of Supervisors of a final plan, the applicant, in addition to all bonds or other security required, shall deliver to the Township a check payable to the Township in the amount of 3.5% of the bond or other security. The amount deposited by the applicant shall be used by the Township to cover the costs of assuring the proper construction and completion of improvements, including inspection during installation, inspection upon completion, administrative costs and other related costs. If the amount deposited by the applicant is not sufficient to cover such costs, the applicant shall furnish additional amounts, from time to time, when notified to do so. Engineering escrow will be required to be posted with the Township prior to the plan being released for recording. Acknowledged.</i> |
| 9. | <i>§121-19 Maintenance Guaranty. The Board of Supervisors shall require the applicant to submit a maintenance guaranty or other approved guaranty as specified herein guaranteeing the structural integrity as well as function of any improvement shown on the final plan for a term not to exceed 18 months from the date of acceptance of dedication by the Board of Supervisors. Said guaranty shall not exceed 15% of the actual cost of installation of said improvements and be of the same type of financial security as required in this article. Acknowledged.</i> |
| 10. | <i>§121-21 As-built plan. Prior to issuance of occupancy permits, submit 2 copies of the as-built plans to the Township Zoning Department. One (1) copy of the plan will be distributed to the Township Engineer. Acknowledged.</i> |

Adjustments to the Plans:

Dawood believes several recommendations for improving the plans are warranted. Some of these will correct errors or internal inconsistencies. The rest are 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.”

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| 1. | If a local trip generation is to be used, a minimum of 3 sample sites are preferred, per ITE guidance. If additional sites are unavailable, provide additional documentation to demonstrate the 381 |
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| | Independence Avenue site closely resembles the function and use of the Colony Road site. Clarify if these sites are operated by the same entity. <i>Applicant's response: All traffic related items will be addressed under a separate cover.</i> |
| 2. | Confirm the working hours of the 381 Independence Avenue site. <i>Applicant's response: All traffic related items will be addressed under a separate cover.</i> |
| 3. | Confirm all business operations at the 381 Independence Avenue site had returned to normal and all employees were working on-location full-time after the pandemic lockdown. <i>Applicant's response: All traffic related items will be addressed under a separate cover.</i> |
| 4. | Minor discrepancies were identified between the 381 Independence Avenue trip generation table and the ATR counts. Revise and recalculate the trip generation rate. Clarify whether Light Goods Vehicles are counted as passenger vehicles or trucks. <i>Applicant's response: All traffic related items will be addressed under a separate cover.</i> |
| 5. | Correct the Total Trips in the Trip Generation Table on page 2 of the scoping application. <i>Applicant's response: All traffic related items will be addressed under a separate cover.</i> |
| 6. | Clarify if the site is to be operational on Saturdays. <i>Applicant's response: All traffic related items will be addressed under a separate cover.</i> |
| 7. | The sight distance evaluation must include measurements for both passenger vehicles and combination trucks. <i>Applicant's response: All traffic related items will be addressed under a separate cover.</i> |
| 8. | Sight distance must meet requirements in PA Title 67, Chapter 441. <i>Applicant's response: All traffic related items will be addressed under a separate cover.</i> |
| 9. | Queue analysis must evaluate 95 th percentile conditions. <i>Applicant's response: All traffic related items will be addressed under a separate cover.</i> |
| 10. | Turn lane analysis must be conducted in accordance with PennDOT Publication 46. <i>Applicant's response: All traffic related items will be addressed under a separate cover.</i> |
| 11. | Since PTV Vistro is proposed to be used for capacity analysis, the summary reports must include all necessary data inputs for validation purposes. <i>Applicant's response: All traffic related items will be addressed under a separate cover.</i> |
| 12. | Add ADA compliant ramps and crosswalk at the new driveway cut. <i>Dawood is currently reviewing the updated plan and will provide comment(s) related to the addition of the ramp and crosswalk.</i> |

General Comments:

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| 1. | Any proposed retaining walls must be constructed as part of a building permit. The Township's third-party building code plan review and inspection agency, Code Administrators, Inc. will review retaining wall construction plans. Please submit the building permit application for review and retaining wall construction plans (signed/sealed by a Pennsylvania registered design professional) after the land development plan has been approved and recorded. <i>Acknowledged.</i> |
| 2. | An Operation and Maintenance agreement is required prior to recording the plan. All signatures must be notarized. <i>Acknowledged.</i> |
| 3. | 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) <i>Acknowledged.</i> |
| 4. | 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) <i>Acknowledged.</i> |
| 5. | All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.) <i>Acknowledged.</i> |
| 6. | All final plans, as recorded, shall be submitted in electronic format (i.e. PDF) <i>Acknowledged.</i> |

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| 7. | Provide written approval that the plan for erosion and sediment control (NPDES permit) has been approved by the York County Conservation District. <i>Acknowledged.</i> |
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SECOND: by Matthew Biehl

MOTION PASSED: Unanimously (4-0)

MOTION: by Patrick Hein to recommend the Board of Supervisors grant the following waiver requests:

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| W1. | Preliminary Plan. (§121-9) Which requires the submission of a preliminary plan application and approval prior to the submission of a final plan application. |
| W2. | Stormwater Volume Controls. (§113-14) Due to shallow bedrock, infiltration is infeasible. Applicant is proposing the volume to be managed via the MRC Facility. |
| W3. | <i>Curb cut exceeding 35 feet. (§42-9.G) Larger Radii are required to allow for the ingress and egress of trucks.</i> |

SECOND: by Fred Walters

MOTION PASSED: Unanimously (4-0)

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

Ms. Sampere informed the Planning Commission members that the applicant had not submitted any plan revisions; however, the applicant did submit an application for a variance for a reduced lot width for Lots 8 and 9 along the turnaround of a cul-de-sac which was heard by the Planning Commission earlier this evening. Ms. Sampere also reminded the Planning Commission that the applicant submitted a time extension waiver with an expiration date of September 25, 2025.

MOTION: by Matthew Biehl to table the preliminary subdivision and land development plan for the Baker Road Subdivision.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (4-0)

DISCUSSION

There were no additional items discussed at tonight’s meeting.

ADJOURN

MOTION: by Fred Walters to adjourn the meeting.

SECOND: Patrick Hein

MOTION PASSED: Unanimously (4-0)

The meeting adjourned at 8:15 p.m.