

MINUTES
WEST MANCHESTER TOWNSHIP
PLANNING COMMISSION
DATE: July 9, 2019

The meeting was called to order by Richard Gordon at 7:00 P.M. Members present: Fred Walters, Ronald Ruman, Patrick Hein and David Beecher. Others present: Rachelle Sampere, Township Zoning Officer, Zane Williams, Township Stormwater Inspector and Paul Wilson, P.E. Township Engineer from Dawood

APPROVAL OF MINUTES

MOTION: by Fred Walters to approve the June 11, 2019 meeting minutes.

SECOND: by Patrick Hein

MOTION PASSED: Unanimously (5-0)

ZONING HEARING BOARD CASES

ZHB Case 19-14 Dale Rexrode requests a variance of Section 150-47.B.1 to allow an accessory structure (pole building) located within the front yard area on a double frontage lot located at 2270 Roosevelt Avenue (Tax Map: JH; Parcel: 0001) in the R-2 Residential Zone

No one was in attendance to present this application to the Planning Commission members. Ms. Sampere explained that a letter was sent to the property owner explaining his attendance at the Planning Commission meeting and the future Zoning Hearing Board meeting was required. Ms. Sampere explained that the property owner had informed her that his driveway and current garage are low-lying and is easily flooded when it rains. There is no floodplain record on FEMA's flood maps. The property owner indicated that he wants to protect his vehicles by constructing a pole building on a higher part of his property which happens to be located in a front yard area per the definition in the Zoning Ordinance. The property is a corner lot located on Roosevelt Avenue and Church Road. The proposed building would be located approximately one hundred feet (100') from Church Road and one hundred thirty feet (130') from Roosevelt Avenue.

MOTION: by Patrick Hein to recommend the Zoning Hearing Board approve the variance application.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (5-0)

ZHB Case 19-15 BY Repair Services for Daniel B. Krieg, Inc. requests a special exception Section 150-369 Temporary Use Permits to place an office trailer on the property for the duration of the tenant's lease and variance of Section 150-182 to allow multiple permitted uses in separate buildings located on one lot of land located at 1130 Zinns Quarry Road (Tax Map: 17; Parcel: 0213) in the I-2 Light Industrial Zone.

Victoriya Lyashuk and Dan Shenberger, BY Repair Services, were in attendance to present the application to the Planning Commission members. Mr. Shenberger explained that the tenant, BY Repair Services, lease a one-bay garage in the multi-tenant building and need additional space to perform the daily office work associated with the business. The tenants request a special exception to place a temporary office trailer on the lot for the duration of their lease. Mr. Ruman asked the applicants to explain the length of their lease. The applicants stated that their

lease is yearly and is set to be renewed in the fall. They are actively looking for a larger facility; but need additional space to perform their daily paperwork in the meantime. The applicant is also requesting a variance to allow multiple buildings on the lot where only one building is permitted when there are multiple permitted uses within that building. Mr. Gordon explained that the intent of the ordinance is not to have temporary buildings on properties, rather to construct permanent structures. Mr. Ruman explained to the applicant that if this application is granted by the Zoning Hearing Board, it would only be for six (6) months, with a possible one-time extension of an additional six (6) months. If the applicant desires the office trailer to remain on the lot longer than one (1) year, they would need to reappear before the Zoning Hearing Board to request a special exception and variance or they would need to submit and record a land development plan for the office trailer to remain on the property permanently. The applicants said they understood and explained that it is not their intention to remain at that location for an extended period of time, as their tenant space is too small for their operation.

MOTION: by Ronald Ruman to recommend the Zoning Hearing Board approve the special exception and variance application.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (5-0)

ZHB Case 19-16 White Street Investors, LLC requests a variance of Sections 150-135.H Permitted Uses, 150-138.A Minimum Lot Area, 150-140.B Side Yard Setbacks, 150-149 Landscaping, 150-263 Required Minimum Parking Spaces, 150-274 Required Off-street Loading Spaces, 150-283.B Chart of Permitted Permanent Signs located at 2189 White Street (Tax Map: JH; Parcel: 0055G) in the Regional Commercial Zone.

Attorney Ron Perry of Katherman, Heim & Perry and Joe DePasquale presented the application to the Planning Commission members. Attorney Perry explained that the property owner would like to raze the existing Taco Bell building and reconfigure the lot to accommodate a new Taco Bell building with drive-thru and a Mavis Tire building on the same lot. Mr. Ruman asked if there would be adequate parking for both businesses since one of the variance requests is to reduce the required number of parking spaces. Mr. DePasquale explained that the existing Taco Bell has more than seventy (70) seats and sixty-five percent (65%) of the business is drive-thru customers. The proposed Taco Bell will have less seating and the proposed Mavis Tire business will serve customers while they wait. There will be no overnight storage of cars. This operation will serve residential customers for brakes, tires, oil changes, etc. They do not intend to serve tractor trailers nor perform body work on cars. Cars would not be stored on-site for any great length of time. The operation is mainly retail with installation of parts purchased on-site. Attorney Perry explained that there were previously approved sign variances for the property and the current request is in line with the previous request for the signs.

MOTION: by David Beecher to recommend the Zoning Hearing Board approve the application, as presented.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (5-0)

ZHB Case 19-17 Manchester Mall Associates, LLC requests a variance of Sections 150-140.A Front Yard Setback, 150-140.C Rear Yard Setback, 150-301.A.2 variance time extension located at 715 Town Center Drive (Tax Map: JH; Parcel: 0056U) in the RC Regional Commercial Zone.

Attorney Ron Lucas of Stevens & Lee presented the application to the Planning Commission

members. Attorney Lucas explained that the majority of the property is located within the Penn DOT right-of-way. The property has a narrow window for building. The property is bound by the westbound exit ramp of Route 30, Carlisle Road, Haviland Road and Town Center Drive. There is a drainage swale going through the property that has been there since the mall was developed in the 1980s. The developer is not proposing to relocate the swale. Attorney Lucas explained that the applicant is requesting two (2) variances to reduce the required setbacks and one (1) variance to request a time extension from the required six (6) months to obtain a building permit to twelve (12) months to allow for the NPDES permit to be updated and a future land development plan to be recorded.

MOTION: by Ron Ruman to recommend the Zoning Hearing Board approve the application, as presented.

SECOND: by Patrick Hein

MOTION PASSED: Unanimously (5-0)

ZHB Case 19-18 3625 Mia Brae, LP requests a special exception Section 150.289.A Billboards and 150-315 Billboards, a variance of Sections 150-195.1 Multiple Permitted Uses, 150-315 Billboards, 150-315.C Billboard Setback, 150-315.F Billboard Height, 150-197 Off-street Loading, 150-301.A.2 time extension, 150-302.A.3 time extension located at 400 North Zarfoss Drive (Tax Map: IG; Parcel: 0058B) in the I-3 General Industrial Zone.

Attorney Dave Jones of Stock & Leader and Adam Anderson of Site Design Concepts presented the application. Attorney Jones explained that the property is currently an undeveloped lot containing two (2) billboards. The request is to relocate one of the billboards on the project site, to allow the two (2) existing billboards currently located on the property to remain on the site with the proposed building and related site improvements, to allow the relocation of one (1) of the billboards to a new location with a setback of one foot (1'), to allow the relocated billboard to be a height of twenty-seven and a half feet (27.5') where only a height of twenty-five feet (25') is permitted, to allow an off-street loading area on the northeasterly side of the proposed building between East Berlin Road and North Zarfoss Drive, and to request a time extension from six (6) months to obtain a building permit to a period of 18 months to allow the applicant time to file and record a land development plan and obtain a building permit. Mr. Beecher stated that he saw no reason why the billboards couldn't remain on the property with the relocation of one billboard as part of the proposed land development plan for the future warehouse facility.

MOTION: by David Beecher to recommend the Zoning Hearing Board approve the application, as presented.

SECOND: by Patrick Hein

MOTION PASSED: Unanimously (5-0)

NEW BUSINESS

T-844 Church of the Open Door Lot Consolidation & Final Land Development Plan located at 8 Carlisle Court. *Tabled by the planning commission at the June 11, 2019 meeting.*

Eric Johnston of Johnston and Associates presented the lot consolidation and final land development plan on behalf of Church of the Open Door. Mr. Johnston reminded the Planning Commission members that he and his client appeared before the Planning Commission and the Zoning Hearing Board a few months ago to request a special exception and variances for the proposed lot consolidation and parking lot expansion. The Zoning Hearing Board granted the

request. The proposed parking lot expansion will consist of fifty-eight (58) parking spaces, lighting, stormwater infiltration bed, screening trees and required landscaping. Mr. Johnston discussed the requested waivers with the Planning Commission members. Mr. Bart Barthalamew of Haviland Road was in attendance and asked to voice his concerns regarding the new impervious surface that may cause additional stormwater runoff across Carlisle Road and onto his property on Haviland Road. Mr. Johnston explained that the Township's Stormwater Ordinance requires that property owners are required to maintain the new stormwater runoff on their property. The proposed infiltration bed is designed to capture the stormwater runoff and infiltrate into the ground underneath the proposed parking lot. After a lengthy discussion, Mr. Gordon asked the Township Engineer if the design provided by the applicant meets the ordinance. Mr. Wilson confirmed that the requirements of the Stormwater Ordinance are being met. Mr. Johnston stated that this proposed project should improve the stormwater situation on this property and alleviate some of the sheet flow that currently exists during rainstorms.

MOTION: by Mr. Ruman to recommend the Board of Supervisors grant the following waivers:

- W1. Preliminary Plan. (§121-9) to waive requirements for preparation of a preliminary plan.
- W2. Impact Statements. (§121-14.F.1) to waive requirements of for preparation of impact statements.
- W3. Existing Features and Contours. (§121-14.C.1 & §121-15.C) to permit plan contours limited to the area proposed for development only.
- W4. Improvements to Existing Streets. (§121-23.C) to waive requirements for improvements to existing streets.
- W5. Clear Sight Triangles. (§121-23.L.6) to permit reduced clear sight triangle length along Loucks Road (115 feet in lieu of 150 feet)
- W6. Sidewalks and Curbs. (§121-25) to waive requirements for installation of curb and/or sidewalk along existing streets.
- W7. Stormwater Design. (§113-14.A) to permit the use of CG-2 for stormwater design.

SECOND: by Patrick Hein

MOTION PASSED: Unanimously (5-0)

MOTION: by Patrick Hein to recommend the Board of Supervisors approve T-844 Church of the Open Door Lot Consolidation & Final Land Development Plan subject to the following outstanding comments being addressed prior to recording the plan:

- 1. Please provide a cost estimate. (§121-16)
- 2. Financial Security. (§121-17)
- 3. Maintenance guaranty. (§121-19)
- 4. As-built plans. (§121-20) Two copies of an as-built plan shall be submitted prior to the issuance of any occupancy permits.
- 5. Please follow all recommendations of this section. (§113.17.R)
- 6. Add signature block for the Township. (§113.18.D)
- 7. An E&S plan shall be prepared. (§113-25)
- 8. An As-built plan will be required. (§113-18.E.5)
- 9. 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)

10. 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)
11. Operation & Maintenance Agreement required. (§113-26)
12. All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)
13. All final plans, as recorded, shall be submitted in electronic format (i.e. PDF)
14. A new deed should be prepared for the newly configured lot and recorded with the plan so that the County Tax Map is changed.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (5-0)

T-847 Final Subdivision Plan for Lands of "3625 Mia Brae LP" located at 400 North Zarfoss Drive.

Adam Anderson of Site Design Concepts, Inc. presented the final subdivision plan to the Planning Commission members. Mr. Glenn Rexroth was also in attendance on behalf of the property owner. Mr. Anderson explained that this property is located between Route 30, East Berlin Road and North Zarfoss Drive. The property will be subdivided along the creek and will preserve the wetlands. The subdivision will create two (2) lots. Lot 4A will be approximately 10.7 acres and Lot 4B will be approximately 2.5 acres. Lot 4A will have two (2) billboards and a proposed warehouse facility with associated parking and loading areas. Lot 4B will have the existing Comcast communications building on it. No development is proposed as part of this subdivision. A land development plan has been submitted to the Township and will be reviewed after this subdivision plan for Lot 4A for the proposed warehouse building. Mr. Anderson discussed the requested waivers with the Planning Commission members.

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

- 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. Sidewalks and Curbs. (§121-25) Which requires sidewalks and curbs shall be provided along the frontage of the entire property.

SECOND: by Ronald Ruman

MOTION PASSED: Unanimously (5-0)

MOTION: by David Beecher to recommend the Board of Supervisors approve T-847 Final Subdivision Plan for Lands of "3625 Mia Brae LP" subject to the following outstanding comments being addressed prior to recording the plan:

1. §150-194.B Maximum permitted height for accessory or appurtenant structures shall be 75 feet. Please revise the title sheet #10 for accessory structures where principal is listed.
2. §150-193 The front setback for outdoor storage is 50 feet. Please revise the setback line labeled on sheet FSD-3 and FSD-4 to reflect the same.
3. §121-14.F Impact statements.
4. §121-14.G.3 Applicable plan notations. Appendix No. 7.3 Sanitary and/or Storm Sewer Easements. Please revise the title sheet to include a note "The owner/tenant shall not construct, plant or maintain any structure, fences, trees, shrubbery, stormwater management facilities, etc. within the sanitary or storm sewer right-of-way in order to ensure a free and clear access to all lines. Bituminous paving, installation of utilities or a

change in ground contours within the easement will be permitted only with written consent of the Township.”

5. §121-34 A non-building declaration for proposed Lot 4B is shown on the plan, but no sewage planning is shown for Lot 4A. If sewage planning is in place for proposed Lot 4A, please provide documentation. Additionally, due to the lot size, the Township should consider requiring sewage planning for Lot 4B. Please provide sewage planning for Lot 4B.
6. The subdivision application states the plan name is “Final Subdivision Plan for Lands of 3625 Mia Brae LP along North Zarfoss Drive” however the title sheet on the plan says Final Subdivision Plan for Lands of Next 5, LLC”. Please clarify which plan name will be used.
7. 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)
8. 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)
9. All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)
10. All final plans, as recorded, shall be submitted in electronic format (i.e. PDF)
11. Verification of DEP Planning Modules approval.

SECOND: by Ronald Ruman

MOTION PASSED: Unanimously (5-0)

T-848 Final Land Development Plan for Proposed 400 North Zarfoss Drive Warehouse
located at 400 North Zarfoss Drive.

Adam Anderson of Site Design Concepts, Inc. presented the final land development plan to the Planning Commission members. Mr. Glenn Rexroth was also in attendance on behalf of the property owner. Mr. Anderson explained that the property has previously been through the land development process for a Volvo rental facility, however the plan was not recorded. The property is in the I-3 General Industrial zone situated on approximately 10.7 acres. The plan for review tonight is for a warehouse facility with associated parking and loading areas. The amount of impervious area is essentially the same, however the footprint of the building is larger. The proposed building is approximately 111,600 square feet with two (2) access drives onto North Zarfoss Drive. The developer is proposing twenty (20) loading docks, stormwater facilities and associated parking for trucks and employees. There is a public water connection to the east and a forced main sewer connection to the west. A traffic summary report prepared by TRG was submitted with this land development plan. Mr. Anderson said that the report states that the property is located in an industrial area and this project will not cause any negative traffic impacts. Mr. Anderson discussed the requested waivers with the Planning Commission members.

MOTION: by Fred Walters to recommend the Board of Supervisors grant the following waivers:

- 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. Traffic Impact Statements. (§121-14.F.1)
- W3. Sidewalks and Curbs. (§121-25) Which requires sidewalks and curbs shall be provided along the frontage of the entire property
- W4. Access Drives. (§42-9) To allow two (2) access drives on one lot.

W5. Stormwater Management Ordinance Volume Controls (§113-14) To allow additional stormwater quality control measures in lieu of the required volume control measures.

SECOND: by Patrick Hein

MOTION PASSED: Unanimously (5-0)

MOTION: by Ronald Ruman to recommend the Board of Supervisors approve T-848 Final Land Development Plan for Proposed 400 North Zarfoss Drive Warehouse located at 400 North Zarfoss Drive subject to the following outstanding comments being addressed prior to recording the plan:

1. §150-193 The front setback for outdoor storage is 50 feet. Please revise the setback line labeled on sheet C-4 and C-5.
2. §150-257.B.1 Interior Landscaping. In any parking lot containing 10 or more parking spaces, 10% of the total area of the lot shall be devoted to interior landscaping. Such interior landscaping shall be used at the end of parking space rows and to break up rows of parking spaces at least every 10 parking spaces. The proposed parking lot near the southeast driveway entrance has more than 10 parking spaces in each row and no interior landscaping is shown on the plan. Please revise.
3. §150-277.B Landscaping. For each 750 square feet of required area for landscape strips, one shade/ornamental tree shall be provided. For every 300 square feet of interior landscaping required (parking lots), one shade tree shall be provided. Please provide calculation details on sheet C-2, note # 13.
4. §121-14.F Impact statements. The applicant has submitted a Traffic Assessment summary by TRG.
5. §121-15.F.9 Improvement Guaranties in accordance with Article V.. Please provide a cost estimate for the proposed improvements.
6. §121-17 Financial Security is required. Financial security and engineering escrow are required prior to recording the plan.
7. §121-18 Maintenance guaranty. A maintenance guaranty will be required.
8. §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.
9. §121-28 Easements. Show and provide easements for stormwater facilities.
10. §121-34 Sanitary Sewage Disposal. Sewage planning is required for the proposed plan. If sewage planning is in place for proposed Lot 4A, please provide documentation.
11. §113-27 Operation and Maintenance agreement is required.
12. §113-14 The volume control requirements are not being met due to site constraints. A waiver should be requested as the applicant is proposing alternative means to treat the runoff volume.
13. §113-18.E.4 Provide project time schedule.
14. §113-18.E.5 An approved E&S plan and NPDES permit is required prior to recording the plan.
15. §113-18.E.11 Provide all the necessary signatures.
16. The land development application states the plan name is "Final Land Development Plan for Proposed 400 N. Zarfoss Dr. Warehouse" however the title sheet on the plan says Final Land Development Plan Proposed Industrial Building for 3625 Mia Brae, LP". Please clarify which plan name will be used.
17. 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)
18. 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)

19. All administrative items shall be addressed prior to plan recording (payment of all invoices, etc.)

20. All final plans, as recorded, shall be submitted in electronic format (i.e. PDF)

21. A Knox box is required.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (5-0)

MOTION: by Patrick Hein to adjourn the meeting being that there were no additional agenda items.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (5-0)

The meeting adjourned at 8:20 p.m.