

MINUTES
WEST MANCHESTER TOWNSHIP
PLANNING COMMISSION
DATE: September 12, 2023

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

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.

David Beecher introduced Ms. Jennifer Smith-Funn who was appointed to the Planning Commission by the Board of Supervisors at their August 24, 2023, public meeting. Township staff and the Planning Commission members welcomed her and thanked her for her willingness to serve the West Manchester Township community.

APPROVAL OF MINUTES

Ms. Sampere informed the Planning Commission members that she had received an email from Patrick Hein indicating that he may be a few minutes late to tonight's meeting. Mr. Hein's email also mentioned that there was a typo in the August 8, 2023 meeting minutes. Richard Gordon was absent from the August meeting, but the minutes stated that he seconded the motion to adjourn. Ms. Sampere reviewed her notes and found that Mr. Hein seconded the motion to adjourn the August meeting. The minutes will be revised before posting on the Township's website.

MOTION: by Fred Walters to approve the August 8, 2023, meeting minutes with the correction noted by Ms. Sampere

SECOND: by David Beecher

MOTION PASSED: 2-0 (Abstain: Gordon and Smith-Funn, Absent: Hein)

Mr. Hein arrived after the approval of the minutes.

ZONING HEARING BOARD CASES

ZHB 23-16 – Shiloh Evangelical Lutheran Church – requests a special exception §150-289 to alter an existing nonconforming use (demolish single-family detached dwelling used as the church parsonage/office and create a parking lot addition on the same parcel as the remaining church school); variance §150-289.A.2 to expand the nonconforming use by more than 25%; variance §150-302.A.3 to allow one year to obtain a permit **located at 2440 Carlisle Road** (Tax Map: JG; Parcel: 0023A) in the R-3 Residential Zone.

Mr. Paul Irwin, Property Chairman for Shiloh Evangelical Lutheran Church, along with Mr. Mike Swank, Vice President of the church council and Pastor DeAnn Books presented the request to the Planning Commission members. Mr. Irwin explained that there is a need to expand the church school's parking area. The property is located in the R-3 Residential Zone. In order to demolish the existing single-family detached dwelling, which was formerly the parsonage and later church offices, in order to expand the

parking lot a special exception is required to alter the existing nonconforming use. A variance is also required to expand the use by more than 25%. As part of the project, the current entrance onto Carlisle Road would be permanently closed. Access would be through the church's parking lot off of Church Road and an agreement between the properties is proposed. The applicants are also requesting a year to obtain the necessary permits rather than the required maximum time limit of six months due to the need for stormwater management plan preparation and review.

MOTION: by Richard Gordon to recommend the Zoning Hearing Board grant the special exception and variances requested subject to the following conditions:

1. A stormwater management plan must be submitted for the Township Engineer to review and approve prior to obtaining a permit to pave the proposed parking lot.
2. The applicant must contact PennDOT for permission to remove the access from State Route 74 and obtain any necessary permits for performing work within the state right-of-way.
3. There must be an access easement agreement recorded between the two properties granting access from Church Road to the subject property if an agreement does not already exist.
4. A building permit must be obtained within a year of the date of the Zoning Hearing Board's written notice of decision.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (5-0)

ZHB 23-17 – Stanley Firestone – requests a variance §150-51 Permitted Uses to establish a home occupation selling used bikes and lawn equipment with small repairs and a variance §150-230.B Unenclosed Storage/Stockpiling to allow the outdoor storage of the bikes and lawn equipment for sale **located at 2001 Stanton Street** (Tax Map: 04; Parcel: 0207) in the R-3 Residential Zone.

Mr. Stanley Firestone presented the request. Mr. Firestone stated that he has lived at 2001 Stanton Street for twenty (20) years. He retired nine (9) years ago and is interested in doing something with his time. He's fixed up a few bikes and set them out for yard sales. He realized during 2020 that there was a need for bikes. He had multiple yard sales and received notices of violation for yard sales exceeding the days and times permitted by ordinance. Township staff received multiple complaints regarding the repeated yard sales. Mr. Firestone stated that he was storing bikes and mowers outside, but removed them when he received the notice of violation for running a business in the R-3 zone. Ms. Smith-Funn asked Mr. Firestone if he considered himself a sole proprietor. Mr. Firestone said no. Ms. Smith-Funn asked Mr. Firestone if he claimed the income from the bikes or mowers. Mr. Firestone said no he does not claim the income. Mr. Gordon mentioned that the property is a corner lot with two (2) front yards. Allowing the outdoor storage of the bikes and mowers would be a violation of Section 150-230.B for unenclosed storage in the front yard area. He also stated that the property is zoned R-3 Residential where businesses are not permitted. The residential zone is intended for residents to enjoy quiet living settings. Dr. Beecher stated that not only does the Planning Commission have a responsibility to review this request, it has a responsibility to the neighbors who purchased homes in the same area.

MOTION: by Richard Gordon to recommend the Zoning Hearing Board deny the variances requested.

SECOND: by Patrick Hein

MOTION PASSED: Unanimously (5-0)

ZHB 23-18 – Bradley Snyder – requests a variance §150-86 to allow a portion of the business to be located in a detached accessory structure rather than in the principal building **located at 4090 West Market Street**

(Tax Map: 14; Parcel: 0052) in the Local Commercial Zone.

Mr. Snyder presented the variance request to the Planning Commission. He reminded them that he appeared before them in 2022 to request the variance to build an addition on the back of the building for his son's art/tattoo studio. As part of that request, he later obtained a permit to construct the addition on the main building and a ADA bathroom on the rear of the detached garage. Mr. Snyder stated that in order to make the building addition ADA compliant, he would need to install a chair lift that would raise approximately 36 inches in the air to a platform in front of the building addition. This would enable handicapped clientele access to the art/tattoo studio. Rather than install a lift, that he feels could be a safety issue, his son would like to be able to serve handicapped clientele in the detached garage. According to the Zoning Ordinance, only one use is permitted per property except that one dwelling unit may in conjunction with another permitted use shall be allowed if it is contained within the same building. Since Mr. Snyder is requesting to use a portion of the detached garage for his business, it is not contained in the same building as the dwelling and a variance is required. Mr. Snyder said that his son also has the option to serve individuals needing ADA accommodation off-site at their home, but the building code requires ADA accommodations. Mr. Snyder informed the Planning Commission that he spoke with the Township's building code inspector, Commonwealth Code Inspection Service, and was told that serving clientele needing ADA accommodations in the detached finished garage would meet the building code requirements.

MOTION: by Patrick Hein to recommend the Zoning Hearing Board grant the variance requested subject to the following conditions:

1. A portion of the detached garage may be used to serve individuals requiring ADA accessible accommodations for the proposed art/tattoo business.
2. The detached garage may not be used to house a separate and distinct business entity without further review and approval by the West Manchester Township Zoning Hearing Board.
3. A building permit is required prior to any construction, alteration or occupancy of the detached garage.

SECOND: by Jennifer Smith-Funn

MOTION PASSED: Unanimously (5-0)

NEW BUSINESS

T-880 – Preliminary/Final Land Development Plan for Stoltzfus – W. Market Street to depict the proposed development of a 4,800 square foot commercial building on a Lot 1, associated parking facilities, stormwater facilities and a shared limited access drive between Lot 1 and Lot 2 **located along the 4300 block of West Market Street** in the Local Commercial Zone. *(Tabled by request of the Applicant at the August 8, 2023 meeting.)*

Mr. Joseph Stein and Mr. Zach Michali of Warehaus AE presented the plan. Mr. Stein explained that this plan is being proposed to help the property owners of Window World alleviate trouble with getting their deliveries by constructing an access through the subject property. Mr. Stein stated that PennDOT nor the Township would issue a permit to construct the proposed driveway without a land development plan being submitted to the Township and recorded at the York County Recorder of Deeds office. The property owner, Mr. Stoltzfus, has proposed a 4,800 square foot commercial building as part of this land development plan. There is currently no known user for the proposed building. Mr. Stoltzfus intends to market the lot after the land development plan is recorded. An interested buyer would construct the

proposed commercial building for a permitted use in the Local Commercial Zone or seek zoning relief from the Zoning Hearing Board, if needed. This preliminary/final land development plan will enable Window World's truck traffic to access the subject site during specific times for product delivery. There will be an access easement agreement executed by the owners of the two properties, as well as noting the easement on the plan. The access drive between the properties would be gated and a sign noting "No Thoroughfare" would be installed. Mr. Stein informed the Planning Commission members that they have submitted traffic scoping to PennDOT which will entail traffic information in order to obtain their highway occupancy permit.

MOTION: by Richard Gordon to recommend the Board of Supervisors grant waivers 1, 2, 3, 4 and 6. The Planning Commission recommends that if the Board is to grant waiver 5, Township staff must review the traffic impacts prior to submitting it to PennDOT.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (5-0)

MOTION: by David Beecher to recommend the Board of Supervisors conditionally approve the preliminary/final land development plan subject to the following comments being addressed prior to recording the plan:

Zoning Ordinance (ZO):

1. §150-256 & §150-268 Access drives shall conform to the specifications set forth in the West Manchester Township Access Drive Ordinance, Chapter 42 of the Code of the Township of West Manchester.
 - §42-9.B Access drives shall be located not less than 25 feet from side property lines and not less than 25 feet from rear property lines; provided, however, that this setback may be waived when a joint access drive or joint parking compound is shared by adjoining uses. *The access drive entrance from West Market Street appears to be closer than 25 feet from the side property line. A waiver has been requested from §49-2.B. It is not clear why the driveway cannot be shifted further west. Additionally, PennDOT typically does not permit a radius that extends beyond a projected property line. Additional information and concurrence from PennDOT are requested prior to consideration of this waiver. A waiver request has been listed on sheet LD-1 of the plan set. The applicant indicates that Penn DOT approval for the entrance location will be provided prior to final plan approval.*
 - §42-9.F A highway occupancy permit is required pursuant to Section 402 of the Act of June 1, 1945 (P.L. 1242), known as the "State Highway Law,"^[1] before driveway access or modification to an existing driveway entrance to a state highway is permitted. **Provide PennDOT approval for the access drive entrance location. A PennDOT highway occupancy permit must be obtained for the driveway onto West Market Street (SR 0030) prior to construction and occupation of the proposed site.**
 - §42-9.G Unless specifically approved by the Board of Supervisors, no access drives shall have a curb cut exceeding 35 feet in width as measured at the property line. *A waiver has been requested for a curb cut greater than 35 feet. It is acknowledged this curb cut was extended to accommodate tractor trailers, but the neighboring property does not currently utilize this site for truck traffic. Additional justification is required to support this waiver request. A waiver request has been listed on sheet LD-1 of the plan set.*
2. §150-273. Landscaping and screening. Unless otherwise indicated, all off-street loading facilities shall be surrounded by a ten-foot-wide landscape strip. All off-street loading facilities shall also

be screened from adjoining residentially zoned properties and/or adjoining streets. *The loading zone on Lot 1 has been labeled, but how will it be screened from the adjoining street if it is located in front of the building? Please revise the location of the loading zone, screen it from the street or request a variance from the Zoning Hearing Board.*

Subdivision and Land Development Ordinance (SLDO):

1. §121-14.D.14 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). *Update the requested waivers based upon the action of the Board of Supervisors.*
2. §121-14.F Impact statements. Impact statements for all nonresidential uses: transportation. *Please submit a traffic impact study and include West Manchester Township in the PennDOT scoping process for the Highway Occupancy Permit. **The Applicant has requested a waiver.***
3. §121-14.G.1 Certifications and notifications. Where the land included in the subject application has an electric or telephone transmission line, a gas pipeline or petroleum or petroleum products transmission line located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement. *Please provide documentation for the 20' wide overhead utility easement. **The Applicant's Engineer has indicated that documentation for the 20' wide overhead utility easement will be provided prior to final plan approval and recordation.***
4. §121.15.F.4 A notarized statement signed by the landowner, to the effect that subdivision or land development shown on the plan is the act of the deed owner, that all those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded as such (See Appendix No. 2) *This must be dated following the last change or revision to said plan. Since there is development proposed on both lots, both owners must sign the plan. Provide a second owner certification for the owners of Lot 2. (Kenneth R. Ford, Jr., Angell Wesner-Ford, Andrew Gary Wesner)*
5. §121-15.F.9 & §121-16 Improvement guaranties. Financial security in accordance with §121-17 accepted by the Board of Supervisors. *Please submit a financial security estimate for Dawood to review and for Board of Supervisors' action. Once accepted by the Board, provide financial security in the amount of 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer.*
6. §121-17.D The applicant in addition to all bonds or other security required, shall deliver to the Township a check payable to the township in an amount equal to 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. *Please provide an escrow check to West Manchester Township prior to recording the plan. (Amount to be determined.)*
7. §121-19. Maintenance guaranty. Applicant shall 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 eighteen (18) months from the date of acceptance of dedication by the Board of Supervisors. Said guaranty shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements and be of

the same type of financial security as required in this Article. *A maintenance guaranty will be required.*

8. §121-21. As-built plans. Prior to 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 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 deviations 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) copy for the township files. *Applicant shall furnish as-built plans prior to obtaining an occupancy certificate.*

Stormwater Management Ordinance:

1. §113-17.E.(1)] Retention basins and detention basins shall be designed with a minimum one-foot freeboard above the design elevation of the one-hundred-year water surface at the emergency spillway. Additionally, basins shall be designed to safely discharge the one-hundred-year peak discharge of a post-development storm event through an emergency spillway in a manner which will not damage the integrity of the basin. *Revise the plan to include emergency spillways for the underground basins. Provide calculations.*
2. §113-17.E.(4)] Basins shall be constructed and maintained to insure the design capacity after sedimentation has taken place. *Revise the plan to include a method for inspecting and cleaning the underground basins. Inspection ports and cleanouts, or other acceptable method, should be provided for all chamber rows.*
3. §113-17.G.(5)] Inlets, culverts, and basin discharge systems shall be designed for the worst case condition. Inlet capacity shall be based on design standards provided by the latest edition of the Pennsylvania Department of Transportation's Publication 584. ... When a pipe or culvert is intended to convey the discharge from a stormwater management facility, its required capacity shall be computed by the Rational Method and compared to the peak outflow from the stormwater management facility for the fifty-year storm. The greater flow shall govern the design of the pipe or culvert. ... Provide analysis of the basin outlets for the 50-year peak inflow (nonrouted) rate.
4. §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 the requirements of the ordinance.
5. §113-18.E.(9)] The SWM site plan shall include an operation and maintenance (O&M) plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities. Provide the required O&M plan.
6. §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 plan.
7. §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 plan in accordance with the ordinance.
8. §113-27 Operation and maintenance agreements. Prepare and record an O&M Agreement.

9. §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 more than 72 hours from the end of the design storm. Prove the dewatering time calculation for the rate control capacity (100-year storm event).

ADJUSTMENTS TO THE PLANS:

Dawood believes several recommendations for improving the plans are warranted. Some of these will correct errors or internal inconsistency. The rest are consistent with [SLDO §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.”

1. Provide documentation of the shared access agreement with the adjacent property owner. The agreement must outline the terms of use and timing of deliveries due to the presence of the locked gate and potential interference with parking and business operations. Furthermore, the easement must extend to include the entire proposed site access at West Market Street (SR 0030) since this will also be used by the neighboring property owner. Note that the shared access easement must be executed by both parties and recorded in the county courthouse.
2. Coordinate with the West Manchester Township emergency services to confirm the preferred product for the rapid entry padlock (such as Knox Box or Super Safe Box) and update the Bollard and Chain Detail accordingly.
3. Provide an evaluation of truck sight distance at the proposed site access for the anticipated delivery vehicle.
4. Provide vehicle turning templates for the largest regular vehicle to access the site to confirm turning vehicles do not encroach on opposing traffic within the site access. Include turning templates and internal circulation for a refuse truck circulating to the dumpster and turning around.

General Comments:

1. There is a typo in the Requested Waivers/Modifications section on sheet LD-1 of the plan set. Please renumber the requested waivers. There are 6 requested waivers, but 1-7 are listed. Number 5 is missing.
2. Please add a Surveyor’s Signature Block to sheet LD-1 of the plan set.
3. A Knox box will be required to be installed on the building prior to use and occupancy. Contact Fire Chief Laughman to discuss the desired location.
4. Verification must be provided that the plan for erosion and sediment control was approved by the York County Conservation District. (§121-15.F.8)
5. In reference to the HOP note on sheet LD-2, without listing a specific use, PennDOT will calculate the number of vehicle trips based on the most intense commercial use possible.
6. 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)
7. Provide a copy of the PennDOT highway occupancy permit for Lot 1.
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)

SECOND: by Richard Gordon

MOTION PASSED: Unanimously (5-0)

T-881 – Sewer Planning Module Exemption Mailer for 1401 Carlisle Road – The property owner has submitted a sewer planning module exemption mailer proposing 1 EDU for the commercial property located at 1401 Carlisle Road (currently occupied by Tobacco Hut) for connection to the newly constructed sewer line in Haviland Road. No land development is being proposed at this time.

Mr. Dusan Bratic explained to the Planning Commission that he would like to tie into the newly constructed public sanitary sewer in Haviland Road to the rear of his commercial property located at 1401 Carlisle Road. The property is currently occupied by Tobacco Hut. The current on-lot septic system is malfunctioning. He is proposing one (1) sewer EDU. He is requesting that the sewer planning module exemption mailer be forwarded to PA DEP for their review and approval.

MOTION: by Patrick Hein to recommend the Board of Supervisors approve the property owner's request and allow staff to forward the sewer planning module exemption mailer to the PA DEP for review.

SECOND: by Richard Gordon

MOTION PASSED: Unanimously (5-0)

DISCUSSION

Zoning Officer Sampere informed the Planning Commission members that Gannett Fleming is currently compiling information for the comprehensive plan. A representative from Gannett Fleming is planning to attend the October 10, 2023, Planning Commission meeting to discuss their findings thus far. A public meeting where Township residents can meet with Gannett Fleming representatives to discuss key topics in an open house setting will be advertised on the Township's website in the near future.

ADJOURN

MOTION: by Jennifer Smith-Funn to adjourn the meeting.

SECOND: by Fred Walters

MOTION PASSED: Unanimously (5-0)

The meeting was adjourned at 8:15 p.m.