

MINUTES
WEST MANHEIM TOWNSHIP
REGULAR PLANNING COMMISSION MEETING
THURSDAY, JANUARY 17, 2008

ITEM NO. 1 Meeting Called to Order

The regular meeting of the West Manheim Township Planning Commission was called to order at 7:00 p.m., by Chairman Darrell Raubenstine, followed by the Pledge of Allegiance.

ITEM NO. 2 Roll Call

The roll was called, and the following Commission Members were present: Chairman Darrell Raubenstine, Scott Barnhart, Keith Fralic, Ed Allison, Frank Morrison and Andrew Hoffman. Also present were Andy Richardson, Township Manager; Mike Knouse, C.S. Davidson; and Linus Fenicle, Reager & Adler, PC.

Jim Myers arrived at 7:10 p.m.

ITEM NO. 3 Re-Organization – 2008

A. Chairman

Scott Barnhart moved to nominate Darrell Raubenstine as temporary Chairman, seconded by Andy Hoffman. ***The motion carried.***

Scott Barnhart moved to nominate Darrell Raubenstine as Chairman, seconded by Frank Morrison. ***The motion carried.***

B. Vice-Chairman

Scott Barnhart moved to nominate Keith Fralic as Vice-Chairman, seconded by Andy Hoffman. ***The motion carried.***

C. Secretary

Scott Barnhart moved to nominate Jim Myers as Secretary, seconded by Frank Morrison. ***The motion carried.***

D. Recording Secretary

Scott Barnhart moved to nominate Laura Gately as Recording Secretary, seconded by Andy Hoffman. ***The motion carried.***

E. Meeting Dates & Times

Scott Barnhart made a motion to keep the regular meetings on the third Thursday of each month with the meetings starting at 6:00 p.m. rather than the previous starting time of 7:00 p.m., seconded by Frank Morrison. ***The motion carried.***

ITEM NO. 4 Approval of Minutes

Scott Barnhart made a motion to approve the minutes from the December 20, 2007 Planning Commission meeting, seconded by Keith Fralic. ***The motion carried.***

ITEM NO. 5 Correspondence

The following correspondences were received:

- 1). Andy Richardson provided a brochure from the Governor's Center for Local Government Services Training Program regarding Planning Essentials for the Newly (and Not So Newly) Elected Officials held March – April 2008.

ITEM NO. 6 Visitors

Chairman Darrell Raubenstein asked if there were any visitors present that wished to address the Commission, and received no reply.

ITEM NO. 7 Public Comment – Items Not Listed on Agenda

Chairman Darrell Raubenstein asked if there were any visitors present that wished to discuss anything specific not on the agenda, and received no reply.

ITEM NO. 8 Emergency Services Group Report

Mike Hampton said Emergency Services has not received any new subdivision plans to be reviewed by Emergency Services.

ITEM NO. 9 Report from Zoning/Hearing Board

Andy Richardson reported that there was no Zoning/Hearing Board Meeting for the month of December.

ITEM NO. 10 Old Business

A. John H. & Martha E. Halter – 4 Lot Final Plan

Chairman Darrell Raubenstein asked for a motion to table the plan.

Scott Barnhart made a motion to table the Plan, seconded by Jim Myers. Darrell Raubenstein, Ed Allison, Frank Morrison and Andy Hoffman were in favor. Scott Barnhart and Keith Fralic abstained. ***The motion carried.***

B. Joshua Hill Farm – 124 Lot Preliminary Plan

Chairman Darrell Raubenstein asked for a motion to table the plan.

Scott Barnhart made a motion to table the Plan, seconded by Jim Myers. Darrell Raubenstein, Ed Allison, Frank Morrison and Andy Hoffman were in favor. Scott Barnhart and Keith Fralic abstained. ***The motion carried.***

C. The Warner Farm -Randy S. Warner – 15 Lot Preliminary Plan

Chairman Darrell Raubenstein asked for a motion to table the plan.

Scott Barnhart made a motion to table the Plan, seconded by Jim Myers. Darrell Raubenstein, Ed Allison, Frank Morrison and Andy Hoffman were in favor. Scott Barnhart and Keith Fralic abstained. ***The motion carried.***

D. Chestnut Hill –Pat Stambaugh- 17 Lot Preliminary Plan

Chairman Raubenstein said a letter of request for an extension of review time has been received. He asked for a motion to extend the plan.

Frank Morrison made a motion to extend the Plan, seconded by Jim Myers. Darrell Raubenstine Ed Allison and Andy Hoffman were in favor. Scott Barnhart and Keith Fralic abstained. **The motion carried.**

Chairman Darrell Raubenstine asked for a motion to table the plan.

Scott Barnhart made a motion to table the Plan, seconded by Jim Myers. Darrell Raubenstine, Ed Allison, Frank Morrison and Andy Hoffman were in favor. Scott Barnhart and Keith Fralic abstained. **The motion carried.**

E. Orchard Estates –Gobrecht- 56 Lot Preliminary Plan

Chairman Raubenstine said a letter of request for an extension of review time has been received. He asked for a motion to extend the plan.

Frank Morrison made a motion to extend the Plan, seconded by Jim Myers. **The motion carried.**

Chairman Darrell Raubenstine asked for a motion to table the plan.

Scott Barnhart made a motion to table the Plan, seconded by Jim Myers. **The motion carried.**

F. Dwight F. & Pamela D. Myers – 3 Lot Final Plan

Chairman Raubenstine said a letter of request for an extension of review time has been received. He asked for a motion to extend the plan.

Frank Morrison made a motion to extend the Plan, seconded by Jim Myers. Darrell Raubenstine Ed Allison and Andy Hoffman were in favor. Scott Barnhart and Keith Fralic abstained. **The motion carried.**

Chairman Darrell Raubenstine asked for a motion to table the plan.

Scott Barnhart made a motion to table the Plan, seconded by Jim Myers. Darrell Raubenstine, Ed Allison, Frank Morrison and Andy Hoffman were in favor. Scott Barnhart and Keith Fralic abstained. **The motion carried.**

G. Preserve at Codorus Creek IV-79 Lot Preliminary Plan

Chairman Darrell Raubenstine asked for a motion to table the plan.

Scott Barnhart made a motion to table the Plan, seconded by Jim Myers. **The motion carried.**

H. Fox Run Village – S & A Homes – 25- Lot Final

Chairman Darrell Raubenstine asked for a motion to table the plan.

Scott Barnhart made a motion to table the Plan, seconded by Jim Myers. Darrell Raubenstine, Ed Allison, Frank Morrison and Andy Hoffman were in favor. Scott Barnhart and Keith Fralic abstained. **The motion carried.**

I. Homestead Acres – J.A. Myers - 134 – Lot Preliminary Plan

Chairman Darrell Raubenstine asked for a motion to table the plan.

Scott Barnhart made a motion to table the Plan, seconded by Jim Myers. ***The motion carried.***

- J. Northfield Joint Venture c/o Michael Roepcke – Phase II – 52 - Lot Preliminary Subdivision Plan

Chairman Darrell Raubenstine asked for a motion to table the plan.

Scott Barnhart made a motion to table the Plan, seconded by Jim Myers. ***The motion carried.***

- K. Benrus L. Stambaugh II, et al – 1 Lot Land Development Plan -Brunswick Dr. & Oak Hills Drive

Chairman Darrell Raubenstine asked for a motion to table the plan.

Scott Barnhart made a motion to table the Plan, seconded by Jim Myers. Darrell Raubenstine, Ed Allison, Frank Morrison and Andy Hoffman were in favor. Scott Barnhart and Keith Fralic abstained. ***The motion carried.***

- L. James E. Horak & Donald L. Yorlets – 6 Lots – Preliminary Subdivision Plan Fairview Drive

Chairman Darrell Raubenstine asked for a motion to table the plan.

Scott Barnhart made a motion to table the Plan, seconded by Jim Myers. Darrell Raubenstine, Ed Allison, Frank Morrison and Andy Hoffman were in favor. Scott Barnhart and Keith Fralic abstained. ***The motion carried.***

- M. Charles Bowman III, Executor for Charles & Beatty Bowman Estates – Bowan Property -Residential 3 Add on lots – 2855 Black Rock Road

Chairman Darrell Raubenstine asked for a motion to table the plan.

Scott Barnhart made a motion to table the Plan, seconded by Jim Myers. ***The motion carried.***

- N. Glenn & Jennifer Auchey – 2 Lots - Final Plan – 401 Fairview Drive

Chairman Darrell Raubenstine asked for a motion to table the plan.

Scott Barnhart made a motion to table the Plan, seconded by Jim Myers. ***The motion carried.***

- O. Mike Knouse – C.S. Davidson – Zoning Ordinance - Overlay Zoning Districts

Mike Knouse presented a memo with a summary of the proposed changes to the ordinance. He said that the table of contents will be updated once all revisions have been completed. He reviewed Article 4 revised area regulation tables. He asked if the board had any objections to the modifications with regard to the lot widths. There were no objections from the board.

He said there was discussion on building height with regards to fire apparatus and the ability to fight fires. He said they changed made this information to remain consistent with the old ordinance related to properly handling emergency situations. Single-Family detached setbacks and Two-Family dwelling minimum lot widths were also changed to be consistent with the old ordinance. He indicated that accessory buildings have their own standards. Single-Family attached dwelling minimum lot widths were also revised to be consistent. All other uses were changed to be more consistent with

the proposed utility standards. He said that the only modification to Article 4, Section 3.4 - Business Center was to the height only. After further discussion on the height limitations with regards to safety issues, Mike Hampton suggested they discuss this with Fire Chief/Investigator Ted Clouser. He would be able to provide highly accurate and correct information.

He reviewed Article 5, Section 1.5 regarding farming regulations. After further discussion with the board the setbacks as noted under all uses will remain at 40 ft., 30 ft., and 40 ft. Article 5, Section 2.5, to remain consistent the rear setback was decreased to 40 ft. Article 6, Section 1.3- Steep Slope Overlay district. He replaced the whole section of the ordinance that he has already reviewed with the board and there are no changes. Article 6, Section 1.4 - Stream Protection Overlay he indicated it was as he presented previously and there were no changes. Article 6, Section 1.5 Surface Water he said he would be replacing this whole section. Article 6, Section 1.7-Exemption is a new section added to the ordinance. The board agreed that 250 ft was acceptable as defined by other agency approvals; therefore they want this to remain consistent. Article 6, Section 3 - Conservation Subdivision Overlay section has been modified. Article 6, Section 3.4, 3.5 & 3.6 was regarding the standards for diminished sizes. The handout includes his recommendations as submitted. Article 7, Section 2.2 – Accessory Buildings & Structures – accessory buildings were allowed up to 5 feet of the property line. There were concerns regarding this that was discussed in more detail. The handout shows the section that was eliminated, when a side or rear yard is adjacent to another lot, the accessory building shall be located not less than 5 feet from any lot line. After further discussion with the board it was agreed that this section will be remain as noted. Article 7, Section 2.4 – Fences and Walls – the setback was revised from 1 foot to 18 inches off any property line. Unless otherwise specified in the Ordinance.

Harold Coldren, Code Enforcement Officer said fences that are located 2 feet apart create a maintenance issue. Fences located on the property line this would create an issue related to ownership.

Andy Hoffman asked if they could contact other townships to inquire about their ordinance regarding fencing. After further discussion it was agreed by the board to collect this information from other neighboring townships and discuss this prior to the February meeting. Article 7, Section 2.6 – Swimming Pool walkway or patio area was revised read, shall to not be located nearer than 5 feet to the lot lines and/or easements. Article 7, Section 4.8 – Automobile, Heavy Equipment was revised to read, shall be stored upon the site for more than three months instead of one month to allow repair/restoration garages additional time. Mike Knouse read the criteria noted in this section for clarification. He will provide an electronic copy to the board that includes a summary of the changes for discussion prior to the next planning commission meeting. This information will then be forwarded on to the Board of Supervisors for review and input.

ITEM NO. 11 New Business

A. Andy Bealing – Zoning Request – Chester & Margie Utz property

Doug Barmoy, Hanover Land Services, was present to represent the plan on behalf of Mr. Bealing. Mr. Bealing is purchasing 10 acres from the Chester Utz property. This is a zoning request for the 10-acre portion of the property in order for the subdivision to go forward as proposed on the plan. Mr. Bealing approached the Utz's about rezoning the whole property and they indicated that they were not opposed to rezoning the 10 acres, but they wanted to keep their property as it is currently zoned. He said due to the property being located in Ag zoning district and with the large area of compact soils on the property the ordinance prohibits residential development. The maximum lots allowed are three and due to not having public sewer and with the nitrate studies that will need to be completed he said this would make these 2-3 acre lots.

Andy Richardson asked if they would be submitting a subdivision plan.

Mr. Barmoy said they would be bringing in the subdivision request next month. They are in the process of working on that plan now. He said the plat that is attached to the current submittal will be the same subdivision boundary and will include the roads. They will also provide the sediment, grading and storm water approval. They will also provide a written description of the parcel of land. This will be the exact same parcel of land.

Andy Richardson asked if they provided a written description of the land in any section of the narrative submitted with the application.

Mr. Barmoy said they did not include this in the narrative.

Andy Richardson said they need to include this in the narrative as a supplement. This concept has to be conveyed to York County Planning. He said because this is a partial section of the current lot it needs to be included in the narrative. He asked him to address a letter to the Planning Commission with the narrative included to be passed along with the application as a supplement.

Andy Richardson asked if the property was located in Ag Security.

Mr. Bealing said yes.

Andy Richardson said that creates an issue.

Jim Myers made a motion for a recommendation of approval of the rezoning request based on the plot as submitted with the packet to the Board of Supervisors, seconded by Frank Morrison, and since there is no subdivision they would need to include in the stipulations that there is the intent to subdivide. Darrell Raubenstine, Ed Allison, Frank Morrison and Andy Hoffman were in favor. Scott Barnhart and Keith Fralic abstained. ***The motion carried.***

ITEM NO. 12 Signing of Approved Plans

There was no new business to discuss.

ITEM NO. 13. Zoning Officer

- A. Applicant: Jeffrey & Celeste Laughard – 9 Skylite Drive - Application for a Special Exception to operate a Home Occupation to provide individuals, families & groups planning and implementation of future vacations and travels.

Jeff Laughard, 9 Skylite Drive said he has been in the area for 11 years. His request consists of acting as an independent consultant for a host agency located in Westminster, MD. He is receiving instruction and education through the Disney system to set up Disney vacation planning. He has a love for the area and came from a family that never went on vacation and thought he would never be able to.

He said there would not be much of a change except a computer, desk, and a display area that includes brochures. He said a majority of his clients will complete their vacation information over the internet, but he hopes to become busy enough to receive foot traffic. He currently holds a regular full time job therefore; the home occupation request will not be his main source of income. He will support the business as an independent consultant when his time is available.

Chairman Darrell Raubenstine asked Mr. Laughard if this will basically be an off site travel agency.

Mr. Laughard said yes. It will be a place to conduct business with a laptop, file cabinet and a phone. He is finding out that a majority of all trips are booked through the internet, but he did not want to conduct business without permission, because he felt this would be undermining the integrity.

Andy Richardson asked if he would be a certified travel agent for Disney.

Mr. Laughard said yes, he would be educated through Disney.

Andy Richardson said this would be strictly for Disney products and vacations.

Mr. Laughard said that Disney also provides cruises as well as Disney Destinations. This is a higher end product that travels to other states under the Disney umbrella. Disney expects him to provide the same criteria to customers as they would provide while on Disney property.

Scott Barnhart asked Mr. Laughard if he was expecting limited foot traffic.

Mr. Laughard said he expecting the same, or less than family and friends.

Scott Barnhart asked what his hours of operation were going to be.

Mr. Laughard said not after 7:30 pm – 8:00 pm at night.

Scott Barnhart asked him what time he would start work.

Mr. Laughard said he would probably open for business between 9:00 am and 10:00 am. He said he works his regular job from 5:00 pm to 5:00 am four days a week. He will come home and sleep after his regular job and then open around 9:00 am.

Scott Barnhart asked him what is weekend hours of operation would be.

Mr. Laughard said the weekend he would be available. He said that he would be traveling to customer's houses rather than coming to his home.

Scott Barnhart said Monday – Friday 9:00 am – 7:00 pm. He asked about the weekend hours.

Mr. Laughard said he would like to leave his afternoon available, probably 9:00 am – 1:00 pm.

Scott Barnhart asked where parking would be located.

Mr. Laughard said he can accommodate four vehicles in his driveway.

Scott Barnhart asked him about signage.

Mr. Laughard said he would be using a 2 by 2 sign, but he is not sure that he will be using a sign. He went around to the neighbors and they are interested and waiting to see what he has to offer. He stated that Disney sells itself.

Andy Richardson said he does not have a problem with the request. He feels they should limit the number of customers so as to limit the number of vehicles being parked at the residence at one time.

Chairman Darrell Raubenstine asked if he was concerned about his customer's safety when backing out of the driveway.

Mr. Laughard said a portion of his yard was from when the Mummert's that lived there, it was widened, black topped and a berm was installed. He said it is wider in front of his house than it is the rest of the way down Skylite Drive.

Andy Richardson indicated they should include a condition that states, customers by appointment only so that traffic can be controlled. This would limit vehicle traffic to one vehicle parked in the driveway at any given time. The board is concerned about customer safety with vehicles pulling in and backing out of the driveway. He said they should indicate his hours of operation. He asked Mr. Laughard what his hours of operation would be.

Mr. Laughard said five days a week. Monday and Tuesday he would be closed and Wednesday through Sunday, 9:00 am – 7:00 pm he would be open.

Scott Barnhart asked about evaluating the proposal on an annual basis.

Andy Richardson said this could be included as a restriction.

Mike Knouse said he would suggest they go with the Managers recommendation. The applicant will operate by appointment only and then the township will re-evaluate in a year to see if there are recent impacts that warrant additional restrictions.

Scott Barnhart moved to recommend approval to the Board of Supervisors, seconded by Frank Morrison, with the following conditions; the applicant will operate by appointment only and then the township will re-evaluate the home occupation request in a year to determine if there are any impacts that warrant additional restrictions. ***The motion carried.***

ITEM NO. 14 Sketch Plans and Other Business

There was no new business to discuss.

ITEM NO. 15 Public Comment

There was no one present from the public to address the Commission.

ITEM NO. 16 Next Meeting

The next Planning Commission meeting is scheduled for Thursday, February 21, 2008 at 6:00PM.

ITEM NO. 17 Adjournment

Adjournment was at 9:30 p.m. in a motion by Andy Hoffman, and seconded by Scott Barnhart. ***The motion carried.***

RESPECTFULLY SUBMITTED,

LAURA GATELY
RECORDING SECRETARY