

MINUTES
WEST MANHEIM TOWNSHIP
PLANNING COMMISSION MEETING
THURSDAY, FEBRUARY 21, 2008

ITEM NO. 1. Meeting Called to Order

The regular meeting of the West Manheim Township Planning Commission was called to order at 6:00 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, Keith Fralic, Jim Myers, Frank Morrison and Andrew Hoffman. The following Commission members were absent: Scott Barnhart and Ed Allison. Also present were Andy Richardson, Township Manager; Mike Knouse, C.S. Davidson; and Linus Fenicle, Reager & Adler, PC.

Ed Allison arrived at 7:05 p.m.

ITEM NO. 3. Approval of Minutes

Andy Hoffman made a motion to approve the minutes from the January 17, 2008 Planning Commission meeting, seconded by Jim Myers. ***The motion carried.***

ITEM NO. 4. Correspondence

The following correspondences were received:

- 1). Comments from Emergency Services Group dated 02-21-08 regarding plans for Chester & Margie Utz, 93 Utz Drive; Glen & Jennifer Auchey, 401 Fairview Drive; and Homestead Acres revised plan.
- 2). Comments from C. S. Davidson dated February 15, 2008 regarding Glenn Auchey, Jr, 401 Fairview Drive.
- 3). Letter from HRG Engineering dated February 18, 2008 for Homestead Acres requesting an extension review date until June 6, 2008.
- 4). Letter from Hanover Land Services dated February 21, 2008 from Fox Run Village requesting an extension review date until June 6, 2008.
- 5). Letter received on February 20, 2008 from Northfield Joint Venture, LLP requesting the preliminary subdivision plan be tabled from the February 21, 2008 agenda.
- 6). Comments from York County Planning Commission dated February 1, 2008 regarding York County Ag Land Pres. Board 2008 Conservation Easement Applications
- 7). Comments from York County Planning Commission dated February 6, 2008 regarding Andrew Bealing's zoning ordinance amendment request.
- 8). Handouts from Mike Knouse, C.S. Davidson dated February 12, 2008 regarding West Manheim Township Zoning Ordinance revisions.

ITEM NO. 5. Visitors

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

ITEM NO. 6. 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. 7. Emergency Services Group Report

Mike Hampton was not present to report on Emergency Services comments.

ITEM NO. 8. Report from Zoning/Hearing Board

- 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.

Andy Richardson, Township Manager, said the application for Jeffrey & Celeste Laughard was approved by the Zoning Hearing Board on January 22, 2008 with conditions.

- B. Applicant – Chester & Margie Utz – Rezoning – 93 Utz Drive

Andy Richardson, Township Manager, said he would like to report that he attended the York County Planning Commission meeting on February 8, 2008. He said the motion made was that they approved the staff report, and that staff recommended approval of the report. The full commission wanted to have the approval contingent upon rezoning of the whole parcel. They did not feel that the one portion of parcel should be rezoned without the entire parcel being included in the rezoning request.

Chairman Darrell Raubenstein said they already passed comments on to the Supervisors. He asked if they could discuss the information more and forward any modifications on to the Board of Supervisors.

Andy Richardson said that was up to the Commission. He said since Darrell Raubenstein spoke with Chester Utz tonight he is now in agreement. The Commission could reopen the discussion and have the Planning Commission make a recommendation to the Board of Supervisors to rezone the entire parcel of property. He said they have grounds to open it back up.

Linus Fenicle, Solicitor, said that Chester Utz being the owner of the property, and if he is willing to do so, he can amend his application and send a letter to the township saying he would like to amend his application to include all of his property in the rezoning request, if that is the desire of the Planning Commission.

Chairman Darrell Raubenstein asked if the application would then come back to the Planning Commission.

Linus Fenicle said he does not think they should hold a public hearing until they have a formal amendment. The legal description provided only includes the one portion of the parcel and not the entire parcel of land. He said if the owner formally submits an amendment request it should technically come back before the Planning Commission for a recommendation. He asked if the Commission acted on the application at the last meeting.

Andy Richardson, Township Manager, said yes.

Linus Fenicle, Solicitor said they could amend their recommendations.

Andy Richardson, Township Manager said the public hearing is scheduled for March 18th.

Linus Fenicle, Solicitor said they don't want to hold a public hearing twice.

Chairman Darrell Raubenstine asked who submitted the rezoning application.

Andy Richardson, Township Manager said Andy Bealing came in for the Utz's.

Chairman Darrell Raubenstine asked if anyone had any objection to having the property all rezoned residential.

Andy Hoffman said if it is at the township's expense.

Linus Fenicle, Solicitor said Chester Utz should file something with the township in writing stating that he is amending his request to include all the property. He said a copy of the letter could also be sent to York County Planning Commission.

ITEM NO. 9. Old Business

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

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

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

B. Joshua Hill Farm – 124 Lot Preliminary Plan

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

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

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

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

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

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

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

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

E. Orchard Estates –Gobrecht- 56 Lot Preliminary Plan

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

Frank Morrison 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 Darrell Raubenstine asked for a motion to table the plan.

Frank Morrison made a motion to table the Plan, seconded by Jim Myers. Darrell Raubenstine and Andy Hoffman were in favor. 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.

Frank Morrison 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.

Frank Morrison made a motion to table the Plan, seconded by Jim Myers. Darrell Raubenstine and Andy Hoffman were in favor. 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.

Frank Morrison 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

Jim Myers noted that the letter received from Northfield Joint Venture did not include a request for an extension. The letter asked that the plan be tabled at the February 21, 2008 Planning Commission meeting.

Chairman Darrell Raubenstine asked for a motion to recommend denial unless the applicant submits an extension letter to the township before the next Board of Supervisors meeting scheduled on Thursday, March 7, 2008. The application review time expires on March 7, 2008.

Jim Myers made a motion to recommend denial of the plan; seconded by Keith Fralic, unless a written request for extension of review time is received before the next Board of Supervisors meeting on Thursday, March 6, 2008. ***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.

Frank Morrison made a motion to table the Plan, seconded by Jim Myers. Darrell Raubenstine and Andy Hoffman were in favor. 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.

Frank Morrison made a motion to table the Plan, seconded by Jim Myers. Darrell Raubenstine and Andy Hoffman were in favor. 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.

Frank Morrison 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.

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

O. Mike Knouse – C.S. Davidson – Zoning Ordinance Revisions

Mike Knouse presented a memo dated February 12, 2008 with a summary of the proposed revisions to the ordinance. He reviewed Section 2.4, Fences & Walls; page 34 of the handouts.

Chairman Darrell Raubenstine asked if each commission member would like to comment.

Andy Hoffman said he did not care for the choices that were offered. He would like to change the height and limit it to 6 feet. He would also like to have the fence 3 feet up to the property line.

Frank Morrison He agrees with the 6 foot height limit. The setback should be right on the property line.

Jim Myers said he would like to have the fence to be 3 feet high and up to the property line. He also agrees with the 6 foot height limit. He asked Mike Knouse to review any information regarding the site triangle.

Chairman Darrell Raubenstine said he thinks the fence should be kept on the owners' property and not on the line unless it is agreeable to the neighbor. It should be spelled out by the neighbor to be 18 inches between. Each homeowner should maintain their half of the fence.

Keith Fralic said a sensible property owner would pull back from the line. It doesn't make a difference to him. He said regarding the height, he agrees with the 6 foot height limit.

Mike Knouse said for clarification the Commission would like to modify the section to place a height restriction on fences to 6 feet, and change the wording as in the old ordinance to read, "up to the property line", and to check on information regarding the site triangle.

Mike Knouse said they are done with the changes the supervisors originally asked them to review at this point. He said that the changes are ready to be moved on to the supervisors as is except modify Article 7, Section 2.4, and item number 14

Andy Hoffman made a motion to modify Article 7, Section 2.4, Fences & Walls, item number 14, and forward the recommended changes as submitted to the Board of Supervisors for review with, seconded by Jim Myers. ***The motion carried.***

ITEM NO. 10. New Business

- A. Glenn Auchey, Jr. – 401 Fairview Drive – Final Subdivision Plan
Application for a Conditional Use Special Exception for one new single family residential dwelling unit that will use an on-lot septic system.

Mike Knouse said the location of the property is about 500 feet down from the intersection Sunset Drive and Fairview Drive. He said the applicant is proposing to use the existing house, and cut off the lot from that and build a new house. It is located within the growth area and future sewer area. The

applicant is proposing to use the existing septic for the proposed house, and the proposed septic for existing house. When the plans were reviewed during the in-house the ordinance and zoning specifies that if the applicant does not have sewer they would need to request a conditional approval from the supervisors to put in an on-lot septic system within the proposed sewer area.

Andy Richardson said this plan is clearly in violation of Act 537.

Linus Fenicle, Solicitor said it is a conditional use as stated in the ordinance. The Commission is going to make a recommendation to the Board of Supervisors on what they feel should be done. They haven't reviewed a feasibility study from the SEO.

Andy Hoffman made a motion to the Board of Supervisors on the conditional use request for the on-lot septic system located in the residential district. The plan has been reviewed by the Planning Commission and they feel there are still outstanding items that need to be addressed. The plan is not in compliance with Act 537, and there is no supporting documentation provided from the SEO that demonstrates the feasibility of the septic system, seconded by Keith Fralic. ***The motion carried.***

ITEM NO. 11. Signing of Approved Plans

There was no new business to discuss.

ITEM NO. 12. Zoning Officer

Andy Richardson said there was nothing new to be discussed.

ITEM NO. 13. Sketch Plans and Other Business

New Business:

Jim Myers asked about the comments received from York County Planning Commission regarding the 2008 Conservation Easement Applications.

Andy Richardson, Township Manager said if there are any comments or concerns from the Planning Commission York County needs the comments returned no later than March 10, 2008. He said the occupants Dottie Groft and William Myers have applied for the third year for Ag Preservation.

Chairman Darrell Raubenstine explained to Glenn Auchey, Jr. the decision from the Planning Commission regarding his application request.

Mike Knouse said the Planning Commission reviewed the application and discussed the outstanding issues. The Commission acknowledged that they reviewed the plan and raised two issues that will be forwarded on to the Board of Supervisors. The plan is not in accordance with the Act 537 plan, and information has not been received from the SEO demonstrating the feasibility of the on-lot system.

Chairman Darrell Raubenstine asked Mr. Auchey if he completed a perc and probe of the property.

Mr. Auchey said yes he has completed a perc and probe and that the report came back that indicated it passed for the sand mound.

Chairman Darrell Raubenstine informed Mr. Auchey that he needs to make sure that he or his representative are present during the public hearing at the Board of Supervisors meeting on March 18, 2008 at 6:30 pm.

ITEM NO. 14. Public Comment

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

ITEM NO. 15. Next Meeting

The next Planning Commission meeting is scheduled for Thursday, March 20, 2008 at 6:00PM.

ITEM NO. 16. Adjournment

Adjournment was at 7:15 p.m. in a motion by Keith Fralic, and seconded by Jim Myers.

The motion carried.

RESPECTFULLY SUBMITTED,

LAURA GATELY
RECORDING SECRETARY