

MINUTES
WEST MANHEIM TOWNSHIP
REGULAR PLANNING COMMISSION MEETING
THURSDAY, JUNE 19, 2008

ITEM NO. 1 Meeting Called to Order

Nancy Smith administered the Oath of Office to Grant Reichart.

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, Grant Reichart, Keith Fralic, Ed Allison, Frank Morrison and Andrew Hoffman. Also present were Harold Coldren, Code Enforcement Officer; Mike Knouse, C.S. Davidson; and Linus Fenicle, Reager & Adler, PC.

ITEM NO. 3 Approval of Minutes – May 15, 2008

Keith Fralic made a motion to approve the minutes from the May 15, 2008 Planning Commission meeting, seconded by Ed Allison. ***The motion carried.***

ITEM NO. 4 Correspondence

The following correspondences were received:

- 1). Copy of the letter dated May 22, 2008 on the appointment of Grant Reichart as a member to the West Manheim Township Planning Commission.
- 2). Letter to Jim Piet from Ed Reed, President, Pleasant Hill Fire Co. dated June 4, 2008 regarding the Werner Property, fire access road.
- 3). Letters from Hanover Land Services dated June 9, 2008 for Joshua Hill, the Warner Farm, Benrus Stambaugh (New Age Associates – Giant), and James Horak, requesting an extension review date until October 2, 2008. Letter dated May 6, 2008 requesting and extension review date until September 4, 2008.
- 4). Letter from Loss-Stair dated April 17, 2008 for Bowman Final Subdivision Plan requesting an extension review date until August 8, 2008.
- 5). Letter from Woodhaven Development dated June 16, 2008 for The Werner Properties (Preserve @ Codorus Creek – IV), requesting and extension review date until October 3, 2008.
- 6). Comments from C.S. Davidson dated June 16, 2008 regarding the Warner Farm/Randy Warner.
- 7). Letter from West Manheim Township dated June 12, 2008 regarding Charles P. Bowman, Jr. & Betty L. Bowman Estate – Bowman Property Tract 2 Final Subdivision Plan.
- 8). Comments from York County Planning Commission dated May 21, 2008 regarding Lutheran Retirement Village at Utz Terrace Phase 2 – Apartment Building (36 Units).
- 9). Comments from C.S. Davidson dated May 23, 2008 regarding Lutheran Retirement Village at Utz Terrace Phase 2 – Apartment Building (36 Units).

ITEM NO. 5 Visitors

Chairman Darrell Raubenstine 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 Raubenstine 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

There was no Zoning/Hearing Board Meeting for the month of May.

ITEM NO. 9 Old Business

A. Joshua Hill Farm – Mussleman Rd. -124 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.

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

B. The Warner Farm – Randy S. Warner – SE side Pleasant Hill Rd. – 15 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.

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

C. Orchard Estates – Gobrecht – Shorbs Hill Rd. – 56 Lot Preliminary Plan

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

Andy Hoffman made a motion to table the Plan, seconded Keith Fralic. ***The motion carried.***

D. Dwight F. & Pamela D. Myers – NW Corner of Glenville Rd. & Edna Myers Lane – 3 Lot Final Plan

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

Andy Hoffman made a motion to table the Plan, seconded Keith Fralic. ***The motion carried.***

E. Preserve at Codorus Creek IV – Baltimore Pike – 79 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.

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

F. Fox Run Village – S & A Homes – Fox Run Rd. – 25 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.

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

G. Homestead Acres – J.A. Myers – Oakwood Dr. & Valley View Dr. – 134 Lot Preliminary Plan

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

Andy Hoffman made a motion to table the Plan, seconded Keith Fralic. ***The motion carried.***

H. Northfield Joint Venture c/o Michael Roepcke – Phase II – Pumping Station Rd. & East of Baltimore Pike – 52 Lot Preliminary Subdivision Plan

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

Andy Hoffman made a motion to table the Plan, seconded Keith Fralic. ***The motion carried.***

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

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.

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

J. James E. Horak & Donald L. Yorlets – Fairview Dr. – 6 Lots Preliminary Subdivision 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.

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

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

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.

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

L. Glenn & Jennifer Auchey – 401 Fairview Dr. – 2 Lots - Final Plan

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

Andy Hoffman made a motion to table the Plan, seconded Keith Fralic. ***The motion carried.***

ITEM NO. 10 New Business

A. Lutheran Retirement Village at Utz Terrace – Lutheran Social Services of South Central PA – Between Oak Hills Dr, Fairview Dr. & Sunset Dr. – 1-Lot, Final Plan

Rick Jackson, Landscape Architect, ELA Group, was present to represent the plan on behalf of Lutheran Social Services. He is presenting the Phase II final plan for the new apartment building for Utz Terrace. He said the apartment building would finish out the development of Lutheran Social Services campus. The Utz Terrace campus would be located along Utz Terrace Drive in the middle of the community and would back up to Oak Hills Drive which is a public street. They are also proposing additional parking along the corner of Sunset Drive and Oak Hills Drive. Utz Terrace has determined that additional parking is needed in this area and is in agreement to sacrificing the building area for parking. He said they also identified improvements that were proposed during Phase I final land development plan that still need to be completed that include; a maintenance building that would be accessed off of Oak Hills Drive, a trail and sidewalk system. Mr. Jackson said it was depicted on the plan during the phase 1 construction that there was a reduction of duplex units which originally proposed were 76, but has been reduced to 74 units. He said at the beginning of the year they requested from the Board of Supervisors an extension. He said the preliminary plan was approved in February 2003, and at that time they requested a six month extension that would allow the applicant to submit the final plan for Phase 2 under the previous zoning ordinance and SALDO. As a result of the approved extension he said that plans were submitted at the end of April beginning of May. They met with staff and York County Planning on May 20th, and received review letters from York County Planning and C.S. Davidson and from those comments submitted revised plans on June 4th. He said Emergency Services was unable to meet on the 20th; therefore, he is providing drawings for review on the turning templates for various emergency vehicles that would be on the site. He showed the location of the existing Utz Terrace apartment building. The proposed apartment building will be connected to the pedestrian bridge. He said that Emergency Services was concerned about the clearance and if a fire truck would have enough clearance under the pedestrian bridge. He provided a drawing indicating the elevations including several different emergency vehicle sizes. He stated that Emergency Services has indicated that the clearances and vehicles movements are satisfactory. He said when they resubmitted the plans they provided an opinion of probable cost for escrow or financial guarantee purchases, and revised storm water calculations. The revised calculations indicate that the proposed covered area in the parking area they are creating for the new apartment building; that both the proposed coverage in addition to the sidewalks and trails would meet the coverage requirements as stated in the zoning ordinance, as well as what was submitted with the storm water calculations originally submittal. They also submitted retaining wall calculations. They also addressed most of the comments from C.S. Davidson and York County Planning Commission with the exception of the following: they are still awaiting approval of erosion sediment control plan which was submitted over a month ago to York County Conservation District. They are also awaiting a letter from Met-Ed on within their easement. They have verbally received approval from them that they were satisfied with the development being constructed under the power lines which run parallel to Oak Hills Road. They are also waiting for a letter of approval from York Water Company regarding the agreement on the improvements to the water system.

Chairman Darrell Raubenstine asked Mike Knouse if there were any other outstanding issues or concerns that need to be addressed.

Mike Knouse said other than the three outstanding items they will also need to provide bonding which takes place after the Planning Commission. He would recommend the motion be based upon these issues.

Chairman Darrell Raubenstine asked the Commission if they had any issues they would like to discuss and received no reply.

Jim Myers made a motion to recommend approval of the Plan with the understanding that the conditions be met from the outside agencies, seconded by Keith Fralic. ***The motion carried.***

B. Edward Lane – 551 Hobart Road (Ron Cubbison Farm) – Sketch Plan

Edward Lane was present to represent the plan.

Mike Knouse said the sketch plan has been submitted to the Planning Commission for review and comment.

Edward Lane said he would like to cut the one side of the road off of the 71/2 acre farm and build one house on the 50 acres and not develop the additional land further. He understands that he has five building rights, but he wants to only build one residence and remove the old farm house on the 71/2 acres on the opposite side of the road.

After further discussion Mr. Lane was informed that he would need to submit a subdivision plan to the township.

C. S & A Custom Built Homes, Inc. – Fuhrman Mill Rd., Parcel 115 -Application to request a variance to the required setbacks due to updated wetlands delineation

Doug Kollmar, Hanover Land Services, was present to represent the plan on behalf of S & A Custom Built Homes, Inc. He said they are requesting a variance from the setback requirements in the zoning ordinance for Lot 1.

Mike Knouse said Fox Run Village was originally to be in line from Smeach Drive up and also enter into Fuhrman Mill Heights. As previously presented the wetlands and environmental impacts changed which did not allow the applicant to cross this portion of wetlands; therefore, the applicant had to propose an alternate intersection near Sugarboot. He said along with the increase of wetland impacts, and what was the lot on the preliminary subdivision the building envelope has been decreased because of the increase of wetlands. The applicant is still requesting this to be a buildable lot because it is out of their control. In order to do that they would need to request a variance to the setbacks along Fuhrman Mill Road, and the private access road to Fuhrman Mill Heights.

Commission Member Andy Hoffman said he said there are already site distance issues on this particular curb, and this particular request would potentially make it worse.

Doug Kollmar, Hanover Land Services, said if they continued with the original proposal there would be an entire street coming out that backs from S & A Homes. He said with this request compared to what was originally proposed on the preliminary plan would create less traffic. He said that under the new ordinance the actual setback along Fuhrman Mill Road is 25 ft. He said based on the new ordinance the 25 ft setback was no more than what was allowed under the new ordinance.

Andy Hoffman made a motion for an unfavorable recommendation to the Zoning Hearing Board for the variance request regarding the setback, seconded by Jim Myers. ***The motion carried.***

ITEM NO. 11 Signing of Approved Plans

There was no new business to discuss.

ITEM NO. 12 Zoning Officer

A. Keith D. Smith – 3343 Baltimore Pike – Special Exception to modify the 1997 zoning hearing board decision for a construction business in the agricultural zoning district and to request a variance to use a existing home for office use as a part of the construction business.

Keith Smith said that in 1997 he received approval for a special exception to use 3333 Baltimore Pike as a construction business in an agricultural zone. He has since purchased 3343 Baltimore Pike located next door to 3333 Baltimore Pike. He would like to request to modify the special exception approval to include this property. He said he would like to use the existing home and build an addition to use it as office space for his business. He plans to make the addition match the existing homes in the community.

Linus Fenicle, Solicitor, said the current construction office would not be allowed in the farming district, but it is allowed because it predates the current zoning. He cannot expand a non-conforming use off of the existing office. He said Mr. Smith is asking for a use variance to use the property as a commercial property in the

farming district. He said this is not a permitted use. Mr. Smith has the right to use his other lot, but a construction office is not a permitted use by a special exception or conditional use in the farming district. He said this is not a special exception but a request for a use variance. The applicant has the right to continue his non-conforming use. He said that the applicant would need a use variance or an expansion of the non-conforming use because the applicant already has a non-conforming use.

Linus Fenicle, Solicitor read the zoning ordinance and at the time the ordinance was adopted the use became non-conforming and the applicant would not be able to expand on to another lot. He said the applicant would be seeking specifically a use by right.

Mr. Smith said the particular lot they are discussing has no access to Baltimore Pike except through a right-of-way on the property due to site distance.

Andy Hoffman made a motion for a favorable recommendation to the Zoning Hearing Board for the special exception to modify the 1997 zoning hearing board decision for a construction business in the farming district and a variance request to use an existing home for office use, seconded by Ed Allison. ***The motion carried.***

ITEM NO. 13 Sketch Plans and Other Business

A. Charles Bowman III, Executor for Charles & Beatty Bowman Estates – DEP Waiver Request Application

Mike Knouse said they received the waiver request from DEP for the Bowman Subdivision that requires the authorized signature of the Planning Commission Secretary.

Keith Fralic moved to authorize the signature of the DEP Waiver Request Application, seconded by Andy Hoffman. ***The motion carried.***

Steve Loss, Loss-Stair Engineering address the commission and asked if there was discussion on the Bowman plan. He apologized that he was late for the meeting. He said at this point they have addressed all the issues. He would like to receive some type of action on the plan this evening.

Linus Fenicle said at this point the plan has been tabled.

Mike Knouse said based on the outstanding issues of the comments from the original plan regarding the right-of-way and frontage and expansion of the nonconformity and the applicant still needs to address these issues for lot 1.

Steve Loss said he is not sure what the applicant is willing to do with the right-of-way. There is currently a 30 ft. right-of-way back to the small existing lot. He said the applicant is willing to expand this to 20 ft. to make it a 50 ft. right-of-way but they are not willing to relocate the right-of-way.

Mike Knouse said the right-of-way would need to be expanded and revised drawings submitted to the township to reflect the updates. He said that the applicant needs to keep in mind is the building rights would remain and would not be transferred to the adjoining properties.

Steve Loss said the applicant is willing to accept the building rights as the township has set forth if the township is in agreement to expanding the right-of-way.

Chairman Darrell Raubenstine asked Steve Loss to revise his plans and submit the revisions to the township for review.

B. Glen & Jennifer Auchey – Planning Module – (DEP) Pa Dept. of Environmental Protection

Chairman Darrell Raubenstine asked for a motion to sign the planning module and pass on to the Board of Supervisors.

Keith Fralic moved to authorize the signature of the Sewage and Planning Module, seconded by Ed Allison. ***The motion carried.***

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, July 17, 2008 at 6:00PM.

ITEM NO. 16 Adjournment

Adjournment was at 7:30 p.m. in a motion by Keith Fralic, and seconded by Jim Myers. ***The motion carried.***

RESPECTFULLY SUBMITTED,

LAURA GATELY
RECORDING SECRETARY