

MINUTES
WEST MANHEIM TOWNSHIP
REGULAR PLANNING COMMISSION MEETING
THURSDAY, NOVEMBER 20, 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, Grant Reichart, Jim Myers, Frank Morrison and Andrew Hoffman. Also present were Andy Richardson, Township Manager; Mike Knouse, C.S. Davidson and Linus Fenicle, Reager & Adler, PC.

ITEM NO. 3 Approval of Minutes

In reference to the October 16, 2008 minutes, Jim Myers noted that on page 1, Item No. 3, Planning Commission member Andy Hoffman's name was spelled incorrectly.

With the following corrections, Andy Hoffman made a motion to approve the minutes from the October 16, 2008 Planning Commission meeting, seconded by Jim Myers. ***The motion carried.***

ITEM NO. 4 Correspondence

The following correspondences were received:

- 1). Memo from Mike Hampton, EMA Director dated November 19, 2008 regarding Final Subdivision Plan for Andrew D. Hoffman and Michael D. Hoffman.
- 2). Correspondence from C.S. Davidson dated November 17, 2008 regarding Fox Run Village Final Subdivision Plan.
- 3). Correspondence from Woodhaven Building & Development, Inc. dated October 7, 2008 regarding Pleasant Hill Road.

ITEM NO. 6 Visitors

Chairman Darrell Raubenstine 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 Raubenstine 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 plans to review for recommendations.

ITEM NO. 9 Report from Zoning/Hearing Board

- A. Amanda Strausbaugh – 140 Sunset Drive - Application for a Special Exception for a Home Occupation to operate a by appointment only hair salon.

Andy Richardson reported that the Zoning Hearing Board met on October 28, 2008 to review the Amanda Strausbaugh application. The application was approved by the Board with conditions.

ITEM NO. 10 Old Business

A. Joshua Hill Farm – Mussleman Rd. -124 Lot Preliminary Plan

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

Jim Myers made a motion to table the Plan, seconded Andy Hoffman. ***The motion carried.***

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

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

Jim Myers made a motion to table the Plan, seconded Andy Hoffman. ***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.

Jim Myers made a motion to table the Plan, seconded Andy Hoffman. ***The motion carried.***

D. Preserve at Codorus Creek IV – Baltimore Pike – 79 Lot Preliminary Plan

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

Jim Myers made a motion to table the Plan, seconded Andy Hoffman. ***The motion carried.***

E. Fox Run Village – S & A Homes – Fox Run Rd. – 25 Lot Final Plan

Keith Fralic made a motion to recommend denial of the plan; seconded by Jim Myers, unless a written request for extension of review time is received before the next Board of Supervisors meeting on Thursday, December 4, 2008. ***The motion carried.***

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

Keith Fralic made a motion to recommend denial of the plan; seconded by Jim Myers, unless a written request for extension of review time is received before the next Board of Supervisors meeting on Thursday, December 4, 2008. ***The motion carried.***

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

Keith Fralic made a motion to recommend denial of the plan; seconded by Jim Myers, unless a written request for extension of review time is received before the next Board of Supervisors meeting on Thursday, December 4, 2008. ***The motion carried.***

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

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

Jim Myers made a motion to table the Plan, seconded Andy Hoffman. ***The motion carried.***

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

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

Jim Myers made a motion to table the Plan, seconded Andy Hoffman. ***The motion carried.***

ITEM NO. 11 New Business

- A. Applicant: John Bond – 106 Skylight Drive-Application for a Conditional Use for an on-lot sewage disposal system.

John Roche, P.E., Vision Engineering was present to represent the plan on behalf of the applicant. The application is a request for a conditional use hearing for the John Bond Subdivision located on Skylite Drive to allow the use of an on-lot sewage disposal system for the site.

Mike Knouse, C. S. Davidson said the proposed subdivision is off Skylite Drive and is located within the residential zoning district. The residential zoning district requires the use of public sanitary sewer and public water. The Zoning and Subdivision Land Development Ordinances state that when public sewer is not available that the use of on-lot sewer may be permitted by a conditional use that would be heard by the Board of Supervisors. Mike Knouse referenced the November 6, 2008 letter, Article 5, which lists the conditions as noted in the ordinance. One of the conditions if it is located 1,000 feet away from existing sanitary sewer, with this area being greater than the 1,000 foot distance. The Act 537 Plan identifies this area as sewer area five, which the Act 537 does not define the time frame for areas 4, 5, and 6. He said it is their belief that the potential of being outside the five years as stipulated in the Subdivision Land Ordinance; therefore, the applicant would meet this criteria. The applicant is proposing two new lots plus the existing house which is a total of three lots. It is reasonable that a treatment plan is not feasible for three lots; therefore, it would meet the criteria for on-lot. He said he did indicate to the applicant that Exhibit 33, Nitrates Map does place it in a quarter mile radius. The applicant has completed preliminary testing. They distributed the final preliminary report to the commission members for review. The report determined the minimum lot size required; the parcel is showing 7.7 acres. He said based on the preliminary study it was his recommendation to provide a back-up area. He said the preliminary study indicates that a minimum area of 1.3 acres would be required.

Jim Roche, P.E., Vision Engineering said as proposed the two lots are below the required 1.31 acres. He said they would like to propose a down gradient easement and ask that the ground water plume easement be approved. Due to the fact that this is not a perpetual easement it will be superseded when public sewer is available. The lots where the easements would be located are on the property owner's lot.

Andy Hoffman made a favorable recommendation to the Board of Supervisors for the conditional use of on-lot sewer with the understanding that the final hydro study be provided to the Board of Supervisors, including the condition that the lot width be increased to 100 ft., and the lot size be increased to 1.3 acres, and to meet all of the ordinance requirements, seconded by Jim Myers. ***The motion passed.***

ITEM NO. 12 Signing of Approved Plans

There was no new business to discuss.

ITEM NO. 13 Zoning Officer

- A. Application: Case - AP/VA-#06 -10/17/08
Applicant: Arthur O. Wildasin - 2560 Baltimore Pike
1. Application/Appeal of the Zoning Officer's determination in response to the refusal to reissue certain zoning permits for construction of accessory buildings.
 2. Application for a variance from Section 2.2 of the West Manheim Township Zoning Ordinance to construct an accessory structure larger than the footprint of the principle structure.

Andy Richardson, Township Manager reported that the application was withdrawn. The Township is waiting for the withdraw letter from the applicants attorney. He also stated that the building permit has been issued to the applicant.

- B. Application: Case – AP/SE/VA-#07-10/17/08
Applicant: Carl W. Grubb and Brenda L. Grubb -590 Impounding Dam Road
Appeal of the Zoning Officer's enforcement notice for utilizing out buildings on the property as commercial rental units within the West Manheim Township Farming Zoning District.
1. Application for Special Exception under Section 2.18 of the West Manheim Township Zoning Ordinance to rent 7 garage units for vehicle storage.
 2. Application for a variance from Section 2.18 §2 of the West Manheim Township Zoning Ordinance requiring that rural occupation not exceed 1,000 square feet.
 3. Application for a variance from Section 2.18 §3(b) of the West Manheim Township Zoning Ordinance requiring the rural occupation to be located in the rear yard of the principal residence and be set back at least 100 feet from the side or rear lot lines.

Stacey MacNeal, Attorney, Katherman & Heim & Perry was present on behalf of the applicant. Mr. and Mrs. Grubb purchased the property in 1993 as an operating farm. Shortly after the applicants purchased the farm they constructed a farm building as shown on the plans submitted with the application. She noted the location of shed two (2) on the plans which was constructed in 1993 for hay and cattle storage. The second building, shed one (1) also shown on the plans was constructed in 1996 and was used for storage of equipment, products and animals. In the late 90's the property owners started to scale back the farming operation. At that time they met with township officials to discuss concreting the floor of buildings one and two, and installing garage doors. This would allow the owners to rent the garage space to interested people to store personal vehicles. The township officials agreed to the garage additions as long as the property owner did not put up a sign. The property owners have presented affidavits from people stating they have been renting the garage spaces since 1998. She reported that in 2000 building three (3) was approved by the township, inspections were completed and the property owner was allowed to complete the construction of the building three. She said there are a total of 7 garage units, building one and two has been operated as a rental for 10 years, and building three has been operating as a rental for 8 years, or since 2000. This has been an ongoing operation for many years with the previous township officials being aware. She said the reason no one had any concerns is because it is not unusual and it is keeping with the rural area. She is aware of other farmers that have out buildings that they rent out to help supplemental the farm income. They believe that an appeal is appropriate in overturning of its own officer's decision because of the fact of the township compliance and acquiescence to this for such a long period of time. The property owners have spent money in reliance on the township stating this is something that was allowed. In addition, they feel this is in compliance with most of the requirements of a rural occupation which is allowed by special exception in the farming district.

Ms. MacNeal said the lot size is well in excess of 5-acres, and it would be the only rural occupation. There is a home occupation, there a small shop that has been in existence for many years. They are requesting a variance due to the property exceeding 1,000 sq. ft as the size of the home. This is a pre-existing structure and they are not creating a new structure. The owner lives on the property and they meet all maximum lot coverage requirements. The renters would not be allowed to store anything outside and it would be used for vehicle or equipment storage. The most traffic that will visit is approximately once per week. This will provide shelter when the renters do not have these types of existing structures. The renters will not be allowed access after dark which complies with the requirements of no operations before 6:00 am or after 9:00 pm. The rental units are used strictly for storage and will not be used as a service garage. This has limited impacts to the area. She misunderstood and thought the site was accessed from the same house access. There is existing access to the site from further down the road. This is existing circumstances that have taken place for the past 15 years, as well as the location of structure two. There will be no employees, the applicant meets the hours of operation, and there will be no manufacturing, and mechanical or industrial use of any kind, but will be used for vehicle storage, no retail sales, and no sewage disposal. They are attempting to utilize the existing farming structures in a way that makes sense to help add to the income of the farming property.

Andy Richardson, Township Manager said the reason this became an issue is because he received complaints from several neighbors.

Debra Scheller, 21 Leppo Mill Road, said she is not opposed to someone making extra money. She has a problem with the drivers speeding down Impounding Dam Road and stopping to turn around in her driveway and causing burn outs.

Chris Scheller, 21 Leppo Mill Road, said there is a business at the address. He said there is one, possibly two units being used for storage out of the seven. He doesn't want things to be said that are not true to try and get the application passed. He is asking that this be looked at from all sides. They are not the only neighbors that don't like what goes on at the garages. He does not have a problem with the Grubb's making extra money, but they need to follow the rules.

Carl Grubb, 590 Impounding Dam Road, said there are no 4-wheelers being stored in the units.

Ms. MacNeal said the owners have had problems tenants within the past year. It is not the intent to have tenants that work on the cars in the units. She said once people get out on the road they cannot control what they are doing. If this would be a condition the owner would be responsible for enforcing they can do that. They would also be happy to address the concerns from the neighbors regarding specific tenants. She said if they do not meet the conditions then take them up because they are not complying. This has been going on for so long that there were not any conditions addressed.

Andy Richardson said the Home Occupation has been recorded with the township for C & B Collectables. This was granted in June 2001.

Chairman Darrell Raubenstine said he would like the client to produce the agreement as set forth the parameters of what the rental uses will be, and what is allowed and not allowed.

Ms. MacNeal said they would be able to provide a copy of the rental agreement that would be used.

Jim Horak said he would concur with the Scheller's. He understands the Grubb's trying to defray costs. He is located on both sides of the street, and the cars are an issue, specifically the speeding cars. He said he has another concern with regards to storm water issues running into the stream. He asked who would be enforcing the rules. He said these are things that need to be addressed.

Chairman Darrell Raubenstine said the township has had numerous complaints to the police and the Board of Supervisors of the problems with the vehicles. This is something that the owner needs to correct. He said this has been an ongoing problem for approximately 2 years.

Ms. MacNeal said she would like to clarify what the complaints are from the neighbors so they can be addressed. She asked if the tenants were revving up the cars and racing down the road.

Chairman Darrell Raubenstine said they had complaints all the way to Fairview Drive and Sunset Drive. He said there is a point and time when they need to draw the line. This is some of the issues that will need to be corrected before they go to the Zoning Hearing Board.

Keith Fralic made a favorable recommendation to the Zoning Hearing Board of granting of the variance application for the size of the buildings since the buildings already exist for storage buildings one, two and three, and that drive-bys will be done by the Zoning Officer and review the permit annually, seconded by Jim Myers.

Keith Fralic amended his motion to include that the units will be used for dead storage only and working on cars will not be allowed.

Jim Myers amended his seconded to include that the units to be used for dead storage only and working on cars will not be allowed. ***The motion carried.***

Jim Myers made a favorable recommendation to the Zoning Hearing Board asking for a variance for a separate entrance to the use as long as it meets the township requirements so that it addresses the site distance, seconded by Andy Hoffman. ***The motion carried.***

Keith Fralic made a favorable recommendation to the Zoning Hearing Board for a special exception request for 7 garage units to be used for vehicle storage in the rural occupation zoning district, and including the following conditions; the applicant shall provide the agreement to the Zoning Hearing Board that includes the rental agreement requirements, including conditions from the Zoning Ordinance on mini-storage units; Article 7, Section 4.3.6, item number 5 and 7, seconded by Andy Hoffman. ***The motion carried.***

ITEM NO. 14 Sketch Plans and Other Business

Mike Knouse, C. S. Davidson said he received the sewage planning module for Glenn & Jennifer Auchey, 401 Fairview Dr. - 2 Lots - Final Plan and he would need authorization for the signature of the Planning Commission Secretary.

- Planning Module – (DEP) Pa Dept. of Environmental Protection

Chairman Darrell Raubenstine asked for a motion to sign the planning module.

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

ITEM NO. 15 Public Comment

Chairman Darrell Raubenstine asked if there were any visitors present that wished to address the Commission. 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, December 18, 2008 at 6:00 pm.

ITEM NO. 17 Adjournment

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

RESPECTFULLY SUBMITTED,

LAURA GATELY
RECORDING SECRETARY