

MINUTES
WEST MANHEIM TOWNSHIP
REGULAR PLANNING COMMISSION MEETING
THURSDAY, MARCH 19, 2009
6:00 PM

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 Jim Myers, followed by the Pledge of Allegiance.

ITEM NO. 2 Roll Call

The roll was called, and the following Commission Members were present: Chairman, Jim Myers, Darrell Raubenshine, Grant Reichart and Andrew Hoffman. Also present were Andy Richardson, Township Manager; Mike Knouse, C.S. Davidson and Wayne Martin, Reager & Adler, PC.

Public Meeting

Public meeting to consider Amendments to the West Manheim Township Comprehensive Plan and to consider a revised Zoning Ordinance for West Manheim Township.

Mike Knouse, C.S. Davidson reported that as required by the Municipal Planning Code the public meeting was advertised in the Hanover Evening Sun for the text amendments to the Comprehensive Plan and for the consideration of the revised Zoning Ordinance based upon the ordinance that was adopted in 2007. He said the Comprehensive Plan amendments would be achieved through a resolution to amend the West Manheim Township Comprehensive Plan dated April 26, 2005. The amendments consist of currently four map changes. The intent is to currently update the current active planned subdivisions within the township and to further determine the appropriate growth patterns. This considers the revisions to what is considered the residential, commercial and rural resource areas of the township. The transportation plan has been updated to reflect improvements which have been completed in the township as well minor additions. He said the document has been on open record at the township office and he said at this time the Planning Commission would take any public comment.

He reviewed the current active planned subdivision map that indicates existing land use as presented on the overhead and where most of the growth has occurred. He said the color designations on the map come from York County and is based upon their tax assessment status data of the property. He provided the map that shows the proposed uses which are similar to the zoning map. There were changes to the map that was previously adopted. He said one of the major changes was to the rural resource area from the previous comprehensive plan and the zoning map. He showed the current map in place with the zoning shown for the rural resource area. He identified the areas in the comprehensive plan that extends to the north and towards the Manheim Township line. Residential has been modified to include the areas he identified on the map provided and the areas designated as farmland. He said the map dictates how they look at the zoning map. The zoning map is consistent with the previous map shown; however they have the right to not open all the area at once. The map from the comprehensive plan is basically the outlook of what they would like to see in the future; however they would use the zoning map to control that which would add only a small portion. He showed what will be seen later in the zoning ordinance being proposed. The residential is all being carried through as well as any changes to the commercial zone, which would be discussed during the zoning portion of the presentation.

The Transportation Improvement Plan map included minor modifications and was to address items that have been completed such as signalization, what was referred to as Pumping Station relocation that now is Brunswick Drive, Fairview Drive signalization that has been completed and which has been removed. He said many of the items are still carried through such as future collector roads moving through, as well as the extension of Fairview Drive. The only new improvement added is the consideration of the intersection at Laurence Drive and Shorbs Hill Road. This has been identified by the Planning Commission that this is a poorly aligned intersection and they considered realignment.

Chairman Jim Myers said he had a concern with traffic related to improvement No. 6: Proposed collector road extending from Intersection of Fairview Drive & Baltimore Pike.

Mike Knouse said the definition of the plan was to define Pumping Station and the relocated portion as a major collector street which takes traffic out to Black Road, which is a state road.

He said Map 8 includes Community Facilities & Utilities information. West Manheim Township has sold the water system to The York Water Company and through that process they were required to define the public water service territory which York Water filed to the Public Utility Commission (PUC). He showed the water service area as indicated by the red line outlined on the map provided. This is the service territory that they are permitted and where they are able to provide water. He said that they have the right to provide water there in the future. The sewage planning area; the blue line is the current residents served by water, the multi colored lines that include green line is area one sewer district, which is from the Act 537 Plan for the township that identifies six areas. Also included in the six areas is the blue green which is sewer area two, which is currently under construction, yellow is area three which is under the same contract as area two. The purple is area four, blue is area five and the remaining color is area six. The previous plan identified and suggested sewer areas and why this is based upon the map that included the planned subdivisions. He indicated that this is the general intent of the changes associated with the maps. He said he would be glad to answer any questions.

Hearing no further comments he said he would move on to the proposed revised zoning ordinance. He presented the changes to the zoning map as provided. He said based upon the recommendations to the comprehensive plan that in turn results in a change to the zoning map. He reviewed the map that showed the proposed residential parcels changes as provided on the overhead. He said the commercial rezoning changes includes an extension of Baltimore Pike. Rural Resource has been modified to extend to the natural boundary further north. These would reflect the changes that are being proposed for the comprehensive map.

He said regarding the text portions of the zoning ordinance, the proposed changes are substantial from what was adopted previously. The general content and layout is the same with additions and deletions of what had been adopted but due to the nature it does constitute a substantial change. He said rather than a text amendment the entire ordinance needs to be adopted in full. There were additions and deletions to definitions, designation of zoning districts are the same but the boundaries have changed slightly.

Article 4 defines the designated growth area which consists of residential, suburban residential, business, and commercial industrial. Regulations in each of the sections have been modified, and different types of residential uses have been classified. Changes to permitted uses, special exception uses and conditional uses have been provided and are outlined; as well as a copy provided for public review.

Article 5 defines the designated rural area.

Article 6 is the zoning overlay districts. The ordinance as previously adopted contained overlay districts and consist of natural features which include steep slopes, wetlands, flood plains, streams, and water horses. Also included is an exemption criteria from locating these for certain types of subdivisions. There have been minor modifications but the intent remains the same.

Section II is the flood plain protection overlay. There were minor modifications related to FEMA map updates.

Section III is conservation subdivision overlay district. This was included in the previous ordinance. Its provisions for larger subdivision and that they follow certain criteria and intended to preserve open space in addition to the underlying district. There were originally two design options and it has now been condensed to one which is a neutral design determination. Another significant modification is originally it applied to subdivision of six or more lots. The comprehensive plan defined it as tracts of land that 15 acres or more. This has been revised to remain consistent with the comprehensive plan. He said there has been a new overlay added; historic preservation overlay district. The purpose of this is to acknowledge that there are historic resources within the township, and to identify and make attempts for preservation.

Article 7 is standards for uses and defines each specific use. He said it also covers the temporary uses. There have been modifications to each section.

Article 8 refers to provisions for signs. There were minor revisions to the section.

Article 9 refers to off street parking. There were revisions to required parking for different types of developments.

Article 10 is buffering, landscape, and screening. The previously adopted ordinance had very specific terms and did not leave any flexibility with design. It was determined that the proposed changes were more appropriate. There are several deletions incorporated in the Subdivision and Land Development Ordinance (SALDO). Lighting remains consistent with what was previously adopted.

Article 11 – Administration Enforcement there were no changes.

Article 12 – Zoning Hearing Board there were no changes.

Article 13 – Amendments there were no changes

Article 14 – Appeals to Courts there were no changes.

Appendices consist of the zoning map which has the proposed changes provided.

Appendix B – Zoning Overlay Map there were no changes.

Appendix C - Guidelines for establishing skyspace easements with respect to alternative energy facilities. He said this is a guideline for property owners.

Chairman Jim Myers said he would open the public portion of the meeting.

Keith Smith, 2161 Oakwood Drive said he is present tonight to ask the board to consider the rezoning of two properties located at 3333 Baltimore Pike and 3343 Baltimore Pike that he owns with his wife from the current zoning of agriculture to commercial zoning. He has been a resident of the township for 22 years. He and his wife purchased their first piece of property located at 3333 Baltimore Pike in 1997. He has requested from the township a special exception to run a construction business which was granted. In 2006 they purchased the adjoining property located at 3343 Baltimore Pike. He would like to ask them to consider rezoning both properties to commercial. He said he can promise that they have no plans of going anywhere. They just added a second generation to their business. They put a lot of hard work and honesty into getting their buildings up to date and keeping them nice. He works with the neighbors to try and keep the property looking decent. He is willing to do certain things to address any contingencies with the neighbors regarding the comfort zone such as buffering. They are willing to go the extra mile to do whatever it takes to stay in the township. They enjoy being in the township and they are in a perfect place for their business because they are located along a main artery. They have done everything on their part to make it easy for the township. He visited with the neighbors and several have signed a petition that support his request. There are a few neighbors that are greatly concerned and he understands their concerns. He met with those concerned neighbors last evening and they have asked that buffering be used. He has agreed to move lights to make it better for their homesteads. He has agreed to excavation to buffer the site with higher trees. He said after speaking with neighbors they have also agreed to support his request. He said if the concerns are what will happen 20-30 years in the future they could place restrictions on the property so they would be married to the property. He is stating that they would agree to go the extra mile. There are certain things that can go wrong with an agriculture district that are being proposed with the existing ordinance that would be worse in the neighborhood than the operations of his business. He invites anyone to stop by the business anytime. The business is not a big impact on the community as other types of businesses that are allowed. He wants to propose building a new warehouse when the economy gets better so he can store equipment, limit the visibility for the neighbors, and prevent theft. He said the proposed building would keep with the harmony of the existing buildings, and be barn like, and would look as if they

belong in an agriculture zone. He would like to ask the commission to give a favorable recommendation for commercial zoning to the Board of Supervisors. They went the past twelve years with limitations and they abided by them, and will continue to do what they have to do to make things right with the neighborhood and the township, as long as they can continue to grow and be healthy. They are at a point where they need to grow. If they can't grow they will have to find someplace to grow because they can't remain at a stand still with the current economy.

Andy Richardson, Manager said for clarification Keith Smith has withdrawn his zoning case that would have been heard at the Zoning Hearing Board meeting on Tuesday, March 24, 2009. He said as the Zoning Officer he has no problem with the request. He has been a very good neighbor. This is a commercial entity and it could become an argument with regard to spot zoning. He said the business has existed for 10 years and he supports the request to move on to the Board of Supervisors.

Darrell Raubenstine asked Mr. Smith he would be handling onsite sales that would increase traffic?

Keith Smith said no. All of the construction work is done offsite. They store materials and equipment. The employees meet and leave from the site daily.

Darrell Raubenstine said his only concern is what happens after his family no longer has the business. He would like to ask if there is anything they can tie into approving a zoning change so that uses that are more drastic can not happen.

Andy Richardson said they could ask the applicant to apply certain restrictions on the property.

Keith Smith said he is offering to include buffering for the neighbors. He said regarding spot zoning, every piece of commercial property has residential or agriculture that abuts it. He would not ask for the request if he was not located along Baltimore Pike.

Jim Snyder, 36 Wyndfield Drive said he is the president of the Woodridge Hunt Homeowner's Association. He does agree that Keith Smith is a great neighbor. He is doing a good job taking care of the property. He supports Keith Smith and agrees with his request.

Stan Hutchinson, 2 Northridge Drive said he previously opposed the request because of the increased equipment which would impact his property, but since that time he has met with Mr. Smith and they have agreed to provide greater buffering. He said his major concern was lighting and the view of the parking lot. Mr. Smith has agreed to accommodations that would block out the view of the parking lot and the equipment. He said based on being the person that had the most objections previously to the proposal he has no objection at this time.

John Lawrence, 26 Wyndfield Drive said all the neighbors present are impacted by Mr. Smith but all of the neighbors have had a great relationship with him and they support his request. They feel that what is good for Mr. Smith is good for their community with regard to jobs and revenue. He would appreciate a favorable vote.

Tim Rutherford, 15 Marfield Circle said has never spoken to Mr. Smith. His property is directly across Rt. 94 from Mr. Smith's property. He said that he does get to see all of the vehicle traffic coming in and out. His biggest concern is because his house backs up to his property directly across the road is something commercial other than his business, such as a gas station or a convenience store.

Karen Eakin, 62 Eastwood Drive said her concern is that it states "all use". Is anyone taking this into consideration of exactly what is all use? She is concerned that the all use would allow a concrete foundry business that would blow fine concrete dust in the air. She does not want West Manheim Township to look like Penn Township. She is concerned this would be a health hazard and also lower her property values.

Mike Knouse read the ordinance definition of commercial/industrial and what uses are permitted by right which includes the following:

1. Animal Hospital;
2. Automobile or Gasoline Service Station;
3. Automobile, Heavy Equipment & Similar Motor Vehicle Repair/Service;
4. Automobile, Heavy Equipment & Similar Motor Vehicle Sales;
5. Automobile Washing (Car Wash)
6. Convenience Store;
7. Daycare, Commercial;
8. Farm Related Business;
9. Financial Institution;
10. Funeral Home;
11. Health & Fitness Club;
12. Hotel;
13. Indoor Commercial Recreation;
14. Indoor Shooting Range;
15. Kennel;
16. Medical or Dental Clinical Facilities;
17. Motel;
18. Office;
19. Outdoor Commercial Recreation;
20. Parking Lot;
21. Personal Service Business;
22. Restaurant;
23. Restaurant, Drive-In;
24. Restaurant, Fast-Food;
25. Retail Store or Shop;
26. School, Commercial;
27. Theater;
28. Veterinarian's Office; and
29. Wholesale Sales.

He said there are no special exception uses for commercial. There are conditional uses for commercial that include the following:

1. Adult Related Uses;
2. Airport/Heliport;
3. Billboard
4. Communications Antenna, Tower, and Equipment Building;
5. Methadone Treatment Facility;
6. Nightclub;
7. Shopping Center; and
8. Tavern.

Keith Smith said he wants to clarify that they are a concrete contractor and not a concrete supplier. They do not manufacture on site and have no intentions of manufacturing on site. They drive to commercial sites, residential homes and the concrete is delivered in a truck and it is placed in the forms to be shaped for sidewalks and floors from large to small jobs. They are not a manufacturer; therefore they would not be creating concrete dust in the neighborhood that would land on the homes or cars.

Chairman Jim Myers asked if there were any further comments regarding the zoning ordinance.

Roy Edwards, 1 Westwood Drive said he has never spoken or met with Mr. Smith.

Darrell Raubenstine said one of the items that Mr. Smith has agreed to is to include covenants related to the deed/property if the zoning request was approved. He needs to work with the neighbors otherwise any use would be allowed. The covenants would not allow the property to be sold for certain uses such as a gasoline station or convenience store. Mr. Smith could stop this with covenants applied to the deed.

Chairman Jim Myers asked if there were any more comments related to the zoning ordinance.

Mark Hessie, 45 Marfield Circle said he has never met Mr. Smith. He lives across Rt. 94 south of the property and he agrees that Mr. Smith keeps his facilities clean. He was caught by surprise when he came home this evening to find a piece of drywall with paint stating there was a meeting tonight and the meeting being held next week is cancelled.

A representative of the Woodridge Hunt Homeowner's Association who did not state his name said there was a meeting held the previous evening to discuss the change that the meeting on Tuesday would not be held. The Homeowner's Association went to the trouble of sending out notices to the homeowners talking about next weeks meeting. Mr. Smith volunteered to install the signs.

Mr. Hessie said they received a notice from the township as well as the homeowners association. He said they were caught by surprise that the meeting was held tonight.

Andy Richardson said the meeting tonight was not scheduled solely for Mr. Smith.

Mr. Hessie said he understands.

Andy Richardson said this was an advertised meeting to entertain the changes to the entire zoning ordinance.

Mr. Hesse said he understands. The message they were given was that them meeting to discuss this was next week. He said as long as it doesn't become a gas station he does not oppose the request. He said the building does look nice but he would like to see buffering included because he does see the business from the rear of his property.

Chris Burns, Shorbs Hill Road asked if the overlays were still going to be available for the public to view.

Mike Knouse said yes.

Carl Grubb, Impounding Dam Road said his concern is with the rezoning and taking the agriculture farmland. He already has issues with extra stormwater which strips off the top of his soil from the water running down from the Fairview Drive side. He said he in the recent months he has spoken to the township manager and stated that the manager said it was his problem. He has made phone calls to DEP about the culverts that are being washed out. He has a concern with this because of the new home construction. He thought with the comprehensive plan the township wanted to save the farmland. He has issues with the stormwater ponds not catching the excess water. He feels there are other residents that will agree with him on these issues.

Karen Eakin, 62 Eastwood Drive said she contacted the township about the meeting and they were informed that the request for Mr. Smith was not on the agenda. She said because of the concerns of the all use terms she feels there would be more people present that opposed the request.

Chairman Jim Myers said he appreciates her comments. The meeting was not to be specifically for the one issue being discussed but it was for the amendments to the zoning ordinance and the comprehensive plan. He said this was brought up Mr. Smith to discuss his concerns. Any resident present tonight would be able to comment on what they see in the comprehensive plan and the zoning ordinance regarding their particular property or if they have concerns with what is being proposed. He said the meeting was not specifically for Keith Smith's issues.

David Benzing, 30 Northridge Drive, said he is the newest to the community. He has lived in the development for four years and they have not had any problems since moving into the development. He said over the past four years Mr. Smith has done nothing but upgrade his property. He and his wife see no problem with the proposal. It seems like it will be an addition to the surrounding houses and community in general. He would like to voice his approval for the proposal.

Keith Smith said he wants everyone to understand he is an honest person. Tonight's meeting was advertised in the Evening Sun by the township and is open to anyone in the township to make comments or a request. He was scheduled for the meeting for next Tuesday and he decided to pull out of the meeting. It had nothing to do with coming to the meeting tonight. He was already planning to attend the meeting tonight. He personally asked the homeowners permission last night when he met if he could post the signs so he would be honest. He said out of the respect of his neighbors he posted the signs to make them aware. He is trying to be an honest person.

Chairman Jim Myers asked if there were any further comments related to the comprehensive plan and zoning ordinance amendments. There were no further comments.

Mike Knouse said submitted are two written requests received. The first letter is dated May 16, 2008 from William D. & Ruth A. Rebert of 261 Kennedy Drive, Hanover Pa would like to request to have their property rezoned from farming to residential. The second letter is a request for a property located at 5 Country Lane to be included in the comprehensive and zoning adjustment. The property is currently zoned residential and it borders both Rt. 94 and Reicharts Camping Center. It is a corner lot that would lend itself to a commercial use; therefore they are requesting the property changed from the current use of residential to that of commercial. The lot size is approximately 179 by 158 feet. The current use a rental property and the future use they anticipate is a small business or joined to an existing commercial property. Their current place of residence is 221 Oak Hills Circle, Hanover Pa.

Chairman Jim Myers asked if there were any further comments regarding the amendments. Seeing none the public meeting was closed.

Mike Knouse reviewed the proposed schedule process as submitted. He said the public meeting has been held. The West Manheim Township Planning Commission may forward recommendations to the Board of Supervisors. The Board of Supervisors will consider the Planning Commission's recommendations and will then authorize submission to the York County Planning Commission for formal review. They will also hold a public hearing at which time they will take comments. A copy of the proposed comprehensive Plan Amendments will be forwarded to adjoining municipalities and the school district for review and comment. The items will be required to remain for a minimum of 45 days. The West Manheim Township Board of Supervisors will schedule a public meeting based upon York County Planning Commission's review. During the public meeting the West Manheim Township Board of Supervisors will consider adoption of the comprehensive plan amendments and zoning ordinance revisions.

Chairman Jim Myers reconvened the regular Planning Commission meeting at 7:10 pm.

ITEM NO. 3 Approval of Minutes

Darrell Raubenstine made a motion to approve the minutes from the February 19, 2009 Planning Commission meeting, seconded by Andy Hoffman. **The motion carried.**

ITEM NO. 4. Correspondence

Chairman Jim Myers reported that the following correspondences were received:

- 1). Correspondence from Daniel M. Frey, Attorney with Barley Snyder, LLC dated March 13, 2009 withdrawing the application for Keith D. Smith and Ellen Smith for a special exception and variance.
- 2). Memo from Emergency Services Coordinator dated March 13, 2009 regarding comments for Fox Run Village.
- 3). Correspondence from Woodhaven Building & Development dated March 16, 2009 requesting an extension request of review time to July 3, 2009 for Werner Properties (a.k.a.Preserve at Codorus Creek - IV).
- 4). Correspondence from Woodhaven Building & Development to Kristeen S. Hinkley 2890 Pleasant Hill Road dated February 19, 2009 regarding the Pleasant Hill Road connection.

ITEM NO. 5 Visitors

Chairman Jim Myers 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 Jim Myers 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

Andy Richardson, Zoning Officer said that Carl W. Grubb and Brenda L. Grubb Case – AP/SE/VA-#07-10/17/08 is appealing the Zoning Hearing Board decision. He reported that he has spoken with Counsel and they will move accordingly.

ITEM NO. 9 Old Business

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

Chairman Jim Myers asked if there were any visitors present that wished to address the Commission regarding the plan. There was no one present from the public to address the Commission.

Darrell Raubenstine made a motion to recommend denial of the plan; seconded by Grant Reichart, unless a written request for extension of review time is received before the next Board of Supervisors on Thursday, April 2, 2009. **The motion carried.**

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

Scott Barnhart, Hanover Land Services was present to represent the applicant Andy Warner and Woodhaven Development. He presented revised plans dated March 19, 2009 that were reviewed by the engineer at C.S. Davidson. He showed the location of the development on the plans. He said this 15 lot subdivision is located at the corner of Pleasant Hill Road. He said the subdivision is proposed to have public water and sewer and it is included in the public service area with York Water. It is in close proximity to the old water tank which will remain as a secondary source for York Water. Public Sewer would be in the form of a privately owned sewer treatment facility that will serve the parcel discussed, the Joshua Hill tract, as well as some of Pleasant Hill.

Mike Knouse said the engineering is complete with respect to the subdivision plan. He said there is a list of conditions that need to be addressed which include the following items. The plans would be signed and sealed by the engineer or surveyor responsible for the plan, planning module would need to be approved by PA DEP, services and capacity agreement should be obtained from York Water Company, finalize the pump station design report and site plan as well as construction details that need to be included on the plans, provide an agreement with the privately-owned sewage treatment plant, deed restrictions, access and maintenance agreements for the private right-of-way roads.

Scott Barnhart said he would ask for a favorable recommendation to the Board of Supervisors included the conditions as noted by the engineer.

Darrell Raubenstine made a favorable recommendation of approval to the Board of Supervisors including the following conditions: the plans would need to be signed and sealed by the engineer or surveyor responsible for the plan, planning module would need to be approved by PA DEP, services and capacity agreement should be obtained from York Water Company, finalize the pump station design report and site plan as well as construction details that need to be included on the plans, provide an agreement with the privately-owned sewage treatment plant, deed restrictions, access and maintenance agreements for the private right-of-way roads; including a written request for an extension of review time be received before the next Board of Supervisors on April 2, 2009; seconded by Andy Hoffman. Grant Reichart was in favor. Jim Myers was opposed. **The motion carried.**

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

Chairman Jim Myers asked if there were any visitors present that wished to address the Commission regarding the plan. There was no one present from the public to address the Commission. He asked for a motion to table the plan.

Grant Reichart made a motion to table the Plan, seconded Darrell Raubenstine. **The motion carried.**

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

Chairman Jim Myers asked if there were any visitors present that wished to address the Commission regarding the plan. There was no one present from the public to address the Commission. He asked for a motion to table the plan.

Andy Hoffman made a motion to table the Plan, seconded Darrell Raubenstine. **The motion carried.**

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

Chairman Jim Myers asked if there were any visitors present that wished to address the Commission regarding the plan. There was no one present from the public to address the Commission. He asked for a motion to table the plan.

Andy Hoffman made a motion to table the Plan, seconded Grant Reichart. **The motion carried.**

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

Chairman Jim Myers asked if there were any visitors present that wished to address the Commission regarding the plan. There was no one present from the public to address the Commission. He asked for a motion to table the plan.

Andy Hoffman made a motion to table the Plan, seconded Grant Reichart. **The motion carried.**

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

Chairman Jim Myers asked if there were any visitors present that wished to address the Commission regarding the plan. There was no one present from the public to address the Commission.

Andy Hoffman made a motion to recommend denial of the plan; seconded by Grant Reichart, unless a written request for extension of review time is received before the next Board of Supervisors on Thursday, April 2, 2009. **The motion carried.**

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

Chairman Jim Myers asked if there were any visitors present that wished to address the Commission regarding the plan. There was no one present from the public to address the Commission.

Andy Hoffman made a motion to recommend denial of the plan; seconded by Grant Reichart, unless a written request for extension of review time is received before the next Board of Supervisors on Thursday, April 2, 2009. **The motion carried.**

ITEM NO. 10 New Business

A. Samuel & Linda Cox –2-Lot Minor Subdivision Final Plan - NE Side of Raubenstine Road #124

Scott Barnhart, Hanover Land Services was present to represent the applicant. He presented revised plans. He said they are present tonight to ask the Planning Commission for a recommendation to the Board of Supervisors. They have cleared up all the outstanding issues with engineer C.S. Davidson, but there are still outstanding issues that need to be addressed such as the deed restrictions, required signatures of the engineer and land surveyor, and recreation fees. He is asking for an official recommendation to the Board of Supervisors. He said he would answer any questions.

Darrell Raubenstine asked if all of the exemptions were added to the note section of the plans.

Scott Barnhart said No. 19 included the waivers and No. 16 included the variances. He said No. 20 is a new note that will be added to all new plans regarding the overlay zone. They have to either recognize that there are no overlays or if there are identify the overlays.

Mike Knouse said the applicant is required to provide the proposed deed due to it being the last lot subdivided, provide an agreement for service from York Water Company, all required signatures on the plans will be

provided, Planning Module approval should be obtained from the PA DEP, any deed restrictions, public improvement security shall be posted.

Darrell Raubenstine made a favorable recommendation of approval to the Board of Supervisors, seconded by Andy Hoffman. Grant Reichart was in favor. Jim Myers was opposed. **The motion carried.**

B. Walmart Real Estate Business Trust – 2-Lot Final Subdivision Plan – Baltimore Pike (S.R. 94) & Pumping Station Road

Scott Barnhart, Hanover Land Services was present to represent the applicant. He said this parcel is the grassy area located in front of Walmart on the south side and is being proposed to be taken off of the parent tract. The parent tract consists of approximately 24 acres +/- . The parcel located in front is approximately 1 acre. He said the right-in and right-out is located at the southern part of the parcel. Auchey's Greenhouse is located at the northern part of the parcel and the rear is in line with Auchey's Greenhouse and the other parcels. They have reviewed the comments with C.S. Davidson and he feels they are at a point where they can ask for a recommendation to the Board of Supervisors. He said he would like to point out an error made regarding PennDot. He said with the previous subdivision there is a 6 ft. strip along Rt. 94 that the township took into its possession from the previous owner. The 6 ft. strip was to be conveyed to PennDot as it is for additional right-of-way. PennDot did not take the land; therefore the township still owns the strip of land between the state road and the parcel. This is a mistake and PennDot has admitted that they do want to take ownership. This will be cleaned up and the plan may have to be changed to identify the change of ownership prior to approval by the Board of Supervisors. This was addressed that was brought up during the design stage. He said the other outstanding items include the planning module which the Planning Commission and the Board of Supervisors has forwarded to DEP. They did address egress parking issues, easement for the proposed lot four for access through the Walmart parking lot to gain access back out onto Rt. 94. They are not proposing any use for the parcel. This is not a subdivision and land development plan, but this is a subdivision plan. If at any time in the future a use is chosen for the parcel it would be required to go through the land development process. He said at this time all they are doing is separating the two parcels.

Darrell Raubenstine made a recommendation of approval to the Board of Supervisors, with the understanding that the conditions be met as noted by the engineer, seconded by Andy Hoffman. Grant Reichart was in favor. Jim Myers was opposed. **The motion carried.**

C. Michael D. Hoffman & Andrew D. Hoffman – 2 Lots – Final Subdivision Plan – Impounding Dam Road, south of Laurence Drive.

- Authorization of Signature of Secretary for the Request for Planning Waiver and Non-Building Declaration

Chairman Jim Myers asked for a motion to approve the signing of the waiver.

Darrell Raubenstine moved, seconded by Grant Reichart. Andy Hoffman abstained. **The motion carried.**

ITEM NO. 11 Signing of Approved Plans

There was no new business to discuss.

ITEM NO. 12 Zoning Officer

A. Application: Case –SE/VA-#01 - 02/06/09

Applicant: Keith D. Smith & Ellen M. Smith – 2161 Oakwood Drive

- (1) Application for a Special Exception to permit the operation of a construction contracting business at 3343 Baltimore Pike, including the erection of an accessory structure to house equipment used in connection with the business.

- (2) Application for a Variance to allow the construction of a warehouse and to all use of the property incidental to the construction business located at 3333 Baltimore Pike.

Andy Richardson said the application has been withdrawn.

B. Application: Case – VA - #02 - 03/03/09

Applicant: Chris Gienski – 15 Waterview Road – Application for a Variance to the side setback for a pre-fabricated garage/shed.

Christine and Lonnie Gienski, 15 Waterview Road said she is asking for a variance to move within 15 ft. of the zoning setback side variance with the neighbors' property to install a pre-manufactured roll off 2 car garage. This is the best location on their property to install the garage. The property sits at the bottom of Waterview Road and is a very large hill that slopes down. All of the properties above them and the park behind them all drain into their property. The only other flat place on the property tends to become swampy when it rains. It is compounded by the fact that Wilsons Spring Road extends back past them and it is not a finished road but the curbing has been installed. The curbing sets higher than the land on their side of the road which compounds the water issues. There is no driveway access at the alternate location for the storage of antique collectibles and cars. An alternate location would require more excavation than the area being requested. It would also require removal of existing large trees. There is no finished access available and the well and septic tanks and sand mound locations prevent locating elsewhere. The location requested would create the least environmental impacts.

Andy Richardson said this is a normal request that someone is allowed to install a garage. He asked if there were issues with stormwater.

Lonnie Gienski said due to the size they are requesting stormwater was not required.

Darrell Raubenstine moved to recommend approval to the Zoning Hearing Board since the residential ordinance requires 10 ft. and due to the residence being located in a farming area, and also due to the topography of the land it would be in the right to recommend approval of their need, seconded by Grant Reichart. ***The motion carried.***

ITEM NO. 13 Sketch Plans and Other Business

Mike Knouse said regarding the comprehensive plan and zoning ordinance; as far as the process the Planning Commission will need to review and make a recommendation on the comprehensive plan first and then make a separate action on the zoning ordinance. During tonight's meeting the Commission heard various inputs and three requests for consideration for rezoning. He said he would like to open up for discussion with the Commission.

Andy Hoffman said he had no issues with Map 4: Transportation. Map 1: Existing Land Use, he questioned if Lake View Circle is located in the industrial area.

Mike Knouse said it currently and/or is classified or assessed as is based upon the assessment data from York County. He said that is what they are considering it.

Andy Hoffman said on Map 1: Existing Land Use, No. 6 – Northfield Village, Item D is over top of over top of the Jack Hetrick farm. This parcel is not part of the Northfield Development.

Mike Knouse said that is correct it will need to be corrected. He also said that Chairman Myers pointed out that the Rebert tract by accident was included in Southpointe.

Chairman Myers said his particular tract was not a part of Homestead Acres.

Andy Hoffman said Map 3: Future Land Use, there was a typographical error with the word primary. He said regarding the legend the agricultural area is identified as green, but he noted that in other areas the wording

farming and agricultural is being used. The Zoning Ordinance Article 5 the wording used is farm zone and the maps are being called agricultural. The terminology needs to be consistent throughout to match. He requested that either/or be used but to keep the wording consistent throughout the document.

Mike Knouse said the designation was carried over from the previous comprehensive plan. He said it would be easier to amend the comprehensive map.

Andy Hoffman said his major concern with the future land use is the huge increase of the industrial zone. The wording being used is commercial/industrial and it is not necessarily commercial. He said it is the industrial zone that is being expanded significantly. He does not think it is the intent of the township to have so much more industrial area up against residential as you exit Penn Township from Baltimore Pike. He is going to use the word industrial repeatably because he does not think this is their intent. They want to develop an area for small businesses but by using commercial/industrial it is opening these areas up to types of businesses they don't want and creates industrial high traffic impacts. He has a major concern with the section identified as industrial.

Darrell Raubenstine said he does not have any concerns because he feels they need to expand their commercial and industrial base, but they need to be careful that they control it as land development applications are received.

Chairman Jim Myers said he also has concerns with the small lots located in the industrial/commercial use area from Pumping Station Road to the Penn Township line.

Darrell Raubenstine asked if their biggest concern was the noise or traffic.

Andy Hoffman said traffic, and the chance of accidents due to additional traffic congestion.

Mike Knouse said they should discuss all of the changes before making a motion.

Andy Hoffman said regarding Map 4: Transportation, the intersection of Brunswick Drive and Fairview Drive it is still being shown as dangerous areas.

Mike Knouse said he believes this has been signalized and alleviated.

Andy Hoffman asked about the intersection located north at Brunswick and if it has been completed.

Mike Knouse said yes.

Andy Hoffman said on the Legend – Rural Resource Area (green), and the Primary Growth Area (pink) he asked about the terminology. He asked the reason the remainder was called rural resource area.

Mike Knouse said Article 4 of the Zoning Ordinance defines the designated growth area. He said it may need a change in the wording. The Primary Growth Area should be consistent. The Zoning Ordinance is for the residential, suburban and industrial. Article 5 is designated rural area. It is more appropriate to leave the wording rural area rather than rural resource area. He asked if there were any other changes to Map 4. There were no further changes notes by the Commission

Andy Hoffman said Map 8: Community Facilities & Utilities he had no changes.

Andy Hoffman made a motion to on to the Board of Supervisors the Comprehensive Plan corrections as noted during the discussion, seconded by Darrell Raubenstine. ***The motion carried.***

Chairman Jim Myers asked the Commission if they have any comments regarding the Zoning Ordinance and do they want to include the comments they received from citizen input.

Andy Richardson asked if it would be considered a major or minor change to rezone one side along the east side of Pumping Station Road to the Penn Township line.

Wayne Martin, Reager & Adler, PC, said it would be legal to rezone only one side.

Darrell Raubenstine asked if they still needed to address the Rebert property.

Mike Knouse said the Rebert property has been changed both on the comp plan and the zoning. Darrell Raubenstine asked about the property located at 5 Country Lane.

Mike Knouse said 5 Country Lane was not included. It is located in a residential area, and through their discussions that they would stop at the Reicharts Camping Center so that they could maintain what was established as residential zoning. He said the last request received was regarding Keith Smith.

Darrell Raubenstine said he would not have a problem approving Mr. Smith's request if he gives the Commission a list of covenants attached to the property deed that would not be allowed to happen in the future.

Mike Knouse said he feels this would be a high risk and legally cannot do this.

Darrell Raubenstine made a motion to allow Keith Smith to rezone his property from agricultural to commercial industrial, seconded by Grant Reichart. Darrell Raubenstine and Grant Reichart were in favor. Andy Hoffman and Jim Myers were opposed. ***The motion failed.***

Andy Hoffman said the property in question is a rather unique situation, but it is inappropriate to put the industrial classification to a lot in the farming zone. He does not feel this is appropriate for the township long term. The township should find a way to work with Mr. Smith to continue his business as it exists now. It is not appropriate to change the one lot in the scope of the entire township.

Darrell Raubenstine said he agrees, but he feels it is fine with Mr. Smith doing the right thing regarding the covenants.

Chairman Jim Myers said it could be drastic.

Darrell Raubenstine said he agrees it could be a problem.

Chairman Jim Myers said he would entertain a motion for the rezoning request for 5 Country Lane.

Darrell Raubenstine made a motion to deny the rezoning request for 5 Country Lane, seconded by Andy Hoffman. Andy Hoffman, Grant Reichart and Darrell Raubenstine were in favor. Jim Myers was opposed. ***The motion carried.***

Chairman Jim Myers said he would entertain a motion to rezone the property located at the north end of Rt. 94 adjacent to the Penn Township line.

Darrell Raubenstine said he would leave it as it is currently.

Chairman Jim Myers asked if there was any further discussion.

Darrell Raubenstine asked if they wanted to address the east side of Rt. 94 to Pumping Station Road.

Andy Hoffman said he would prefer to leave the zoning as it is from the Penn Township line down to the existing industrial zone. He would make a recommendation that they not change it.

Darrell Raubenstine said he can go along with the east side, but the west side of Baltimore Pike they need to connect them together to make rear access. He would like to see it go all the way to Simpson Drive and especially Sunset Drive so they can utilize the lot for something constructive.

Andy Hoffman said the map needs to be extended to include Members 1st Bank.

Chairman Jim Myers said he does not see a problem with that request.

Andy Hoffman made a motion to rezone the property along the west side of Baltimore Pike up to Sunset Drive and the east side to include Members 1st bank, seconded by Grant Reichart. ***The motion carried.***

Chairman Jim Myers asked if the Commission had any questions or comments regarding the Zoning Ordinance text.

Andy Hoffman said regarding Article 7, Section 2 - Accessory Buildings and Uses, Section 2.2 – Accessory Buildings, he read the paragraph deleted from the draft documents that read that an accessory building shall not exceed the footprint of the primary structure. He said the engineer was concerned that they were regulating aesthetics in York County. He felt this was left wide open.

Darrell Raubenstine said he thought they agreed to change it to 10% of the lot size rather than the footprint.

Keith Smith thanked the Commission for their time this evening and he appreciates it.

Darrell Raubenstine asked where he got the information regarding the 10%.

Mike Knouse said Item No. 3.

Andy Hoffman said he missed it and he withdraws his concerns. He said his remaining question is regarding Article 8: Section 1 – Signs, Section 1.2; No. 9 – General Regulations. He read this section regarding flashing and intermittent signs.

Mike Knouse said he like to include this be changed to be included under prohibited to be more specific.

Andy Hoffman made a motion to move on to the Board of Supervisors the zoning ordinance corrections that were discussed during tonight's meeting, seconded by Darrell Raubenstine. ***The motion carried.***

ITEM NO. 14 Public Comment

Chairman Jim Myers 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. 15 Next Meeting

The next Planning Commission meeting is scheduled for Thursday, April 16, 2009 at 6:00 pm.

ITEM NO. 16 Adjournment

Adjournment was at 9:00 p.m. in a motion by Grant Reichart, and seconded by Darrell Raubenstine. ***The motion carried.***

RESPECTFULLY SUBMITTED,

LAURA GATELY
RECORDING SECRETARY