

MINUTES
WEST MANHEIM TOWNSHIP
REGULAR PLANNING COMMISSION MEETING
THURSDAY, JULY 16, 2009
6:00 PM

Nancy Smith administered the Oath of Office to Duane Diehl.

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 Raubenstine, Grant Reichart, and Duane Diehl. The following Commission members were absent: Andrew Hoffman Also present was Mike Knouse, C.S. Davidson.

ITEM NO. 3 Approval of Minutes

Grant Reichart made a motion to approve the minutes from the June 18, 2009 Planning Commission meeting, seconded by Darrell Raubenstine. ***The motion carried.***

ITEM NO. 4 Correspondence

Jim Myers, Chairman reported that there were no correspondence received.

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. Comments were submitted to the Planning Commission regarding the Northfield Phase 2 Preliminary plan and the John Bond subdivision plan.

ITEM NO. 8 Report from Zoning/Hearing Board

- A. Application: Case – VA - #03 - 06/05/09 – 2234 Baltimore Pike
Applicant: Manny Rivera (Silverleaf Builders) – Gerald Applefeld - Application for a Variance to enlarge the front porch from front to back by 16” to comply with ADA regulations.

Harold Coldren, Interim Zoning Officer, reported that the application will be discussed at the Zoning Hearing Board meeting on Tuesday, July 28, 2009 at 7:00 pm.

ITEM NO. 9 Old Business

A. 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.

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 meeting. ***The motion carried.***

B. 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.

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

C. 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.

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

D. 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.

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

E. 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. He asked for a motion to table the plan.

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

F. 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. He asked for a motion to table the plan.

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

ITEM NO. 10 New Business

There was no new business to discuss.

ITEM NO. 11 Signing of Approved Plans

There was no new business to discuss.

ITEM NO. 12 Zoning Officer

- A. Application: Case – VA - #04 - 06/029/09 – 545 Frogtown Road
Applicant: Theresa M. Noel – 615 Frogtown Road- Application for a
Variance to replace a single wide trailer with a double wide trailer.

Theresa Noel said she would like to replace a single wide trailer that has a porch with a double wide trailer. She said it is 2 feet wider but it is the same length. She would like to move it away from the boundary line of the hill. She presented pictures of the property to the commission.

Harold Coldren, Interim Zoning Officer said technically it is three lots. The front of the house faces the drive into the front setback area. There septic system and a large drop off towards Frogtown Road that prevents moving away from the property.

Ms. Noel said the lot in question is tract 3. She said the property is underneath one deed. Her grandparents lived at the property and after they passed away she took over the property. She said they cannot move back any further than shown due to the location of the septic system.

Chairman Jim Myers asked about the septic/rec. room as shown on the drawing and if it is part of the existing structure.

Ms. Noel said it is a building her grandfather owned, which they turned into a rec. room. She showed the location of the existing house. They want to move the house away from the tree line.

Darrell Raubenstine asked what the engineer recommends

Mike Knouse, C.S. Davidson said the application does not specify which section they are requesting relief from, therefore; it needs to be determined so a recommendation can be made to the Zoning Hearing Board. He said after reviewing the application it appears that it is an infringement on the setback but he stated that it is already a non-conforming use. He said it is non-conforming because the existing building already encroached on the setback. He said that the Zoning Ordinance under Article 7, Section 5: Nonconformities, Section 5.3 (D) references expansion of or construction upon non-conformities. The ordinance states, an existing non-conforming residential use may be expanded as a permitted by right use provided that: 1. the number of dwelling units are not increased.2. the expansion meets all applicable setbacks.3. no new types of non-conformities are created and, 4. a non-conformity is not made more severe. He said they are looking at two items; for construction upon a non-conforming and a variance for the setback. He would give a recommendation for both items.

Darrell Raubenstine made a favorable recommendation to the Zoning Hearing Board to accept the modification due to the existing setup and give a favorable recommendation of the expansion of the non-conformity due to the existing non-conformity. He said if the Zoning Hearing Board denies the applicants request he would like to recommend that the owner obtain a survey to see if they can use the temporary cul-de-sac (private road) to obtain the needed frontage, seconded by Duane Diehl. ***The motion carried.***

ITEM NO. 13 Sketch Plans and Other Business

A. Subdivision and Land Development Ordinance (SALDO) Review

Mike Knouse, C.S. Davidson presented Chapters 1-3 of the SALDO review. He reviewed the following sections: Article 1: Section 101, Short Title, Section 102 Purpose, and Section 103 Authority and Jurisdiction. He reviewed Section 103; Authority and Jurisdiction for the control and regulation of subdivision and land development within the Township, Item I. Article II: Definitions, Section 201 Interpretations, and Section 202 Definitions. Section 202: Definitions, he reviewed the information defined under Building Height, Diagram 202.a and 202.b as shown in the handouts. This information is to provide a clear direction for the total overall height in feet of a building from the average finished grade of the building. He said Deceleration Lane and Drainage Facility, Fill and Finished Grade have been added to the list of definitions. Floodplain has been added as defined by the Federal Emergency Management Agency including all digital data developed as part of the Flood Insurance Study. He said Freeboard is related to storm water. Guaranteed Completion and Guarantee Maintenance is related to financial security that may be accepted by the township as a guarantee that improvements required as part of an application are completed. Land Development has been added to definitions. He reviewed each item included with this section. He reviewed the definition for Minor Land Development, Park and Percolation Test. Private Road has been established and they further defined Recreation Areas. He reviewed the definition included for Sight Distance. Included are the classifications of streets which include arterial, major collector, minor collector, local collector and local road. He said the other definitions other than Traffic Impact Study have already been defined in the Zoning Ordinance.

Article III: General Procedures and Processing Requirements, Section 301 General. He reviewed items A-F as provided in the handouts. He said it defines sketch plan, preliminary plan and final plans. Section 302 Conservation Subdivision Design Option is the same as stated in Article 6 of the Zoning Ordinance and applies to tracts of land 15 acres or more.

Mr. Knouse reviewed the following sections provided in Article III:

Section 303. Pre-Application Consultation: Copies of the Ordinance shall be made available upon request for the use of any person who desires information concerning subdivision and land development standards and procedures.

Section 304. Sketch Plan: A sketch plan will be considered as submitted for an informal review and discussion and is not considered a formal filing of the plan with the township.

Section 305. Minor Subdivision or Land Development Plans: Clarifies the preliminary plan contains no more than four (4) lots or prospective dwelling units, or proposes no public improvements. It requires that the determination be made by the township staff after receipt of a preliminary plan and a meeting to review the proposed plan to move from preliminary plan directly to final plan.

Section 306: Submission of Plans: He reviewed the plan submission process as provided in the handouts. A. (1) Plans must be received by the first Thursday of every month. (2) The applicant must submit two mylar; ten blue or black line paper prints; and two copies of the required supporting data. The plans shall also be submitted electronically on a CD. (3) Any incomplete application submittal shall not be accepted. (4) The township agent shall determine within seven days of submission if the application is complete in accordance with Section 306. At this time the plan and application is determined to be complete. B. The applicant is responsible to provide the township engineer, by the first Thursday of every month, with one paper copy of the plan and all required supporting data. Documentation shall be provided to the township which proves that the engineer has received the plans. C. The applicant is responsible for providing York County Planning Commission, by the first Thursday of every month, with one paper copy of the plan and all supporting data. Documentation shall be provided to the township which proves that the YCPC has received the plans. D.

The applicant is responsible for providing the following agencies with plans if required by the township staff: (1) One copy to DEP, (2) Penn Dot, all affected public utilities, (3) and one copy to the Natural Resource Conservation Service, (4) and/or the York County Conservation District for review and comment. E. The township will hold an "In-House" Review, which will allow for open conversation about Township comments and applicant concerns before the plan is reviewed by the township planning commission. F. Following the In-House Review the applicant will have the opportunity to revise the plan and submit the plan for review by the township for comments before the review by the township planning commission. G. The planning commission will review the plan at their regularly scheduled meeting. The applicant's engineer must be present for the plan to be reviewed at this time. H. Township Board of Supervisors will have the plan on the agenda for the first meeting following review and official recommendation of the plan. If all comments have been satisfactorily addressed the supervisors will take action on the plan.

Section 307. Supporting Data Required with Preliminary Plan: Mike Knouse reviewed items A-F which includes information regarding the supporting data required to be submitted with the proposed land development submittal. This includes sewer and water supply and facilities report, hydrogeologic and ground water assessment report, erosion and sedimentation control report, stormwater drainage report, traffic impact study, and an environmental impact assessment report.

Section 308. Preliminary Plan Referrals: Copies shall be distributed of the preliminary plan and supporting data to the planning commission and the emergency management committee.

Section 309. Review of Preliminary Plan by Planning Commission: He summarized A. 107, the steps that are followed for a preliminary plan review as noted in the handouts.

Section 310. Planning Commission's Decision Concerning Preliminary Plan: The planning commission reviewed Items A-D on the recommendations of the commission concerning a decision with regard to approval, conditional approval, or disapproval of a preliminary plan. There was further discussion on the process for notifying the board of the recommendations and the reasons for such action.

Section 311. Board of Supervisor's Decision Concerning Preliminary Plan: A. Following review of the plan by the planning commission the Board of Supervisors alone or jointly with the commission will do a final review of the plan. The Board may approve the plan in whole or in part or subject the plans to modifications or conditions, or disapprove the plan. When a plan is not approved the decision must state the conditions that have not been met stating each case site of the ordinance. The Board of Supervisors shall render a decision concerning the plan and communicate this in writing to the applicant. If the approval of the plan is conditional, the applicant shall indicate his agreement to the conditions at the time of approval. A copy of the agreement shall be attached to the decision of the board. The decision shall be transmitted to the applicant. Failure of the applicant to agree to the conditions imposed shall be a denial of the plan. E. Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time required shall be deemed as a final approval of the preliminary plan unless the applicant has agreed, in writing, to extend the time for approval.

Section 318. Effect of Approval of Final Plan: Authorizes recording of the plan. The applicant can then apply for permits and sell lots.

Section 319. Procedure After Approval of Final Plan: Reviewed the procedures and the other information that is required upon approval of the final plat.

Section 320. Fees: Items A-B regarding the information on the set fees, payable in advance, for review of the plans by the Township Board of Supervisors was discussed.

Section 322. Public Hearings: Board of Supervisors may hold a public hearing pursuant to public notice.

Section 324. Waiver Application (Modification of Requirements): The applicant is required to submit a waiver application that need to be acted upon.

Section 325. Re-Subdivision: For any re-platting or re-subdivision of land. The plan shall indicate by title that any change is a "Revised Final Plan" and refer to the original final plan number and date of original approval.

Section 326. Conservation Subdivision Plan Submission Requirements: Items A-I were reviewed as noted on the handouts.

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, August 20, 2009 at 6:00 pm.

ITEM NO. 16 Adjournment

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

RESPECTFULLY SUBMITTED,

LAURA GATELY
RECORDING SECRETARY