

MINUTES  
WEST MANHEIM TOWNSHIP  
REGULAR PLANNING COMMISSION MEETING  
THURSDAY, DECEMBER 17, 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 Raubenstine, Grant Reichart, Andrew Hoffman and Duane Diehl. Also present was Scott Barnhart, Township Manager and Mike Knouse, C.S. Davidson.

ITEM NO. 3 Approval of Minutes

Duane Diehl made a motion to approve the minutes from the November 19, 2009 Planning Commission meeting, seconded by Andy Hoffman. ***The motion carried.***

ITEM NO. 4 Correspondence

Jim Myers, Chairman reported that the following correspondences were received:

- 1). Letter from Carl Gobrecht dated December 17, 2009 requesting an extension review date until April 1, 2010.
- 2). Correspondence from Hanover Land Services, Inc. dated December 17, 2009 requesting an extension request of review time for New Age Associates, Benrus L. Stambaugh II, et al and James E. Horak & Donald L. Yorlets to April 1, 2010.
- 3). Correspondence from Woodhaven Building and Development dated December 14, 2009 requesting an extension request of review time for Marelee Hill Farm (a.k.a. Preserve at Codorus Creek – IV) to April 2, 2010.

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

Scott Barnhart, Township Manager/Zoning Officer said there was no new business to report.

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.

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

B. Marlee Hill Farm (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.

Andy Hoffman 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.

Andy Hoffman 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.

Duane Diehl 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.

Harry McKean said he is present to request an extension and to give an update to the commission. He said the Planning Commission requested a letter of explanation on where the plan stands currently. The plan started around two years ago and at the time was to be a Giant store. He said at this stage they are actively pursuing other interested parties in the site. They are requesting an extension and giving an update based on the fact that they do not have any firm commitments at this time, but they do have the majority of the engineering completed to the zoning ordinance as it was at that time. Had they been able to provide the sewer for the Giant at that time they would now be in a different situation, therefore; he is requesting the extension to give them more time to gain another tenant. He said with this type of circumstance, the Giant's lease was expiring at the other location and they had to make a decision. The developer could not provide a solid date on when the sewer would be available. He said the decision cost the developer as well as the township the Giant store. He said they are requesting an extension and trying to renegotiate. He said they are also asking for the extension because of the expense that they have into the plans at this point so that they do not have to reinvent the plans. The store that was designed is the same standards used for the design of Walmart. He said he would be glad to answer any questions.

Andy Hoffman made a motion to table the Plan, seconded by Duane Diehl. ***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.

Andy Hoffman made a motion to table the plan, seconded by Darrell Raubenstine.

Andy Hoffman said at the last meeting the Planning Commission requested that letter be sent to the applicant requesting a written update of the be submitted before the next meeting in December. There was no written update received from the applicant.

Darrell Raubenstine asked that a letter be sent requesting a written update on the plan be submitted before the next meeting or the Planning Commission will recommend denial of the plan.

Andy Hoffman amended his motion.

Darrell Raubenstine amended his second.

Duane Diehl made a motion to recommend denial of the plan unless a representative is present during the next Planning Commission meeting, or the applicant is to provide a written update of the plan to be submitted before the next meeting, seconded by Darrell Raubenstine. ***The motion carried.***

G. Steven J. Dotson – 2150 Baltimore Pike - Lot 2 - Camper Storage Area -1 Lot Minor Subdivision Final Plan

Jack Powell, Engineer was present to represent the applicant. He said they provided the driveway agreement to the Township Solicitor Linus Fenicle for review. He said the Solicitor feels the driveway entrance agreement is acceptable.

Mike Knouse, Engineer said based upon the current uses, the Township Solicitor was in agreement. He said there is an agreement in place that covers the access. He said the applicant is not changing the use, therefore; he does not need to do anything further. The second item that was addressed was the discussion on the right-of-way, and the third issue was regarding sidewalks. He said there were other miscellaneous items that needed to be taken care of prior to the approval of the final plan.

Darrell Raubenstine said what is shown on the plans is not what is at the site. The entrance is directly across from the road on the other side of the street.

Mr. Powell said he would take a look at this. He said as far as the agreement and the right-of-way as shown on the plans it is what was recorded.

Steve Dotson, applicant said if he has to install curbing and sidewalks it is absolutely impossible to do that because he does not have the resources now or in the future. He just wants to put up a building so he has a place to work as a personal garage. He would have to ask for a waiver if the six month note was added to the plans. He wasn't aware of what this meant. He said it is impossible for him to do this.

Mr. Powell said in lieu of, or in exchange for dedicating the right-of-way all the way through, and the corner right-of-way needed for the stop sign without having to go through taking of the land, he asked for a favorable recommendation for a waiver.

Andy Hoffman said they recently adopted a sidewalk plan for the township and the particular section as shown on the plan is included in the sidewalk plan.

Mr. Powell said if the road is widened at Fuhrman Mill is the applicant responsible for paying for the part of the road that is widened. He is assuming they want the curb and sidewalk shown and they would not want it at the existing edge of Fuhrman Mill Road as it stands now. If they go by the letter of the plan they would be installing curb and sidewalk separate from the edge of Fuhrman Mill. After further discussion he said that the agreement that the Township Solicitor reviewed was for the access for lots 1 and 2. He said this was deemed appropriate. The other change that the commission is asking for he believes is above and beyond the ordinance. He understands why they are asking for the right-of-way but it does not have to do with access to the property, the plan or what is being proposed. He would be willing to do this in lieu of putting in sidewalks at the applicant's cost.

Darrell Raubenstine said he would take the six month note on the site, but he wants the right-of-way to the rear property.

Mr. Powell said they ask for a vote on the plan as it stands without any changes for right-of-ways. He said if the commission wants changes on the right-of-ways then the applicant will ask for a waiver.

Darrell Raubenstine made a motion to deny the plan. The motion died for a lack of a second.

Darrell Raubenstine amended his motion to include the 30 foot access which stays as is from the front to the rear, identify where the center line of the roadway will be so it will line up in the future, and a six month note for curb and sidewalk improvements.

Mr. Dotson said he doesn't agree because the commission is asking him to do something he can't afford with regards to the six month note for the curbs and sidewalks. He said the note was added right before the last planning meeting and he didn't fully understand what it meant.

Darrell Raubenstine said if doesn't agree to the note then they need to make a motion to deny. He asked Mr. Dotson if that is what he wants.

Mr. Dotson said that is not what he prefers but they have to do what they have to do and if he can't build the building than he can't build. He asked if he could think about it until the next meeting. He asked if he could table the plan until next month.

Darrell Raubenstine made a motion to recommend denial of the plan; unless a written request for extension of review time is received before the next Board of Supervisors meeting on January 4, 2010; as well as a request for revised plans from the applicant, seconded by Duane Diehl. ***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

Scott Barnhart, Township Manager/Zoning Officer reported that there will be no Zoning Hearing Board meeting held for December. He said there would be two conditional use applications forthcoming. The one application is for a ham radio tower, and the other application is for the proposed EMA tower.

ITEM NO. 13      Sketch Plans and Other Business

#### A. Subdivision and Land Development Ordinance (SALDO) Review

Mike Knouse said they previously discussed Chapter 4. In the rough draft he included the traffic impact study and the environmental impact assessment report which were included in section 5. He said the hydro study was included in chapter 4 and he felt it was more logical to include the information in chapter 4 instead of chapter 5. He reviewed Section 408: Traffic Impact Studies and Section 409: Environmental Impact Assessment Reports included in the handout. He asked the Commission to review and present any comments at the January 2010 meeting.

He reviewed Article VI: Improvement and Construction Assurances as provided in the handouts. He reviewed Section 601: Completion of Improvements or Guarantee Thereof Prerequisite to Final Plan Approval, Items A-E, on page 1. He referenced the items that are required for final plan approval that include, streets, financing, financial security, security with bonding, and other securities provided for completion and final approval. He said this section is based on the Municipal Planning Code. Sections 602: Amount of Security; he said financial security to be posted for completion are calculated by the engineering submitting a calculation of improvements which is recommended to the board in the amount of 110% of what the anticipated cost is for the facilities. The money is held until the improvements are complete. The applicant has the right to request reductions which are evaluated. Section 603: Completion of Improvements describe the process for the reductions, the time requirements for review and making a recommendation on requests. It also identifies other provisions for maintenance integrity, final releasing of all the securities, and bonding on actual construction costs. Section 604: Maintenance and Integrity Guarantee requires the posting of financial security to secure structural integrity of the improvements in accordance with the design and specifications for a term not to exceed 18 months. Section 605: Inspection During Construction is a reiteration of the law as well as what currently happens within the township and allows the township to have inspections and use a consultant such as an engineer and to charge the developer for the inspection. Section 606: As-Built Plan covers the water, sewer, including storm sewer and street lights. It clearly defines the easement to make sure everything is properly established. Section 607: Release From Improvement Bond is in accordance with the Municipal Planning Code. A developer's construction improvements are dedicated to the township is done the same time as the 18 month guarantee is provided. Section 608: Dedication of Improvement notes that all improvements shall be deem to be private improvements and only for the benefit of the specific proposal until such time as the same have been offered for dedication and formally accepted by the board. Section 609: Remedies to Effect Completion of Improvements notes that in the event any improvements which may be required have not been installed as provided per the Ordinance or approved final plan, the board shall enforce any corporate bond or other security by legal remedies. Section 610: Fees for Inspection of Improvements The board shall require the applicant to reimburse the township for the reasonable and necessary expense incurred for the inspection of improvements. Section 611: Disputes Over Inspection Fees is in accordance with the Municipal Planning Code.

Article VII: Mobile Home Park Provisions was reviewed as provided on the handouts. He said the section reviews conditional criteria, restrictions, access, driveway requirements, requirements for the street system, it also defines the requirements for sidewalks, curbing and provides additional standards.

Article VIII: Enforcement, Penalties, Severability outlines the procedures for enforcement penalties which include enforcement, severability, amendments, modifications, fees which are established according the Municipal Planning Code. Section 809: Repealer is all ordinances or portions of ordinances inconsistent herewith are hereby repealed.

He said that Section 5 is the only remaining chapter that needs to be reviewed. He will discuss this chapter during the meeting in January.

B. Act 537 Plan Update

Mike Knouse reviewed the map of the on-lot management districts and the sanitary sewer layout and dwelling map. He also reviewed the plan summary section of the handouts that included the proposed service areas and major problems evaluated in the plan, selected alternatives, cost summary of selected alternative, required municipal commitments for plan implementation, and the implementation schedule. Also reviewed was the Table V1-10: financial summary of alternatives, Table V1-2: Present Worth Cost Analysis for Options Conveyed to Penn Twp, General Obligation Bond, Table V1-3: User Cost Analysis for Options Conveyed to Penn Twp.- General Obligation Bond, Table V1-4: Present Worth Cost Analysis for Options Conveyed to Penn Twp.- PennVest, Table V1-5: User Cost Analysis for Options Conveyed to Penn Twp.-PennVest, Table V1-6: Present Worth Cost Analysis for Options Conveyed to West Manheim Twp.-General Obligation Bond, Table V1-7: User Cost Analysis for Options Conveyed to West Manheim Twp.-General Obligation Bond, Table V1-B: Present Worth Cost Analysis for Options Conveyed to West Manheim Twp.-PennVest, Table V1-9: User Cost Analysis for Options Conveyed to West Manheim Twp.-PennVest. There will be a copy provided to the township for review. He will email the text portion only to each commission member for review. The tentative plan is for the Planning Commission to submit comments in January which will be sent to the York County Planning Commission in February. The Board of Supervisors will hold a public meeting and adopt the Plan in March. He also reviewed the Implementation Schedule as provided in Item E of the handouts. He would like the Planning Commission to review the documents and bring any comments to the January meeting.

ITEM NO. 14 Public Comment

Chairman Jim Myers asked if there were any visitors present that wished to address the Commission.

Steve Dotson said not related to his plan, as a lot owner along Fuhrman Mill Road any improvements that are planned by the township; he asked if he has any financial responsibility to the widening of the curbs and sidewalks.

Scott Barnhart, Manager said not relating to his plan, no. He needs to keep in mind that he is always at risk regarding the sidewalks if the township asks him to install sidewalks. Sidewalks exist on every stretch of frontage.

Mr. Dotson said it is sidewalks only he is locked into, but not curbing.

Mr. Barnhart said that is correct.

ITEM NO. 15 Next Meeting – Re-Organization Meeting

The next Planning Commission meeting is scheduled for Thursday, January 21, 2010 at 6:00 pm.

ITEM NO. 16 Adjournment

Adjournment was at 8:35 p.m. in a motion by Andy Hoffman, and seconded by Darrell Raubenstine. ***The motion carried.***

RESPECTFULLY SUBMITTED,

LAURA GATELY  
RECORDING SECRETARY