

MINUTES  
WEST MANHEIM TOWNSHIP  
REGULAR PLANNING COMMISSION MEETING  
THURSDAY, MARCH 18, 2010  
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 6:05 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 Kevin Null, Township Manager and Mike Knouse, C.S. Davidson.

ITEM NO. 3 Approval of Minutes

Jim Myers noted that on page 5, the last paragraph he wanted to clarify that he was referring to comments submitted to the Planning Commission from Mike Hampton, Emergency Services regarding the Joseph A. Myers, Homestead Acres Sketch Plan, Waiver Request, Major Subdivision regarding concerns with street width, cartway width, and the number of homes on the cul-de-sac, access and egress.

With the following changes Duane Diehl made a motion to approve the minutes from the February 18, 2010 Planning Commission meeting, seconded by Andy Hoffman. ***The motion carried.***

ITEM NO. 4 Correspondence

Jim Myers, Chairman reported that there were no new 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.

ITEM NO. 8 Report from Zoning/Hearing Board

Kevin Null, Zoning Officer said he had nothing 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.

Darrell Raubenstine made a motion to recommend denial of the plan; seconded by Andy Hoffman, unless a written request for extension of review time is received before the next Board of Supervisors meeting on April 1, 2010. ***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.

Duane Diehl 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 on April 1, 2010. ***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.

Darrell Raubenstine made a motion to table the Plan, seconded by Duane Diehl. ***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

Charlie Courtney said he was present on behalf of the applicant. They have received the comment letter from C.S. Davidson of February 23, 2010. He reviewed the comments as noted in the February letter from C.S. Davidson. He said the first comment regarding the name and seal of the Engineer for the plan prior to approval has been resolved. Comment two regarding the feasibility study he indicated has been done. The engineer is requesting further analysis on the existing main capacity/pump station. They are going to take a look at this. Comment three regarding erosion and sedimentation control plan; he understands that the conservation district has approved the plans, although they were awaiting for the township consistency letter and the ACT 537 letters. This will be obtained before final plan approval. He said the fourth comment is regarding the Planning Module. This is a final plan requirement. Sanitary Sewer capacity should be obtained from Penn Township in accordance with the Developer's Agreement. A reservation agreement shall be entered into with West Manheim Township. Comment five is to provide a draft of deed restrictions and/or protective covenants. He said this is part of the original declaration of planned community that was filed for the projects in connection with phase one. He said this phase was included as part of the declaration. Comment six is regarding the proposed street names which will be submitted for approval. Comment seven is regarding the owner's signature which shall be signed and notarized prior to plan approval. Comment eight is regarding the water system design approval. They will provide a copy of the agreement to the Township Engineer. Comment nine is regarding stormwater management design approval they will address separately. He said comment ten is also regarding stormwater which they will also address separately. Comment eleven regarding the required improvements to Pumping Station Road has been addressed. Comment twelve regarding stormwater maintenance and a maintenance schedule will be addressed separately. They are in a position where they have to address technical stormwater comments that do not fundamentally change the design as well as the Planning Module. They have the plan to the point where they feel they can advance to the Board of Supervisors. They will work with the Township Engineer to address the outstanding issues before the plan is presented to the Board of Supervisors. He said he would be happy to answer any questions and he would ask that they recommend approval.

Darrell Raubenstine asked Mr. Courtney if he could identify on the plans where they have addressed the Pumping Station Road re-location before they proceed with phase two. He said this is something the Board had asked for previously. He asked if this has been addressed.

Mr. Courtney said present tonight is Craig Mellott, from Traffic Planning and Design. He said they have completed traffic analysis to determine when the improvements might be necessary when additional access to the site would be necessary. He said the analysis that was done includes phase one and phase two traffic as well as additional traffic for up to 318 dwelling units. The reason they capped the analysis at 318 units is because this is all that they can build due to the township not having additional sewer capacity. The additional capacity they are receiving for the 318 units is pursuant to the separate joint venture agreement that the other developers entered into so that they can include the additional capacity on to the Penn Township treatment system. He said as of now unless the township negotiates additional capacity there is no other capacity for further development within the project.

Craig Mellott, Traffic Planning and Design said they submitted a traffic assessment that was related to phases two and three which accounted for the remaining lots in phase one. They found that the site access driveway that's constructed to Pumping Station Road currently and the others that would come in the future would operate acceptably in terms of the level of service and add less than a 10 second delay when totally built out. No turn lane warrants were met along Pumping Station Road either at the driveway way or up where the bend occurs to get to the signal opposite of Walmart. They found with respect to phase two and three at the intersection of Rt. 94 where the signal is located it would only increase traffic volumes by less than 2 percent. He said operationally from their perspective there is plenty of capacity on the side streets. The maximum build out with regards to the sewer, they have shown that the extension of Pumping Station Road through the site wasn't necessary. The information has been submitted to the Township Engineer and they feel it shows that the extension of Pumping Station Road is not necessary and particularly phase two and phase three can accommodate the additional traffic with the existing configuration where there would be a left turn and right turn to get to the signal.

Darrell Raubenstine said he feels this is not acceptable. He said they were told months ago to have the road brought in. They would not receive his support to move the plan on to the Board of Supervisors unless there is a schedule or justification why this cannot be done. This needs to be done.

Craig Mellott said the point of their analysis is that it was determined that the road extension is not necessary from a traffic capacity standpoint. Their report shows the volume of traffic particularly with phase two and phase three it is not necessary to have that exceptional traffic operation.

Charlie Courtney said at this point having no more than 318 dwelling units and at this time to put in another access doesn't make sense. He said he understands from the Township's standpoint that at some point in the future the access may be necessary, but at this time it is not necessary. They wanted to provide the traffic analysis to show that if the access is not there now they are not creating a traffic safety hazard and that up to 318 dwelling units there is adequate and safe access.

Any Hoffman asked what the numbers of units were that are proposed for phase one, two and three.

Mike Roepke said in phase one there are 41 units, phase two there is 52 units and in phase three there are 23 units.

Andy Hoffman asked if the 300 units was the total future condominium townhouse area.

Mike Roepke said 318 is not the total within the townhouses and condominiums. He said originally they owned 48 sewer taps and the joint venture agreement is for 270 units. He said recognizing they do not have any further sewer beyond the 318 units they are stuck until something can be done with the balance of the sewer. He said it is not that they didn't want to comply but they were reviewing the safety issues and trying to determine what

would work between both parties. They are trying to get to a point where they can show the Planning Commission that phase one; two and three do not provide enough traffic on Pumping Station Road to require the extension. He would ask West Manheim Township to consider and accept the fact that phases one, two and three do not require it from a traffic standpoint and allow them to complete the three phases and then take a another look.

Andy Hoffman said the traffic signal can handle the 116 units which is not the issue. The issue is getting to the traffic signal that is the concern. The road conditions are very narrow and borderline falling apart.

Darrell Raubenstine said his concern is that he would like to have a "good faith" drawing on the location of the road and have an agreement with the Calvary Assembly of God church. He does not want to get to a point where the church could road block them and not be able to complete the road.

Mr. Courtney said in their minds their project now is 318 units. He hopes it will be more and they feel at some point the township will get additional capacity which can be passed onto Northfield. He said it is not there and there is no agreement for it right now. He said designing a road now does not make a lot of financial sense.

Darrell Raubenstine said they do not want the township to get to a situation where the project is built and the road cannot be built.

Mr. Courtney said they would commit to meeting with the church but they would like to request assistance from the township to help plan the access.

Darrell Raubenstine said knowing the history he would like to see something done.

Mr. Courtney said they are not saying they don't believe they have to get things done but it is a question of timing. He said at this time their obligation is to provide safe access. He said they are demonstrating that they can provide a safe access and meet the requirements of the ordinance.

Duane Diehl made a motion for a favorable recommendation to the Board of Supervisors subject to the conditions that the applicant is to provide in writing in conjunction with phase three an agreement with the church and/or improvements to Pumping Station Road all the way to Baltimore Pike, seconded by Andy Hoffman. Darrell Raubenstine was opposed. ***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.

Duane Diehl made a motion to table the Plan, seconded by Darrell Raubenstine. ***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.

Darrell Raubenstine made a motion to recommend denial of the plan; seconded by Duane Diehl, unless a written request for extension of review time is received before the next Board of Supervisors meeting on April 1, 2010. ***The motion carried.***

#### ITEM NO. 10      New Business

A. Conditional Use Application: 2412 Baltimore Pike Applicant: Nextel Communications of the

Mid-Atlantic, Inc. (Water Tank Owner) York Water Co., (Landowner) West Manheim Township  
Co-Location of wireless communication antennas with equipment shelter on existing 121' water tank.

Michael Grab, Nikolaus & Hohenandel, LLP, Attorney was present on behalf of Nextel. He said this is an application for co-location of antennas on the existing water tower located behind the township building. The applicant proposes to use this as a platform to co-locate the antennas which is the preferred method under the Zoning Ordinance. He said present tonight is the Professional Engineer that completed the site design, the Site Acquisition Consultant that located the site, as well as the Frequency Engineer. The use is by Conditional Use which will require the applicant to appear before the Board of Supervisors and present detailed testimony in accordance with the requirements that are set forth within the ordinance. He has copies of the exhibits which they will present to the Board of Supervisors that include the structural report, the FAA analysis indicating that the proposed co-location does not have to be lighted. The antennas will not extend beyond the top of the current tank. The total height to the top of the antennas will be at 120 feet and the top of the tank is a little above that. He said he would be happy to entertain any questions the Planning Commission might have for the applicant. He said the applicant is licensed and regulated by the FCC, and are subject to all regulations, including regulations governing maximum exposure to radio frequency energy for humans. He said regarding the co-locations, it is a fairly standard installation. The antennas are located at the top of the tank with cabling that goes down the side of the tank and an equipment shelter located at the base of the tank within a fenced compound. He said there is currently an agreement with The York Water Company which currently owns the tank for the co-location. The York Water Company also has an agreement with West Manheim Township. He understands that with the agreement if there is revenues as part of the co-location the township would benefit as well. He said present tonight is Dave Thomas, Radio Frequency Engineer.

Darrell Raubenstine asked if they would be able to get 360 degree reception.

Dave Thomas, Radio Frequency Engineer said the three different antennas are panels which transmit in three different directions which covers the entire circumference.

Michael Grab, Nikolaus & Hohenandel, LLP, said the elevation they are proposing is the antennas minimum elevation that is needed to function within the system.

Mike Knouse, C.S. Davidson said a permitted use is subject to conditions in Article 7, Section 4.15. He would like to direct the Planning Commissions attention to the twelve points outlined in the ordinance. He said a conditional use could have additional conditions if the Commission feels necessary.

Darrell Raubenstine asked Mike Knouse if he had any objections to anything.

Mike Knouse said the Planning Commission should verify the twelve points through the representatives present tonight in Section 4.15. This is the same information they will be providing testimony to the Board of Supervisors with regard to the application.

Michael Grab, Nikolaus & Hohenandel, LLP, said Section 4.15 sets forth the specific criteria the applicant is required to meet and when they meet with the Board of Supervisors he will formally be presenting each of the witnesses to confirm compliance with each of the criteria. He would be glad to answer any specific questions or concerns that the Planning Commission would like to address. If the Commission would like to impose conditions indicating that the applicant must demonstrate compliance with each of the criteria as part of their recommendation he said that is acceptable to them.

Darrell Raubenstine said he has no problems.

Andy Hoffman said on the submitted drawings, Map C-2, it appears the equipment shelter is in fact a building with four walls and a roof, a weather proof type building.

Michael Grab, Nikolaus & Hohenandel, LLP, said that is correct it is a pre-fabricated equipment shelter that houses equipment. It is not serviced by water or sewer.

Andy Hoffman said it appears it is falling inside the setback lines for construction. He said this is a problem that needs to be addressed.

Michael Grab, Nikolaus & Hohenandel, LLP, said in terms of the property boundary. He said the site engineer is present to answer this question.

Pete Anderson, Site Engineer, said there are two properties that have merged by a use and the building straddles the property line. He referred to the map drawing C-1. He said there is the property that has the driveway and part of the township building, and also the water tower. The property immediately next door is also owned by the township which is the location of the township building. He said the township may want to have the properties merged into one property.

Andy Hoffman said he feels this needs to be done for housekeeping purposes. He said that whatever the costs are to do that Nextel should absorb those costs because of the building being in the setbacks.

Michael Grab, Nikolaus & Hohenandel, LLP, said the question is have the properties already factually merged even it has not been done of record. Has the merger occurred based upon the combination of the lots and the combined use, he does not know. He said it may just be a housekeeping matter. He does not feel the township solicitor would want Nextel to take this action. He said he does not know the history but clearly the properties are combined for purposes of use.

Andy Hoffman said but this does not allow for construction across property lines. This needs to be addressed.

Mike Knouse said to his knowledge there are two separate tracts which were previously brought to the attention of the Board of Supervisors. They chose not to do a Land Development Plan for the site to address this issue.

Andy Hoffman said that was in the past. He thinks that this needs to be addressed.

Mike Knouse said he would recommend the Solicitor review this to determine the appropriate legal course for consolidating the properties if it has not already taken place.

Andy Hoffman asked for clarification if this was strictly for Nextel's use.

Michael Grab, Nikolaus & Hohenandel, LLP, said yes.

Andy Hoffman asked if this is linked to the York County 911 system.

Matthew Burtner, Radio Frequency Engineer said they are providing them assistance with their construction including permitting them to install the cables that will run up the water tank on Nextel's cable ladder and run utilities to the site. This will allow them to install from the site instead of have to trench from the street.

Jim Myers asked if this was a separate fenced in area.

Matthew Burtner, Radio Frequency Engineer said no it would be adjacent to Nextel's shelter.

Michael Grab, Nikolaus & Hohenandel, LLP, said the 911 equipment shelter would also be within the fenced compound.

Matthew Burtner, Radio Frequency Engineer indicated that is correct.

Michael Grab, Nikolaus & Hohenandel, LLP, said the drawings show the fence around both shelters. He said he would be happy to discuss with the Township Solicitor the issue with the lot for further clarification.

Andy Hoffman made a motion for a favorable recommendation to the Board of Supervisors that includes the condition that the property is merged into one parcel due to the building creating nonconformity because of it being located within the setbacks.

Darrell Raubenstine said he would like to word this differently. His concern would be that they recommend the conditional use and recommend that the supervisors properly put the property into one, but that they go with what the Solicitor recommends. He does not want to hold up the application due to York County 911 being involved. He asked Andy Hoffman to amend his motion.

Andy Hoffman amended his motion to include a favorable recommendation to the Board of Supervisors which includes the condition that the Board of Supervisors will address the issue with the property being merged into one and comply with the Township Solicitors recommendations, so they do not delay the application due to York County 911's involvement, seconded by Darrell Raubenstine. ***The motion carried.***

B. Northfields – KCI Technologies – Phase I – Lots 36-41 - Revised Partial Final Subdivision Plan-Change from garage units to rear walkout with parking pads

Stephen Rexroth, KCI Technologies was present on behalf of the applicant. He said Ryan Homes has had a hard time selling certain types of units so they are changing the unit type of these particular lots to a non-garage unit. The lots were initially set up with a garage unit so there would be a driveway off the roadway. They changed the building type to provide a parking pad in the rear to provide rear and front entrances. They would lose two rear parking spaces from the garage. He said initially there were 132 spaces provided and of those 82 spaces were required. The change would be 120 spaces which are over what is required. The parking pads shown are 18'x24'.

Darrell Raubenstine said if they are not providing a garage, he asked how they were making up for the parking spaces.

Mr. Rexroth said they are not. The two parking spaces from the pad they would be utilizing for the parking. The subdivision is almost 50 spaces over what is required so there is plenty of capacity for cars in this section.

Darrell Raubenstine asked if they could provide the additional lost spaces.

Mr. Rexroth said no, but there are eight parking spaces in the bays directly adjacent to the units.

Andy Hoffman said these were already counted before.

Mr. Rexroth said right.

Andy Hoffman said he has a problem with losing the additional parking spaces.

Mike Knouse, C.S. Davidson said for clarification for the Planning Commission, Ryan Homes is the owner of the lots and they approached the Code Enforcement office regarding a different building type they were submitting for a building permit. The Code Enforcement Officer noticed the difference in type of unit, and due to the way the plan was prepared and the parking requirements that were listed they felt it was necessary to properly document any modification. The plan will need to follow the zoning ordinance requirements that were followed at the time of the original submittal. The requirement is for two parking spaces. They wanted to have a paper trail to follow in the future if there are any questions.

Andy Hoffman said they are not opposed to the modifications to the original housing units, but they are opposed to giving up parking spaces in this type of a high density development. He said they approved a certain number of spaces that were presented so he would not like to lose the parking spaces.

Darrell Raubenstine said the only that is different now is that it has changed hands. He would recommend they table the plan.

Andy Hoffman said he would recommend they table the plan and give the applicant a chance to come up with a way to not lose the parking spaces.

Mr. Rexroth said he would need to talk to the owners. He said he would like to clarify that the Planning Commission is requesting they provide all twelve parking spaces that would be lost with the garages elsewhere.

Darrell Raubenstine made a motion to table the plan and request that the applicant find a way to provide all twelve parking spaces that would be lost with the garage units, seconded by Andy Hoffman. ***The motion carried.***

ITEM NO. 11      Signing of Approved Plans

There was no new business to discuss.

ITEM NO. 12      Zoning Officer

Kevin Null, Zoning Officer said he had nothing to report.

ITEM NO. 13      Sketch Plans and Other Business

A.      Subdivision and Land Development Ordinance (SALDO) Review

Mike Knouse said they still have chapter five to review. He said at one of the previous meetings they discussed nitrates which will be incorporated. The second item discussed was fire protection. It was discussed about requiring sprinklers for every residence. They reviewed this and it was discussed with the Code Enforcement Officer. The 2009 International Building Code provides this standard. The state has not adopted this standard because it is being contested. The Building Official said this was not a land development but it is building specific and should not be addressed by the Subdivision and Land Development Ordinance. If this is something the Planning Commission would like to see incorporated he would recommend the Commission recommend to the Board of Supervisors that they take a look at the ramifications of incorporating this into the building codes since it is related to the building code standards.

He said another item they discussed was regarding private roads. He said the general consensus was that private roads are discouraged. There is a time and place for this type of setup. He would not recommend they omit this completely. He would recommend that three or more lots have to be built to township specifications. Two or more lots are the concept of a private drive and not a private road. It is still required to be improved 20 feet wide to be in compliance with the fire code and be paved and provide specifications. He said a shared drive between two parties it becomes a road and it should be built to the township standards. After further discussion about cul-de-sacs he said he will continue drafting based on the comments received.

He said they discussed street width previously and his initial thought is that the primary growth area should have a set of standards and the rural growth areas should have a different design standard. The rural growth area includes farming and the rural resource area. The fire code states the width should be at least 20 feet. He said typically there should be 10 ft. travel lanes and to provide provisions for shoulder. He said the developer should be responsible for providing the traffic and engineering study that is required to prohibit parking as well as

provide the signage. His intent is to issue Chapter five as well as the revisions to the other chapters. He will distribute Chapter five over the next week to review for the next meeting.

B. Planning Commission Subdivision Plan Review Schedule

Mike Knouse said the Board of Supervisors have directed back to the Planning Commission the task of reviewing the status of subdivision and development plans currently submitted due to the extent they have been at the township. They would like the Planning Commission to look at all of the plans which action or a resolution has not been reached. The solicitor gave a handout which is in draft form that will be presented to the Board of Supervisors. He felt it would be beneficial for the Planning Commission to also have a copy. He referenced the tentative schedule as presented. The Board of Supervisors would like the Planning Commission to identify all outstanding or noncompliant issues on every plan and provide a recommendation to the board as to whether the plan should remain on the books of the Township or if the Board of Supervisors should consider removing the plan from the agendas. The Planning Commission should forward the tentative schedule to the Board of Supervisors and once they receive the schedule, as well as the information from the Township Solicitor, he would then ask the Board of Supervisors to confirm that the Planning Commission should proceed at their April meeting in doing this task. He would ask that the plans that are identified on the schedule be reviewed and that the applicant be notified so that a representative can be present at the meeting.

Duane Diehl made a motion to approve the following plan to the Board of Supervisors as a plan of action and send a letter to the four applicants for the next month's Planning Commission meeting so they can be present during the meeting, seconded by Andy Hoffman. ***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 15, 2010 at 6:00 pm.

ITEM NO. 16 Adjournment

Adjournment was at 8:30 p.m. in a motion by Duane Diehl, and seconded by Andy Hoffman. ***The motion carried.***

RESPECTFULLY SUBMITTED,

LAURA GATELY  
RECORDING SECRETARY