

MINUTES
WEST MANHEIM TOWNSHIP
REGULAR PLANNING COMMISSION MEETING
THURSDAY, MAY 20, 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 6:00 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 Andrew Hoffman. The following Commission members were absent: Duane Diehl. Also present was Kevin Null, Township Manager and Mike Knouse, C.S. Davidson.

ITEM NO. 3 Approval of Minutes

Andy Hoffman made a motion to approve the minutes from the April 15, 2010 Planning Commission meeting, seconded by Grant Reichart. ***The motion carried.***

ITEM NO. 4 Correspondence

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

- 1). Letter from Herbert, Rowland & Grubic, Inc. dated April 21, 2010 requesting an extension request of review time until August 6, 2010 for Homestead Acres.
- 2). Letter from Harry P. McKean dated May 13, 2010 requesting an extension request of review time until September 1, 2010 for the Community Bank site.
- 3). Letter from Hanover Land Services, Inc. dated May 20, 2010 requesting an extension request of review time until September 4, 2010 for Edward & Michele Lane.

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

Carl Gobrecht said he would like to be added to the agenda regarding the Orchard Estates recommendation for time extension review. He said this item is scheduled to be discussed at next month's Planning Commission meeting and he would not be available to attend since he was going to be out of town.

ITEM NO. 7 Emergency Services Group Report

Mike Hampton was not present to report on Emergency Services comments.

ITEM NO. 8 Report from Zoning Officer

A. Zoning/Hearing Board

Kevin Null, Zoning Officer said he would like to update the Commission that the Special Exception hearing for a Home Occupation for a hair salon is scheduled on Tuesday, May 25, 2010.

ITEM NO. 9 Old Business

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

Carl Gobrecht said the issue now is the availability of sewer. He and his brother have about \$150,000 dollars tied up with the plans. He said the farm has been rezoned residential; however, there is no plan. He personally likes the agricultural zone which provides larger lots and fewer houses. He said because the sewer is not available he has not moved forward. He said this is the reason there has been nothing done on the plan. When sewer becomes available he will have to act or maybe purchases EDU's and start moving forward with the plan but until then the farm will sit for some time. He does not want to lose what has already been invested.

Andy Hoffman made a motion for a favorable recommendation to the Board of Supervisors to extend the plan for another 90 days, seconded by Grant Reichart. ***The motion carried.***

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

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.

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

D. 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 was present to represent the plan. He said a response was submitted in regards to the comments from C.S. Davidson dated May 11th. The plans submitted reflect the changes noted in the comments. The building has been reduced in size to allow for more room for the retaining wall located along the northern boundary of the subdivision. The previous user contracted for the site needed a larger size building. They are now looking for users that do not require as much space which is the reason the building size was reduced. The fuel station has also been removed. He said they have a deed restriction with Sheetz that they will not have fuel dispensing businesses on the property. They have now changed the fuel station to a potential out parcel and updated the parking to accommodate the size of the building. The sewer module has not been submitted because they do not know who the user is going to be and the amount of capacity. He said at this point they do have the capacity for any user. He said they are marketing the space but with the economy the way it is currently it is difficult to find a company that is expanding and in need of a box store building.

Jim Myers asked if they were keeping the same configuration with regards to the access road to where the bank was to be previously located.

Mr. McKean said yes it will remain at this point. He said regarding accessibility to the site they have three points on entry all running across the intersections from the Walmart exits except for the one that exits out onto Oak Hills Drive which will be mainly for truck access for deliveries. They eliminated a lot of the truck issues since

there is no longer a fuel station. He said if the plan is recommended for approval by the Planning Commission they would like to be in a holding pattern until they find a new occupant.

Darrell Raubenstine made a motion to table the Plan and for a favorable recommendation to the Board of Supervisors to allow the extension request due to the developer making a good faith explanation, seconded by Andy Hoffman. ***The motion carried.***

E. 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 table the Plan, seconded by Grant Reichart. ***The motion carried.***

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

Mike Knouse said his last conversation with KCI Technologies the owner has not come up with any reasonable alternatives. He recommended to the owner that he submit a request to withdraw the plan. His understanding is that Ryan Homes plans on moving forward as approved on the original plan. He would like to contact the owner to see if they would withdraw the plan. He feels it would be appropriate for the Commission to recommend denial of the plan.

Darrell Raubenstine made a motion to recommend denial of the plan unless a letter of extension is received before the next Board of Supervisors meeting, seconded by Andy Hoffman. ***The motion carried.***

G. Edward A. & Michele A. Lane – 2 Lot Minor Subdivision Final Plan – 551 Hobart Road

Doug Barmoy, Hanover Land Services was present to represent the plan. He said they are working on the plan with the engineer to address comments.

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

ITEM NO. 10 New Business

A. Eric Needle – 273 Smeach Drive – Application for a Conditional Use for Echo Housing of an additional temporary dwelling unit placed on the property for a proposed In-Law unit.

Kevin Null, Zoning Officer/Township Manager explained that the applicant has applied for a Conditional Use application for Echo Housing for his property which is located in a residential zone. He spoke to Mr. Needle and it was decided that he submit a request to change the application from a Conditional Use to a Conditional Use/Special Exception request. The Echo Housing zone requires a 1 acre lot; Mr. Needle's lot is $\frac{3}{4}$ of an acre which would require a variance from the Zoning Hearing Board. He said the property does qualify as a residential conversion under the Special Exception which would require a hearing before the Zoning Hearing Board. He said he has spoken to the Solicitor and it was recommended that the applicant present his information under both provisions. The applicant understands that if he receives a favorable recommendation that he would need to go before the Zoning Hearing Board and request a variance, or present his case for the residential conversion which is a Special Exception.

Eric Needle said he is requesting to add 960 sq. feet of living space on the idea of having his in-laws move into his house that are in their 60's. The plans show the addition onto the back left side of the existing home. They are well within the setbacks and there is no want for them to utilize this as a rental. They decided that when his in-laws are gone his oldest daughter would later move in if she gets married and take over the house then they would move into the additional living space. He does not plan on moving out the neighborhood in the near future. The primary reason for the addition was to give his in-laws a place to live that would be ergonomically

friendly for them and so that they would be close. He said his builder Andy Lawrence as well as his father-in-law is present tonight if the Commission has any questions.

Kevin Null said he would like to ask Mr. Needle a couple questions related to the Echo Housing for clarification for the board. He said one of the requirements is that at least one of the occupants is at least 62 years old or handicapped and is residing in the apartment.

Mr. Needle said yes they are both in their mid sixties.

Kevin Null said Echo housing unit shall not be occupied by more than two people.

Mr. Needle said correct it would just be the two.

Kevin Null said the unit shall adhere to all setback requirements.

Mr. Needle yes they have addressed this which is shown on the plans. He said the only property line it came close to was the left side of the property which the front corner was 14 ½ feet to 15 feet from the line.

Kevin Null said the unit shall be removed from the property or reestablished as a use permitted in the district within twelve months after it is no longer occupied by a person that qualifies for the use.

Mr. Needle said yes. If something happens and the time period is longer they will have to come back to the Township and address the situation with the Board.

Kevin Null said the minimum lot size for Echo Housing is 1 acre and the lot size discussed is ¾ of an acre. He said regarding the residential conversion the structure must be a single family detached dwelling, and it must be owner occupied. He said all floors above grade shall have direct means of access and the owner shall obtain any land development approvals.

Andy Hoffman asked Mr. Needle if he has adequate off street parking for an additional vehicle.

Mr. Needle said yes he has a six car driveway in front of the house plus a one car garage. He said there was a second small lot purchased years ago which allowed them to have a double wide driveway. He said it is Parcel B as shown on the plans.

Darrell Raubenstine asked if they would be required to have two sewer and water hookups.

Andy Hoffman said no.

Mr. Needle said the sewer will be tied into the existing main drain from the house. They would be installing a sub panel for the electric in the basement. He said they would be billed for the additional cost per 1,000 gallons of sewer usage.

Kevin Null said it would not be a second EDU.

Chairman Jim Myers asked if there were any visitors present that wished to comment.

Rich Fraumeni, 263 Smeach Drive, said he wants the Township to be aware that at this point there is a dispute with the property lines with the neighbor located to the immediate left of the property, which he is the owner. He would ask before they do anything further that they insist a survey with pins is done and laid out so they know where the property is actually located. There is a fence located on the property that was approved by the Township years ago and based on an estimate of where the property lines were located. He said it turned out that the fence could be as much as 20 feet into the 263 Smeach property line. He asked if there was a possibility that they could insist on a survey.

Mr. Needle said it is on the opposite side of the addition, the property located on the right side of the addition.

Darrell Raubenstine asked if the dispute is with where the property line is located or with how much land the homeowner has.

Mr. Fraumeni said it is a dispute with the agreed upon location of the property line.

Darrell Raubenstine said it is a matter of getting the property surveyed.

Mr. Fraumeni asked how they can base their plan on a fence that is in the wrong location.

Andy Hoffman said the drawing submitted was probably a takeoff of the original subdivision. If there was a field error on the subdivision they would not have any knowledge of that. He would need to have a surveyor verify his property points and clarify any errors.

Mr. Fraumeni said he can understand their position, however; if they accept the plans and they find out the property line isn't where they were told it is, and he is telling them it is not where they have been told it is located then the township will be liable for approving the plans based on false information they were aware of. His advice is that they should have the property surveyed. They are not going to be able to show the pins because they are not there.

Darrell Raubenstine asked Mr. Lawrence where he took his description from to do the drawings.

Mr. Lawrence said he used the deed.

Kevin Null asked Mr. Fraumeni if the dispute was with where the fence is located.

Mr. Fraumeni said the fence he was told when he purchased the property was located on the property line approximately 3 feet to 6 feet back inside the property line. It was later determined that it was as much as 25 feet over toward the back because of an angle. He was told this was done that way because they were following mowing lines and not property lines.

Kevin Null said the fence itself goes at an angle so the back of the fence could be as much as 20 feet to 25 feet on his side of the property to the back.

Mr. Fraumeni said correct.

Kevin Null said he does not believe this effects the setbacks for the addition.

Darrell Raubenstine said he feels this is a civil issue because the property lines are established on the deeds.

Mr. Fraumeni said he can respectfully tell them that it is going to be the Townships responsibility if they approve this knowing it is not the proper line that would be shown. They have no way to determine where the actual line is until they see two points and determine the property lines. He is telling them that what is being submitted is not what is planned to be used as the property line. He said that he just wanted to be on record.

Andy Hoffman said the drawings that are submitted for this type of application are not detailed to the point where it shows every tree, fence and detail on the land. It shows generally that the requested building will be within the setbacks and that is what is being presented. If he has a concern he would need to verify where the pins are located. He said there is nothing they can do as the Planning Commission.

Mr. Fraumeni asked who signs the final approval.

Kevin Null said if this body approves the application it will go the Zoning Hearing Board for final approval.

Eric Needle said the pin Mr. Fraumeni is referring to is the back right corner pin. They have not been able to locate the pin. This is the opposite side of the property from where they are trying to build the addition. They have confirmed the pins on the left side of the property.

Mike Knouse said the issues such as this are related to the building zoning permit at which time it would be addressed. He said with regards to the use all the items have been clarified in the ordinance.

Andy Hoffman made a favorable recommendation for the Special Exception and Conditional Use application to the Zoning Hearing Board and identify on the drawings the pin locations that are found, seconded by Darrell Raubenstine. ***The motion carried.***

ITEM NO. 11 Signing of Approved Plans

There was no new business to discuss.

ITEM NO. 12 Sketch Plans and Other Business

A. Subdivision and Land Development Ordinance (SALDO) Review

Mike Knouse said due to other issues needing to be addressed he will need to postpone discussion of the item until the next meeting.

B. Review and recommendation for Plan Time Extension

1). 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.

Mike Knouse said the owner has been in contact with him and he is making efforts to address and resolve any outstanding third party agency issues which are tying up the process.

Andy Hoffman made a favorable recommendation to the Board of Supervisors for a 90 day extension due to the outstanding items that are beyond the control of the owner, seconded by Darrell Raubenstine. ***The motion carried.***

2). Fox Run Village – S & A Homes – 25- Lot Final

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

Doug Barmoy, Hanover Land Services was present to represent the plan. He said the engineering comments have been addressed. The remaining outstanding items are dealing with maintenance, deeds, bonding for construction and any restrictions placed on the property, and obtaining the correct easements for the one lot that abuts Fuhman Mill Heights. There are construction and temporary easements that need to be finalized. He said the majority of the items have been addressed.

Darrell Raubenstine made a favorable recommendation to the Board of Supervisors for a 90 day extension to give additional time to work out any legal issues, economic issues, and financial restraints, seconded by Andy Hoffman. ***The motion carried.***

ITEM NO. 13 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. 14 Next Meeting

The next Planning Commission meeting is scheduled for June 17, 2010 at 6:00 pm.

ITEM NO. 15 Adjournment

Adjournment was at 7:30 p.m. in a motion by Andy Hoffman, and seconded by Grant Reichart. ***The motion carried.***

RESPECTFULLY SUBMITTED,

LAURA GATELY
RECORDING SECRETARY