

MINUTES
WEST MANHEIM TOWNSHIP
REGULAR PLANNING COMMISSION MEETING
THURSDAY, NOVEMBER 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 6:00 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 Kevin Null, Township Manager and Mike Knouse, C.S. Davidson.

ITEM N O. 3 Approval of Minutes

Duane Diehl made a motion to approve the minutes from the October 21, 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 November 9, 2010 requesting an extension request of review time until March 4, 2011 for Homestead Acres.
- 2). Comments from C.S. Davidson dated November 18, 2010 regarding J.A. Myers Building & Development, Inc., Homestead Acres – 366 Lots Preliminary Subdivision Plan.

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 Officer

A. Zoning/Hearing Board

- (1) Application: Case –VA #03-09/03/2010

Applicant: Gerald Applefeld – 2726 Black Rock Rd.

Application for a Variance for a side yard setback from the minimum required side yard setback of 30 feet to 4 feet to replace an existing garage at 2726 Black Rock Road, zoned Farming. West Manheim Zoning Ordinance, Article 12, Section 2.2.

Kevin Null, Zoning Officer reported that the Zoning Hearing Board denied the variance request for the side yard setback.

(2) Application: Case –VA #04-09/10/2010

Applicant: Larry Bankert – 1949 Baltimore Pike

Application for a Variance for a side yard setback from the minimum required side yard setback of 20 feet to 10 feet to construct a garage at 1949 Baltimore Pike zoned Commercial. West Manheim Zoning Ordinance, Article 12, Section 2.2.

Kevin Null, Zoning Officer reported that the Zoning Hearing Board approved the request for a variance. He said there was no other action taken by the Board during the meeting.

Chairman Jim Myers asked the reason for the denial by the Zoning Hearing Board.

Kevin Null said the applicant did not meet the criteria for the variance and did not show significant grounds for a variance.

ITEM NO. 9 Old Business

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

Chairman Jim Myers noted that the extension review time expired on January 7, 2011.

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 noted that the Planning Module for Marlee Hill Farm as noted on the agenda was approved during the October Planning Commission meeting. He noted that the review time expired on January 7, 2011.

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

1). Planning Module - (DEP) Pa Dept. of Environmental Protection

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

Chairman Jim Myers noted the extension review time expired on February 3, 2011.

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

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

Chairman Jim Myers noted the extension review time expired on December 3, 2010.

Mike Knouse indicated he did not have anything new to report.

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 Grant Reichart. ***The motion carried.***

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

Chairman Jim Myers noted the extension review time expired on January 7, 2011.

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

F. Homestead Acres - Oakwood Dr. & Valley View Drive – 366 Lot Preliminary Subdivision Plan

Chairman Jim Myers said they did receive a letter of extension request until March 4, 2011.

Mike Knouse noted that comments have been issued by the York County Planning Commission and comments from C. S. Davidson were submitted today.

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

ITEM NO. 10 New Business

- A. Conditional Use Application: Liberty Towers, C/O Lemanowicz, LLP, to use the property at 2286 Black Rock Rd., Hanover, Pa, for a proposed 150' self supporting telecommunications tower with proposed antennas inside a 100'x100' leased area that includes a 10'x20' concrete equipment pad within a 70'x80' fenced compound which includes a proposed 8' chain link fence on property owned by Henry and Peggy Lee Hartman. The present use of the site is RR-Rural Resource.

Crystal Fisher, Attorney, Lemanowicz, LLP was present on behalf of the applicant Liberty Towers. She said that Liberty Towers has submitted an application to construct and operate a wireless communications facility on the property located at 2286 Black Rock Road. The property is owned by Henry and Peggy Lee Hartman. The applicant has leased a 100 foot by 100 foot area of the subject property in which they are proposing to construct and operate a proposed wireless communications facility. The zoning classification of the property is RR-Rural Resource District and by conditional use a wireless telecommunications facility is permitted.

The applicant's proposed facility includes one antenna support structure and it will be a monopole 150 feet tall tower. It also includes wireless telecommunications antenna; one concrete equipment pad; coaxial cable; utility meters; fencing; two parking spaces, an access road; and landscaping. The antenna support structure will be 150 feet tall and the proposed antenna will be mounted 145 feet above ground level. The proposed antenna will not exceed above the height of the proposed tower. Coaxial cable will connect the antenna to the equipment cabinets which be placed on the ground on a concrete equipment pad. The concrete equipment pad will be approximately 10 feet by 20 feet in area. A security fence will enclose both the monopole tower, all the utility meters, the equipment cabinets, the equipment pad and the utility meters. Two ten foot by 20 foot parking spaces are proposed and will be located outside the fenced compound. A twelve foot wide driveway would provide access to the facility. Landscaping would be provided around three sides of the equipment compound.

In the subject area of the township wireless communications services are inadequate. The lack of wireless services prevents wireless users from making and receiving mobile telephone connections, and connecting to the national land based telephone network. Constructing and operating the proposed facility at the particular location will help fill the gap in coverage and allow wireless service providers to provide adequate coverage within the township.

The use is permitted by Conditional Use. They have reviewed the conditional use standards and believe they can meet each of the standards. They will present testimony and exhibits to the Board at the scheduled hearing. She said present tonight to answer questions is Anthony Handley who is a Radio Frequency Engineer and Michael Davis who works with Liberty Towers.

Darrell Raubenstine asked if this is the best site for the tower.

Ms. Fisher said they believe it is for a couple reason, one being that it is an area permitted by conditional use and that the township has designated this area as potentially being appropriate for this particular use. She said with regards to coverage and whether this area will provide adequate coverage she is going to ask Anthony Handley to address the Commission.

Anthony Handley, Radio Frequency Engineer said in this area there are no structures within two miles of the proposed site location except a water tank which is just inside of two miles. At 150 feet, and given the elevations he viewed traveling through the area it should be at a good line of site and should be able to cover the immediate area, especially in the upper bands, which would cover approximately one mile. He said this is a good strategic location because there are no other sites in the area. This is central to the site where the actual structures and facilities which currently are surrounding the area.

Darrell Raubenstine asked Mr. Handley to explain the differences between upper band and lower band.

Mr. Handley said lower band frequencies are 869mh to 894mh which are used by Verizon Wireless and ATT and Nextel. The upper band frequencies transmit 1930mh to 1990mh.

Chairman Jim Myers said the height being shown on the drawing is 150 feet with a 4 foot lightning rod on the top. He asked if this makes it 154 foot tall.

Ms. Fisher said that is correct.

Chairman Jim Myers asked if this would make the height 154 feet tall.

Ms. Fisher said typically what they find is that most municipalities do not include the lighting rod in the height of the tower.

Darrell Raubenstine asked if the lease agreement for access included from Dubs Church Road or from Black Rock Road. He said it doesn't seem clear which is why he is asking. He said another reason he is asking is because the roadway going into the Hartman business is a private road. He wants to make sure they are covered with access.

Ms. Fisher said using the aerial photo they would take access from Black Rock Road and they will use the existing paved drive. There is an existing dirt access drive which will be used to get to the proposed location. She does not believe they will be accessing Dubs Church Road.

Darrell Raubenstine said the agreement is for the whole way to Black Rock Road and not just to the private road.

Ms. Fisher said correct.

Darrell Raubenstine said he did not see this noted in the lease agreement.

Andy Hoffman said he agrees. The site plan is indicating a proposed 12 foot access drive from the existing asphalt drive to the tower. The site plan is not identifying where else they would be accessing the site.

Ms. Fisher said they would adjust the zoning drawings to make sure it is clear.

Chairman Jim Myers asked about lighting.

Ms. Fisher said at this point there is not proposed lighting on the tower. They are waiting for direction from the FAA if lighting is required. There is no proposed lighting other than a 60 watt emergency light that is on a timer. This would allow a technician to see at night at after the work is completed the light would go off after 15-20 minute interval. The light would be located inside the equipment compound.

Darrell Raubenstine said he also did not see any provisions noted with regards to the ordinance on how the tower would be removed if by chance the company goes out of business or the tower is not longer used.

Ms. Fisher said they would leave this up to the discretion of the township. Typically they would prepare a removal bond, however; this could be worked out between the Township and Liberty Towers as to what is preferred.

Duane Diehl made a favorable recommendation for the Conditional Use application to the Board of Supervisors including the access easement agreement and the removal bonding according to the Township requirements, seconded by Darrell Raubenstine. ***The motion carried.***

ITEM NO. 11 Signing of Approved Plans

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

ITEM NO. 12 Sketch Plans and Other Business

A. Public Comments - Subdivision and Land Development Ordinance (SALDO) review

Mike Knouse said he has previously had discussions with the some of the Commission members regarding native plants and the reference. He said they refer to the USDA plant database. He said the USDA plant database is very comprehensive and he would prefer to reference with a note the section specific to Pennsylvania along with reference to DCNR's list. He feels they both complement each other and he feels they need the combination of both agencies lists. He said the USDA plant database has a page that is specific that includes a list of plant species for Pennsylvania.

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

Darrell Raubenstine made a favorable recommendation of the Subdivision and Land Development Ordinance (SALDO) review to the Board of Supervisors with minor changes noted regarding the USDA and DCNR list for trees, shrubs and weeds specific to Pennsylvania, 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 December 16, 2010 at 6:00 pm.

ITEM NO. 15 Adjournment

Adjournment was at 6:45 p.m. in a motion by Andy Hoffman, and seconded by Duane Diehl. ***The motion carried.***

RESPECTFULLY SUBMITTED,

LAURA GATELY
RECORDING SECRETARY