

MINUTES
WEST MANHEIM TOWNSHIP
REGULAR PLANNING COMMISSION MEETING
THURSDAY, APRIL 21, 2011
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, Linus Fenicle, Solicitor, and Mike Knouse, C.S. Davidson.

ITEM NO. 3 Approval of Minutes

Andy Hoffman made a motion to approve the minutes from the Planning Commission Meeting of March 17, 2011, seconded by Duane Diehl. ***The motion carried.***

ITEM NO. 4 Correspondence

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

- 1) Letter from (HRG) Herbert Rowland & Grubic, Inc. dated April 19, 2011 requesting an extension request of review time until August 5, 2011 for Homestead Acres-134 Lot Preliminary Subdivision Plan.
- 2) Letter from Hanover Land Services dated April 14, 2011 requesting an extension request of review time until August 4, 2011 for New Age Associates.

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. He did provide comments to the Commission that there was nothing new to report on any plans. The Emergency Services Board meeting is scheduled for Monday, April 25, 2011 at 7:00 pm at the township building.

ITEM NO. 8 Report from Zoning Officer

Kevin Null said at the March 22, 2011 Zoning Hearing Board meeting the Board heard two cases. The first case was a request from Karen Wright for a Special Exception for a Home Occupation to operate a candle business at 92 Musselman Road. During the hearing the board felt that the request may require a variance, and at that time the applicant withdrew her application so that it could be amended to request a variance, as well as a special

exception. The case will be reheard on April 26, 2011. He said also on March 22, 2011 Keith Smith presented an application to amend the 1997 request for an existing special exception. The Zoning Hearing Board also felt that his request may require a variance and at that time the applicant withdrew his application so that it could be amended to request a variance as well as an amendment to the special exception. Mr. Smith is present tonight to address the commission. He said the application will be heard during the May 24, 2011 Zoning Hearing Board meeting.

A. Zoning/Hearing Board

- (1) Keith Smith Application: Case –SE-#02-02/01/2011- AMENDED
Applicant: Keith D. Smith & Ellen M. Smith – 2161 Oakwood Drive

Application to amend Site Plan for Special Exception issued in December, 1997.
Article 12 Section 2.3 F SITE PLAN APPROVAL Specifically “Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another special exception approval.

The request is to amend the approved Special Exception variance granted on December 3, 1997, on Lot # 3 (3333 Baltimore Pike) to allow additional parking. In conjunction with the request to amend the Special Exception a Land Development Plan will be submitted to combine lots # 2 and 3 (3343 and 3333 Baltimore Pike), which can be completed in conformity with the ordinance.

- (2) Application for a Variance to allow the construction of a warehouse and to all use of the property incidental to the construction business located at 3333 Baltimore Pike.

Jeff Lobach, Barley Snyder, LLC was present on behalf of the applicant. The applicant is requesting to amend his application for a zoning Hearing based on the review by the Zoning Hearing Board on March 22, 2011. He said there are two lots involved, one of which is Lot-3 which is currently being used as a contractors office. Lot-3 is approximately 3 ½ acres and is improved with several buildings used in conjunction with the contractor office. Adjacent to Lot-3 is property owned by Mr. and Mrs. Smith which is a 1 ½ acre parcel improved with a farm house and some out buildings. He said both of the lots are located in the farming zone. The plan is to expand the existing non-conforming contractors’ office use which is totally contained on Lot-3, onto Lot-2 and to add more than 35% to permit the increase of land area devoted to such use to be increased by 43% and the building floor to be devoted to such use to be increased by 117%. He said some of the outbuildings would be removed as part of the proposed changes. The contractors’ office use which is made up of Lot-3 is a legally existing non-conforming use and it is located in the farming zone which is no longer permitted as a special exception. He noted that the zoning ordinance a variance under Article 7. Section 5.3.C.3 limits the floor area and the acreage devoted to a non-conforming use by more than 35%. He said under the scenario by expanding onto Lot-2 and adding the building it would increase the floor area of the buildings by 117%. The new building would be constructed exactly the same way as the existing buildings. It would have a barn look and be a two-story warehouse. He said by adding Lot-2 being devoted to the use would be increasing the total land area by 43%. The first areas they are in need of relief have to do with expanding the existing legal non-conforming use.

He said they also have a dimensional issue. He said now Lot-3 is non-conforming. He said the Zoning Ordinance states the maximum impervious area to be no greater than 20% in the Farming Zone. Lot-3 where the existing building is located the lot coverage is 58.2%. Lot-2 lot coverage is 5.2%. The combined Lot-2 and Lot-3 coverage will be 46.4%. He said the second variance request is regarding the coverage issue.

Mr. Lobach said the third variance request is to allow the change of conditions that were imposed by the Zoning Hearing Board approval of 1997. He said he does not think this applies anymore since the special exception is no longer available and there is a new ordinance. If the Zoning Hearing Board feels it does apply the decision needs to be addressed. Article 12, Section 2.2-E of the Zoning Ordinance notes only the existing buildings shall be used for the business. The variance request would change the condition to allow construction of a new building. The second part of the variance request is regarding employee parking. The condition noted that employee parking of up to

fifteen (15) vehicles, is permitted. The variance request would change the condition to allow 40 employee parking spaces. He said the applicant and the project engineer are present tonight to answer any questions.

He indicated that there are also various natural conditions of the site which makes it difficult to fully utilize the site. He said one is the swale, or an actual stream that runs through the middle of the property. He said another limitation on its use is effected by the 1 acre storm water easement which prevents them from improving a large part of the site to the extent that is necessary for the business. He asked if there were any questions

Linus Fenicle, Solicitor said the applicant will be combining two lots into one large lot and he feels the 1997 decision still applies. When there is a special request or a special permit it runs with the land. If the applicant is going to combine two lots into one he would submit that the 1997 conditions and the decision placed by the board still apply. He said the Zoning Hearing Board has the right to change or amend the conditions. The applicant can ask for an amendment from the Zoning Hearing Board.

Keith Smith said nothing has changed since they last brought the application to the Township. The Zoning Hearing Board recommended they have professional help to represent him during the meeting. He said by adding the new building and eliminating some of the older out buildings they are cutting down on some of the impervious area. He said they included the parking spaces and the buffer zone on the prints as previously requested by the Planning Commission.

Duane Diehl made a motion for a favorable recommendation to the Zoning Hearing Board to consider the request to amend the application for the variances to allow the owners to expand their business, seconded by Andy Hoffman. ***The motion carried.***

Carl Grubb, 590 Impounding Dam Road, said July two years ago West Manheim Township was present in York County Common Pleas Court. The plea at that time was to not allow building or increasing any businesses in the agricultural area because of the Comprehensive Plan, and all criteria must be met for any type of variances. This is what West Manheim Township won the case based on in the courts. He said this is what is in the York County Common Pleas Court.

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. He noted that the extension review time expires on July 8, 2011.

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

B. Marlee Hill Farm (Preserve at Codorus Creek IV) – Baltimore Pike – 79 Lot Preliminary Plan

Martin K.P. Hill, said they are here for preliminary approval of Marlee Hill Farm. He said they have addressed the issues that have been brought to their attention by the Township Engineer, and at this time there are a few outstanding items that are outside the ability of the township to approve. The items include the PA DEP sewer planning module, the updating of the NPDES permit, PennDot, and the general permits for the utility crossings. He said that Mr. Piet has provided the Commission with a visual of the plan and he noted there were no changes from the beginning. He said they have recorded the right-of-way agreements to allow for the extension of the new road into Pleasant Hill Road so that the Pleasant Hill Road traffic will be able to exit through the new intersection that will be created with Baltimore Pike. They have a letter to serve from York Water Company and an approved sewage treatment facility in Joshua Hill Farms that serves Marlee Hill Farm which is included in the sewage planning module that is currently with PA DEP. He said he feels they are at the point to request a preliminary plan approval by the Planning Commission.

Darrell Raubenstine made a favorable recommendation of the preliminary plan to the Board of Supervisors, 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 noted that the extension review time expires on August 5, 2011.

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 noted that the extension review time expires on August 4, 2011.

Andy Hoffman made a motion to table the Plan, 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 that the extension review time expires on August 4, 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 asked if there was an update on the plan.

Mike Knouse said the owner has not obtained sewer capacity, therefore; they have not addressed the revisions at this time.

Chairman Jim Myers noted that the extension review time expires on August 5, 2011.

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: Applicant: T-Mobile Northeast, LLC - Co-Location of wireless communication antennas on an existing 121' water tank owned by the York Water Company located on the Township's property at 2412 Baltimore Pike in the Residential Zone District. The site will consist of 8 antennas, equipment cabinets located on a proposed 10'x20' concrete slab, and a 200 amp electric service.

Jonathan Andrews, McNeese, Wallace & Nurick, LLC, was present on behalf of the applicant. He said they are requesting to collocate antennas on the York Water Company's water tank that is located on the Township's property. The tank is approximately 121 feet tall. Sprint and York County Emergency 911 already have existing antennas at an elevation of 119 feet located on the tank. They are proposing to add eight antennas at a centerline elevation of 108 feet. At the base of the tank they will be pouring a 10 feet by 20 feet concrete slab on which the equipment cabinet would be located and there would be coaxial cable running the height of the tank down to the equipment cabinet. The concrete slab would be enclosed completely by an eight foot fence.

He said that this request is permitted by Conditional Use in the residential zone. They are confident that their application satisfies all of the conditional use criteria. He would be happy to go through the conditions, but seeing the application is straightforward he said he would answer any questions.

Andy Hoffman made a favorable recommendation to the Board of Supervisors for the Conditional Use Application, seconded by Duane Diehl. ***The motion carried.***

ITEM NO. 11 Signing of Approved Plans

- A. South Pointe, Phase, III, Parcel IIA –Fairview Drive & Baltimore Pike-19- Lots Final Subdivision Plan

ITEM NO. 12 Sketch Plans and Other Business

There was no new business to discuss.

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 May 19, 2011 at 6:00 pm.

ITEM NO. 15 Adjournment

Adjournment was at 6:55 p.m. in a motion by Duane Diehl, and seconded by Andy Hoffman. ***The motion carried.***

RESPECTFULLY SUBMITTED,

LAURA GATELY
RECORDING SECRETARY