

MINUTES
WEST MANHEIM TOWNSHIP
PLANNING COMMISSION MEETING
THURSDAY, MARCH 20, 2014
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, Jay Weisensale, Andrew Hoffman and 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 Regular meeting of Thursday, February 20, 2014 Planning Commission meeting, seconded by Darrell Raubenstine. *The motion carried.*

ITEM NO. 4 Correspondence

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

- 1) Letter from Carl Gobrecht dated March 6, 2014 requesting an extension request of review time until July 3, 2014 for Orchard Estates.
- 2) Letter from HRG, Inc. Engineering dated March 6, 2014 requesting an extension request of review time until July 4, 2014 for Homestead Acres 134 Lot Preliminary Subdivision Plan.
- 3) Letter from Harry McKean of New Age Associates dated March 10, 2014 requesting an extension request of review time until July 4, 2014 for Benrus Stambaugh II et al Land Development Plan.
- 4) Letter from HRG, Inc. Engineering dated March 6, 2014 requesting an extension request of review time until July 4, 2014 for Homestead Acres 366 Lot Single Family- Detached Dwelling Preliminary Subdivision Plan.
- 5) Letter from Ronald and Sheila Carter dated March 12, 2014 requesting an extension request of review time until July 3, 2014 for Maryland View Farms – Glenville Rd - Lot #4 – 2-Lot Add-On.
- 6) Letter from the West Manheim Township Board of Supervisors on the conditional approval of the preliminary plan for the James Horak & Donald Yorlets Partnership – 13 - Lot Preliminary Plan, including conditions.
- 7) Conditional Plan Approval letter signed by the representative for the James Horak & Donald Yorlets Partnership - 13 - Lot Preliminary Plan accepting the conditions for the conditional approval.
- 8) Comments from the Emergency Services Board dated March 13, 2014 on the Patricia Kulacki waiver request for the driveway slope requirement for 890 Hobart Road.

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, EMA Director was absent from the meeting. There was nothing new to report from the Emergency Services Group. Emergency Services has provided additional comments on the waiver request for Patricia Kulacki regarding the driveway slopes which were distributed to the Planning Commission for review.

ITEM NO. 8 Report from Zoning Officer

A. Zoning/Hearing Board

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

ITEM NO. 9 Old Business

1. Extension Requests

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

Chairman Jim Myers noted that the extension review time expired on July 3, 2013.

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

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

Chairman Jim Myers noted that the extension review time expired on July 4, 2013.

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

C. 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 expired on July 4, 2013.

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

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

Chairman Jim Myers noted that the extension review time expired on July 4, 2013.

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

E. Ron & Sheila Carter – Maryland View Farms – Glenville Rd - Lot #4 – 2-Lot Add-On

Chairman Jim Myers noted that the extension review time expires on July 3, 2014.

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

2. Patricia Kulacki – 890 Hobart Road – Application for a Conditional Use and Waiver Request

Waiver Request – Article 5, Section 510.E, of the Subdivision and Land Development Ordinance (SALDO), a request to be exempt from the slope requirement for a driveway to serve a proposed dwelling.

Doug Stambaugh, GHI Engineering was present on behalf of the owner Patricia Kulacki to present the information on the waiver request. The owner/applicant Patricia Kulacki was also present. He said they are working on the land development process for the 26 acre parcel of property located at 890 Hobart Road. He said when preparing the design drawings for the driveway it was discovered that the existing slope was very steep, which the Township Ordinance states as the maximum

allowable slope for a residential driveway is 8 percent. They are requesting a waiver of the maximum slope. He provided a copy showing the subdivision plan from 1977 to the Commission. He said this lot was created in 1977 and it was approved by the Board of Supervisors and the Planning Commission. Lot 3 is an approved building lot that has had percs and probes completed including a review by DEP. At the time when the lot was created there were no maximum slope requirements on driveways. He said the only requirement at that time was within 25 feet of the street right-of-way the maximum slope could not exceed 5 percent. He also provided an aerial photograph obtained from the York County Assessor's office that shows the property, or parcel 108. The photo shows that the only access into the property is the narrow sliver of land off of Hobart Road. He said there is no other way to enter or exit the property other than the sliver of land that was created according to the Subdivision Plan. He said the drawings also show the existing driveways or public roads that are steep in slope. There are two existing driveways that are at a 13 percent slope, one which serves five dwellings and the other closest to the Kulacki property serves three lots, which was previously approved. The drawing also shows the area of Hobart Road that has a 15 percent slope. He said they all know that West Manheim is a steep township and has a lot of steep slopes which many being greater than 8 percent. He said they are going to show that it is hard to build a driveway on a large rural piece of property with a long driveway, and having to work against the grade. He said this is more than building a driveway but road construction. They have discovered that it is impossible to meet the Township Ordinance in building the driveway. He said the Penn Dot regulations 441 governs driveways, or Highway Occupancy Permits, is used for a residents states the maximum grade allowable for a minimum use driveway with less than 25 trips in and out per day is 15 percent. They are most concerned with the grade differential coming off the state road. He said what they are proposing would meet the Penn Dot regulations and it less than 15 percent, and the grade differential coming off of the state road is less than what is allowed by Penn Dot.

Doug Stambaugh, GHI Engineering presented drawing that included three options. He reviewed option one which shows the suggested pull off area outside of the curve coming out of the wooded area at the end of the steep natural slope coming down off the field. He said the driveway shown is 10 feet wide with a berm on each side for stormwater management purposes. He said there is a section of the driveway that exceeds the 8 percent slope township requirements, and they are trying to work with what they have on the property. The important part is that at the bottom of the hill going onto Hobart Road there is a long section of roadway that is flatter than the intersection of Hobart Road and Black Rock Road. They feel it is safe. He said they run into challenges of building a driveway with a steep slope. He reviewed option two which included the suggestion of trying to meet the Township Ordinance. He said they brought the slope down to 10 percent. The problem created with a ten percent slope is that the fill covers the entire width of the property, which is approximately 70 feet wide. He said they would have to remove every tree, dig up the tree stumps, strip the top soil, haul in fill material, compact the soil six feet high and go from property line to property line on both sides. This is impossible to do because they couldn't get off the property with construction equipment which would cause them to be trespassing, or they would have to obtain a construction easement from the neighbor. He said they owner would have to remove all of the spruce trees to move the land. He said in addition to that there is nothing left for stormwater management because they would be disturbing the ground and using fill that is compacted. They prefer to work with undisturbed soil because there is a lot of water coming off the hill that they are going to have to address. Option two included an additional 150 more feet of driveway length that creates more impervious area and stormwater runoff, including additional costs. This option provides for a longer driveway by trying to create the switchback. He reviewed option three which includes a section of 180 feet at a 13 percent slope. The driveway is again longer by 160 feet with slopes still at 10 percent and 13 percent. This option is more difficult to construct because there is more cut and fill involved. He said with option three they would still have to remove trees but not as many as option two because they would be adding an additional 160 feet to the driveway length. This would also include more cutting through the midsection of the driveway. He said the owner Patricia Kulacki has offered to install a sprinkler system to mitigate the situation if option one was approved rather than spending additional money to lengthen the driveway and still have the driveway slope greater than the 8 percent.

Darrell Raubenstine asked Patricia Kulacki if they have looked at any other options with any of the property owners.

Patricia Kulacki said Mr. Bailey the adjacent property owner that attending the public hearing said he does not want any of the woods disturbed. She also explained that there was no other way to gain access to the property.

Jay Weisensale said option two and three is going to create more problems. He said since the owner Patricia Kulacki has stated she would install a sprinkler system he suggested that she sign a waiver that states if the fire department cannot reach the house for an emergency she would not hold them liable.

Patricia Kulacki said she would sign. She just wants to build her house.

Darrell Raubenstine asked if there was enough water for a sprinkler system.

Patricia Kulacki said they are going to sink a tank, including a 20 gallon per minute well they have installed. She said this is an ideal building lot if she can get to it.

Mike Knouse, C.S. Davidson said this is an existing lot on record that the owner has the right to build on. They have provided different scenarios that clearly show they cannot meet the ordinance maintaining the eight percent grade while staying within the boundaries of the property. He said the Subdivision and Land Development Ordinance (SALDO) does include provisions for waivers.

Andy Hoffman said they asked for different alternatives which have been provided and the alternatives are not making it a better solution by creating additional problems. He said the pull off area that has been provided is extremely important and it is in a good location. The original design is more realistic in utilizing the property. He does have concerns about the ten foot paved area because everyone drives in the same track all the time which causes cups in the driveway and the water to follow the driveway and not drain off the completely. He would make a suggestion to the owner to think about making the driveway 12 feet due to the extreme length of the driveway. He feels this would be a benefit in the future. He said if the driveway is too narrow vehicles will keep driving in the same track and keep breaking off the edges of the driveway.

Patricia Kulacki said this was originally discussed but by the time they address the stormwater runoff, especially in the section that is 13 percent they determined there is not enough room to make the driveway 12 feet wide.

Doug Stambaugh, GHI Engineering said the roadway is as good as it's built.

Jim Myers said the owner has proved the hardship.

Duane Diehl made a motion, seconded by Jay Weisensale for a favorable recommendation to the Board of Supervisors of the Waiver request of the 8 percent slope requirement, as per drawing for Option one, due to it being an existing building lot from 1977. The owner has also agreed to include a pull off area along the driveway, as well as installing a sprinkler system. The Planning Commission agreed that the owner has proved a hardship and that Options two and three would create additional problems related to the stormwater management than is acceptable. *The motion carried.*

3. Discussion of Zoning Ordinance Changes/Additions

Jay Weisensale said he would like to recommend the following revisions:

- Page 1, Article 2 – Definitions: Carports - *If the structure does not open on at least two sides, it shall be considered a garage and will have to comply with all code requirements for garages.* He said the sentence should be changed to include the wording, ***“is not open on at least two sides”***.
- Page 1, Article 2 – Definitions: Clearing - *The removal of trees and brush from the land for development purpose.* He would recommend including the wording, ***“The removal of trees and/or brush from the land for development purposes.”***
- Page 2, Article 2 – Definitions: Dwelling – spelling correction, the word ***tents*** in the third sentence.
- Page 2, Article 2 – Definitions: Filling – ***delete the letter “s” from the word materials.***
- Page 2, Article 2 – Definitions: Home Occupation - ... that is conducted entirely within a single-family detached or single-family semidetached dwelling or within a detached garage. Change the wording to read, ***“an accessory building”***, instead of garage. Revise the last sentence... *located on a residential lot and which use is secondary or an accessory use of the dwelling. He recommended including a period after the words residential lot, and deleting the*

remainder of the sentence, and adding the following wording; “The Home Occupation may not be the primary use of the property.”

- Page 2, Article 2 – Definitions: Temporary Retail Sales – *Easter flower* - Add the letter “s” to the word flower.

Jim Myers said he would like to review Page 5, Section 2.15 – Home Occupations-

- Home occupations are permitted as provided in Articles 4 and 5 subject to the following criteria:

Item No. (6) No sales of any goods or merchandise shall occur on the premises other than those goods or merchandise which are produced on the premises.

He said during previous discussions he asked if this precluded a beauty salon home business from selling hair care beauty products.

Kevin Null, Township Manager/Zoning Officer said this was previously added. He would check the previous comments and correct the wording.

Jim Myers asked about the following section:

- Page 6 & 7, Zoning Districts:

FARM: Specific Standards:
Chickens-Only female chickens shall be allowed in Group 1

He asked if this was an issue in the farming district. He thought this was pertaining to the residential and rural resource districts.

Kevin Null, Township Manager/Zoning Officer said he would make the noted revision.

Darrell Raubenstine asked about the wording on the following section:

Section 2.15-Home Occupations-

- *Item No. (3) No more than one (1) home occupation may be located in any dwelling unit.*

Change the wording to read, “*dwelling or accessory unit.*”

Kevin Null, Township Manager/Zoning Officer said he would make the recommended changes and ask for authorization at the next Planning Commission meeting to submit the revision to York County Planning Commission for review.

ITEM NO. 10 New Business

Darrell Raubenstine asked if it was any concern to the Township on Home Owners Associations (HOA) that is in the process of buying and selling themselves.

Kevin Null, Township Manager said he understands that the HOA’s are a legal corporation,

Darrell Raubenstine said he has been asked by area residents about the Homeowners’ fee increasing because the HOA sold to an outside firm.

Kevin Null, Township Manager asked if the HOA was sold or if it contracted to an outside management company.

Darrell Raubenstine said he can’t answer that question.

Kevin Null, Township Manager said they would have to take a vote of the HOA members and have a majority of the association members approve the sale.

ITEM NO. 11 Signing of Approved Plans

There was no new business to discuss.

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 April 17, 2014 at 6:00 pm

ITEM NO. 15 Adjournment

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

RESPECTFULLY SUBMITTED,

LAURA GATELY
RECORDING SECRETARY