

MINUTES
WEST MANHEIM TOWNSHIP
PLANNING COMMISSION MEETING
THURSDAY, FEBRUARY 15, 2018
6:00 PM

MEETING CALLED TO ORDER

The regular meeting of the West Manheim Township Planning Commission was called to order at 6 p.m., by Chairman Jim Myers, followed with the Pledge of Allegiance.

ROLL CALL

The roll was called and the following Commission Members were present: Chairman Jim Myers, Duane Diehl, Andy Hoffman, Darrell Raubenstine, Jay Weisensale, Township Manager, Marc Woerner, Solicitor Walter Tilley III, and Township Engineer Chris Toms

APPROVAL OF MINUTES – Re-Organization Meeting, January 18, 2018

Jay Weisensale made a motion to approve the Minutes from the Planning Commission Re-Organization meeting of Thursday, January 18, 2018, seconded by Duane Diehl. **Motion carried.**

CORRESPONDENCE

Chairman Jim Myers indicated they did not receive any correspondences.

VISITORS

Chairman Jim Myers asked if there were any visitors present that wished to address the Commission and received no reply.

PUBLIC COMMENT – ITEMS NOT LISTED ON AGENDA

Chairman Myers asked if anyone present wanted to discuss an item not listed on the Agenda and received no reply.

EMERGENCY SERVICES GROUP REPORT

Mike Hampton, Director of Emergency Services had nothing new to report, but informed and reminded the Planning members that he had emailed the Emergency Services report to them prior to the meeting.

REPORT FROM ZONING OFFICER

Marc Woerner Zoning Officer indicated he had nothing to report other than the variance request before the Commission.

OLD BUSINESS

1. Extension Requests

Chairman Myers asked for motions to table the following plans:

- A. Benrus L. Stambaugh II, et al – 1 Lot Land Development Plan – Brunswick Dr. & Oak Hills Dr.
(Review Time Expires 03/02/2018)

Andy Hoffman made a motion to table Benrus L. Stambaugh II, et al – 1 Lot Land Development Plan – Brunswick Dr. & Oak Hills Dr. if an extension request is received by the next Board of Supervisors meeting, seconded by Duane Diehl. **Motion carried.**

WEST MANHEIM TOWNSHIP
PLANNING COMMISSION MEETING MINUTES
THURSDAY, FEBRUARY 15, 2018

B. J.A. Myers & Jodi M. Divido-Myers- Harper's Hill – 20 Lot Preliminary Plan
(Review Time Expires 01/31/2017)

Andy Hoffman made a motion to table J.A. Myers & Jodi M. Divido-Myers- Harper's Hill – 20 Lot Preliminary Plan, seconded by Jay Weisensale. **Motion carried.**

NEW BUSINESS

A. Variance Request:

(1) Case – VA #01 - 02-01-2018

Applicant: Almega Investment Company, LLC, et al – Application for a Variance from the West Manheim Township Zoning Ordinance, Article IV, § 270-19 Permitted uses. The Applicant seeks a variance to allow the construction of 33 multi-family dwellings in the Residential District.

Location of Applicants' property: Fuhrman Mill Road, Hanover, PA 17331

Scott Barnhart representative for Myer, Carter & Almega and Mr. Paul Minnich, Solicitor for Myer, Carter & Almega were present to discuss and answer any questions the Planning Commissioners have on the variance request for Fuhrman Mill Heights, 1- lot, 33-Units-Final Plan.

Mr. Minnich gave some background on the plan. He explained that it was a multifamily project and was previously subject to a special exception. At the point of final approval, the Township realized a granted special exception status had expired on the Fuhrman Mill Heights Land Development plan. Mr. Minnich explained that the Plan could have been treated as a conditional use; however, in May of 2016, there was a zoning ordinance revision that eliminated multi-family as a conditional use in the residential zoning district.

After giving some of the background on the plan, Mr. Minnich asked Scott Barnhart to describe the plan. Mr. Barnhart pointed out that the plan has always been a multifamily plan. The plan was originally submitted with a special exception in 2004. There have been many revised plans over the years, each time addressing review comments from the Township Engineer. In 2009 when the Permit Extension Act went into effect they stopped working on the plan. When the Permit Extension Act ended in 2016 they resumed working on the Plan. He explained the extension request were granted starting July 2016 through December 2017. The extensions were needed to finish the plan under the new NPDES regulations. He explained they removed a three-story building to meet the green space requirement, but still has 33 multifamily units.

Mr. Barnhart and Mr. Minnich requested a favorable recommendation for the variance.

Jay Weisensale asked if the current owners bought the property prior to 2004 and when the special exception expired. It was approved in November 2, 2004 and would have expired six months from the date of approval.

Darrell Raubenstine asked why are they asking for a variance when it was originally a special exception.

Jay Weisensale asked how did the Mr. Minnich become aware that the special exception had expired. Mr. Minnich replied that the Township's Solicitor had informed him that the Township, while in the process of finalizing the plan took notice that the special exception had expired and no requests for an extension had been received.

It was at this point in the meeting that the Township Engineer, Chris Toms, then explained recent plan review activities. The Board of Supervisor direction has been to re-review those plans that had been outstanding for many years against the ordinances regardless of the comments contained in the most recent review letter. He further explained that while reviewing the Fuhrman Mill

WEST MANHEIM TOWNSHIP
PLANNING COMMISSION MEETING MINUTES
THURSDAY, FEBRUARY 15, 2018

Heights Plan, C.S. Davidson noticed some inconsistencies in the Ordinance regarding requirements for the use versus the requirements within that zoning district where this land development is located. The reason for that was because the special exception that was granted did not align very well with the Ordinance. The use was not permitted by special exception in that district. He then explained some of C.S. Davidson comments that developed from their review, such as, the distance between the building be changed. Township Engineer Chris Toms went on to explain with so many inconsistencies regarding ordinance related requirements for the use versus the district that it did not match up, C. S. Davidson decided that the plan should at least meet the special exception approval. C. S. Davidson noticed some language in the special exception that was difficult to determine what it meant. There were no definitions that applied, and the special exception was not very clear. At this point in the review C.S. Davidson did not know that the special exception had expired.

Township Engineer Chris Toms then explained that to clarify some of the language in the special exception approval, he asked township staff to pull the documents from archives to understand the context from the hearing. C. S. Davidson created the history of the approval and related extensions and realized the granted approval had expired.

Township Engineer Chris Toms explained that he had submitted engineering comments on October 25, 2017, and then a new submission revised November 3, 2017 was issued.

The Solicitor to the Board of Supervisors of West Manheim Township, Walter Tilley, III approached the Planning Commissioners. Jay Weisensale asked if the owners were aware the special exception had expired. Solicitor Tilley explained the owners were notified at the time the special exception extension was granted, the date the extension would expire.

Solicitor Tilley then proceeded to explain under which zoning ordinance the plan would be reviewed. He explained the application for the variance answers that question. In the application it refers to the current zoning ordinance. This answers the question on whether or not this is a new plan. It is a new plan with new dates. It is similar to the old plan, but it is a new plan.

Jay Weisensale asked Mr. Minnich to put into words exactly what they were asking the Planning Commissioners to do. Mr. Minnich explained the applicant seeks a variance to allow the construction of 33 multifamily dwellings in the residential District.

Jay Weisensale made a motion for a favorable recommendation to the Zoning Hearing Board to allow for the construction of 33 multifamily dwelling in a residential district. Andy Hoffman then suggested to add “that meets the entire existing code”. Mr. Weisensale would not add that to his motion. Mr. Raubenstine then questioned if the number of dwellings, 33, needed to be in the motion and Mr. Minnich stated it did not. Mr. Diehl agreed with Mr. Raubenstine to amend the motion and eliminate the number of dwellings. Jay Weisensale amended his motion.

Jay Weisensale made a motion for a favorable recommendation to the Zoning Hearing Board to allow for the construction of multifamily dwellings in a residential district as noted Variance Request under New Business, Item 10 of the Planning Commission Agenda, seconded by Duane Diehl.

After a discussion took place on the motion and which ordinance the plan would be reviewed under 1975 as amended or 2016, Chairman Myers called for a vote on the motion as presented with Duane Diehl, Chairman Myers, Darrell Raubenstine and Jay Weisensale voting ‘yes’ and Andy Hoffman voting “no”. **In a vote of 4 yeses and 1 nay, the Motion carried.**

Signing of Approved Plans

There were no plans to be signed.

SKETCH PLANS

There were no sketch plans presented

WEST MANHEIM TOWNSHIP
PLANNING COMMISSION MEETING MINUTES
THURSDAY, FEBRUARY 15, 2018

OTHER BUSINESS

None at this time

PUBLIC COMMENT

Chairman Jim Myers asked if there were any visitors present that wished to address the Commission and received no reply.

NEXT MEETING

The next scheduled meeting for the Planning Commission is Thursday, March 15, 2018 at 6 p.m.

Adjournment

Duane Diehl made a motion to adjourn at 7:30 p.m., seconded by Jay Weisensale. *The motion carried.*

Respectfully Submitted,

Miriam E. Clapper, Recording Secretary

Chairman