

MINUTES
WEST MANHEIM TOWNSHIP
PLANNING COMMISSION MEETING
THURSDAY, JULY 17, 2020
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, Jeffrey Brown, Andy Hoffman, Darrell Raubenstine, Jay Weisensale, Interim Township Manager Mike Bowersox, Township Engineer Cory McCoy, and recording Secretary Miriam Clapper.

APPROVAL OF MINUTES – Regular Meeting Minutes, June 18, 2020

Jay Weisensale made a motion to approve the Minutes from the Planning Commission meeting on Thursday, June 18, 2020.

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 Mickey Thompson spokesman for Burkentine and Sons informed planning members that he would like to speak about the Lexington Phase 2A and Belmont Ridge Phase V.

EMERGENCY SERVICES GROUP REPORT

EMC Jason Baldwin was not present.

REPORT FROM ZONING OFFICER

No report was given at this time.

ZONING CASES - None

SUBDIVISION AND LAND DEVELOPMENT PLANS

A. Landmark Homes - Waiver Request to Section 235-51 (E) of the West Manheim Township Subdivision and Land Development Ordinance to allow property driveway to exceed the 5 % slope requirement within the 25' of the street right-of-way line.

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Mr. Joseph Eisenhauer of Landmark Homes came before the Planning members to ask for a favorable recommendation on a waiver request, he submitted for a driveway that he built for a home located on Leppo Mill Road. He explained that the driveway was built with an 8 percent slope not the required 5 percent as required in the SALDO.

A discussion took place on how the driveway was put in with an eight percent and the need for the waiver. After Mr. Eisenhauer addressed the questions and concerns of the Planning members, Chairman Myers asked for a motion on the request.

Andy Hoffman made an unfavorable recommendation to the Board of Supervisors to grant the waiver request from Landmark Homes to Section 235-51 (E) of the West Manheim Township Subdivision and Land Development Ordinance to allow the property driveway to exceed the 5 % slope requirement within the 25' of the street right-of-way line, seconded by Jeff Brown. In a vote of Jeff Brown, Andy Hoffman, Darrell Raubenstine and Jay Weisensale voting "yay" and Chairman Myers voting "nay", the **Motion carried.**

B. West Manheim Township Preliminary/Final Land Development Plan (Review Time Expires 09/04/2020)

Township Engineer Cory McCoy informed the Planning members that the West Manheim Township Preliminary/Final Land Development Plan was ready to move forward with the only outstanding item to be addressed is the notarized statement.

Jay Weisensale made a motion for a favorable recommendation to Board of Supervisors to approve the West Manheim Township Preliminary/Final Land Development Plan with all outstanding engineer comments of July 15, 2020, being addressed.

After making the motion a discussion took place on the need for buffering/screening. Darrell Raubenstine then announced that he would second the motion if Jay Weisensale would add to his motion that the Supervisors would look at the landscaping requirements.

Township Supervisor Terry Rynearson at this time interjected why the plan had no screening. He explained that there had been conversation about screening and that it was decided that since it was not a requirement by law, they would not do a landscaping plan.

Jay Weisensale then reworded his motion for a favorable recommendation to the Board of Supervisors to approve the West Manheim Township Preliminary/Final Land Development Plan with all outstanding engineer comments of July 15, 2020, being addressed and recommend that even though the Board of Supervisors is not required to do a landscaping plan the Board would consider doing it, seconded by Darrell Raubenstine. **Motion carried.**

C. Lexington 2A Preliminary/Final Land Dev. (review time expires 09/18/2020)

Mickey Thompson approached the Planning members to give an update on the plan. He touched on some of the items listed on the township's engineer's comments letter dated February 20, 2020. One of those items was the zoning map to be revised prior to the plan being approved. Township Engineer Cory McCoy explained the process for changing the map and where that process was. After that explanation Mr. Thompson asked that the Planning members consider conditional approval with the lighting plan and the zoning map changes are approved.

A discussion was taking place on whether the Planning members should give conditional approval before the zoning map correction was adopted when Darrell Raubenstine interjected that he had been trying to get the developer to give correspondence that showed the developer had made contact with the church to purchase land from them for a road. More discussion took place

on the plan and Darrell Raubenstine wondered what the motion was for and Chairman Myers explained that the motion was for conditional approval of the plan before the map change took place and the lighting plan are approved. Darrell Raubenstine told them he was not ready to relieve them of their when Mr. Thompson interrupted him and said just for the record, that you are holding up the motion because you want me to turn over protected documents to the Planning Commission so that you can review what correspondence I have had with the adjacent property owners. I just want to make that clear.

Darrell Raubenstine then expressed that Mr. Thompson was trying to give him some legal jargon right now. Mr. Thompson interjected that he was giving him the rule of evidence. Darrell Raubenstine said that all he was saying was that we had a roadway that we setup years and years ago and years ago and you are trying to bypass us getting it. Mr. Thompson then asked was that roadway approved and adopted by the township, to which Darrell Raubenstine replied not yet. Mr. Thompson said that they had seen a concept plan that some other owner had that was never approved or adopted by the Township. Darrell Raubenstine declared yes it was, yes it was, yes it was. It was adopted by the township but in that point of time we allowed the property owner to record it at the courthouse, and he failed to do it. So, that the only thing we have now going up through there now is the sewer; maybe the water, I'm not sure but I think it is the sewer. The intent was there, and we did everything we could at that point.

Darrell Raubenstine then explained after that the township had the township engineer, no the township attorney do all the filing. We made sure everything was done correctly. Chairman Myers then explained that as it exists right now the issue with that road will need to come up when that section of the business center is attacked. Darrell Raubenstine then said that we don't want the way he is coming out to a dead end in that development there...we wanted that road to come out so that there was a second entrance and exit. Do you remember that guys? Andy Hoffman replied yup. Chairman Myers asked was he talking about the one that, to which Darrell Raubenstine showed Chairman Myers and said here the one in the corner. Darrell Raubenstine then noted that the developer is going in there with a long cul-de-sac. Darrell Raubenstine pointed out that they were not making any provisions to eventually do it if you are not going to do it now.

Darrell Raubenstine expressed that he was not in favor of moving it along in any way but was okay with acting on the zoning part. He said that they would need to make some changes to the design before they would get my approval or recommendation for approval. Chairman Myers then said there were twelve homes back there.

Chairman Myers then asked if there was any more discussion or questions on that and received no answer. Chairman Myers then asked for a motion of the conditional approval request based on the fact that they expect to have the zoning change and the lighting plan was the last part the needed to be added here to meet the ordinance . He then asked if there was an opportunity here for someone to make the motion for a favorable recommendation on that. To which Darrell Raubenstine asked if the motion could be broken into two pieces or just want to proceed to make it one piece. Chairman Myers expressed that he didn't know why it couldn't be done in one piece. Darrell Raubenstine asked if the Chairman was happy with the design, that's my question to you. Chairman Myers answered yes, and Darrell Raubenstine said I'm not. Chairman Myers said that it was what they have, what we can get. Mickey Thompson then said it's nothing that we have on...then Chairman Myers said the future of the business center is where we would talk about getting that other road in. But Darrell Raubenstine said we still need to have an access over to that road in the business center at a later date and they are making no provisions to think of doing it.

Jay Weisensale then pointed out they would need to go over the floodplain and that is the drawback. Mickey Thompson then asked Township Engineer Cory McCoy to correct him if he was wrong but that is not a comment listed on your February 20 or an earlier version that somehow does not meet the ordinance or the SALDO in terms of how it is oriented and designed. Darrell Raubenstine then said that cul-de-sacs are not allowed. Mickey Thompson said it was a stub street not a cul-de-sac. Darrell Raubenstine said it's a what? Mickey Thompson said it was a stub and Andy Hoffman asked if stub streets were defined in the ordinance.

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Darrell Raubenstine said he had never heard of a stub street in all his life, educate me. Mr. Thompson then explained it was a stub street not a cul-de-sac and they will need to design it to include a temporary cul-de-sac. Chairman Myers asked would it be designed with the 80-foot diameter. Mr. Thompson said that is correct but that is would not necessarily remain a stub street or a cul-de-sac in perpetuity. Chairman Myers asked that it could continue through, which Mr. Thompson said it could and they would be required to redesign that to meet the township's roadways if they are all connected. Mr. Myers said this is all private, but it does meet the roadways. Chairman Myers said that EMS has no issues with it.

Chairman Myers said that Darrell wanted to make two motions and asked how he would do that. Darrell replied the first would be the zoning. He agreed that the property should be one zone not two different zones. Chairman Myers and Jay Weisensale pointed out that action has already been done because it says that the zoning map change must be revised prior to the approval of the plan. The second part would be, and the only way Darrell Raubenstine would be willing to recommend approval of the plan would be that they took Winston Court off the plan until they do something about the other end. Andy Hoffman said until there was an escape plan for the twenty-four residences/properties on a dead-end street. Andy Hoffman corrected himself and said it was thirteen not twenty-four. Chairman Myers said that until they build it there would be no outlet to anywhere.

Mickey Thompson apologized to Darrell Raubenstine that he was looking at the road at the south end of the plan not at the cul-de-sac on the left. He didn't want to make that part of the record that he wasn't telling the truth there is a cul-de-sac there. Darrell Raubenstine asked that Mr. Thompson's apology put into the minutes in big bold letters. He wanted to clear the record up. If he was nothing, he was at least honest.

Jay Weisensale noted that the only thing he could see that is a little bit different about the cul-de-sac is the fact that there is parking, not just a street going back. You have those parking spaces on the lower side all along there and if those cars could be removed, you might be able to get fire equipment in there and still get people out. It's not just a street there. Ted Decker engineer for the developer said that EMS is okay with this design with a fire hydrant placed in the cul-de-sac and sprinklers will be added to the attics of the homes on Winston Court. Jay Weisensale said that they were more concerned about getting the residents out if there should be a fire. Darrell Raubenstine expressed that there was a lot more thinking that needed to be done concerning Winston Court and as far as he was concerned Winston Court should come off if they wanted to move the plan forward then the way it is now.

Andy Hoffman agreed with Darrell Raubenstine and reminded the Planning members had seen this drawing many times and the dead-end street has been an issue each time. He continues to question why they are moving with a cul-de-sac street which has a tremendous number of houses on it.

Jeff Brown then expressed his frustration at not seeing the Master Plan for this area. He explained that he had asked for it before and he hasn't seen it. It is hard to envision what the overall area will look like with out seeing the Master Plan and how all these pieces fit together. Mr. Thompson said that all they had to go on was what the engineer, which the township pays, to make recommendations to them and that is not part of the recommendations that it shouldn't be there. Jeff Brown understood that Mr. Thompson is representing his client and the Planning Commission represent the people of the township. He further explained that everything they are presenting could benefit the township but without seeing the overall plan, they cannot make a decision.

Mr. Thompson then said that they were here on this plan. Jeff Brown noted that Mr. Thompson's client has come to the planning board many, many times over the years with various requests and they had approved a good many of them. But felt at this time he wanted to know what the impact of this development was going to have on him, his family, and the residents of West Manheim Township.

Jeff Brown explained that is why he is a part of the Planning Commission and the other members were a part of the planning board to see the impact of what developments will have on West Manheim Township. Mr. Thompson understands Mr. Brown's point, but he couldn't come up with a magic plan that would address every single concern that you have. Mr. Thompson questioned why he was being asked to bring in protected documents for review for what reason I do not know. Jeff Brown wanted to know why the documents were protected. Mr. Thompson explained that any document between the buyer and the seller is considered part of a legal negotiation, it's not evidentiary, it's not admissible in court.

Jeff Brown did not understand how his asking for an overall plan of the area for development related to Mr. Thompson's answer about protected documents. Mr. Thompson explained that Jeff Brown is bringing up concerns that have already been addressed. Jeff Brown said that he was trying to take an area very broad to cut it down to small pieces. Mr. Thompson then asked to get Lexington 2A I need to bring in other properties that Burkentine happens to own so you will approve Lexington 2A. Jeff Brown wants to see the commercial center and Darrell Raubenstine point the roads. Mr. Thompson said that the commercial center was not something at this point is not something we can develop. We need to have roof tops to support a business center. Chairman Myers said they may have to know what is going in there. Chairman Myers said that once they develop the business center, they will be able to see how everything fits together. They already know that with the plan for Belmont Ridge Phase 3 that is going to connect into the business center. Then at that time Lexington could have a place to connect as an escape route for the people in the cul-de-sac.

Township Engineer Cory McCoy said it allowed them to do so in the future. Cory McCoy then addressed the Concept Plan. He explained that it is not something that the Planning Commission would be approving or that a developer is bound by. He said that it could change owners several times before that piece of land ever gets developed. So, whatever is brought before the Planning Commission doesn't mean a whole lot, because they can do anything they want, that is allowed by the ordinance. Darrell Raubenstine said that was the exact fact of why the cul-de-sac must show something going over the property line so it can be connected to the road that comes through eventually. Jeff Brown said that it provides for the framework. Jeff Brown then talked about how he is working on a similar situation, but he is providing a master plan for the project fully realizing that it is not going to happen, but it is a least something. It shows the overall ideas.

Discussion took place on when the business center might be built. Mr. Thompson added that they are looking at the current retail market where they currently are under roof and wonder if the Planning members just wanted him to make up anything. Mr. Thompson said it didn't make sense.

Darrell Raubenstine wanted to know if Mr. Thompson was aware that all the private roads had the option to tie-in to the business center at a later date. Mr. Thompson was only aware of the plan in front of them.

Jay Weisensale asked if they were aware that the business center was not feasible due to the grades of the land. Mr. Thompson explained that the access to Panorama Drive has been fixed. They have talked about the steep grades and to try to get to the business center because of crossing a water stream. Mr. Thompson said there is one strip of land that is environmentally sensitive protected area and to try to cross there would be nothing they could do there that they wouldn't lose money.

Andy Hoffman wanted him to clarify why after the many time this plan has come before the Planning Commission, and they have been opposed to the dead-end street with 12 houses and no emergency access out each time, why does the Plan still show the dead-end street. Andy Hoffman then asked the Township Engineer Cory McCoy to explain how this is allowed in the code.

Darrell Raubenstine asked if a decision was needed tonight. Darrell Raubenstine wanted them to look at the plan and bring back something more acceptable, unless they are saying that they are not going to do it. Mr. Thompson asked that they make a

recommendation one way or another. He felt that the developer had waited long enough just for the zoning issue, which has taken six months. Darrell Raubenstine said that they hadn't done anything for them for this plan. Mr. Thompson said that they have reviewed the plan with township staff, we met with EMS, which they talked about the cul-de-sac is a place where they can go, we have added extra fire hydrants, we added sprinklers to the homes.

Township Engineer Cory McCoy read from the SALDO that the use of cul-de-sacs are not allowed in the township if the township was going to adopt that street, but they can be used when the streets are private. They can have a cul-de-sac. Darrell Raubenstine asked what happens if the township would need to takeover the streets, which Chairman Myers said that it is one lot, everything is private. Darrell Raubenstine expressed that after the engineers go away, West Manheim Township is stuck with their decisions and he feels it should be addressed now. Mr. Thompson said that he understood Darrell Raubenstine's concerns, but they planned on renting the townhouses out, so they would be responsible and if in the future the landowner would want to sell it, it would still be under the HOA and it is their responsibility. They can only deal with what they have now and the must follow the ordinance.

Chairman Myers asked if someone wanted to make a motion on the favorable recommendation request with conditional approval based on the zoning change amendment and the lighting plan.

Darrell Raubenstine said he could make a motion to table it if they were going to do something, but if you are not, I would recommend denying it. Mr. Thompson said that he would recommend denying it because they were not going to do anymore to the plan, and it can go before the Board of Supervisors.

Darrell Raubenstine made a motion for a favorable recommendation to the Board of Supervisors to deny approval of Lexington 2A until they compromise on the egress and ingress on the cul-de-sac to get people in and out of it, seconded by Andy Hoffman. In a vote of Jeff Brown, Andy Hoffman, Darrell Raubenstine and Jay Weisensale voting "yay" and Jim Myers voting "nay" the Motion carried.

D. Belmont Ridge Phase V – 203 Lot – Preliminary Plan

Ed VanArsdale from Warehaus Engineering representing, Burkentine and Sons Builders for Belmont Ridge Phase V came before the Planning Commission to present a new layout to the Planning members. The new plan showed where the cul-de-sacs had been removed and added snow removal areas. The waiver request on the cul-de-sacs that was previously denied is no longer needed. He also informed the Planning members that there was an open waiver that was tabled by the Board having to do with open space and recreation fees. Mr. VanArsdale said that the other waiver request having to do with the drafting standards that the Planning members had recommended to the Board for approval was approved.

Mr. VanArsdale then asked the Planning Commission for a favorable recommendation to the Board of Supervisors on the condition that all engineers comments are addressed as the review time for this expires September 4, 2020.

After discussing the plan and addressing the concerns of the Planning Commission Chairman Myers asked for a motion to table.

Jay Weisensale made a motion to table, seconded by Darrell Raubenstine. **Motion carried.**

Darrell Raubenstine made a request to have Chris Toms be present at the next planning meeting Belmont Ridge Phase V is presented with the changes they will be making.

SKETCH PLANS

No sketch plans were submitted for review.

SIGNING OF APPROVED PLANS

Recording Secretary Miriam Clapper asked that plans that the Planning Commission had already acted on be signed since they were available at this meeting. Andy Hoffman asked Cory McCoy and Mike Bowersox if they were needed to sign off plans, they did not approve. It was explained that the wording says that the Planning members reviewed the plan.

OTHER BUSINESS

Andy Hoffman explained that at the last Board meeting he had mentioned that there was a recreation and safety plan that shows sidewalks along the main corridor to allow people to safely walk along the Baltimore Pike to other developments and to shopping areas.

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, August 20, 2020 at 6 p.m.

ADJOURNMENT

Jay Weisensale made a motion to adjourn at 7:40 p.m., seconded by Andy Hoffman. **Motion carried.**

Respectfully Submitted,

Miriam E. Clapper, Recording Secretary

Chairman