

**EAST MANCHESTER TOWNSHIP
PLANNING COMMISSION
FEBRUARY 26, 2008**

At a regular meeting held at the township building, the following members were in attendance: Blaine Rentzel, Robert Nace, Edward Hewitt, Mike McCowan, and Mike Scarborough. Also in attendance were Engineer Laymon Mortorff of Gordon L. Brown & Associates and Zoning & Codes Enforcement Officer Katrina Rife.

Chairman Rentzel called the meeting to order at 7:01pm.

The minutes of January 22, 2008 were approved as presented.

Chestnut Valley – phase 4 preliminary subdivision revision

David Getz, Esq. of Wix, Wenger & Weidner, Denise Dohner of Harbor Engineering, and Bill Bashore presented plan 07251-002 dated 12-11-07 revision 2 dated 2-14-08; a revision to the preliminary subdivision plan from 2000 creating 1 lot.

This plan showed a stub road connecting to the property of PPL. Dave and Denise were not involved with the 2000 plan, but apparently at the request of the township a stub road was shown to get to this property for future development there and the idea to connect the developments together made sense. That property is no longer being developed per the plan and that brought them to revise the preliminary plan to get rid of the stub street and add 1-lot where the street was shown.

They are not adding to any storm water management due to less impervious with this lot than the street.

This was originally submitted as a final plan because the final phase 4 plan showed 2 lots, which was with a prior engineer and unknown as to why that was done.

They are asking to go back to the original preliminary plan and eliminate the street and put a lot there.

Blaine stated the Planning Commission was in receipt of copies of letters dated 12-11-07, 2-15-08 (both from Harbor Eng), 1-16-08, and 1-18-08 (both from East Manchester Township) regarding this plan.

Blaine asked Katrina Rife how this plan ended up here? He informed the applicants that some zoning ordinances have changed since the original plan. Katrina Rife explained that staff and engineer recommend this is a new plan. It is here because they have the right to request their plan be given review by the Planning Commission per advice from Attorney Andrew Miller.

Dave Getz confirmed he spoke with Attorney Andrew Miller who referred him to section 3.7 of the Subdivision and Land Development Ordinance. It is their contention that they do meet the subdivision ordinance.

Blaine added that the other plan was recorded.

Dave confirmed that the phase 4 final plan was recorded.

Blaine asked if that was recorded so this would be a new subdivision that you are asking for here.

Dave confirmed they are modifying the original preliminary subdivision that was approved and never recorded because you don't record preliminary plans.

The phase 4 final plan that was recorded eliminated the street and showed a property line down the middle and made 2 larger lots.

One of the phase 3 lots were taken out and 3 lots were added back into this phase due to stormwater planning, which was before the recording of the final plan.

Bill - phase 3 or 3B needed a permit from Army Corps of Engineers, lost 3 lots, when that was all done then Dawood added 3 lots in phase 4 prior to recording of final phase

Mike M. stated this is different than what we are looking at here – post final plan approval. This is being asked to move around after final plan approval everything else was before final plan approval, right?

Dave answered that it was, but it did differ from the preliminary plan that was approved

Bill reminded of the realignment of road due to the placement of the clubhouse, which would come out to police barracks. PPL changed that but when engineering was done, it just got missed. It was put back into the other lots.

Mike S. questioned plan being called phase 4 – should it be called subdivision of lots 48 & 49?

Laymon explained this cannot be done:

1. if all lots are to be included in preliminary plan then need signatures of all lot owners who are part of the plan. Only thing that can be included is land that Mr. Bashore has control of. He asked if lots have been sold in phase 4. Dave confirmed yes. Laymon explained that any of those lots cannot be included in preliminary or final plan unless signatures of those lot owners are included.
2. section 3.7 of the SALDO summarized states if final plan approved and recorded then whatever the ordinance is that is in effect is applicable to the plan. This could be done but they must go to the Zoning Hearing Board to get variances for lot area and lot width, which is clearly stated in letter of 1-17-08.

Dave commented on their position where they believe they've submitted with a phasing schedule and are still under existing ordinance protection.

Laymon contended that lots no longer under Mr. Bashore's ownership cannot be included, the plan can't show 317 or so lots unless ownership of each of those lots is included.

Dave asked if he understood a subdivision of those 2 lots is what is being suggested.

Laymon agreed and continued to clarify the existing Zoning ordinance is what is in effect and a variance is needed to meet those conditions in order to subdivide in this manner.

He also stated the Planning Commission does not have the ability to do anything else, you can't even ask them to do it because they cannot take an action that is adverse to their zoning ordinance unless you have a variance.

Blaine asked if they have been to Zoning Hearing Board

Mike M. added that his questions were leading to the same.

Denise asked if the preliminary phasing could be revised and this be called phase 4A

Laymon responded that it can be called anything you want to, but it is still just 2 new lots

Blaine further explained the need to go to Zoning Hearing Board and ask if they would approve

Mike S. agreed and mentioned that there is a good argument for it

Blaine reiterated that there is already a recorded plan showing as two lots, the street is history, if you want to take 2 lots and make 3 lots, you have to go to Zoning Hearing Board and get approval there before coming to the Planning Commission. Then as long as the plan has the setbacks and proper details in order it could be reviewed.

Mike M. commented that what it comes down to is as a recommending body, they can't do anything with this.

Mike S. commented on harmony with rest of neighborhood on lot width, which gives a good argument, but needs to follow procedure.

Bill Bashore questioned another issue on approximately 20 lots purchased by the builder which will have smaller dwellings than planned, which is less impervious cover which gives more stormwater management in other areas which would have an impact on this lot.

Smaller now doesn't mean it will be in future. Stormwater management is calculated for future additions and use of allowable impervious areas.

The Planning Commission can't do anything now with this plan until a Zoning Hearing Board decision is rendered.

If a variance is granted and this plan comes back it was suggested to go to final plan submission for just the lots 48 and 49 creating 48A.

Dave offered that part of their thought process in coming here was that the preliminary plan was approved under prior zoning ordinance and they were continuing to follow that ordinance because of going through various phases and under MPC if plan approval, then a grandfathered period to follow old ordinance gave them protection.

Blaine confirmed that plan was recorded and it had to follow but since that time the ordinance has been changed and need 100' wide lots.

Per Gordon L. Brown & Associates letter dated 1-17-08

The purpose of this plan is to subdivide existing Lots 48 and 49 in the above referenced subdivision into three lots. The three lots meet the criteria of the East Manchester Township Zoning Ordinance as it existed when the original Chestnut Valley Phase IV plan was approved, but not the lot criteria for lot width and lot area of the subsequently amended and now existing Township Zoning Ordinance. Therefore, variances for Lot Area and Lot Width must be obtained from the East Manchester Township Zoning Hearing Board before this plan can be approved.

Section 3.7 of the Township Subdivision and Land Development Ordinance provides that "any" ... "re-subdivision including changes to a recorded plan, shall be considered as a new application and shall comply with all requirements of this Ordinance".

The following comments relate to the Township Zoning Ordinance:

1. The Lot Area is required to be 20,000 square feet and the Lot Width is required to be 100 feet (S.303.D)
2. In the Site Data the required Maximum Cover should be 20% and not 30% (S.303.D).
3. The Note at the end of the Site Data should be modified relative to zoning data.

The following comments relate to the Township Subdivision and Land Development Ordinance:

4. The plan should be re-titled because it is only relevant to Lots 48 and 49 of Phase IV of Chestnut Valley. Otherwise, signature blocks would have to be provided on the plan for all existing lot owners. (S6.1.1.B(1)q) in Phase IV, as well as all UPI number and addresses (S6.1.1.B(1)w and x).

Per York County Planning Commission letter of 1-15-08

These comments refer to the East Manchester Township Zoning Ordinance:

1. A minimum lot area of 20,000 square feet should be indicated on the plan under "Zoning Data" (s.303.D). The proposed lots do not meet this requirement.
2. A minimum lot width of 100 feet should be indicated on the plan under "Zoning Data" (s.303.D). The proposed lots do not meet this requirement.

These comments refer to the East Manchester Township Subdivision and Land Development Ordinance:

3. The following information should be shown on or provided with the plan:
 - A. The site data (lot area and total number of lots) should reflect the proposed three (3) lot subdivision, not Phase IV in its entirety (s.5.1.1.B.1.l).
 - B. If applicable, the names of all adjacent property owners (s.5.1.1.B.1.m).
 - C. Any required Sewage Facilities Planning Module for approval by the Pennsylvania Department of Environmental Protection or exemption (s.5.1.1.C.1.f).

After discussion and deliberation with consideration of prior comments and recommendations, Blaine informed the representatives that they may choose to request a table until they have sought a decision from the Zoning Hearing Board or the plan as presented would be given a recommendation for denial from the Board of Supervisors. It was also acknowledge that a waiver of time was signed 1-16-08.

A request by Bill Bashore to TABLE to allow time for Zoning Hearing Board decision was made and granted.

Katrina Rife explained the timeline for application to Zoning Hearing Board and upcoming hearing dates. She noted applications are available from the website or call or email.

Amusement Tax

Bill Bashore asked if an amusement tax will be imposed once the golf course is open? That is something the Board of Supervisors would address.

Upcoming Plans

JG Leasing subdivision Zions View Rd
JJ Two-Steamboat Blvd subdivision
SADG-11 land development (proposed Giant)

A motion to adjourn at 7:43pm was made by Mike S. seconded by Ed and carried unanimously.