

East Manchester Township
PLANNING COMMISSION MINUTES
January 22, 2013

At a regular meeting held at the Township Building, the following members were present: Blaine Rentzel, Robert Nace, Edward Hewitt, Mike McCowan, and Mike Scarborough. Also present: Engineer Laymon Mortorff, Zoning Officer Jon Beck, Township Solicitor Andrew Miller of Miller, Poole, and Lord, Recording Secretary, and four citizens.

Chairman Rentzel called the meeting to order at 7:00 p.m.

Reorganization

Motion by Scarborough, second by McCowan, to keep the slate of officers for 2013 the same as 2012. All members voted aye; motion carried.

Minutes

The minutes of the meeting of October 23, 2012, were approved with no formal motion or second.

Plans

A. Daniel and Angela Loych, 665 Locust Street; Reverse Subdivision

Patty Fisher, James R. Holley & Associates Inc., was present with Daniel Loych. This reverse subdivision plan is dated December 27, 2012, with one revision dated January 17, 2013. The Loyches own all properties on the plan, previously subdivided in 1980. Lot 2A is a 50 foot Right-of-way (Locust Street Extended), which is a private road. In 2006, in a corrective subdivision, the lot line between 665 Locust St. and 675 Locust St. was amended to address issues at the 675 Locust St. property, and the private street was not provided for dedication. Now, the Loyches want to attach the Right-of-way to Lot 2. The proposal is to add the 50' right-of-way, known as Locust Street Extended, to Lot 2. Lot 2A, Locust Street Extended, will be made part of Lot 2; lot 3 is already a separate lot. Mr. Rentzel asked the applicants if they understood this plan is removing the existing road frontage from his two lots, and without Township road frontage on Lot 2, they won't be able to build on this lot. Attorney Miller gave information on the history of the lots. Lot 2 and 3 on current plan are on one deed; they are assessed as one lot, not separately assessed. According to Attorney Miller, under the MPC, after five years from the approval date of the subdivision plan, the owner is subject to any changes in the ordinance. Road frontage is now required for each lot, so the reverse-subdivision of Lot 2A and Lot 2 will not meet the requirements of the ordinance. The other problem is adding another dwelling's access onto a private street. Evidently the improvements that were proposed on the plan were never sufficiently made, and no confirmatory deed was produced. Does the Township want to permit another dwelling on the private access road? Apparently there are at least four houses using the private street now. It was noted that there is a sewer lateral for Lot 2 across the street. The Loyches would like to build a home on the new lot and sell their current home. There is the possibility of having a proper maintenance agreement put in place for the access drive. How about the church's access? All church patrons access through Saginaw Road. Mr. Beck noted that if the church ever wanted to use that access, they would have a right to do so, and would need to be a part of any maintenance agreement. Mr. Beck feels that it should be handled through quick-claim or quiet title, not subdivision.

Plans were recorded, but nothing further was done to perfect the process, except the installation of the sewer lateral.

Mr. Miller referenced a 2009 court case with a similar situation. A subdivision plan from the 1970s was deemed expired and the owners could not use the lots as building lots.

Any deed in the future will need to correspond to all approved subdivision plans. The street ROW definitely needs to be addressed. The original subdivision was done in the 1960s, creating all the lots.

All of Locust Street is to be shown as a ROW. Mr. Mortorff has a problem with the last note added to the plan, noting that it doesn't really identify the proper parties, etc.

Mr. Loych spoke with Mr. Beck earlier, who, along with Mr. Gentzler, advised him to get an attorney to correct the deed problem; then he could build his home where he wants to. But he can't get title insurance for Lot 2 because there isn't clear legal access to that lot. Mr. Mortorff's concern is if he can't get title insurance for Lot 2, how could he get title insurance for Lot 3?

Mr. Rentzel suggested getting an agreement to state that Locust Street is a private road and everyone along there has rights to ingress and egress. Have all parties/residents approve and sign it. Would this satisfy the title insurance company? Likely. But, does the Township want to permit another dwelling on this private road? Is that even an issue before the Planning Commission tonight?

Could Mr. Loych request that this plan be tabled until next month to permit him time to get an agreement from the neighbors?

Make sure emergency services personnel have enough access to all the dwellings along the private road.

The applicant requested that this plan be *tabled* until he has a chance to get his documentation in order. So be it. The Planning Commission members voted unanimously to table this plan until next month.

B. Starbucks Coffee Company; Reverse Subdivision Plan

Mr. Scarborough stepped down from the Planning Commission due to a conflict of interest. Tim Bieber, 387 Concord Road, York, PA 17402, was present on this plan, plan #512023, dated October 29, 2012, revision 2. Five waivers are requested: preliminary plan, stormwater management facilities to not encroach setback area, street to have 60' ROW, 150' clear sight triangle, and curb and sidewalks.

This plan proposes some future flexibility to possibly connect the two buildings. It was noted that Starbucks did obtain a Variance for the front setback requirements of the parking lot and a Variance to permit a fence in the front yard, with the condition the fence will be screened with arbor vitae. Mr. Mortorff has no problem with the waiver for the stormwater management not encroaching into the setback area.

Motion by McCowan, second by Nace, to recommend approval of the waiver request for Section 208-21, Preliminary Plan Requirements for Plan 512023, Starbucks Coffee Company, making sure the UPI number references are correct. All members voted aye; motion carried.

Motion by McCowan, second by Hewitt, to recommend approval of the waiver requests by Starbucks Coffee Company for Section 199-15.S (stormwater management facilities to not encroach into setback); Section 208-46.B (60' street ROW); Section 208-46.F.5 (150' clear sight triangle), and Section 208-47 (curb and sidewalks). All members voted aye; motion carried.

The Planning Commission reviewed the comments on Gordon L. Brown's letter dated January 10, 2013. Outstanding is Item 3, owner's, engineer's, and surveyor's signatures to be provided, (Section 208-34.B17 and 18).

Motion by Hewitt, second by McCowan, to recommend approval of the Final Reverse Subdivision Plan of Starbucks Coffee Company, Plan #512023, subject to the satisfactory resolution of item 3 referred to above. All members voted aye; motion carried.

C. Starbucks Coffee Company; Land Development Plan

This proposal is for an expansion of the parking lot and loading area and perimeter fence. Variances were granted for Section 255-17.B.2, parking not closer than 35' of front property line (20' will be permitted); and for Section 255-43.A, to permit security fencing in front yard as long as it's screened by arbor vitae.

Outstanding comments from Gordon L. Brown's letter dated January 10, 2013, were reviewed: 3, stormwater management plan approval (Section 208-34-B.14); 5a, surety (Section 208-34.C.13) and 5b, erosion and sedimentation control plan approval (Section 208-43.C.9); 6, owner's, engineer's, and surveyor's signatures to be provided (Section 208.34.B.17 & 18).

Waivers requested: preliminary plan, SWM facilities to not encroach setback area, 60' street ROW, 150' clear sight triangle, and curb and sidewalks.

Motion by McCowan, second by Nace, to recommend approval of the waivers requested for the following: Section 208.21, preliminary plan (making sure the UPI number references are correct); Section 199.15.S, stormwater management facilities to not encroach in the setback area; Section 208.46.B, 60' ROW; Section 208.46.F.5, 150' clear sight triangle; and Section 208.47, curb and sidewalks. All members voted aye; motion carried.

Motion by Hewitt, second by Nace, to recommend approval of the Land Development Plan for Starbucks Coffee Company, subject to the satisfactory resolution of the following items referred to above: 3, 5a, 5b, and 6.; AND verification of the pump's capacity and the location of the check-valve. All members voted aye; motion carried.

Zoning Cases

None this month.

Additional New Business

The Township is preparing some changes to the Subdivision and Land Development Ordinance and the Zoning Ordinance. These changes will be presented to the Board of Supervisors and the Planning Commission. The Comp Plan was finalized in 2005; it may be required to review the 2005 Comprehensive Plan to determine if any changes need to be addressed.

Motion by Rentzel, second by Nace, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:38 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary