

East Manchester Township  
PLANNING COMMISSION and  
ZONING ORDINANCE REVIEW  
Minutes  
September 24, 2013

Chairman Blaine Rentzel began the work session at about 6:10 p.m. Members present: Robert Nace, Edward Hewitt, Mike McCowan. Mike Scarborough arrived at 6:38 pm. Also present: Engineer Laymon Mortorff, Zoning Officer Jon Beck, Recording Secretary and no citizens.

Discussion continued on the Ordinance amendments.

Correction to the draft dated 9/16/13: Page 6, Section 12, E. "No final grading shall be permitted which creates a fill slope or any exposed surface steeper ..." (rest as is).

Continuing with Section 29, B. Permitted uses – as recommended.

Section 30, an attempt to be a bit more general in the Commercial Zone. As recommended. Discussion was held on the exclusion of some businesses in some zones. Mr. Beck explained the differences.

Section 31, as recommended.

Section 32, Section 255-16, add Medical business to Commercial Zone.

Section 33, Unattached structures accessory to residential buildings. Mr. Beck noted that he's received many calls from residents who feel that the accessory structure requirements are too restrictive. Discussion was held on permitting the height of the accessory structure to be determined by the height regulations of the prevailing district. Does it make sense to permit a shed, say, to be as high as the house on the lot? Average building height in the R-1 zone is between 20 and 30 feet, Mr. Beck says. Keep it as is (15 feet or one and one-half stories), and require a variance for anything over that? Is this an actual concern? Would someone actually put up a 35' high accessory structure in the residential zone? Likely not, but perhaps so out in another district with a larger lot. How about 25'? Make it 25'. Remove ~~shall comply....~~ ; add ... not be higher than 25 feet ..."

Still in Section 33, discussion was held on permitting accessory structures in the second front yard. Mr. Beck receives many requests to do so. What about the setback in that second front yard? The clear sight triangle is an important aspect of this option. Mr. Beck noted that there are many accessory structures in second front yards that were apparently approved before his coming to the Township.

(Mike Scarborough arrived at this point, 6:38 p.m.)

By way of clarification, Mr. Beck provided a lovely and helpful visual aid on the white board. Mr. Scarborough was having a hard time picturing an accessory structure in the second front yard at all. The structure could conceivably be in one resident's second front yard and right next to the adjoining neighbor's front yard. How would that look?

Consensus of the Planning Commission members: keep it as it currently is. Eliminate the proposed wording: "~~or second front yard of a corner lot.~~"

Section 34: Unattached structures accessory to non-residential buildings. This part was put in the ordinance because a storm water pond is considered an accessory structure; the proposed amendment will permit such a pond to be within the second front yard of a corner lot. Should the ordinance be more specific as to what structure should be permitted? Or refer to storm water pond, saying that it must comply with the setback requirements but not the yard requirements. Mr. Beck will propose wording for next month's work session.

[Work session suspended to conduct regular business.]

At the 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, Recording Secretary, and six citizens. Chairman Rentzel called the meeting to order at 7:00 p.m.

### Minutes

The minutes of the meeting of August 27, 2013, were approved as submitted with no formal motion or second.

### Plans

A. Brady J. Barnes – 3-lot subdivision at 445 Blossom Drive

Patty Fisher, J.R. Holley & Associates, was present with Mr. Barnes on the presentation of the Preliminary/Final Subdivision Plan, revision dated 9/16/13. The proposal is to subdivide the parcel into three lots. Lot 1 will retain the existing dwelling, well, septic, and driveway. Lot 2 is being proposed as a building lot; Lot 3 will be for Agricultural use.

The comments on Gordon Brown's letter dated September 12, 2013, were reviewed.

Outstanding items: **2A**, Planning Module Approval (Section 208-31.A.3a.6); **2B**, UPI number and street address for Lot 2 (Section 208-34.B.25); **3**, wetlands delineation to be done to certify that there are no wetlands on Lot 2; **6**, NPDES permit/stormwater plan/E & S plan.

For Item 3, discussion was held on the wetlands or lack thereof. There was no actual wetlands delineation or study done to prove that there are no wetlands on the lot (Lot 2). To accurately state on the plan that there is no wetland area, a study must be done.

For Item 6, discussion was held on the uncertainty of the eventual house size and location on Lot 2, which makes it difficult to address storm water and grading. The applicants are requesting to obtain the NPDES permit at the time of the building permit. The E & S plan and stormwater plan must be included or a waiver must be submitted. Ms. Fisher verbally requested a waiver at tonight's meeting. These items will be submitted at the time of the building permit. If the waiver is denied, the applicant would be required to submit all three of these facets with the plan. The trouble is remembering that these items are outstanding at the time of the building permit issue. Option—make sure Mr. Beck flags this properly so that it's not swept under the rug. The Planner Commission members were not comfortable making a decision just yet.

**Motion by McCowan, second by Scarborough, to recommend approval of the following waivers: preliminary plan, Section 208.21; curbs, Section 208.47.a; sidewalks, Section 208.47b; street design, Section 208.46.b. All members voted aye; motion carried.**

On another matter, there's a 50' ROW designated in the Poplar Estates Subdivision, which abuts Mr. Barnes property, specifically the proposed Lot 3 of the submitted Subdivision Plan. The 50' ROW was originally proposed to connect Poplar Estates to Blossom Drive. What to do about this and when? The applicant would prefer not to show the ROW on this plan, as he feels it will reduce the property's value, what with the possibility of a roadway going through the property. Should a note be included on the plan to indicate that the ROW will be added/shown when the land is subdivided? This issue requires a trip to the attorney's office for discussion, and the Planning Commission members requested the attorney's input before making a recommendation one way or another. Is the attorney comfortable waiving the E & S information until the building permit stage? This is the question to ask. The possibility is to waive the requirement for the applicant to have NPDES approval at this time, but to require it at time of the building permit. Mr. Mortorff and Mr. Beck informed the Planning Commission there may be some issues if the Township would ever be audited by the EPA or DEP, since the East Manchester Township is a MS4 municipality. The Township must be careful to make sure no earth-moving activities

are done prior to have an approved E & S plan. Mr. Mortorff and Mr. Beck both referenced what happened to York City and the six-figure fine that was assessed because of not following MS4 requirements.

Are there too many sticky issues outstanding to be able to recommend approval of this plan? Perhaps. With permission/by request of the applicant, this plan was *tabled* until October 2013 to permit the gathering of further information and to provide time for the applicant to address the open items.

B. Chris Gantz, 439 Park Street, has a complaint about a neighbor's roosters. This is the opposing point of view from the one presented last month at the ordinance review work session. Unfortunately, due to time constraints, this issue will not be discussed tonight. Perhaps the Planning Commission will get to address it at next month's work session.

C. Hillwood Investment Properties

Gary Frederick and James Snyder were present on this Land Development Plan proposed for Hillwood Investment Properties, 465 Zion's View Road, (the Gross property) in the Industrial Zone. The two of them would like to make certain that the plan they submit to the Township is thorough and proper. There will be subdivision plan which includes a small land swap, as well as some lot combining. There's also a land development plan for a warehouse and distribution center covering approximately 95 acres. There are some buyers interested in the site, but there are no specifics yet. The applicants have submitted the plans, are addressing the review letters received from the engineers, and a traffic study has been done. Mr. Mortorff reported on the concerns and options for addressing the traffic situation in the general area. These concerns will be included on his comment letter which will be presented to the Planning Commission later in the process. It was noted that the applicant does indeed have a sales agreement with the owner/seller. Waivers to be requested: sheet size, preliminary plan, roadway improvements on Zion's View, including curbs and sidewalks and cartway widening, detention pond slope in the setback, and recreation fees, to name a few.

**Zoning Cases**

None this month.

**Additional New Business**

None at this time.

**Motion by McCowan, second by Nace, to close the regular meeting. All members voted aye; motion carried. The meeting adjourned at 8:43 p.m.**

Continuation of work session:

Section 35, glare (parking lot lights) – as recommended.

Section 36, fences and walls – makes this ordinance mesh with the storm water ordinance requirements for fences. As recommended.

Section 37, simple change to delete a comma and "drainage" from a sentence – as recommended.

Section 38 – to permit see-through fences in the front yard in the Commercial and Industrial districts. [see-through is indeed hyphenated]

Section 39 – add new subsection; as recommended.

Section 40 – delete section on pools/fences/walls and replace it with the recommended section. Makes the Zoning Ordinance consistent with the UCC.

Section 41 – add Subsection D, as recommended. Looks to reduce health hazards. Might be hard to identify what's in working order and maintained. Might be subjective, but at least the Zoning Officer will have some options now.

Section 42 – buffer strips – sets the buffer strip back at least 15' from the property line and blocks visibility from residential structures on adjacent properties. As recommended.

Section 43 – buffer areas – as recommended.

Section 44 – off-street parking spaces to be compliant with the ADA Act of 1990; add “as amended.” As recommended with this change.

Section 45 – “... ADA Act of 1990 as amended.” As recommended with this change.

Section 46 – lighting -- as recommended

Section 47 – sign – as recommended.

Section 48 – Chart B, permitted temporary signs – adds information on yard sale signs. As recommended. Mr. Beck requested that the Planning Commission members review the sign chart to make sure it's fair to the residents and has enough enforcement opportunity for Mr. Beck. Specifics: the permitted number of yard sale signs (10) and length of time to permit them to be out. Mr. Beck is particularly concerned with yard sale signs that are placed on traffic poles, stop signs, etc. How about 5 per yard sale; max. area 3 square feet; 3' from ROW; free-standing max height 4'; no signs within clear sight triangle; up for no more than 14 days total (10 days prior, two days after). Make the change.

Section 49 – procedures for amendment – out with the old, in with the new. Conforms to the MPC. Section 49.A.1. – “... working day of the month preceding the Board of Supervisors meeting at which the application ...” Add the phrase.

Section 50 – dwelling unit definition – proposed better definition for clarification. As recommended.

Section 51 – family or housekeeping unit – more detailed definition to bring it current with the times. As recommended.

Section 52 – definition of fence – excludes ornamental fencing in the front yard. Add “Ornamental fence treatments cannot encompass/comprise more than 50 percent of the cumulative width, depth, or both, of the front yard.”

Section 53 – as recommended.

Section 54 – MPC – as recommended.

Section 55 – definition of Personal Service Business – as recommended.

Section 56 – Professional Business definition – as recommended.

Section 57 – as recommended.

Mr. Beck will present the amended ordinance to the Planning Commission for review next month. What about the discussion on the bees, animals, etc.? Hopefully something will come from the Supervisors for next month's meeting. It was noted that the November meeting date falls during bear hunting season.

October's meeting will be on the 22<sup>nd</sup> at 6 p.m., for the work session; 7 p.m. for the regular meeting.

The meeting adjourned at 10:02 p.m.

Respectfully submitted,

Julie B. Maher,  
Recording Secretary